

Meeting of the Town Board, Town of Yorktown held on Tuesday, December 10, 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 Lachterman, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilwoman Roker, seconded the Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

ACCEPT RETIREMENT OF SOPHIE JAMES

The Town Board accepted the retirement of Sophie James from the Building Department.

REAPPOINT LYNETTE WATERHOUSE TO THE ETHICS BOARD

RESOLUTION #472

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

Be It Resolved, that Lynette Waterhouse is reappointed to the Ethics Board for a term expiring on December 31, 2021.

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

REAPPOINT JAMES MARTORANO TO THE ETHICS BOARD

RESOLUTION #473

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

Be It Resolved, that James Martorano is reappointed to the Ethics Board for a term expiring on December 31, 2021.

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

REAPPOINT SERGIO ESPOSITO TO THE ETHICS BOARD

RESOLUTION #474

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

Be It Resolved, that Sergio Esposito is reappointed to the Ethics Board for a term expiring on December 31, 2021.

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

APPOINT ROBERT GIORDANO TO THE ETHICS BOARD
RESOLUTION #475

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

Be It Resolved, that Robert Giordano is appointed to the Ethics Board for a term expiring on December 31, 2021.

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

PRELIMINARY BUDGET WITH MODIFICATIONS TO THE FUND BALANCE AND
OTHER REVENUE SOURCES FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2020

Supervisor Gilbert stated that based upon discussions that were held as a result of the public hearing regarding the change the Town was receiving in sales tax revenue and also the approximate \$800,000 the Town received from in rem tax proceedings, they were reallocating \$500,000 to Highway for additional paving, as well as reduce the burden on local property owners and bring the net change to taxpayers to nearly zero – 0.13%. Water rates will also increase by 2.63%, which would generate approximately an additional \$400,000+ for the Water District of which it is in dire need.

Councilman Patel asked if the salaries for elected officials were increased and was told no.

Councilman Diana asked what the 2.63% water rate increase meant per household and was told it would be approximately \$26 per household per year. Councilwoman Roker pointed out that the Water District has not had any water rate increases for several years. They were using their Fund Balance, which is now depleted. Rates must increase in order for maintenance to take place.

ADOPT PRELIMINARY BUDGET WITH MODIFICATIONS TO THE FUND BALANCE
AND OTHER REVENUE SOURCES FOR THE FISCAL YEAR COMMENCING JANUARY
1, 2020 AS THE ADOPTED BUDGET

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

WHEREAS, Supervisor Ilan D. Gilbert, acting as Budget Officer, did on the 30th day of October, 2019 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2020, and

WHEREAS, a public hearing was called and duly held on the 3rd day of December, 2019, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget with modifications to the fund balance and other revenue sources, be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2020, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$102,680.00
Superintendent of Highways -	\$126,181.00
Town Justice (2) -	\$ 33,126.00

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

HALLOCKS MILL SEWER DISTRICT EXTENSION, PHASE 1- SEWER PETITIONS

Town Engineer Michael Quinn gave a brief update on the sewer petition for the Hallocks Mill Sewer District Extension (Phase 1). Three hundred fifteen petitions were mailed; 40% have been returned. A second mailing was done in the last two weeks, as well as phone calls made. Supervisor Gilbert stated that both he and Supervisor-elect Slater feel that this is a once in a lifetime opportunity for those residents – you do not have to hook up but to have sewers put in their street is incredibly valuable for their property.

Supervisor Gilbert said the Board took action last week regarding two previous resolutions: first is the resolution for \$119,900 (RFP for Inflow & Infiltration Study). He said that this project relates to the Consent Order that the Town executed with the Department of Environmental Conservation and, unfortunately, the resolution was drafted improperly in terms of where the funds were going to come from.

RESCIND RESOLUTION #471, DATED DECEMBER 3, 2019
RESOLUTION #476

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

Resolved, the Town Board rescinds Resolution #471, dated December 3, 2019 regarding the Inflow & Infiltration Study.

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

Supervisor Gilbert said this resolution will be resubmitted in all its terms except for the funding aspect. Regarding the funding aspect, that money will now be coming out of the following: Hunterbrook Sewer District, the Osceola Lateral, the Bonnie & Jill, the Mohegan East, the Mohegan West, the Oakside Sewer, the Hunter's Brook Sewer, Suncrest, Gomer Street, and Overlook for a total of \$119,900.

