

Meeting of the Town Board, Town of Yorktown held on Tuesday, November 19, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 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 Councilwoman Roker, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss personnel, litigation, and negotiations. Upon motion made by Councilwoman Roker, seconded by Councilman Patel, 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.

PRESENTATIONS

Robert Noble, Chief of Police, came to recognize and honor Yorktown Police Officer and United States Army National Guard Major Michael Tillstrand who is being deployed overseas. Chief Noble also recognized all military veterans in the audience and thanked them for their service to our country. Chief Noble asked Officer Tillstrand's family to join him at the podium and then gave a brief biography of Office Tillstrand's service to the Army National Guard, as well as his many awards received, including a Bronze Star. Chief Noble also spoke of his exemplary service as a Yorktown Police Officer.

Supervisor Gilbert addressed Major Tillstrand and presented and read a proclamation to him from the Town Board.

Major Tillstrand expressed his thanks to the Board and to his fellow officers. He then thanked his family, particularly his wife, Nicole, for her unwavering support. He remembered and honored three of his military friends who did not return from their tours and how they are never far from his thoughts.

SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN

Supervisor Gilbert reported that on October 16th, he and Town Clerk Diana Quast attended Senator Pete Harckham's Veteran Counsel for the region that was held in Peekskill. Discussions and suggestions regarding assistance to veterans for mental health issues were addressed.

He also reported that on October 18th the Town held the first annual Senior Living Fair at the Albert A. Capellini Community & Cultural Center. This fair focused on providing information the Town's seniors and soon-to-be seniors on services available to them in Town. The goal of the fair was to highlight the reasons why Town seniors and soon-to-be seniors should continue to reside in Yorktown.

Supervisor Gilbert said that on October 19th County Executive George Latimer held an informational session and discussion at Hilltop Hanover Farm regarding the County's commitment of a substantial investment in this wonderful asset located in Yorktown. He said he has worked hard to get the County to take this first step and that it is important the County support and invest in Hilltop Hanover Farm, as it has proven to be a valuable draw for the Town. This additional investment will only further enhance its ability to attract visitors to Yorktown.

Supervisor Gilbert said that on November 26th the annual Halloween parade and gathering at Veteran's Field was held to what he believed was a record number of participants.

Supervisor Gilbert reported that on November 2nd he participated as a judge at a Boy Scout cook off for Troop 164. He said it was truly a culinary treat and the camaraderie was evident as these young men competed in showing off their culinary skills.

Supervisor Gilbert said that on November 2nd and November 18th public information sessions were held regarding the proposed Phase 1 of the Hallocks Mill Sewer District. This is part of the process to bring sewers to an additional 315 residential parcels. It is important to note that the petitions must be notarized and returned to the Town Clerk at Town Hall by Thursday, December 19, 2019. In order for this project to proceed, the Town needs more than 50% of the assessed value of the parcels to vote yes. If a petition is not returned, it counts as a no vote. Supervisor Gilbert said this is a one-in-a-lifetime opportunity since the Town will receive at least \$10 million to defer a substantial portion of the project costs; therefore, it is imperative that residents in this area return their petitions in a timely manner.

Supervisor Gilbert reported that, post-election, he participated in budget hearings regarding his tentative budget and worked with the Town Board to create a preliminary budget. Supervisor-elect Matt Slater was present at one session and was invited to participate in the process. There will be a final public hearing on the budget on December 3, 2019. Supervisor Gilbert said that while he and the Town Board worked hard in proposing a tentative budget with a small increase he believed, based on updated information relative to the recent sales tax figures received by the Town Comptroller, that we may be able to further reduce the property tax increase.

Supervisor Gilbert reported that on November 10th and November 11th, the Town came out to show their deep appreciation for our veterans. This year the Yorktown Garden Club dedicated the Blue Star Memorial Marker (as adopted by the National Garden Clubs, Inc. of America), as a living tribute to the men and women of the nation's armed forces.

Supervisor Gilbert said that he is proud of the work his administration has done on behalf of Yorktown seniors, veterans, and residents of all ages and he will continue to work on behalf of residents until the end of his term. He has been meeting with and will continue to meet with Matt Slater to assure a smooth transition so that various projects to benefit residents and businesses will continue to move forward.

Supervisor Gilbert acknowledged the presence of Boy Scout Troop 1776 under the leadership of Scoutmaster Tom Bodkin. The Troop was present to earn their Citizenship in the Community badge. On behalf of the Town Board, Supervisor Gilbert welcomed them to see their local government in action.

Supervisor Gilbert announced the following upcoming events:

November 21, 2019, 7:30 P.M. at the Albert A. Capellini Community and Cultural Center: The Last of the Mohicans, the Daniel Nimham Saga will be presented by the Yorktown Historical Society. Peter Cutul from the Office of Parks, Recreation, and Historic Preservation will discuss the largely forgotten yet harrowing tale of Chief Nimham and his people. Dispossessed of their lands and fighting for their survival during the American Revolution, the Wappinger were one of the few Native American nations to fight for the patriots during the war.

