

Meeting of the Town Board, Town of Yorktown held on March 15, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews for volunteer boards.

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

PROPOSED LOCAL LAW TO REPEAL in its entirety Chapter 102 “AFFORDABLE HOUSING”

RESOLUTION #131

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 3rd day of May, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of repealing Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING.”

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

CREATE HUNTERBROOK SEWER DISTRICT EXTENSION - ORCHARD VIEW
RESOLUTION #132

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has received a petition, together with a map showing the boundaries of a proposed sewer district extension in said Town, to be known as Hunterbrook Sewer District Extension - Orchard View in the Town of Yorktown (the “Extension”) a general plan to serve said Extension, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed consist of the construction of a sanitary sewer system to be paid for by the petitioner; and

WHEREAS, the only costs to be incurred by such Extension consist of (i) its proportionate share of the District’s indebtedness, which will be payable in the first instance from the annual apportionment and assessment from the several lots and parcels of land within

said Extension deemed to be benefited thereby, and (ii) the cost of the buy in into the County Sewer District, as well as the annual County Sewer District charge; and

WHEREAS, the cost of hook-up fees to the typical property in said Extension will be paid by Zappico Construction, LLC; and

WHEREAS, the estimated cost of said Extension to the typical property therein is \$133.35 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which such costs were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 193 of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Yorktown, Westchester County, New York, shall be held at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 3rd day of May, 2016, at 7:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Sewer District Extension in said Town as described in the preambles hereof, to be known as Hunterbrook Sewer District Extension - Orchard View, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in The Yorktown News, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Michael J. Grace, Supervisor	VOTING	AYE
Vishnubhai V. Patel, Councilman	VOTING	AYE
Gregory M. Bernard, Councilman	VOTING	AYE
Thomas P. Diana, Councilman	VOTING	AYE
Edward A. Lachterman, Councilman	VOTING	AYE

The resolution was thereupon declared duly adopted.

Exhibit A

Boundaries of Proposed Hunterbrook Sewer District Extension - Orchard View in the Town of Yorktown, Westchester County, New York

Zappico Construction, LLC - Sherry Drive -36.06-2-78

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING REPORTS TO THE TOWN, Supervisor Grace announced that the Alliance for Safe Kids will be hosting a Save A Life on Sunday, April 3, 2016 from 12 to 5 at Lakeland High School. He also noted that the Yorktown Citizens Task Force against Heroin and the Drug Crisis In Our Backyard Organization will be hosting a Naloxone Training Session at the Yorktown Elks Lodge on March 19, 2016 from 12 noon to 2 p.m.

DURING REPORTS FROM THE TOWN COUNCIL, the following Councilmen spoke:

Councilman Bernard stated that Public Safety Officer Larry Eidelman is retiring and his duties will be taken over by Police Sergeant Scatola and Police Officer Foley who will be introduced at the April 5, 2016 Town Board meeting.

Councilman Patel spoke about a Dare Graduation that he attended along with Councilman Diana. He also congratulated all the Intel Science finalists from the high schools.

Councilman Lachterman announced the upcoming Easter Egg Hunt scheduled to take place this Saturday. He mentioned that the Westchester County Mobile Shredder will be at Town Hall on March 25, 2016 from 10 a.m. to 1 p.m. He also noted that the Sav A Life Program is not just for kids but adults as well. Kevin Hines is the Key Note Speaker.

Councilman Diana gave a presentation to honor the Military Order of the Purple Heart Chapter 21 New York by presenting signage that will be placed in two locations around town. Veteran Eugene Lang spoke about his experiences during the war.

Councilman Patel asked about the Street Festival reimbursement from the Chamber of Commerce.

Councilman Diana stated that the Chamber of Commerce reimbursed the employees who worked during the festival directly.

Supervisor Grace thanked all the veterans for their service to our Country.

David Paganelli, Superintendent of Highways introduced his three new laborers; Nick Bernard, Kareem Holebrook and Patty Dickan.

