

Meeting of the Town Board, Town of Yorktown held on Tuesday, September 3, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Present: Ilan D. Gilbert, Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Absent: Alice E. Roker, Deputy Supervisor

Also Present: Diana L. Quast, Town Clerk
Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss personnel, litigation, and negotiations. Upon motion made by Councilman Patel, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces, as well as the first responders and victims of the recent shootings in the country.

SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN

Supervisor Gilbert stated that the NYS Public Services Commission will be hold a Public Statement Hearing in Town Hall this Thursday, September 5th in the Board Room at Town Hall relating to New York State Electric & Gas' (NYSEG) proposed rate increase. It will begin with an information session at 6:00PM., and continue with a Public Statement Hearing at 7:00PM. At that time officials, businesses, and residents can express their concerns directly to representatives of the Public Service Commission about the proposed rate hike, the level of service provided by NYSG, issues with tree trimming, outages and other related matters. NYSEG has filed a request with the Public Service Commission to increase its rates. NYSEG is asking for a rate hike of over 22.7% in enegy delivery revenues, which translates into an increase of over 26% of the delivery portion of the average residential customer's bill. It was stated that this would translate into an overall rate hike of 15%. NYSEG claims that vegetation management is the largest driver for the requested rate increase. Supervisor Gilbert strongly urges customers of NYSEG and their elected officials to come out and let their opinions be heard. The Public Service Commission originally did not schedule this hearing in our area because they claimed the public did not attend such a hearing the last time it was available in our general area.

Supervisor Gilbert reported that Con Edison has rescheduled the electric work in Jefferson Village for tomorrow, Wednesday September 4th. There will be an outage associated with this work from 9AM-9PM. Con Edison stated they have notified those customers that will be affected by the outage.

Supervisor Gilbert reported that the Yorktown Grange Fair will take place from September 6th through September 8th at the Grange Fairgrounds at 99 Moseman Road. This is an authentic Country Fair. The Grange Fairgrounds will be bursting with local farm animals, contests, carnival fare, entertainment, food and more, including an Antique Tractor Parade on Saturday 7th at noon. Supervisor Gilbert said that we are lucky in Yorktown to have a true Grange Fair. The theme this year, the 95th year of the fair, is "Back to the Garden" with produce and flower shows in the Mulcahy Building while the Grange Building will be filled with homemade baking, handcrafted needlework, photos, art and Legos. This year they are introducing a New Artisan Area, with handmade items for sale by local artisans. In addition to the outstanding horse, cow, goat, sheep and poultry exhibits and competitions, the Grange is reintroducing their rabbit show.

Supervisor Gilbert said he understood that County Executive George Latimer announced today that the Yorktown Grange Fair has now been declared by proclamation a County Fair.

Supervisor Gilbert asked all to join the Town Board on Wednesday, September 11th at 5:30PM. for the 18th Anniversary 9-11 Remembrance Service at the Shrub Oak Memorial Pavilion next to the John C. Hart Memorial Pavilion. Our town lost five members of our community on that horrific day. Supervisor Gilbert said it is important that we remember and honor them by our presence at this memorial.

Supervisor Gilbert reported that a Con Edison contractor, Danella Construction, is presently working on a gas project, which will continue through November 1st on Broad Street between Pinetree Place & Granite Springs Road. To complete this project, service may be temporarily interrupted at times. Con Edison promised to notify affected parties in advance if the work will affect your service. If you have questions about the upcoming work, or concerns about private facilities buried in your lawn, such as sprinkler lines or electric dog fences, please email: CustomerQuestions@conEd.com. Con Edison or its contractor will need access to your home to restore your service once the work is complete. Please be sure to ask for identification before letting anyone into your house. They promised to work with our residents to accommodate their schedules. If you will not be home when they are ready to restore your service, please contact them at 1-800-75-CONED and reference job # WG17019526. You can also email any questions to dl-WestchesterRCA@conEd.com if you have any questions. This information has been posted to the town website.

