

Meeting of the Town Board, Town of Yorktown held on March 21, 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 Lachterman, the Town Board moved into Executive Session to discuss personnel issues. Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Michael 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.

SUPERVISOR GRACE'S REPORT TO THE TOWN

Supervisor Grace announced the retirement of Police Officer Lauren Raczynsky from the Yorktown Police Department

RETIREMENT OF LAUREN RACZYNSKY – YORKTOWN POLICE DEPT.
RESOLUTION #104

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

RESOLVED, the Town Board hereby accepts the retirement of Officer Lauren Raczynsky from the Yorktown Police Department, effective March 17, 2017.

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

RESCIND RESOLUTION EMPLOYEE TRANSFER – NICK BURNS
RESOLUTION #105

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

BE IT RESOLVED, that Nicholas Burns is no longer transferred from the Highway Department to the Refuse & Recycling Department as a Laborer, job class code 0425-05, effective March 6th, 2017.

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

APPOINT LABORER – REFUSE & RECYCLING DEPARTMENT
JOSEPH BERGIN
RESOLUTION #106

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

BE IT RESOLVED, that Joseph S. Bergin of Yorktown Heights, NY, is hereby appointed Laborer, job class code 0425-05, within the Refuse & Recycling Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$40,684.00 annually;

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Joseph S. Bergin will report to work at the Refuse & Recycling Department on April 10, 2017 and this date will be used as the first date of appointment,

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 April 10, 2017.

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

Supervisor Grace also mentioned the resignation of Erin Mantz, Assistant Superintendent, Parks and Recreation.

RESIGNATION OF ASSISTANT PARKS AND RECREATION SUPERINTENDENT
ERIN MANTZ – PARKS AND RECREATION DEPARTMENT
RESOLUTION #107

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

RESOLVED, the Town Board hereby accepts the resignation of Erin Mantz, Assistant Superintendent, Parks and Recreation, effective April 7, 2017.

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

ALLIANCE FOR SAFE KIDS

Ms. Liz Talbert, Alliance for Safe Kids, announced the 7th annual Save a Life event. Last year 350 students from 5 area high schools attended the event, as well as parents. She proceeded to list the various speakers and programs for the day's event. Many topics of discussion were based on conversations with students throughout the year so that the topics stayed relevant. Adult workshops are held separately. Thirty-five exhibits will be presented in the exhibit hall and the event culminates with the Taste of Yorktown; 16 different Yorktown restaurants offer dinner to participants. Ms. Talbert stated how this event is a cooperative and collaborative effort of those in the community dedicated to keeping children safe. Two high school seniors spoke of their involvement with the event:

Jenna Bender, a senior at Yorktown High School and a participant of the school's individual student experience that is done through interning. She wanted to speak about the house party workshop that she is participating in at the event. A video is shown that demonstrates the consequences of poor choices. It was a video that was made a requirement for the Yorktown High School's prom panel.

Councilman Patel asked what the proper procedure would be if a teenager arrives at other a house parties intoxicated. Jenna answered that drinking at home or at a party really amounts to the same abuse and displays the same issue of making poor choices.

Lauren Gammer, another senior at Yorktown High School also spoke about her internship with Alliance for Safe Kids. The Save A Life exhibit she is working on is called "Hidden in Plain Sight" that offers tips to parents and other teens about the signs of drug or alcohol abuse that may be very commonplace. Lauren displayed a poster with items that may be used to hide drugs in containers, how posters hung up of celebrities or sports figures with known substance abuse issues and certain foods items may be indicators of someone who is at risk. She feels that her internship with Alliance for Safe Kids has allowed her to actively contribute to the community.

Councilman Lachterman stated that this is also a useful tool for children who may be dealing with adults in their lives with substance abuse issues.

Ms. Talbert stated that online registration is open through next Thursday for the Save A Life Event, but you can also call them or buy admission tickets at the door.

