

Meeting of the Town Board, Town of Yorktown held on Tuesday, September 17, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

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 thanked all of the officials and residents who came to listen and speak out at the PSC Public Statement Hearing on the proposed NYSEG rate increase held in Town Hall on Thursday, September 5, 2019. He said it was important the Public Service Commission hear the concerns of those who live in Westchester.

Supervisor Gilbert reported that the Grange Fair was a huge success and that everyone had a great time at the San Genaro Festival. He mentioned that today is Constitution Day and Citizenship Day, which is observed each year on September 17 to commemorate the signing of the Constitution on September 17, 1787 and to "recognize all who, by coming of age or by naturalization, have become citizens." He said the Constitution is an amazing living document that helps assure us of our rights.

Supervisor Gilbert stated that September is Suicide Awareness Month; New York State loses 1700 people a year to suicide. This is a serious issue and, unfortunately, Yorktown has not been spared its pain. Supervisor Gilbert encouraged anyone who has suicidal thoughts to reach out for help.

Supervisor Gilbert reported that he had spoken to representatives of Spectra Energy about the wonderful work done by the Yorktown Teen Center and the Alliance for Safe Kids. In response to those discussions, on September 12<sup>th</sup> Spectra Energy made a donation of \$2,500 to the Yorktown Teen Center and a \$2,500 donation to the Alliance for Safe Kids. This is in addition to their previous \$5,000 donation to the Alliance for Safe Kids, which the Supervisor helped to secure.

Supervisor Gilbert thanked Senator Peter Harckham for responding so quickly to the Town's request to provide funding in the amount of \$70,000 for the installation of 12 radar speed devices at schools in the Yorktown and Lakeland School Districts. This equipment displays the speed limit in the school zone and, at the same time, flashes the driver's actual speed. This system has been shown to result in compliance with the speed limit, thereby helping keep children safe. At least one of the devices will have a camera that can capture the license plate of a speeding car.

Supervisor Gilbert reported that Putnam County has acknowledged that they made an error in their calculations of the taxable value of properties in Putnam County located in the Lakeland School District. This resulted in a clerical error in determining the apportionment of taxes among the various municipalities in the Lakeland School District,

which also resulted in a total overpayment of approximately \$85,000 by Yorktown taxpayers in the Lakeland School District. Under NYS law (RPTL Sec. 1314) this error will be corrected during the next School Tax year by “directing the district superintendent to adjust the apportionment of the school district tax levy in the ensuing fiscal year to account for the improper apportionment which occurred as a result of this error.” Basically, next year the levy to be paid by Yorktown taxpayers in the Lakeland School District will be adjusted/reduced to account for this year’s overpayment.

Supervisor Gilbert reported that the NYC Department of Environmental Protection submitted an application for the removal 3,000 trees in the range of 4-inch to 40-inch caliper. The Town tree ordinance requires a permit for the removal of trees over an 8-inch caliper and using that definition, they would be removing approximately 1,200 regulated trees. The impacted area is spread over 145 acres. The DEP indicated that there will be a total of 6.5 acres of physical disturbance that will be for access purposes since much of the land is currently inaccessible for manpower and equipment. No clear cutting is proposed or allowed. The purpose of the work is stated as follows: silvicultural thinning of upland forest limited to 25% of basal area within controlled area. Supervisor Gilbert said that, in plain English, they are removing some of the older growth trees and thinning the forest to allow for younger growth to thrive via increased daylight and nutrient availability. This will promote the long-term health and viability of the area. All work is to be done under the watchful eye of the NYC DEP forester.

Supervisor Gilbert reported that last week there was an incident at the Yorktown High School kitchen involving the activation of a smoke alarm that resulted in the evacuation of the Yorktown High School and a response by the Yorktown Fire Department. As stated by Yorktown School Superintendent Ron Hattar: “School Resource Officers, Rob Doerr and Brian Mundy played integral roles in ensuring the safety of our students. Their leadership and commitment to the well-being of the Yorktown Central School District community were readily evident. They were quick-thinking, decisive, and proactive.” Superintendent Hattar noted that he took great comfort in knowing that the safety of our students rested in their very capable hands. Supervisor Gilbert said this is another example of the fine work done by our police department.

Supervisor Gilbert said that on September 7<sup>th</sup> the Yorktown Jewish Center honored Police Chief Robert Noble for his 25 years of service to the Town of Yorktown and recognized the outstanding work of the Yorktown Police Department under his command. Supervisor Gilbert said it was a pleasure to see the outpouring of support for our police department by this congregation.

Supervisor Gilbert announced the following upcoming events:

The Yorktown Night Market takes place Friday evening from 5:00 PM to 10:00 PM and Saturdays from 4:00 PM to 10:00 PM. This is an opportunity to shop at various vendors and a rotating assortment of merchandise. The Market takes place in the commuter lot adjacent to Town Hall and will continue to run through October 26<sup>th</sup>.

The 6<sup>th</sup> Annual Harvest Square Dance sponsored by the Sierra Club Lower Hudson Group is taking place on September 21<sup>st</sup> at Faraway Farm Alpacas, 1307 Baptist Church Road in Yorktown. Visitors will be able to tour the farm and meet the alpacas and Icelandic horses at 5:00 PM, dinner begins at 6:00 PM, and dancing starts at 6:45 PM. Delicious food (vegan & gluten-free options available) will be served, including desserts. Wine and beer will also be served by a local provider, as well as artisanal ice cream from the Blue Pig in Croton. This event is rain or shine, as the farm has a large barn and tenting.

ConXpo North will be taking place on Wednesday, September 25<sup>th</sup> from 8:00 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.

Following the Expo there will be a panel discussion moderated by the Yorktown Economic Business and Revitalization Committee on economic development.

There will be the Fall Recycle Drop-off Day at FDR Park on Saturday, September 28 from 9:00 AM to 3:00 PM. You can drop off almost anything from pesticides to car tires (limit 4) to electronic waste, to paper for mobile shredding. You do not need an appointment, just show up with all of the things you need to recycle.

Support Connection will be having their Support-A-Walk in FDR Park on October 6<sup>th</sup>.

A community conversation will take place on October 7<sup>th</sup> at 7:00 PM at the Shrub Oak International School regarding how Yorktown can take part in the planning for the 250<sup>th</sup> Commemoration of the Founding of the United States. This talk is sponsored by the Yorktown Landmarks Preservation Commission and is free of charge. Background information on national, regional, and state efforts to celebrate this event and a review some of the programs already organized by local communities over the past year will be discussed.

