

Meeting of the Town Board, Town of Yorktown held on February 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 Supervisor Grace, the Town Board moved into Executive Session to discuss the employment of particular personnel. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace mentioned the efforts the Board is making by using new tablets for Town meetings as well as the digitization of town records that is currently going on. This effort should eventually present a big savings for the Town.

Supervisor Grace mentioned that on March 2nd he will be holding a State of the Town Address and will talk about where the Town is currently and what plans are on the horizon and what has been accomplished. Questions will be taken at the end of the address.

REPORTS FROM THE TOWN COUNCIL

Councilman Diana mentioned the Home Show at the Jefferson Valley Mall was very good and well done.

Councilman Bernard mentioned that at the end of the printed agenda are posted public hearings that have been adjourned or closed and are awaiting decisions by the Town Board; these should not be confused with public hearings that are being held. Councilman Bernard specifically mentioned the Dornoch Development Project on Turis Lane as a project where Mr. Kelderhouse, the owner, does not plan to proceed with the Wetlands Permit application. Mr. Kelderhouse may be putting a smaller house on the property which would negate the necessity for him to require a wetlands permit. Town Engineer Michael Quinn stated that there may still be a need for Mr. Kelderhouse to appear before the board with any new plans he has.

Councilman Patel stated that New York State is not paying taxes on thousands of acres of parkland located in Westchester County, although they are paying taxes to towns in Putnam County. Councilman Patel would like the Town Board to consider a resolution seeking support from Senator Murphy for a bill that has been introduced in the Senate where all property taxes would be paid to Towns where the State has parklands. He feels that the Town Board should not ignore this potential source of revenue for Yorktown.

Supervisor Grace motioned to adopt the resolution, as amended, seconded by Councilman Diana.

Councilman Lachterman stated that he believed that there is an accompanying law with this bill that the Town Attorney should be examining first. He also mentioned that the Westchester County Mobile Shredder will be at Town Hall on Friday, March 3rd from 10:00 am to 1:00 pm. The Maplefest will be held at the Hilltop Hanover and White Birch Farms. The Yorktown Lions will be sponsoring Breakfast with the Easter Bunny on March 6th.

PRESENTATIONS

Patricia Hallinan, Director of the John C. Hart Library, and Michael Resko, Library Trustee, announced that the library has received a gift from the estate of Alice Maram in the amount of \$390,854.00. The money has been added to the Trustees Gift Fund and will be put to use over the next few years to implement planned renovations of the library building. Ms. Hallinan referred to the plans to renovate the three public bathrooms which will, at the end of the project, be completely ADA compliant and will be updated to improve ventilation and the conservation of water and energy. The gift has also allowed the Library Board to begin the process of planning a remodeling of the library's adult room.

Ms. Hallinan reminded the public that public libraries rely on state support to provide the best services to the community. Governor Cuomo's executive budget for 2017-2018 recommends cuts in funds for library programs, which includes severe cuts to public library construction assistance. She stated the following: "The John C. Hart Memorial Library is joining with libraries across New York State to advocate for increased state funding for library capital projects. Applying for these funds will help us stretch every dollar of Alice's (Maram) bequest. Stop by the library for information on how to help or click the advocacy button at the bottom of the homepage: www.yorktownlibrary.org."

PRESENTATION

Kim Angliss Gage, Refuse and Recycling Department, announced that the 2017 Refuse and Recycling Guide has just been mailed out. Bulk trash will resume with Section 1 on March 6. Leaf bags and bundled sticks will not be picked up with bulk trash pickup. There will be four dates set aside for this on recycling days during four weeks: 4/10, 5/30, 7/3, 10/10. Refrigerators and freezers will be removed as long as they have a paid removal sticker on them (a \$20 fee) and will be removed on bulk trash pick-up days. Textiles may also be dropped off at the department on dates that are listed in the new program or anytime at drop-off sites also listed in the new program. Ms. Gage mentioned that the Textile Recovery Program was a success in 2016, with a total of 65,597 pounds of unwanted textiles recovered. The Town was paid 10 cents per pound for a total of \$6560. The 32.8 tons that we did not have to bring to the incinerator saved the Town \$885 in tipping fees. Ms. Gage stated that considering the Town's budget of \$366,081 to incinerate its 13,313 tons of trash, whatever can be done to reduce, reuse and recycle not only helps the environment but our wallets.