Supervisor Gilbert stated that there was an issue raised regarding Resolution #470 of 2019, dated December 3, 2019 which will be rescinded because concerns were raised about the funding for the four pump stations to be rehabilitated. He stated that this, too, was not properly drafted in terms of the funding and needs to be tabled until it can be determined where the funds will come from.

RESCIND RESOLUTION #470 OF 2019, DATED DECEMBER 3, 2019
RESOLUTION #477

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

Resolved, the Town Board rescinds Resolution #470 of 2019, dated December 3, 2019 regarding the Rehabilitation of the Four Pump Stations: Crystal Lake, Hanover East, Mohansic, and Salem.

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

REQUEST BY GHD FOR CONTRACT AMENDMENT TO COVER ADDITIONAL
CONSTRUCTION DESIGN SERVICES & INSPECTION

Michael Quinn said the pump station rehab project is currently near the end of construction. The Town has received a request from the engineers overseeing the project, GHD, for additional funds. The original proposal was for \$87,400 and a new proposal was brought to the Board this

evening. Certain tasks remain on the project, which Mr. Quinn feels important that GHD continue to oversee; however, there are some shared services that can be done with Town employees. These shared services have reduced the new proposal before the Board to \$65,550. Mr. Quinn said they anticipate closing out this project in the Spring of 2020.

Town Attorney Richard Abbate requested a break down representing additional services (an hourly rate, services description). Mr. Quinn said it is important that the Board understands the Town will only incur actual cost. If the Town does not need the field services from GHD because they are things that the Town can do themselves, the Town would not be paying them.

Mr. Abbate wanted to ensure that when the Town receives bills, they will be broken down by service provided times the hourly rate and he was told yes by the GHD representative.

Supervisor Gilbert said that GHD has come back to the Board in good faith with a reduced amount but the Board is requesting more of a breakdown in service costs, with the hope that the amount will be less.

Ed Mahoney, Assistant Wastewater Treatment Plant Superintendent, said that he feels that nothing has really been done after fourteen months and there should be a credit to the Town. He cited the Jefferson Park tank contamination as the major setback.

PANBAR REALTY - #FSWPPP-T-32-18, 1285 ASPEN ROAD

Mr. Quinn said that this came before the Board a while back and was delayed due to an issue with the lot not fronting on a public street. The applicant was instructed by the Board to get a variance from the ZBA, which they did. They are now asking the Board to act on their application for a storm water management permit (a Town Board action since it requires more than 200 cubic yards of excavation). When the matter was first heard, Mr. Quinn prepared a memo with a few minor comments saying he had no objections and would issue a permit with a few conditions. Mr. Quinn is seeking permission to approve/issue the permit.

Director of Planning John Tegeder said the Planning Board would have no objections if the variance has been obtained.

STORMWATER MANAGEMENT PERMIT – 1285 ASPEN ROAD RESOLUTION #478

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

Whereas:

1. The Applicant, John Barile – Panbar Realty LLC, submitted an application to the Engineering Department for a MS4 Storm Water Management & Tree Removal permit for construction of a single-family residence along with associated site and driveway improvements at 1285 Aspen Road.
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 engineering plans prepared by John Karell, P.E., entitled: (1) Site Plan, (2) Existing Conditions Plan and (3) Details and Profiles 1285 Aspen Road, prepared Revision 3, dated 12/31/18.

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.

MC TAGGART/EDSON DEVELOPMENT- #FSWPPP-60-17, 2241 SAW MILL RIVER ROAD

Michael Quinn said this project is a development of a single-family house on an undeveloped lot. This parcel goes back to a Spano subdivision that was done a long time ago and, as part of this subdivision, Town sewers were installed but never officially turned over. The current developer has come forward and is now seeking a way to put those sewers to use.

The pipes have been inspected and the Town has confirmed that all is in place. This will be a Town Board action since more than 200 cubic yards of earth disturbance are required.

John Tegeder said this project should be referred to the Planning Board for their feedback.

Supervisor Gilbert agreed and the project will be referred to the Planning Board for review/comment.

Councilwoman Roker asked when the Town started the work at Walden Woods Pump Station. Mr. Quinn said the project was awarded in September 2019 and should have been completed in August 2019; however, pre-fabricated buildings had to be manufactured and shipped here, so the actual physical work was not anticipated to begin until March 2019.

