

Meeting of the Town Board, Town of Yorktown held on April 24, 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: Maura Weissleder, Deputy Town Clerk
 Richard Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

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

Supervisor Gilbert mentioned that he attended a Public Service Commission meeting in Pound Ridge earlier in the day representing the Town. He also announced that the Consolidated Water District will be flushing hydrants in Water Districts 1, 2, and 4 from April 30th through May 31st.

DISCUSSION ITEMS

WASHINGTON PRIME – JEFFERSON VALLEY MALL

Stephen Harris from Washington Prime (owner of Jefferson Valley Mall) thanked the Board for their prior approval of their project, their patronage of the Mall, and recognizes that their presence in Yorktown is a partnership. He proceeded to discuss the details of the project, listing the benefits to the Town of an increase in the tax base, as well as the creation of 75-100 jobs, not including construction. Washington Prime is ready to move forward but is on hold because they were advised that there may be concerns by the Town, and they are also waiting for materials to be delivered.

Councilman Diana stated that the Board is in agreement in wanting to see things move forward and believed that anything that had been holding them back has now been resolved; particularly the Highway Superintendent signing the Order Laying Out Highways.

Supervisor Gilbert said he thought that everything had been done and approved except the completion of the maintenance agreement to the Highway Superintendent's satisfaction and that has now been settled. However, Supervisor Gilbert stated that he did not believe that Washington Prime and their representatives had been very communicative with information regarding their dealings with the NYS Department of Transportation. It was not until April 19, 2018 that the Board received information regarding the ring road portion of the project. Anthony Gioffre of Cuddy & Feder stated that trying to get information from DOT was out of their control and a meeting scheduled for March was canceled because the DOT did not have enough people at that time to constitute a quorum. Ralph Peregrine, Project Engineer, said that the meeting had taken place and a packet of information was given to the Supervisor. The DOT letter in the packet of information from the meeting states that the Town would be constructing the road; Mr. Peregrine assured the Supervisor and the Board that they know that is not correct and that they will be doing the construction. Highway Superintendent Paganelli stated that the Town would not be constructing the road, the DOT would be; however, the DOT mistakenly stated in their letter that the Town would be doing the construction. Mr. Gioffre stated that the maintenance of the road will be at the mall's expense. Councilwoman Roker wanted to make sure that it was understood that Washington Prime is paying for the construction even though the DOT said otherwise.

Planning Director John Tegeder said that getting the road done is essentially a subdivision issue so they need to go to the Planning Board.

Supervisor Gilbert said that since the maintenance agreement is done, the withheld documents can be turned over to Washington Prime.

Stephen Harris also said that their entitlements under the approved site plan are about to expire and requested a six-month extension. John Tegeder was directed to write a site plan extension for the next meeting.

WATER DEPARTMENT

Distribution Superintendent Ken Rundle came before the board to discuss two large projects that have been put on hold and wanted to start the dialogue with the Board to see where they should be headed. The first project is the re-lining project of rusted main pipes with cement. In the 1980s they were relined with cement and they thought they completed what they needed but have since found areas that also needed to be done. Rusted main pipes affect pressure, water flow, fire-fighting efforts, etc. In 2014 the Water Department contracted with an engineer to draw up plans to present to the Health Department have been approved. Mr. Rundle suggested this be done in two phases.

Councilman Diana said he believed this project would cost about \$2.5 million and affect approximately 22,000 linear feet and Superintendent Rundle agreed. Superintendent Rundle said that this will go out to bid; however, there are only about two contractors who do this kind of work.

Supervisor Gilbert asked if any grant money would be available and was told by Mr. Rundle that there was a good chance that grant money may become available soon. He mentioned that the state looks for “shovel ready” projects, which this is.

Town Comptroller Patricia Caporale was called to the Board and informed them that about \$1.2-1.3 million is available. Mr. Rundle guesstimated that there would be a 5% increase in cost each year that this is not done. Councilwoman Roker asked if this would cut down on the number of water main breaks that the Town experienced this winter and was told not really because this project does not make the pipes stronger. This process just cleans a cast iron pipe. A discussion regarding funding of the project took place.

Superintendent Rundle said that the average life of the cast iron pipes is about 50 years, depending upon the conditions of the environment in which the pipe is laid.

Councilman Lachterman asked the cost of the cement lining (\$100/foot) versus installing new mains. Superintendent Rundle did not have the cost of new mains available.

Councilwoman Roker said that the department should start looking at a map of Yorktown and of where we are going to need to do actual pipe replacement for future projects. This should be planned so that when money and/or grants become available, the Town is able to readily take advantage of a financial opportunity. Superintendent Rundle said he would like an engineering consultant to do a hydrologic study.

Councilman Diana said that the Town purchased a leak detector about 2 years ago. Superintendent Rundle confirmed the purchase and said that for 2016 our unaccounted water dropped to 16% since the Town has been doing the leak detection with in-house employees. He mentioned the second project that started in 2011/2012 was the water meter project which was not executed well. In 2012, the Town did a pilot program of about 2000 meters to change the way meters were read by using computer technology that was, admittedly, a mess. The technology today has come a long way (even some power companies are using water companies and their technology to do readings for them). Technology is now cutting edge; thousands of water meters can get read in seconds. Supervisor Gilbert said that his impression was that the technology the Town purchased was inferior. Superintendent Rundle said that it was not the technology, but the towers that read the signals did not cover enough of the areas to be read. The technology purchased in 2012 was top of the line and still functions today; the district has invested money in meters, infrastructure, and antennas to get the reads on the meters. The company has replaced an old tower with a new one to expand the readable areas. The water district is now collecting data, but they do not have time to analyze data. With an upgrade to the new smart meters, you can analyze data and inform residents when they may have a leak in their toilet, pipes, etc.

Ken showed the typical water meter in a house and the poor condition many of them are in and how that condition affects the reading to the detriment of either the homeowner or the Town. A

poor read can mean money lost. Councilwoman Roker stated that this is the kind of proactive project that all departments should be investigating in order to remain forward thinking.

Superintendent Rundle has been working with the manufacturer to reprogram the current meters to accept the new readers.

ETHICS BOARD

Ethics Board Members Al Durant, Lynette Waterhouse, and Sergio Esposito came before the Board to discuss two points of procedure in the current ethics law. Mr. Durant stated that the ethics law was redone in 2010. Section 45-18 is a simple one-line law that says “The Town Attorney shall be a nonvoting member ex officio of the Board of Ethics and upon request of the Board shall render advice and help in the administration of the Code.” The ex officio member listens to the complaints about a member of the town and also represents the employee, which can be viewed as a conflict of interest. Mr. Durant would like the language removed regarding the “ex officio” reference and the Ethics Board can hire outside counsel by requesting such service from the Town Board.

Mr. Durant said that Section 45-5 states that any decision the Town Board makes cannot defer a benefit upon themselves. Mr. Durant feels that this is too vague since decisions can be made that may affect a board member who, for example, is a resident of the Town. If a road is paved that a board member resides on, they receive the benefit of that road, etc. Mr. Durant would like to see this removed.

Mr. Durant said that about 4 years ago a redraft of the law was done by outside counsel. This redraft gave the Ethics Board the power to punish up to a \$10,000 fine and this was rejected by the entire board. This rewrite was set aside. Supervisor Gilbert asked should we have thrown out all of it if it had other merits.

Councilman Diana said that this will be a local law change and asked Mr. Durante to put something together to present to the Board.

Mr. Durante said that procedures that were written when the Ethics Board was revised are now under review. One of the things brought up was due process – all complaints must be reviewed in closed session, which shall remain confidential (except for FOIL). The Ethics Board wants to know what their due process is – does the person being complained about have the right to know who the complainer is? Town Attorney Richard Abbate weighed in by saying the accused has a right to know who the accuser is. Mr. Eposito said they are really struggling with this because you want to encourage people to come forward but at the same time due process needs to be followed which could scare off the accuser (the chilling effect). A discussion ensued regarding due process, the whistleblower law, etc. Mr. Abbate stated the Town Board will need to make a decision as to what “confidential” means so that the law can be codified. The Ethics Board can determine what ethic has been breached but need to be given the due process parameters by the Town Board.

Two changes to the law will be drafted.

3423 STONY STREET

The subject scheduled was the issue of a storm water permit and whether this would be an administrative permit or a Town Board action for the building of a home on Stony Street. Project Engineer Steve Burns and applicant Joe Bellamy were in attendance. Planning Director John Tegeder approached the Board to state that this address is also the subject of a subdivision so this issue is subject to Planning Board approval and not the Town Board. Steve Burns, project engineer, stated that he felt that the Town Engineer should have made this an administrative permit, according to Town Code. Mr. Tegeder said that anything that comes out of a subdivision is under the Planning Board’s purview. Even though the subdivision was approved a long time ago, it does not change whose authority it falls under. Mr. Tegeder told the applicants that this project was approved; they now had to appear before the Planning Board with their plans.

MOBIL GAS STATION

The applicant and project engineer came before the board with their revised plans for the project that were requested at their public hearing. They talked about how a sanitary sewer easement on the property has created a hardship for them because it cuts in on the parking area. Town Engineer

Michael Quinn said they could reduce the size of the building expansion or consider moving the pipe in the easement. This is an expensive option, but not unheard of.

Supervisor Gilbert read concerns listed in the memo from the Planning Board. They were asked if they approached Triangle Shopping Center regarding a resolution to their problems regarding storm water and they said yes, originally they had and the shopping center was not interested. John Tegeder said they may want to re-approach them now since they have new, upcoming plans for the shopping center. ABACA's comments were reviewed.

It was determined that they will need to come back to a work session.

PUMP STATION REVIEW

Town Engineer Michael Quinn came before the Town Board to review the numbers that would be involved in a pump station elimination/diversion versus rehabbing. It would be approximately \$490,000 to rehab the station and approximately \$325,000 to divert the Jefferson Park pump station to the Peekskill Sanitary Sewer District. This would involve obtaining a private easement. A discussion of taxes ensued and the fact that a one-time \$88,000 buy-in fee would be charged by the county that is payable over ten years. There are many other factors that come into play – permission from other towns, residents' input, etc.

Councilwoman Roker stated that the Town Engineer has not spoken to any of the residents in the Hallocks Mill Sewer District yet to find out the interest level and the public definitely needs to be involved in this. She stated that the Town Engineer should be notifying the public sooner rather than later. Supervisor Gilbert said that these numbers had to be generated first before the public could be notified of the cost. Councilwoman Roker stated that these figures should have been done a long time ago and that information meetings should have been held. Councilman Lachterman said that it is the Town Board's responsibility to call for the information meeting.

The merits of doing a diversion versus keeping and rehabilitating the pump station were discussed. Supervisor Gilbert said the Town has three stations that are on the verge of failing. We have to decide which option we want to choose. If we rehabilitate, we do not have to go out to the public; however, if they fail, the Town will face heavy fines. Councilman Lachterman said that we need to hear from the people in the area and listen to what they have to say. Councilwoman Roker said that a public hearing would be needed because the people in the area would have the power to say no. Councilman Diana raised the issue of the maintenance cost associated with rehabilitating the station.

Councilman Roker asked Town Engineer Michael Quinn to put the information into a format that is understandable to the public. For the record, Mr. Quinn stated that he recommends the rehabilitation option.

Supervisor Gilbert ended the discussion by saying that the Town needs to schedule an informational meeting based on both options and that time is of the essence.

FRONT STREET PARKING

An issue has been raised regarding the small parking lot on Front Street being occupied by employees of the small businesses in the area and few spaces being left for use by the general public. Highway Superintendent David Paganelli stated that there really is no solution to this because it cannot be monitored without putting in time limits with meters, which would then involve personnel to check the meters. Councilman Lachterman asked Director of Planning John Tegeder if this had been addressed in the revitalization project and was told that, yes, more parking had been considered.

REDUCTION OF FEES SPARC

A resolution will be needed at the next Town Board meeting of May 1st to approve the reduction in rental fees for SPARC, Inc.

230th ANNIVERSARY CELEBRATION

Councilman Lachterman mentioned the following ideas for Yorktown's 230th Anniversary: a parade and activities that would involve all five hamlets; a community day; the historical society and houses of distinction doing an open house of landmarked houses; coordinate with Lions for a special concert to be held on August 26. Following concert would be fireworks. He also

mentioned possible involvement from the Boy Scouts, a marching band from Copper Beech, local ball teams, etc. The discussion also suggested involvement from the John C. Hart Library, the Yorktown Museum, a local jazz band, Revolutionary and/or Civil War Re-enactments.

ORCHARD VIEW SUBDIVISION

A request was made to vote on the following resolution for all of the easements that come out of the Orchard View subdivision that need to be filed.

ORCHARD VIEW SUBDIVISION EASEMENTS

RESOLUTION #144

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

RESOLVED, the Supervisor is authorized to sign a Conservation Easement, Utility Easement, Stormwater Control Facility Maintenance Agreement, Stormwater Access and Drainage Easement, and a Right-of-Way Easement and Easement for Orchard View Court for the Orchard View Subdivision, required by Planning Board Resolution #17-18 on December 18, 2017.

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

Resolution adopted.

TRAIL SIGNS

Highway Superintendent David Paganelli stated that the Highway Department is responsible for its budget and as much as they like to contribute to helping in the town, he has to keep his budget in focus. He needs to define a public private partnership with Yorktown Trail Town Committee. Councilwoman Roker said that establishing this is a good idea so that people will know what the costs will be. He said that, as an example, the Highway Department did all of the Water Department's patching and they did not charge labor for this. There has to be accountability for these charges.

This led into a discussion regarding the new trail signs that are to be posted directing people to the trails in town. Jonathan Nettlefield, a member of the Yorktown Trailtown Committee, said that he is willing to provide the signs at no cost. He stated that virtually all of them will be attached to existing signs. Every municipality which has these signs has installed them at no cost with the idea that if it they are directly related to highways/roads, then there is a legitimate use of the highway labor. Mr. Nettlefield would like the Town Board to approve not just who is doing the labor but the locations of the signs. Mr. Paganelli said some of these suggested locations are New York State DOT roads. Jonathan said that this has never been an issue with the DOT – they are not interested in these kinds of signs. He is interested in obtaining the board's approval to put up these signs. No decision was reached.

SHOWMOBILE

Councilman Lachterman brought up the issue of the renting of the Showmobile. He said that people have been told to go through Parks and Recreation even though the purchase of the Showmobile came from the General Fund. He feels that this is a Town Board decision. It was decided that this will need to be further discussed at another work session.

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker the Town Board moved into an Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and adjourned the Town Board meeting.

ADJOURN

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

MAURA WEISSLEDER
DEPUTY TOWN CLERK