On Friday, October 18, 2019 from 10:00 AM to 2:00 PM, the Yorktown Senior Advisory Committee will hold the Yorktown Senior Living Fair at the Albert C. Capellini, Community and Cultural Center at 1974 Commerce Street, Yorktown Heights on the ground floor near the Nutrition Center. A wide variety of representatives will be on hand to answer questions and promote services to Yorktown's senior citizens. Included are healthcare, legal, Town departments; such as the Assessor's office, Nutrition, elected officials and government agencies. Supervisor Gilbert said we want to assure seniors that Yorktown is a great place to live and age.

Supervisor Gilbert announced that Sustainable Westchester is growing and they are currently seeking a Director of Marketing for their organization (resumes should be sent to [HR@sustainablewestchester.org](mailto:HR@sustainablewestchester.org)).

Supervisor Gilbert asked residents to help the Town and themselves by avoiding parking in fire lanes. Unfortunately, this has become a problem in the Town. Although it is tempting to park there and rush in to complete an errand, it is a serious safety issue and is against the law. Your cooperation is appreciated.

Supervisor Gilbert also asked neighbors to please be courteous when riding your bicycles. Please take advantage of our many bike paths and trails and avoid riding on the track at the Albert A Capellini Community & Cultural Center where parents are walking with young children and senior citizens are getting their exercise. This is not only the courteous thing to do but bike riding on the track is prohibited.

#### REPORTS FROM THE TOWN COUNCIL

Councilman Diana spoke about the Grange Fair, the September 11<sup>th</sup> ceremonies, and the San Genaro Festival. He thanked the Highway, Police, and Ambulance for their work in keeping everyone safe during these events. Councilman Diana cautioned everyone about school opening and children crossing the roads. The Chief of Police has set up the speed machines in the school zones. Buses are also being followed by the police to insure the safety of the students. He announced the Shrub Oak International School's Fall Festival on Saturday, September 21 from 12 to 4 P.M. He also mentioned what a wonderful refurbishment the school did on the old Phoenix House property.

Councilwoman Roker said that one of the things they spoke about at the last Public Safety Committee Meeting was placing new school zone signs, which are now in the process of being installed. Councilwoman Roker said she is also working with Planning Director John Tegeder on Yorktown's relationship with local farms. There are many farms in Yorktown that will become partners with Yorktown (such as the Grange). Heidi Bournemann said the fair was one of the best they have had in years.

Councilman Patel mentioned that members of the armed forces who attend the Wharton School of Business were invited to put an antenna on the new Freedom Tower; one of the students was a Yorktown graduate who was one of the leaders of this group. He said we should do good every day or whenever you can in memory of those lost on September 11, 2001.

Councilman Patel also quoted Thomas Jefferson: “In the matter of style, swim with the current; in the matter of principle, stand like a rock.”

Councilman Lachterman mentioned the events held on September 11<sup>th</sup>, particularly the Elks Lodge (which has steel from the Twin Towers out front) and the Jefferson Valley Fire House where stories were told of how they assisted on that day. He also mentioned what a wonderful job Eagle Scout Matt Callahan did on renovating the pavilion near the library in Shrub Oak for the September 11<sup>th</sup> ceremony. Councilman Lachterman spoke of the letter received by the Yorktown Police Department from the family they sponsored at Camp Sunshine. He announced the Walk for Recovery supporting Drug Crisis in Our Backyard and the Search for Change this Saturday at FDR Park, 7:30 A.M. registration; 9:00 A.M. walk. The Elks Lodge will be doing their annual Lobster Bake on September 28, 2:00 – 5:00 P.M. Yorktown Community Day will be held at the Jefferson Valley Mall on October 5. The Lion’s Club Octoberfest, in partnership with Engine Company No. 1, will be held on October 12, 1:00 – 6:00 P.M. behind the firehouse. The Yorktown Chamber of Commerce will hold their Street Fair on October 13, 11:00 A.M. – 5:00 P.M. Councilman Lachterman wished all those celebrating Rosh Hashanah a Happy New Year.

Councilman Diana mentioned the power outage in Countryside and said that, to date, their calls to NYSEG have gone unanswered. He talked about their ineffectiveness in face of their request for a rate increase.

Supervisor Gilbert said he called his NYSEG connection and was told by Countryside residents that the power would come back at 2:00 A.M., which it did not. NYSEG said it was some kind of a fuse issue. This was a 12-hour event that should not have happened.

#### POET LAUREATE

Poet Laureate John McMullen mention a “Meet the Local Authors” event at the J.C. Hart Memorial Library on September 21 from 1:00 – 4:00 P.M. He read his poem about September 11<sup>th</sup>.

#### REAPPOINT KIM ADAMS PENNER AS TOWN ASSESSOR FOR A SIX-YEAR TERM EXPIRING ON SEPTEMBER 30, 2025

##### RESOLUTION #349

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

BE IT RESOLVED, that effective October 1, 2019, Kim Adams Penner of Yorktown Heights, New York is reappointed Town Assessor for a six-year term, which expires on September 30, 2025.

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

#### PRESENTATION BY THE YORKTOWN POLICE DEPARTMENT

Chief of Police Robert Noble introduced four new police officers who were hired as a result of recent retirements. He mentioned that the police department is now fully staffed. As Chief Noble introduced the following new officers, he gave a brief biography of each: Joyce Pagliuca, Michael Uhl, Carter Rana, Guillermo Lizarzaburu.

Town Clerk Diana Quast administered the Oath of Office to each of the new officers. The officers thanked their families and friends, the Town Board, Chief Noble, and the Yorktown Police Department for their support.

Chief Noble thanked the Yorktown Jewish Center for honoring them with a Shabbat service this past Saturday. He also mentioned that The Country House honored the Police Department by having a Law Enforcement Day at their facility.

Chief Noble presented a commendation to a member of the community, Will Saldana from Pro2Go Mobile Mechanics, for the volunteer work he does tinting the windows of the K-9 Unit vehicles. Mr. Saldana thanked the Board for having him this evening and thanked the Yorktown Police Department. He said his service is offered to any law enforcement agency. The K-9 Unit vehicles get very hot and the tinting they use keeps the dogs cool and protects their vision.