November 28, 2019, 8:30 A.M. to 10:30 A.M.: The Annual Hudson Valley Turkey Trot will take place; all proceeds to benefit St. Mary's Food Pantry in Mohegan Lake, St. John's Food Pantry in Mahopac, and CCHOP in Peekskill.

December 7, 2019: The 8th Annual Holiday Lights Parade will take place. If you would like to put an entry in this year, please see forms on the Town website and submit to the Recreation Department, Attention to Kyle Thornton. Entries are due tomorrow, Wednesday, November 20th before 4:30 P.M.

Supervisor Gilbert announced the following public service announcement: The Yorktown Consolidated Water District will be performing leak detection service on the Town's water mains beginning November 20, 2019. Residents may see a dark blue vehicle (clearly marked with the Town of Yorktown logo) driving along town roads between the hours of midnight to 7:00 A.M. There is no noise associated with this work. Town employees will be listening for leaks on the Town's water

valves and fire hydrants. This work is strictly within the Town right of way. For any questions or concerns, please call the Water Department office at 914-245-6111, ext. 0.

Supervisor Gilbert announced the following: There are volunteer and in-house community service opportunities with ASK (Alliance for Safe Kids) on the following days – Tuesday, December 3, 2:30 P.M. to 5:00 P.M. and Tuesday, December 17, 2:30 P.M. to 5:00 P.M. Students may come to the ASK office to work on various community service projects. Food and drinks will be provided. They ask for advance notice by emailing volunteer@allianceforsafekids.org.

REPORTS FROM THE TOWN COUNCIL

Councilman Tom Diana reported that the Sons of the American Legion Squadron will be hosting a breakfast; details to follow with Councilman Lachterman. He, too, mentioned the Holiday Lights Parade. Councilman Diana thanked the residents for their support in his successful re-election.

Councilman Patel thanked the senior citizens who are running the Thrift Shop at the AACCCC and supporting the Food Pantry. He encouraged resident to visit the shop. He also wished everyone a Happy Thanksgiving.

Councilman Lachterman mentioned the upcoming Turkey Trot and said it was nice to see organizations such as this supporting the food pantries. He also mentioned the breakfast on December 1st being held by the Sons of the American Legion. The cost is \$8 per person and all of the money raised goes to veterans' services and the Legion. Councilman Lachterman also mentioned a missing person who appeared in Town and how the police were able to take care of him and relocate him back to his family and home in Connecticut. The police also received a thank you call from a Jefferson Village resident who was helped by a police officer who carried in her groceries during a heavy rain. Councilman Lachterman also announced that on December 14 at 8:00 P.M., local resident and talent Jessica Lynn would be performing her annual Christmas concert, "A Very Merry Christmas," at the Paramount Theater in Peekskill.

Councilman Diana also reminded everyone that the Sons of the American Legion are sponsoring banners that will be hung in Town, which are dedicated to veterans. If any resident wishes to sponsor a banner with a veteran they would like to honor, the cost is \$250 per banner. More information is available on the Town's website, as well as the Sons of the American Legion Squadron #1009 website.

REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said this year the Highway Department will be loaning snow sticks to those residents who would like to protect their curbing during snow removal. If interested, residents should call the Highway Department and sign up to receive them. Mr. Paganelli reported the purchases and repairs his department made this past month.

Mr. Paganelli reported that the Public Safety Committee met on Wednesday, November 13 and made the following decisions:

- A public hearing will be held to add a stop sign at the intersection of Mohansic & Leland, which would be on a service road.
- A request for a four-way stop at the intersection of Sherry Drive and Ellen Lane was turned down. Public Service Officer Rob Rohr stated that a stop sign was already in place on Ellen Lane and he will conduct additional surveillance of the area.
- A public hearing will be held to add a stop sign at the intersection of Suncrest and Wren Place.
- A public hearing will be held to add a stop sign at the intersection of Mark Road and Whitehill Street where there is an issue concerning line of sight.
- Request for a stop sign at the intersection of East Main Street and Hill Boulevard was turned down. A sign indicating "Slow Down – Intersection" will be added instead for the time being.
- A request for speed bumps on Old Country Way was turned down after a road study was made and determined it did not meet the criteria.
- The management at Wynwood Oaks will be contacted and told to trim back the trees after area residents complained about traffic in the area; particularly the egress from Wynwood Oaks onto East Main Street.
- The Highway Department will add a crosswalk in front of the Baldwin Road entrance to the new trailway. Public Safety Officer Rob Rohr did surveillance of the area and found no need for additional stop signs, although the crosswalk will be marked with "Crosswalk Ahead" signs.

- A public hearing will be held to add a stop sign on East Main Street heading west in the area of the Spirelli Electric building.
- Additional speed limit signs will be added to the area around Crompond School.
- “No Parking” signs on Kear Street will be added from the entrance to the Shell Station to the corner of Underhill and Commerce Street.
- A request has been made for two additional stop signs, one eastbound and one westbound, on Stoney Street and East Main Street – Councilman Diana will be speaking about this request in the future.

Councilwoman Roker said they are waiting for the traffic consultant to get back to the Public Safety Committee with an agreement for a study on Hanover Street and Hallocks Mill.

Councilman Diana spoke of his request for the additional stop signs on Stoney Street and East Main Street due to dangerous conditions. He also mentioned the need for a three-way stop at Lakeland Liquor.

POET LAUREATE

John McMullen, Yorktown Poet Laureate, recited an original poem entitled “Election.”

PRESENTATION

Liz Talbert from the Alliance for Safe Kids spoke about an initiative done with the Yorktown Police Department and high school and college interns. Chief Noble spoke about the relationship the police department has with ASK and a new program they developed “palm cards” that ASK created for police to carry with them to give to a person they feel may be in need of assistance. Kyra from ASK, said these cards are equipped with QR codes that can be scanned to link the user directly to the resources the officer feels would be of most help. Ms. Talbert mentioned their annual Save A Life Event will be held on March 22, 2020 at Yorktown High School; this is their tenth year of holding this event. She also mentioned adding workshops for the senior citizens in the area. Ms. Talbert said there are sponsorship opportunities available for these events for local businesses and individuals. Patrick Talbert, the event coordinator for ASK’s inaugural Walk the Talk, spoke about the walk taking place on April 18, 2020 at FDR Park where resource information will be distributed along the walk route and will end with a Community that Cares celebration that will provide non-profit organizations in Town the opportunity to honor their volunteers.

Supervisor Gilbert mentioned that on May 2, 2020 there will be the Hike for Hope sponsored by the American Foundation for Suicide Prevention (AFSP) and suggested that this might somehow be included in ASK’s events. He was told that they would have a table at their event.

DISCUSSION

Pump Station Rehabilitation Project Update – GHD

Ray Schofield, a representative from GHD, gave an update on the pump station rehabilitation. Walden Woods went through testing with the Department of Health and the Town is waiting for final certification from them. Jefferson Valley and Jefferson Park are getting very close to their start-up tests and there is a Health Department document review that GHD is waiting to hear about.

Councilwoman Roker asked about last week’s request for a sizeable fee and how this came about. Mr. Schofield said the original contract was signed back in 2015 to do design and construction of the pump stations with an original 12-month construction period. They are now well past the 12-month mark and have been actively trying to manage their budget as best as they could so they did not have to come back to the Town to ask for more money on this project. One of the biggest issues they encountered was the unmarked underground tank at Jefferson Park that no one knew existed. The contractor found it when he was doing excavation work at the location. As a result, that site became unavailable until the tank was removed. When the tank was removed, contaminated soil was discovered throughout the site. Soil testing was done and a disposal site needed to be found. He said if this had not happened, he would not be asking for more money from the Town. He proceeded to explain how this delay caused a change in the work plan that in turn, changed the timing of completion.

Supervisor Gilbert asked if they were part of the preparation of these sites, could it not have been anticipated that there may be buried tanks and that we might face these delays. Was this not considered as part of the initial process? Mr. Schofield said they did know there was a tank at Jefferson Valley, which was figured into the plan; the tank at Jefferson Park was completely unknown.

Councilman Patel raised the problem they had with the power line going in to the Jefferson Valley Pump Station. Mr. Schofield said the Town authorized a change order for this in order for the contractor to bring in the new power. GHD did know there was an issue with the power line, just not the extent of the problem.

Councilman Lachterman questioned Mr. Schofield about the delays on the project; most of which Mr. Schofield said were very minor compared to the Jefferson Park Station. Councilman Lachterman said that if all of the pump stations were supposed to be worked on concurrently, it would make sense that one of them would have been done in September, not November. Mr. Schofield said Walden Woods has been ready for about a month and a half but they are waiting for the Department of Health certification.

Councilman Diana said that he understands the tank issues, but there was another company who identified tanks in two places. They did not get the bid because they did identify the tanks and there was an extra cost. He said he understands what goes into a tank removal but this should have been included in GHD's original bid. He feels the request for an additional \$21,850 per month is too much for something that should have been in the contract in the first place. He said the holdup with the Department of Health is not something the Town could prevent.

Mr. Schofield said that the contract has a clause regarding underground tanks and contaminated soil. Town Attorney Richard Abbate asked for a detailed bill as to how the \$21,850 was arrived at and he will look at services provided for this amount versus what is in the contract. Mr. Schofield agreed but said the amount is derived directly from the contract once the twelve consecutive months is exceeded. He said GHD is not necessarily going to charge the Town \$21,850 per month; they are requesting the Town Board to authorize getting those funds in place so they can continue their services to cover their costs.

Ed Mahoney, Assistant Superintendent, Wastewater Treatment Plant, said he respectfully disagreed with Mr. Schofield regarding the delays – the project was started in September and there were delays right in the beginning, as well as the contractor not being the best for this job.

PROPOSED LOCAL LAW CHAPTER 270 "TREES"

Director of Planning John Tegeder said he delivered the revisions to the tree law based upon requests from the Town Board, which had been discussed after the Board received public comment. He said these were short and fairly minor. The Education section was strengthened to include public outreach and education. The Board asked for the clause regarding supersession of law be removed and it has been. The Board asked to be included verbiage from an earlier version of the law addressing the institution of an Article 78 as an option under the appeal process and that has been included. The Board asked to change that portion of the proposed law where the Town Engineer was charged with referrals, which was a discretionary decision, to a non-discretionary decision and the word "shall" be used. The Board requested the proposed permit requirement for a single tree that exists on a 15% or greater slope be removed, and also properties that are in residential zoned districts and used residentially that are one-half acre or less be exempted from the law.

