

Meeting of the Town Board, Town of Yorktown held on May 16, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Gregory M. Bernard, Deputy Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
David Paganelli, Highway Superintendent
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss the employment of a particular individual and to conduct advisory board interviews. 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 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.

PRESENTATIONS

CHANGE TO THE DARE PROGRAM – CHIEF ROBERT NOBLE

A resolution was passed to sign IMA with Cortlandt to move DARE out of fifth grade to eighth Grade and we will share cost with Cortlandt for the Copper Beech Middle School.

Chief Noble thanked the Town Board. This was a goal of his when he became Chief of Police to make this change. The kind of talk regarding drugs that he feels is very important is not appropriate for fifth grade – suicides, inappropriate photos, cyber bullying, heroin addiction, etc. It is something that is more appropriate for an older grade. Chief Noble read a letter from the Principal of the Copper Beech Middle School, Robert Bergmann, voicing his support. This was a very painstaking process and he is proud of the work that was done to get this accomplished. Some of the DARE components will also address what is going on in neighborhoods as well, particularly opioid abuse, synthetic marijuana, cell phone & internet abuse, alcohol abuse. Detective Finn will be the DARE liaison between the school and the Yorktown Police Department who Chief Noble said is extremely qualified and has an excellent rapport with the school district. Interactive CDs will be shown to the students so that they feel they are an active part of the program. Chief Noble thanked Michael McDermott for his work with the Cortlandt Town Attorney to create the contract, as well as Councilman Diana and Senator Murphy

Chief Noble spoke about the School Resource Officer (SRO) program which involves an officer being assigned to a school Monday through Friday to deal with issues in the school between students, students and teachers, etc. The SRO administers the DARE program and will continue to do so for the fifth grade but it will be now more in depth with the eighth grade. The SRO also works with health and physical education instructions with the “Keepin’ It Real” program. The program will start in September. There are other middle schools that may be using a modified program, but Detective Finn feels that we will be using a more in-depth program and is looking forward to making an impact.

Councilman Bernard commended Chief Noble and the Yorktown Police Department for being diligent about catching those who are texting while driving, particularly after the Save A Life event where this was a prominent concern. Chief Noble said that is has been a very worthy detail.

GOTTA MINUTE PROGRAM – YORKTOWN HIGH SCHOOL SENIORS

Janeth Inga, Michael Salcedo, and Matthew Salcedo from Yorktown High School talked about a new website database that has been put together under the leadership of Alliance for Safe Kids. The database is comprised of businesses, not-for-profit organizations, and professionals who volunteer to speak with high school students, college students, and recent college graduates who have questions regarding their field of study, internships, networking, etc. It helps students and recent graduates who are looking to make connections to a potential field of study find contacts. The Community Alliance for Twenty Somethings is also an organization for students who have graduated and are having a hard time finding their way.

Councilman Lachterman mentioned that Tricy Cushner at Tricy@allianceforsafekids will take information if a business/professional person would like to participate.

APPROVE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME – ANDREW ALIMONTI RESOLUTION #181

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Andrew Alimonti the cash value of unused time as of his retirement date:

Rate of Pay:	\$25.5118			
Sick	1500.00 hours @ 50%	=	750.00 hours	
	750.00 hours x \$25.5118	=	\$19,133.85	
Vacation	195.00 hours x \$25.5118	=	\$ 4,974.81	
Personal Days	15.00 hours x \$25.5118	=	\$ 382.68	
Floating Holidays	15.00 hours x \$25.5118	=	\$ 382.68	
Longevity				
	\$1,400 / 260 days = \$5.39 per day			
	01/05/17 to 04/27/17 = 81 days			
	81 days x \$5.39	=	\$ 436.59	
Total	\$25,310.61			

Be It Further Resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:	
D909.8	Highway Fund Reserve for Employee Accrued Benefits
\$19,133.85	
D5110.101	Highway Salary
\$ 5,740.17	
D5110.106	Highway Longevity
\$ 436.59	
To:	
D5110.108	Highway Lump Sum Payments
\$25,310.61	

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

APPROVE BUDGET TRANSFER – YORKTOWN WASTEWATER POLLUTION CONTROL PLANT RESOLUTION #182

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

Be It Resolved that the Comptroller is hereby authorized to transfer \$183,075.00 from the Sewer Fund (YS) - Fund Balance to the following codes:

YS.8130.490	Professional Services	\$16,000.00	Woodard & Curran agreement as per 1/10/17 Town Board Resolution
		<u>\$20,000.00</u>	JV pump station study as part of Hill Blvd project
		\$36,000.00	
YS8130.434	Uniforms	\$ 2,000.00	safety harnesses for confined space entry
YS8130.201	Equipment	\$ 8,000.00	gas meters for confined space entry
		<u>\$20,000.00</u>	flow meters
		\$28,000.00	
YS.8130.418.2	Equipment Maintenance DEP	\$16,000.00	UV Bulb Replacement
		\$ 9,000.00	Ingersol Rand micro/sand Filter agreement not funded in 2017 Budget
		<u>\$12,075.00</u>	Evoqua Service and programming as per 3/21/17 Town Board Resolution
		\$37,075.00	
YS8130.459	Infiltration Control	\$ 4,000.00	Sewer Cleaning
YS8130.460	Maint/Repair Plant	\$36,000.00	RBC rebuild / bar screen repair
YS.8130.460.2	Sludge Removal	\$40,000.00	Plant Digester Cleaning

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

APPROVE BUDGET TRANSFER FOR MOHEGAN BEACH PARK DISTRICT RESOLUTION #183

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

Be it resolved that the Town Board authorizes the following 2017 Budget Transfer for the Mohegan Beach Park District in order to disburse payment for work to be performed to repair the driveway and walkway

From:		
MB.909	Fund Balance	\$22,850.00
To:		
MB.7180.483	Capital Projects	\$22,850.00

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

APPROVE BUDGET TRANSFER FOR PURCHASE OF VAC-ALL MODEL AS-13D – HIGHWAY DEPARTMENT RESOLUTION #184

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

Be It Resolved that the Comptroller is hereby authorized to transfer \$275,000 from the General Fund – Contingency Capital Projects A1990.499.1 to Highway Equipment

D5110.201 for the purchase of Vac-All Model AS-13D as per New York State Office of General Services Contract PC66595.

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

APPROVE CONTRACT WITH SOLITUDE LAKE MANAGEMENT FOR MOHEGAN LAKE IMPROVEMENT DISTRICT TO USE COPPER SULFATE TREATMENTS AND RELATED WATER TESTING AND REPORTING FOR 2017 SUMMER SEASON
RESOLUTION #185

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

Whereas, written quotes were received from three vendors to do Copper Sulfate treatments and related water testing and reporting for the 2017 summer season at Mohegan Lake, and

Whereas, eight Copper Sulfate treatments are needed, and

Whereas, the lowest quote was received from Solitude Lake Management at a cost of \$2,025.60 per treatment, now

Therefore Be It Resolved, that the cost of eight treatments is \$16,204.80 (\$2025.60 x 8)

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

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCEL KNOWN AS SECTION 69.15, BLOCK 1, LOT 26, 27, AND 28 - 1347, 1363 AND 1357 SPRING VALLEY ROAD
RESOLUTION #186

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 69.15 Block 1 Lot 26, 27 and 28, 1347, 1363 and 1357 Spring Valley Road, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcels 69.15-1-26, 27 and 28 Account Numbers 4898000, 4898100, 4898200, owned by Bassim Sifelnasr for assessment roll year 2016 are settled as set forth in the proposed stipulation as follows:

<u>Section 69.15 Block 1 Lot 26</u>			
Roll	Assessed Value	Assessed Value	Reduction
Year	From	To	
2016	11,900	5,735	6,165
<u>Section 69.15 Block 1 Lot 27</u>			
Roll	Assessed Value	Assessed Value	Reduction
Year	From	To	
2016	9,350	4,505	4,845
<u>Section 69.15 Block 1 Lot 28</u>			
Roll	Assessed Value	Assessed Value	Reduction
Year	From	To	
2016	3,000	1,445	1,555

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

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCEL KNOWN AS SECTION 15.12, BLOCK 1, LOT 12, 14 AND 30 – 1700 ROUTE 6, 1696 ROUTE 6 AND 1645 STRAWBERRY ROAD
RESOLUTION #187

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 15.12 Block 1, Lot 12, 14 and 30, 1700 Route 6, 1696 Route 6 and 1645 Strawberry Rd., on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 15.12-1-12, 14 and 30 Account Numbers 0712500, 0712000 and 0707000, owned by RBC Industries Inc and 1645 Strawberry Rd., LLC for assessment roll years 2009, 2010, 2011, 2012, 2013, 2014 and 2015 and 2016 are settled as set forth in the proposed stipulation as follows:

Section 15.12 Block 1 Lot 12

Roll Year	Assessed Value From	Assessed Value To	Reduction
2009	10,300	4,950	5,350
2010	10,300	5,600	4,700
2011	10,300	5,830	4,470
2012	10,300	5,990	4,310
2013	10,300	6,230	4,070
2014	10,300	5,650	4,650
2015	10,300	5,760	4,540
2016	10,300	5,530	4,770

Section 15.12 Block 1 Lot 14

Roll Year	Assessed Value From	Assessed Value To	Reduction
2009	1,050	1,050	-0-
2010	1,050	1,050	-0-
2011	1,050	1,050	-0-
2012	1,050	1,050	-0-
2013	1,050	1,050	-0-
2014	1,050	1,050	-0-
2015	1,050	1,050	-0-
2016	1,050	1,050	-0-

Section 15.12 Block 1 Lot 30

Roll Year	Assessed Value From	Assessed Value To	Reduction
2009	6,100	6,100	-0-
2010	6,100	6,100	-0-
2011	6,100	6,100	-0-
2012	6,100	6,100	-0-
2013	6,100	6,100	-0-
2014	6,100	6,100	-0-
2015	6,100	6,100	-0-
2016	6,100	6,100	-0-

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

AUTHORIZE COMPTROLLER TO REFUND OVERPAYMENT OF A WATER BILL RESOLUTION #188

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

BE IT RESOLVED, that a refund be made to Account #41-08031631 in the amount of \$369.28 for an overpayment of a water bill.

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

AUTHORIZE COMPTROLLER TO REFUND OVERPAYMENT OF A WATER BILL RESOLUTION #189

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

BE IT RESOLVED, that a refund be made to Account #43-14012808 in the amount of \$564.50 for an overpayment of a water bill.

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

AUTHORIZATION TO TRANSFER \$2,000 FROM GENERAL FUND TO BUILDING
MAINTENANCE – YCCC RESTROOM RENOVATION
RESOLUTION #190

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

BE IT RESOLVED that the Town Comptroller is hereby authorized to transfer \$2,000 from the General Fund – Contingency Capital Projects A1990.499.1 to Building Maintenance – YCCC Restroom Reno LL A1625.416.4 for Professional fees for the creation of drawings for the renovation of the men’s and women’s restrooms on the lower level of the Yorktown Community and Cultural Center.

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

ACCEPT MONTHLY REPORTS

Building Department - Cost of Construction Report -April 2017
Receiver of Taxes – Monthly Summary Report - April 2017