Councilwoman Roker asked when the Town started work at the Jefferson Valley and Jefferson Park Pump Stations and when they should be operational. Mr. Quinn said they also should have been done by August 2019. He said the Health Department wanted to be present for the testing. When they came for the testing they told Mr. Quinn that the Town needed a visual and audible alarm at every pump station. The drawings for the design of the pump stations were approved by the Health Department before the Town began work and the Town met every regulation without installing visual and audible alarms. The worry on the part of the Town about the alarms is the potential disturbance of the neighbors. The Town agreed to install the alarms but has now incurred additional costs and more time. This also delays the final inspection.

FLUORIDATION PROJECT

Mr. Quinn explained the funding for the fluoridation project. The base bid covers additional work allowances and comes to a total of \$849,970. The Town received a grant of \$901,050 but used 209,000 of the grant to hire Arcadis, which leaves a shortfall of \$157,000. The bid award resolution is broken into two parts – general construction and electrical – that would be covered by the grant. Mr. Quinn is proposing to cover the \$157,000 by using Town funds from the Water Reserve Fund. This is a nine-month construction duration.

Ken Rundle, Water Distribution Superintendent, concurred that the remaining \$157,000 would come out of the Water Fund Balance.

Mr. Quinn said that within the \$157,000 is \$40,000 of additional work that is unassigned, so the Town could potentially save that amount if this money is not used.

**AWARD BID FOR FLUORIDATION FACILITY
RESOLUTION #479**

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

Whereas:

1. The Town received a \$901,050 grant award from the New York State Department of Health for construction of a facility for fluoride addition to the Yorktown drinking water supply.
2. The contract documents were prepared by Arcadis of New York and the Town Board authorized advertising of bids in September 2019. An invitation to bid for the Drinking Water Fluoridation Project was duly advertised and said bids were received and opened by the Town Clerk on November 1, 2019.
3. Summary of bids received:

		Base Bid	MAW	Addl Excav	Subtotal	Alt A	Alt B	Alt C	Grand Total
General Contract									
1	ELQ	\$654,800	\$30,000	\$2,355	\$687,155	\$268,000	\$7,400	\$19,500	\$982,055
2	OCS Industries	\$668,465	\$30,000	\$1,275	\$699,740	\$173,017	\$29,846	\$24,849	\$927,452
Electrical Contract									
1	Acorn Electric	\$154,815	\$8,000		\$162,815	\$18,500			\$181,315
2	OCS Industries	\$325,000	\$8,000		\$333,000	\$75,000			\$408,000

4. After review of the submitted bids and a follow-up meeting held with representatives of Arcadis and the Westchester County Health Department, the Town Engineer and Water Superintendent recommend award of the bids without the bid alternates. We recommend award to the low bidders as follows:
5. For the General Construction Contract, we recommend award to ELQ Industries Inc. for the Base Bid, Miscellaneous Additional Work (MAW) allowance and Additional Excavation at a total cost of \$687,155.
6. For the Electrical Contract, we recommend award to Acorn Electric for the Base Bid and Miscellaneous Additional Work (MAW) allowance at a total cost of \$162,815.
7. The total cost for both bid awards (ELQ Industries + Acorn Electric) is \$849,970.
8. As noted, the Town received a grant from the New York State Department of Health in the amount of \$901,050. Of this amount, \$209,000 was previously allocated to Arcadis of New York for the engineering design, construction administration and field inspection services. The amount remaining, \$692,050 can be applied to the bid awards; however, there will be a shortfall of \$157,920.
9. We recommend use of the Water Reserve Fund – Fund Balance to utilize water district funds to pay for the cost above the grant amount.

Resolved, the bid for the Drinking Water Fluoridation Project is hereby awarded as follows: General Construction Contract to ELQ Industries Inc., for the Base Bid, Miscellaneous Additional Work (MAW) allowance and Additional Excavation at a cost of \$687,155 AND Electrical Contract to Acorn Electrical, the low bidder for the Base Bid and Miscellaneous Additional Work (MAW) allowance at a cost of \$162,815.

The Town Comptroller is authorized to transfer \$700,000.00 from Water Fund- Special Projects (SW8340.483) and \$149,970.00 from Water Fund Balance to Fluoride Capital Project Professional Services (HI.8340.0490)

Be It Further Resolved, the contract is to commence when the Town issues a Notice of Proceed on or about December 23, 2019 and the contract completion date shall be 270 calendar days from the Notice of Award date.