Councilwoman Roker said one of the things the Board discussed was the letter from the attorney who is representing the Wallach subdivision. Mr. Tegeder said they had sent a letter and had a subsequent meeting; the attorney feels that there should be sliding scale in the permit thresholds in getting permits both for the area of protected woodlands and for the thresholds for the number of trees (now ten) and provided some suggested language to the law. Mr. Tegeder gave this information for the Board for their consideration. Mr. Tegeder said a meeting is going to be set up with the attorney and he invited any Board member or department representative to attend.

Supervisor Gilbert said he had some thoughts on adding language to the issue of disturbing a woodland perimeter by allowing maintenance in a 10 to 20 foot area. Mr. Tegeder pointed out an alternative to this allowance by not having soil disturbance, only "duff" removal (the top layer resting on the soil).

A decision was made by the Town Board to reconvene the public hearing for the proposed tree law on December 10, 2019.

NOTICE TO RECONVENE PUBLIC HEARING FOR ENACTING A NEW CHAPTER 270
ENTITLED "PRESERVATION OF YORKTOWN'S TREES AND WOODLANDS"
RESOLUTION #424

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

NOTICE IS HERE GIVEN that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, December 10, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 270 of the Code of the Town of Yorktown entitled "Preservation of Yorktown's Forested Environment" and enacting a new Chapter 270 entitled "Preservation of Yorktown's Trees and Woodlands."

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

COURTESY OF THE FLOOR

The following members of the public spoke:

John McMullen, resident, spoke about someone shooting at geese on Lake Osceola. He said they had a permit issued to do this but said it is an annoyance and no one should be shooting at geese in this day and age.

Rich Severi, resident, said he was before the Board on July 16th when he learned there was an oil leak at the Jefferson Valley Pump Station; his land borders the pump station. Funds were being allocated at this meeting to address the leakage. He said he has voiced his concerns about the stormwater drainage in the area since 2008 and it still has not been taken care of. Mr. Severi said he spoke to Dave Paganelli many times and was told the Town does not have the equipment to do the job. He said this is going to become a legal issue if it is not seen too quickly.

Michael Grace, attorney for Seritage (Jefferson Valley Mall), thanked the Board for wrapping up the water maintenance issues at the mall. As a former supervisor, he thanked Supervisor Gilbert for his service.

Sergio Esposito, President of the Yorktown Chamber of Commerce, said he is happy to see the resolution move forward for the branding campaign. He congratulated those who won the election and thanked Supervisor Gilbert for his service. He said he had a meeting with the Yorktown Garden Club who is doing a Winterscape this year. Mr. Esposito announced the Chamber's Holiday Party on December 9 at Novecento's at 6:30 p.m. He also said the ball drop is scheduled for December 31st at midnight; the festivities will begin at 10:00 p.m.

Jane Daniels, member of the Yorktown Trailtown Committee, thanked Supervisor Gilbert for his work helping them get the Mohansic Trail completed and opened. She has had much positive feedback and thanked the volunteers and her husband, Walt Daniels, for all of their efforts. Mrs. Daniels also thanked Supervisor Gilbert for changing the tone of the Board to a more positive one.

Susan Siegel, resident and member of the Yorktown Trailtown Committee, announced the Committee has received a National Heritage \$5,000 grant awarded by the Hudson River Valley Greenway. The Trailtown Committee intends to do an exciting interpretive sign project at Sylvan Glen Park about the old abandoned Mohegan Quarry. Sylvan Glen is a hidden treasure in Yorktown: 343 acres of parkland with a magnificent series of trails and the home of the dog park. There was a quarry there from about 1890 to 1940-41; granite from the quarry was used to build the Cathedral of St. John the Divine in New York City because of its special golden color. It was also used for the approaches to the George Washington Bridge and the carved eagles on the Arlington Bridge in Washington, D.C. The Committee is hiring an industrial geologist to help them to explain the network of granite. They are also amassing a wonderful collection of photos of people working at the quarry. They are doing interpretive signs at the quarry and the trails; all information will also be placed online. The Committee will be encouraging schools to take field trips to the location.

Ms. Siegel said the grant would only cover about one-third of the cost; therefore, they will be asking for donations. Interested parties should contact the Yorktown Trailtown Committee via their website: www.yorktowntrailtown@gmail.com. They are hoping to erect the signs in the spring.

Joanne Silik, resident, said the Board has said the Summit Hill project requiring rezoning is not a “done deal” and that this is applicant driven. She would like to know what is taking them so long. Mrs. Silik asked if the promised traffic study of the area has been completed and wondered how objective the study would be if the applicant were paying for it. She also wanted to know if the Town Board has completed the vetting of the developer. Mrs. Silik questioned the viability of the project, as promised by the developer.

