

Meeting of the Town Board, Town of Yorktown held on Tuesday, October 30, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
Alice E. Roker, Deputy Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman (tardy)

Also Present: Diana L. Quast, Town Clerk
Richard Abbate, Town Attorney

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss litigation and negotiations, and individual personnel issues. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

Supervisor Gilbert made an opening statement addressing the shooting at a Jewish synagogue in Pittsburgh that killed 11 people and injured others, including police officers. He also remembered a failed attempt against a Baptist Church in Kentucky that resulted in the shooting of two innocent African American men in a supermarket. Supervisor Gilbert condemned these assaults as not just assaults on these 2 communities, but as an assault on our country and what it stands for. He stated that, unfortunately, these are reminiscent of past incidents against those who are deemed to be “different” due to their religious or racial background and went on to enumerate several past hate crimes. He said that, regrettably, the list can go on and on. Supervisor Gilbert stated that what makes America great is her diversity and what each of us brings to this country and what we love.

MOMENT OF SILENCE

Supervisor Gilbert asked for a moment of silence to remember those who lost their lives just recently and in the past. He asked for everyone to pray silently, each in their own way, for the speedy recovery of the injured and in honor of those who serve to protect us.

APPOINT IRVING BREITBART TO THE SENIOR ADVISORY COMMITTEE RESOLUTION #379

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

RESOLVED, that Irving Breitbart is hereby appointed to the Senior Advisory Committee.

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

Rosemarie Panio, Chairperson, said the Senior Advisory Committee is pleased by this appointment and thanked the Board.

PROPOSED TREE AND SOLAR ENERGY LAW

Supervisor Gilbert said that the Town Board had extensive meetings at the last Town Board meeting with various advisory boards and committees and have a lot to consider. One of the suggestions made at the meeting was that, aside from the members of the Advocates for a Better Yorktown (ABY) and the Tree Conservation Advisory Committee (TCAC), a committee be formed to further discuss certain items and sections of the law. He believes that the Town Board is in a position to make suggestions to our Town Attorney based upon their suggestions. He sees no harm in forming the committee, as long as it is done in an expedited fashion. He would like to have members of the TCAC, Planning, and Conservation Boards form a committee to hammer out some ideas and ultimately present these ideas to the Town Board.

Councilman Diana agreed to form a committee that would encompass our departments and boards so they can think over all of the issues to make a streamlined tree law.

Councilwoman Roker asked that this committee include Linda Miller from the ABY, in addition to our advisory boards. There should not be any burdensome requirements on small residential

property owners. It was clear to her that, in terms of mitigation, John Tegeder raised some serious issues for her as to what mitigation should look like. She said that we need professionals to have input on this. Councilwoman Roker said she was proud that so many people came out for this; it is evident that this is about wanting to be environmentally smart. She further stated “if you have one of your boards standing before you saying that you are not protecting the environment, then it needs to be changed.”

Councilman Patel said that he does not want to see the Town blindly rolling back our laws and that water needs to be considered as well. There needs to be a compromise on both sides.

Councilman Lachterman agreed with the formation of a committee but said that all sides need to be looked at. Property rights need to be looked at in a realistic way. The draft is too restrictive, even according to the DEC.

Supervisor Gilbert asked that John Tegeder, Director of Planning, be part of the committee, as well as Linda Miller (ABY), Phyllis Bock (Conservation Board), Rich Fon (Planning Board), and Bill Kellner (TCAC).

Councilman Lachterman said it would also be helpful to have someone from Building or Engineering on the committee. He asked Mr. Tegeder who said Engineering would be helpful.

Supervisor Gilbert said the findings of this committee will be reported to the Town Board.

Councilwoman Roker said this needs to be done expeditiously and that the committee should be given until the end of the year.

Councilman Diana stated that the Board needs more discussion amongst themselves and get more expert opinions.

MOHEGAN HIGHLANDS PROPERTY OWNERS ASSOCIATION

Randall Dugan, President, and Evan Bray, Vice President, and Charles Marin, resident of Mohegan Highlands Property Owners Association (MHPOA), came before the Board to discuss the beach permit issue they had and to memorialize the decision. Mr. Bray wanted to make sure that going into 2019 they are okay with hiring lifeguards without the beach permit. Town Attorney Richard Abbate concurred that this is what the County said.