Supervisor Gilbert announced the San Gennaro Festival will take place starting on September 11th with the Procession on September 12th at 6:30PM starting from behind the Fire House and proceeding down Commerce Street. The festival will continue through Sunday, September 15th. On Wednesday, September 11th through Friday, September 13th the hours are 5PM to 10PM. On Saturday, September 14th the Festival will be open from Noon to 11PM and on Sunday from noon to 10PM.

Supervisor Gilbert announced the 6th Annual Harvest Square Dance sponsored by the Sierra Club Lower Hudson Group will take place on September 21st at Faraway Farm Alpacas, 1307 Baptist Church Road, Yorktown Heights. Tour the farm and meet the alpacas and Icelandic horses at 5:00. Dinner is at 6:00, dancing starts 6:45. There will be delicious food (vegan & gluten free options) including desserts. Wine and beer will be supplied locally. This is a “rain or shine event” in the large barn and tenting.

Supervisor Gilbert reported that ConXpo North will be taking place on Wednesday, September 25th from 8 AM to Noon at the Albert A Capellini Community & Cultural Center. It is sponsored in partnership with the Westchester County Office of Economic Development, the Town of Yorktown, and the Yorktown Small Business Association. A continental breakfast will be served followed by introductions. County Executive George Latimer will provide an update on the State of the County, and Kecia Palmer-Cousins, MBA/CEO of Areo-Ba-Soul, Inc., will keynote the event. There will be workshops to inform women, minority, and veteran owned businesses how to become certified and do business with government, private businesses, and financing opportunities. It will include an Exhibition Hall with exhibitors from around the county representing local government, private businesses, and organizations, networking groups, not for profits, and educational institutions. There will also be a panel discussion moderated by the Yorktown Economic Business and Revitalization Committee on economic development.

Supervisor Gilbert reported that he has been going door to door to meet individually with homeowners in the Hallocks Mill Sewer District to discuss the Town’s plan to make available sewer service to unsewered properties in that area. This is a follow-up to previously held meetings on this subject. He stated that this is a unique opportunity since we have available \$10 million to subsidize the cost of the installation of the sewers in the streets. Since he was unable to meet with everyone, Supervisor Gilbert thanked those volunteers who have met with their neighbors to discuss this project. It is his hope that the petitions to ascertain if the residents want to proceed with this project will be distributed this fall.

Supervisor Gilbert said the Town Attorney, at the direction of the Town Board, has filed in-rem tax foreclosures for the years 2013 & 2014. Prior to the filing of these court proceedings, letters were sent to all of the affected property owners to give them a chance to pay their outstanding tax obligations or to enter into a repayment plan. The amount the town is currently seeking to recover is \$ 2.95 million in unpaid taxes. This \$2.95 million represents not only town taxes that were due but includes school and county taxes that the Town is obligated to collect and pay over to those entities. Even when school & County taxes are not paid by these taxpayers, the Town must make full payment to the school districts and County. Supervisor Gilbert said that, unfortunately, other taxpayers had to make up for these uncollected taxes. This is the first time in over six years that the Town has attempted to collect unpaid property taxes. He believes it is not fair for those who pay taxes to have to undertake this additional burden because of those who failed to pay their fair share.

Supervisor Gilbert announced that a little over a week ago an incident occurred at a local restaurant where a sprinkler went off without sounding an alarm. Upon further investigation by the Building Department, the Town Board, at his recommendation, has agreed that the Town needs to supplement resources to conduct fire inspections of businesses, private schools, and other places of public assembly. The Town is in the process of procuring additional part-time personnel to assist in this endeavor.

Supervisor Gilbert reported that Assemblywoman Sandy Galef's office has announced upcoming internship openings for 2019-2020 school year. These unpaid internship opportunities are open to high school & college students who are looking to gain workplace experience, obtain knowledge on how government works and develop skills that will help them in their future. If interested contact Jennifer Fields-Tawil at fieldstawilj@assembly.state.ny.us or call (914) 941-1111.

