

Meeting of the Town Board, Town of Yorktown held on Tuesday, October 15, 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 Patel, seconded by Councilwoman Roker, the Town Board moved into Executive Session to conduct interviews, and discuss personnel, litigation, and negotiations. Upon motion made by Councilman Patel, seconded by Councilwoman Roker, 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.

#### SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN

Supervisor Gilbert spoke about the following prior events:

- There was a NYSEG power outage on October 6<sup>th</sup> that affected approximately 290 customers which began at 7:20 P.M. Power was restored within two hours.
- The Landmarks Preservation Committee hosted a presentation to determine what role the town should take in the Commemoration of the 250<sup>th</sup> Anniversary of the Founding of the United States.
- The 25<sup>th</sup> Annual Support Connection's Walk was held in FDR Park. There was a great turnout for an important cause.
- A ceremonial ribbon cutting for a new section of the Mohansic Trail was recently held. It was the culmination of hard work by a group of dedicated volunteer residents with the assistance of the employees of our Parks & Recreation Department and Highway Department.
- Thank you to Yorktown Auto Body and owner Perry Gusikoff for their generosity in donating five cars to worthy individuals in Town. It not only improved the lives of those individuals but enriched the community.
- This past weekend the Town co-hosted with the Chamber of Commerce the Yorktown Festival and Street Fair. The seniors' luncheon held on the same day was such a huge success that additional rooms had to be utilized to accommodate the crowds. The Yorktown Festival seems to get bigger and better every year due to the hard work of the many volunteers and Town employees.
- Supervisor Gilbert stated that he is working with the Northern Westchester Wireless Committee on an integrated, regional approach to plan upgrades in wireless service to enhance the response capabilities of the Town's first responders. He said he hoped by working together to benefit from the economies of scale and thereby produce savings for taxpayers. As the first part of this project, the Committee has reached out to the County to include \$200,000 in its upcoming budget towards this project so that the participating communities can qualify for reimbursement from the State's shared services program.
- Supervisor Gilbert had the sad duty of attending the funeral for police officer and Yorktown resident, Brian Mulkeen, killed while on duty. It was a moving ceremony and serves to reinforce what is already known; our first responders put themselves in harm's way to protect us every day.

Supervisor Gilbert made the announcement that the Water District tries its best to use as many channels as possible to communicate with residents. Hydrant flushing occurs twice (Spring and Fall) and each time the Town advertises in the *Yorktown News*, *The Northern Westchester Examiner*, *Yorktown Pennysaver*, and the local government channel. In addition to posting the hydrant flushing notice on the Town's website, included is a daily post of the streets that are being flushed (main page "News" and the Water Department "Headlines" page). If there is no flushing taking place on a particular day/week, this is also posted. The flushing of hydrants is expected to continue through the end of October.

Supervisor Gilbert announced the following upcoming events:

- A ribbon cutting for Caremount Medical's new location will be held tomorrow, October 16<sup>th</sup> at 11:00 A.M.
- Senator Harckham's Veterans Council Meeting will be held on October 16<sup>th</sup> at the American Legion on McKinley Street in Peekskill from 6:00 to 7:30 P.M.
- Friday, October 18<sup>th</sup> from 10:00 A.M. to 2:00 P.M., the Yorktown Senior Advisory Committee will hold the Yorktown Senior Living Fair at the Albert A. Capellini Community and Cultural Center at 1974 Commerce Street 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 will be health care, legal, Medicare, and Social Security information; Town departments such as the Town Clerk, Assessor, and Nutrition Center will be available to provide information on available services and to answer questions, as will local elected officials and County departments.

Supervisor Gilbert said that County Executive George Latimer announced an \$875,000 investment in Hilltop Hanover Farm. This is the result of numerous meetings between the County Executive, himself, and others and months of discussions and ideas shared by Economic & Business Revitalization Committee (ERBC). He and the ERBC are thrilled that County Executive Latimer equally shares our vision for this vital resource and understands how it can benefit the County and the Town, and is ready to infuse new life into the Hilltop Hanover Farm. Supervisor Gilbert also announced that, in furtherance of involving our community in the future of Hilltop Hanover Farm, County Executive Latimer will be holding a Public Listening Session on Saturday, October 19<sup>th</sup> between 10:00 A.M. and 11:30 A.M. at the farm located at 1271 Hanover Street in Yorktown in order to receive input from concerned citizens on the future of the farm.

Supervisor Gilbert stated that with so many possible community solar energy projects coming into New York, it is important that we have the facts on community solar projects and a thorough understanding of the impacts – both good and bad for our community – as we look at solar regulation in Yorktown. GreenYorktown and the Yorktown Energy Advisory Committee have put together a free educational forum on this issue October 28<sup>th</sup> from 7:00 P.M. to 9:00 P.M. at the AACCCC Nutrition Center. Speakers from Sustainable Westchester, NYSEREDA, and the owner of the first community solar farm in Westchester will be presenting.

Supervisor Gilbert made the following announcements:

- The Garden of Hope Fall Celebration Service will be held on Saturday, October 26<sup>th</sup>. It is an interfaith Celebration of God's Creation with Yorktown and Peekskill Interfaith Clergy.
- Nissan Leaf discount program has been extended until January 2, 2020. If you live, work, or go to school in Westchester County, you are eligible to save up to \$14,500 on a 2019 Nissan Leaf or up to \$12,000 on a 2019 Nissan Leaf Plus.

#### REPORTS FROM THE TOWN COUNCIL

Councilman Diana spoke about how the Yorktown Street Fair was a huge success and congratulated the Chamber of Commerce. He mentioned the wonderful job the women who set up the Senior Luncheon and how area eateries generously donated the food served. Councilman Diana mentioned the Military Banner Program sponsored by the Sons of the American Legion, as well as the new border surrounding the veteran bricks at the American Legion, thanks to Boy Scout Troop #238 out of Elizabeth Seton Church. He said that everyone should consider purchasing a brick if you wish to honor a veteran in your life. Information may be obtained on the Legion's website or stop by the Legion.

Councilwoman Roker thanked Councilman Diana for the work he did with the Boy Scout Troop on the bricks. It is a wonderful tribute. Councilwoman Roker thanked Sergio Esposito, President of the Chamber of Commerce for putting up the banners sponsoring local businesses during the Yorktown Street Fair.