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

ON-CALL AGREEMENT TO ASSIST WATER DEPARTMENT

Mr. Quinn raised the subject of contracting an outside company to assist the Water Department with on-call services. The 2020 budget has money set aside for this but the Town has an immediate need for a project where he would like to use the firm, Weston and Sampson. Ken Rundle found money in his budget (2019 funds) and both he and Mr. Quinn would like to contract them for this project. Mr. Rundle said, in his opinion, he believes the Water District needs a consultant. In his 33 years with the water district, the Superintendent always had a consultant; this has not taken place since 1999-2000. It is beneficial for him to be able to reach out to an engineering firm who specializes in water to work on certain size/type of projects. There is a development that is coming in now that would like to know if there is enough water and enough pressure to supply the development. The Water Department has to issue a “Willing to Supply” letter to both the developer and the Department of Health. Mr. Rundle said he is willing to serve them but does not know if there is enough water/pressure to do so. Supervisor Gilbert asked why the developer would not pay for this and Mr. Rundle stated that they would be. Director of Planning John Tegeder said that 20-30 years ago the developers did pay for that service. The contracted engineer would be able to draw up plans and make recommendations. Mr. Rundle said he is also looking to do a hydraulic study of the Town’s water system; right now it is all internal knowledge. At a later date, when this knowledge is no longer there, the Town needs something that will tie in with our GIS and pinpoint where the likelihood of failure might be on different pipes and in which areas.

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH WESTON & SAMPSON FOR ON-CALL ENGINEERING CONSULTING SERVICES RELATIVE TO ITS WATER INFRASTRUCTURE RESOLUTION #480

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

Whereas,

1. The Yorktown Consolidated Water District has been working to address various upgrades along Town-owned water mains and tank sites.
2. The Water District ensures to continue to provide high quality services to its residents and meet its regulatory obligations.
3. The Distribution Superintendent requires the ability to work with Weston & Sampson to perform on-call services as needed.
4. The Town will only incur cost when services are performed. All work will be as directed by the Distribution Superintendent.
5. Weston & Sampson would be paid at the firm's normal hourly rate schedule that is part of the Agreement.
6. This work will be assigned to Budget Code SW.8340.0490 Professional Services and will require transfers from various budget codes totaling \$10,000.

Now, Therefore Be It Resolved, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Weston & Sampson and the Town Comptroller to transfer \$4,000 from Budget Code SW.8340.0483.0003 (Telemetry), \$3,500 from Budget Code SW.8340.0201 (Equipment) and \$2,500 from Budget Code SW.8320.0416 (Maint./Real Prop) to Budget Code SW.8340.0490.

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

RECONVENE PUBLIC HEARING TO CONSIDER REPEALING AND ENACTING A NEW CHAPTER 270 ENTITLED PRESERVATION OF YORKTOWN'S TREES AND WOODLANDS

Supervisor Ilan Gilbert reconvened a public hearing 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."

Supervisor Gilbert said a number of comments had been received and Director of Planning John Tegeder had drafted a number of potential amendments for the Board to consider. Mr. Tegeder brought up one that had not been brought up before the Board but believes it to be a correction. It has to do with disturbance and part of section 270-5, #8 pertaining to when a permit is not required when disturbance is less than 5,000 square feet when it should be 10,000 square feet.

Mr. Tegeder said that one change that had been discussed was to add a new #9 to Section 270-5 to read "disturbance excepting land conversion to protected woodlands to a depth of 15 feet from the border or edge of lands normally used and maintained on residential property as lawn or other common outdoor uses associated with residential properties and which is not woodlands as defined herein." Basically this means from the edge of typically managed landscaped areas into protected woodlands to a depth of 15 feet, a person can do normal maintenance and it will not be considered "permissible" for that type of disturbance (removing leaves, branches, etc.). Councilwoman Roker asked to have examples of normal maintenance added so that it is clearer to the homeowner.

The second change was to clarify the exemption of half acre residential properties (Section 270-6 (a) – permit required). Mr. Tegeder read the section as it is currently and then added the new language, "except that parcels in residentially zoned districts that are one half acre or less in size shall not be subject to this chapter." Supervisor Gilbert noted that the Tree Conservation Advisory Committee opposed this section – they do not want the half acres to be exempt. Almost all town and village tree ordinances in Westchester County regulate tree removals on smaller lots. Yorktown's tree law has not been burdensome to the small lot owner. In both the current law and the proposed revision, tree removals in many cases fall below permitting thresholds on these small properties. Councilwoman Roker said she believed it was the number of ten trees that would require a permit. Supervisor Gilbert explained that the Town is saying in addition to the ten trees, we are now saying that half-acre parcels are exempt.