Jean Troiano, resident, asked Councilman Patel for his opinion about the rezoning of the Summit Hill project. She felt he has remained silent on the issue. Town Attorney Richard Abbate interrupted to say that Town Board members cannot issue whether they are for or against a project before all information has been gathered; to do so would put the Town in legal jeopardy.

Brian Silik, resident, also spoke about the Summit Hill rezoning project. He read excerpts from a letter he mailed to the Supervisor regarding traffic problems that will be created with the building of the proposed housing development.

Sergio Esposito returned to the Board to say that he feels the Board acted prudently regarding the rezoning of the Summit Hill project. He disputed some of what has been said and reported regarding members of the Chamber owning property in the area and Diversified Properties presence at the Yorktown Chamber of Commerce Street Fair. Mr. Esposito feels this project can be beneficial to the Town and agrees that all information needs to be gathered before a final decision is made.

Kathy Quinn, Support Connection and member of the ERBC, asked for everyone to work together on the Summit Hill project. She disagreed with Mrs. Silik’s skepticism regarding seniors and millennials being able to pay for the proposed rental units.

Joanne Silik returned to the Board to dispute Councilwoman Roker’s denial of approving the proposed development at Summit Hill. Councilwoman Roker said what she was quoted as saying in the newspaper (the development would be “a shot in the arm” for the area) was in response to the fact that Jefferson Valley is one of the most neglected areas in Town. People there need a lot of assistance and the one of the only ways for them to get assistance is through a developer; she never voiced her opinion of this specific project. Councilwoman Roker stated that wherever you get developments like this, you get progress in an area. She cited several examples of the progress that has been made in Town due to developers’ projects in Yorktown.

John McMullen, resident, said the traffic would be an issue if this development goes through. He spoke of a dangerous intersection in the area.

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

Supervisor Gilbert commented that the Summit Hill Project had become a “political football” said believes that it did not have merit as such. He said the project and issues raised are legitimate concerns, but the Board has a responsibility to remain neutral until they hear all of the facts and then a decision can ultimately be made. He said there was a lot of “spin” on this topic and was used to try to manipulate the election in terms of results. Supervisor Gilbert stated, having said this, he accepted the results of the election. He said there were unfortunate misstatements and misrepresentations during the course of this election cycle. As to the issue as to whether or not senior citizens or millennials or empty nesters want to move into these apartments, he does not know the answer. However, if they do, part of this is the problem that was created by our government in Washington by taking away our SALT deductions in New York State – a situation was created where people may prefer rentals to owning a property. All of these factors need to be investigated by the Board before a decision can be made.

Councilwoman Roker addressed Mr. McMullen’s report about the shooting of the geese on Lake Osceola. She said a deprivation permit needed to be obtained from the NYS Department of Agriculture. Much information needs to be presented along with the application, and then the State comes out to investigate the permit request. Councilwoman Roker said that this is generally the last resort to rid an area of geese.

Councilman Lachterman said that Dr. Philip Greeley is a very reputable traffic consultant who the Town has used on past occasions. He said that he has been hired to do the study for Diversified Properties.

John Tegeder, Director of Planning, said that when the developer pays for the traffic study, the traffic consultant tells the Town the cost and that is conveyed to the developer. The developer then sends the Town the money and the Town pays the traffic consultant. The Town is the entity that has a contract with the consultant.

AUTHORIZATION TO SIGN AGREEMENT WITH THOMPSON AND BENDER FOR
“COMMUNITY BRANDING”
RESOLUTION #425

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

It Is Hereby Resolved that the Town Board authorizes the Supervisor to sign an Agreement with Thompson and Bender for services to be provided to the Town of Yorktown for “Community Branding.” The fees for such services are not to exceed \$30,000.00.

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

George Souls, member of the Economic Revitalization and Business Committee (ERBC) thanked the Board for passing the resolution and spoke of their belief of how the branding campaign will prove successful in moving Yorktown forward.

APPOINTMENT – SONIA MEJIA, NUTRITIONAL/SENIOR SERVICES
RESOLUTION #426

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

Be It Resolved, that Sonia M. Mejia of Peekskill, NY, is hereby appointed Chauffeur, job class code 0458-02, within the Nutritional/Senior Services Department, effective November 25th, 2019 to be paid from Yorktown CSEA Salary Schedule A, Group 2, Step 1 which is \$ 26,906.00 annually;

Be It Resolved, contingent upon successful completion of a drug test and reference checks,

Be It Resolved, that Sonia M. Mejia will report to work at the Nutritional/Senior Services Department on November 25th, 2019, and this date will be used as the first date of appointment,

Be It Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on November 25th, 2019.

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

TERMINATION OF EMPLOYMENT – MICHAEL C. JONES, HIGHWAY DEPARTMENT
RESOLUTION #427

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

Be It Resolved, that Michael C. Jones employment with the Town of Yorktown is hereby terminated effective at the close of business on Tuesday, November 19, 2019.

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

APPOINTMENT – MARK ALEXANDER, CENTRAL GARAGE
RESOLUTION #428

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

Be It Resolved, that Mark Alexander of Mahopac, NY, is hereby appointed Automotive Mechanic, job class code 0481-02, effective December 16th, 2019 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 1 which is \$61,283.00 annually,

Be It Resolved, contingent upon successful completion of a drug test and reference checks,

Be It Resolved, that Mark Alexander will report to work at the Central Garage Building on December 16th, 2019, and this date will be used as the first date of appointment,

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

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

APPROVE REDUCTION IN RENT FEES FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER BY SPARC, INC.
RESOLUTION #429

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

Be It Resolved, that based on a request from SPARC Inc. dated November 15, 2019, to use various rooms at the Albert A Capellini Community & Cultural Center to provide social and recreational programming to teens and young adults with developmental disabilities, the Town Board hereby reduces the room rent fees from \$3,582.00 to \$836.00 for 114 hours of room use beginning on January 3, 2020 through May 29, 2020 as indicated in the schedule below. The requested reduced fee is based on a charge of \$22 per session for 38 sessions (2 sessions per date).

Teen Time and Social Club Friday from 6:30pm-9:15pm (2 rooms)
January 3, 10, 17, 31, 2020
February 7, 14, 21, 28, 2020
March 6, 13, 20, 27, 2020
April 3, 17, 24, 2020
May 1, 8, 15, 29, 2020

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH MANETOO DANCE ENSEMBLE, INC. FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #430

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

Whereas, Manetoo Dance Ensemble, a for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

Whereas, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

Now Therefore, Be It Resolved, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

Further Resolved, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

Further Resolved, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town

Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

AUTHORIZE THE YORKTOWN POLICE DEPARTMENT TO PURCHASE ONE (1) FORD TRANSIT VAN (\$23,605.75) FROM THE WESTCHESTER COUNTY CONTRACT #RFB-WC-18038
RESOLUTION #431

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

Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) Ford Transit Van (\$23,605.75) from the Westchester County contract #RFB-WC-18038 and 5689BPS to the Vance Country Ford/Vance Country Ford Mercury in the amount of twenty-three thousand six-hundred five dollars and seventy-five cents (\$23,605.75);

Be It Further Resolved, the Town Comptroller is authorized to make a budget transfer of \$22,500 from 3120.0810 Medical Insurance to 3120.0210 Vehicles to cover the vehicle purchase.

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

AUTHORIZE SUPERVISOR TO SIGN A DECLARATION AND RESTRICTIVE COVENANT AGREEMENT WITH SERITAGE SRC FINANCE, LLC FOR THE MAINTENANCE AND REPAIR OF WATER IMPROVEMENTS LOCATED AT THE JEFFERSON VALLEY MALL
RESOLUTION #432

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

Resolved, that the Town Board hereby authorizes the Town Supervisor to sign the Declaration and Restrictive Covenant Agreement with Seritage SRC Finance, LLC, The Mall at Jefferson Valley, LLC and Mall Ground Portfolio, LLC for the maintenance and repair of the Water Improvements located at the Jefferson Valley Mall.

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

AUTHORIZE SUPERVISOR TO SIGN A MUNICIPAL AGREEMENT WITH ENERGY IMPROVEMENT CORPORATION RELATING TO ENERGIZE NY OPEN C-PACE FINANCING PROGRAM
RESOLUTION #433

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

Resolved, that the Supervisor is hereby authorized by the Town Board to sign a Municipal Agreement with the Energy Improvement Corporation relating to Energize NY Open C-PACE Financing Program. The Term of this agreement shall be until such time that the Town of Yorktown opts out with 60 days' Notice. There are no fees or costs associated with this Agreement.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-064-18 – GERSHEN - HAYES DRIVE IN THE AMOUNT OF \$250.00
RESOLUTION #434

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

Whereas:

1. Jacob Gershen, as applicant, posted check #305 in the amount of \$250 which was deposited to the

T33 account on November 28, 2018 to serve as the Performance Bond for construction of a pool at 1355 Hayes Drive.

2. Jacob Gershen has requested his 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, that the above referenced \$250 bond be and is hereby released to Mr. Jacob Gershen, 1355 Hayes Drive, Yorktown Heights, NY 10598.

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

AUTHORIZE EXTENSION OF BID FOR GRIT & SCREENINGS REMOVAL AT THE YORKTOWN HEIGHTS WATER POLLUTION CONTROL PLANT
RESOLUTION #435

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

Whereas:

- A. The Town currently has a 2-year agreement in place with Fred Cook Inc. for grit and screenings removal services at the Yorktown Heights Water Pollution Control Facility. The agreement was effective on 1/1/2018 and will expire on 12/31/19.
- B. The Agreement may be extended upon mutual consent of the Town and the contractor, with the same price, terms and conditions as the original agreement.
- C. Fred Cook Inc. has notified the Town they wish to extend the agreement. The Town has been satisfied with the work being performed by Fred Cook Inc. and we recommend the Town accept the bid extension.
- D. The scope of work will include the following:
 1. Grit and screenings waste to be placed into Town-owned waste containers by the plant staff. When requested the vendor will pick up full dumpsters, haul away to a licensed disposal facility and then return the empty dumpster.
 2. Payment will be made on a unit price basis, at the bid price of \$185 per ton.
- E. The Department will use available funds for the purchase order under cost code YS.8130.460.2 Sludge Removal.

Now, Therefore Be It Resolved, the bid for Grit & Screenings Removal at the Yorktown Heights Water Pollution Control Plant be extended with Fred Cook, Jr., Inc., in the amount of \$185 per ton. The contract shall commence on 1/1/2020 and be in effect for a two (2) year term, expiring on 12/31/21.

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

AUTHORIZE PERFORMANCE BOND REDUCTION – YORKTOWN JAZ, LLC (LOWES SITE)
RESOLUTION #436

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

Whereas:

1. Planning Board Approval Resolution #16-22 referenced bonds to be posted for Erosion & Sediment Control, Performance, and Wetland Planting Bond. In lieu of the providing individual bond amounts, the Town agreed that the Applicant could provide one Project Performance Bond in the aggregate amount of \$1,000,000.
2. Yorktown Jaz, LLC, as Applicant, provided the Town with The Guarantee Company of North America's Site Improvement Bond #76154779, in the amount of \$1,000,000, to serve as the Erosion & Sediment Control bond, Performance Bond, and Wetland Planting Bond for permit #WP-E-028-10, for the Lowe's Site Development Plan located on Route 202.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.
4. Yorktown Jaz, LLC, as Applicant, previously provided the Town with the 8% Inspection Fee, in the amount of \$357,490 (The check was delivered to the Town Comptroller December 20, 2017) for permit #WP-E-028-10, for the Lowe's Site Development Plan, and
5. Yorktown Jaz, LLC has requested the Performance Bond be reduced.

6. The Engineering Department has inspected the property and determined that the improvements for the site have been mostly completed; therefore, a reduction in the Performance Bond reduction is warranted.

Now, Therefore Be It Resolved, the Performance Bond is hereby reduced to \$250,000 (\$1,000,000 - \$250,000 = \$750,000 back to developer). The remaining funds (\$250,000) will be held until all remaining project work has been completed and the warranty period has elapsed.

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

TOWN ACCEPTANCE OF WATER & SEWER INFRASTRUCTURE – YORKTOWN JAZ, LLC
(LOWES SITE)
RESOLUTION #437

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

Whereas:

1. Planning Board Approval Resolution #16-22 was based on an approved set of engineering drawings prepared by the Applicant's representative Provident Engineering that required the furnishing and installation of Town-owned water and sewer infrastructure within the site. Prior to starting any of the construction activity, the Applicant and their engineering consultant worked to obtain approval for a Town water main extension and Town sewer extension from the Westchester County Health Department, which included issuance of a permit to construct.
2. The Engineering Department supervised the construction activities with assistance from a Town consultant, KJM Construction Management. The work was substantially completed according to the approved plans in March 2019. Following completion of the work, the Applicant filed for and received the following WCHD documentation:
 - Approval of Completed Works for Water Main Extension, Route 202/35, see Attachment #1
 - Approval of Completed Works for Sanitary Sewer Main Extension at Old Crompond Road, Attachment #2
 - Approval of Completed Works for Water Main Relocation, Route 202/35 Transmission Main, Attachment #3
3. Yorktown Jaz, LLC, as Applicant, herein delivers to the Town the water main lines and the sanitary sewer main lines as further shown and described on as-built plans prepared by Provident Engineering, Utilities Plan (7 sheets). The conveyance includes utility easements filed at Westchester County by the Applicant.
4. The said delivery constitutes a formal Offer of Irrevocable Dedication to the Town, to be held by the Town until the acceptance or rejection of such Offer of Irrevocable Dedication by the Town.
5. Yorktown Jaz, LLC agrees that such formal Offer of Irrevocable Dedication to the Town is irrevocable and can be accepted by the Town at any time.
6. The execution and delivery of this Offer of Irrevocable Dedication shall impose no obligation by the Town to accept such Offer of Irrevocable Dedication.
7. This Offer of Irrevocable Dedication shall run with the land and be binding upon Yorktown Jaz, LLC and the Town and their respective successors and assigns.
8. The documentation included herein was referred to the Town Attorney for review and acceptance as to form.

Now, Therefore Be It Resolved, the Town Board hereby accepts this Offer of Irrevocable Dedication for conveyance of water mains and sanitary sewer mains constructed as part of the Lowes Site Development Project and previously recorded in utility easements on behalf of the Town, such easements being filed at the County Clerk's Office.

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

Supervisor Gilbert said there was a request made by the Trailtown Committee to incorporate the trail connection as part of the Parks & Recreation department. His office had a concern of paper roads behind Verizon's property and potential use by DOT as a potential connection between route 202 and route 118. The trailhead off route 118 should not be included as part of the paper road. Supervisor

Gilbert said he is not sure if the Town has sufficiently delineated the metes and bounds of the strip of land; therefore, the resolution has been shelved for a future meeting. A discussion with John Tegeder, Director of Planning, and Jane Daniels of the Yorktown Trailtown Committee took place explaining the request for the parkland.

ADJOURN MEETING

Upon motion made by Councilman Lachterman, seconding by Councilman Patel, the Town Board meeting was adjourned.

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

Attachment #1



George Latimer
County Executive

Sherita Amler, M.D.
Commissioner of Health

March 29, 2019

Provident Design Engineering
7 Skyline Drive
Hawthorne, NY 10532
Attn: Nickitas F. Panayotou, P.E.

RE: File ID: C17-052
Approval of Completed Works for a
Water Main Extension at
Lowes-Route 202/35
Town of Yorktown
PWS ID: 5903469

Dear Mr. Panayotou:

Receipt is hereby acknowledged of final construction plans "As Built" dated February 1, 2019 for the above-referenced water supply improvement, and the letter dated February 21, 2019 certifying that the above-mentioned water supply improvement has been completed in accordance with approved plans and specifications, and enclosing copies of laboratory reports on the bacteriological analysis of water samples collected from the new construction.

Pursuant to 10NYCRR Part 5, SubPart 5-1, Section 5-1.22 and Chapter 873, Article VII, Section 873.707.5 of the Laws of Westchester County, enclosed herewith is an Approval of Completed Works Issued this day on the basis of the above certification and final construction plans. A copy of the approved final construction plan is attached. The Approval of Completed Works contains certain conditions applicable to this improvement. Waterworks personnel should become familiar with these conditions.

Compliance with these conditions is the responsibility of the Applicant.

The Approval of Completed Works should be filed in the appropriate offices of the Town of Yorktown.

Very truly yours,

Delroy Taylor, P.E.
Assistant Commissioner
Bureau of Environmental Quality

DT:HM:pm
Enclosure

cc: Michael Quinn, P.E.-Town Engineer
Kenneth Rundle-Water Superintendent
Andy Tse - NYSDOH
File

Department of Health
26 Moore Avenue, 1st Floor
Mount Kisco, NY 10549

Telephone: (914) 864-7200

Fax: (914) 813-1601



Attachment #2



George Latimer
County Executive

Sheritta Amley, M.D.
Commissioner of Health

April 12, 2019

Provident Design Engineering
7 Skyline Drive
Hawthorne, NY 10532
Attn: Nickitas F. Panayotou, P.E., Design Engineer

Town of Yorktown
Town Hall – 363 Underhill Avenue
Yorktown Heights, NY 10598
Attn: The Hon. Ilan Gilbert, Supervisor

RE: File ID: S517-037
Approval of Completed Works for
Sanitary Sewer Main Extension at
Old Crompond Road
Yorktown (T)
Westchester County

Dear Mr. Panayotou & Supervisor Gilbert:

This Department hereby acknowledges the receipt of the leakage tests results, As-Built plans and the engineer's certification of construction compliance for the above-captioned sanitary sewer main.

A review of the information submitted by SESI Consulting Engineers under letter dated February 15, 2019, last revised March 25, 2019 indicates that the sanitary sewer tested as indicated by the leakage test results submitted complies with the terms and conditions of the approval of plans issued by this Department.

Very truly yours,

Delroy Taylor, P.E.
Assistant Commissioner
Bureau of Environmental Quality

DT:zt

cc: Michael W. St. Pierre, P.E., SESI Consulting Engineers
Meena George, P.E., NYSDEC
Vincent Kopicki, P.E., WCDEF
Nok Siriphonlai, P.E., WCDOH
File ✓

Department of Health
25 Moore Avenue
Mount Kisco, New York 10510

Telephone: (914) 861-7348

Fax: (914) 813-1691



Attachment #3



George Latimer
County Executive

Sherita Anker, M.D.
Commissioner of Health

March 14, 2019

Provident Design Engineering
7 Skyline Drive
Hawthorne, NY 10532
Attn: Nickitas F. Panayotou, P.E.

RE: File ID: C17-049
Approval of Completed Works for a
Water Main Relocation
Route 202/35 Transmission Main
Yorktown (T)
Northern Westchester Joint Water Works

Dear Mr. Panayotou:

Receipt is hereby acknowledged of final construction plans "As Built" dated March 5, 2019 for the above-referenced water supply improvement, and the letter dated June 5, 2018 certifying that the above-mentioned water supply improvement has been completed in accordance with approved plans and specifications, and enclosing copies of laboratory reports on the bacteriological analysis of water samples collected from the new construction.

Pursuant to 10NYCRR Part 5, SubPart 5-1, Section 5-1.22 and Chapter 873, Article VI, Section 873.707.5 of the Laws of Westchester County, enclosed herewith is an Approval of Completed Works issued this day on the basis of the above certification and final construction plans. A copy of the approved final construction plan is attached. The Approval of Completed Works contains certain conditions applicable to this improvement. Waterworks personnel should become familiar with these conditions.

Compliance with these conditions is the responsibility of the Applicant.

The Approval of Completed Works should be filed in the appropriate offices of the Northern Westchester Joint Water Works.

Very truly yours,

Delroy Taylor, P.E.
Assistant Commissioner
Bureau of Environmental Quality

DT:HM:pm

Enclosure

cc: Matthew Geho-Operations Director-NWJWW
Michael Quinn, P.E.-Town Engineer-Yorktown
Andy Tse-NYSDOH
File



Department of Health
25 Moore Avenue
Mount Kisco, New York 10549

Telephone: (914) 813-5000

Fax: (914) 813-4601