ARBOR DAY COMMITTEE

Mrs. Ann Kutter and Mr. William Kellner from the Arbor Day Committee talked about the sixth annual Arbor Day that is approaching. Last year's poster contest had 10 submissions and five winners. Con Edison participated by giving the Town saplings to plant. Last year's budget was \$450 and the Tree Conservation Advisory Commission came under budget with the assistance of donations. They will again be seeking donations for this year's event. The event will be in Patriot Park on April 28th at 4:00 p.m. The Tree Commission asked permission to use the boardroom in case of inclement weather. The Town Board will judge the posters and will announce winners at the event. The competition will be open to 4th and 5th graders, and they are hoping to get Lakeland School students and any fourth and fifth graders who live and/or go to school in Yorktown involved.

The Tree Conservation Advisory Commission will dedicate a plaque in honor of Mrs. Lorraine DeSisto, former Assistant Town Planner, who was instrumental in bringing the Arbor Day Celebration to Yorktown. Mr. Kellner discussed an area where they will be planting some trees after the event and the removal of some invasive species and that they are seeking volunteers. The banners that are created from the posters the children create will be displayed throughout town.

RECONVENE PUBLIC HEARING FOR WETLAND PERMIT APPLICATION - 1875 BROOKDALE STREET – GEORGE PAVAN

Supervisor Michael Grace reconvened 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, Lots 22,23,24. The request is to perform the following activity: Construction of a single family residence, driveway and landscaped yard areas. Affidavits of Posting and Publication were presented by the Town Clerk.

Mr. Joseph Riina, project engineer, came before the Board to discuss the building of one single-family residence at 1875 Brookdale Street. Highway Superintendent Dave Paganelli said that he had spoken to a few of the area residents to alleviate their concerns.

Town Engineer Michael Quinn stated that many of the drainage improvements that will be made on the property will also alleviate some of the drainage issues on the road. The Town will provide the materials for the work. It was stated that residents downstream will have less water as well.

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 Diana, seconded by Councilman Bernard and carried.

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

Supervisor Grace thanked Highway Superintendent Dave Paganelli and Town Engineer Michael Quinn for their efforts in partnering with the developer to solve the drainage issues. He stated that this is a good example of the public sector working with the private sector to get the job done.

WETLAND PERMIT APPLICATION – 1875 BROOKDALE STREET – PAVAN RESOLUTION #108

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

WHEREAS:

1. The Applicant submitted an application for a Wetlands and a Stormwater Pollution Prevention Plan Permit for construction of a single family house on an undeveloped lot.
2. A Public Hearing on this application was opened on November 15, 2016 and closed on 3/21/17.

3. The Approval Authority for this permit application is the Town Board.
4. The application fee of \$3,300 has been paid.
5. The Applicant submitted engineering plans prepared by Site Design Consultants, revision date 2/21/17.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Type II action, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
3. The following conditions are included as part of the Action:
4. The Applicant and the Town shall execute an agreement to confirm roles and responsibilities for the furnishing and installation of stormwater materials. Agreement shall be subject to review and approval by the Town Attorney.
5. All comments listed in the Town Engineer's memo dated 3/21/17 and copied below hereto shall be addressed to the satisfaction of the Town Engineer prior to issuance of any permits.
 - a. Applicant is requesting the Town furnish materials that he would install to handle drainage from the site plus improve the general drainage in the surrounding area, which has been problematic during large rain events. The specifics of the proposed agreement between the Town and the Applicant should be reviewed by the Town Attorney. The type and materials proposed are consistent with Town Code requirements; however, the Highway Superintendent should verify the quantities. The Town responsibility should be limited to the specific materials listed in Exhibit B, any other changes or design modifications should be the sole responsibility of the Applicant. It should also be noted that the materials provided by the Town are solely for use related to the indicated swale/drainage improvements and not for general use elsewhere on the site.
 - b. The plans should indicate the Applicant is responsible for maintenance of the drainage swale. In addition a Stormwater Maintenance Agreement shall be prepared by the Town Attorney and executed prior to the Certificate of Occupancy being issued.
 - c. The Site Plan shows a wetland fill area of 860 square feet: Applicant shall work with the Town Engineer to reduce or eliminate the need for this. If wetlands will be filled in, must be in compliance with requirements of the Town Wetlands Ordinance.
 - d. The new driveway will have a steep slope (10 percent grade), Applicant shall confirm how stormwater runoff will be handled from this impervious area. At a minimum, it will need to provide a trench drain to collect stormwater flowing down the driveway. The design currently shows stormwater discharging into the Town road and we are particularly concerned that there is another driveway on the opposite side of Brookdale Street that may be adversely affected with this drainage flow.
 - e. The architectural floor plans/elevations show a rear deck whereas the Site Plan shows an at-grade patio. Please correct this discrepancy. Grading in the rear of the property slopes upward so the at-grade patio does not seem feasible.
 - f. The roof gutters are shown as a surface discharge; must be at least 10 feet from all property lines and cannot cause any off-site impacts. Provide a note to indicate this.
 - g. A double line of silt fencing shall be installed to safeguard the wetland area from any possible soil erosion that may occur during the construction work.

- h. An orange construction fence shall be installed at the edge of wetlands to prevent any unauthorized entry into this area during the work. Work that must occur inside the wetlands for utility installation shall be under the direct oversight of the design professional to ensure only a minimal disturbance will be needed.
- i. A Sewer Connection Permit will be required for the new sanitary sewer (can be obtained from Engineering).
- j. A permit from the Highway Department will be required for the new driveway entrance and a permit from the Water Department will be required for the new water service.

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

Conditions that must be met prior to the commencement of work:

1. A **Project Performance Bond** shall be established in the amount of **\$1,000** with the Engineering Department. The bond will be released upon satisfactory completion of work in the wetlands buffer area and stormwater work on the site, as follows: (1) the Town Engineer confirms the disturbed wetland areas have been satisfactorily restored per the engineering plans and a minimum of two years have elapsed to verify plantings are viable on the site; and (2) the Town Engineer confirms that a minimum of 80% of the disturbed land areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing have been removed, all post-construction controls have been satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. A Town of Yorktown Building Permit must be obtained for the new house construction prior to undertaking any site clearing or other site improvements.
3. A **pre-construction meeting must be held at the site**. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.
4. If fill is to be imported to the site, soil samples must be taken and tested at the Applicant's expense by a certified soil testing laboratory, to ensure there are no contaminants present in the imported soil prior to bringing the fill on site. Copies shall be furnished to the Engineering Department **prior to the commencement** of work.
5. The property lines and any easements must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Manual of Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered or seeded/mulched with a silt fence around the perimeter. Any disturbed areas that are not worked on for greater than 7 days shall be seeded and mulched.
3. An orange construction fence shall be established at the edge of the wetlands as

shown on the approved plans to prevent unauthorized entry. For the work that will occur inside the wetlands area, all work shall be under the direct oversight of the professional engineer or environmental consultant to ensure only the minimum disturbance is needed to complete the work.

4. No trees were shown to be removed, a permit shall be obtained from Engineering should the removal of any trees be required.
5. All work to be performed in the Town right-of-way must be in accordance with current Town standards regardless of what may be shown or omitted on the plan. No soil storage in the Town right-of-way is permitted. Roadways shall be kept broom clean at all times.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. The applicant shall have the environmental professional perform a site visit and prepare a report for submission to the Town Engineer confirming that all wetland disturbances have been mitigated according to the plan and that all plantings are confirmed viable and have survived a minimum of two (2) years.
3. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department (ext. 220 for bond release) who will then inspect site and authorize bond release or if further stabilization is required.

PUBLIC HEARING FOR A PROPOSED LOCAL LAW ADDING A NEW CHAPTER ENTITLED UTILITY POLES

Supervisor Michael Grace 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. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace explained what this legislation was meant to address – “double” utility poles and the danger and unsightliness they pose. He mentioned several instances of where these poles exist in the town. When a pole is damaged, usually due to storm activity, and needs to be replaced, other users (communication companies) of the pole are notified by the utility to relocate their equipment to the new pole. This replacement rarely happens and the result is a double pole; one of which may be damaged and unsightly. This is an innovative piece of legislation that has been addressed before by other towns without success.