The MHPROA also wanted to go over the interruption in the recycling and garbage pickup services at the beach. Mr. Dugan said that to ensure the continuance of the services they had to that point of disruption would be to retain the same pickup service which already goes right past the beach anyway and not to have to start with another service which would bring another truck onto the property.

Supervisor Gilbert said he understood what they were saying but evidently there is a legal issue that exists. Mr. Abbate said that the beach is not part of the garbage collection district and does not pay taxes into it, and he is also not sure if the beach can be a part of the district. Generally these districts are only open to residences. Their tax classification is beach.

Mr. Bray said they want to pay the taxes in order to keep the same collection.

Mr. Stewart Glass, Assistant to the Supervisor, said the district is limited in how it was set up (single-family homes, two-family homes, condos, estates, apartments, etc.) and that the Town cannot carve out just one piece of the park district to be included. It would require Town Board legislation and all of the park districts would have to be included. Not everyone in park districts would want this because they are paying less right now by using private carting services. Their beach was accidentally having their garbage picked up. Mr. Abbate suggested contacting AAA Carting Service since they are in the area and the money they charge can be paid out of the park district money. This may be cheaper than offering to pay taxes. Mr. Glass said he check with the Comptroller and said that one district is paying \$40 per month and another is paying \$86 per month. Mr. Abbate said taxes could be upwards \$340.

Mr. Bray understands that going back decades they have had this pick up for years. Supervisor Gilbert said that Kim Angliss-Gage from Refuse and Recycling send letters out in 2017 indicated

to all of the beaches that since there was going to be a new garbage contract, individual beaches would have to make their own arrangements for pickup. Mr. Bray said that the MHPOA never received this letter and the garbage ceased to be picked up in the middle of their summer season. Ken Belfer said his beach district also never received the letter. Mr. Bray feels this was a misrepresentation. Mel Tanzman, a member of the MHPOA, came to the table, and said he does not understand why this has changed after over 30 years. Mr. Abbate said the new garbage contract does not have Mohegan Highlands as a stop and it was realized they had never been paying taxes.

Councilwoman Roker said that she would like to go back and look far back at past agreements. Mr. Bray thought this was a good idea to see the scope of services provided and said they want to pay the taxes in order to receive the service. This money is not coming from the town; it is the residents' money. Mr. Abbata said the question is can we add them to the tax district. Supervisor Gilbert said then we may have to add everyone and there may be some who do not want it. Councilwoman Roker said she would like to see an old bid to see why they might not have been included in the services – it may have been a mistake.

Mr. Dugan said there is also an issue regarding communication between the town and the park district association. They have had difficulty in purchasing items through resolution – 5 attempts at correspondence that ran over 2 months. Supervisor Gilbert said that if was regarding the lifeguard reimbursement, the holdup was tied to the permit issue. Mr. Dugan said things have improved in terms of the administrative processing of things like purchasing supplies and contracts and wants to make sure that going into next year there is a continuance of that so they would be in a position to spend their money to meet their needs. Supervisor Gilbert reminded him that, as a park district, they must adhere to the Town's procurement policy.

Town Comptroller Patricia Caporale came to the Board – she was unaware they were having problems with the purchasing system. She said that there were some things that needed to be ironed out prior to processing for payment but that there is communication between her office and the MHPOA. Mr. Dugan appreciated Mr. Glass' in getting things back to an hour-to-hour communication instead of weeks and months.

Mr. Bray said that the MHPOA has secured a grant through the US Tennis Association to help rehabilitate their tennis courts – they got bids which will cost much more than the approximately \$10,000 - \$15,000 grant. They are looking to the Town to see if it is possible to bond this if their community decides they want to pursue the work. Ms. Caporale said to have Nicole call her to discuss the ramifications of bonding.

Mr. Ken Belfer, member of the Mohegan Lake Improvement District, said the procurement process has been working better than it has ever been.