Councilwoman Roker also announced the early voting that will take place beginning on Saturday, October 26<sup>th</sup> through November 3<sup>rd</sup>. Times vary and will be posted on the website and the local government channel. Residents may also contact the Town Clerk's office. Early voting will take place at the Jefferson Village Community Center.

Councilman Patel announced that he recently attended the Association of Towns meeting for Westchester County. He said that the League of Women Voters of New York distributed brochures listing the schedule of early voting at Jefferson Village.

Councilman Lachterman congratulated and thanked Perry Gusikoff of Yorktown Auto Body who has touched many lives in very positive ways. He also thanked the businesses who contributed and donated to the Yorktown Street Fair. Councilman Lachterman said he is very happy to hear the County is investing in their ownership of Hilltop Hanover. Community Day at the Jefferson Valley Mall was also well done and a successful event. They unveiled some new solar panels at the mall. Councilman Lachterman thanked Jennie Menton and Tony Grasso for attending veteran Mack Scharmett's, 101<sup>st</sup> birthday celebration. He also mentioned the Sons of American Legion breakfast is the first Sunday of every month – the next one is on November 3<sup>rd</sup> from 9:00 A.M. to 11:00 A.M. and the cost is \$8 per person. Proceeds go to various veterans groups and services. The Yorktown Lions recently held their Octoberfest in conjunction with the Yorktown Firehouse and it was a big success. The Yorktown Lions Club and the Town of Yorktown's Halloween Parade is scheduled for October 26<sup>th</sup> from 2:00 P.M. to 4:00 P.M. This is a free event. Councilman Lachterman said he spoke with traffic officer, Rob Rohr, about Underhill Street by Cardinal Lane, as well as UPS drivers using local streets as a return route to Front Street. Officer Rohr said he will speak to UPS about drivers using controlled intersections, instead of barreling down side streets. Councilman Lachterman said there is an issue with people blocking the intersection at Cardinal Lane and believes this is public safety committee issue. Councilman Lachterman referred to the Supervisor's Report to the Town from September 10, 2019 reporting swastikas at Ivy Knolls Park. He said he wanted to clarify that the swastikas were there in 2018 and the police did catch the perpetrators shortly after it was done. There have been other issues at this park and the Yorktown Police Department is stepping up patrols.

#### POET LAUREATE

Poet Laureate John McMullen read his original poem, "Autumn Hope."

#### PROCLAMATIONS

Councilman Diana presented proclamations to representatives of both the Christopher Columbus Society and Circolo da Vinci in honor of Italian American Month and spoke of the work they do promoting Italian culture and accomplishments in the United States.

A representative of Circolo da Vinci mentioned that their meetings are held on the first Monday of the month at Little Sorrento's. They will be honoring Leonardo da Vinci in the ensuing months for his accomplishments and contributions to the field of arts and science.

#### German American Day – Sunday, October 6

Councilman Lachterman read a proclamation honoring German American Day, which was accepted by Michael Grace. Mr. Grace spoke of the many contributions of German Americans to American culture and of his personal experiences as the son of a Holocaust survivor, and spoke of how many Germans contributed to the American war effort to help end WWII.

Mrs. Kathy Quinn, Support Connection, accepted a proclamation that recognized October as Breast Cancer Awareness Month. She thanked the Board for their support in their efforts to provide free support to those diagnosed with breast or ovarian cancer. Supervisor Gilbert related a personal experience of a family member with breast cancer and Councilwoman Roker thanked Ms. Quinn for the support she gave to a friend of hers who had a family member with breast cancer.

Supervisor Gilbert read a proclamation announcing October as National Domestic Violence Awareness Month.

#### YORKTOWN HIGH SCHOOL AWARDED THE UNITED STATES BLUE RIBBON FOR ACADEMIC EXCELLENCE

Dr. Ron Hattar, Superintendent of the Yorktown Central School District, was joined by Jackie Carbone, President of the Board of Education, and Joe DeGennaro, Principal of the Yorktown High School to announce the Yorktown School District as recipient of the United States Blue Ribbon Award for Academic Excellence for Yorktown High School. Yorktown was one of 362 schools in the nation, one of 18 schools in NYS, and the only school in the lower Hudson Valley Region to achieve this designation. Dr. Hattar said they are indebted as a school district to the Board of Education for sharing their vision and thanked the faculty, staff and students of the high school. He thanked Principal DeGennaro for being the guiding force of the high school for the last 12 years. Dr. Hattar also thanked all of the parents for their support. He said the Blue Ribbon Award culminates a wonderful 2019 for the Yorktown Central School District – this year the Crompond Elementary School was named a New York State and United States School of Character (the Mildred E. Strang Middle School and the Yorktown High School have also received this designation). Yorktown High School was named a NYS Education Department Rewards School for high academic achievement, as well as also being named by US News and World Report as one of America's best high schools. Dr. Hattar also spoke of the wonderful achievements of the students in all areas of study. Councilwoman Roker read the Town's proclamation honoring Yorktown High School's Blue Ribbon Award.

#### SONS OF THE AMERICAN LEGION SQUADRON #1009 - YORKTOWN MILITARY TRIBUTE BANNERS

Mr. Paul Martin, Chaplain of the Sons of American Legion Squadron #1009, appeared before the Board to talk about a program Mr. Martin has been working on for quite a while. They are initiating a plan they presented to the Board – a Yorktown Tribute Banner Program that residents and businesses can sponsor in the Town for a designated amount of time (most likely 6 months – from Memorial Day to Veterans Day). The cost will be approximately \$200 per banner and will be erected on poles along Commerce Street and Main Street in Shrub Oak. Approximately 80 to 100 poles will be able to facilitate these banners. Interested individuals can go to the website [militarytributebanners.org](http://militarytributebanners.org) to sign up on a waiting list. The banners will be sold through the winter so they can be put up in the spring in time for Memorial Day. The banner will display a photo of the honored veteran and by whom it is sponsored.