Councilman Diana spoke about being a former K-9 Unit Officer for the Yorktown Police Department and the value of their contribution. He also said he was honored to have been able to orchestrate the return of the K-9 Unit to the Yorktown Police Department.

Councilman Lachterman commented how nice it is to see the police force out in the community in order to keep in touch with our residents.

Chief Noble asked everyone to keep Officer Mike Tillstrand in their thoughts and prayers because he is going to be deployed to Kuwait and he would like to wish him well and to keep safe. Officer Tillstrand holds the rank of Major. More will be presented about Officer Tillstrand at a future Board Meeting.

Councilman Patel thanked the families of the new officers for raising such nice, upstanding children.

#### OATH OF OFFICE

Town Clerk Diana Quast administered the Oath of Office to Kim Adams Penner as Sole Assessor for the Town of Yorktown.

#### SUPPORT CONNECTION – ANNUAL SUPPORT-A-WALK

Mrs. Kathy Quinn from Support Connection spoke about the Support-A-Walk event being held on Sunday, October 6, 2019 at 9:00 A.M. in FDR Park. Mrs. Quinn gave a brief history of Support Connection since its inception 25 years ago. She said it is now a nation-wide program that could not have happened without the support of the Town Board, Yorktown businesses, and residents. All Support Connection counselors are cancer survivors. She asked everyone to join them at the event whether it be as a community member or to remember a loved one who has or had cancer. Mrs. Quinn stated that all of their services are free and confidential.

#### GIRL SCOUT GOLD AWARD

Ms. Kyra Breunner, Volunteer Coordinator for Alliance for Safe Kids, said that Alyssa Giannasca approached their organization for assistance in working on her idea for the Gold Award and how it became her “Playbook for Thoughtful Service.” Ms. Alyssa Giannasca spoke about how many people want to help but do not know how to go about getting involved. Her project was to create a step-by-step guide as to how to take action and participate in giving back to those who need help. She said should could not have done this without Mrs. Kushner and the Alliance for Safe Kids. Ms. Breunner said Alyssa worked on this project all of last year and mentioned the programs and groups with whom she volunteered. Ms. Breunner said Alyssa found that there was not anything that connected the community or a person to a place that needs help. Alliance for Safe Kids worked with Alyssa in creating this guide, “Playbook for Thoughtful Service.” It is online and a QR code has been created (barcode) and will be published on their website at the end of the month. Ms. Breunner talked about how any amount of volunteerism matters; it does not necessarily require grand gestures of monetary donations. Thoughtful service can simply be holding a door open for someone, or visiting a sick friend – it is simply thinking of someone else’s needs. There are 130 non-profit organizations in Yorktown and all of them run on volunteer services. Ms. Breunner spoke of the advantages of thoughtful service.

Supervisor Gilbert acknowledged Alyssa’s accomplishment and also acknowledged her parents who were present.

Mrs. Cushner from the Alliance for Safe Kids spoke about how Alyssa volunteered over the last year and how she went about accomplishing her goal of gathering information. She spoke of how volunteerism has been found to be good for mental health and substance abuse issues.

Councilman Diana spoke about the Girl Scouts Gold Award and how they are as difficult to obtain as the Eagle Scout projects. Councilman Patel mentioned how much these groups contribute financial to organization by their volunteerism. Councilman Lachterman thanked organizations such as Alliance for Safe Kids for giving the scouts the opportunity and support to work on their projects.

#### DISCUSSION ETHICS OPINION

Supervisor Gilbert mentioned that Councilman Lachterman said at last week’s meeting that the Board should hold a discussion regarding the ethics complaint against Councilman Patel.

Supervisor Gilbert then asked Councilman Patel if he waived any discussion this evening of the complaint lodged against him with the Ethics Board and Councilman Patel replied, "yes, I will." Supervisor Gilbert began the discussion by reading the following statement:

"Mr. Lachterman made a statement last week regarding the Ethics complaint he filed back in October 2017. Despite his assertions, the furthest thing from a cover-up has occurred here.

Contrary to Ed Lachterman's claims that there was a political ruling here, he actually knows that there had to be a bipartisan decision by this Board.

There were multiple complicated legal principles that were being weighed by this Board over the last few months. That is why I was required by law not to speak last week.

The first legal principle is that meetings conducted in closed session regarding the discipline of Town personnel is closed session items pursuant to New York State Law. Section 105(1)(f) clearly permits a public body to enter into an executive session to discuss the discipline of a particular person. This is done to protect the privacy of an individual.

This was the case in this matter.

The Ethics Board had given the Town Board an advisory opinion regarding the allegations against Town personnel. The Town Board discussed this matter in "closed session" and all present agreed in closed session to determine what actions should be taken.

It is only now that it appears that both Mr. Patel and Mr. Lachterman want to waive anonymity.

Now that Mr. Lachterman has called for transparency and openness and Mr. Patel has been requesting this from the start.

The Committee on Open Government has indicated the following can be disclosed.

I am convinced now that since both employee/elected official Vishnu Patel would like these matters in public and Ed Lachterman is calling for transparency we can have this discussion.

Now that we can talk legally about this, let's look at the timeline as Ed suggested last week. His statement was inaccurate.

Firstly, the findings of the Ethics Board were never given to the Town Clerk. Town Clerk Diana Quast stated that only the sealed envelope containing the ethics complaint is stamped in; not the actual decision or findings.

Secondly, the members of the Board each received a copy of the opinion, by mail, sometime at the end of March 2019. Shortly after that, the Board did meet on a number of occasions to discuss the opinion. Remember, the law is when two councilpersons are involved in this situation. One the Complainant and one the Accused, then they have to recuse themselves from taking part in any discussions or resolution of this matter. By law, in order for the Town Board to take any action, you need a quorum, which is a majority of the Town Board. In this case, at least three members and all decisions must be unanimous (3/0)

So, in this case, it left the discussion and decision up to myself, Alice Roker, and Tom Diana. At the outset, the Board needed some clarification regarding the opinion itself. This caused a number of weeks of delay in which we attempted to get some or all of the Ethics Board members to appear in closed session to offer some clarifications. After 6 to 8 weeks it became apparent that the scheduling would not work and the Town Attorney agreed to act as the go-between to get the points of clarification. This was completed sometime in June. After discussion, there was a bi-partisan agreement that Vishnu should receive a warning in closed session.