RGI PROPERTIES, INC. – Joe Visconti, Property Manager for High Meadow Condominium, came before the Board to discuss a past water bill. Supervisor Gilbert said the last time Mr. Visconti was before the Board they discussed waiting to see the next bill. The new bill has been issued for \$3806 which they paid. Mr. Visconti feels that the bill in question should be made equal to the current bill, since so problems were found to contribute to such a high bill. Ken Rundle, Distribution Superintendent, stated that a letter was sent to High Meadow on January 25, 2018 to say there was an issue with their meter. The meter was tested on February 27 and it was found that the remote unit numbers were not coinciding with inside meter numbers. The odometer on the outside of the building was slowing down while the inside water meter was still calculating the gallons. The North Westchester Joint Water Works gave a detailed explanation as to what happened in a June 1, 2018 letter. He asked to Board to take a moment to read the letter.

Councilman Diana asked how many gallons were used in the bill prior to the one in question and was told 750,000 gallons. Mr. Rundle read numbers over the last few of years that showed a slowing down of the numbers. This is what prompted the January 25, 2018 letter. He explain how the final numbers were derived that resulted in the high bill. High Meadows' August 30, 2018 bill is for 486,800 gallons – this was the next billing cycle the Town Board wanted to look at.

Mr. Visconti said that the lower number of usage is consistent with the other buildings in the development. He does not understand where they used 750,000 gallons of water. Mr. Rundle said this is a “catch up” from the slowing of the odometer on the outside of the building. Town Attorney

Town Attorney Richard Abbate clarified with Mr. Rundle that the inside mechanical reader was not the problem and had not slowed down; only the remote reader. The 750,000 gallons were actually used. The Town Board reviewed the numbers the NWJWW referenced in their letter.

The meter was calibrated on February 27 and is 99.9 accurate. The outside reader has been replaced. Joe would like to pay the \$3,806 instead of the \$5,752 bill. Councilwoman Roker said that the slowing up seems obvious according to the number. Mr. Rundle said that the next bill should reflect numbers closer to the current bill. The idea of waiting for one more bill was discussed. Mr. Visconti said he would like to pay the same he paid for the last quarter - \$3,806 and then wait for the next bill. Mr. Rundle said the meter was calibrated in February 2018 and is now 99.9% accurate. Mr. Visconti repeated that he would like to pay \$3,806 and the remainder waived.

Mr. Abbate said the Town will accept a partial payment for now but the water was actually used. Mr. Rundle said the water went through the meter and the high bill was the catch up bill. It got billed in one cycle because the reader was incorrect. Mr. Visconti said the numbers are comparable to another section of the condominium with remote readers and did not have a high bill. Mr. Rundle suggested that maybe that building should be checked.

Supervisor Gilbert suggested that we take the partial payment now and review the billing for all of the buildings in the complex. A resolution will be needed to accept partial payment. Supervisor Gilbert said that the Town will take partial payment with no additional penalties the unpaid balances.

Mr. Rundle said that comparing the next bill to catch up with what happened in the past is not indicative of average use. He offered to take a reading every month until the next billing cycle. Ultimately though, that does not matter; it is the water that goes through the meter that matters in terms of billing.

PARTIAL PAYMENT ACCEPTANCE FOR HIGH MEADOW CONDOMINIUM WATER BILL
RESOLUTION #380

Upon motion made by Councilwoman Roker, seconded by Councilman Diana

IT IS HEREBY RESOLVED that the Town Board authorizes the Town of Yorktown Water District to accept a partial payment from High Meadow Condo for Account Number 44-0345000-7, for the water bill from 12/20/17 to 04/24/18 without incurring any additional fees, penalties or interest for any unpaid balance, for this bill only. Any additional fees, penalties or interest are only waived until such time that the Town Board reviews the next billing cycle for this account.

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

REQUEST FOR PROPOSALS - WASTEWATER PUMP STATION REHABILITATION

Town Engineer Michael Quinn came before the Board to present a draft RFP. There are 9 pump stations in the Hallocks Mill Sewer District. The Board recently awarded a bid for 3 of those pump stations: Jefferson Valley, Jefferson Park, and Walden Woods. This is an RFP for an engineering consultant to go out and do reports for 4 more of the pump stations in the District: Crystal Lake, Hanover East, Mohansic, and Salem. If the Town were to get through this second round, we would have 7 of the 9 stations completed in this District. The other 2 remaining stations are small and one is not even ready for a rehabilitation. He would like to use the resulting consultant report and cost estimates to be able to apply for grants that may be out there.

He would like the Town Board to approve the issuance of an RFP so it can be submitted to firms that are in the area and/or have proven records. The funding is in a reserve fund within the sewer fund. Supervisor Gilbert said that this amount is decreased by the work we are currently doing on the 3 stations. Councilwoman Roker said that she understands where Mr. Quinn is ultimately going since this rehabilitation is necessary in order to get the increased SPEDES permit the Town is seeking. She objected, however, to having an RFP sent to only certain firms that Mr. Quinn is familiar with, even though a professional service agreement is different from a bid. Mr. Quinn stated that he wants to see a competitive playing field and this is a very specialized service. Councilwoman Roker said the law allows that all companies get to look at this, not just selected

companies. Mr. Quinn said if that is what the Board wants, that is what will happen, although with a professional service agreement, it does not have to go to the lowest bidder. He cautioned that sometimes going with the correct company saves money in the long run.

Supervisor Gilbert stressed that the Town is not committing funds to this. Mr. Quinn agreed – this is just an RFP.

A discussion ensued regarding the logistics of the RFP. This would be a study of the project, the design, plans, and specs of the proposed project.

A discussion of the preparedness of our generators took place in anticipation of the winter season.

RPG PROPERTIES APPLICATION #FSWPPP - 048-18 - ALLAN AVENUE – MS4 STORMWATER MANAGEMENT AND TREE REMOVAL

Mr. Quinn and Phil Sanders, developer, and Joe Riina, Site Design, came before the Board regarding a single-family home that Mr. Sanders wishes to build on Allan Avenue. It is a Town Board action because more than 200 cubic feet of disturbance will occur. Mr. Quinn had prepared a draft resolution for the Board to authorize him to issue the permit. He has met with Joe Riina (Site Design) and Phil Sanders several times and is satisfied with the set of plans. It is a storm water management and tree removal permit issue. The lot is ¼ acre and originally approved under R-10. The developer obtained a variance regarding the square footage. There is an extensive amount of earth moving to be done on the site, which is not typical for developments today.

Councilwoman Roker said that it appeared there is an awful lot of disturbance being done on this lot. However, Councilman Lachterman stated that it also seems that there is a lot of improvement being done on the substructure that will help with the water. Mr. Riina said that the work will be done in a very controlled manner and in such a way so that it will not have too great an impact on the surrounding homes. Councilwoman Roker stated that the Board is being asked to approve something that is at least three times more disturbance than any other house in that zone. Mr. Sanders said that it is also a reflection of topography that exists there. Mr. Riina said they are not being unrealistic and restated that it is being done in a very controlled manner.

Councilwoman Roker said she does not want to move forward on this because she is concerned about the amount of disturbance. Mr. Quinn said that they are digging 350 yards out of the ground and that dirt is being moved around and then they are bringing in 350 additional yards to get the site built up.

Mr. Sanders reassured the Town Board that they have professional consultants involved and the Town review of the project to ensure best practices are being used. Mr. Riina said it is not very different from many of the homes in that area because of the drop off and discussed the storm water management plan for the project.

Supervisor Gilbert suggesting adjourning this issue to a future work session; there was some question as to whether or not the Town Board received supporting documents on this project.

PROPOSED CHANGES TO TOWN CODE AND COLLECTION OF SEWER O&M REVENUE

Mr. Quinn asked the Board for a public hearing in order to make changes to the Town Code.

Supervisor Gilbert tabled this discussion item since there was a question as to whether or not the Board received the supporting documents.

ALGONQUIN PIPELINE CONTRACT EXTENSION
RESOLUTION #381

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Extension Agreement of the Construction Work Permit Agreement with Algonquin Gas Transmission, LLC, its successors and/or assigns for continued use of Town property as a work site. Algonquin Gas Transmission, LLC, pursuant to the Agreement is to make a guaranteed payment to the Town in the amount of One Million (\$1,000,000.00) Dollars for use of the work site until January 31, 2019. Thereafter, the Town shall receive compensation in the amount of Three Hundred Fifty Thousand (\$350,000.00) Dollars per month for each month thereafter that Algonquin is conducting work

activities or there is construction equipment/materials at the work site. This agreement expires on October 31, 2019.

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

APPROVE LEASE AGREEMENT WITH CORPORATE CHILDREN'S CENTER CONSULTANTS, INC. (BRIGHT BEGINNINGS) FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #382

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

WHEREAS, Corporate Children's Center Consultants Inc., a for profit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE LEASE AGREEMENT WITH YORKTOWN COMMUNITY HELP FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #383

WHEREAS, Yorktown Community Help Inc., a nonprofit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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

APPROVE LEASE AGREEMENT WITH YORKTOWN TEEN CENTER FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER RESOLUTION #384

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

WHEREAS, The Yorktown Teen Center Inc., a New York nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE LEASE AGREEMENT WITH MANETOO DANCE ENSEMBLE, INC. D/B/A WESTCHESTER BALLET CENTER FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER RESOLUTION #385

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

WHEREAS, Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center, a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE LEASE AGREEMENT WITH YORKTOWN STAGE, INC. FOR USE OF ROOM 12 AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #386

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

WHEREAS, Yorktown Stage Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown Room 12 within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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

APPROVE LEASE AGREEMENT WITH WESTCHESTER COMMUNITY OPPORTUNITY PROGRAM, INC. (HEAD START) FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #387

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

WHEREAS, Westchester Community Opportunity Program Inc. (Head Start), a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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

FROM THE TOWN COMPTROLLER’S OFFICE
RESOLUTION #388

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

RESOLVED, the Town Comptroller is authorized to transfer \$34,000 from YS.8130.460.4 Digester Cleaning to YS.8130.460.2 Sludge Removal.

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

AWARD BID FOR DEWATERED SLUDGE REMOVAL & DISPOSAL FOR THE WATER POLLUTION CONTROL PLANT
RESOLUTION #389

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

WHEREAS:

1. The Town has an agreement for Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant that is expiring on 10/18/16.
2. There was a provision in the current agreement to extend the contract for an additional 2-year period upon mutual consent of the Contractor and the Town. The Contractor, Residuals Management Services, advised the Town in writing on 8/16/18 that they did not wish to extend the agreement.
3. The Town Board passed a resolution on 9/4/18 that authorized the advertisement for bids for this project.
4. Bids were opened on 10/10/18 and summarized below. These unit prices are significantly higher than the previous contract (\$99.50 per ton) and can be attributable to the following: higher costs for trucking, insurance and driver labor, plus higher dump fees at the disposal location.

BIDDER	AMOUNT OF BID
SpectraServ Inc.	\$160.00 / per ton
Residuals Management Services	\$165.00 / per ton

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the bid for Dewatered Sludge Removal & Disposal, Bid #18-2, be awarded to SpectraServ Inc., the low bidder, at a cost of \$160.00 per ton. The contract term for this project shall be for a duration of two (2) years, commencing on or about 10/18/18. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of two (2) years at the same price, terms and conditions.

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

LEAD AGENCY DECLARATION FOR THE PROPOSED PROJECT TO EXTEND TOWN SEWERS PROJECT: HMSD EXTENSIONS AND CRYSTAL LAKE PUMP STATION IMPROVEMENTS

RESOLUTION #390

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

WHEREAS:

1. The Town of Yorktown proposes to extend sewer service within the Hallocks Mills Sewer District (HMSD) and implement improvements to the Crystal Lake Pump Station within the HMSD (hereafter referred to as, "Proposed Action") including:
 - Extension of sewer service to select unsewered areas within the Hallocks Mills Sewer District (HMSD) using a combination of gravity and low pressure sewer service,
 - The areas to be sewered comprise approximately 660 parcels, designated as (1) Birch Street Sub-Area, 340 parcels; (2) Broadview Sub-Area, 50 parcels; (3) Carolina Road Sub-Area, 25 parcels, (4) Ridge Street Sub-Area, 175 parcels; (5) Sparkle Lake Sub-Area, 69 parcels; and (6) Sunrise Street Sub-Area, 26 parcels. Note: Due to the large coverage area and complexity of the areas to be sewered the Town plans to undertake the construction portion of the project in several phases.
 - Implement improvements to the Crystal Lake Pump Station within the HMSD including replacement of mechanical equipment (i.e., pumps, accessories), emergency generator, process controls, lighting, electrical, HVAC, architectural, and miscellaneous equipment.
2. The Proposed Action requires review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617, and;
3. The Proposed Action is defined as an Unlisted Action under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5.
4. Multiple regulatory agencies have approval or funding authority over the Proposed Action, and;
5. The State Environmental Quality Review Act 6NYCRR Part 617.6(b)(3) calls for coordinated review of Unlisted Actions, and;
6. The State Environmental Quality Review Act 6NYCRR Part 617.6(b)(2)(i) requires that a Lead Agency for a coordinated review be established prior to a determination of significance, and;
7. The State Environmental Quality Review Act 6NYCRR Part 617.2(u) defines "Lead Agency" as, "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required", and;
8. The Town of Yorktown intends to act as Lead Agency in the coordinated review of said Actions as Unlisted Action under SEQRA and further intends to implement and complete all responsibilities of that office,

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Action, as defined in 6NYCRR Part 617.2(u), for the coordinated review of the Proposed Action under SEQRA.

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

Resolution adopted.

NEGATIVE DECLARATION FOR THE PROPOSED PROJECT TO EXTEND TOWN SEWERS PROJECT: HMSD EXTENSIONS AND CRYSTAL LAKE PUMP STATION IMPROVEMENTS

RESOLUTION #391

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

WHEREAS:

1. The Town of Yorktown proposes to extend sewer service within the Hallocks Mills Sewer District (HMSD) and implement improvements to the Crystal Lake Pump Station within the HMSD (hereafter referred to as, "Proposed Action") including:
 - Extension of sewer service to select unsewered areas within the Hallocks Mills Sewer District (HMSD) using a combination of gravity and low pressure sewer service,
 - The areas to be sewerred comprise approximately 660 parcels, designated as (1) Birch Street Sub-Area, 340 parcels; (2) Broadview Sub-Area, 50 parcels; (3) Carolina Road Sub-Area, 25 parcels, (4) Ridge Street Sub-Area, 175 parcels; (5) Sparkle Lake Sub-Area, 69 parcels; and (6) Sunrise Street Sub-Area, 26 parcels.
 - Note: Due to the large coverage area and complexity of the areas to be sewerred the Town plans to undertake the construction portion of the project in several phases.
 - Implement improvements to the Crystal Lake Pump Station within the HMSD including replacement of mechanical equipment (i.e., pumps, accessories), emergency generator, process controls, lighting, electrical, HVAC, architectural, and miscellaneous equipment,
2. The Proposed Action requires review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617, and;
3. The Proposed Action is defined as an Unlisted Action under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5.
4. The Town of Yorktown having approval authority over the proposed Action, duly declared itself lead agency on 10/30/18 for a coordinated review amongst multiple authorizing agencies per 6NYCRR Part 617.6(b)(2)(i), and has received no objection to this declaration from other agencies within 30 days, and;
5. The Town of Yorktown, as lead agency, must make a determination of significance of the proposed Action per 6NYCRR Part 617.7, and;
6. The Town of Yorktown has considered the proposed Action as defined in 6NYCRR Part 617.2(b) and 617.3(g), and;
7. The Town of Yorktown has reviewed Parts 1, 2, and 3 of a Full Environmental Assessment Form prepared for the proposed Action under criteria outlined in 6NYCRR Part 617.7(c), and;
8. The Town of Yorktown finds that the proposed Action will not result in significant adverse environmental impacts to:
 - Land
 - Water
 - Air
 - Plants and Animals
 - Agricultural Resources
 - Aesthetic Resource

- Cultural or Archeological Resources
- Open Space
- Critical Environmental Areas
- Transportation
- Energy
- Noise or Odor
- Public Health
- Community Character

9. The Town of Yorktown finds, based on the criteria outlined in 6NYCRR Part 617.7(c), that the proposed Action will not have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED that the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Full Environmental Assessment Form attached hereto has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts, and that an Environmental Impact Statement need not be prepared.

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

BID EXTENSION FOR PREVENTATIVE MAINTENANCE & ON CALL SERVICES FOR EMERGENCY GENERATORS FOR THE WATER POLLUTION CONTROL PLANT – BID #16-4 REV.

RESOLUTION #392

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

WHEREAS:

1. The Town Board at its meeting of December 6, 2016, awarded the bid for Preventative Maintenance & On-Call Services of Emergency Generators for the Water Pollution Control Plant to Gentech, Ltd.

2. The contract term for this project was for a contractual duration of two (2) years, commencing on 12/1/16.

3. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional and final term of two (2) years at the same price, terms and conditions.

RESOLVED, that the Town Board extends the contract with Gentech, Ltd., for Preventative Maintenance of Emergency Generators for the Water Pollution Control Plant, Bid #16-4 Rev. Contract term: 12/1/18-11/30/20.

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

AUTHORIZE COMPTROLLER TO RELEASE THE FOLLOWING ESCROW DEPOSITS – HIGHWAY DEPARTMENT

RESOLUTION #393

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

RESOLVED, the Town Board authorizes the Comptroller to release Escrow Deposits for Driveway Permit #1209 in the amount of \$500.00 and Street Opening Permit #017-004 in the amount of \$1,000.00 for work done at 3017 Clearview to Mr. Joseph M. Tresca.

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

AUTHORIZE HIGHWAY DEPARTMENT TO PURCHASE TWO (2) F550S AS SPECIFIED IN THE NYS OGS COMPETITIVE MINI-BID AWARD #22904

RESOLUTION #394

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

WHEREAS, it is the intention of the Superintendent of Highways to purchase two (2) 2019 Ford F550 trucks, and

WHEREAS, monies have been allocated in the 2018 Highway budget line D5110.201 (Equipment), and

WHEREAS, Ford F550s were listed as part of the New York State Office of General Services mini bid #T18090027 / Award #22904 / Contract #PC67927 award, and

WHEREAS, the lowest price bidder was Genesee Valley Ford LLC located in Avon, NY; now

THEREFORE BE IT RESOLVED, the Town Board authorizes the Town of Yorktown Highway Department to purchase two (2) F550s as specified in the NYS OGS competitive Mini-Bid award #22904 awarded to Genesee Valley Ford LLC for a total amount of \$173,315.54.

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

AUTHORIZE COMPTROLLER TO PAY NOR-WEST REGIONAL SPECIAL SERVICES FOR 2018

RESOLUTION #395

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

WHEREAS, the services provided are a collective program of special recreational services for developmentally disabled individuals to be known as the NOR-WEST REGIONAL SPECIAL SERVICES PROGRAM

RESOLVED, the Town Board authorizes the Comptroller to pay NOR-WEST REGIONAL SPECIAL SERVICES for 2018 services provided using the Recreation and Parks Department 2018 budget line item A7020.049 for special programs in the amount of \$38,232.00.

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

REFUND OF DUPLICATE TAX PAYMENTS

RESOLUTION #396

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

RESOLVED, that the Comptroller is authorized to refund the following duplicate tax payments:

<u>Account No.</u>	<u>Amount</u>	
1184500	\$4,061.62	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1923000	\$2,729.67	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0600500	\$5,837.57	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1328000	\$3,490.06	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2487150	\$6,751.65	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
3929500	\$4,478.17	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1231000	\$2,442.38	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2493670	\$3,748.22	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2662500	\$4,259.13	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2393500	\$2,192.54	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2392500	\$3,918.40	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2071527	\$4,624.20	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0700000	\$1,763.35	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1766545	\$1,567.01	REF DUP FIRST 1/2 2018/19 SCHOOL TAX

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

APPLICATION FOR CHANGE OF ZONE - ROMA BUILDING

Mr. David Cooper, attorney with Zarin & Steinmetz, stated that the authorized redeveloper, Concrete Ventures, is looking to redevelop the Roma Building. They have already submitted their formal petition to be included into the Transitional Zone, which will allow for a much better redevelopment and revitalization of this property. The redeveloped property would include approximately 9,700 square feet of commercial space on the lower level with 42 residential units on top. Supervisor Gilbert said this is similar to the Weyant Property and the Town Board will declare its intent of lead agency, taking advice from Planning Board. Mr. Cooper introduced Joe Riina, Project Engineer; Michael Piccirillo, Architect; Phil Greeley, Masur Consulting – Traffic Engineer; Vivienne Lee, Concrete Ventures; and Matthew Accocella from Zarin & Steinmetz.

Mr. Cooper began with an explanation as to why this project would fit best into a Transitional Zone: this is a 1.34 acre site currently zoned in a C-3 district which does not allow for residential uses. It is a prominent gateway property in the Town and has become an eyesore. It also is being used as a cut-through that causes traffic problems at a busy intersection. A four-story building is being proposed with 98 parking spaces both level and underground. Sidewalks and pedestrian measures will be put in place to increase walkability to the center of Town. Transitional zone will provide design flexibility to foster viable redevelopment of properties while preserving the buffer qualities of those properties that are sitting between two types of zoning. The site is sitting between a single-family residential zone (R-3) to the north and a commercial zone to the south and west. The current C-3 zone is a block between the two; allowing Transitional zone will allow a bridge. They will need to craft the correct siting and setbacks so that the redevelopment of the property will allow the Department of Transportation (DOT) to take some of the property to open up the traffic area to allow for traffic mitigation. The correct siting will allow for proper walkability (sidewalks, landscaping) and improve the overall visual look of the area. Mr. Cooper also stated that, in line with the Town's Master Plan, this project will encourage a more walkable hamlet, encourage more evening and weekend users to the commercial users to both the site and the hamlet because they will be able to walk there. This project will also diversify the housing supply in the Town as a newer type of option and improve the traffic at a major intersection of the Town. It will also improve what is a gateway property to the Town.

Mr. Joe Riina, Site Design, presented his engineering plans for the property. He mentioned that the plans have not really changed since the last time they came before the Board. There will be shared access to the property with The Weyant project. He discussed the parking plan, including the underground parking. The corner of the property (a focal point for the project) will include landscaped area and a slightly elevated plaza area with benches and tables. Mr. Riina proceeded to show the Town Board the plans for the building.

Councilwoman Roker asked about public parking for those who wish to use the commercial portion of the building. Mr. Riina showed her on the plan where parking would be available. They have provided for two cars per dwelling unit on the residential side. Councilwoman Roker stated the best issue here is that the people that will be brought to the area will make it walkable and create businesses. The Town will be working with DOT to do modifications to the roadway. Councilwoman Roker said that businesses come when they have people who have the money to spend. She feels that the apartments will bring the Town success. Mr. Cooper said there will be pedestrian safety measure put in place for the residents.

Dr. Philip Greeley, Maser Consulting, said that they looked at the Master Plan on which to base their plans. He feels that these projects are not major traffic generators. If you re-occupied the Roma Building to what it is now, there would be more traffic than the current project. There is a problem in that there are three main roads converging there. Mr. Greeley talked about the traffic issues that will not be corrected by these projects, which will need to be addressed by the DOT. He talked about property being dedicated to the State by The Weyant project and how it would be developed into a sidewalk system. DOT seems to be in favor of the plans that have been drawn up by his firm. There will be land dedications along Crompond Road there will be land dedication to accommodate the sidewalks and there will be a land dedication along the frontage Saw Mill River Road to accommodate the sidewalk and a right turn lane along the frontage as well as a new crosswalk. Mr. Greeley informed the Board that the land dedication process takes about 18-month

to 2-year process. He feels that these projects are providing the building blocks for the Town's Master Plan. He also discussed the property across the street from the Roma Building which is owned by Mr. Falkenberg. Councilwoman Roker said that Mr. Falkenberg is open to come in to speak with the Board, as well as the owners of the Triangle Shopping Center, to talk about the Master Plan ideas.

Ideas were exchanged between the Board and the applicant regarding parking. Mr. Cooper stated that they would have a parking study done to address the Board's questions/suggestions.

Mr. Cooper stated that they would need a SEQRA/Lead Agency resolution from the Board. He understands that this will be a referral to various boards. He requests the Board do the referral as well as declare Lead Agency. He requests that the site plan approval and public hearing for Transitional Zone be done at the same hearing. Councilwoman Roker explained that the Town does a wider referral than just the various boards, including our fire and school districts, and surrounding communities.

ADJOURN

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

DIANA L. QUAST, RMC, CMC,
TOWN CLERK
TOWN OF YORKTOWN