

Meeting of the Town Board, Town of Yorktown held on March 7, 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 Councilman Diana, the Town Board moved into Executive Session to discuss 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.

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.

DURING HIS REPORT TO THE TOWN, Supervisor Grace stated he hoped that everyone enjoyed the State of the Town address that he gave the previous week. He also wished everyone a very safe and happy Saint Patrick's Day.

DURING REPORTS FROM THE TOWN COUNCIL, Councilman Diana stated that tonight is the 229th birthday of the Town of Yorktown and in recognition of this event, he and the Town Attorney, Michael McDermott, have been working on a resolution to have two ships named after the town. One will be the Battle of Pines Bridge and the other will be the Town of Yorktown. This is not a done deal but he would like to put forth a resolution making this request. Councilman Diana proceeded to read the resolution:

AUTHORIZE THE TOWN SUPERVISOR TO PETITION THE UNITED STATES NAVY TO NAME SHIPS IN HONOR OF THE BATTLE OF PINES BRIDGE AND THE TOWN OF YORKTOWN

RESOLUTION #095

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

WHEREAS, on March 7, 2018, the Town of Yorktown will celebrate its 230th anniversary;

WHEREAS, the Town of Yorktown has great pride in the abundance of historical significance in the development of the United States, particularly the Hudson Valley region, since its formation;

WHEREAS, the Town of Yorktown is equally honored by the many dedicated people who have lived in the Town since it was established;

WHEREAS, the Town of Yorktown is blessed with a diverse and devoted citizenry presently residing in the Town;

WHEREAS, to honor the prior generations of townspeople as well as the current residents, throughout 2018 the Town of Yorktown will be conducting several town-wide celebrations to revel in our rich history, our great milestones and our hard fought achievements;

WHEREAS, dating back to the formation of the United States, the United States Navy has honored noteworthy people, places and events with names of classes of ships or individual ships;

WHEREAS, the Town Board believes that the residents of the Town of Yorktown deserve the honor and tribute of having a United States naval ship bear its name;

WHEREAS, one of the many ways the Town of Yorktown is commemorating its precious heritage, the Town of Yorktown plans to petition the United States Acting Secretary of the Navy to name naval ships after the Battle of Pines Bridge as well as Town of Yorktown;

WHEREAS, the United States Navy has named Ticonderoga-class guided missile cruisers after important military events such as battles – *Ticonderoga*, *Cowpens*, *Yorktown*, *Valley Forge*, *Bunker Hill* and *Antietam*;

WHEREAS, the Town Board submits that the Battle of Pines Bridge is a noteworthy event in the development of the cause of American Freedom that a naval ship should bear its name;

WHEREAS, the Battle of Pines Bridge, which occurred on May 14, 1781, was a battle between native-born Americans Patriots of the Rhode Island Regiment versus Loyalists, people who remained loyal to the British King. The American soldiers were tasked with guarding Pines Bridge, a strategic crossing point over the Croton River, which led into the Hudson River. The Croton River served as the Patriot line of defense throughout the war. The ability of the Patriots to control the area helped keep the New England colonies connected to the Middle and Southern colonies;

WHEREAS, in addition to the military strategic importance of the battle, the diversity of the American soldiers who were predominantly black, white or American Indian is equally significant. The regiment's commander, Colonel Christopher Greene, and many of his soldiers made the ultimate sacrifice on the Town's soil during the battle;

WHEREAS, in addition to the historical significance of the Battle of Pines Bridge, the Town of Yorktown – and its residents – have a long and dedicated history that is worthy of the honor of bearing a naval ship's name;

WHEREAS, the United States Navy has named Littoral Combat Ships (LCSs), small surface vessels intended for close to shore operations, after small cities and towns such as *Fort Worth*, *Little Rock*, *Wichita*, *Cooperstown* and *Mobile*;

WHEREAS, the Town Board submits that Town of Yorktown – and its people – would be honored to have a Littoral Combat Ships named after the Town;

BE IT RESOLVED, the Town Board of the Town of Yorktown authorizes the Town Supervisor to petition the United States Acting Secretary of the Navy Sean Stackley to consider at the next ship naming convention that the next available Ticonderoga-class guided missile cruiser be given the name *USS Battle of Pines Bridge* and the next available Littoral Combat Ship be given the name *USS Town of Yorktown*.

