

Meeting of the Town Board, Town of Yorktown held on December 5, 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

Also Present: Diana L. Quast, Town Clerk  
Maura Weissleder, Deputy Town Clerk

Tardy: Edward Lachterman, Councilman

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

#### MOMENT OF SILENCE

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

#### Presentation

Chief of Police Robert Noble asked Lynette Waterhouse, Michael Battista, Fred Compton, and Captain Rick Davin to approach the board. He wished to honor them as the last active auxiliary police officers when the Chief's decision to disband the unit was made. He praised their spirit of volunteerism to the community and their desire to assist the police department in keeping residents safe. Chief Noble stated that they deserve the community's thanks and recognition and presented each with letters of appreciation from the Yorktown Police Department.

Captain Rick Davin thanked the Chief for his kind words and gave a brief history of the role that auxiliary police play in their communities.

Councilman Lachterman entered the meeting.

Chief Noble then presented Certificates of Appreciation to each officer from Supervisor Grace and the Yorktown Town Board and Senator Terance Murphy.

Supervisor Grace thanked the Parks and Recreation Department and all those who participated in the annual Christmas Parade held the previous Saturday. It was the biggest turnout the Town has had since the parade's inception. He also thanked Perry Gusikoff of Yorktown Auto Body for hosting a barbeque for the participants.

#### PRELIMINARY BUDGET PUBLIC HEARING

The Town Board will convene a public hearing on the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1<sup>st</sup>, 2018 which has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue in Yorktown Heights, where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning December 1, 2017, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 5<sup>th</sup> day of December, 2017 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person shall be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and

The 2018 Preliminary Proposed General Budget totals \$57,389,760.00 representing an increase of \$1,421,445.00 from the 2017 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$ 96,677.00
Superintendent of Highways -	\$110,777.00
Town Justice (2) -	\$ 32,437.00

Supervisor Grace stated that he was happy to present the proposed budget for fiscal year 2018. The tax levy of \$2,000 has not increased; there is no tax increase. The supervisor then proceeded to explain what the levy means. He also spoke of the projects that have been accomplished and completed this year.

The following members of the public spoke:

Victor Chase, resident, spoke because he was troubled by the \$20,000 reduction in salary for the Supervisor's Confidential Secretary position, as well as the elimination of another secretarial position in the Supervisor's office. He asked how the new supervisor would be able to staff his office successfully without being able to offer a good salary to well-qualified candidates. This decision should be rescinded. Supervisor Grace said that the Board would restore the Confidential Secretary position back to what it was; adding back about another \$10-\$12,000. The other secretarial position will not be added back because he stated that are several positions of that level available in the Town.

Susan Siegel had a two-part observation regarding the budget. The first part contained general observations regarding the tax levy, the capital plan, and the open space fund. The second part contained questions regarding specific line items from the budget. She mentioned \$15,000 in overtime for a police officer's presence during town board meetings. Mrs. Siegel felt that cutting the position in the Supervisor's office was being mean spirited on the part of the current board. She also stated that she noticed employee training budget line was reduced and was concerned that employee safety may be at risk.

Mark Lieberman asked why there was a dramatic increase in spending when the revenue base did not justify it. Supervisor Grace stated that the \$9 million in projects are expenditures of money coming from third parties. Mr. Lieberman asked if there is a projection of what the fund balance will be at the end of the current fiscal year. He also asked why the highway budget has nearly doubled their insurance costs.

Shelley Reed, resident, asked if some of the money in the Open Space Fund could be used for maintenance of open space.

Jane Daniels, resident, had three comments: 1) in the budget under "Parks and Recreation," the Holland Sporting Club was listed with engineering and construction expenses and this is no longer called Holland Sporting Club; it is now known as Rock Hill Park. 2) There are two grants that are missing from the budget; one to the town and the other to the Yorktown Trail Town Committee. 3) She mentioned a grant she received from the Hudson River Valley Greenway that she said she would be happy to discuss with the Board.

Joe Picello, resident, spoke about the Granite Knolls project and changes that he had heard about (lack of lights, restrooms, etc.) and feels that the residents aren't getting what they were promised.

John Campobasso, resident, commended the board, particularly Michael Grace, for the work they have done and stated he is happy with the Granite Knolls project.

