

Meeting of the Town Board, Town of Yorktown held on May 3, 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.

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 stated that if anyone is here for the Affordable Housing Law Public Hearing, you can see his assistant for the information received from HUD.

PROCLAMATIONS

Supervisor Grace read the following Proclamation:

COUNTRY CHILDRENS CENTER

WHEREAS, the Town of Yorktown and other local municipalities and organizations, in conjunction with the National Association for the Education of Young Children and the Country Childrens Center, with five child care sites in our area, including two in Yorktown, are celebrating the Week of the Young Child April 10 through April 16, 2016; and

WHEREAS, by joining the Country Childrens Center in calling attention to the need for high quality early childhood services for all children and families within our community, these groups hope to improve the quality and availability of such services; and

WHEREAS, the purpose of the Week of the Young Child is also to focus on recognizing the early childhood programs and services that meet the needs of young children in our community; and

WHEREAS, the future of our community depends on the quality of the early childhood experiences provided to young children today; and

WHEREAS, high quality early childhood services represent a worthy commitment to our children's future

NOW, THEREFORE, BE IT RESOLVED, that I, Michael J. Grace, Supervisor of the Town of Yorktown, do hereby proclaim April 10 through 16, 2016 as the Country Childrens Center Week of the Young Child in Yorktown, New York, and urge all citizens to recognize and support the needs of young children in our community.

Supervisor Grace read the following Proclamation:

HEALTHY TEEN BRAIN DAY

WHEREAS, our youth are our greatest joy and our hope for the future so it is necessary for us to support them in making safe and healthy decisions, while creating a supportive environment that safeguards their future, and;

WHEREAS, Many of our youth are making very healthy and safe decisions to remain marijuana-free and providing leadership in their schools and communities to help other youth remain marijuana-free, and;

WHEREAS, there is strong objective evidence that marijuana is harmful to the adolescent brain, with the potential to cause distorted perceptions, difficulty with thinking and problem solving, disrupted learning and memory, and impaired reaction time, attention span, judgment, balance and coordination, and:

WHEREAS, it is with special pleasure that I join with the youth and adult leaders of Alliance for Safe Kids (ASK) in celebrating the first “Healthy Teen Brain Day” to applaud and support our youth who are making healthy decisions, and;

NOW, THEREFORE, BE IT RESOLVED, that I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the members of the Town Board, hereby proclaim Wednesday, April 20, 2016 as HEALTHY TEEN BRAIN DAY in the Town of Yorktown and I urge all residents to join their fellow residents in marking this observance.

#### PRESENTATION

Mrs. Ann Kutter and Mr. William Kellner, Chair, Tree Conservation Advisory Commission gave a presentation for the upcoming Arbor Day festivities. Mrs. Kutter stated that the first Friday in May is designated as Arbor Day in the Town of Yorktown. This year Arbor Day will be held on May 6, 2016 at 4:00p.m., at the Yorktown Community and Cultural Center. There is a poster Contest and the winners will be announced on Friday. There will also be tree saplings to give out that were donated by Con Edison and light refreshments.

Mr. William Kellner stated that the Tree Conservation Advisory Commission is once again participating in the Trees for Trib Program and will be planting 50 assorted trees at Sylvan Glen Park by Turtle Pond on Saturday at 9:00 a.m. He encouraged everyone to come and participate.

DURING REPORTS TO THE TOWN, Supervisor Grace thanked Kim Angliss Gage for all the work she does for the Battle of Yorktown. He also spoke about the proposed dumpster law and civil penalties for people who are caught littering around the Town.

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

Councilman Diana announced that the April 10<sup>th</sup> Car Show was very successful and that there will be a blood drive sponsored by AFC Urgent Care on May 6, 2016.

Councilman Bernard announced that due to the efforts of New York State Senator Terrence Murphy and Assemblyman Steve Katz the Town will be receiving approximately \$450,000 in CHIPS funding this year. He also mentioned that the Public Safety Committee has had a lot of calls with regards to motor vehicles passing buses, speeding, driving through stop signs, etc. and the committee will be looking into all of these complaints about public safety.

Councilman Patel wished everyone a Happy Mother’s Day and urged people to donate blood.

Councilman Lachterman spoke about the My Brother Vinny Walkathon scheduled for May 15, 2016 at FDR Park and the Yorktown Lions Club Annual Golf Outing on May 18, 2016.