The third change is to Section 270-6(B)(1) which is the basic threshold to get a permit. The current draft states "in a calendar year removal of ten protected trees or more in an area of 10,000 square feet or more." The proposed modification reads "in a calendar year the removal of more than ten protected trees." The 2010 law stated "removal of ten protected trees in a 5,000 square foot area." The proposed modification is more restrictive.

The fourth change is to Section 270-6(B)(6) which pertains to permit threshold for protected woodlands. The change adds a 6% threshold of protected woodlands on a parcel. It does a little gradation in terms of the amount of woodlands that you can periodically maintain. Supervisor Gilbert said the theory behind this is not to treat those individuals with large properties in an inequitable way. Mr. Tegeder said he would say it is for those individuals who have a larger amount of protected woodland, not necessarily a large property owner. Mr. Tegeder stated that you can have a large property owner who has pastureland and another in a subdivision that has a managed landscape of one-half to one acre and the rest is woodland - this gives them a break in terms of when they have to get a permit to do maintenance in a woodland. Supervisor Gilbert said he believes the Tree Conservation Advisory Committee also has an objection to the gradation.

Councilman Lachterman entered a letter written by Jay Kopstein, resident, opposing the current draft of the Tree Law, specifically the change to Section 276(B)(3), property owners should not be prevented from removing a single specimen tree.

Councilwoman Roker asked Dr. Miller why a specimen tree is defined as a tree with a 24-inch dbh (diameter at breast height). Bill Kellner from the Tree Conservation Advisory Committee (TCAC) said this was made somewhat less restrictive in the 2016 revision of the Tree Law. Keith Shepherd (TCAC) explained why the Town needs a specimen tree provision in the Tree Law.

The following members of the public spoke:

Ms. Elise Graham, member of ABY (Advocates for a Better Yorktown), said that the ABY urges the Town Board to adopt Draft No. 3 of the Tree Law, as advertised, without the above-mentioned amendments. The ABY believes these amendments are for the sole purpose of appeasing a large landowner in Yorktown, and not for the benefit of the general population.

Mr. Paul Moskowitz, resident, spoke in favor of the new law. Specifically, he was in favor of the inclusion of town-owned property into the law, the law's protection of woodlands, and the provision of mitigation.

Ms. Linda Miller, resident and member of the ABY, said that ABY supports draft 3 but disagrees with the changes mentioned earlier in the evening. Nevertheless, they urge the Board to pass draft 3 this evening since they believe it is a good law. Ms. Miller engaged in a conversation with the Board about the amendments proposed and why she and the ABY disagree with them.

Mrs. Andrea Jeffries, resident, spoke against the half-acre change to the proposed law. She said it basically gives residents in neighborhoods with half-acre parcels permission to clear-cut their property. She cited an example in her neighborhood where this happened.

Mr. David Miller, resident, related an experience he had in 2018 in hopes that it would not have happened under the new tree law. After a storm in 2018, a neighbor of his cut down many specimen trees on his property that had been there for years, including the trees between their two properties. His neighbor had branches removed from the trees between the two properties. The Town investigated his complaint but, under the old law, issued a permit so the cutting could continue.

Supervisor Gilbert mentioned how this situation also speaks to enforcement of the law and how important this portion of the law is.

Ms. Susan Siegel, ABY member, supported the other ABY members' explanation of how and why the last minute amendments designed to appease a single large landowner are ill conceived, will weaken the tree law – especially the protections for woodlands – and should not be incorporated into the new law, which she referred to as draft #3, as advertised. Ms. Siegel compared this to the restrictions in the 2010 law, which was overly complicated to appease different people and remarked that the Town has not learned from past mistakes if we are going to appease one large landowner in Town.

Supervisor Gilbert said that if they pass the law and allow the 10,000 square feet/6% gradation, the Town has achieved significant environmental protection that did not exist before, even though they are conceding to some degree to a larger property owner. The Town is now protecting woodland that has never been protected before.

Ms. Siegel urged the Board to vote for draft #3, as is, without the amendments. She also spoke in agreement with the Supervisor as to the enforcement of the law.

Mr. Brian Silik, resident, showed the Board a picture of the palm trees that were planted by Lee Road and Hill Boulevard on Route 6 where a proposed development is being considered. He said these trees were pruned in a detrimental manner. Mr. Silik said that tree surgeons and property owners should all be made aware of the law and they should be held monetarily responsible for any violations or should replace the trees.

Mr. John Kincart, resident and member of the Planning Board, stated for the record it is not for the benefit of a single property owner that the Board is making an amendment to the proposed law. He said there were other property owners that have large properties who were in contact with him as a member of the Planning Board. He spoke in favor of the component in the new law that addresses education and would like to see that be a mandate of the new law. He suggested an annual symposium that not only addresses the tree law but also, more importantly, addresses the importance of trees to educate homeowners. Mr. Kincart also said there is a need to be careful with the thresholds – 10 trees on 10,000 square feet or more and then you are subject to a permit. He said he believes there is a misunderstanding about cost. The permit does not have a fee; however, in order to receive the permit a plan needs to be developed by the homeowner. This requires the services of an engineer, surveyors, etc., that can have significant cost for the homeowner. Mr. Kincart does not think the law, as it is, is fair to large property owners. He would also like to see the “or more” be deleted out of the 10,000 square feet or more wording. He would also like to see it made a certain amount of trees per acre or some other measurement that would be an equitable attempt to address the fact that people have more at risk.

Mr. Howard Frank, resident, (called in), said he would demand that everyone who wants to do any cutting of trees be subject to a permit and the police should be given the authority to do stop work order, especially on Saturdays and Sundays.

Mr. Ken Belfer, resident & member of Lake Mohegan Association, said enforcement is a very valid issue, especially those concerned about the environment. The balance between large properties versus smaller properties – this is not a law that prohibits it is a law that provides a process for permitting. He said if you are going to have a large disturbance, a law is necessary for the Town to be able to look at it. He asked the Board to err on the side of protecting the environment and he is favor of a stronger tree law and is not in favor of the incorporation of the new amendments.

Mrs. Sheila Schraer, resident, said that she came to speak for the trees, as they are the “lungs of the planet”; particularly given climate change. She is against the amendments to the proposed law that may result in any weakening of the law.

Mrs. Jenny Sunshine, resident, said that when someone cuts down a tree, especially on a small lot, the entire neighborhood feels it. Homeowners have a responsibility to take care of their property and keep it as environmentally sound as possible. She quoted the amounts of species that exist in our area and the primary cause of their decline is the destruction of their environment. Ms. Sunshine said the Town needs to be smart about development and it is possible to do so.

Mr. Dan Strauss, resident, suggested the Board approve draft #3 and spoke of his admiration of the work Linda Miller has done in helping to draft this law. He spoke of the importance of enforcement of all laws in Town, particularly the tree law. Mr. Strauss feels that people do what they wish because they know there are no consequences.

Councilwoman Roker said that there is a way to enforce the tree law but believes the Town has decided against it. She said years ago the Town had an environmental consultant who enforced the tree law but the position was eliminated.

Mr. Bill Kellner, TCAC, commented that Mr. Kincart’s statement about the cost of getting a permit, even if there is no permit fee. Draft #3 reinstates the distinction between administrative and non-administrative permits. The costs for the administrative permit for the small homeowner are minimal; the individual homeowner can apply for the permit, complete the paperwork himself (along with a tree specialist, if needed).

Ms. Linda Miller, resident, thanked the Supervisor for raising the wetland law that provides a pathway through some of the issues raised this evening. No property sizes are excluded from the wetland law; what matters is the size of the wetland. She stated that wetlands are important ecosystems that function and provide many things for us that would be extremely costly to provide on our own – the same is true of woodlands.

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 Councilwoman Roker and carried.

Supervisor Gilbert said after hearing all of the different arguments, he felt there was merit to removing the half-acre reference. He also felt the “ten trees in 10,000 square feet or more” requirement should remain. Supervisor Gilbert also said the concept of general maintenance could be changed to a 10-foot perimeter and a better definition of maintenance should be added. He said we are keeping the law as strict and environmentally sound under the current law, in terms of ten trees no matter the size of the parcel. Supervisor Gilbert said the Town is creating with the new law the concept of a woodland that does not exist under the current law. He believes the 10,000 square feet/6% gradation is reasonable.

Councilman Patel said he agrees with Draft #3, with potential corrections. Councilwoman Roker agreed to Draft #3, with no revisions. Councilman Diana agreed to Draft #3, with the half-acre parcel requirement left in. Councilman Lachterman said his thoughts were similar to Supervisor Gilbert’s comments.

Councilman Diana spoke about the need for enforcement on this issue, as well as all laws. However, the Town does not have the resources available to be everywhere, all of the time. He would prefer to put a vote off for one more week.

Councilwoman Roker disagreed and wanted to vote this evening since it has been made as clear as possible by all of the committees involved. Supervisor Gilbert said he was inclined to vote this evening since modifications can be made in the future if problems arise.

A discussion was held between the Board and John Tegeder, Director of Planning, regarding the amendments mentioned earlier in the evening.

Supervisor Gilbert, Councilwoman Roker, and Councilman Patel voted to remove the half-acre parcel requirement. Councilman Diana and Councilman Lachterman voted to leave it in.

Supervisor Gilbert, Councilwoman Roker, Councilman Patel, Councilman Diana, and Councilman Lachterman voted to change the woodland maintenance to a 12-foot perimeter and the word disturbance would be replaced with normal maintenance.

ADOPT LOCAL LAW NO. 6 OF 2019 ENTITLED “PRESERVATION OF YORKTOWN’S TREES AND WOODLANDS” AS AMENDED RESOLUTION #481

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

Whereas a public hearing was held on the 9th day of July, 2019 pursuant to notice duly published as required by law 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.”

Resolved that Local Law No. 6 of 2019, as annexed hereto, be and is hereby adopted.

Ilan D. Gilbert, Supervisor	Voting	Aye
Alice E. Roker, Councilwoman	Voting	Aye
Vishnu V. Patel, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law No. 6 of 2019 was thereupon declared adopted.

AUTHORIZE SUPERVISOR TO SIGN SUPERIOR OFFICERS ASSOCIATION AGREEMENT 2020 AND 2021
RESOLUTION #482

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

Be It Resolved, that the Town Supervisor is authorized to sign an agreement with the Yorktown Police Department Superior Officers Association for 2020 and 2021.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH THE CHIEF OF POLICE FOR 2020 AND 2021
RESOLUTION #483

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

Be It Resolved, that the Town Supervisor is authorized to sign an agreement with the Chief of Police, Robert Noble, for 2020 and 2021.

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

AUTHORIZATION TO PAY ANNUAL \$20,000 STIPEND TO MARGARET GSPURNING, HUMAN RESOURCE SUPERVISOR
RESOLUTION #484

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

Resolved, the Comptroller is authorized to pay the annual \$20,000 stipend to Margaret Gspurning, Human Resource Supervisor, retroactively to January 1, 2019 for overseeing the town-wide Building Maintenance Department, and

Be It Further Resolved that the Comptroller is authorized to process the following budget transfer for the purpose of this payment:

From:	A9000.818	Unemployment	\$10,000.00
	A9000.821	Training / Testing	\$10,000.00
To:	A1220.131	Supervisor – Stipend	\$20,000.00

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH PMA MANAGEMENT CORP FOR TPA AND RISK SERVICES FOR WORKERS' COMPENSATION
RESOLUTION #485

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

Resolved, that the Supervisor is authorized to sign an Agreement with PMA Management Corp for TPA and Risk Services for Workers' Compensation. The term of the agreement shall commence on January 15, 2020 through January 14, 2021.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH CVR ASSOCIATES, INC. FOR HOUSING QUALITY STANDARDS FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM
RESOLUTION #486

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

Resolved, that the Supervisor is authorized to sign an Agreement with CVR Associates, Inc. for housing quality standards for the Section 8 Housing Choice Voucher Program. The term of the agreement shall commence on January 1, 2020 and shall be for a two-year term with an option to

renew for three additional one-year periods at the sole discretion of the Town of Yorktown. These fees will be funded by the Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development (“HUD”) and is at no cost to the Town of Yorktown.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID TO SUPPLY PRINTING OF THE TOWN OF YORKTOWN PARKS AND RECREATION DEPARTMENT SEMI-ANNUAL PROGRAM BROCHURES
RESOLUTION #487

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

Resolved, the Town Clerk is authorized to advertise a bid to supply Printing of the Town of Yorktown Parks and Recreation Department Semi-Annual Program Brochures. Bids will be received by Diana Quast, Town Clerk of the Town of Yorktown, Westchester County, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 10598, until Tuesday, January 7, 2020 at 11:00 am for furnishing and delivering the Program Brochures for the Yorktown Department of Parks and Recreation.

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

AUTHORIZE TOWN COMPTROLLER TO PROCESS BUDGET TRANSFER – SNOW PLOWING OVERTIME (HIGHWAY)
RESOLUTION #488

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

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

From:

D9000.811	Highway – State Retirement	\$80,000.00
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To:

D5142.105	Highway – Snow Overtime	\$80,000.00
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to cover costs of snow plowing overtime.