Jim Pugliese, resident, stated that \$15,000 for overtime is worth it when it comes to residents' safety. He thanked the Board for pushing the Town forward.

Maura Gregory, resident, stated she is a person with a hearing impairment and the solution the Board came up with in response to her request for a reasonable accommodation to assist in hearing meetings is not sufficient. The devices are "uni-directional," in other words, meant for one-on-one conversations. She can hear only what is immediately around her, not what is being

said in the front of the room. Ms. Gregory appreciates the effort, but wishes that the Board had consulted with her because she would have suggested adding a line item to the budget to include a “loop” system in the room. People who wear hearing aids would get all sound sent directly to their hearing aids without interference.

Two representatives from LandTek, a supplier of turf, wanted to bring attention to the choice of the turf provider for Granite Knolls. They asked that the Board postpone their decision. Supervisor Grace said that if they wanted to wait until later in the evening, they could present their information to the Board after the budget meeting.

Jay Gussak, resident, is concerned about the other facilities around town specifically the tennis courts.

Jay Kopstein, resident, thanked Michael Grace for his management of the Town. He said that the expense of \$15,000 by the Police Department for overtime should not be discussed openly since that is of a confidential nature. He commended the Town Engineer. Mr. Kopstein said that before anyone criticizes the budget, he or she should speak to the Town Comptroller. He said that if you talk about a grant in terms of a budget, you lose the grant if it has not been granted by the approving authority, whether it is federal or state. This is called supplanting.

Janice Turner, resident, stated that she is a tribal citizen – a member of the Lenape tribe. She spoke against Spectra and the pipeline and the danger it poses. She asked if a line item has been added to the budget to restore the damage that will be done in the event of a pipeline explosion.

Paul Moskowitz, resident, raised the issue of the fee for the Open Space Fund and its subsequent dismissal. At that point, he said, taxes were raised by an equivalent amount. In effect this was a transfer of the open space fund to the general fund. He asked why that fee was not given back to the public and suggested that the Board either resume collecting the fee or return it to the taxpayers.

Tony Grasso, resident, talked about the nature of a fund balance and said that this budget is a very sound budget.

Ilan Gilbert, resident and supervisor elect, said that he will not comment on the budget but was happy the salary was being raised for the Confidential Secretary and had hoped he would have the extra position in the Supervisor’s office, but will handle the situation the current board is leaving. He thanked the Board and stated that they should be praised for their public service. Mr. Gilbert also stated that the future budget may also be affected by what is happening on the national level with changing tax laws and mortgage deductions.

Sergio Esposito, Vice President Chamber of Commerce, wanted to restate the good that the sporting organizations do for the Town. They assist greatly in keeping children off the streets and off drugs and other dangerous habits. He spoke in support of the Granite Knolls project.

Gil Kaufman, resident, spoke for the seniors in the Town. He thanked the Board for keeping taxes low so he could remain in his home and not have to relocate.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the public hearing was closed.

Supervisor Grace responded to the Granite Knolls concerns and said that the other improvements can still be done. The lights are scheduled, as planned. He stated that the Town Board has always been on target with the costs of the project.

Supervisor Grace addressed some of the other issues, including the Open Space Fund. He explained why it cannot be refunded or used to fund other maintenance issues.

Councilman Bernard stated that the money negotiated with Enbridge was in relation to the closing of Legacy Fields. The money was for the Town to build new fields so to do anything else would be disingenuous.

Councilman Patel thanked Supervisor Grace and Councilman Bernard for their service. Although he respectfully disagrees with the Supervisor on many issues, he stated that the Granite Knolls project will proceed forward. He also stated that it was the foresight of a previous board to purchase the Granite Knolls property in the first place.

Councilman Diana voiced his support of the Granite Knolls project. He spoke in support of a police presence during town board meetings, as did Supervisor Grace.

Councilman Patel said that he felt it might be perceived as intimidation when there should just be mutual respect.

Supervisor Grace proposed that \$10,000 be added back into the Supervisor's Confidential Administrative Assistant salary.

Councilman Patel said that it should be the same salary. Supervisor Grace said that the new Board will have plenty of room if they want to make it the same.

INCREASE SALARY OF SUPERVISOR'S CONFIDENTIAL SECRETARY  
RESOLUTION #468

Upon motion made by Councilman Bernard, seconded by Councilman Diana

Resolved, that \$10,000.00 be added back into the Confidential Secretary salary.

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

Supervisor Grace stated that \$100,000 for the Pinesbridge Monument is in the budget for the Planning Department and hopes that the new board coming in will make sure that the money for that stays allocated.

CHANGES TO THE 2018 PRELIMINARY BUDGET  
RESOLUTION #469

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

RESOLVED, the Town Board approves the following changes to the 2018 Preliminary Budget:

	From	To		
General Fund				
A1910.467	365,000	307,750	-57,250	Town Insurance
a.3120.467	65,000	57,750	-7,250	PD insurance
				Town Buildings
a1630.810	113,750	124,000	<b>10,250</b>	medical
a1220.101	282,150	297,000	<b>14,850</b>	supervisor salary
a.1110.101	402,100	406,000	<b>3,900</b>	court salary
Emergency Medical Revenue SM.1001	540,100	<b>589,050</b>	<b>48,950</b>	Taxes
Expenditure sm4540.425	550,000	<b>598,950</b>	<b>48,950</b>	Paramedic Contract
R&R sr7210.467	50,500	42,500	<b>-8,000</b>	Insurance
			-	
sr7210.200	260,000	160,000	100,000	Equipment
sr8160.425	2,000,000	2,100,000	100,000	Outside Contractor

WATER

From To

sw8340.467	100,000	85,000	-15,000	Insurance
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SEWER

	From	To		
ys8130.467	50,000	75,000	25,000	Insurance
ys8130.467.1	50000	0	<u>-50,000</u>	DEP Insurance
			<b>-25,000</b>	

Councilman Patel stated that he would like to speak with the Town’s Information Technology provider, Sullivan Data, before voting on the budget.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR THE BATHROOM RENOVATIONS AT THE JOHN C. HART MEMORIAL LIBRARY  
RESOLUTION #470

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y until 11:00 a.m., Monday, February 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Bathroom Renovations at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York 10588.

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

AUTHORIZE SUPERVISOR TO ACCEPT DONATION OF FILL FROM AVALON BAY COMMUNITIES PROJECT FOR USE AT HUNTERBROOK FIELD  
RESOLUTION #471

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

BE IT RESOLVED, that the Town Supervisor is hereby authorized to accept the donation of fill material from Avalon Bay Communities’ Project – 49 Clayton Boulevard, Baldwin Place, NY 10505 for the purpose of leveling and expanding existing soccer field at Hunterbrook. The material has been tested on November 7, 2017, in accordance with NYS DEC CP-51 Soil Clean up Objectives. The results of the testing were Non Detect or below the NYS DEC Soil Cleanup Objectives table (Table 375-6.8) (a): Unrestricted Use Soil Cleanup Objectives in 6 NYCRR 375 Environmental Remediation Program.

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT FOR THE III-C, IIC2, AND NSIP AGREEMENTS WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES  
RESOLUTION #472

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an amendment for the III-C1, IIC2 and NSIP Agreements with Westchester County Department of Senior Programs and Services. The reason for the amendment is that Schedule “B” and “C” were transposed in Paragraph One of the Agreement. Therefore, this amendment is for the sole purpose of revising the Agreement to reflect that Schedule “B” is the Standard Assurances and Schedule “C” describes the Work and contains the budget.

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

AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT WITH NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS FOR USE OF PROPERTY AT 2200 GREENWOOD STREET  
RESOLUTON #473

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

Whereas, the Town is the owner of the property located at 2200 Greenwood Street, Yorktown Heights, New York, as shown on the Tax Map of the Town of Yorktown as Section 37.11, Block 1, Lot 52 (hereinafter, the "Property"); and

Whereas, the Town is granting to New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") the right to lease certain premises at the Property in accordance with that certain lease agreement ("Lease") between the Town and Verizon Wireless, and the Town deems the Lease to be in the best interests of the Town since the wireless services in the vicinity of the Property will be improved for the benefit of the residents.

Now, therefore, be it resolved that the Town Supervisor is hereby authorized to execute and deliver on behalf of the Town the Lease for the certain demised premises at the Property, for a period of five (5) years with four (4) extension terms of five (5) years each and additional extension terms as set forth in the Lease. The annual rental for the first year of the initial five (5) year term is Nine Thousand and 00/100 (\$9,000.00) Dollars.

This resolution shall be subject to permissive referendum in accordance with New York State Town Law so that within 10 days of adoption, the Town Clerk shall post and publish a notice in the manner set forth in Section 90 of New York State Town Law.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH NCI EMERGENCY RESPONSE ANSWERING SERVICE FOR WATER DEPARTMENT  
RESOLUTION #474

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

BE IT RESOLVED the Town Board authorizes the Town Supervisor to execute an agreement with NCI Emergency Response Answering Service for the Town of Yorktown Water Department.

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

RELEASE BOND FOR WETLAND PERMIT #WP-017-10 – 2279 HUNTERBROOK ROAD  
RESOLUTION #475

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

WHEREAS,

1. Steve Cebel, as applicant posted check #128 in the amount of \$300 which was deposited into the T33 account on May 21, 2010 to serve as the Wetland Bond for Wetland Permit #WP-017-10, for work performed at the Hunterbrook Road location.
2. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced escrow money be released to Mr. Steven Cebel, 2279 Hunterbrook Road, Yorktown Heights, NY 10598.

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

RELEASE BOND FOR WETLAND PERMIT #WP-069-15 – QUINLAN STREET  
RESOLUTION #476

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

WHEREAS:

1. Marcos Acosta as applicant, posted check #1050 in the amount of \$300 which was deposited into the T33 account on October 14, 2015, to serve as the Wetland Bond for Wetland Permit #WP-069-15, for work performed at the Quinlan Street location.
2. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, that the above referenced check be released to Marcos Acosta, 2929 Quinlan Street, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND FOR STORMWATER & TREE PERMIT  
#BSWPPP- T - 026-17 – 703 FIELDSTONE COURT  
RESOLUTION #477

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

WHEREAS:

1. Ian & Julie Decker as applicants, posted check #7819 in the amount of \$250 which was deposited into the T33 account on June 14, 2017, to serve as the Erosion Control Bond for Stormwater & Tree Permit #BSWPPP-T-026-17, for work performed at the Fieldstone Court location.
2. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, that the above referenced check be released to Ian & Julie Decker, 703 Fieldstone Court, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND FOR STORMWATER PERMIT #BSWPPP- 055-16  
2834 BIRCH STREET  
RESOLUTION #478

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

WHEREAS:

1. Dave & Giselle Gaur as applicants, posted check #369 in the amount of \$300 which was deposited into the T33 account on August 29, 20016, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-055-16, for work performed at the Birch Street location.
2. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, that the above referenced check be released to Dave & Giselle Gaur, 2834 Birch Street, Yorktown Heights, NY 10598.

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

MONTHLY REPORTS

The Town Board accepted the Monthly Reports received from the Receiver of Taxes for November 2017.

REAPPOINT ANTHONY TRIPODI TO THE PLANNING BOARD  
RESOLUTION #479

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

BE IT RESOLVED, that Anthony Tripodi is hereby reappointed as a member of the Planning Board for a term expiring December 31, 2023.

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

AUTHORIZE TOWN CLERK TO ADVERTISE PUBLIC HEARING TO CONSIDER THE  
TOWN'S APPLICATION FOR A RESTORE NY COMMUNITIES INITIATIVE GRANT  
FOR DEPOT SQUARE PROJECT PROPERTY ASSESSMENT LIST  
RESOLUTION #480

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened 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 19<sup>th</sup> day of December, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Town's application for a Restore NY Communities Initiative grant for the Depot Square Project Property Assessment List in the amount of \$1,000,000 with a local match of ten percent.

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

COURTESY OF THE FLOOR

The following members of the public spoke:

Dan Strauss, resident, commented that people want Granite Knolls, especially if it is fully funded. However, he stated that in the best interests of the Town, the Planning Board and the Town Board should not have allowed a helipad to be built near a pipeline, near homes, and a ballfield. He also stated that the future administration should put every penny into the infrastructure of the town, after the Granite Knolls project is completed. Mr. Strauss also stated that it is unfortunate that only a few people come to board meetings to see how their local government runs.

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

Supervisor Grace stated that they would now hold a quick work session in order to meet with the representatives of the turf company, LandTek.

ADJOURN

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

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DIANA L. QUAST, RMC  
Town Clerk  
Town of Yorktown