The reason for this was that Vishnu, while he had disclosed information from closed session, the decision to do so was not done to “further the interest of himself or others.” I can further explain why a vote for a lesser sanction than recommended by the Ethics Board occurred here. Mr. Patel was found to have violated a lesser charge, a technical violation, of simply divulging a matter out of executive session. I repeat: the Ethics Board specifically looked at the most serious ethical violation and determined it was not committed. And then [the Ethics Board] also noted that the content was revealed the following week in open session of the Town Board.

The Ethics Board did recommend that Vishnu receive a public censure. After much discussion between the Town Board members, we agreed that a public censure would be the higher penalty, and we did not agree with that because he had not done this for personal gain and that there had been no further incidences since the complaint. The higher penalty was not warranted because he had not done the alleged higher charge. Again, Vishnu had revealed that the Town was going to pay the legal fees for Michael Grace because of a grievance that was filed against him in the disciplinary committee. Since this was a personal matter, Vishnu felt that the Town should not pay. This was voted on at the next Town Board meeting in public. So we all agreed that there would be a warning that would be a lesser level of punishment than recommended by the Ethics Board.

Remember the Ethics Board is an advisory board and the statute specifically says that the Town Board shall consider, but need not follow, the recommended disciplinary action as advised by the Board of Ethics. The Town Board shall warn, censure, or reprimand any person who violates, disobeys, or disregards any provision of this chapter or any rule or regulation adopted pursuant to this chapter.

This was done sometime in July of this year. The night we came to the unanimous bi-partisan agreement, Ed Lachterman and Vishnu were both brought back into closed session and informed of the Board’s decision and the Board members gave Vishnu a warning in front of Ed and Ed Lachterman was informed that this matter was closed. Mr. Lachterman made no objections at that time.

The Board members followed the letter of the law. The advisory opinion was considered in closed session, which was appropriate, the Board agreed to take a certain action in closed session, which was appropriate, and Mr. Lachterman and Vishnu were informed of that outcome.

Despite Mr. Lachterman claiming that there has been inaction from the Board, this is not true. The Board took appropriate action and it was done in front of Mr. Lachterman and he knew that.

Again, I pride myself on transparency, however, respecting a person’s privacy rights, and again I want to thank Vishnu for allowing this matter to be discussed publically, I find this troubling for a number of reasons. Firstly, all persons deserve their privacy, even elected officials who are treated the same as town employees under the open meetings law.

Additionally, the Town Ethics Law requires that the complainant and accused are to be given privacy in the complaint. The concept behind this is that it is sort of a “whistle blower” statute. We want people who know about unethical behavior to come forward. Now that there is a case where it is all revealed, this may discourage future people from coming forward. Now they are thinking, “I may lose my anonymity.”

This is an incident that took place almost two years ago, under a prior Board. I hope that this closes the matter and the Board can get back to work on important Town business.

As a former judge who takes findings, determinations, and punishments seriously, I can assure you that Mr. Patel was not happy that he was found to be in violation by the Ethics Board and Mr. Lachterman was not happy with our determination either. Often when that occurs, it means a just determination has occurred. I must also stress that this was not a compromise, but a unanimous bi-partisan agreement.”

Councilman Lachterman said Supervisor Gilbert misstated that the charges were based on the evidence and did not rise to the level of an ethical violation by the evidence presented but they did not rule that out. Councilman Lachterman also said Supervisor Gilbert said that he (Councilman Lachterman) did not object to the Supervisor saying that he would say something in closed session. Councilman Lachterman said it cannot be done in closed session and has to be voted on in public. Supervisor Gilbert disagreed and said that the Committee on Open Government who advised that the vote does not have to take place in public but needs to be disclosed in public. Councilman Lachterman pointed out that it has only been disclosed now. He said he also spoke to the Committee on Open Government who told him a finding is not confidential; the accusation is confidential and it is the Town Board's responsibility to bring it out. In addition, Councilman Lachterman said he did not understand what the Supervisor was referring to legal opinions. He said the Town paid \$5,000 for the legal opinion on this. Supervisor Gilbert said that, first of all, it was requested by Vishnu Patel to have his ethic ruling and the entire proceeding to be open to the public and it was the Ethics Board who asked whether or not they needed legal counsel on the matter. Supervisor Gilbert also said that Town Attorney Richard Abbate said that since he represents the entire Town Board, he should not give opinion to the Ethics Board. This is why outside counsel (Jeannette Koster) was asked to come in and gave the opinion that it needed to be closed because they felt that in order for the Ethics Board to be effectual, they needed anonymity so people would come to them with complaints and speak freely about potential violations.

Councilman Lachterman asked if Mr. Abbate had stepped away from the opinion, why he was still giving opinion on the matter in closed sessions. Supervisor Gilbert stated that Mr. Abbate was giving procedural opinion.

Mr. Abbate said that once a decision is made by the Ethics Board, he is not conflicted with giving the three remaining Town Board Members his procedural opinion. He did not vote on the sanction and was there only to lend a helping hand. He said he is no longer in conflict regarding the issue.

Councilwoman Roker asked Mr. Abbate to explain what his conflict was. Mr. Abbate said that, as part of his job, he gives advice to the Ethics Board and attends their meetings. In this particular case, both the complainant and the accused were both members of the Town Board who he already represents. Therefore, he could not give the Ethics Board any advice. Once the Ethics Board gives its opinion, he is no longer representing the complainant and the accused; he represents the three remaining Board members and can give procedural opinions.

Councilman Diana asked to put forth a motion to accept the findings of the Ethics Board and its recommendations. Councilwoman Roker and Supervisor Gilbert did not agree – they had already disagreed with the findings and had agreed it was going to be a private warning. This, in fact, has become a nullity because it has now become public.

Councilwoman Roker recalled reading the opinion of the Ethics Board along with Councilman Diana and agreeing that someone from the Ethics Board needed to come and explain their opinion. She did understand that the opinion said Mr. Patel did not violate the law for personal benefit – that would have been the highest charge. However, he did violate the law. The issue was never to not penalize him, but ask why the Town Board had to go to the highest level of punishment if he did not commit the highest charge. Councilman Lachterman said that Councilwoman Roker is not accurately stating the opinion. Councilwoman Roker stated she understood what she read. She said that last week Councilman Lachterman accused them of a cover up. Councilwoman Roker stated that there is nobody that could ever induce her to do anything that jeopardizes her good name. She recalled that when she first was elected to the Board, Councilman Lachterman asked her to agree to a resolution to which she said no because she was uncertain as to whether or not it was an appropriate resolution. The one thing she said she has learned in life is that if you have a good name, you have to keep it. And, she said, it is not by betting on or by protecting anybody here or anywhere else.