Town Attorney Michael McDermott explained that this would be a provision in the Town Code that would set up a system run by the Highway Department that would monitor the installation of utility poles in the Town and, in the event of a double pole, the superintendent would notify the utility company that they have 30 days to remove the double pole. A criminal component has been added to the legislation that says if removal is not done within the specified time, a fine of \$1,000.00 per day will be charged. This legislation also allows for the ability to take such issues to the Supreme Court. Since the announcement of this legislation, Mr. McDermott said he has already noticed that some of the double poles have been removed.

Representatives from the affected utility companies will be heard at the next public hearing.

Ms. Sherry Reid, resident, asked if a utility is in the process of replacing a pole and a weather event occurs, will the utility make the storm-related events the priority or be

more concerned with staying within the 30-day time period.

Mr. McDermott responded by saying there is a temporary stay provision in the legislation so that the utility can respond in the best possible way for the resident.

Mr. Dan Strauss, resident, asked if the law will address current situations in town, like Curry Street. Supervisor Grace stated that this is not a “grandfathered” situation – all poles would have to be remedied.

Highway Superintendent Dave Paganelli also mentioned about utility companies cleaning up downed trees. He said that residents can log in existing problems through the Highway Department webpage’s “Report a Problem” section.

Mr. Bill Kaufman, resident, asked if there would be any interruption to power during the removal of the double pole. Supervisor Grace said there shouldn’t be since the electric company’s lines are replaced right away after an event. The majority of the double pole equipment is communication lines left on damaged poles.

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

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

SET PUBLIC HEARING DATE FOR FEATHERBED PROPERTIES –
ESTABLISHMENT OF HUNTERBROOK SEWER DISTRICT EXTENSION #21
RESOLUTION #109

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has received a petition, together with a map showing the boundaries of a proposed sewer district extension in said Town, to be known as Hunterbrook Sewer District Extension No. 21 in the Town of Yorktown (the “Extension”) a general plan to serve said Extension, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and
WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed consist of the construction of a sanitary sewer system to be paid for by the petitioner; and

WHEREAS, the only costs to be incurred by such Extension consist of (i) its proportionate share of the District’s indebtedness, which will be payable in the first instance from the annual apportionment and assessment from the several lots and parcels of land within said Extension deemed to be benefited thereby, and (ii) the cost of the buy in into the County Sewer District, as well as the annual County Sewer District charge; and

WHEREAS, the cost of hook-up fees to the typical property in said Extension will be paid by the Petitioner, Featherbed Properties, Inc.; and

WHEREAS, the estimated cost of said Extension to the typical property therein is \$250.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which such costs were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 193 of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the Town Board of the Town of Yorktown, Westchester County, New York, shall be held at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 18th day of April, 2017, at 7:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Sewer District Extension in said Town as described in the preambles hereof, to be known as Hunterbrook Sewer District Extension No. 21, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in The Yorktown News, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Michael J. Grace, Supervisor	VOTING	AYE
Vishnubhai V. Patel, Councilman	VOTING	AYE
Gregory M. Bernard, Councilman	VOTING	AYE
Thomas P. Diana, Councilman	VOTING	AYE
Edward A. Lachterman, Councilman	VOTING	AYE

he resolution was thereupon declared duly adopted.

Exhibit A

Boundaries of Proposed
Hunterbrook Sewer District Extension No. 21
in the Town of Yorktown, Westchester County, New York

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Yorktown, Westchester County, New York, bounded and described as follows:

BEGINNING at the point on the southerly side of Jacob Street, where same is intersected by a stone wall marking the easterly line of lands now or formerly of John R. and Harriet G. Hafker; thence along said side of Jacob Street, the following courses and distances:

North 62° 23' East 182 feet,
North 70° 35' 34" East 102.16 feet,
North 82° 46' 50" East 46.15 feet,
South 82° 29' 50" East 166.31 feet, and

South 81° 30' East 105.14 feet to a stone wall marking the westerly line of lands now or formerly of Carmen Costable; thence following said wall, South 16° 48' 20" West 339.88 feet to another stone wall; thence along said stone wall, South 73° 19' 10" East

136.63 feet to the remains of a post and wire fence marking the westerly line of lands now or formerly of John A. Foley, Jr. and Jacqueline Foley; thence along said lands as marked by said post and wire fence, South 15° 38' 20" West 383.69 feet to a stone wall marking the southerly boundary of lands now or formerly of said Foley; thence along same, South 73° 15' 30" East 222.90 feet to a stone wall marking the westerly boundary of lands now or formerly of Wallack Gardens, Inc.; thence along same, South 20° 08' 30" West 809.93 feet, South 41° 44' West 704.30 feet and South 40° 44' 20" West 406.57 feet to a stone wall marking the southerly boundary of said lands now or formerly of Wallack Gardens, Inc.; thence along same, South 76° 30' 50" East 518.47 feet; and thence along said lands and lands now or formerly of Sarah Berlin, South 73° 30' East 458 feet to the westerly line of said lands now or formerly of Berlin; thence along said lands, South 16° 31' 10" West 265.95 feet to the northerly side of a stone wall marking the northerly boundary of said lands now or formerly of Sarah Berlin; thence along same, North 74° 08' West 221 feet and continuing along said stone wall along the northerly boundary of lands now or formerly of Sarah Berlin and lands now or formerly of De Maria, North 75° 29' West 199.78 feet; thence continuing along said stone wall along the northerly line of lands now or formerly of De Maria, North 74° 29' 50" West 332.75 feet, and North 75° 17' 40" West 500.83 feet to the town line between Cortlandt and Yorktown; thence along said town line as marked by a stone wall, the following courses and distances:

North 4° 15' 30" East 590.28 feet,
North 1° 32' 30" East 189.09 feet,
North 4° 43' 10" East 358.12 feet,
North 6° 09' 05" East 131.35 feet,
North 4° 17' East 345.03 feet; and

North 3° 55' East 376.20 feet to an intersecting stone wall marking the southerly boundary of lands now or formerly of John R. and Harriet G. Hafker; thence along said lands, South 88° 07' 30" East 209.16 feet, and South 88° 42' 30" East 250.32 feet to an intersecting stone wall marking the easterly boundary of said lands now or formerly of said Hafker; thence along same, North 3° 42' 30" East 261.02 feet and North 4° 50' 40" East 253.21 feet to the point of BEGINNING.

ACCEPT AUDIT REPORT FOR FISCAL YEAR 2016 - YORKTOWN JUSTICE COURT

RESOLUTION #110

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

RESOLVED, that the audit of the Town of Yorktown Justice Court prepared by O'Connor Davies, LLP, for the fiscal year 2016, submitted to the Town on February 28, 2017, be and is hereby accepted by the Town Board. A copy of the audit is filed with the Town Clerk and is available for public inspection.

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

AUTHORIZE COMPTROLLER TO SET UP PETTY CASH ALLOWANCES FOR THE FOLLOWING DEPARTMENTS

RESOLUTION #111

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

RESOLVED, the Comptroller is hereby authorized to establish Petty Cash allowances in the following amounts for the departments listed.

Parks & Recreation \$300.00
Building Maintenance \$ 25.00
Building Department \$ 50.00

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

AUTHORIZE THE TOWN TO EXTEND BID FOR OEM PARTS TO JOHN DEERE CONSTRUCTION EQUIPMENT AND CUMMINS ENGINE OEM PARTS RESOLUTION #112

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

Whereas, invitation to bid for the John Deere Construction Equipment OEM Parts and Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened on June 22, 2015;

Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere Construction Equipment OEM Parts and Cummins Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

Be It Further Resolved, the dates of the extension will be June 22, 2017 to June 21, 2018.

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

AUTHORIZING THE TOWN TO ACCEPT THE SPARKLE LAKE DAM PROJECT AS COMPLETE AND AUTHORIZE RELEASE OF FINAL PAYMENT TO THE CONTRACTOR RESOLUTION #113

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

WHEREAS,

1. On 8/04/15, the Town Board passed a resolution that awarded the bid in the amount of \$348,843.00 for Sparkle Lake Dam to Cal Mart Enterprises, Inc. The contract work was substantially completed by Cal Mart on 6/20/16 at a total cost of \$332,770.24. The remaining punch list items have been worked on by the contractor for the past several months and have been confirmed as complete.
2. 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.
3. 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. In addition Cal Mart provided a 1-year Maintenance Bond dated December 8, 2016 issued by AllAmerica Financial / Hanover Insurance in the amount \$16,638.96 that will guarantee their workmanship until 06/20/17.
4. 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. At this time the contract retainage being held, \$16,638.96 by the Finance Department, may be released to the contractor.

NOW, THEREFORE BE IT RESOLVED, that the Town Board accepts the Sparkle Lake Dam Project as final and complete, accepts the Maintenance Bond issued by AllAmerica Financial dated December 8, 2016 in the amount of \$16,638.96 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.

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH EVOQUA WATER TECHNOLOGIES FOR THE MICROFILTRATION BUILDING AT THE WATER POLLUTION CONTROL PLANT
RESOLUTION #114

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

WHEREAS,

1. The Town has previously secured the services of Evoqua Water Technologies to perform the manufacturer's recommended service and programming of the micro-filters. This work has been done annually to keep the equipment running in its optimum state. Evoqua was the original supplier of the equipment system and is the sole provider to perform the recommended service.
2. The vendor proposal was itemized as follows: \$11,125 for up to three (3) days of service and two (2) days of travel time. Also includes estimated travel expenses of \$950.
3. The Department will use available funds for the purchase, under cost code YS8130.418.2. Please note this cost is chargeable to NYCDEP under the terms of our agreement for watershed protection.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Evoqua Water Technologies LLC for the scope of work as described in preceding section in the not-to-exceed amount of \$12,075.

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

AUTHORIZE SUPERVISOR TO SIGN A STORMWATER MAINTENANCE AGREEMENT WITH HILL BLVD. LLC FOR THE VALLEY COMMONS SHOPPING CENTER
RESOLUTION #115

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

WHEREAS,

1. The Applicant, Hill Blvd, LLC, recently completed construction of the Valley Commons Shopping Center Project located at 3677 - 3693 Hill Blvd. There was a Stormwater Pollution Prevention Plan (SWPPP) in place to manage stormwater during the various construction activities. As part of the SWPPP, the Applicant was also required to implement post-construction stormwater collection and treatment devices. The Town wishes to execute a Stormwater Maintenance Agreement to memorialize the responsibilities of the Applicant for long term inspection and maintenance of these devices.
2. One of the requirements of the Stormwater Maintenance Agreement is for the Applicant to file an annual compliance report with the Engineering Department. The Town needs to track these measures as one of the conditions of our MS4 Town-wide Stormwater Management Program.
3. The agreement will be subject to the review and approval of the Town Attorney.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Stormwater Maintenance Agreement with Hill Blvd, LLC for the Valley Commons Shopping Center Project located at 3677 - 3693 Hill Blvd.

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

MONTHLY REPORTS

The Town Board accepted the Monthly Reports for the Building Department Construction Report February 2017.

DURING COURTESY OF THE FLOOR, the following people spoke before the Town Board:

Dan Strauss, resident, raised the issue about discarded signs lying about the town; particularly the main section of town. Signs are not monitored by those who put them up and wanted to know why the landlord or property owner doesn't take responsibility for maintaining them.

He also asked about the new Route 118 project (Murphy's) which will bring in more retail – why doesn't the owner build apartments or condominiums that everyone says the town needs. There is already new retail space proposed for Depot Square and on Kear Street.

Mr. Strauss stated that Murphy's dumpster area is a disgrace.

Mr. Gil Kaufman, resident, thanked the Board for the dedicated Purple Heart parking spaces, but asked is the Town would please clean the snow from the YCCC parking area so the spaces can be used.

Mr. Paul Moskowitz, resident, stated that he feels the project at Murphy's may be a new opportunity for the Town where people could be attracted to the area by building small businesses with walking paths connecting to the other shopping areas of downtown. He also said he would like to see what the Depot Square project would look like in the future.

Mrs. Susan Siegel, resident, stated that she was speaking as a taxpayer in the Hallocks Mill Sewer District. She is trying to get clarification as to how certain improvements planned in the district are going to be paid for. The plan is to combine 3 separate sewer projects and spread the \$20 million cost over the entire district even though each of the 3 projects benefits different sets of taxpayers. The 3 projects are 1) creating a new sewer district extension for approximately 450 currently unsewered homes. 2) replacing two aging pump stations and 3) rerouting the Chelsea Pump Station that is actually in the Peekskill Sewer District to the Hallocks Mill District instead of replacing the facility. Last month she sent a letter to the NYS Comptroller's Office asking for clarification on several sections of NYS Town Law that govern how sewer improvements can legally be paid for. Specifically, she wanted to know if the 4,000 currently sewered homeowners in the district could be taxed for the two projects that would not benefit them – the 16 million dollar sewer extension project and the rerouting of the Chelsea Pump Station project. She is one of the several hundred homeowners who were sewered in 1979 as part of the Hallocks Mill Sewer District Extension No. 8. She stated that only the homeowners in the new extension who benefited were the ones paying for it and paid for 30 years until the bond was paid off. Ms. Siegel asked if they alone paid for their sewers, why would the Board expect them to pay for someone else's sewers. And why should the 4000 taxpayers in the Hallocks Mill Sewer District see their taxes increase for a pump station in the Peekskill Sewer District. As a Hallocks Mill taxpayer, Mrs. Siegel said that she has no problem paying for the two pump station replacements even though her property isn't serviced by them. By the same token, why shouldn't the homeowners in the Peekskill Sewer District pay for the Chelsea Station rerouting? The State Comptroller's office responded to her by saying that she should seek clarification from the Town Attorney, which she did on 3 occasions but has not received an answer. Mrs. Siegel wanted to know if the Board's method of global financing is a legal way to pay for the projects.

Mr. Eric DeBartolo, Yorktown Chamber of Commerce, stated that what works for a property owner with a particular property for sale doesn't always work for someone who may be looking to buy – there are many things that go into starting a business and retaining a business. He said that if anyone would like to speak to him as a member of the Chamber about local businesses, they are free to do so.

Mr. DeBartolo also commended Dave Paganelli and the Highway Department on their response to the recent storm. As a former Highway Superintendent, he understands the effort and work that goes into such situations.

Supervisor Grace responded to Mrs. Siegel's comments by stating that the sewers in the Hallocks Mill Sewer District she belongs to were created in 1979 and the homeowners paid a total of 12.5% of the total cost of the infrastructure. It is a little misleading to say that the homeowners paid for the cost of the entire project since that is not true. The positive impact of the project is not only for those homeowners who are unsewered but for those in the entire community who will no longer have the septic from unsewered homes discharged into the environment. The people within the district are not going to pay the full amount because it would be prohibitively expensive. The Town has \$10 million set aside with DEP who also contributed about \$35-40 million upgrade of the existing sewer plant. This is a project that is greatly subsidized and the individual cost for each person's individualized situation cannot be derived; everyone will need to be charged a portion. Supervisor Grace proceeded to explain the current status of the project. The Town Board is looking at this every way they can and he is fairly confident that this may not need to be done with bonding. They are looking at sewerage those properties that are most in need and are analyzing each of the properties involved. Supervisor Grace stated that no one is building or creating sewers or retro-fitting structures without some kind of third party source, such as state or federal funding. He stated that the homeowners of Hallocks Mill have paid their fair share and continue to do so but they did not pay the entire cost. At the same time, they also received services for decades that others are desperate for now.

Supervisor Grace responded to Mr. Moskowitz by stating that many of the issues he raised regarding Murphy's property will be addressed by the Planning Board. Hopefully, the plans will be a great enhancement to the Town. The development does not preclude anything in terms of the retail that is allowed in the town. Supervisor Grace said he felt the project may help deal with some of the vacancies in town and believes this will be a great addition. He proceeded to talk about some of the residential projects in town, as well as the positive direction the town is trying to take in developing the community. Supervisor Grace stated that they are not changing the character of the town, they are just enhancing it.

Highway Superintendent Dave Paganelli stated that the wood pile located at Routes 100 and 118 has now been removed. He also cautioned residents that with the upcoming rapid temperature changes to be careful of black ice. He also thanked Perry Gusikoff at Yorktown Auto Body for how he responded during the storm and helped rescue town trucks when they were stuck. Councilman Bernard also thanked the Police Department for their efforts, as well.

ADJOURN

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

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