#### APPOINT TODD ORLOWSKI SUPERINTENDENT OF RECREATION RESOLUTION #201

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

BE IT RESOLVED, that Todd D. Orłowski is hereby appointed Superintendent of Recreation, job class code 0260-01, from Eligible List No. 73-732, in the Parks & Recreation Department, effective May 4th, 2016, to be paid \$95,000.00 annually,

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 May 4th, 2016.

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

RE-APPOINT RICHARD FON TO THE PLANNING BOARD  
RESOLUTION #202

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

BE IT RESOLVED, that Richard Fon is hereby re-appointed as a member of the Planning Board for a term expiring on December 31, 2020.

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

APPOINT ANTHONY TRIPODI TO THE PLANNING BOARD  
RESOLUTION #202A

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

BE IT RESOLVED that Anthony Tripodi is hereby appointed as a member of the Planning Board for a term to expire on December 31, 2017.

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

APPOINT ROBERT PUFF TO THE CONSERVATION BOARD  
RESOLUTION #203

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

BE IT RESOLVED, that Robert Puff is hereby appointed as a member of the Conservation Board for a three-year term expiring on August 31, 2018.

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

APPOINT MICHAEL REDA TO THE BOARD OF ETHICS  
RESOLUTION #204

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

BE IT RESOLVED, that Michael C. Reda is hereby appointed as a member of the Board of Ethics for a three-year term expiring on May 31, 2018.

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

ACCEPT THE RETIREMENT OF JOSEPH PAGLIARO FROM THE HIGHWAY  
DEPARTMENT  
RESOLUTION #205

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

Resolved, the Town Board accepts the retirement of Joseph Pagliaro effective April 29, 2016.

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

PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW REPEALING CHAPTER 102 – AFFORDABLE HOUSING

Supervisor Grace convened a public hearing to consider repealing Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING.” Affidavits of posting and publication were presented by the Town Clerk. Supervisor Grace presented the background to the creation of Affordable Housing law in the Town and the reasoning for the repeal of Chapter 102. He cited examples of how the Town is committed to affordable housing and its diverse community. Councilman Patel stated his reservations to the repeal of Chapter 102.

Mr. Ilan Gilbert, resident, stated that people need affordable, safe and decent housing and the Town’s current Affordable Housing Law helps provide such housing. This could lead to a costly lawsuit for the residents of this community.

Supervisor Grace stated he is not against affordable housing just the method under the model ordinance which authorizes it and how it negatively targets one particular group; namely, builders/developers.

Mr. Brian Higbie, resident, first stated that the model ordinance has not been found to be illegal in any New York State court. He believes the developer is not having anything taken away; the developer is being allowed by the Town to build a certain number of units in exchange for making one an affordable housing unit. He stated that people cannot afford to live in the Town and affordable housing provides a means that many can, like municipal workers, teachers, people with disabilities and seniors. He noted that it has taken him a long time to save up to buy his first home.

Ms. Judith Reardon, resident and member of the Westchester County Housing Opportunities Commission, stated that she takes exception to some of the history and legal analysis made by Supervisor Grace. She noted that repealing the Affordable Housing Law before an analysis is done is wrong, particularly without provisions as to how to replace the statute, consideration of zoning changes, or other mechanisms such as density bonuses, which would achieve similar goals. The need for affordable housing is an obligation of the Town Board and must be addressed. The analysis of the original need for affordable housing was sound and to repeal it without a new provision is wrong. There are diverse opinions regarding affordable housing laws but it is necessary in all towns. Many seniors have left their communities and young people just can’t afford to live here. Ms. Reardon encourages the Town Board to perform the analysis necessary to best achieve fair and affordable housing in Yorktown and structure a proposed ordinance or amend the current ordinance before repealing it.

Ms. Alice Roker, resident, stated that Supervisor Grace recently came to the Yorktown Rotary lunch and explained why he felt the Affordable Housing Law should be repealed. She noted many years ago when the law was created and Michael Grace was Town Attorney, she asked him about the set asides in the law and he told her it was a contribution not a tax. She mentioned that the issues that created affordable housing 25-30 years ago haven’t really changed; many people who serve the town cannot afford to live in the town. She noted that the benefits of affordable housing to society are immeasurable; there is no effect of the law on Yorktown residents. There is an effect on builders. Ms. Roker stated that in business there is something called “cost of doing business.” If the developer wants to do business in this town, then there should be requests or mandates for them to set aside units. She stated that the law can be amended but should not be repealed.

Ms. Maura Gregory, resident, stated that she sits on the County Housing Board and the Yorktown Community Housing Board and she disagrees with the Supervisor’s comments. The model legislation was ordered by the federal court. She said that it is not true that people who purchased homes through affordable housing prior to the current ordinance lost money. It is regulated through restricted deeds, but everybody gets a certain amount of profit upon resale. She feels that the Khami case is not applicable. Some builders in California have brought lawsuits regarding the set aside law but all were lost in not only California State Supreme Court, but in the U.S. Supreme Court, as well. Ms. Gregory said there is no legal precedent regarding the set

aside law which supports Supervisor Grace's position. She spoke about the federal government monitor's article in the Journal News which, in part, speaks to Yorktown Town Board's desire to repeal the Affordable Housing Law. The monitor suggests the Department of Justice should sue the towns that still have exclusionary zoning laws. Yorktown was not one of those towns, and the one difference between Yorktown and those towns is that Yorktown has the set aside law. Repealing the Affordable Housing laws may potentially risk Yorktown residents' tax dollars by incurring a potential lawsuit by the Department of Justice. Ms. Gregory asked that the Town Board consider what is in the best interest of the Town.

Terry Cartus stated that this region of the county has big problems; housing is going up and wages are going down. There are many, including our seniors, who cannot afford housing in the town. She is in agreement with the previous speakers that the current law should be amended to fix the problem and not repealed. Diversity is a gift to the Town and is something to be strived for.

Mr. Ed Ciffone, resident and President of the United Taxpayers of Yorktown, asked the Town Board to adjourn the public hearing so that the Town Board can properly take into consideration all that the residents have to say. Supervisor Grace questioned Mr. Ciffone in order to make his position more clear. Mr. Ciffone stated that affordable housing should be built without subsidies. He is in favor of affordable housing.

Mr. Alan Gordon, Deputy Director of the Housing Action Council, gave a brief description of what the Council provides. Many Yorktown residents avail themselves of the services that the Council offers. Mr. Gordon stated that developers view setbacks as the cost of doing business in a community, as they do with other land use regulations. Affordable housing is necessary and should not be repealed. Mr. Gordon then read a statement from Allied Community Enterprises, a developer and advocate for affordable housing, in support of keeping the affordable housing law.

Mr. William Mayorick, president of GROW, family advocates for persons with developmental and/or intellectual disabilities such as autism. He spoke about how the numbers of these people are growing, as is their need for affordable housing. He asked that the Town Board reconsider and not repeal this law. Supervisor Grace asked if the population Mr. Mayorick's organization represents falls under the eligibility threshold for affordable housing. Mr. Mayorick stated that New York State is able to accommodate approximately 1,100 but 11,000 are wait listed for disposition but they don't expect assistance any time soon, or at all. Mr. Maltby, West Development, answered Supervisor Grace's question that, yes, this population is considered under affordable housing's income requirements.

Ms. Valerie Danielli, resident and Special Assistant to HUD's Regional Administrator for New York and New Jersey, Holly Light, asked the Town Board to meet with her to discuss this before they make a decision to repeal this law. She acknowledged the Town Board's concern of the legality of the inclusionary zoning ordinance. Inclusionary provisions have long been seen as a means of encouraging social and economic diversity, as well as addressing the housing needs of residents. HUD would like to meet with Supervisor Grace to address the Town Board's concern of the legality of the set asides. Ms. Danielli then continued by speaking to court decisions regarding set asides and inclusionary zoning ordinances. She stated that Yorktown's current affordable housing law is a common sense safeguard that falls squarely within the Town Board's legal authority, and HUD strongly encourages the Town Board to not repeal it without implementing a revised ordinance that furthers the Town's commitment to affordable housing. She would like the Town to consider postponing the decision so HUD can meet with the supervisor.

Supervisor Grace stated that he had been in touch with the court's monitor on several occasions to raise the issue but never received a response addressing that issue. Supervisor Grace stated that the Town Board has an obligation to follow state law but the Town Charter is also what needs to be followed. Supervisor Grace asked how one reconciles the Town's legal limitations with what the model ordinance is asking the

Town Board to do. The monitor's response referred him to information that did not make anything clearer. Ms. Danielli stated that HUD and the monitor are separate issues/entities. Supervisor Grace restated that he is not being for or against affordable housing, but the legality of the methods used to achieve it. Supervisor Grace stated he would set up a meeting with HUD to discuss this law.

Mr. John Maltby, Director of the Community Support Network at Westchester Institute for Human Development in Valhalla, a support group that provides assistance for people with developmental disabilities, stated that there has been a major change in how people with disabilities find housing. He stated the following: since 1975 New York State has been closing facilities and placing those with developmental and intellectual disabilities in group homes. Much has improved for people with these disabilities, not least of which is their life span. They are now living into old age. The group home situation is not sustainable and is very expensive. The smaller, and more integrated the typical housing setting is, the better the individual's quality of life. Special education has become more integrated, as well. These children are blended into classroom life and are considered to be peers within their classroom. Upon graduation, they want to be employed and live in their community like everyone else. Mr. Maltby cited how the numbers of this population are growing and will continue to grow as they are living into old age. Mr. Maltby urged the Town Board to retain the affordable housing law.

Mother Claire Woodley, resident and Pastor, St. Mary's Church, asked the Town Board to not repeal the Affordable Housing Law. Mother Claire stated that goodness needs structure and that we need to provide that structure for goodness to happen. In this case, the structure of the set aside provides an honorable way for developers to contribute to the community. She asked that the Town not abandon the law without having something to take its place.

Mr. Melvin Tanzman, resident, stated that the Affordable Housing Law should not be repealed. He said this is not an abstract argument; it is one that affects real people and real lives. He does not agree with Supervisor Grace's position and feels that it does not reflect the true feelings of most Yorktown residents. He stated that if the Town Board wants to represent the interests of all of the diverse constituents of the Town, it will not repeal the law.

Ms. Abby Looby, resident, stated that affordable housing is needed and it should be amended not repealed. She feels that by repealing this law, the Town is setting itself up as a "rogue" town in the county who will be free to promote human rights violations and pander to discrimination. She stated that repealing this law would be an embarrassment to the residents of the town. Repealing this law could have legal implications to the Town.

Mr. Jay Miller, resident, stated that it would make sense to have something to replace this law before repealing it. He said that this is not about developers or race or social economic issues, it is about being able to afford living here. If you can't afford to live in Yorktown, then you should move to a place less expensive. He does not feel the Town is obligated to provide housing for residents since it is their choice to live here. He stated if you are conceptually against social engineering and affordable housing, that doesn't make you a racist. Mr. Miller stated that living where you want to live is an earned right and deferred gratification is part of the definition of the American dream.

Pastor Susan Nagel, Grace Lutheran Church stated that if the law does what it is supposed to do, then why repeal it? If it doesn't do what it is supposed to do, then amend it. This should not be an argument of the "quality" of the people who come to live in Yorktown. Pastor Nagel recognizes that there is concern for the developers and not taking anything away from them but feels it may be at the expense of those already living here.

Ms. Laura Kosbar, resident, stated that if the incentives are not effective the law should be amended not repealed. Supervisor Grace repeated the history of the

incentives as part of the law and their repeal. Ms. Kosbar stated that she felt the integration of affordable housing into other residential communities is a more natural way of doing things, as opposed to building residential apartments over businesses and feels that this will segregate residents into what may be a more undesirable area. Ms. Kosbar asks that the Town Board side with the residents who are in favor of keeping the affordable housing ordinance.

Mr. Jay Kopstein, resident, stated that he was in favor of repealing Chapter 102, Affordable Housing because we cannot dedicate it to Yorktown residents only; it would have to be open to everybody. He cautioned meeting with HUD.

Mr. Ken Belfer, resident and Chairperson of the Community Housing Board spoke about the history of the Affordable Housing Law and is in favor of keeping the Affordable Housing Law. He agrees that this Town Board, up to this point, has been very open to diversity of housing and recognizes zoning is the key which makes that happen, citing the action taken in the Bear Mountain Triangle property. However, eliminating Chapter 102 would diminish, or in case of the Bear Mountain Triangle development, eliminate the mandatory affordable housing units. Mr. Belfer felt that the referral process was overlooked in the effort to repeal Chapter 102. He said that this eliminated what could have been a solid discussion as to how the law could change. He presented a copy of a letter from Commissioner Boroughs from the Westchester County Planning Board, stating that a referral of this action may have been required. It further stated what the purpose of Chapter 102 was supposed to be about. The recommendation from the Westchester County Planning Board is that the Town should retain Chapter 102 of the Affordable Housing Law and continue to promote fair housing. Mr. Belfer also discussed SEQRA. He stated that most of affordable housing in Yorktown came from two sources: the density bonus law and the SEQRA process. He presented an article from the Hofstra Property Law Journal (the year Yorktown adopted the Affordable Housing Law) that addressed land use, affordable housing and SEQRA. The question is: "Does SEQRA apply to affordable housing at all?" Mr. Belfer then read from 6CRR NY 617.1 State Environmental Quality Review NY Codes Rules and Regulations. The conclusion drawn from this publication is that SEQRA does apply to affordable housing and, therefore, rules of SEQRA should be followed, including the repeal of Chapter 102. Mr. Belfer also stated that there are numerous other communities in Westchester that have adopted the same affordable housing laws. Why have they not questioned the legality of set asides? Mr. Belfer also questions the timing of the repeal. He mentioned that we are nearing the end of the Westchester County's settlement with HUD, as well as another settlement regarding Section 8 and feels that it is leaving Yorktown at risk by drawing attention to itself in the repeal of Chapter 102. This repeal may also be contrary to the Town's Comprehensive Plan that was adopted in 2010 that addresses fair housing and set asides. Mr. Belfer cited several articles and letters regarding the legality of the developer set asides, all of which supported the legality of implementing set asides. He also addressed the deed restrictions and their impact on the resale of affordable housing units. Councilman Bernard questioned whether or not people were meant to live in affordable housing units for twenty plus years, because now some of those people now have an income level well above what the affordable housing law called for, thereby not allowing the reuse of the unit to current affordable housing participants. Mr. Belfer stated that it is not a perfect system but still provides a benefit. He urged the Town Board to not repeal Chapter 102 and feels that if they are repealing it based on its illegality, that position is not supported by court decisions.

Mrs. Susan Siegel, resident, stated that Supervisor Grace's support of diverse housing in Yorktown has not always been a popular issue. She does not agree that the real estate market can create affordable housing; she said that the facts don't bear this out; subsidies must be used for their creation. Mrs. Siegel raised the Lexington Avenue rezoning project. She questioned the validity of the rental prices that are being proposed for these apartments; they are too low. Also, there is no guarantee that they are going to be rentals. She mentioned that there also is not a great deal of zoned lots for multi-family residences available. Mrs. Siegel also stated that density bonuses are still being given and if the law is repealed, developers will still get these bonuses without having to create affordable housing units. She cites examples of this

(Fieldstone Manor, Lexington Avenue project, Crompond Terraces, etc.). Mrs. Siegel stated that if the law is repealed, the winners will be the developers and the losers are Yorktown, as a community, and the present and future residents of the Town. She asked the Town Board to listen and work with HUD, the monitor, and Ken Belfer and rethink what they are considering.

Mr. Anthony Grasso, resident and past councilperson who sat on the board who created the law in 1988, spoke about how the law achieved what they wanted it to do. He stated that there is a need for more diverse housing like Jefferson Village. He does not feel the federal government has the right to dictate zoning for the town. Mr. Grasso thanked everyone who spoke tonight.

Mr. Ken Belfer stated that is why homeownership works, there can be different affordable housing rules but the law should not be repealed.

Councilman Patel stated that the affordable housing law helps people and it should not be repealed.

Supervisor Grace stated that he is not for or against affordable housing. He took strong exception to anyone who felt there were racial undertones to the repeal and stated there is a need for diverse housing. The issue is, in terms of affordable housing, how the Town should achieve affordable housing. Do you let the market dictate the creation of affordable housing or does it have to be subsidized? If it is the latter, who are the parties responsible for the subsidies? Supervisor Grace addressed Ken Belfer regarding SEQRA and the letter from John Nolan and disputed what was cited in the letter. He still questions whether or not it is fair or legal for the developer to take on the subsidy to create affordable housing in the Town. He then addressed the resale of the affordable housing units and said that affordable housing recipients are warned that they may lose financially because the price of resale is, under the model ordinance, the price of resale is 30% of 80% of the average mean income (AMI) of where the house is located. The cost of housing component is both interest rates and real estate taxes and insurance included in the cost of housing. If interest rates go up, the cost of housing goes down. Supervisor Grace stated that there are lots of problems with Chapter 102's substance and execution.

Councilman Bernard stated that he feels that zoning is the key to creating diversity of housing, not an affordable housing law. He said that regardless of how diversity of housing is created, there will be criticism.

Councilman Patel stated that the people don't want the affordable housing law repealed and that public input needs to be taken into account.

Supervisor Grace restated that if the market is not going to produce the affordability of housing and it has to be subsidized, who will pay for the subsidies? Under the Town's current law, the Town takes a small group of people and makes them subsidize the program.

Councilman Bernard assured the public that the due process will be followed. The Board wants the Town to run correctly and are looking at current laws to improve and make things run correctly.

Councilman Patel cautioned to do things correctly.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was adjourned. Upon motion by Councilman Bernard, seconded by Councilman Lachterman and carried.

#### PUBLIC HEARING TO CREATE HUNTERBROOK SEWER DISTRICT EXTENSION - ORCHARD VIEW

Supervisor Grace convened 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. Affidavits of posting and publication were presented by the Town Clerk.

A representative from Hudson Engineering was present to give an overview of the sewer district extension project.

Councilman Patel asked if others outside of the district can benefit from this extension.

The answer was no, the extension can only include the homes in the proposed sewer district extension.

Mr. Shay McDonald stated that he lives below this subdivision which has a very steep slope and he is concerned with run-off.

Councilman Bernard explained that only the creation of the sewer district extension is before the Town Board, the rest of the subdivision plans would be done by the Planning Board and concerns regarding run-off should be discussed at the Planning Board meeting.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Councilman Bernard, seconded by Councilman Lachterman and carried.

CREATION OF HUNTERBROOK SEWER DISTRICT – ORCHARD VIEW  
RESOLUTION #206

The following resolution was offered by Councilman Bernard, who moved its adoption, seconded by Councilman Lachterman, to-wit:

WHEREAS, after a public hearing duly called and held, the Town Board of the Town of Yorktown now desires to formally establish Hunterbrook Sewer District Extension - Orchard View; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) All the property and property owners within said proposed Hunterbrook Sewer District Extension - Orchard View are benefited thereby;
- b) All the property and property owners benefited are included within the limits of said proposed Hunterbrook Sewer District Extension - Orchard View; and
- c) The establishment of said proposed Hunterbrook Sewer District Extension - Orchard View is in the public interest.

Section 2. This resolution 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:

Supervisor Michael J. Grace	Abstained	
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

In addition, at such meeting, the following resolution was offered by Councilman Diana, who moved its adoption, seconded by Councilman Lachterman, to-wit:

WHEREAS, said Town Board has adopted a resolution on May 3, 2016 making the findings and determinations required pursuant to Section 194(1) of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. The establishment of Hunterbrook Sewer District Extension - Orchard View in the Town of Yorktown, Westchester County, New York, consisting of construction of a sanitary sewer system, to be funded by Zappico Construction, LLC, is hereby approved.

Section 2. The Town Clerk shall, within ten (10) days after this resolution takes effect, file certified copies of this resolution in the office of the State Department of Audit and Control at Albany, New York and record same in the County Clerk's office.

Section 3. This resolution takes effect immediately.

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

Supervisor Michael J. Grace	Abstained	
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.

PUBLIC HEARING TO CONSIDER THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT

Supervisor Grace convened a public hearing to consider the increase and improvement of the facilities of the Consolidated Water District in said Town at a maximum estimated cost to the District of \$1,100,000. Affidavits of posting and publication were presented by the Town Clerk.

Mrs. Susan Siegel asked why the amount of bonds to be borrowed was 3 million dollars when the cost is projected to be 1.1 million dollars.

Town Comptroller Patricia Caporale stated that when the proposed bond was set up the cost of the project was not yet known. There is also a concern with cost overruns which should be considered as well.

Mr. Edward Ciffone asked the Town Board to consider reducing the bond amount to 1.5 million dollars.

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

Resolved, that the amount to be bonded be reduced to 1.1 million dollars.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Councilman Lachterman, seconded by Councilman Bernard and carried.

PUBLIC INTEREST ORDER FOR THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT  
RESOLUTION #207

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has received a plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Consolidated Water District in the Town of Yorktown, Westchester County, New York, consisting of the replacement and enlargement of the Catskill water tank at the Northern Westchester Joint Water Works; and

WHEREAS, at a meeting of said Town Board duly called and held on April 8, 2016, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Consolidated Water District in said Town at a maximum estimated cost to the District of \$1,100,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Yorktown Heights, New York, in said Town, on May 3, 2016, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Consolidated Water District in the Town of Yorktown, Westchester County, New York, consisting of the replacement and enlargement of the Catskill water tank at the Northern Westchester Joint Water Works, at a maximum estimated cost to the District of \$1,100,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, 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 order was thereupon declared duly adopted.

AUTHORIZE THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT  
RESOLUTION #208

The following resolution was offered by Councilman Lachterman who moved its adoption, seconded by Councilman Bernard to-wit:

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated April 8, 2016, said Town Board has determined it to be in the public interest to increase the facilities of Consolidated Water District in the Town of Yorktown, Westchester County, New York, at a maximum estimated cost to the District of \$1,100,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County,

New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Consolidated Water District in the Town of Yorktown, Westchester County, New York, consisting of the replacement and enlargement of the Catskill water tank at the Northern Westchester Joint Water Works, there are hereby authorized to be issued \$1,100,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to the District is \$1,100,000 and that the plan for the financing thereof is by the issuance of the \$1,100,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Consolidated Water District in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Yorktown, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in summary in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

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.

PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 15 - BUILDING CONSTRUCTION ADMINISTRATION

Supervisor Grace convened a public hearing to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" by amending Section 15-4 (A) to modify the circumstances when a building permit is required. Affidavits of posting and publication were presented by the Town Clerk.

No Public Comment received.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Councilman Lachterman, seconded by Councilman Bernard and carried.

LOCAL LAW #9 OF 2016 AMENDING CH. 15 – BUILDING CONSTRUCTION ADMINISTRATION  
RESOLUTION #209

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

WHEREAS, a public hearing was held on the 3<sup>rd</sup> day of May, 2016 pursuant to notice duly published as required by law to amend Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" by amending Section 15-4 (A) to modify the circumstances when a building permit is required.

RESOLVED, that Local Law #9/2016, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on rollcall, which resulted as follows:

Supervisor Michael Grace	Voting	Aye
Councilman Vishnu Patel	Voting	Aye
Councilman Gregory Bernard	Voting	Aye
Councilman Thomas Diana	Voting	Aye
Councilman Edward Lachterman	Voting	Aye

Local Law #9 of 2016 is hereby duly adopted.

ADVERTISE BID FOR WATER MAINTENANCE MATERIALS – WATER DEPT.  
RESOLUTION #210

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

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on May 26, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Water Maintenance Materials. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

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

APPROVE BOND RELEASE #WP-051-09 AND #WP-081-14 – 16 LAKE ROAD, INC.  
RESOLUTION #211

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

WHEREAS, 16 Lake Road Inc., as applicant and developer, provided the Town with Check No. 1019 in the amount of \$2,500.00 which was deposited into the T33 account on October 18, 2013, to serve as the five year wetland mitigation bond for Wetland Permit #051-09, for work performed at his Parmly Road location, and

WHEREAS, 16 Lake Road Inc., as applicant and developer, provided the Town with Check No. 1018 in the amount of \$2,500 which was deposited into the T33 account on October 18, 2013, to serve as the stormwater bond for Wetland Permit #WP-051-09, and

WHEREAS, 16 Lake Road Inc., as applicant and developer, posted Check No. 1109 in the amount of \$300, which was deposited into the T33 account on January 20, 2015, to serve as the wetland bond covering Wetland Permit #WP-081-14, and

WHEREAS, the applicant has requested his stormwater and wetland bond be released, and

WHEREAS, 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 \$300.00 for wetlands and the \$2,500.00 for stormwater may be released, NOW THEREFORE BE IT

RESOLVED, that the five year wetland mitigation bond will be held, and BE IT FURTHER

RESOLVED, that the above-described bonds be released to 16 Lake Road, Inc., P.O. Box 508, Bedford, NY 10506, Attn: Mr. George Vignogna.

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

AUTHORIZE SUPERVISOR TO SIGN A HOLD HARMLESS AGREEMENT  
BETWEEN THE TOWN AND ALGONQUIN GAS TRANSMISSION, LLC D/B/A  
SPECTRA ENERGY PARTNERS AND MD DRILLING AND BLASTING, INC.  
RESOLUTION #212

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

WHEREAS, pursuant to Town Code Chapter 124, Algonquin Gas Transmission, LLC d/b/a Spectra Energy Partners and MD Drilling and Blasting, Inc. have applied to the Building Inspector for blasting permits for certain sites along the Algonquin Gas Line;

WHEREAS, pursuant to Town Code Chapter 124, Algonquin Gas Transmission, LLC d/b/a Spectra Energy Partners and MD Drilling and Blasting, Inc. are required to agree to hold the Town of Yorktown harmless in connection with such blasting activities;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown, that the Town Supervisor is hereby authorized to sign the hold harmless agreement.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH SUNGARD PUBLIC SECTOR, INC. FOR A RENEWAL MAINTENANCE CONTRACT AND SUPPORT SERVICES FOR THE POLICE DEPARTMENT  
RESOLUTION #213

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with SunGard Public Sector, Inc. for a renewal maintenance contract and support services for the Yorktown Police Department's productivity software from February 1, 2016 through January 31, 2017. The annual renewal fee is \$30,000.00.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR TITLE 111B TRANSPORTATION SERVICES  
RESOLUTION #214

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for Title 111B Transportation Services Agreement in the amount of \$17,141. This is for the period January 1, 2016 through December 31, 2016.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR TITLE 111C- 1 AND TITLE 111C-2, NUTRITION SERVICES INCENTIVE PROGRAM  
RESOLUTION #215

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for Title 111C-1 in the amount of \$22,770, with an estimate of an additional \$9,629 (NSIP) Nutrition Services Incentive Program, and Title 111C-2 in the amount of \$47,799, with an estimate of an additional \$23,581 (NSIP). This is for the period January 1, 2016 through December 31, 2016.

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

AUTHORIZE EMERGENCY PURCHASE OF GENERATOR FOR POLICE  
DEPARTMENT  
RESOLUTION #216

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

Whereas, the Town Board has previously authorized the Yorktown Police Department to purchase a Generac Industrial diesel generator, 100K rating, wired for 120/208 VAC, three phase, 60hz Model and a Generac PSTS series, 1000 amp, 3 pole, 120/208 VAC, three phase automatic transfer switch, now

Therefore Be It Resolved, that the Town Board hereby authorizes the emergency purchase of a Generac, Industrial diesel engine driven, turbocharged 4 cylinder 3.4L engine, 50k W 120/208V, steel SD Industrial, diesel series Generator with Level 1, steel, low sound enclosure and upsized 211 gallon fuel tank and a Generac 200 Amp, automatic, three phase, GTS Series Transfer Switch with a five year extended limited warranty from HPE Huntington Power as per proposal #48069C-RT for a total cost of \$25,110 for the Yorktown Police Department.

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

AUTHORIZE THE ADOPTION OF THE 2015 WESTCHESTER COUNTY HAZARD  
MITIGATION PLAN UPDATE  
RESOLUTION #217

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

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Yorktown:

- 1) Adopts in its entirety, the 2015 Westchester County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.



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

**AWARD BID FOR USED BUCKET TRUCK – PARKS DEPARTMENT  
RESOLUTION #218**

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

WHEREAS, invitation to bid for one (1) pre-owned 2009 or newer 4x4 Utility Body Bucket Truck with a telescoping, articulating, electrically insulated 42’ maximum working height and 37’ minimum bottom of platform height boom for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on Friday, April 15, 2016, with the bid amounts for the above referenced project summarized as follows; NOW THEREFORE BE IT

COMPANY	PRICE
Global Rental: Division of Altec Industries (2011 AT37G –Ford 550 – 56,317 miles)	\$53,900.00

RESOLVED, that upon recommendation of the Assistant Superintendent of Parks and Recreation, Todd Orłowski, the bid be and is hereby awarded to Altec Industries Inc. the lowest responsible bidder for one (1) unit at \$53,900.00.

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

**AWARD BID FOR DRY CLEANING SERVICES FOR THE POLICE DEPARTMENT  
RESOLUTION #219**

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

WHEREAS, invitation to bid for Dry Cleaning Services for the Police Department was duly advertised, and

WHEREAS, said bid was received and opened on the 15<sup>th</sup> day of April 2016 with the bid amount for the above-referenced project as follows:

Rite Price Cleaners	Shirts	\$4.50
P.O. Box 370	Slacks	\$4.50
Jefferson Valley, NY 10535	Blouses	\$4.50
	Sweaters	\$4.50
	Coats	\$4.50
	Ties	N/C
	Hats	N/C
	Blankets	N/C

RESOLVED, that the bid for Dry Cleaning Services be and is hereby awarded to Rite Price Cleaners, the sole bidder.

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

**AWARD BID FOR LABORATORY SERVICES FOR THE WATER TREATMENT  
POLLUTION CONTROL PLANT  
RESOLUTION #220**

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