RE-APPOINT PETER ALDUINO TO THE CONSERVATION BOARD

RESOLUTION #133

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

RESOLVED, that Peter Alduino is hereby reappointed to the Conservation Board for a term expiring December 31, 2018.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER – ENGINEERING DEPARTMENT

RESOLUTION #134

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

Be It Resolved, that the Comptroller is hereby authorized to transfer \$106,000.00 from Engineering-Professional Services Code A1440.490 to Engineering–Salary Code 1440.101 to fund the salary for the position of Town Engineer.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

RE-ESTABLISH THE POSITION OF TOWN ENGINEER

RESOLUTION #135

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

Resolved, that the Town Board re-establishes the position of Town Engineer in the Town of Yorktown.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID – ASPHALT CONCRETE & LIQUID BITUMINOUS MATERIALS

RESOLUTION #136

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

Whereas, invitation to bid for the Asphalt Concrete & Liquid Bituminous Materials Bid for the Town of Yorktown was duly advertised, and

Whereas, said bid was received and opened on March 14, 2016, now

Therefore Be it Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphalt Concrete & Liquid Bituminous Materials Bid be and is hereby awarded to Peckham Materials, 20 Haarlem Avenue, White Plains, NY 10603, the sole bidder. This contract will begin on April 10, 2016 and terminate on April 9, 2018.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE CERTIORARI PROPOSED STIPULATION – 2651 STRANG BLVD. TACONIC CORPORATE PARK, LLC AND CIII ASSET MANAGEMENT, LLC

RESOLUTION #137

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 26.19 Block 1, Lot 2, 2651 Strang Blvd., on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 26.19-1-2 Account Number 1294000, owned by Taconic Corporate Park, LLC and CIII Asset Management, LLC for assessment roll years 2009, 2010, 2011, 2012, 2013 and 2014 be settled as set forth in the proposed stipulation as follows:

Roll Reduction Year	Assessed Value From	Assessed Value To	Assessed Value
2009	327,800	264,000	63,800
2010	327,800	273,900	53,900
2011	327,800	279,720	48,080
2012	327,800	287,280	40,520
2013	327,800	294,000	33,800
2014	327,800	276,100	51,700

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE CERTIORARI PROPOSED STIPULATION – 621 BANK STREET – BALI PROPERTIES, INC., A/K/A TOYS R US

RESOLUTION #138

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.08 Block 1, Lot 14, 621 Bank Road, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.08-1-14 Account Number 1876000, owned by Bali Properties, Inc., a/k/a Toys R Us for assessment roll years 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015 be settled as set forth in the proposed stipulation as follows:

Roll Reduction Year	Assessed Value From	Assessed Value To	
2008	134,550	110,250	24,300
2009	134,550	112,200	22,350
2010	124,500	124,500	-0-
2011	124,500	124,500	-0-
2012	124,500	124,500	-0-
2013	124,500	124,500	-0-
2014	124,500	116,100	8,400
2015	124,500	117,000	7,500

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE CERTIORARI PROPOSED STIPULATION – 1711 FRONT STREET YORKTOWN, LLC RESOLUTION #139

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.07 Block 1, Lots 4, 5, and 6, 1711 Front Street Yorktown LLC, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 48.07 – Block 1 Lots 4, 5 and 6 Account Numbers 4456020, 4455500 and 4456000, owned by 1711 Yorktown LLC, for assessment roll years 2012, 2013, 2014 and 2015 be settled as set forth in the proposed stipulation as follows:

Section 48.07 Block 1, Lot 6

Roll Year	Assessed Value From	Assessed Value To	Reduction
2012	28,500	24,200	4,300
2013	28,500	25,650	2,850
2014	28,500	23,000	5,500
2015	28,500	23,800	4,700

Section 48.07 Block 1, Lot 5

Roll Year	Assessed Value From	Assessed Value To	Reduction
2012	1,650	1,650	-0-
2013	1,650	1,650	-0-
2014	1,650	1,650	-0-
2015	1,650	1,650	-0-

Section 48.07 Block 1, Lot 4

Roll Year	Assessed Value From	Assessed Value To	Reduction
2012	500	500	-0-
2013	500	500	-0-
2014	500	500	-0-
2015	500	500	-0-

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH MORPHOTRUST USA
RESOLUTION #140

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with MORPHOTRUST USA for a renewal maintenance contract and support services for the Yorktown Police Department's Livescan equipment and software from May 1, 2016 to April 30, 2017. The annual renewal fee is \$3,298.00.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN COMPTROLLER - BUDGET TRANSFER – SEWER DEPARTMENT
RESOLUTION #141

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

BE IT RESOLVED that the Town Comptroller is hereby authorized to transfer \$65,000.00 from the Sewer Fund - Fund Balance to Sewer Department – Special Projects YS8130.479 for payment to GHD Consulting Services, Inc for design, construction and inspection services at the treatment plant and within the Hallocks Mill Sewer District as per March 17, 2015 Town Board resolution.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER - BUDGET TRANSFER – WATER DEPARTMENT
RESOLUTION #142

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$30,068 from the Water Department Special Projects Cement Lining Line (SW.8340.0483.0001) to the Water Department Special Projects Telemetry Line (SW.8340.0483.0003) to complete the telemetry project that was initiated in 2015.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A PROPOSAL FOR SERVICES WITH SITE DESIGN
CONSULTANTS TO PREPARE A STORMWATER POLLUTION PREVENTION PLAN
FOR THE EXISTING BASEBALL FIELD AT HUNTERBROOK FIELD
RESOLUTION #143

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

Resolved, that the Supervisor is authorized to sign a Proposal for Services with Site Design Consultants to prepare a Stormwater Pollution Prevention Plan (SWPPP) for the existing baseball field at Hunterbrook Field, to be paid for out of the Parks Trust and Agency Account.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE CONFERENCE ATTENDANCE – NEW YORK STATE TOWN CLERK'S
ASSOCIATION ANNUAL CONFERENCE AND TRAINING
RESOLUTION #144

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

WHEREAS, sufficient funds exist in the Town Clerk's Training line to cover the cost of expenses, including lodging and conferences, and

WHEREAS, the New York State Town Clerks Association Annual Conference will be held on April 16 through April 20, 2016, the cost of the expenses, lodging and conference is \$900.00, now

THEREFORE BE IT RESOLVED, that Diana L. Quast and Maura Weissleder have permission to attend the 2016 New York State Town Clerks Association Annual Conference/Training to be held in Saratoga Springs, New York.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE CONFERENCE ATTENDANCE – NEW YORK STATE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ANNUAL CONFERENCE RESOLUTION #145

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

WHEREAS, sufficient funds exist in the Town Clerk's Training line to cover the cost of expenses, including lodging and conferences, and

WHEREAS, the New York State International Institute of Municipal Clerks Annual Conference at Cornell University will be held on July 10 through July 15, 2016, the cost of the expenses, lodging and conference is \$1,250.00, now

THEREFORE, BE IT RESOLVED, that Diana L. Quast has permission to attend the 2016 New York State International Institute of Municipal Clerks Conference at Cornell University to be held in Ithaca, New York.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE REQUEST THAT WESTCHESTER COUNTY INCORPORATE PARCEL 36.06-2-78 IN PEEKSKILL SANITARY SEWER DISTRICT RESOLUTION #146

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

WHEREAS, the Town of Yorktown Town Board is desirous of including 1 parcel of land adjacent to the existing Hunterbrook Sewer District and into the Peekskill Sanitary Sewer District,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate the land listed below into the Peekskill Sanitary Sewer District:

Zappico Orchard View, LLC Sherry Drive 36.06-2-78

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Dan Strauss stated that the Battle of Yorktown is a wonderful event to clean up the litter around the Town. He also thanked the Purple Heart recipients.

Mr. Gil Kaufman thanked all the Purple Heart Veterans for their service to our Country. He also stated that the bathrooms in the Yorktown Cultural and Community Center need renovations and what is going on with the Senior Vans.

Mr. Fred Gulitz spoke about Laurel Court and the local law that was passed restricting parking on the road. He stated that it has made the situation more dangerous and asked that the law be rescinded.

Mr. Joseph Canini asked what was going on with the Jefferson Valley Mall and what the Town is doing to attract businesses.

Mrs. Susan Siegel asked the Town Board to give an update on the Hallocks Mill Sewer District.

Mr. Anthony Grasso stated that the money that the Chamber of Commerce makes during the Fall Festival goes to pay Town employees who work that day and to various charities.

Westchester County Legislative Chair Michael Kaplowitz gave an update to the Town Board on what is going on in White Plains. He stated that the Town of Yorktown will see a reduction in its County taxes this year.

Supervisor Grace stated that the Senior Vans have had some mechanical issues, one needed to have the motor rebuilt, another needed a transmission. The Town has a grant to receive a new one. He stated that the Battle of Yorktown is a great event and he thanked everyone for their help to keep Yorktown clean. He also introduced the new Town Engineer, Michael Quinn.

APPOINT TOWN ENGINEER - MICHAEL QUINN
RESOLUTION #147

Upon motion made by Supervisor Grace, seconded by Councilman Diana,

BE IT RESOLVED, that Michael Quinn of White Plains, NY is hereby appointed Provisional Town Engineer, job class code 0370-01, in the Engineering Department, effective April 11, 2016 to be paid \$145,000.00 annually, with four weeks annual vacation.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

Mr. Michael Quinn thanked the Town Board for his appointment.

ADJOURN

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

Diana L. Quast, Town Clerk
Town of Yorktown