Car tires can be disposed of during the 7 disposal days beginning March 1 for a fee of \$5.00 and can be brought to the department. Tires are not picked up curbside.

Councilman Patel mentioned the Refuse and Recycling's clean-up program that is done with the Boy Scouts. Ms. Gage said she will come and speak about that the next time she does a presentation. Councilman Patel asked if they need to have their own insurance to be working with the Town. Supervisor Grace said that this is an issue the Town Attorney would research, however, he believes that as volunteers the Boy Scouts would be covered under the Town's worker's compensation insurance.

Supervisor Grace stated he would rearrange the agenda for the evening to address the resolution Councilman Patel presented earlier in the evening. However, Supervisor Grace stated that he felt Councilman Patel made an accusation that the resolution was ignored at the last Town Board meeting. He further explained why this was not the case and no councilperson has ever been denied the consideration. Supervisor Grace explained the circumstances that occurred at the February 21, 2017 meeting regarding the resolution issue, including having to look into the law that was being proposed by Senator Latimer. In the interim, Senator Murphy has asked for an investigation into the issue, which may make the need for this moot. In order to get upstate legislators from both the Assembly

and the Senate to agree to sign onto a bill, they would have to look at what the treatment of parkland is throughout New York State by New York State. They aren't going to pass a bill that is just local to Westchester County.

Councilman Patel stated the sequence of events that he believes led to the issue of the resolution, as previously discussed in this evening's Reports from Town Council. He also stated that Senator Murphy is late in paying attention to the parkland taxes; it has been something that has already been discussed in public venues and has been in the newspaper.

Councilman Lachterman stated that, in the interest of learning about the law, he called Senator Murphy's office who said they were looking into the issue as well. Supervisor Grace made a motion to adopt the resolution, as amended.

NYS PAYMENT OF LOCAL TAXES ON PARKLAND

RESOLUTION #078

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

WHEREAS, it is the goal of the Town Board to do all it can to lessen the tax burden on Yorktown property owners, and

WHEREAS, it has come to the attention of the Town Board that New York State pays local property taxes on stated-owned land in most counties in New York State, including neighboring Putnam and Rockland counties, but with the exception of Westchester County, and

WHEREAS, New York State is not paying any local property taxes on the approximately 1,000 acres it owns in Yorktown, including approximately 600 acres in FDR State Park, and 154 acres in the French Hill Section of Donald J. Trump State Park, and

WHEREAS, New York State pays town, county, school and fire taxes on the approximately 300 acres it owns in the Indian Hill section of the Donald J. Trump Park in Putnam County, and

WHEREAS, New York State owns approximately 2,300 acres in the Town of Cortlandt, including 1,900 acres at Camp Smith which is in the Lakeland School district, and

WHEREAS, as Senator Terrence Murphy has requested a full investigation as to why only certain properties owned by the State of New York and held for park purposes are taxed in certain counties and towns in the State of New York and certain parcels are tax exempt; and

WHEREAS, Senator George Latimer has introduced Senate Bill S2737 that would mandate that the State pay all local property taxes for state-owned land in Westchester County, including the Town of Yorktown,

BE IT RESOLVED that the Town of Yorktown supports all of the efforts by both Chambers of the State Legislature to fully investigate the disparate tax status of said lands owned and operated by the State of New York.

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

Supervisor Grace mentioned the lawsuit being brought against the Town because of its lack of the number of handicapped parking spaces in the front of Town Hall. He will be introducing a resolution authorizing him to sign an agreement with the United Spinal Associates in the amount not to exceed \$2850 in order to get some expert consultation as to what can be done about the spaces in the front of the building. This is not an admission

of liability in the case; the problem is that the age of the building only allowed for sufficient handicapped spaces in the back of the building which does not serve the middle floor of the building.

AUTHORIZATION TO SIGN AGREEMENT WITH UNITED SPINAL ASSOCIATION
RESOLUTION #079

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

BE IT RESOLVED that the Town Supervisor is authorized to sign an agreement with United Spinal Association in an amount not to exceed \$2,850.00.

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

PUBLIC HEARING

SPECIAL USE PERMIT AMENDMENT – QWICK STOP/AMERICAN PETROLEUM
EQUIPMENT AND CONSTRUCTION, INC.

Supervisor Michael Grace convened the public hearing to consider the application received from American Petroleum Equipment and Construction, Co, Inc. for an amendment to their Special Use Permit. The request is to remove and replace underground fuel storage tanks and related piping. Remove and replace fuel dispensers. Remove and replace concrete tank pad and island drive pad and dispenser's island and install canopy at the Qwick Stop, located at 3451 Crompond Road, also known as Section 36.06, Parcel 1, Lot 25 on the Tax Map of the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

Mr. Rizzi, the president of American Petroleum, approached the Board but did not bring any plans with him. The Board recommended that this project be presented at a work session so the Board could review it.

Town Engineer Michael Quinn stated that this project had been to a work session and the plans were referred out. He, too, recommended that the public hearing be adjourned so that the applicant would not have to redo the Notice to Interested Parties.

Susan Siegel, resident, stated that this had been at a Planning Board meeting where this project had been on the agenda as a referral from the Town Board. The Planning Board said they had no plans, and she was wondering what had been referred out. Supervisor Grace stated that it didn't make a difference; the project still needed to be studied by the Town Board first.

Another resident, Mr. Murau, mentioned that he would like to see the property in the back of the applicant's property which faces his property to clean up and maintain the structure and property. Mr. Murau said that it is in disrepair and filled with garbage that the owner is choosing to ignore. Mr. Murau and his neighbors are picking up the garbage that is there.

Supervisor Grace assured Mr. Murau that when this comes before the Board, they will make clean-up of the property a priority. Mr. Murau presented pictures of the property to the Board.

Mr. Rizzi, the president of American Petroleum, stated that there was a plan presented to the Board. Councilman Bernard stated that he believed there was a change to that plan since the Board had reviewed the original plan, therefore, a work session is warranted. They will also be looking at what the Planning Board/Department is suggesting. Michael Quinn, Town Engineer, suggested that a photo simulation of what is there and what is proposed is also presented to the Board. Mr. Rizzi also wanted the Board to understand that he is not the owner of the property; he is the president of American Petroleum who is doing the construction on the property to make sure the changes are compliant with the NYS DEC. Councilman Bernard said Mr. Rizzi should also find out from the owner if the rental truck business and the repair shop are still going to be maintained on the property.

Upon motion made by Councilman Bernard, seconded by Councilman Diana and carried, the public hearing was adjourned.

TO CONSIDER ADDING A NEW CHAPTER TO THE CODE OF THE TOWN OF YORKTOWN ENTITLED "BUSINESS IMPROVEMENT EXEMPTION LAW"

Supervisor Michael Grace convened the public hearing to consider adding a new Chapter to the Code of the Town of Yorktown entitled "BUSINESS IMPROVEMENT EXEMPTION LAW" which would, pursuant to New York State Real Property Tax Law §485-b, authorize a partial exemption from certain real property taxation for commercial, business or industrial property constructed, altered, installed or improved subsequent to the effective date of this local law within the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace stated that there is a provision in the New York State law which allows for a 485(b) exemption which was a tool put into place in the 1970s to help businesses gain traction and spur economic revitalization. This exemption applies to businesses that are rehabilitating or making alterations to an existing commercial property. A property owner may want to reinvest in a property but may have a difficult time finding a tenant because high taxes cause the rent to be too high; therefore, the project may be abandoned. Supervisor Grace stated that Yorktown is in competition with every other town in Westchester County and part of the attraction to business has to be the cost of rent. This exemption will contribute to lowering the real estate tax portion of the rent. There is a base assessment of the property and then after rehabilitation the assessment and the taxes go up. When the property owner asks what the projected real estate tax would be after the rehabilitation, they abandon their plans because the taxes are too high. This exemption is a way to address this situation, to help abate 50% of the additional assessed value of the rehabilitation over a 10 year period of time (50% the first year, 45% the second, etc. until it disappears). Supervisor Grace stated that he hopes this will spur new investment in the town. This is not exempting taxes that are presently paid. Hopefully this will help the dormant properties in town to be renovated, as well as improvement to existing properties that need rehabilitation

Town Attorney Michael McDermott stated that the genesis of this law is exclusively statutory; it was not drafted by the Town. This is specifically authorized by the Real Property Draft Law Section 485(b) which gives us certain parameters to work within. The Town Board appointed several members of the business community to the Industrial and Commercial Incentive Board and Mr. McDermott met with them once every two weeks since last fall to come up with ideas as to how to attract businesses to Yorktown. A final report was issued by the Industrial and Commercial Incentive Board and this report became the genesis of this local law being introduced. The 485(b) exemption is limited to only commercial and industrial properties, not residential. The threshold level is \$10,000 – if the improvements made are at least \$10,000, the law will apply. It will only apply to the assessed valuation after the rehabilitation, not the base. Mr. McDermott stated that it is a win-win for the Town.

Councilman Diana stated that this is not a new idea. A similar incentive had been done with the Jefferson Valley Mall over a 5 year period of time in order to give them an incentive.

Councilman Patel asked if the owner makes the improvement, is it passed on to the business that is renting space in the building. Supervisor Grace stated that most commercial properties are leased and are written in "triple net terms." He proceeded to explain how this would benefit the tenant and help them to establish their business.

Mark Lieberman, resident, stated he had gone through a policy focus report by the Lincoln Institute of Land Policy (Mr. Lieberman presented a copy of the report to the Town Clerk). This subject is very involved and if the town is to pursue it, there needs to be a thorough review so it is done correctly. The effect of tax reductions on all existing businesses, the lower income and the increased support costs of new businesses all need to be considered. Mr. Lieberman then proceeded to quote the main points from the policy focus report.

Maura Gregory, resident, stated there is nothing wrong with trying to attract new business to the Town, particularly small businesses, but she is afraid something like this exemption will “backfire.” She looked at the January 9, 2017 report from the Industrial and Commercial Incentive Board and stated that she could not find anywhere in the report that this exemption would achieve the goal of increasing business and revenue for the Town. What evidence does the Town have that would prove this? She mentioned a report from the Institute on Taxation and Economic Policy that was issued in August 2013, a non-profit, non-partisan group research organization that works on federal, state, and local tax policy issues. The report made a number of conclusions; one of which is that state and local tax incentives come at an enormous cost. They are often of little benefit, can be a drag on growth, and fail to live up to their goals. Ms. Gregory proceeded to highlight points from the report and presented a copy to the Town Clerk and asked that it be made a record of the public hearing.

Mel Tanzman, resident, agreed with the previous speakers and thinks that the Town Board has not done its due diligence regarding the impact of the exemption. He said his fear is that the whole concept of trying to help small businesses will be undermined by the exemption because big business will be the ones benefitting. If we are to consider this exemption, we should be considering what kinds of businesses should get it. Competition will not be good; the comprehensive plan needs to be followed. Mr. Tanzman said that we need to have smart planning in the town and an across-the-board tax exemption is not smart planning.

Paul Moskowitz, resident, asked if this tax cut also applied to school and county taxes. Supervisor Grace stated that once it is adopted, it goes to the school districts for adoption by them, as well as the county. Supervisor Grace stated that he understands that both school districts were receptive to the idea. Since the town tax is only about 20% of the tax bill, Mr. Moskowitz doesn't see where this tax cut (which would ultimately be only about 10% of the town tax) would be such a big incentive to businesses since it doesn't really amount to much. Businesses will make decisions based more on what the prospects for success will be in the Town. He also mentioned that he wonders who will be making up the loss of these taxes.

Supervisor Grace stated that the exemption might not mean an enormous amount to big businesses but it should definitely mean something to the smaller business owner.

Susan Siegel, resident, stated that attracting new businesses and encouraging established businesses to stay is a worthwhile goal and mentioned several tools that are effective without the loss of tax dollars. The 485(b) program may be appropriate in some cases, but thinks the Town Board needs to be careful to not give away future tax revenue that the Town would be getting. She stated there is anomaly in this law; it would apply to all businesses that start building and rehabilitation plans after the law is adopted. What happens to the plans for stores like the future Lowe's? Lowe's came to Yorktown before the question of the 485(b) program was presented. They will now get a huge tax break. Shrub Oak International School would also be entitled to the 50% reduction although they, too, decided to come to Yorktown before there was an exemption. Mrs. Siegel did rough calculations on the Lowe's project and stated that Yorktown taxpayers would lose approximately \$23,520 or more in potential tax revenue if the 485(b) program is approved. This money could be used for other projects in the Town. Mrs. Siegel suggested the proposed law should be amended so that it applies to new development applications or building permits that are submitted after the effective date of the law. Many other towns have made this amendment and it can be done under the current state enabling legislation. She asked how the 485(b) abatement would apply to existing properties that are redeveloped after the town has lowered the original assessment because of a tax certiorari lawsuit. Mrs. Siegel then cited several business that fall into this category.

Robert Puff, resident, first thanked the Town Board and the Industrial and Commercial Incentive Board for their work during the last nine months to produce this option to attract businesses to Town. Mr. Puff disagreed with the previous speakers because he stated that 90% of most businesses fail within the first year and over the first five years. Businesses grow when they are in a small tax environment. Places like WalMart and Lowe's started out as small “Mom and Pop” stores. He feels that the tax abatement should not

discriminate against large or small businesses. The law should stand “as is” and urges to vote to do so.

Dan Strauss, resident, addressed a previous remark made by Councilman Patel regarding the stand-alone businesses and the “business within the business” sector. He stated he had been at a senior citizen meeting the day before and someone made a comment that “we don’t live near a railroad and we don’t live near the river.” He stated that this changes a lot of what is going on today in business and asked the Town Board take that into consideration.

Supervisor Grace stated that this actually works much better for the smaller businesses that are leasing spaces in bigger developments; it helps give them traction. Mr. Strauss feels that smaller businesses should be helped but feels that none of this is a real incentive to those who want to do business here. Rents are so high in Yorktown that businesses can’t afford the rent and will not be able to do business.

Jay Kopstein, resident, said that we have to consider the appearance and image of the Town. Empty store fronts are an eyesore. This exemption will help the Town attract businesses not through a reduction in taxes, but rather with not as much of an increase in taxes that they would have had otherwise. He also mentioned the cost of the loss of taxes from these empty businesses.

Maura Gregory, resident, stated she felt like she was not hearing the truth but what people want to believe about this tax abatement. She asked to take a look at the research that was presented this evening. Ms. Gregory asked the Board not to vote, although she felt they had already made up their minds. She stated that the law does allow the provision to carve out certain geographical areas; it does not have to apply to the entire town. Maybe only some areas need this exemption but not all.

Ed Ciffone, resident, mentioned that the Town Board should not forget the taxpayers who may suffer because of the incentives given to businesses.

Jeff Jankowski, Yorktown Chamber of Commerce and member of the Industrial and Commercial Incentive Board, spoke. He stated that many options were looked at, including looking at geographic areas. Mr. Jankowski asked that people should understand that they are not looking at reducing anyone’s taxes but not having an increase from a current base to a future base – that is the bottom line. You are not losing taxes and it will be spread out over time. This is good for small businesses. The Chamber is behind this 100% and is looking forward to the Town Board passing this. Mr. Jankowski stated that he felt the studies presents earlier were not up to date. Other towns have been using this exemption for years and using it successfully. Yorktown needs additional development.

Susan Siegel asked for concrete examples of other towns that have used this successfully. Her research found that many very small towns use the exemption and that many town have also made the amendment that she suggested earlier.

Supervisor Grace stated that it has been small towns because they are also trying to be competitive.

Mr. Lieberman said the study he presented is fairly recent. He stated that if Yorktown reduces their taxes, what is to prevent surrounding towns from doing the same and now all of the areas will lose revenue.

Mr. Kopstein stated that we are not reducing taxes. If your expense is \$100,000 and it could be \$150,000 but its only \$125,000 some people say that this is a savings but it isn’t to the person collecting the revenue. It’s still going from \$100,000 to \$125,000. The Town is not reducing taxes – the Town is reducing the rate at which the tax will increase. The baseline is not going down; the base line is still going up.

Mr. Lieberman spoke again to further explain his position.

Mr. Tanzman asked if the Board would take a look at how effective this law will be. The reports and studies presented should be looked at. The vision of what business the Town wants to bring in needs to be further developed.

Mr. Strauss said that the Town needs to develop the vision of the kinds of business that should be here, not the other way around. He still feels that the exemption will not be a big incentive to bring business here.

Supervisor Grace spoke about the goals of the Industrial and Commercial Incentive Board. He mentioned that the Shrub Oak International School has had numerous meetings with the Town and said that one of the major sticking points for them is what the taxes are going to be based upon their investment in the property. The investment in the school is going to be significant; they are not yet bound contractually to this project yet. The International School of Autism may come into Town investing tens of millions of dollars renovating buildings and hiring local tradesman and putting dollars into the local economy. Approximately 350 professional people could potentially be moving into the area. And with the closing of Indian Point, Supervisor Grace stated that with the closing of Indian of Indian Point, the Town has to do something on a local level. Everyone is concerned about taxes and the Town needs to look at ways to generate taxes and gain financial stability.

Supervisor Grace stated that the Board appreciates the presentation of the various reports but this is an issue that has been studied and examined by the Town Board and then given to the Industrial Commercial Incentive Board to look at; a group who had no “political axe to grind” and were in favor of the exemption.

Councilman Patel stated that profit and success are made by the work that is put into a business, not by tax exemptions. It is a good thing to be able to help a business, but there is a lot more involved than just exemptions. It is not a simple thing; more businesses in town can also mean more expenses for the town.

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 Supervisor Grace, seconded by Councilman Lachterman and carried.

LOCAL LAW 1 of 2017 ENTITLED “BUSINESS IMPROVEMENT EXEMPTION LAW”

RESOLUTION #080

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

WHEREAS, a public hearing was held on February 21, 2017, pursuant to notice duly published as required by law to add a new Chapter to the Code of the Town of Yorktown entitled “Business Improvement Exemption Law,”

RESOLVED, that Local Law #1/2017, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael Grace	Voting	Aye
Councilman Vishnu Patel	Voting	Aye
Councilman Gregory Bernard	Voting	Aye
Councilman Thomas Diana	Voting	Aye
Councilman Edward Lachterman	Voting	Aye

Local Law #1 of 2017 is hereby duly adopted.

ADVERTISE BID FOR T-SHIRTS AND UNIFORMS – TOWN-WIDE RESOLUTION #081

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk

of the Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, March 13, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for T-Shirt and Uniform Bid.

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

ADVERTISE BID FOR CAMP BUSES FOR PARKS AND RECREATION

DEPARTMENT

RESOLUTION #082

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, March 20, 2017, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for contracting bus service for various programs in the Yorktown Parks and Recreation Department.

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

ACCEPT PERFORMANCE BOND – CHASE BANK COMMERCE STREET – SITE PLAN

RESOLUTION #083

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

WHEREAS, Vericon Construction Company, LLC as applicant, provided the Town with Travelers Casualty & Surety Company of America Bond #106583385, in the amount of \$65,000 to serve as the Performance Bond for Stormwater & Tree Permit #FSWPPP-T-053-17, for the Chase Bank Commerce Street Site Plan located on Commerce Street, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bond is hereby accepted to serve as the required bond for the above referenced site plan.

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

APPROVE BOND RELEASE #BSWPPP-001-15-BAPTIST CHURCH ROAD

RESOLUTION #084

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

WHEREAS,

1. Joseph & Gloria Gurreri as applicant, posted \$300 which was deposited into the T33 account on January 20, 2015 to serve as the Wetland Bond for Wetland Permit #WP-001-15, for work performed at the Baptist Church Road location.
2. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced escrow money be released.

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

APPROVE CONFERENCE ATTENDANCE – INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ANNUAL CONFERENCE AND TRAINING MEETING

RESOLUTION #085

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

WHEREAS, sufficient funds exist in the Town Clerk's Training line to cover the cost of expenses, including lodging and conferences, now

Therefore Be It Resolved that Town Clerk Diana L. Quast has permission to attend the 2017 International Institute of Municipal Clerks Annual Conference and Training Meeting at the Rockefeller Institute of Government to be held in Albany, New York July 10-14, 2017.

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

APPROVE REFUND FOR OVERPAYMENT OF \$78.17 TO WATER ACCOUNT #43-10190537

RESOLUTION #086

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

Upon the recommendation of Cliff Kummer, NWJWW, the amount of \$78.17 be refunded to Account No. 43-10190537 due to an overpayment of a water bill.

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

APPROVE RENEWAL OF CRP SANITATION FOR A COMMERCIAL GARBAGE LICENSE FOR 2017

RESOLUTION #087

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

RESOLVED, that CRP Sanitation be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2017.

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

AUTHORIZE SUPERVISOR TO SIGN IMA WITH WESTCHESTER COUNTY FOR THE PROVISION OF MAINTENANCE BY THE COUNTY OF BUS PASSENGER SHELTERS

RESOLUTION #088

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an intermunicipal agreement with County of Westchester for the provision and maintenance by the County of bus passenger shelters in Yorktown, and for payment by the County to the Town of fifty percent of the revenues received by the County from Signal Outdoor Advertising, LLC, the County's licensee, under an agreement between the County and Signal Outdoor Advertising, LLC, the licensee, after the County's deduction of an annual administrative fee of \$100,000. The term of the agreement is five (5) years, commencing on July 1, 2016 and expiring on June 30, 2021.

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT TO THE IMA WITH WESTCHESTER COUNTY FOR THE BUS SHELTER PROGRAM

RESOLUTION #089

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an amendment to the intermunicipal agreement with County of Westchester for the provision and maintenance by the County of bus passenger shelters in Yorktown, and for payment by the County to the Town of fifty percent of the revenues received by the County from Clear Channel Outdoor, Inc., the County's licensee, under an agreement between the County and Clear

Channel Outdoor, Inc., the licensee, after the County's deduction of an annual administrative fee of \$95,000 which expired on March 31, 2016. The term of the Amendment is from April 1, 2016 and expiring on June 30, 2016 which term coincides with the expiration of the County's License Agreement and First Amendment Agreement with Clear Channel Outdoor, Inc.

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

AUTHORIZE TOWN ATTORNEY TO COMMENCE ACTION AGAINST 2515 GARDEN LANE RESOLUTION #090

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

BE IT RESOLVED that the Town Board authorizes the Town Attorney to commence any necessary legal proceedings against the appropriate people and entities in connection with the enforcement of a Notice of Violation for 2515 Garden Lane, Cortlandt, NY 10567.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH USAGAIN FOR TEXTILE RECOVERY PROGRAM RESOLUTION #091

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

WHEREAS, the Town Board adopted a resolution on October 21, 2014, for a one-year agreement with USAgain, 18 Sargent Place, Mt. Vernon, NY 10550, as sole contractor for the new Textile Recovery Program proposed by the Refuse & Recycling Department.

WHEREAS, the contractor did fulfill the following requirements to:

1. Provide a turnkey program, at no-cost to the Town of Yorktown that includes placement of a 20-yd stationary container to be sited at the Refuse & Recycling Department, for those used textiles collected by the Refuse & Recycling Department; as well as three to five standard sized used clothing bins to be placed on other Town-owned properties for residents to directly deposit textiles; and
2. Empty the collection pod and used clothing bins on a scheduled and/or on-call basis; provided monthly collection reports detailing the weight of the recovered contents; and compensate the Town of Yorktown \$.10/pound for the recovered contents;

THEREFORE, per the recommendation of Kim Angliss Gage, Recycling Coordinator, an additional one-year contract beginning on January 1, 2017, is to be signed with USAgain, 18 Sargent Place, Mt. Vernon, NY 10550.

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

MONTHLY REPORTS

The Town Board accepted the Monthly Report received from the Receiver of Taxes for January 2017.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mark Lieberman asked if this was the first time the business exemption law was brought before the public. If it was, he stated that he didn't see the point if the decision had already been made to adopt the law. It doesn't give enough time for the Board to examine the documents presented by the public.

Dan Strauss spoke about the meeting he went to with the Senior Advisory Committee and mentioned that they are still waiting for their bathrooms. He stated that it is very

important that this get done because many others besides the seniors use the facilities. Supervisor Grace stated that they initially were going to have in-house staff do the job, then it was decided they would go to outside vendors. Supervisor Grace said that bid documents are being prepared and then will go out to bid.

Mr. Strauss mentioned that the businesses coming into Town, specifically the Heights section, see too many For Lease signs that are too large and lying on the road (Route 118 – Mangaro’s property, for example). Businesses looking for locations come into Yorktown and see this garbage and would not want to open up. Mr. Strauss talked about the garbage in Turco’s parking lot. Supervisor Grace stated that he would have these issues looked into by the Town Code Enforcement Officer.

Mr. Ed Ciffone thanked Councilman Patel for his work regarding New York State paying taxes to local municipalities on state parkland in the area. He said he went to the Senior Advisory Committee and asked about the stand-alone Senior Center that had been talked about in the past. He stated the town has enough money and enough senior citizens that this is a project that should be done before building the new Highway Garage. Mr. Ciffone raised the issue of the fee being charged and the insurance requirement for outside groups’ use of the Town Boardroom for meetings. The United Taxpayers of Yorktown cannot obtain the insurance and will no longer be able to meet in the boardroom; they will now be meeting in the food court of the Jefferson Valley Mall. Mr. Ciffone stated that he is looking to step down from the UTY because he thinks that the organization is being retaliated against because of the way the Town Board feels about him. He asks that citizens and developers be treated equally.

Susan Siegel mentioned that there is an insurance that exists called TULIP (Tenant-User Liability Insurance Policy). The Town’s current broker states on the internet that they have this insurance available and she believes it is for a modest amount. This would help resolve the issue Mr. Ciffone was speaking about. There would be a deduction whenever the group used the premises. It is difficult for many ad hoc and community groups to get insurance. She urges the Board to look into this kind of policy and report to the community.

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

Supervisor Grace said he will look into the garbage issue mentioned by Mr. Strauss. He also feels that removing the Highway Garage from downtown will also improve things visually. The stand-alone Senior Center is an issue that has come back on the Town Board’s agenda and will be talked about again in the near future. One idea is to move the Parks and Recreation group out of Downing Park and possibly install a Recreation Center which would include a Senior Center. However, other things have to get moved in the right direction before this can be accomplished. It is a discussion coming up and a task force may be created and suggested a volunteer opportunity for Mr. Ciffone.

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations of a particular individual. *

* (Supervisor Grace came back to address Mr. Lieberman’s statement during Courtesy of the Floor. The business exemption law has been a topic of discussion for two years for the Board and the last year for the ICIB. Meetings were open to the public. Supervisor Grace explained the process of adopting new legislation. Councilman Bernard explained that the Town Board hears and discusses opposition to proposed legislation and they make their decisions based on what they feel is best for the Town.)

ADJOURN

Upon motion made by Councilman Bernard, seconded by Councilman Patel, the Town Board meeting was adjourned.

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