Councilman Lachterman said, although he did not mention any names, he apologized if she took it personally.

Supervisor Gilbert addressed Councilman Diana by saying that he believed they had a unanimous agreement to accept the Ethics Board's decision to the extent where they did not find as to one charge but they found as to the other and they were going to issue a warning to Councilman Patel.

Councilman Diana agreed that this is what they had discussed at that point. He feels this has gone on far too long. He feels that there is now a motion on the floor to accept the findings of the Ethics Board and it should be taken. Supervisor Gilbert said it would have to be 3-0 and he thought the three of them had agreed that they were not accepting the letter of the opinion and that the Ethics Board indicated the violation was not done with the intent to benefit and was, therefore, a technical violation and that the three of them [the Board] had agreed to warn Councilman Patel.

Councilman Diana said Councilman Patel is being publicly censured anyway by this discussion this evening.

Supervisor Gilbert agreed with Councilman Diana; however, he said did not accept the findings of the Ethics Board's opinion.

Councilman Lachterman addressed Supervisor Gilbert by saying if he really did not think 17 months of work and \$5,000 in legal fees for findings is adequate, maybe he should consider disbanding the Ethics Board because "you are cutting their legs off." Councilman Lachterman read from the Ethics Board's findings, "The Board is inclined to think that Councilman Patel used confidential information received by him in the course of his duties as a Town official employee to further the interest of himself or others. This Board discussed the potential of him being politically motivated to do so. It is reasonable to opine that he was attempting to sully the reputation of an elected official from the opposite party. This Board is cognizant that the partisan politics is now, more than ever, infecting and influencing local politics. However, based on our review, we were not convinced that his doing so rose to the level of an ethical violation."

Supervisor Gilbert said that the Ethics Board opined that it was a possibility and finally made a determination that it did not rise to that level.

Councilman Lachterman continued to read: "However, this Board is unanimous in its belief that Councilman Patel did divulge confidential information so received." Councilman Lachterman asked "How is that not serious?" and Supervisor Gilbert replied that it is serious. Councilman Lachterman asked the Supervisor to read what the Ethics Board had to say about not putting this out to the public. Supervisor Gilbert read "ignoring such confidential disclosures is akin to condoning them." The Supervisor said he did not believe that the Board is condoning the Councilman's actions and the Board was being controlled by other legal principles before he received Councilman Patel's consent. He said there is nothing in the Ethics Law that talks about whether a punishment is private or public and that is why the Town Board decided it was going to be a private admonishment. He said result of this evening is that it is now public. Supervisor Gilbert said this is now a two-year old issue that began prior to his taking office and it was determined by the three Town Board members that it was significant enough that they needed to take action. The Supervisor said if they had been split 2-1, there would have been no action.

Councilwoman Roker said her fear is people using information for political gain. Politics is very different from when she first began in politics. She said the Board acknowledged that Councilman Patel did something wrong and they did not turn a blind eye to the situation.

Councilwoman Roker said she never even knew of the complaint until the findings were delivered. She said that the information he disclosed was passed at a Town Board meeting the following week.

Supervisor Gilbert said he is willing to accept the findings that Councilman Patel is guilty of releasing a closed item and he was issued a warning. The findings are now public and Councilman Patel has been publicly censured.

Supervisor Gilbert said Councilman Patel acknowledged in a close session that what he did was wrong.

ACCEPTANCE OF ETHICS BOARD FINDINGS  
RESOLUTION #350

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

Resolved, that the Town Board of the Town of Yorktown accepts the findings of the Yorktown Ethics Board in the matter of Councilman Patel releasing information disclosed in a closed session

of the Town Board. The acceptance of the findings was followed by a warning.

Gilbert, Roker, Diana Voting Aye  
Resolution adopted.

Supervisor Gilbert addressed Councilman Patel and stated that the Ethics Board found that he was in violation in terms of releasing a closed item and he is not to do that. He asked Councilman Patel if he understood and Councilman Patel answered yes.

Supervisor Gilbert clarified that the resolution adopted to accept the finding of the Ethics Board because the findings did not find Councilman Patel guilty of the more serious charge and the Town Board followed up by issuing a warning. This is what is allowed by the Ethics Board: a warning, a censure, or a reprimand. He said, quite frankly, if you consider the difference of all of those, he has been publicly censured and reprimanded.

Councilwoman Roker said what the Town Board does not want to happen is for employees or other elected officials to think they cannot come and keep their complaint private. Councilman Lachterman said the Ethics Board kept him out of it, although he waived his anonymity.

Supervisor Gilbert said that going forward a discussion should take place regarding the entire Ethics Law.

Councilman Diana stated that he felt it is paramount that the public know about the complaint.

Councilman Patel said he would never vote for anything that involves spending taxpayer dollars in a closed session; it is a public matter although it had been done in the past.

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

Mr. Jay Kopstein, resident, mentioned the September 10, 2019 work session and Councilman Lachterman's statement concerning the ethics complaint. He said the public should be informed of ethics violations by elected officials and if found substantiated, they should be voted out of office by the public. The public cannot do this if they are not informed about substantiated complaints.

Mr. Kevin Byrnes, resident and a retired NYPD officer, said that during his career he did investigations of corruption and serious misconduct cases. Mr. Byrnes talked about how they handled these cases. He said that the amendment to Ethics Board in 2015 should be raised again, which would make the Ethics Board more independent of the Town Board. The public should know if a complaint has been substantiated. Mr. Byrnes quoted from the Conflict of Interest website: "The main purpose of ethics law lies not in punishing wrongdoing, but in preventing it; not in catching people but teaching them. Not exposing substantiated complaints of wrongdoing not only fails to teach the offender, it leaves them and future offenders to believe they can act with impunity." He also said that fairly or unfairly, it can lead Yorktown residents to suspect a cover-up by the Town Board, which as history shows, is often worse than the initial offense.

Ms. Jean Troiano, resident, talked about cutting down of trees on Bank Road. Thirty-five trees were cut down by Toys R Us property owners. A permit was issued after the fact with no penalty. She questioned if there were two sets of rules – one for large business owners and one for residents.

Mr. Brian Silik, resident, continued Ms. Troiano's statement. Since the trees have been taken down, graffiti has now appeared on the building. Removal of the trees will result in erosion and stormwater issues. He also raised the issue of the rezoning of the Summit Hill property by DP Yorktown and its deleterious effects on the community.

Supervisor Gilbert said that he had been informed, whether correctly or mistakenly, the trees that were taken down were diseased. If he had been misinformed, a conversation with the Town Engineer will need to take place.

Councilman Diana said a discussion with the Town Engineer and the golf course people (where trees were also taken down) will need to take place at the next work session.

Mrs. Joanne Silik, resident, raised the issue of high voltage power lines and cancer concerns and other health issues. Developers do not want to build single-family homes near power lines because they cannot sell at market rates. Power lines exist near the Summit Hill property.

Ms. Louise DeMarco, resident, said she feels the temporary hold on the project is a ploy to delay until after elections in hopes that opposition will wane. They are passionate about their opposition to this project and their support is growing.

Mr. Jim McKeon, resident, addressed Vishnu Patel and thanked him for his service to IBM and his service to Yorktown. The ethics issue needs perspective. He said the Town Board members are performing a public service and are not professionals. If it occasionally does not go according to regulation, he is willing to overlook this in lieu of their service.

Mr. Paul Moskowitz, resident, said it seems that when the Town Board is deciding how public funds should be spent, the public should have access to that information and if Councilman Patel disclosed that information, he believes Councilman Patel should get a commendation for disclosing this to the public.

Ms. Heidi Bournemann, representing the Yorktown Grange Fair, read a statement thanking the community for making the 95<sup>th</sup> annual fair the most successful event for them in recent years. (A copy of her statement can be found on the Yorktown Grange's website.) She also spoke about the various events and classes held at the Grange and the expense it takes to maintain the grounds, buildings, and insurance which is why these events and attendance is so vital.

Mr. Ed Ciffone, president of UTY and resident, spoke of the 150 units proposed at the Summit Hill property and the burden they would place on the school system. He feels that what Councilman Patel did is the same circumstance as why he sued the Town. Taxpayers should know when money is being spent incorrectly. He raised the issue about the September 10, 2019 work session capital budget spending.

Ms. Susan Siegel, resident, commented on the ethics discussion. The Board did not get to the heart of the matter – did Councilman Patel disclose information in closed session? There is no statute that said what Councilman Patel said was confidential. They need to define what is confidential. The Board should not be voting to spend public funds in a closed session. If one board member thinks what the rest of the board is doing is wrong, they should be able to bring it to the public. This has to be specified in some statute. She also raised what she sees as a dysfunctionality of our ethics board (i.e., not being available to the Town Board to discuss the findings). In May 2019 she advised the Town Board during Courtesy of the Floor that she was still waiting to hear from the Ethics Board for a complaint she filed in July 2018. Ms. Siegel questioned why does the Town have an Ethics Board if they are not doing enough or meeting frequently enough. Ms. Siegel said that the Ethics Board members should be asked if they are still interested in serving and, if not, that new prospective members should be interested.

Ms. Siegel also mentioned that on September 28 at 11:00 A.M. the Yorktown Trail Town Committee will have the official opening of the Mohansic Trail.

Mr. Tony Grasso, resident, asked if he could have a copy of the ethics board decision. Councilman Lachterman said he will provide him with one. Mr. Grasso talked about his service on the Ethics Board many years ago. He felt it did not have “teeth” at the time and still does not. Regarding the high voltage lines issue, back when he sat on the Board they tried to tax the utility companies on public property but were not successful. Mr. Grasso said he learned back then if you start from the middle of the towers toward the edge of the utility corridor, Geiger counters do not register any pollution; however, there is evidence under the towers.

Mr. Dan Strauss, resident, spoke about the felling of the 35 trees. He also complained about the many temporary signs in Yorktown and said there are so many illegal signs in the Town that it has become a visual blight. It is a disgrace to the Town and the fact it is being allowed and no one is doing anything about it is also disgraceful.

Mr. Matt Slater, resident, asked about the additional fire marshals and their responsibilities. He also had offered to help implement litter cameras and work with Mr. Strauss and wanted to know the status of that request. Mr. Slater also stated that clearly the ethics code needs to be revamped.

Revamp the ethics code. He agreed with Mr. Kopstein and Mr. Byrne's statements and added that a timeframe should be set for decisions when it comes to elected officials.

Mr. Marc Lieberman, resident, said that in early 2017 there was a request in the newspapers to join Town Boards, one of which was the Ethics Board. He applied and was interviewed by the then-board and everyone did their very best to discourage him because the Ethics Board had no power. He never heard back from them and six months later, a Republican district leader was appointed. Mr. Lieberman said this process is wrong. He thinks that if this were not an election year, this would not have been raised.

Mr. Ed Ciffone complained about the empty buildings in town.

Mrs. Patricia Sullivan Rothberg, resident, said it is important to look into Ms. Siegel's ethics complaint. She congratulated the Grange on a successful fair and appreciated County Executive Latimer's proclamation. Ms. Sullivan Rothberg also complimented Supervisor Gilbert on his involvement with the county boards to keep Yorktown in the county loop.

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

Councilman Lachterman thanked Mr. McKeon for his comments but feels the public has a right to hear a violation. There was no vote made in closed session regarding the information Councilman Patel disclosed; it was held in open session the following week. Councilman Lachterman said his complaint was issued two years ago and that this has nothing to do with it being an election year. He spoke about Mr. Lieberman's comment about who was appointed to the Ethics Board, and said it is the only board where your political affiliation needs to be disclosed because there has to be a balance of political parties on the board.

Councilwoman Roker said the ethics code does not address whether or not it can be in open or closed session. She responded to Mr. Ciffone's comments regarding "ghost" or empty stores. She said that in a meeting with Senator Harckham, it was raised that something needs to change in the certiorari law. She feels there are certain abuses happening by some of the business owners and was told by the Senator that this is being looked at so that this cannot happen year after year.

Supervisor Gilbert said if applying for a tax certiorari, there should be some evidence that you have made a good faith effort to fill empty spaces and that you have tried to lease the property at market rate.

Supervisor Gilbert also stated that Kmart has been on the precipice of bankruptcy on a national level and has now become a reality. He said no one wanted to invest in the Food Emporium property there because of Kmart and that no one wants to move into a shopping center where a failing anchor store is located. Supervisor Gilbert said he is hoping Kmart will relinquish their lease.

Supervisor Gilbert said Planning Board has been given the responsibility to get the data from the applicant for the proposed development at the Summit Hill. He said he would speak to the Planning Director regarding this issue. Supervisor Gilbert addressed Mr. Ciffone's question of the 15%-20% held in reserve in General Fund. He stated that when he took office two years ago, he attended "first elected school" and attended a class with the state comptroller's office. At that time, they recommended 15%. He does not know of any particular law that requires 20%. We currently have a state audit in progress and things are going well, but he had discussions with one of the auditors and one thing said that the 15% is now approximately 15-20% - this comes down to what is reasonable considering the issues facing the Town.

Councilman Diana said the Town Engineer needed to look into the trees cut down in Jefferson Valley. He feels people cut down trees first and then ask for forgiveness. He said the Town Board has given the people at the golf course a month to come back in with a detailed map as to how the course should look. Councilman Diana said it was explained that the course is going to be an "Arnold Palmer" golf course and has to follow certain plantings that have to go in to certain spots. He would like to see this plan.

Supervisor Gilbert addressed Mr. Slater's comment regarding fire inspectors by stating there are a

number of establishments that were overdue for inspection and he had a conversation with the Building Inspector John Landi regarding the status of where they were at hiring fire inspectors. Mr. Landi told him that within the last couple of weeks they have inspected at least 40 establishments. He did not have an answer regarding the litter cameras and will look into it.

PUBLIC HEARING TO CONSIDER SPECIAL USE PERMIT APPLICATION FOR 7-ELEVEN /SUNOCO SIGNAGE AT 3640 LEE BOULEVARD

Supervisor Ilan Gilbert convened a public hearing to consider the Special Use Permit Application received by LSI Graphic Solutions for property located at 3640 Lee Boulevard, Jefferson Valley, NY, also known on the Tax Map of the Town of Yorktown as Section 16.08, Block 1, Lot 16 for the purpose of construction of new signage for the 7-Eleven/Sunoco Gas Station.

The following people spoke:

Ms. Nancy Forrest, with GNS Group, presented her mailings to the Town Clerk. As Councilwoman Roker requested during the last session at which she appeared, Ms. Forrest presented the Board with a letter from the Department of Transportation explaining that the applicant would not receive a permit to do anything to the DOT property. Not being able to touch the DOT's property would not allow them to do what the Planning Board had initially recommended which is why they came back with a revised sign based on the Town's and advisory boards' recommendations.

Mr. Dan Strauss, resident, approved of the proposed signage.

Ms. Heidi Bournemann, resident, approved of the signage and liked having the price of the gasoline listed on the sign.

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.

SPECIAL USE PERMIT FOR 7-ELEVEN/SUNOCO STATION LOCATED AT 3640 LEE BOULEVARD  
RESOLUTION #351

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

WHEREAS, the Town Board has received a Special Use Permit application, pursuant to Section §300-46 of the Yorktown Town Code, from LSI Graphics Solutions as authorized representative of 7-Eleven, Inc., for amendment of an existing special use permit for the gasoline filling station located at 3640/3650 Lee Boulevard, Jefferson Valley, 10535, and also known as Section 16.08, Block 1, Lot 16 on the Town of Yorktown Tax Map; and

WHEREAS, the applicant proposes to rebrand the facility from A-Plus/Sunoco to 7-Eleven/Sunoco with new exterior building signage including: replacement of existing wall sign, re-image exterior wall treatment, and installation of new freestanding sign as shown on the submitted plans prepared by LSI Graphics Solutions, and Everbrite, LLC.; and

WHEREAS, the application was referred to and reviewed by the Advisory Board on Architecture and Community Appearance (ABACA), the Conservation Board, the Building Inspector, the Engineering Department, Highway Superintendent, the Planning Department, and the Planning Board of the Town of Yorktown; and

WHEREAS, the applicant made modifications to the proposed plans to incorporate the comments and recommendations of the reviewing boards and departments; and

WHEREAS, the Town Board convened a Public Hearing with respect to the application on September 17, 2019, at which the applicant was represented by its authorized agent, LSI Graphics Solutions; and

Whereas, the plans submitted are as follows:

As prepared by LSI Graphics Solutions:

COVER  
SP-1 (SIGN PLAN)  
B-1 (BUILDING SIGNS)  
B-2 (BUILDING SIGNS)  
B-3 (BUILDING SIGN DETAILS)  
S-1 (MAIN ID SIGN)  
S-2 (MAIN ID SIGN LOCATION)  
GC-1 (GAS CANOPY IMAGE)  
D-1 (FUEL DISPENSER IMAGE)  
CW-1 (CAR WASH SIGNS)  
REVISION LOG showing last revision R2 dated 8/6/19

As prepared by GNS Group:  
SHEET 1.1 (LSI GRAPHICS SOLUTIONS/SUNOCO PYLON.CDR) dated August 19, 2019; and

WHEREAS, it appears to the satisfaction of the Town Board that this project, as modified to conform to the recommendations and requirements of the reviewing boards and departments, will have no significant adverse impacts; now therefore be it hereby

RESOLVED, that application for approval of an amended special use permit for the existing gasoline filling station and convenience store located at 3640/3650 Lee Boulevard in Jefferson Valley, as proposed by the applicant and modified to incorporate the comments and recommendations of the reviewing boards and departments, as shown on the plans enumerated herein shall be and hereby is approved subject to the requirement of compliance by the applicant with all applicable local, county, state and federal licensing, permitting and regulatory requirements.

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

EXERCISE OPTION TO EXTEND THE CONTRACT WITH AAA CARTING FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL REFUSE AND RECYCLED MATERIALS

Councilman Diana asked for a discussion of this resolution before voting on it. He said he has received numerous complaints against AAA's service regarding pick up times, particularly in the Mohegan area (4:00 AM). Councilwoman Roker asked Stewart Glass, Assistant to the Supervisor, to get in touch with AAA and talk with them about this problem. Supervisor Gilbert said that many other municipalities had to pierce the tax cap because of garbage contracts; the Town of Yorktown is in a good contract in terms of the dollar amount, although there may be other issues. Supervisor Gilbert said we are under a 30-day time limit to do the extension before the Town would have to go out to bid again. Town Attorney Richard Abbate stated that the Town saved about \$500,000 on this last contract and put in about \$40,000 in order to correct contractual issues.

Councilman Diana stated that he does not want to renew.

Supervisor Roker and Councilwoman Roker did not agree with Councilman Diana, stating they felt it was a good contract. Councilwoman Roker suggested bringing them in to discuss the complaints. Supervisor Gilbert said Kim Angliss-Gage from Refuse & Recycling is pleased with AAA's contract. He said that every time he has brought an issue to Kim Angliss-Gage to address with AAA, it seems to have been resolved.

The Town Board decided to bring AAA Carting to discuss open issues and complaints before addressing the resolution.

A brief discussion took place as to whether or not the Town Board will cancel the upcoming October 1<sup>st</sup> Town Board meeting due to the last day of Rosh Hashanah.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER RESOLUTION #352

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Peter Legler the cash value of unused time as of his retirement date

Rate of Pay: \$38.6835.

Sick 1500.00 hours @ 50% = 750.00 hours  
 750.00 hours x \$38.6835 = \$29,012.62

Vacation 187.50 hours x \$38.6835 = \$ 7,253.16

Longevity \$1,600 / 261 days = \$6.13 per day 09/20/18 to 08/30/19 = 247 days  
 247 days x \$6.13 = \$ 1,514.11

Total \$37,779.89

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

From:  
 A909.8 General Fund Reserve for Employee Accrued Benefits \$29,012.62  
 A7215.101 Central Garage Salary \$ 7,253.16  
 A7215.106 Central Garage Longevity \$ 1,514.11

To:  
 A7215.108 Central Garage Lump Sum Payments \$37,779.89

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER RESOLUTION #353

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

Be It Resolved, that the Comptroller is hereby authorized to process the following budget transfer

From:  
 Highway Salary D5140.101 \$16,000.00  
 Water Salary SW8310.101 \$10,000.00  
 Water Medical SW9060.810 \$ 6,000.00

To:  
 Highway Outside Services D5110.425 \$32,000.00

for screening of 10,000 yards of mixed soil and debris currently stored at 2200 Greenwood Street.

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

APPROVE RELEASE OF PERFORMANCE BOND #BSWPPP-051-18 – DELUCIA/ROMA POOLS - BALDWIN ROAD RESOLUTION #354

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

Whereas:

1. Roma Pools as applicant for DeLucia, posted check #11066 in the amount of \$250 which was deposited to the T33 account on 9/4/18.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool at 1161 Baldwin Road.
3. Roma Pools has requested their money be released as the site is now complete.

4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Roma Pools, 7 Pine View Drive, Brewster, NY 10509, Attn: Anna Casale.

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

APPROVE RELEASE OF PERFORMANCE BOND #BSWPPP-027-19 – ALAO - DOVER STREET

RESOLUTION #355

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

Whereas:

1. Jaime Alao & Lourdes Minchala as applicants, posted check #1417 in the amount of \$250 which was deposited to the T33 account on 6/3/19.
2. \$250 of this money was posted to serve as the Performance Bond for drainage improvements at 1523 Dover Street.
3. Jaime Alao has requested his money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Mr. Jaime Alao & Lourdes Minchala, 1523 Dover Street, Mohegan Lake, NY 10547.

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

APPROVE RELEASE OF PERFORMANCE BOND #BSWPPP-052-18 – DILLON - IRIS COURT

RESOLUTION #356

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

Whereas:

1. Paul Dillon as applicant, posted cash in the amount of \$250 which was deposited to the T33 account on 9/21/18.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool at 765 Iris Court.
3. Paul Dillon has requested his money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Mr. Paul Dillon, 765 Iris Court, Yorktown Heights, NY 10598.

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

APPROVE RELEASE OF CHECK NUMBER 1337- #BSWPPP-017-17 – CAMPOLI - BALDWIN ROAD

RESOLUTION #357

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

Whereas:

1. David & Joann Campoli as applicants, posted check #1337 in the amount of \$250 to serve as the Erosion Control Bond which was deposited to the T33 account on June 1, 2017.
2. The applicants have requested their money be released as the site is now complete.

3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Mr. & Mrs. David Campoli, 1957 Baldwin Road, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE THE FOLLOWING ESCROW FOR STREET OPENING PERMITS

RESOLUTION #358

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

Resolved, that the Town Board authorizes the release of the following escrow deposits:

<u>Permit type and Number</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to:</u>
Street Opening #017-007	\$2,000.00	Stony St.	Spectra Energy
Street Opening #017-008	\$2,000.00	Strang Blvd.	70 E. Johnson Ave.,
Street Opening #017-009	\$2,000.00	N. Deerfield	Cheshire, CT 06410
Street Opening #017-010	\$2,000.00	Quinlan St.	Same as Above
Street Opening #017-011	\$2,000.00	Fairview Ct.	Same as Above
Street Opening #017-012	\$2,000.00	Gomer St.	Same as Above
Street Opening #017-013	\$2,000.00	Katrina Dr.	Same as Above
Street Opening #017-014	\$2,000.00	Tulip Dr.	Same as Above
Street Opening #017-015	\$2,000.00	Tulip Dr.	Same as Above
Street Opening #017-016	\$2,000.00	Curry St.	Same as Above

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT TO ALLOW THE LANDMARKS PRESERVATION COMMISSION TO SPONSOR AN EVENT AT THE SHRUB OAK INTERNATIONAL SCHOOL

RESOLUTION #359

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

Resolved, that the Town Board authorizes the Supervisor to sign an Agreement that allows the Yorktown Landmarks Preservation Commission to sponsor an event on October 10, 7pm at the Shrub Oak International School, kicking off a community conversation led by Connie Kehoe, Executive Director, Revolutionary Westchester 250, who will describe plans underway to celebrate the 250th birthday of the United States and Yorktown's potential role in these activities. Expenditures in the amount not to exceed \$100.00 will be paid from the Landmarks Preservation Commission Trust Account.

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

ADJOURN

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

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