#### REFUSE AND RECYCLING DEPARTMENT - ADOPT-A-ROAD PROGRAM

Kim Angliss-Gage, Coordinator Refuse and Recycling Department, came before the Board to speak of the ongoing problem Yorktown faces everyday: litter. She said an average of 18,000 pounds of litter is picked up during the annual Battle of Yorktown event. Litter abatement is an ongoing challenge; however, the Town is fortunate to have conscientious and energetic individuals (such as Dan Strauss) who do a commendable job. The Town currently has 15 active groups in the Adopt-A-Road Program who commit to picking up litter in their contracted area. Ms. Gage introduced the newest member to this group, Westchester Youth Volunteers, who have committed to keep one-half mile section of Old Crompond Road litter free for the next 2 years. She introduced the two young men who thanked the Board for giving their organization the opportunity to help. Ms. Gage also announced the clean-up and recycling events that her department is sponsoring in the Town.

Councilman Diana mentioned the Westchester County Mobile Shredder will be located in the Shrub Oak Pool parking area on October 18<sup>th</sup>.

#### WESTCHESTER COUNTY PLANNING - CENSUS 2020

Ms. Norma Drummond, Westchester County Commissioner of Planning, Matt Brittain from Westchester County Planning, and Mario Garcia from the Census Bureau came before the Board to talk about the 2020 Census. She also spoke of employment opportunities available during the census and encouraged local residents to apply. Ms. Drummond stressed the need for all residents to participate, as much depends on their participation. It is mandated by the U.S. Constitution and appropriates not only dollars but also distribution of our seats in government. The census will be done electronically this time; you will not be completing forms. If you do not respond, the Census Bureau will be able to speak to your neighbors, building managers, etc. to get an accurate count. The Bureau will also be able to use existing government records. This

transfer of information only works one way – they can only collect data and not share it. Ms. Drumond then went through a slide presentation of information regarding the census. She also spoke of the educational efforts they are implementing to teach people the importance of participating in the census and doing their part.

REQUEST FOR A STORMWATER MANAGEMENT PERMIT - MASTRO - 1753 CENTRAL STREET

Town Engineer Michael Quinn said the application made by Mr. Lou Mastro is for a single family home on an empty lot at 1753 Central Street. The project will require much excavation (more than 200 cubic yards) which is what brought it before the board. Mr. Quinn said it is a fairly straightforward application; he does not believe it will require a referral and public hearing. It is a stormwater permit only and no wetlands exist on the property so it does not require a Conservation Board referral. The applicant, his engineer, and the Town Engineer reviewed the application and worked out the conditions. Mr. Quinn drafted conditions and explained what those will be. If the excavated dirt is to be left on-site they will need to work with the Town to avoid affecting neighbors. If it is being removed, the Town will require manifests to ensure it is not being dumped illegally. There will be a \$500 performance bond required, which will be returned once the project is completed.

APPROVE STORMWATER MANAGEMENT PERMIT - MASTRO - 1753 CENTRAL STREET RESOLUTION #375

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

Whereas,

1. The Applicant, Mr. Lou Mastro, submitted an application to the Engineering Department for a MS4 Stormwater Management Permit for construction of a single-family residence along with associated site and driveway improvements.
2. The Approval Authority for this permit application is the Town Board, as the proposed work will involve a land disturbance in excess of 200 cubic yards.
3. The application fee of \$1,500 was paid by the Applicant.
4. The Applicant submitted the following plans:
  - Site Plan prepared for Mastro 1753 Central Street, prepared by Steven Costa, P.E., dated, and revised 8/22/19, 7 sheets.
  - Replacement sheets S1 & S2 for sheet A1 of Site Plan, dated and revised 8/22/19, prepared by Steven Costa, P.E.
  - Survey of property prepared for Louis F. & Dawn A. Mastro, dated 2/1/18.

Now Therefore Be It Resolved that:

1. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
2. The Town Engineer shall issue the permit in accordance with the terms of this resolution.

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

A question as to why a manifest is required was addressed. If material is imported to the site, the Town wants to make sure it meets NYS requirements. If material is being exported from the site, the Town wants to make sure that it is not being illegally dumped.

Mr. Mastro's engineer asked about the need for a deep hole test and PERC test. Mr. Quinn said that it is to make sure dry wells will work if they are being installed.

## COURTESY OF THE FLOOR

The following members of the public spoke:

Mr. Tony Grasso, resident, said that early in Supervisor Gilbert's term they had a conversation about a gateway to Yorktown and nothing ever came to fruition. He feels that the new Route 118 and Underhill Avenue/Kear Street construction has become a gateway to the Town. He spoke about town-owned property at the bottom of Underhill Avenue and Front Street and if it were developed, it would introduce many tax dollars.

Mr. Ed Ciffone, resident and president of United Taxpayers of Yorktown, said that this Saturday, October 19<sup>th</sup>, the UTY will have a rally at Town Hall to lower taxes. They have asked the candidates to attend. They also reached out to the State Comptroller's office about the growth of the Town's fund balance and its effects on rising taxes in Yorktown. He discussed how the fund balance has changed over the years.

Mr. Jay Kopstein spoke about the absence of a debate of the local candidates. He would like to know why this is so and feels this only hurts the voting public.

Mr. Larry Killian, resident, said that we now have nine newly refurbished tennis courts. He related the frustration on the part of Yorktown tennis players as they watched the courts deteriorate over the years. They were never successful in getting the funding from previous boards to repair the courts. He said that after Supervisor Gilbert came into office, he invited some of the tennis players into his office to discuss the problem, new specs were done, and this time the new town board approved the project.

Mrs. Jennie Menton, asked where are the trucks that were always parked on the courts? She reminded everyone of the Senior Living Fair that was mentioned in the Supervisor's Report to the Town. They will have over 22 tables presenting, from 10:00 A.M. to 2:00 P.M. in the gymnasium at the AACCCC, and light refreshments will be served.

Ms. Marcia Stone, resident, thanked the Supervisor and Town Board for the improvements to the infrastructure in the Town. She listed the many projects that the Board was responsible for repairing/replacing (Mohegan Avenue Retaining Wall, repair of pump stations, negotiations with Enbridge, and thanked Dave Paganelli, Highway Superintendent for the paving work his department has been doing and the many grants they applied for and negotiations with utility companies.

Ms. Heidi Bournemann, resident, mentioned the interfaith discussion on race and faith at the Grace Lutheran Church being held on Thursday, October 18<sup>th</sup> at 7:30 P.M.

Mr. Eric DeBartolo, resident and past president of Yorktown Chamber of Commerce, commented on the lack of debates in the Town and feels the Supervisor should make an effort to make a debate happen.

Mrs. Joanne Silik, resident, said she understood that the Hill property is applicant driven. Diversified Properties (the applicant) had a display at the street fair to convince residents their plan is a good thing.

Mr. Brian Silik, resident, spoke against the Hill property development. He read from the Yorktown Master Plan and how this development is contrary to the Plan.

Ms. Jean Troiano read Louise DeMarco's letter against the Hill property development. She spoke of a letter she wrote to various Town departments and board with questions regarding the project. She read of how the developer, Diversified Properties, presented their project as a "done deal" at the Yorktown Street Fair. Ms. Troiano spoke for herself and her opposition to this project.

Mr. Paul Moskowitz, president of Huntersville Association, spoke of the replacement of the utility poles in his area. He said there are trees that endanger utility lines and the utility workers have been very good about removing these diseased and/or dead trees that threaten the Town's services.

Mrs. Jenny Sunshine, resident, added to the Hill property development that she does not approve of the project. Lakeland schools are already too large – it takes an hour to go from her area to get to Vancortlandville. If more children are added because of this development, what will that do to the traffic? She thanked Supervisor Gilbert for the work he has done and how he listens to residents with fairness and kindness. She thanked him for his openness and transparency and making Yorktown a place that is more accessible to the residents.

A resident thanked the Board for fixing Hunterbrook Road. She mentioned that half of Baptist Church Road has been fixed but half has not. She also said that where Hunterbrook Road meets Old Crompond, recent construction has damaged the road and would like it looked into.

Mrs. Patricia Sullivan-Rothberg, resident, spoke about leadership and the quality of thinking about something larger than yourself. She feels that Supervisor Gilbert exemplifies this quality.

Mrs. Sheralyn Goodman, resident, commented about leadership and the value of leadership in a democracy. She said that Supervisor Gilbert exhibits a quiet leadership that gives everyone a voice in a quiet way. She has seen him at county meetings where he has spoken about shared services between municipalities improve communications for first responders and to help ease tax burdens to all residents. She said that he led the charge against NYSEG and forced them to come to Yorktown to hear from residents and their hardships in dealing with outages and poor service. He has also brought government closer together in helping to secure \$875,000 for Hilltop Hanover.

Mr. Sergio Esposito, President of the Chamber of Commerce, read a prepared statement regarding the debate and an email he received. He stated that the Chamber of Commerce stands firm in its belief that public officials and leaders should work with the great organizations, businesses, and citizens who support the community, regardless of political affiliation. Mr. Esposito said the debates will continue, as scheduled.

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

Supervisor Gilbert, referring to the Hill property development project, said he was surprised to see a booth at the fair. He said not to take any stock in their promotions – it is not a “done deal.” He said they were told, in no uncertain terms, there are a lot of questions to answer before they can consider moving forward. He referred to a mention of a statement he made in April 2019 regarding an access road; he said there were concerns about traffic and brought up the issue as a possible solution if any plans were to move forward. It did not mean he was in favor of the project.

Supervisor Gilbert told Mr. Ciffone that the Hilltop Hanover event is the same time and day as the UTY rally.

Councilman Lachterman said he intends on being there and has no problems with either moderator. Councilman Diana agreed with Councilman Lachterman and has been in 3 debates with both Aaron Bock and Rosemarie Panio moderating and has no doubt that it would be a fair and impartial debate.

Councilman Lachterman thanked Mr. Grasso for his comments about the center of town. He said he believes the downtown revitalization project would have been a huge boost for the downtown area and would open up Front Street for either repurposing or redevelopment. He thanked the residents for comments about the tennis courts and the paving although he believes it is a continuation of the ongoing responsibility of all of the Town Boards, not just the current Board.

Councilwoman Roker said she would like the Town Board to hold a meeting regarding development. She said there was a meeting held by the ERBC and some very good ideas came from that meeting. She commented on the Town of Cortlandt’s development plan of looking at the community as a whole. She said that change must come from what the residents want and not just what is brought before the Town Board. Councilwoman Roker said that if we had a meeting specifically for development, the Town Board would have a better idea of what the community wants.

Councilman Diana said he wants the developers of the Summit Hill project brought before the board. He said the behavior of developer at the Jefferson village meeting was dismissive of the seniors present.

PUBLIC HEARING

Supervisor Ian Gilbert convened a public hearing to consider the request received by Imagine VR Studios for a new exterior entrance/exit by adding new glass doors and sidelights to the facility in order to allow for after-hours operation at the Jefferson Valley Mall.

Supervisor Gilbert read the comments from ABACA who reviewed the application. All boards were accepting of the proposed changes. He read the questions from Chief Noble regarding the serving of alcohol and if Imagine VR Studios would be staffed at all times during business hours. Peter Petrov, owner of Imagine VR Studios, said alcohol will be served and staff will be present at all times during the hours of operation. Supervisor Gilbert said the Conservation Board had no objection.

The following members of the public spoke:

Ms. Heidi Bournemann asked Mr. Petrov to explain what the business is offering. Mr. Petrov said it is a virtual reality entertainment center; the first in Westchester County. He hopes it will become a destination area for County residents. Ms. Bournemann asked about security in the parking lot and acceptable age groups. Mr. Petrov said there will a bracelet system based on age to control appropriate alcohol consumption and the business will be only open for three hours after mall hours on Fridays and Saturdays, from 9:00 to 12:00 midnight.

Councilman Lachterman asked if the mall has 24-hour security in the parking lots and Mr. Petrov said yes.

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 Diana and carried.