Supervisor Gilbert commended Police Officer Campion, who, with assistance of K9 Spar recovered a missing child. This is just another example of the outstanding work done by the Yorktown Police Department.

Supervisor Gilbert announced a Home Composter & Rain Barrel Sale being offered by Westchester County, the Greenburgh Nature Center, and Teatown at deep discounts for a limited time:

Pick Up Date & Time:

- Saturday, September 7th from 10AM - 2PM
- Sunday October 6th from 10AM - 2PM

Please note: You must place your order by September 4th to pick up on September 7th and October 2nd to pick up on October 6th.

Pick Up Locations:

Greenburgh Nature Center, Manor House: 99 Dromore Road, Scarsdale - www.greenburghnaturecenter.org

- Saxon Woods Park: 1800 Mamaroneck Avenue, White Plains – <https://parks.westchestergov.com/saxon-woods-park>
- Teatown Lake Reservation: 1600 Spring Valley Road, Ossining - <https://www.teatown.org/>

A composting expert will be available at each location to demonstrate and answer questions about composting.

REPORTS FROM THE TOWN COUNCIL

Councilman Diana said he hoped everyone had a great Labor Day. He asked everyone to remember schools are now open and to drive carefully. There are two school zones to be aware of: in front of Seton and Lakeland High School, and in front of Lakeland Copper Beech Middle School. The Police Department will be vigilantly watching these speed zones. Councilman Diana also mentioned the tractor parade this Saturday, the Grange Fair, and the Feast of San Gennaro. The 9-11 Memorial will be held on September 11, 2019 at 5:30PM at the memorial in Shrub Oak. The memorial has been cleaned up by an Eagle Scout as part of his project and he did a wonderful job.

Councilman Patel mentioned the safety of the schoolchildren now that school has begun. He also mentioned the prayer garden created by Eagle Scouts at Elizabeth Seton Church.

Councilman Lachterman said the tractor parade will begin at 12 noon. He reported that he attended the Jefferson Valley Mall's Sunset Market, which was a success. He said there will be a Night Market in the Commuter Lot this coming weekend, which features local vendors. St. Patrick's will have a golf outing on September 24th at 10:00 a.m. at the Hudson Hills Golf Course. October 5th will be the Community Day at the Jefferson Valley Mall. October 12th the Lions Club is holding an Octoberfest with the Volunteer Fire Department, Engine Co. No. 1. October 13th will be the Chamber of Commerce's street fair. Councilman Lachterman asked the Supervisor to hold a public meeting regarding the proposed sewer district.

REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent David Paganelli reported that Con Edison is milling and filling our roads. Gomer Street has been done from Sterling to Farmwalk. Today they were milling Front Street, parts of Hanover, and parts of Underhill.

POET LAUREATE

Poet Laureate John McMullen recited his poem "The Rain Comes Down"

Town Clerk Diana L. Quast asked former councilman James Martorano to swear in his son, James J. Martorano, Jr. as Superintendent of Parks and Recreation. Former Councilman Martorano said this was his happiest and proudest moment and thanked the Town Board and the Parks and Recreation Commission for supporting his son.

Superintendent Martorano introduced himself and said how he was looking forward to working in the Parks & Recreation Department. He thanked the Town Board and the Parks & Recreation Commission for their support.

APPOINT JAMES J. MARTORANO, JR. TO THE POSITION OF SUPERINTENDENT OF PARKS AND RECREATION (Already passed by the Town Board on August 20, 2019) RESOLUTION #326

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

BE IT RESOLVED, that James J. Martorano of Yorktown Heights, NY, is hereby appointed Superintendent of Recreation, job class code 0260-01, from Eligible List No. 60-560, effective September 9th, 2019, to be paid \$110,000.00 annually;

BE IT RESOLVED, contingent upon successful completion of a drug test that James J. Martorano will report to work at the Parks & Recreation Department on September 9th, 2019 and this date will be used as the first date of appointment;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 9th, 2019.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

Supervisor Gilbert said that Jim Martorano, Jr. also received the support of our Senior Advisory Committee.