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

Councilman Diana mentioned another event that is being planned for 2018 which will be Yorktown's 230th birthday - Town Day. It will begin with a parade, and then continue with other events including a musical portion (in conjunction with the Yorktown Lions Club), culminating in a fireworks display. The committee is being developed now and he will keep residents posted as to its progress.

Councilman Bernard stated that Yorktown was recognized in 2016 by the Arbor Day Foundation as a Tree City USA which recognizes our efforts in urban forest management, as well as our awareness that trees are vital to the public infrastructure of cities and towns throughout the country. He also mentioned that this upcoming Saturday evening, March 11 clocks should be set ahead for Daylight Savings Time and to change the batteries in your smoke alarms.

Councilman Patel mentioned that he was honored to attend the Association of Towns for New York State which he found very informative. He also spoke about support needed by the families of our veterans.

Councilman Lachterman talked about “zombie properties” which is a current issue for the town. He mentioned Garden Lane and a new property the Town Attorney is working on at East Main Street in Shrub Oak. These are properties that have been abandoned or left to the banks and are in disrepair. The Town is trying to either get the properties cleaned up, or in some cases, torn down. In addition, Councilman Lachterman mentioned that the Lions Club is having Breakfast with the Easter Bunny on Saturday, March 26th. Registration has opened up for the Alliance for Safe Kids Save a Life Day on Sunday, April 2nd at Lakeland High School from 12:00 to 5:00 pm (allianceforsafekids.org). Supervisor Grace also mentioned what a worthwhile event this is for all residents.

Supervisor Grace mentioned that if anyone has a “zombie property” in their neighborhood, please contact his office so they can do a site visit. He also mentioned that he is very proud of the Arbor Day Foundation’s designation.

Councilman Patel spoke about 1065 Hanover Street as a possible “zombie property.” An issue of trash was mentioned.

PRESENTATION

Robert Noble, Chief of Police, thanked Supervisor Grace for his comments during the State of the Town address. Supervisor Grace commended the Police Department on the exemplary job they do in Yorktown. Chief Noble brought Detective Brian Shanahan, Tricy Cushner and Liz Talbert from the Alliance for Safe Kids to the Board so he could speak about the Yorktown Youth Court. Chief Noble also mentioned Detective Lewis who is also involved with this program but who could not attend this meeting. Detective Shanahan and Detective Lewis have been the “go to” officers for the Youth Court for the last eleven years.

APPOINT DEPUTY TOWN ASSESSOR – CHERYL KASTUK RESOLUTION #096

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

BE IT RESOLVED, that Cheryl E. Kastuk, is hereby promoted as a Deputy Town Assessor, job class code 0073-01, from Eligible List No. 70-734, effective March 13, 2017, in the Assessor Department, to be paid from Yorktown CSEA Salary Schedule A-1, Group 14, Step 4 which is \$75,486.00 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 March 13, 2017.

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

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 198, SECTION 4D(2) “DESIGNATION OF LANDMARKS OR HISTORICAL DISTRICTS”

Supervisor Grace convened a public hearing to consider amending Section 198-4D (2) of the Code of the Town of Yorktown entitled “Designation of Landmarks or Historic Districts” by adding the following: “The Commission shall discuss the designation proposal with the owner(s) of the subject property or properties prior to proceeding with the designation proposal.” Affidavits of Posting and Publication were presented by the Town Clerk.

Lynn Briggs, Chairperson of the Landmarks Preservation Committee, spoke about what historical significance and designation means and the two programs that are offered for historical designation (Homes of Historic Distinction and the Landmarking process).

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

LOCAL LAW # 2 OF 2017 AMENDING CHAPTER 198, SECTION 4D(2) "DESIGNATION OF LANDMARKS OR HISTORICAL DISTRICTS"
RESOLUTION #097

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

WHEREAS, a public hearing was held on March 7, 2017, pursuant to notice duly published as required by law amending Section 198-4D (2) of the Code of the Town of Yorktown entitled "Designation of Landmarks or Historic Districts" by adding "The Commission shall discuss the designation proposal with the owner(s) of the subject property or properties prior to proceeding with the designation proposal."

RESOLVED, that Local Law #2/2017, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, 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 #2 of 2017 is hereby duly adopted.

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 275 ENTITLED "VEHICLES AND TRAFFIC" – BUNNEY LANE AND MARK ROAD

Supervisor Grace convened a public hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," Article I, entitled "Traffic and Parking Regulations," adding a full stop at the intersection of Bunney Lane and Mark Road. Affidavits of Posting and Publication were presented by the Town Clerk.

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

LOCAL LAW #3 OF 2017 CHAPTER 275 ENTITLED "VEHICLES AND TRAFFIC" – BUNNEY LANE AND MARK ROAD

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

WHEREAS, a public hearing was held on March 7, 2017, pursuant to notice duly published as required by law amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," Article I, entitled "Traffic and Parking Regulations," adding a full stop at intersection of Bunney Lane and Mark Road.

RESOLVED, that Local Law #3/2017, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, 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 #3 of 2017 is hereby duly adopted.

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 275 ENTITLED "VEHICLES AND TRAFFIC" – QUAKER CHURCH AND GRANITE SPRINGS ROAD

Supervisor Grace convened a public hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," Article I, entitled "Traffic and Parking

Regulations,” adding a full stop at the intersection of Quaker Church Road and Granite Springs Road. Affidavits of Posting and Publication were presented by the Town Clerk.

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

LOCAL LAW #4 OF 2017 CHAPTER 275 ENTITLED “VEHICLES AND TRAFFIC” – QUAKER CHURCH AND GRANITE SPRINGS ROAD

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

WHEREAS, a public hearing was held on March 7, 2017, pursuant to notice duly published as required by law amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” adding a full stop at the intersection of Quaker Church Road and Granite Springs Road.

RESOLVED, that Local Law #4/2017, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, 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 #4 of 2017 is hereby duly adopted.

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 275 ENTITLED “VEHICLES AND TRAFFIC” – EAST MAIN STREET AND STONY STREET

Supervisor Grace convened a public hearing to consider amending Chapter 275-12 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” adding a new subsection G to Section 275-12 entitled “Traffic Control Signals” for the installation of a traffic control signal at the intersection of East Main Street and Stony Street. Affidavits of Posting and Publication were presented by the Town Clerk.

Councilman Greg Bernard, Traffic and Safety Board Liaison, spoke about these changes stating that the first two were simple in that the locations were inspected and found that stop signs were needed at both. The traffic signal at East Main Street and Stony Street is being requested but funding has not been designated yet. It was suggested by the Town Board that any future development in that area be looked to in order to help mitigate the cost. The legislation is being proposed now so that when development does occur in the area, it is already in place to add the traffic signal and no public hearing will be needed.

Mr. Mark Lieberman, resident, asked if the intersection requiring the traffic light had a traffic study done or being planned. Is there accident history for that intersection?

Supervisor Grace stated that there was one fatality at the location. The applicant for the Shrub Oak International School is currently doing a study for their purposes which would also include that intersection. Supervisor Grace assured Mr. Lieberman that the Traffic and Safety Board does a comprehensive review of the areas they are considering for action. Councilman Bernard stated that this legislation is a preemptive move so that when a developer’s traffic study is complete and shows that the signal is needed, the code supports it. He also mentioned that there have been 74 traffic accidents in and around that intersection and it is now under review for traffic calming.

Susan Siegel, resident, thinks the traffic light is a good idea. She asked if there had been any talks with the International School regarding a community donation towards this cost. Supervisor Grace said that the traffic study needs to be completed first.

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

LOCAL LAW #5 OF 2017 CHAPTER 275 ENTITLED “VEHICLES AND TRAFFIC” – EAST MAIN STREET AND STONY STREET

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

WHEREAS, a public hearing was held on March 7, 2017, pursuant to notice duly published as required by law amending Chapter 275-12 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” adding a new subsection G to Section 275-12 entitled “Traffic Control Signals” for the installation of a traffic control signal at the intersection of East Main Street and Stony Street.

RESOLVED, that Local Law #5/2017, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, 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 #5 of 2017 is hereby duly adopted.

SET DATE TO RECONVENE PUBLIC HEARING TO CONSIDER WETLAND PERMIT APPLICATION FOR 1875 BROOKDALE STREET – GEORGE PAVAN RESOLUTION #098

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

NOTICE IS HEREBY GIVEN, that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 21st day of March, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from Joseph Riina, Site Design Consultants on behalf of George Pavan for property located at 1875 Brookdale Street, Yorktown Heights, NY 10598, also known as Section 37.19, Block 2, Lot 22,23,24. The request is to perform the following activity: Construction of a single family residence, driveway and landscaped yard areas.

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

SET PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW ADDING A NEW CHAPTER ENTITLED “UTILITY POLES” RESOLUTION #099

Upon motion made by Councilman Patel, 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 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 21st day of March, 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider adding a new Chapter to the Code of the Town of Yorktown entitled “UTILITY POLES” which would require that utilities that use Town highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment, and terminals have been removed.

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

Supervisor Grace read off the following agenda items. Councilman Patel asked to have a discussion regarding the Home Rule Request. He wanted to know why the Town Board feels a need for this since the County already has a program in place that does the same thing. He asked if this was just a duplication of that program. Councilman Lachterman stated that the County prioritizes their IDA projects and this would allow for Yorktown to do their own. Supervisor Grace feels that this would allow Yorktown to promote business on their own without waiting for the County. Councilman Patel asked if this would slow down the process and Supervisor Grace said that would not be the case.

AUTHORIZE TOWN CLERK TO TRANSMIT A HOME RULE REQUEST FORM TO THE COUNSEL OF THE NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY ESTABLISHING YORKTOWN INDUSTRIAL DEVELOPMENT AGENCY RESOLUTION #100

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

WHEREAS, the Town Board of the Town of Yorktown believes that an Industrial Development Agency in the Town of Yorktown would promote, develop, encourage and assist in acquiring, constructing, improving, maintaining or equipping certain facilities within the Town thereby advancing the job opportunities, health, general prosperity and economic welfare of the people of the Town of Yorktown;

WHEREAS, the Town of Yorktown is committed to ensuring diverse local job creation in Yorktown; and

WHEREAS, the Town Board believes that local labor should first be sought before securing outside labor for Industrial Development Agency assisted projects; and

WHEREAS, it is the intention of the Town Board for the Yorktown Industrial Development Agency to promulgate a declaration of motivation for the employment of local trades people and prioritize local labor;

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of March 7, 2017 in support and passage of Assembly Bill A5753/Senate Bill S328.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the home rule counsel of the state senate and state assembly.

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

ACCEPT COMPLETION OF SPARKLE LAKE DAM PROJECT RESOLUTION #101

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

WHEREAS,

1. On 8/04/15, the Town Board passed a resolution that awarded the bid for Sparkle Lake Dam to Cal Mart Enterprises, Inc. at a cost of \$348,843.

2. The contract work was substantially completed by Cal Mart on 5/31/16. The remaining punch list items have been worked on by the contractor for the past several months and have been confirmed as complete.

3. Construction activities were supervised by a representative of the design engineer, Maser Consulting P.A., and they provided written certification that the work was completed according to the plans and specifications.

4. Cal Mart provided the following documents in support of their request for final acceptance: Contractor's Affidavit of Payment of Debts and Claims, Consent of Surety to Final Payment, Contractor's Affidavit of Release of Liens, and Affidavit of Payment of Material, Subcontractors, Insurance, Bonds and Labor.

5. In addition Cal Mart provided a 1-year Maintenance Bond in the amount of \$16,638 that will guarantee their workmanship until 5/31/17.

6. The Town Engineer and the Parks Superintendent both concur that the work has been satisfactorily completed and recommend the project be accepted as final and complete.

NOW, THEREFORE BE IT RESOLVED, that

The Town Board accepts the Sparkle Lake Dam Project as final and complete and authorizes the release of remaining monies due to Cal Mart Enterprises, Inc., subject to the Town Attorney obtaining all necessary waiver of liens and release documents from Cal Mart Enterprises, Inc.

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

ACCEPT COMPLETION OF CROTON HEIGHTS BRIDGE/CULVERT
RESOLUTION #102

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

WHEREAS,

1. On 4/28/15, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with ELQ Industries Inc., for emergency repair work of the culvert on Croton Heights Road near the intersection of Route 118.

2. On 2/7/17, the Town Board passed a resolution that authorized the Town Supervisor to sign an Amendment to the Contract Agreement with ELQ Industries Inc., for extra work that was performed during the course of the project.

3. The work was done from September through December 2015. Total cost of the project including the contract amendment was \$394,479.47.

4. The construction work was supervised by a representative of the design engineer, Sells/Parsons Brinckerhoff, and they provided written certification that the project has been completed according to the plans and specifications.

5. ELQ Industries provided a Final Release and Final Waiver of Claims & Liens that was prepared by the Town Attorney.

6. The Town Engineer and the Highway Superintendent both concur that the work has been satisfactorily completed and recommend the project be accepted as final and complete.

NOW, THEREFORE BE IT RESOLVED, that the Town Board accepts the Croton Heights Road Culvert Replacement Project as final and complete and authorizes the release of remaining monies due to ELQ Industries Inc.

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

AUTHORIZE COMPTROLLER TO REFUND DUPLICATE TAXES
RESOLUTION #103

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account #1923000 in the amount of \$2,694.84.
Account #4374009 in the amount of \$3,192.31.
Account #2494340 in the amount of \$3,846.12.
Account #1675000 in the amount of \$2,848.79.

Account #2576500 in the amount of \$3,487.94
Account #0279502 in the amount of \$1,244.23
Account #3082500 in the amount of \$2,505.28
Account #2355500 in the amount of \$3,388.60
Account #1228500 in the amount of \$1,470.33
Account #1605000 in the amount of \$2,773.23
Account # 743500 in the amount of \$ 741.93
Account #4583500 in the amount of \$ 73.61
Account #471500 in the amount of \$ 267.70

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

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Mark Lieberman stated that the corner of Ridge and Route 202 where many accidents have occurred has not been looked at by the NYS DOT. What can be done? Councilman Patel related a similar concern he has with an intersection near his home. He talked about how long it takes to get anything like this accomplished by the State.

Mr. Gil Kaufman, resident, spoke on behalf of the Senior Advisory Committee. He wanted to recognize a charter member of the organization who has recently moved out of the area – Rhoda Sussman – and thanked her for all of her contributions to the seniors in town.

Mr. Ed Ciffone, resident, stated that resident Dan Strauss should also get recognition for the clean-up work that he does in the Town to remove litter and debris. Mr. Ciffone mentioned that although he felt Supervisor Grace's State of the Town address went well, the question and answer period should have been televised, as well. He mentioned the following areas of concern to him: Holland Sports Club – have any violations been fixed; the Sober Home; Water Taxes going up, the Town Budget and tax increases; fund balances; unpaid taxes; the Sultana Pool, spot zoning; the repeal of affordable housing law, the tree law, and the open space fee; the new Highway Department Garage.

Mr. Jay Kopstein, resident, talked about speaking at work sessions and thanked the Board for allowing the public to speak if their questions or concerns were pertinent to the agenda.

Mrs. Susan Siegel asked about the Atlantic Bridge Project/Spectra Phase 2 of the pipeline. She said that it appears in the implementation plan that there is going to be a lot more disturbance to Legacy Field than was originally anticipated and wants to know what changed and when did the Town agree to let it change. She read that an access road and a staging area there where they will increase their area by an eighth of an acre. Mrs. Siegel asked if this was being allowed as some kind of a "quid pro quo" in that the Town will allow these changes so that Spectra will pay more money that can be used in the Granite Knolls project. When were these changes discussed and agreed to by the Town Board? Ms. Siegel also had questions regarding the Granite Knolls project: the EAP, SWPPP, traffic studies, etc. She also asked if the rules of the work sessions were explained because they seem to be changeable.

Mr. Kopstein said that he has never seen a person at a work session have a legitimate question denied unless it was for their own personal agenda and not what was being discussed by the Board.

Mr. Larry Killian, resident, thanked the Board for the stop sign coming to the corner of his street, Bunney Lane. He commented on the business tax exemption and realized how difficult a decision this was. Would it make sense to have a report done every 6 months regarding which businesses were getting tax breaks and how much, and really look at the effect of the policy on both new and existing businesses. He complimented to board on their efforts to revitalize the town but a review may be necessary to see its effectiveness. He also commented on the issue of the state paying taxes on parkland and wondered if the town attorney could look into suing the State to get that money. He also asked about tennis at Downing Park – the maintenance of the courts is not being done and this is vital to senior citizens who are able to play tennis. Mr. Killian also said a good senior tennis program would be nice to see, as well.

Mr. Ken Belfer, Mohegan Lake Homeowners Association, discussed the problem of blue-green algae and the closure of beaches at the lake. Copper sulfate had been added and conditions improved. The use of copper sulfate makes a quick difference in addressing blue-green algae. However, DEC Region 3 has adopted new regulations regarding the use of any copper product in the lake. Testing is being required of the sediment in the lake. If a certain copper threshold is reached, further more expensive testing is required. The copper threshold DEC is mandating is actually higher than what is naturally found in the sediment. The lake has failed Phase 1 testing and has to go to Phase 2, which involves very expensive equipment that requires to be left in place underwater for two weeks. The Homeowners Association is hoping to challenge DEC requirements, and at the same time, find alternatives to copper treatments. These alternatives are also more costly than the copper sulfate. Mr. Belfer wanted to let the Board know that they may be reaching out to the Board for assistance in the near future. Supervisor Grace suggested Mr. Belfer contact Town Engineer Michael Quinn and work with him on finding additional resources and alternatives.

Upon motion made by Councilman Diana, seconded by Councilman Bernard, Courtesy of the Floor was closed.

Supervisor Grace addressed Mr. Killian's statements. He said that the phrase "tax break" is really a misnomer. Supervisor Grace proceeded to explain what the business exemption involves and how it is not actually a tax "break." He said that the Town will be reassessing this program for its effectiveness. He also stated that suing the State for parkland taxes is not allowed. Supervisor Grace acknowledged the deplorable conditions the tennis courts are in and stated that rectifying this is part of a grander plan that will be taking place.

Supervisor Grace stated that the conditions under which the Atlantic Bridge Project were proceeding were not considered feasible. Unfortunately, the pipeline was there before our parks were created and, therefore, have precedence. However, the project managers have been very cooperative to this point and are willing to work with the Town. They are also willing to help fund the construction of new recreational fields at Granite Knolls.

Supervisor Grace stated that work sessions by definitions are just that: work sessions. The Town Board has to work and sit down and discuss specific items that applicants may have. The Board is focused on these applicants during the work session – it is not for public comment. Often, if someone is present who has a particular interest in the project being discussed, he or she will be allowed to ask a question or voice a concern. Councilman Bernard stated that posturing at a public meeting will not be allowed – the work session is to discuss a particular agenda item with particular persons involved. Councilman Patel stated that many towns have their work sessions televised.

A discussion between Councilman Patel and Supervisor Grace followed regarding the business exemption legislation and the new highway garage.

Supervisor Grace's response to the traffic control device issue stated how difficult it is to get something like this done when it involves intersections that are controlled by the State. Councilman Bernard stated that they are working with the State involving long term plans for intersections controlled by them.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilman Bernard and carried, the Town Board meeting was adjourned.

Diana L. Quast, RMC, Town Clerk
Town of Yorktown