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

AUTHORIZE TOWN COMPTROLLER TO PROCESS BUDGET TRANSFER – COST OF ONE VEHICLE AND CAMERAS (PARKS AND RECREATION)
RESOLUTION #489

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

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

From

7180.453	pool maintenance	\$20,000.00
7310.110	camp temp help	\$22,250.00

To

7110.201	equipment	\$42,250.00
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to cover costs of one vehicle and cameras.

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

AUTHORIZE TOWN COMPTROLLER TO PROCESS BUDGET TRANSFER – COST OF ENCLOSED TRAILER, WEED WHACKERS & HOT WATER POWER WASHER (PARKS AND RECREATION)
RESOLUTION #490

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

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

From:
7110.425 Parks contractual \$12,000.00

To:
7110.201 Equipment \$12,000.00

to cover costs of an enclosed trailer, weed whackers and Hot Water Power Washer.

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

WAIVE THE RENT FEES OF \$1,482.00 FOR USE OF THE GYMNASIUM AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER BY NOR-WEST REGIONAL SPECIAL SERVICES PROGRAM
RESOLUTION #491

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

Be It Resolved, based on a request from Nor-West Regional Special Services Program, the Town Board hereby waives the rent fees of \$1,482.00 for use of the gymnasium at the Albert A. Capellini Community and Cultural Center for 19 two-hour sessions (4:00pm to 6:00pm on Tuesday evenings), beginning on January 14, 2020 and running through May 26, 2020.

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

AUTHORIZE HIGHWAY DEPARTMENT TO PURCHASE A 2020 FREIGHTLINER 114SD SIX-WHEEL CAB AND CHASSIS FOR A SLIDE IN SALTER
RESOLUTION #492

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

Whereas, it is the intention of the Superintendent of Highways to purchase a 2020 Freightliner 114SD six-wheel cab and chassis for a slide in salter,

Whereas, monies have been allocated in the 2019 Highway budget D5110.201 (Equipment) and,

Whereas, the 2020 Freightliner was listed as part of the Oneida County Department of Public Works Contract Award Notification Bid ref #2025 and

Whereas the lowest price bidder was Diehl & Sons Inc located in Richmond Hills, NY, now

Therefore Be It Resolved, the Town Board authorizes the Town of Yorktown Highway Department to purchase a 2020 Freightliner 114SD six wheel cab and chassis for a slide in salter as specified in the NYS OGS Oneida County Department of Public Works Contract Award Notification #2025 awarded to Diehl & Sons for a total amount of \$102,692.83.

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

AWARD BID FOR THE STONE, GRAVEL, CONCRETE MATERIALS TO THE LOWEST BIDDER FOR EACH ITEM
RESOLUTION #493

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

Whereas, invitation to bid for the Stone, Gravel, Concrete Materials Bid for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened on December 9, 2019, with the bid amounts for the above-referenced project summarized are attached.

Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Stone, Gravel, Concrete Materials Bid for the Town of Yorktown be and is hereby awarded to the lowest bidder for each item.

Be It Further Resolved, the contract is to begin on January 1, 2020 and terminate on December 31, 2020. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

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

AUTHORIZE CREATION OF AN ACCOUNT FOR THE PURPOSE OF PROVIDING
ELECTRICITY TO THE STREETLIGHTS AND AUTHORIZE SUPERVISOR TO EXECUTE
ANY DOCUMENTS RELATED TO THE CREATION OF SAME
RESOLUTION #494

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

Whereas, the Marathon Development Group as developer and owner of the project known as 322 Kear Street, a mixed retail and residential project located at 322 Kear Street, Yorktown Heights was approved by the Planning Board and completed in 2018; and

WHEREAS, the developer, as condition of approval was required to furnish and install certain street improvements within the Town Right-of-Way, among which is 7 streetlights that are installed in front of the project to the corner of Kear Street and then northerly on the west side of Commerce Street to a point near 1825 Commerce Street, formerly occupied by Caremount Medical Group; and

Whereas, the Town Board desires to provide adequate lighting along this public thoroughfare in the interest of the public health, safety, and welfare; and

Therefore Be It Now Resolved, the Town Board hereby authorizes the creation of an account for the purpose of providing electricity to the streetlights referenced herein and that the Supervisor is authorized to execute any documents related to the creation of same.

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

AUTHORIZE REFUND FOR FIRST HALF OF SCHOOL PENALTY FOR ACCOUNT
#2708000
RESOLUTION #495

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

Resolved, that the Comptroller is authorize to refund the First Half of School Tax Penalty for Account #2708000 in the amount of \$92.82.

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

ADJOURN MEETING

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

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