ACCEPT REIGNATION FROM CHRISTOPHER SOI, ASSISTANT SUPERINTENDENT OF RECREATION EFFECTIVE AUGUST 9, 2019

The Town Board accepted the resignation of Christopher Soi, Assistant Superintendent of Recreation effective August 9, 2019.

DURING COURTESY OF THE FLOOR, the following members of the public spoke:

Mr. Jay Kopstein, resident, asked the Town Clerk to get information out as soon as possible on early voting which will be held for the first time in New York State this year.

Mr. Tom Pomposello, resident, mentioned that on Saturday, September 7th at 11:00 p.m. in front of the fire house a new street sign will be unveiled – San Gennaro Way. The sign was donated by Highway Superintendent Dave Paganelli and his family. Mr. Pomposello gave the days and times for the San Gennaro festival.

Mr. Marc Lieberman, resident, said he has been before the Town Board three times to speak about the used car lot on East Main Street that borders Route 6. They have not planted the trees yet. He was told that they would have to wait until the fall in order to plant and wanted to remind the Board that it is now September and considered planting season.

A resident notified the Town Board that there is a large drug problem in the Ivy Knolls Park. Her son recently found a syringe there. She acknowledged the work the police department does to patrol the park.

Ms. Lisa Marco, resident, talked about the proposed 150 rental units by DP Yorktown. She asked about its current status. She said the Town Clerk had mentioned the application was on hold. Town Clerk Diana Quast said that the applicant had many things to take care of, i.e., the traffic study, etc. The process at this point is applicant driven; when the applicant has the information, they come back to the Town. Ms. Marco asked if there is a timeframe. Supervisor Gilbert said he would address her questions at the end of Courtesy of the Floor.

Ms. Elise Graham, resident and member of ABY (Advocates for a Better Yorktown), said they have been lobbying for a new, stronger tree law since 2016. She said the Town is getting closer to enacting a new law but it appears the process has stalled. On July 23rd of this year a public hearing was held and the Town Board said that, based on the comments from the public, changes would need to be made to the proposed law and since then, no progress has been made. Ms. Graham said they understand the changes were substantive and staff resources are required to make the changes, however, they do not understand what it taking so long. She asked when the residents can expect the Town Board to review a revised law and a public hearing to be scheduled. She asked if there is a reason why the new draft could not be placed on the agenda for the next work session and a new public hearing scheduled.

Mr. Dan Strauss, resident, said the Town of Yorktown is not a dog waste facility or a giant trash can so the people who chose to disobey the law should reconsider their actions. He also raised the issue of the rezoning of the property near Jefferson Village. He said that so far only people from Jefferson Village have spoken on this topic; some for and some against. He said that some he was talking to made a comment that young single people today either live at home or make \$150,000 a year. If they make \$150,000 a year, they are not going to live in Yorktown; they will move to a town with a train station or live in the city. How many single people are going to want to rent at \$2,000 per month. He said he has not heard one person say they are looking forward to moving to the new apartment complex that is proposed for the Weyant Property in Town. Mr. Strauss asked if the Town really has the market for these large complexes. He suggests the Town speak to local realtors to see if they feel the market exists.

Ms. Heidi Bournemann from the Yorktown Grange came to speak about the upcoming Grange Fair. The fair is a 95-year tradition and the theme this year is "Back to the Garden." She asked for the community to get involved; as an example she mentioned the baking contest, photography, legos, etc. She thanked Councilman Patel for his consistent participation in the fair. Ms. Bournemann said that County Executive George Latimer presented the Grange president with a proclamation declaring September 6th through 8th Westchester's Grange Weekend. The price is \$10 per carload.

Mr. Howard Frank, resident, said he was glad to hear fire inspections will be upgraded. He said there is an application for McDonald's that has been adjourned because of a fire hydrant. He said the Planning Department may want to consider doing flow tests to determine the need for how many fire hydrants would be needed at a location. Mr. Frank said he gave the Town Attorney a legal notice that there is a rezoning application to rezone a residential area on Route 6N in Mahopac for a two 30,000-gallon propane tanks and he feels this is a safety issue. Any road improvements should be done on our side of Route 6N. Mr. Frank also suggested that the Town ask for credits at the upcoming NYS Department of Public Service's Public Hearing regarding the proposed increases by NYSEG and other utility companies. The Town should ask for a rate decrease because of the money being spent on infrastructure projects due to power outages and extremely low voltage. Mr. Frank said to make matters worse, the feeder cables are only 100 feet from the Amawalk substation and NYSEG should recognize the same problems we have at the Joint Waterworks station. He said the Town should be asking for a \$500,000 deduction on the Town bills due to the fact they have not provided the proper service over the years.

Mr. Ed Ciffone, resident and president of the UTY (United Taxpayers of Yorktown), said on August 23rd he asked the Comptroller for a policy of no more than a 15% limitation on assigned fund balances. He said he was told that Governor Cuomo set a limitation of 20% on the General Fund but that the Town cannot spend that money. Mr. Ciffone said he would like to see this in writing. He said he finds it hard to believe that the Town has \$7 million and \$6 million cannot be used. He said he will investigate this further. Mr. Ciffone then raised the issue of taxes in the Town. He wants to see a zero percent increase. Regarding the new sewer district project, Mr. Ciffone said he went to the Town Engineer and said he was told the Town has \$10 million in East of Hudson funds but to put the sewers in it will cost another \$4 million. He said there are 315 people who are eligible to get sewers and all of them will have to pay \$750 per year for 30 years whether they get the sewers or not and feels this is ridiculous.

Mrs. Serafina Mastro, resident and member of the Yorktown Heights Women's Auxiliary, announced they are going to have a penny social on Saturday, September 21st at 6:00 p.m. The money they will make goes to feeding the firefighters who get called out to emergencies. Donations of household items will be accepted. Many local businesses have also donated.

Mr. Matt Slater, resident, wanted to welcome James Martorano, Jr. as Superintendent of Parks & Recreation. Mr. Slater said he sees Mr. Strauss very often picking up garbage in Town and wondered if the Town was still utilizing the litter cams. Mr. Slater also requested additional information on the fire inspection issue.

Mr. Tony Grasso, resident, complained that the pictures of the veterans in the hallway were removed. He also raised the issue of an investigation that was done regarding the Town's hiring of a law firm as Town legal counsel. He would like to know the outcome of that report.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor was closed.

Supervisor Gilbert responded to the above issue as follows:

Ivy Knolls Park – he visited there this afternoon and saw the areas that were painted over where swastikas had been painted. He said that the new superintendent of Parks & Recreation will be advised of the situation regarding illegal activity (drug use) and the use of cameras in the park.

Rezoning Application by DP Yorktown – he said that it is correct that this is an applicant-driven process and that the Town Board advised the applicant through the Planning Department of their requirements of a traffic study, etc. He also acknowledged Mr. Strauss' suggestion of the market not existing for that type of development. The Town Board is waiting for the applicant to approach them again.

Tree & Woodland Conservation Law – the Supervisor said that originally there was no meeting scheduled for September 10 since it was supposed to be Primary Day and then the state moved it to June. Since the date has opened up, a work session has been scheduled but the agenda is already filled for that date. Town Attorney Richard Abbate said he and Planning Director John Tegeder have been working on the revision and it could probably be scheduled for September 24th.

Response to Mr. Frank – he said if Mr. Frank plans on attending the NYS Department of Public Services, it would be beneficial if he made the same comments as he did this evening. Councilman Diana said, as a member of the Fire Advisory Board, they are meeting on September 6th and one of the topics is the application by McDonald's who originally wanted to put the fire hydrant behind the fence with a gate to be accessed by firefighters which did not make any sense. Another suggestion was to bring it into the grass area nearer to Route 202 so it is accessible.

Councilman Patel mentioned increasing security at the Granite Knolls Recreation & Sports facility. Councilman Diana said that the Ivy Knolls Park has been a troublesome area. It has a direct path from the Lakeland High School and may need better patrol.

Councilman Diana agreed with Mr. Grasso's comments regarding veterans.

Supervisor Gilbert said that public safety is of utmost importance and he believes that they are moving towards procurement of additional assistance in dealing with this issue and can provide updates if he desires them.

Councilman Lachterman responded to Mr. Ciffone and said he agreed that public information should be shared with those affected by the new sewer district project. As far as market existing for future apartment complexes, Councilman Lachterman said he had just received an inquiry about the availability of such developments by someone interested in purchasing.

PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 275 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED VEHICLES AND TRAFFIC RELATING TO NO PARKING ON COMMERCE STREET

Supervisor Gilbert convened a public hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” Article 1, entitled “Traffic and Parking Regulations,” by repealing and replacing that portion of §275-4A relating to Commerce Street.

Section 275-4A, entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Traffic and Parking Regulations,” is hereby amended by repealing: Commerce Street, both sides, east from Saw Mill River Road 2/10 mile.

Section 275-4A, entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Traffic and Parking Regulations,” is hereby amended by adding: Commerce Street, both sides from Saw Mill River Road to Hanover Street.

Police Officer Robert Rohr, member of the Traffic & Safety Committee, gave an overview of the proposed law. He stated that currently you are allowed to park on Commerce Street from the firehouse to Starbucks, which allows for approximately 4-5 cars. Tenants started parking there when construction was being done in the back parking lot. Officer Rohr said he noticed near accidents between a car and a bicycle due to lack of visibility. He asked the tenants if they would consider moving their cars and was met with resistance. Officer Rohr said it is particularly difficult for large trucks to move through that area when cars are parked there. The construction is now complete in the parking lot. Highway Superintendent Dave Paganelli agreed with Officer Rohr’s assessment of the area saying his vehicles have a difficult time with cars parked there, particularly in the winter. He feels that there should be no parking allowed the length of Commerce Street.

The following people spoke:

Mr. Howard Frank, resident, said many of the bicycle clubs in New York State have introduced a bill that is currently on hold that would allow a 3-foot bike lane on all major arteries. He said this would be a good place for a bike lane since it is off the bike trail.

Mr. Jay Kopstein, resident, requested that the Board pass this amendment.

Mr. Anthony Grasso, resident, encouraged the passing of this legislation. Traffic has gotten heavier in the area and people do not drive as safely as they once did.

Mr. Ed Ciffone, resident, also agreed with the passing of the amendment but asked how it would be enforced. Dave Paganelli said signs will be put up and said the police department will also be aware of it as a no parking zone. Supervisor Gilbert suggested painting the curb.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilman Patel and carried.

ADOPT LOCAL LAW NO. 5 OF 2019 AMENDING CHAPTER 275 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "VEHICLES AND TRAFFIC" RELATING TO NO PARKING ON COMMERCE STREET
RESOLUTION #327

Upon motion made by Councilman Diana, seconded by Councilman Lachterman,

Whereas, a public hearing was held on the 3rd Day of September, 2019 pursuant to notice duly published as required by law to amend Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article 1, entitled "Traffic and Parking Regulations," by repealing and replacing that portion of §275-4A relating to Commerce Street.

Section 275-4A, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by repealing: Commerce Street, both sides, east from Saw Mill River Road 2/10 mile.

Section 275-4A, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding: Commerce Street, both sides from Saw Mill River Road to Hanover Street.

Resolved that Local Law No. 5 of 2019, as annexed hereto, be and is hereby adopted.

Supervisor Ilan Gilbert	Voting	Aye
Councilman Vishnu Patel	Voting	Aye
Councilman Thomas Diana	Voting	Aye
Councilman Edward Lachterman	Voting	Aye

Local Law No. 5 of 2019 was thereupon declared adopted.

AUTHORIZE THE SUPERVISOR TO SIGN A MEMORANDUM OF AGREEMENT BETWEEN THE LAKELAND CENTRAL SCHOOL DISTRICT AND THE YORKTOWN POLICE DEPARTMENT
RESOLUTION #328

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Resolved, that the Town Board authorizes the Supervisor to sign a Memorandum of Agreement between the LAKELAND CENTRAL SCHOOL DISTRICT and the YORKTOWN POLICE DEPARTMENT, pursuant to New York State Education Law § 2801-a (10) as amended effective July 1, 2019, which requires that the roles and areas of responsibility of school personnel, security personnel and law enforcement be defined and requires that the role of school discipline be clearly delegated to the school administration. There are no fees or charges associated with this Memorandum of Agreement.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

WAIVE THE RENTAL FEE FOR THE AMERICAN RED CROSS TO USE THE GYM AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #329

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

RESOLVED, that the Town Board waives the rental fee for the American Red Cross for use of the gymnasium at the Albert A. Capellini Community and Cultural Center for the purpose of blood donations from the public on October 13, 2019. Any additional costs for Town employees to be available during this Blood drive will be paid directly by the Yorktown Chamber of Commerce.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAYOUT THE CASH VALUE OF UNUSED TIME TO CHRISTOPHER SOI AS OF RESIGNATION DATE
RESOLUTION #330

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Christopher Soi the cash value of unused time as of his date of separation:

Rate of Pay: \$49.7488 hourly
Vacation 52.50 hours x \$49.7488 = \$2,611.81
Total \$2,611.81

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:
A7020.101 Recreation Salary \$2,611.81
To:
A7020.108 Recreation Lump Sum \$2,611.81

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER AND PURCHASE OF A 2019 FORD F350 EXTENDED CAB UTILITY VEHICLE FOR THE PARKS DEPARTMENT
RESOLUTION #331

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Be It Resolved, that the Parks Department is hereby authorized to purchase a 2019 Ford F350 Extended Cab Utility Vehicle as per quote attached totaling \$46,329.75 from Westchester County Contract RFB-WC-18169, and

Be It Further Resolved, that the Comptroller is hereby authorized to process the following Budget Transfer:

From: Parks Contractual A7110.425 \$7,578.70
To: Parks Equipment A7110.201 \$7,578.70

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER TO PURCHASE A DUMP TRAILER FOR THE PARKS DEPARTMENT
RESOLUTION #332

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Be It Further Resolved, that the Comptroller is hereby authorized to process the following Budget Transfer:

From: Parks Contractual A7110.425 \$8,651.00
To: Parks Equipment A7110.201 \$8,651.00

for the purchase of a dump trailer.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE PURCHASE OF WATER METERS FOR THE REMAINDER OF THE YEAR
RESOLUTION #333

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Be It Resolved, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$10,000 from the Water Department Equipment Hydrants line (SW.8340.0201.0001) to the Water Department Meters line (SW.8340.0210) for the purchase of meters for the remainder of the year.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER TO COVER OVERTIME FOR THE REMAINDER OF THE YEAR IN THE WATER DEPARTMENT
RESOLUTION #334

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Be It Resolved, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$10,500 from the Water Department Part Time Seasonal line (SW.8340.0110) to the Water Department Overtime line (SW.8340.0105) to cover overtime for the remainder of the year.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT
RESOLUTION #335

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Resolved, that the Town Clerk is hereby authorized to advertise a bid for Various Chemicals for the Water Pollution Control Plant, Bid #19-1.

Sealed bids will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Wednesday, October 9, 2019 for Various Chemicals for the Yorktown Heights Water Pollution Control Plant.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ACCEPT LETTER OF CREDIT FOR UB YORKTOWN, LLC TO SERVE AS A PERFORMANCE BOND FOR PERMIT #T-FSWPPP-033-15 IN THE AMOUNT OF \$370,257.00
RESOLUTION #336

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

WHEREAS:

1. UB Yorktown, LLC as applicant, provided the Town with BNY Mellon Letter of Credit #S00069959 in the amount of \$370,257.00, to serve as the Performance Bond for Permit #T-FSWPPP-033-15 at the Route 202 location, and
2. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

NOW, THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Town permits, i.e. payment of non-refundable Engineering Department inspection fees and delivery of the required project performance bond have been satisfied and that the Town Comptroller is authorized to accept the above referenced project bonds and fee.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AMEND BUDGET CODE YS.8130.460 TO YS.8130.462 TO CORRECT RESOLUTION #291 OF 2019 WITH REGARDS TO THE JEFFERSON PARK PUMP STATION RESOLUTION #337

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Whereas,

1. While construction work was progressing at the Jefferson Park PS located on Juniper Drive, a leaking underground fuel tank was uncovered. As required by state regulations, a spill report was made to NYSDEC.
2. Another leaking underground fuel tank was uncovered at the Jefferson Valley PS while work was proceeding at that location. This station is located at the intersection of Poplar Court and Forest Drive. As required by state regulations, a spill report was made to NYSDEC.
3. The estimated cost to remove the tanks and all contaminated material from both locations is \$45,000. Note: The Department is currently working with the Town Attorney to see if any of the removal and remediation expenses are covered under the Town insurance policy.
4. The Department intends to work with World Management Services to perform the work and will need the following budget transfer to issue a purchase order:
 - Transfer \$45,000 from the Sewer Reserve Fund into YS.8130.462 Pump Station

RESOLVED, the Town Comptroller is authorized to transfer \$45,000 from Sewer Fund - Fund Balance to YS.8130.462 Pump Station Maintenance & Repair for the purpose of paying for remediation of leaking underground fuel tanks at two pump stations.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A JCAP GRANT APPLICATION FOR THE YORKTOWN JUSTICE COURT TOTALING \$1,867.62 RESOLUTION #338

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Resolved, that the Town Board authorizes the Town Supervisor to sign the JCAP Grant Application from the Office of Court Administration, totaling \$1,867.62; and

Be It Further Resolved, the Town Board authorizes the Yorktown Justice Court to apply for a JCAP Grant in the 2019-2020 grant cycle.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR THE PURCHASE OF ONE (1) UNMARKED VEHICLE FOR THE POLICE DEPARTMENT RESOLUTION #339

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

WHEREAS, invitation to bid for one (1) Police Department Unmarked Vehicle Purchase (or equivalent) for the Yorktown Police Department was duly advertised, and

WHEREAS, said bid was received and opened at 11:00A.M., on the 12th day of August 2019, and now therefore be it.

RESOLVED, that upon the recommendation of the Chief of Police, the bid be and is hereby awarded to Park Ford of Mahopac Inc, located at 276 Rt. 6, Mahopac, NY 10541, the sole bidder of an equivalent vehicle.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (1) vehicle from Park Ford of Mahopac Inc., at a total cost not to exceed nineteen thousand nine hundred dollars and no cents (\$19,900.00).

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPOINT MICHAEL C. JONES AS A LABORER IN THE HIGHWAY DEPARTMENT
RESOLUTION #340

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

Be It Resolved, that Michael C. Jones of Salt Point, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$44,154.00 annually;

Be It Resolved, contingent upon successful completion of a drug test, that Michael C. Jones will report to work at the Highway Department on September 16, 2019,

Be It Further Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 16, 2019.

Gilbert, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

Supervisor Gilbert responded to Mr. Ciffone's question about Governor Cuomo's 20% limitation on the General Fund. He said he believed that it was not determined by the Governor but by the State Comptroller's office and he will try to get that information.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board meeting was adjourned.

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK