

Meeting of the Town Board, Town of Yorktown held on October 24, 2017 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 Councilman Bernard, seconded by Supervisor Grace, the Town Board moved into Executive Session to discuss contract negotiations and interviews. Upon motion made by Councilman Bernard, seconded by Supervisor Grace, the Town Board moved out of Executive Session and proceeded with the meeting.

#### GARDEN CLUB

Gail Orser from the Yorktown Garden Club spoke with Director of Planning, John Tegeder, to discuss their plans to plant a tree for the club's 90<sup>th</sup> anniversary. They would like to plant it behind the elevation where the skateboarders ride in the skate park. Katonah Nursery is donating the tree, a Norway Spruce – a species known for its low maintenance, good survivability, and good appearance. John Tegeder stated that it will soften the look of the area and the Garden Club will also be putting holiday lights on it. There was also mention and discussion of a blue star memorial marker, 12 inches by 20 inches, that would be placed in the graded area of Patriot Garden.

#### CRYSTAL COURT

The Applicant before the Board is building a house and has received a stormwater permit. The project started and trees inside the wetland area were being removed so work has now stopped. Five or six trees were cut; others fell down into the buffer – about ten trees in total. Since the buffer line is invisible, it was proposed that a construction fence be erected to delineate the wetlands area. Town Engineer Michael Quinn said that once the 100-foot barrier is established and the cut trees removed, new caliper-appropriate trees can be replaced. The applicant is in agreement. Councilman Bernard stated that most people would have already put in their access pad since trucks will be going in and out. Applicant said he will make sure that it is put in first. The permit will be modified with new conditions.

#### 3211 LAKESHORE DRIVE, MOHEGAN LAKE

Town Engineer Michael Quinn showed the plans that were approved for a permit by the Board for the previous owner (Wolski). He then showed the current plans by the new owners (Chapnik and Arengo) which has a smaller footprint. The current owners purchased the approved project plans but decided not to go with them and came up with the current plans before the Board. Supervisor Grace said that the Town had already approved a 1,820 square foot home and not only is the home smaller, the driveway is smaller and unpaved. They are also not taking down as many trees as the previous plan would have done. Mr. Quinn stated that this is really for the purpose of a review of the new plan compared to the old.

Ken Belfer, Lake Mohegan Association, asked about their proximity to the wetland buffer. They seem closer at some points and farther away in others, but overall still seems to be within the previously approved plan.

Ms. Chapnik stated that the old wetland permit did expire and they will need a new one.

Mr. Belfer said Lake Mohegan Association members would be notified. Councilman Bernard stated that this plan is less intrusive than the previously approved plan.

DISCUSSION OF ADVANCED LIFE SUPPORT SERVICES BID (AMR & EMPRESS)  
EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations for the Advanced Life Support Services Bid. Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

OPEN SPACE PURCHASE (SULLIVAN & BONIELLO PROPERTIES)

John Schroeder, member of the Westchester Land Trust and Yorktown's Open Space Committee, came before the Board to discuss the purchase of the Sullivan and Boniello Properties. John Tegeder said that some soil testing still needs to be done. The Westchester Land Trust has asked for the Town's partnership in buying the Boniello property and that the Town's contribution would be \$125,000. There is a set contribution for the Sullivan piece of property. Supervisor Grace stated that money is in the open space fund so no public hearing is required, just a resolution. He also said that the total cost would be \$325,000 in conjunction with the Westchester Land Trust. The Town of Yorktown will get a conservation easement for the Sullivan property. The Town Board agreed to move ahead with the purchase of these properties.

AUTHORIZE SUPERVISOR TO NEGOTIATE THE PURCHASE OF THE SULLIVAN AND  
BONIELLO PROPERTIES  
RESOLUTION #393

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

Authorize Supervisor to negotiate the purchase of the Sullivan and Boniello Properties.

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

SOLAR FARM – FRENCH HILL

Allan Rothman, the French Hill property owner, and a Keystone Power Holdings representative presented documents as to why this 17.5 acre property cannot be developed. There are cell towers and a water tower present. Town Attorney Michael McDermott stated that the Town is working on regulations because the idea of solar farms is new to Westchester County. Keystone said that there is no burden to the Town and a pilot program would be implemented. There is a tax assessment issue which the Sole Assessor has been investigating. Other counties are trying to find a fair rate for the cost of the electricity. Supervisor Grace stated that the Town needs to do the legislation for this first. Mr. McDermott said that this would require a special use permit and would be a Town Board issue requiring permit and inspection fees. The applicant will have to wait pending legislation and the Town Attorney will circulate the legislation to interested companies.

Councilman Patel asked how much of the property would be used for the farm and was told that six to seven acres would be used.

WORK ORDER MANAGEMENT SYSTEM

The Town Engineer presented the Town Board with a request to purchase a Work Order Management System for the Engineering, Building, Highway, Sewer and possibly the Parks Department. The Town Board agreed to move forward with this program.

PROPOSED LOCAL LAW – ALARM PERMITS

The Building Inspector would like to amend part of the Code to include Alarm Monitoring Companies to pay a yearly franchise fee of \$8,500 to the Town. Building Inspector Landi stated that he does not have the staff to handle the false alarm bills and this would force the alarm companies to deal with the issues of false alarms. There are approximately 8 to 10 alarm companies that do business in Town. The Town Board agreed to refer out the proposed legislation for comment.

CSEA CONTRACT

The Town Board discussed the CSEA Contract. Supervisor Grace stated that the Union agreed to the contract and will receive salary increases of 1.75% in 2016, 2% in 2017 and 2018 and, 2.18% for 2019. Councilman Diana stated that the Union agreed to the installation of a time clock system which will be reviewed after one year.

AUTHORIZE SUPERVISOR TO SIGN THE COLLECTIVE BARGAINING AGREEMENT WITH CSEA – JANUARY 1, 2016 THROUGH DECEMBER 31, 2019  
RESOLUTION #394

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

BE IT RESOLVED, that the Town Board hereby approves the Memorandum of Agreement between the Town of Yorktown and the CSEA Local 1000, AFSCME, AFL-CIO, Town of Yorktown Unit, Westchester County Local 860, covering the period January 1, 2016 - December 31, 2019 and authorizes the expenditure of funds consistent therewith; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a collective bargaining agreement covering the period from January 1, 2016 through December 31, 2019 that is consistent with the terms of the Memorandum of Agreement.

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

AUTHORIZE PAYMENT TO POLETECH FOR FLAGPOLE WORK  
RESOLUTION #395

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

BE IT RESOLVED that the Comptroller is authorized to process payments from Contingency – Capital Projects A1990.499.1 as follows:

- \$9,575.00 to PoleTech for the purchase and set up of sleeves to install nine (9) flagpoles in Patriot Garden and Town Hall, and
- \$6,425.00 for excavation and concrete work coinciding with the flagpole installation

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

BID EXTENSION FOR STONE, GRAVEL & CONCRETE – HIGHWAY DEPARTMENT  
RESOLUTION #396

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

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

WHEREAS, said bids were received and opened on November 1, 2016,

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Stone, Gravel & Concrete Bid for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid,

BE IT FURTHER RESOLVED, the dates of the extension will be January 1, 2018 to December 31, 2018.

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

BID EXTENSION FOR STREET SWEEPING – HIGHWAY DEPARTMENT  
RESOLUTION #397

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

WHEREAS, invitation to bid for the Street Sweeping Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on November 15<sup>th</sup>, 2015,

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Street Sweeping Bid for the Town of Yorktown, be and is hereby extended for one year to Three D Industrial.

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

AUTHORIZATION TO PURCHASE TWO 2018 FORD ESCAPES – WATER DEPARTMENT  
RESOLUTION #398

Upon motion made by Councilman Diana, seconded by Councilman Lachterman

WHEREAS, it is the intention of the Distribution Superintendent to purchase two 2018 Ford Escape SEs; and

WHEREAS, monies have been allocated in the 2017 Water Department budget line SW.8340.0201.0002 (equipment/vehicle); and

WHEREAS, the two 2018 Ford Escape SEs were listed as part of the New York State OGS competitive Mini-Bid Award #22898 (Light Duty Vehicles); and

WHEREAS, the lowest price bidder was Beyer Ford LLC located in Morristown, NJ;

THEREFORE BE IT RESOLVED, the Town Board authorizes the Yorktown Water District to purchase two Ford Escape SEs as specified in the NYS OGS competitive Mini-Bid Award #22898 awarded to Buyer Ford LLC for a total amount of \$47,923.28.

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

EXTENSION OF PROFESSIONAL SERVICES AGREEMENT – INGRID O’SULLIVAN,  
PROSECUTOR SERVICES  
RESOLUTION #399

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a fourth amendment to the professional services agreement with Ingrid O’Sullivan dated March 16, 2012, as amended by a First Amendment Agreement dated April 26, 2013, for town prosecutor services, to extend the contract on the same terms for two years, from January 1, 2018 to December 31, 2019.

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

RESOLUTION TO ELIMINATE TOWN HALL AS A POLLING LOCATION FOR  
ELECTIONS  
RESOLUTION #400

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

WHEREAS, in 2016, Westchester Disabled on the Move, Inc. commenced an action captioned *Westchester Disabled on the Move, Inc., et ano v. the Town of Yorktown* in the United States District Court for the Southern District of New York under Docket No. 16-CV-9328 alleging that the front access to Town Hall did not have sufficient handicapped parking spaces. As a result the Federal Court imposed a consent decree requiring the Town to construct in front of Town Hall four (4) handicapped parking spaces and approximately two hundred fifty (250) linear feet of ADA-compliant sidewalks and curbing;

WHEREAS, on October 24, 2017, Town Clerk Diana L. Quast commenced an action in the Supreme Court Westchester County captioned *Diana L. Quast, as Yorktown Town Clerk, v. the Westchester County Board of Elections et al* under Index Number 67855/2017 seeking to restrain the Westchester County Board of Elections from relocating the polling place from Town Hall to Yorktown Community and Cultural Center and French Hill School and to enjoin the Town from continuing the construction required pursuant to the aforementioned federal court order;

BE IT RESOLVED, that the Town Board hereby determines that Town Hall should no longer be utilized as a polling place for election purposes. The building is aging and no longer has the proper physical plant to handle the requirements of a national or even local election. The Town Supervisor maintains an office on the third floor of Town Hall which forces the Supervisor to be absent from Town Hall during election cycles. The Town Clerk maintains an office directly adjacent to the room where the polling machines are positioned creating an appearance of impropriety during election cycles. The parking at Town Hall on election days is insufficient and inadequate. There are other buildings in Town that could better suit the demands and requirements for election such as Yorktown Cultural and Community Center and the French Hill School. Therefore, to ensure that all the residents of the Town have a fair and equal opportunity to cast their ballot the Town Board hereby requests that the Westchester Country Board of Elections no longer select Town Hall as a polling place.

Grace, Bernard, Diana, Lachterman Voting Aye.

Patel Voting Nay.

Resolution adopted.

#### EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Bernard, the Town Board moved out of Executive Session and adjourned the meeting.

---

DIANA L. QUAIST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN