

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 1, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

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

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss personnel issues with the Police Department and the Highway Department, and litigation and negotiation with the Legal Department. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert 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.

REPORT FROM THE SUPERVISOR

Supervisor Gilbert said that on April 24th he appeared before an administrative law judge for the Public Service Commission to present the Town's experience during the 2018 storms and related outages. He explained that over 85% of the Town was without power for an extended period of time and pointed out the lack of response from the utility companies. Copies of his statement were available in the room.

Supervisor Gilbert talked about the Arbor Day celebration and thanked Bill Kellner and his Arbor Day Committee. There were over 77 entries for the poster contest. Information was provided about Arbor Day and Con Edison donated saplings that were available to those who attended.

Supervisor Gilbert talked about his and Councilman Lachterman's participation in the Battle of Yorktown in picking up trash – 966 bags were collected; more than 11 tons of roadside litter.

Supervisor Gilbert attended the dinner of Support Connection. The event honored many of our community's residents, as well as surrounding communities, for the work they do in helping those with breast and ovarian cancer.

He also met with the Chamber of Commerce where mutual assurances were made that they will work together for the betterment of our Town. Tomorrow, Supervisor Gilbert said he will participate in a round table discussion on the opioid epidemic sponsored by Congresswoman Lowey.

Supervisor Gilbert reminded the audience that they still have openings on the following committees (please send a short letter expressing your interest and your qualifications): Community Housing Board, Conservation Board, Economic and Business Revitalization Committee, Open Space Committee, Senior Citizen Advisory Committee, Substance Abuse Prevention and Mental Health Committee.

REPORTS FROM THE TOWN COUNCIL

Councilman Diana thanked all those who participated in the Battle of Yorktown. He also thanked Bill Kellner for the Arbor Day Celebration, as well as the students who submitted posters.

Councilwoman Roker reminded everyone of the Teen Center's Fiesta Raffle Night and how much of a benefit it is to the community. As liaison to the Small Business Association, she introduced Bob Giordano, President of the Association, so he could talk about the second annual Small Business and Employment Opportunity Fair to be held on May 23, 8:00 a.m. to 12:00 noon at Mercy College in Yorktown. There will be speakers and opportunities to learn about opening a small business. As liaison to the Landmarks Preservation Committee, Councilwoman Roker introduced Chairperson Lynn Briggs so she could speak about May's National Preservation Month Event hosted at Dr. Murray Brennan's home who lives in an historic home in Yorktown. This event is on Sunday, June 10th from 4:00 to 6:00 pm. They are producing a program for the event that will be available to those who attend and this is an opportunity for businesses to advertise. Dr. Brennan will be given an award as a benefactor of the Town's historic preservation projects.

Supervisor Gilbert also wanted to mention that May is National Mental Healthcare Month.

Councilman Patel mentioned a recent senior event at the YCCC sponsored by the Ben Franklin Elementary School. He also mentioned the Thrift Store at the YCCC, which benefits their programs and asked people to stop by. He also mentioned how successful Arbor Day was.

Councilman Lachterman spoke about the Teen Center and what a valuable resource it is for the teens in town and asked residents to support their event. The same night there is "Pizza with the Public" at Yorktown Pizza and Pasta to have a slice with the Police Department. This is also a fundraiser for the Relay for Life.

Councilman Diana made a presentation of Certificates of Appreciation to those members of the public who assisted in distributing supplies (dry ice, bottled water) to those residents in need during the recent storms and power outages.

PERSONNEL

The Town Board accepted the resignation of Shajan George from the Water Department. Distribution Superintendent Ken Rundle congratulated Shajan George on his retirement and thanked him for his years of service to the residents of Yorktown.

Supervisor Gilbert appointed Ken Rundle as the Distribution Superintendent of the Yorktown Water Department.

APPOINT KENNETH RUNDLE DISTRIBUTION SUPERINTENDENT OF THE YORKTOWN WATER DEPARTMENT RESOLUTION #145

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

BE IT RESOLVED, that Kenneth Rundle is hereby appointed Distribution Superintendent, Job Class Code 0617-01, from Eligible List No. 62-582, in the Water Department, effective May 2, 2018, to be paid \$107,625.00 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 May 2, 2018.

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

Superintendent Rundle thanked the Board for their support, as well as Margaret Gspurning, Human Resources. He also thanked Chief Noble and Highway Superintendent Dave Paganelli for their assistance during a recent water main break.

APPOINTMENT OF COMMUNITY SERVICE WORKER/ANIMAL WARDEN RESOLUTION #146

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

BE IT RESOLVED, that Kristin N. Macey of Cortlandt Manor, NY, is hereby appointed contingent permanent to the civil service title, Community Service Worker/Animal Warden, job class code 0137-01, from Eligible List No. 61-381, effective May 2nd, 2018, in the Police

Department, to be paid from Yorktown CSEA Salary Schedule A-1, Group 8, Step 1, which is \$50,996.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

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

BE IT RESOLVED, that Kristin N. Macey will report to work at the Police Department on May 29th, 2018,

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 day she will be reporting to work, on May 29th, 2018.

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

Chief Noble mentioned the “Pizza with the Public” program and also reminded the public to lock their cars and remove valuables from view.

COURTESY OF THE FLOOR

The following members of the public spoke:

John McMullen, Yorktown Poet Laureate, gave a listing of upcoming poetry and writing events. He also read his poem, “Poetry at the Town Board.”

Marc Lieberman, resident and former dog trainer, gave some advice regarding coyote sightings and mentioned how brazen and aggressive they can be. If you are walking your dog at night, carry something with you (stick, flashlight).

Ed Ciffone, resident, spoke about the need for a second Courtesy of the Floor. He also said that the Town Board Room should be open for use by outside organizations, without the required insurance. He mentioned that the next budget review should be done line by line.

Rob Puff, resident, asked is there is an update on the RFP for Town Attorney. He also asked if the Town Hall meeting that was scheduled regarding immigration bill would be rescheduled since it was cancelled due to weather. Supervisor Gilbert said that it would be rescheduled when the County Legislators could come and educate the public on the legislation; the public would then be able to ask questions. Mr. Puff also requested that minutes be kept up to date on the website. He was informed by Diana Quast, the Town Clerk, that any time the public wished to see the minutes, they can come into the Clerk’s office to see them, or view them on General Code online.

John McMullen, resident, said that Cablevision would only credit back the service, not the equipment, for the days lost during the power outage. Councilwoman Roker recommended to the Board that a letter should be sent to the Public Service Commission.

Stewart Glass, Confidential Secretary to the Supervisor, confirmed Mr. McMullen’s information. He said that the resident needs to ask for the credit. The supervisor’s office has been very on top of the refund issue with the utility companies, as evidenced by the many letters received by them.

Councilman Diana responded to Mr. Ciffone’s comment regarding the use of the Board Room. He said that if the organization is a qualified group, they should be able to present an insurance certificate. Town Clerk Diana Quast said that you may also obtain a certificate through your homeowner’s insurance.

Supervisor Gilbert wanted it noted that both Mr. Kaplowitz and Mr. Testa, our County Legislators, had been invited to the Town Hall meeting regarding the immigration resolution.

Courtesy of the Floor was closed.

AMEND SALARY SCHEDULE FOR STOCK CLERK – HIGHWAY DEPARTMENT RESOLUTION #147

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

BE IT RESOLVED, that the position of Stock Clerk in the Highway Department is amended from Salary Schedule A, Group 8 to Yorktown CSEA Salary Schedule A1, Group 7 as per Stipulation of Agreement effective December 6, 2016.

BE IT FURTHER RESOLVED, that Angela Cavallo be compensated retroactively from her hire date of January 23, 2017, to April 20, 2018 as follows:

2017	\$2,663.15
2018	\$ 903.30
Total	\$3,566.45

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

BUDGET TRANSFER FOR WORKER'S COMPENSATION NOTICE OF DECISION –
HIGHWAY DEPARTMENT
RESOLUTION #148

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

BE IT RESOLVED, that the Town Board authorizes the following budget transfer for Highway Department to fund payment for a Worker's Compensation Notice of Decision:

From:		
D.5110.101	Highway Salary	\$21,217.38
To:		
MC.1930.402	Worker's Comp Indemnity	\$21,217.38

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

AWARD BID FOR LAKE MOGEGAN AQUATIC PESTICIDE TREATMENTS
RESOLUTION #149

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, invitation to bid for the Lake Mohegan Aquatic Pesticide Treatments was duly advertised, and

WHEREAS, one bid was received and opened on the 30th day of April 2018, with the bid amount for the above-referenced project summarized as follows:

<u>Bidder</u>	Price per Cutrine Treatment
Limnology Information & Freshwater Ecology, Inc.	\$6,900 per treatment
19 Sandy Pines Blvd.	
Hopewell Junction, NY 12533	Price per Copper Sulfate Treatment
	\$2,100 per treatment

NOW, THEREFORE BE IT RESOLVED, that upon the recommendation of the Mohegan Lake Improvement District, the bid for the Lake Mohegan Aquatic Pesticide Treatment be and is hereby awarded to Limnology Information & Freshwater Ecology, Inc., the sole bidder.

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

AUTHORIZATION TO ENTER INTO AGREEMENT WITH TIPS INTERLOCAL
PURCHASING SYSTEM
RESOLUTION #150

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, that the Town Supervisor is authorized to enter into an agreement with TIPS Interlocal Purchasing System and authorizing the Town of Yorktown to make purchases for the

benefit of the Town of Yorktown through TIPS. There is no charge to the Town for joining this purchasing system.

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

AUTHORIZATION TO SIGN AGREEMENT WITH QUALITE SPORTS LIGHTING FOR SPORTS LIGHTING AT GRANITE KNOLLS SPORTS & RECREATION FACILITY
RESOLUTION #151

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

BE IT RESOLVED, that the Supervisor is authorized to sign an agreement with Qualite Sports Lighting LLC to purchase sports lighting for the Granite Knolls Sports Facility in the amount of \$539,000 (TIPS Interlocal Purchasing System contract #7022516).

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

AWARD BID FOR BUS TRANSPORTATION FOR THE SUMMER CAMP PROGRAM
RESOLUTION #152

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on April 30, 2018, with the bid amounts for the above-referenced project summarized as follows;

Section I. A. (School Buses for Swimming Program)

	COMPANY	BID
1	Baumann & Sons Buses, Inc.	\$16,330.00
2	Hudson Valley Transportation	No Bid
3	JTR Transportation Corp	No Bid

Section I. B (School Buses for Extended Day Program)

	COMPANY	BID
1	Baumann & Sons Buses, Inc.	\$931.27
2	Hudson Valley Transportation	No Bid
3	JTR Transportation Corp	No Bid

NOW, THEREFORE BE IT RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Todd Orłowski, the bid for Section I. A. (School Buses for Swimming Program) and Section I. B (School Buses for Extended Day Program) be combined and is hereby awarded to Baumann & Sons Buses, Inc. the lowest responsible bidder.

Section I. C (School Buses for Trips 1, 2, 4, 7, 8, 11, 13, 15)

1	Baumann & Sons Buses, Inc.	\$8,340.00
2	Hudson Valley Transportation	No Bid
3	JTR Transportation Corp	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Todd Orłowski, the bid for Section I. C (School Buses for 1 - 15) be and is hereby awarded to Baumann & Sons Buses, Inc. the lowest responsible bidder.

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

AWARD BID FOR T-SHIRTS AND UNIFORMS – TOWN-WIDE
RESOLUTION #153

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, invitation to bid for T-Shirt and Uniforms for use town-wide, was duly advertised, and

WHEREAS said bids were received and opened at 11:00 a.m. on the 30th day of April 2018, now therefore be it,

RESOLVED, that upon the recommendation of the Superintendent of Parks & Recreation, the bid be and is hereby awarded to the lowest bidder, Front Nine Capital, LLC d/b/a Star Sports, for the items numbered PR-1 through LIB-3, as outlined on the attached summary of bids.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis by Department.

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

AUTHORIZATION TO SIGN AGREEMENT WITH WESTLAW
RESOLUTION #154

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Westlaw, a Thomson Reuters business, c/o Bud Palumbo, 26 Webster Court, Monroe, NY 10950 for a 2-year license/subscription agreement for legal research database access commencing on June 1, 2018 at a cost of \$722.50 per month. In addition, the Town Board authorized the Comptroller to pay Westlaw invoices for additional search fees charged, if any, for research performed by the Town Attorney in databases not included in the subscription plan, up to \$500 per year, from June 1, 2018 to May 31, 2020.

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

AUTHORIZE A SIX-MONTH SITE PLAN EXTENSION FOR WORK TO BE DONE AT
JEFFERSON VALLEY MALL
RESOLUTION #155

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS on November 21, 2017, the Town Board approved an Amended Site Plan, Stormwater and Tree permit and Lighting Plan for the Mall at Jefferson Valley, LLC (“the applicant”);

WHEREAS all conditions of the Resolution have not yet been completed within the six month allotted time frame; and

WHEREAS in a letter from the Applicant’s attorney/engineer has requested a time extension be granted in order to complete the remaining conditions of the permit; and

WHEREAS no environmental conditions, rules, or regulations have changed since the Board’s approval on November 21, 2017; now

THEREFORE BE IT RESOLVED, that the Town Board authorizes a six-month extension to the Washington Prime Site Plan with regards to the Jefferson Valley Mall.

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

REDUCE RENTAL FEE FOR SPARC, INC. AT THE YORKTOWN COMMUNITY AND
CULTURAL CENTER
RESOLUTION #156

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

BE IT RESOLVED that based on a request from SPARC Inc., the Town Board hereby reduces the rent fees for 114 hours of use of various rooms at the Yorktown Community & Cultural Center,

beginning on April 13, 2018 through August 9, 2018, from the standard nonprofit rental charge of \$3,194.00 to \$520.00. The requested reduced fee is based on a charge of \$20 per date of use for 26 dates.

Spring Session Friday 6:30PM - 9:15PM

4/13 - Rooms 16, 26, and 209

4/20 - Rooms 16, 26, and 209

4/27 - Room 16

5/04 - Rooms 16, 209

5/11 - Room 209

5/18 - Rooms 16, 26

6/01 - Rooms 16, 26, 209

Summer Session Tuesday & Thursday 6:30PM - 8:30PM

6/26 - Room 16, Nutrition Center

6/28 - Room 16, 26

7/10 - Room 16, Nutrition Center

7/12 - Room 16, 26

7/17 - Room 16, 26

7/19 - Room 16, 26

7/24 - Room 16, Nutrition Center

7/26 - Room 16, 26

7/31 - Room 16, 26

8/2 - Room 16, 26

8/7 - Room 16, Nutrition Center

8/9 - Room 16, 26

Summer Session Friday 6:30PM - 9:15PM

6/29, 7/6, 7/13, 7/20, 7/27, 8/3, 8/10 – All Room 26

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

Councilman Diana explained that through the bid process, bids are sent out for anyone in the country to respond to; therefore, that is the reason why an out-of-state vendor may be chosen and not someone local. He said that it is a shame that this happens, but the Town is bound by law.

COURTESY OF THE FLOOR

The following members of the public spoke:

Anthony Gioffre, Cuddy & Feder Law Firm and on behalf of the Washington Prime Group, thanked the Board for the extension on the site plan for the Jefferson Valley Mall. He also asked for the documents that had been requested at the previous work session to be delivered. The Town Clerk stated that she had them in her office.

Susan Siegel, resident, requested that the work sessions be televised for the sake of transparency.

Ed Ciffone, resident, asked about repairs to the courthouse. Councilwoman Roker said she had spoken to Margaret Gspurning who is going to get estimates for repair.

Mark Lieberman, resident, said he had been driving on Route 6 and passed Mohegan Auto and Tire. They still have not planted trees that they were supposed to as a visual barrier. Supervisor Gilbert said he will pass on Mr. Lieberman's photos to the Building Department and Planning Department.

Councilman Diana said that the owner of Mohegan Auto and Tire has done what he needed to do up to now; however, he still needs to do the tree planting, and erect a sign. Councilman Diana said that the owner has invested over \$1 million into this property and it looks much better than it had three or four years ago.

Supervisor Gilbert said he was in touch with John Tegeder, Director of Planning, who told him that the owner has yet to fully comply with the site plan requirements.

Fred Fusco, resident, spoke to the Board about what is happening with his property. He is having a problem with a wetlands issue. He feels that there should be some leniency with the work he wants to do on his home. He said that the comments he is receiving from the Town Engineer make it sound like a much bigger project than it is. Mr. Fusco said he is trying to clean up his backyard from a flooding issue, which may flood out his home. He has been told he this is an administrative wetlands issue and is now being told he needs several other permits to do his work. Mr. Fusco stated that before he even breaks ground, it's going to cost close to \$17,000. He is requesting the Board look at preserving wetlands in the right way – he feels that in his case, the Town is protecting erosion. He feels he is not getting anywhere with the Town Engineer's Office.

Councilman Diana asked for Mr. Fusco's address. Supervisor Gilbert said that he and Mr. Fusco had spoken previously and did not realize he was still having difficulty. He offered his office to Mr. Fusco to meet with the Town Engineer and himself so they could go over the permits.

Mr. Fusco invited the Board to visit his property. Councilwoman Roker talked about re-instituting the E-Panel who would review with an applicant every step of what is required so that a final cost is derived.

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

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN

Date: May 1, 2018