APPROVE AMENDED SITE PLAN FOR JEFFERSON VALLEY MALL – IMAGINE VR STUDIOS

RESOLUTION #376

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

Whereas, on August 27, 2019, the Town Clerk received a request to allow an exterior entrance on the Northeast side of the Jefferson Valley Mall from Michael Piccarillo Architecture on behalf of Imagine VR Studios; and

Whereas, the following documents have been submitted in support of the request:

1. A drawing, sheet T-100, entitled “TITLE SHEET, NOTES,” prepared by Michael Piccarillo Architecture, dated August 22, 2019, no revisions; and
2. A drawing, sheet A-100, entitled “BACK ENTRANCE PLAN, ELEVATION, SECTION,” prepared by Michael Piccarillo Architecture, dated August 22, 2019, no revisions; and

Whereas, the documents have been referred to interested and involved agencies and the Town board have received comment from the following agencies:

Advisory Board on Architecture & Community Appearance	October 1, 2019
Conservation Board	September 19, 2019
Planning Board	September 24, 2019
Town Engineer	September 19, 2019; and

Whereas, the request does not propose to add any additional floor area or modify or alter any element, installation, or characteristic of the approved amended site plan as currently in full force and effect; and

Whereas, Imagine VR Studios as general retail space, creates no additional demand for parking, nor requires any modification to the existing approved parking as currently configured; and

Whereas, as part of the request the applicant proposes a new awning and signage associated with the new exterior door; and

Whereas, the approved amended site plan included a master sign plan, as represented by drawings A901 through A904 of the approved amended site plan, which is intended to govern exterior signage installed at this location, in accordance with Article IX and Article XX of the Yorktown Zoning Code; and

Whereas, the Town Board considered all documents, comments, and recommendations from interested and involved agencies at a public hearing held on October 15, 2019, and have considered all relevant environmental impacts and social, and economic considerations; and therefore be it now

Resolved, that the Town Board determines that the signage and awning are consistent with the approved master sign plan; and be it further

Resolved, that the Town Board finds the proposed exterior entrance door for Imagine VR Studios to be consistent with the approved amended site plan, requiring no alteration to the elements, installations, or character of the site plan; and hereby approves the proposed exterior entrance door and authorizes the Town Supervisor to sign the submitted plans listed herein; and be it further

Resolved, that the drawings and documents cited herein be appended to and become part of the approved amended site plan as currently in force for the Jefferson Valley Mall.

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

A discussion took place with the Town Engineer, Michael Quinn, regarding the resolutions on the agenda. Regarding the Hallocks Mill Sewer District Extension, Councilwoman Roker asked if she were one of the 315 parcels, would she have to pay into the sewer project. Mr. Quinn said, yes, all parcels owners would have to pay for the sewer project if they receive 51% of the vote to move forward. If it is a \$14.3 million project, with \$10 million in funding, currently the Town would have to borrow the \$4.3 million. However, there is a grant application pending for the \$4.3 million through the Water Investment Infrastructure Act, which is a 25% match that would leave about a \$1.6 million difference. The Town should hear something back on this by the end of the year.

Supervisor Gilbert said that, in a worst-case scenario, the Town would have to bond the \$4.3 million; best-case would be if the Town receives the grant.

Mr. Quinn said that earlier this year he, the Supervisor, and the Town Attorney met with the EFC (Environmental Facilities Corporation) and said that once the Town has figured out the financing they can approach the EFC about financing opportunities to bring that price lower. The payback in our sewer petition would be a \$750 per parcel per year on a thirty-year payback – this is the worst-case scenario. Every one of the 315 parcels would be obligated to pay that amount, should the petition pass. If they do not connect to the sewer, these parcels would not have to pay the sewer tax. There will be two public information hearings regarding the project and the costs.

ACCEPT MAP, PLAN, AND REPORT IN CONNECTION WITH THE EXTENSION  
OF SEWER SERVICE IN THE HALLOCK'S MILL SEWER DISTRICT AND  
CALLING FOR PUBLIC INFORMATIONAL HEARINGS IN CONNECTION  
THEREWITH  
RESOLUTION #377

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

WHEREAS, the Town Engineer has prepared a map, plan and report dated April 29, 2019 (the "Report") in connection with the extension of sewer service in the Hallocks Mill Sewer District; and

WHEREAS, it is proposed that undertaking such sewer improvements will be considered by the Town Board upon receipt of petitions from property owners that benefit from such improvements; and

WHEREAS, in connection with this process public informational hearings will be held by the Town Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

- Section 1. The Report is hereby accepted by the Town Board.
- Section 2. Public informational hearings regarding the proposed sewer improvements will be held on October 29, 2019 and November 4, 2019.
- Section 3. The form of petition to be signed by benefited property owners as presented at this meeting is hereby approved and the Town Clerk is hereby directed to make such petition and the Report available to any such property owner upon request and to post same on the Town website.

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

AUTHORIZE EXTENSION OF BID SLUDGE & GREASE REMOVAL FOR THE WATER POLLUTION CONTROL PLANT WITH FRED COOK INC.  
RESOLUTION #378

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

Whereas,

1. The Town currently has a 2-year agreement in place for Sludge & Grease Removal Services that expires on 10/31/19. The agreement included an option to renew for one additional two-year (2) period.
2. The Department has been satisfied with the services provided by Fred Cook Inc. and wishes to renew the agreement at the same terms, conditions, and price as in the previous agreement. The contractor, Fred Cook Inc., provided written confirmation that they also wish to renew the agreement.
3. The scope of the work includes the following:
  - a. Pumping, removal and disposal of liquid sludge from the Yorktown Heights Water Pollution Control Plant and from Town-owned wastewater pumping stations, estimated quantity per year of 26,000 gallons. The unit price bid was \$.13 per gallon (same price as the current agreement).
  - b. Pumping, removal and disposal of liquid grease from the Yorktown Heights Water Pollution Control Plant, Town-owned wastewater pumping stations, and/or Town sewer lines, estimated quantity per year of 18,000 gallons. The unit price bid was \$.20 per gallon (same price as the current agreement).
  - c. During some maintenance activities and during emergency system breaks, the Town will request the presence of a vehicle and operator to remove sludge and grease if needed. During these times, Town will pay a standby rate of \$165 per hour for vehicle/operator to be on site in case services are needed (30-minute maximum response time during emergencies).
  - d. The Yorktown Heights Water Pollution Control Plant has two (2) sludge digesters on one (1) sludge storage tank that need periodic removal of contents for cleaning, repair and/or maintenance. The unit price for removal was \$.41 per gallon.
4. The Department will use available funds to pay for this agreement under cost code YS.8130.460.2 Sludge Removal.

Now, Therefore, Be It Resolved, the Town Board extends the contract with Fred Cook Inc., for Sludge & Grease Removal, commencing on or about 11/1/19 for a 2-year term, with the same conditions and prices as indicated above.

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

AUTHORIZE EXTENSION OF BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT BID # 18-3 WITH UNIVAR SOLUTIONS FOR CAUSTIC SODA 50%  
RESOLUTION #379

Whereas,

1. The Town Board at its meeting of October 16, 2018, awarded the bid for Various Chemicals for the Water Pollution Control Plant, for two (2) chemicals. The term of the contract was one year, expiring on October 31, 2019.
2. The contract language included an option to extend the bid for an additional one-year term at the same price, contract terms and conditions, upon mutual consent of the Town and the contractor.
3. One (1) of the vendors agreed to hold their bid price for an additional 1-year period: Univar Solutions for Caustic Soda 50% at a cost of \$2.1947/gallon
4. The Town Engineer recommends that the Town accept the bid extension for an additional 1-year term, for the period of 11/1/19 through 10/31/20.
5. There are five (5) chemicals in which the vendors did not wish to extend the current Town agreement, and the Town is currently advertising for bids for these chemicals.

Resolved, that the Town Board extends the contact for Caustic Soda 50% with Univar USA, Inc., at a cost of \$2.1947/gallon, for a one-year period, commencing on 11/1/19 and ending 10/31/20, the final bid extension.

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

Michael Quinn gave a brief explanation for the correction to the following resolution, which included a proposed substitution of materials by the Bidder on the project.

AMEND RESOLUTION #343 OF 2019 TO CORRECT BUDGET TRANSFER AMOUNT AUTHORIZING THE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH CHARLES MANGANARO CONSULTING ENGINEERING, P.C. FOR ENGINEERING SERVICES FOR THE MOHEGAN AVENUE RETAINING WALL PROJECT  
RESOLUTION #380

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

Whereas:

1. Contractor bids for the Mohegan Avenue Retaining Wall Replacement Project were opened on 4/8/19 and the Town Board awarded the contract to the low bidder, Remus Industries LLC/Laura Li Industries LLC.
2. The Town Engineer and Highway Superintendent are requesting the services of the design engineering firm (Charles A. Manganaro Consulting Engineers, P.C.) to assist with professional engineering services during the construction phase. This firm is the engineer of record and we wish to keep the full design responsibility with one firm.
3. The scope of work for this project includes the replacement of approximately 600 linear feet of wall with modular precast blocks, associated tree removal, erosion and sediment controls, traffic control along with new asphalt overlay through the work area.
4. The proposal for services to be provided by Charles A. Manganaro Consulting Engineers will be on an hourly rate basis, in a not-to-exceed amount of \$25,000. The firm will be using the same hourly rate schedule that was utilized for the engineering design portion of work.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement in the amount of \$25,000 with Charles A. Manganaro Consulting Engineers, P.C. for engineering services during construction of the Mohegan Avenue Retaining Wall Replacement Project.

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

AWARD BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT  
RESOLUTION #381

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

Whereas:

1. The Town rebid eight (8) chemicals as one vendor agreed to hold their price for the final one (1) year contract period (Univar for Caustic Soda 50% at \$2.1947 per gallon).
2. The bids are summarized as follows:

<u>CHEMICAL</u>	<u>BIDDER</u>	<u>AMOUNT</u>
Ferric Chloride	PVS Technologies	635/dry ton
Ferric Chloride 37% to 40	Surpass	97.30/55 gal. drum
Caustic Soda 25%	Surpass	80.25/55 gal. drum
Citric Acid 50%	Shannon	278.28/55 gal. drum
Sulfuric Acid (not more than 51%)	Slack	145.42/55 gal. drum
Sodium Bisulfite 38%	Slack	114.18/55 gal. drum
Sodium Hypochlorite 15%	Surpass	89.10/55 gal. drum
Polymer (Calgon Poly-E-Z or equivalent)	Slack	1.29/lb.-11.61/dry ton

Resolved, that the bid for Ferric Chloride be awarded to PVS Technologies the low bidder, at a cost of \$635/ per dry ton and be it further

Resolved, that the bid for Ferric Chloride 37% to 40% be awarded to Surpass the low bidder, at a cost of \$97.30/per 55 gal. drum and be it further

Resolved, that the bid for Caustic Soda 25% be awarded to Surpass the low bidder, at a cost of \$ 80.25 per 55 gal. drum and be it further

Resolved, that the bid Citric Acid 50% be awarded to Shannon the low bidder, at a cost of \$ 278.28 per 55 gal. drum and be it further

Resolved, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack the low bidder, at a cost of \$145.42 per 55 gal. drum and be it further

Resolved, that the bid for Sodium Bisulfite 38% be awarded to Slack the low bidder, at a cost of \$114.18 per 55 gal. drum and be it further

Resolved, that the bid for Sodium Hypochlorite 15% be awarded to Surpass the low bidder, at a cost of \$89.10 per 55 gal. drum and be it further

Resolved, that the bid for Polymer (Calgon Poly-E-Z or equivalent) be awarded to Slack the low bidder, at a cost of \$ 1.29 per lb.-11.61/ton and be it further

Resolved, that the contract term for this project shall be for a duration of one (1) year, commencing on or about 11/1/19. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of one (1) year at the same price, terms and conditions.

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

APPROVE THE HOURLY RENT SCHEDULE FOR ROOMS LOCATED AT THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER  
RESOLUTION #382

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

Be It Resolved that the Town Board hereby approves the hourly rent schedule for rooms located at the Albert A. Capellini Community & Cultural Center effective January 1, 2020 through December 31, 2020.

2020	Non Profit Hourly Rates	Standard Hourly Rates
Room 26	\$23.00	\$39.00

Room 29	\$23.00	\$39.00
Sr Nutrition Center	\$39.00	\$67.00
Room 16	\$39.00	\$67.00
Gym	\$39.00	\$67.00

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

AUTHORIZE SECTION 8 HOUSING DIRECTOR TO OPEN ITS WAITING LIST FOR THE SECTION 8 CHOICE VOUCHER PROGRAM  
RESOLUTION #383

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

Whereas, the Section 8 Housing Choice Voucher Program (HCVP) waiting list has been closed and unable to accept pre-applications to its list since May 11, 2016. At this time, The Town of Yorktown (PHA) has exhausted its list to 30 or fewer applicants.

Whereas, if a waiting list has been closed, it cannot be reopened until the PHA publishes a notice in local newspapers of general circulation, minority media and other suitable outlets. A list is included in but not limited to the PHA administrative plan.

Whereas, the Section 8 Housing Choice Voucher Program is fully federally funded, there is no financial consequence to the Town or any current or future HCVP participants.

Now, Therefore Be It Resolved that the Town Board hereby directs the Program Director to proceed to open its waiting list electronically, utilizing <https://www.waitlistcheck.com/NY132> (link is external) commencing January 8, 2020 at 12:01am through January 9, 2020 at 11:59pm. Further, public notices in media outlets, written and e-mail notification to other local Westchester and Putnam PHAs and written notification to community based organizations will be placed/distributed no earlier than November 9, 2019 and no later than December 7, 2019.

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

AUTHORIZE THE SUPERVISOR TO EXERCISE THE OPTION TO EXTEND THE CONTRACT WITH EMPRESS EMERGENCY MEDICAL SERVICES FOR ADVANCED LIFE SUPPORT SERVICES  
RESOLUTION #384

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

It Is Hereby Resolved that the Town Board Authorizes the Supervisor to exercise the option to extend the contract with Empress Emergency Medical Services for advanced life support for the Town of Yorktown for a two year period. The Stipend for 2020 is \$635,400.00 annually and the Stipend for 2021 is \$654,500.00 annually.

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

ACCEPT PARCEL FOR THE PURPOSES OF RECREATIONAL USE AND DESIGNATE THE PARCEL TO BE OPEN SPACE AND FURTHER AUTHORIZE THE SUPERVISOR TO EXECUTE ANY DOCUMENTS REQUIRED TO RECORD THE DEED  
RESOLUTION #385

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

Whereas, in accordance with the Planning Board’s Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969, and as amended, a formal application for approval of a subdivision plat titled, “Prestige Renovations and Remodeling,” prepared by Site Design Consultants dated and last revised September 4, 2018, was submitted to the Planning Board;

WHEREAS, the application was considered by the Planning Board and the Planning Board did approve the application and did pass Resolution Number #18-15 Approving the Subdivision Plat Titled “Prestige Renovations and Remodeling and Sediment & Erosion Control Plan, dated September 17, 2018”;

WHEREAS, the Planning Board has reviewed the recreation needs created by the subject subdivision as well as the present and anticipated future needs of the surrounding area as analyzed and planned for in the Town’s Recreation Plan adopted in 1978;

WHEREAS, pursuant to Town Code Section §195-35(A)(1), approximately 10% of the total area of a subdivision is required to be dedicated for recreation use;

WHEREAS, the Planning Board has resolved that upon due consideration of the recreational opportunities present in the vicinity of the subject property and the existence of Town lands abutting the subject property to the south, determine that a 15,700 sf area of land at the western border of the property be deeded to the Town and reserved for a recreational use as a future potential trail connection to potential trails north of this property;

IT IS HEREBY RESOLVED that the Town Board accepts the aforementioned parcel for the purposes of recreational use and designates the parcel to be open space and further authorizes the Supervisor to execute any documents required to record the deed for the aforementioned parcel.

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

AUTHORIZE PAYOUT TO PATRICIA HALLINAN  
RESOLUTION #386

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

Be It Resolved that the Town Board hereby authorizes the Town Comptroller to pay Patricia Hallinan the cash value of unused time as of her retirement date:

Rate of Pay:	\$57.4713		
Sick:	1400.00 hours @ 50%	=	700.00 hours
	700.00 hours x \$57.4713	=	\$40,229.91
Vacation:	147.00 hours x \$57.4713	=	\$8,448.28
Personal:	7.00 hours x \$57.4713	=	\$402.29
Longevity:	\$1,600 / 261 days = \$6.13 per day		
	10/21/18 to 09/27/19 = 246 days		
	246 days x \$6.13 = \$1,507.98		
		Total	\$50,588.46

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

From:		
L909.8	Library Reserve for Employee Accrued Benefits	\$40,229.91
L7410.101	Library Salary	\$8,850.57
L7410.106	Library Longevity	\$1,507.98
To:		
L7410.108	Library Lump Sum Payments	\$50,588.46

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE BUDGET TRANSFERS FOR THE PURCHASE OF ML2000 MAGNESIUM CHLORIDE – HIGHWAY DEPARTMENT RESOLUTION #387

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

Resolved, the Town Comptroller is hereby authorized to process the following budget transfers:

From:			
D5110.810	Highway – Medical		\$25,500.00
D5142.414	Highway – (Snow) Equipment Rental		\$10,000.00
To:			
D5142.403	Highway (Snow) – Materials		\$25,500.00
D5142.200	Highway (Snow) – Equipment		\$10,000.00

for the purchase of ML2000 Magnesium Chloride to treat salt and replacement tanks to hold ML2000 Magnesium Chloride.

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

AUTHORIZE RELEASE OF ESCROW DEPOSITS RESOLUTION #388

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

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>
Driveway DR1224	\$500.00	1236 Ivy Road	J.Bellamy Construction 2333 Willoway St. Yorktown, NY 10598
Street Opening #018-008	\$1,000.00	1236 Ivy Road	Same as above

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

AUTHORIZE THE SALE OF OBSOLETE VEHICLES, MATERIALS, AND EQUIPMENT FROM THE PARKS AND WATER DEPARTMENTS RESOLUTION #389

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

Whereas, the Water Distribution Superintendent Ken Rundle and the Parks and Recreation Superintendent James Martorano have designated the following vehicles, materials and equipment to be obsolete:

1. One 1998 Chevy 3500 pick-up truck VIN #1GCHK34RXWZ268369
2. One 2004 Ford Ranger truck cap (fiberglass)
3. Four dewatering Pumps - various makes
4. Three 3" pump hoses
5. One Dayton heater
6. One Beacon Morris heater
7. One 24" butterfly valve
8. Four pallets of ¾" used meters
9. 1GCHK34R3YF498761 - 2000 Chevy Pickup with 105,328 miles
10. 1GTHK34ROWE549281 - 1998 GMC Pickup with 71,804 miles
11. 1GDJK34J4XF035565 - 1999 GMC K30 Utility with 88,942 miles
12. 1GDHP32R8V3502736 - 1997 Grumman Box Truck 99,601

Therefore Be It Resolved, that the Town Board authorizes such vehicles, materials and equipment, excluding the pallets of ¾" meters, to be placed on public online auction with

Absolute Auctions & Realty, Inc., the Town’s contracted auctioneer, and to be sold to the highest bidder upon Distribution Superintendent’s approval; and

Further Resolved, that the Town Board authorizes the Water Department to dispose of the pallet of ¾” meters at Brookfield Resource Management in Elmsford, NY.

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

AUTHORIZE EXTENSION OF AUTOMOTIVE AND SMALL ENGINE PARTS AND EQUIPMENT/TOOLS BID FOR THE WATER DEPARTMENT  
RESOLUTION #390

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

Whereas, invitation to bid for the Automotive and Small Engine Parts and Equipment/Tools was duly advertised; and

WHEREAS, said bids were received and opened on October 19, 2018; and

Now, Therefore Be It Resolved, that upon recommendation of the Distribution Superintendent, Ken Rundle, the Automotive and Small Engine Parts and Equipment/Tools bid is hereby extended for one year, per terms of the bid contract which will expire October 24, 2020.

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

AUTHORIZE COMPTROLLER TO REFUND DUPLICATE TAX PAYMENTS  
RESOLUTION #391

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

Resolved, the Town Comptroller is hereby authorized to refund the duplicate tax payments listed below:

<u>Account No:</u>	<u>Amount</u>	
4419000	\$2,390.50	Refund Duplicate First Half 2019/2020 School Tax
2701000	\$4,343.96	Refund Duplicate First Half 2019/2020 School Tax
1064100	\$ 808.30	Refund Duplicate First Half 2019/2020 School Tax
2241086	\$1,627.03	Refund Duplicate First Half 2019/2020 School Tax
0099500	\$3,858.98	Refund Duplicate First Half 2019/2020 School Tax
2073500	\$1,037.23	Refund Duplicate First Half 2019/2020 School Tax
0018000	\$4,041.50	Refund Duplicate First Half 2019/2020 School Tax
4314343	\$1,273.63	Refund Duplicate First Half 2019/2020 School Tax
1892500	\$4,432.61	Refund Duplicate First Half 2019/2020 School Tax
1421137	\$1,288.32	Refund Duplicate First Half 2019/2020 School Tax
0541658	\$1,136.84	Refund Duplicate First Half 2019/2020 School Tax
3004550	\$ 293.92	Refund Duplicate First half 2019/2020 School Tax
1451030	\$1,946.18	Refund Duplicate First Half 2019/2020 School Tax
2276007	\$1,485.71	Refund Duplicate First Half 2019/2020 School Tax
0541680	\$1,773.05	Refund Duplicate First Half 2019/2020 School Tax
2180036	\$1,376.20	Refund Duplicate First Half 2019/2020 School Tax
2218319	\$ 742.59	Refund Duplicate First Half 2019/2020 School Tax
0530500	\$6,961.80	Refund Duplicate First Half 2019/2020 School Tax
2276105	\$ 300.38	Refund Duplicate First Half 2019/2020 School Tax

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

Councilman Lachterman read two resolutions he put forth before the Board. The first concerned the request for a Request for Proposals for retainage of legal counsel for the Town due to an issue with Marc Oxman and the Oxman Law Firm and referred to a letter of admonition issued by the New York State Attorney Grievance Committee against Town Attorney Marc Oxman for violating NYS Rule 1.9(a) of Professional Conduct by representing a litigant in a lawsuit against the Town while under retainage. The second resolution called for legal counsel, separate and apart from the Oxman Law Group, to advise himself and Councilman Thomas Diana in their duties as members of the Town Council.

Supervisor Gilbert read a statement saying he does not accept as truth the allegations that Mr. Lachterman and Mr. Diana have claimed and put forth in the press conference and now have repeated in these two resolutions. It was his understanding there has been no public censure of either Mr. Oxman or the Oxman Law Firm by the Grievance Committee. He said there is the question that both Councilmen Diana and Lachterman have violated the rules of confidentiality and the judiciary law by their actions. Supervisor Gilbert maintained there was no conflict when the law firm was hired and gave the dates of events to support this. Supervisor Gilbert said there is no basis for putting out an RFP for legal services.

Councilman Lachterman asked Supervisor Gilbert questions regarding past events concerning the hiring of the Oxman Law firm.

Councilwoman Roker said that Mr. Abbate came to them during a closed session regarding the lawsuit in question and said that if the lawsuit was to proceed the Town would have to choose another law firm.

Mr. Abbate said, at that point, the lawsuit was dormant.

Councilwoman Roker said an admonition is never supposed to be public and stated that the Oxman Law firm is held in high regard in Westchester County. She said should would not go back and forth on this with the Council members and add fodder to the issue. She believes that Mr. Oxman did not represent the litigant when he was representing the Town.

Councilman Lachterman called for a motion regarding his resolution for separate legal counsel for himself and Councilman Diana, which was seconded by Councilman Diana.

Diana, Lachterman	Voting	Aye
Gilbert	Voting	Nay
Roker, Patel	Voting	Abstain

Resolution Denied.

Councilman Lachterman called for a motion regarding his resolution asking for Request for Proposals for Town legal counsel, which was seconded by Councilman Diana.

Diana, Lachterman	Voting	Aye
Gilbert, Roker, Patel	Voting	Abstain

Resolution Denied.

#### EXECUTIVE SESSION

Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved into an Executive Session to discuss legal issues.

#### ADJOURN

Upon motion made by Deputy Supervisor Roker, seconded by Councilman Patel, the Town Board meeting was adjourned.

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