Councilman Lachterman mentioned that next Thursday, May 25, from 10:00 a.m. to 1:00 p.m. is Senator Murphy’s Health Fair at the YCCC.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Ken Belfer from the Mohegan Lake Improvement District mentioned that he was invited to Westchester County Soil & Water Conservation District Meeting to present what is going on at Mohegan Lake. Next Wednesday, at least one member of the Mohegan Lake Improvement District is going to an Invasive Species Training course given by the State at Westchester Community College. Mr. Belfer stated that their weed harvester is in poor shape and he is meeting with a welder to see if it can be salvaged or if it rusted out completely. He said he spoke with Todd Orłowski, Superintendent of Parks and Recreation about it and he said the Town may have interest in it. Supervisor Grace said that they should talk about collaborating on this because the Town is a big property owner on the lake and this way the District won’t have to pay the full freight. Mr. Belfer said he did a fair amount of research on harvesters and it takes about 6 months to get it – they are built upon order. Mr. Belfer said he will come to the next work session (or as soon as they have more information) to talk to the Town about the cost.

Mr. Belfer said they are about to turn on their aeration system for the summer and a voluntary water sampling project will begin. He also spoke about the high levels of phosphorous in the lake and its poor water quality.

Mr. Jay Kopstein said that one of ways to correct the phosphorous in the lakes is to correct the septic issues in town but increasing the sewers. There were a large number of people who spoke about the wetlands law and the tree law and he said he finds it interesting that some of the same people who accused the Board of negligence or not doing their due diligence in protecting the wetlands and trees are the same people who criticized the Board for increasing the number of sewers. They seem to be creating a problem where none exists.

Mr. Mark Lieberman said that the company who bought Hilltop Gas Station (Mohegan Tire and Auto) has not planted the trees along Route 6 that they were supposed to plant. He asked when this was supposed to happen. He said they stated that the reason they had to take the greenery out in the area was because it was an invasive species. If the rest of the road also has this invasive species, is the town going to do anything about that?

Mr. Ilan Gilbert said he wanted to piggyback onto the issue of zero tolerance for misuse of cell phones. He spoke of how pervasive this is as a problem all over. He attended the Save a Life Program and they had powerful speakers who spoke of their personal tragedies regarding distracted drivers, i.e., a young girl who is now paralyzed and lost both parents right after her graduation. He learned that studies showed Bluetooth and

hands free use of cell phones is just as distracting as if you were using the cell phone with hands. He was very surprised and wanted to bring it to everyone's attention – Bluetooth is not a safety feature.

Mrs. Susan Siegel, resident, asked about a resolution regarding the budget transfers for the Yorktown Sewer District – would the Board explain the \$20,000 for the Jefferson Valley Pump Station Study for part of a Hill Boulevard Project. What is the Hill Boulevard Project and how is it related to the Jefferson Valley Pump Station? Mrs. Siegel's other question has to do with the pending upgrades of two Yorktown pump stations in Hallocks Mill – Jefferson Valley and Walden Woods. When is the town going to go out to bid for the second time on these upgrades? As Supervisor Grace mentioned at the May 2nd meeting, getting our pump stations upgraded is the key to applying for the variance to upgrade the SPDES permit to 2.5 million gallons per day, making it possible to sewer more people. The bids were sent out last September and when they came in, no action was taken. The specs for the bid were reworked and the Town Engineer was ready to send them out again and it was decided to hold off until the May 2 meeting. Nothing was said about the pump stations upgrades at the May 2nd meeting. Mrs. Siegel said she would very much like to see that go forward and wants to know what the timetable is and how will it be financed since there is money in the Hallocks Mill General Fund, about \$6 million which could fund a \$2 million project.

Mr. Dan Strauss also thanked Chief Noble and the members of the police detail for doing the initiative on texting and cell phone use. He stated that this is an epidemic that causes deaths. He suggested that the detail should be placed at the intersection of Commerce Street and Veterans Road because they would double their tickets. Mr. Strauss also wanted to mention the Weyant development. Last year there was a development done on Lexington Avenue that resulted in 8 condominium units, down from 14 units. He thought it was wrong to spot zone there because the residents there had a buffer for their community from the other side of Lexington Avenue which is not as pleasant an area. Mr. Strauss believes the same thing is happening with the Weyant. He said the Mr. Capellini said he would not do less than 30 units. Mr. Strauss stated that the people in that area bought houses to have a certain quality of life and not to have a large complex put in next to them. He suggests that it should be taken off the table as a project.

Mr. John MacDonald asked about the Pied Piper Project which is in front of Planning Board. The project seems as though it is going to quadruple the size of the facility: 66 children to 166 children. The traffic is already unbearable in the area – why allow at least 100 more cars through this area? And where is the parking for all of these extra cars going to be located? Their current traffic overflow is on his street with only 66 children. Mr. MacDonald also spoke about the Weyant project that is before the Town Board. Why would the Board consider putting two of the tallest buildings in town on a residential piece of property? Why would an elected official allow the rezone of a property to do this? Why not build single family homes? This is also a traffic issue. It poses a danger to those living in the neighborhood. The street is not wide enough to handle the cars that are already in the neighborhood. What is the board going to do to minimize the danger of increased cars in his neighborhood for both of these projects? What happens if the rents are too high? What kinds of renters will be attracted to those units. And noise will be a factor as well. All of these factors negatively affect the value of his property and his neighbors. What about the effect on the school system including the Kear Street apartments. Mr. MacDonald stated that these applications destroy the integrity of our town.

Mr. Jim Ahearn also lives in the neighborhood of the Weyant project. He spoke about how he came to Yorktown to get away from apartment buildings in neighborhoods, and he is totally against the project.

Ms. Wendy Petrosino moved to Hamblyn Street in November and spoke about how she is against the Weyant. The traffic is already a problem and wonders how the traffic will be if the Weyant becomes a reality. They bought the house because it is a quiet, safe neighborhood.

Ms. Suzanne Ferry said she is upset for her neighbors. There are already many water main breaks in her neighborhood and feels that the addition of the Weyant will be a burden on a stressed sewer and water system. She is upset that stores are closing when there is not enough shopping in the area. Ms. Ferry said that she is afraid of how many people will be moving in and feel that it is too much in a small area.

Mr. Art Adanski said that the traffic on Route 202 in the area is terrible. It backs up early in the morning and feels this will make it worse. He hopes the Board will vote against the Weyant project because they want to keep the neighborhood the way it is.

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

Supervisor Grace said that everyone will have a chance to speak at the public hearing. He stated that the Weyant is not a pet project of his at all. The Planning Board, Planning Director and many others thought that the project had some merit, but that in no way makes it a “done deal.” The Pied Piper project needs to go to zoning board – a bit ambitious of a project, and at the very least, they will need a variance. The Kear Street project is within the applicable zoning for that lot C2-R – the board had nothing to do with the approval there. This was an “as of right” development pushed basically by Westchester County which made it difficult for the Board to do anything about it. As far as HUD litigation with the County is concerned, Yorktown is not a targeted community. Anything being built here now is market rate.

As far as the sewers are concerned, Supervisor Grace said that he and the Board are gratified that they have gotten through regulatory roadblocks. It has been 30 years since we have been able to do improvements. A priority list was done but is still in the process of determining what areas will be sewerred. Supervisor Grace said that at the May 2nd meeting they went through the areas to be done first and they are still fine tuning the list. NYS has declared a new grant initiative to take properties that are septic and make them sewerred. We are ahead of the process for those grants since we have plans in place already. This is both an environmental and financial issue for the town; primarily environmental. He is hoping to get more grant money from the State.

Supervisor Grace acknowledged that he and the Board have heard the residents regarding the Weyant project. The Board and the community are committed to enhancing the quality of life in Yorktown, though there may be different approaches to it. The Board is also troubled by the lack of shopping and the state of our current stores. The Board is trying to be aggressive and creative in terms of the uses of our empty spaces and are concerned about maintaining our competitiveness.

Supervisor Grace was asked again by Mr. Lieberman about the Hilltop Gas Station.

Councilman Bernard said he got his approval some months ago but just recently got his plans from his engineer. He obtained his permits and can now begin the construction/landscaping according to plan.

Supervisor Grace said that he has answered the questions raised by Mrs. Siegel several times and will not do so again.

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN