

Meeting of the Town Board, Town of Yorktown held on April 4, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: 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

Absent: Michael J. Grace, Supervisor

TOWN BOARD MEETING

Deputy Supervisor Gregory Bernard called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Deputy Supervisor Bernard, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss personnel issues. 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

Deputy Supervisor Bernard 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.

DURING REPORTS FROM THE TOWN COUNCIL, Councilman Diana mentioned that a response was received from the U.S. Navy regarding the Town's request to name battleships after the Town of Yorktown and the Battle of Pines Bridge. The Navy responded that both names were worthy of consideration and would be taken into account when the next occasion to name ships arises. This was a positive response and Councilman Diana hopes to see this happen in the near future.

Councilman Lachterman congratulated the Alliance for Save Kids for their recent Save A Life event which he said was a tremendous success. He mentioned three events that were coming up: this Saturday, April 8, at 10:30 a.m. at Downing Park is the Easter Egg Hunt sponsored by the Yorktown Lions and the Parks & Recreation Department; on April 12 from 8:00 to 11:00 a.m. at the Yorktown Stage, the Yorktown Small Business Association is holding a small business symposium sponsored by Putnam County Savings Bank. Speakers include Supervisor Grace, Legislator Kaplowitz, and Legislator Testa. It is a free event and a continental breakfast will be served. On April 30th at FDR Park, the My Brother Vinnie Walk-a-Thon will be held. This is an organization that does great work with veterans in settling them into new homes. Councilman Diana also mentioned they work with coat donations during the holidays.

Councilman Patel thanked all of the volunteers that are helping the AARP do taxes for residents. He mentioned the volunteers that gave their time to the Save A Life Event. He also mentioned a Yorktown High School student who recently completed a decoding program for small children at the John C. Hart Memorial Library.

Councilman Diana also mentioned that there would be no Town Board work session held on April 11 due to the Passover holiday.

Councilman Bernard mentioned how deadly talking and/or texting while driving can be.

Highway Superintendent David Paganelli spoke about the Traffic Safety Committee meeting held with Councilman Bernard and Police Officer Jason Swart on March 8 and March 24, with respect to several traffic safety issues. Veterans Road has both a park zone of 20 MPH and

school zone of 15 MPH and is an area of heavy traffic. The committee has proposed two raised crosswalks one extending across the road in an east-west direction at the south end of Veterans Road where stair access to the Veterans field exists; there is currently no crosswalk there. The second raised crosswalk would be placed where there is a crosswalk located at the Yorktown Community Nursery School. A second stairway access will be constructed at the west end of the second crosswalk to allow safe passage to the field. It is proposed that the crosswalks be composed of concrete for durability, in addition to contrasting the asphalt. Traditional raised crosswalk pavement markings and signage would also be included in this plan. The committee also proposed the following three local laws adding a Full Stop at the intersections of Amazon Road and Mogul Drive, repealing and replacing a portion of 275-4A relating to the south side of Bank street and repealing and replacing that portion of 275-11(B) (2) relating to Crow Hill Road.

PUBLIC HEARING TO CONSIDER ADDING A NEW CHAPTER ENTITLED UTILITY POLES

Deputy Supervisor Gregory Bernard reconvened a public hearing to consider adding a new Chapter to the Code of the Town of Yorktown entitled “**UTILITY POLES**” which would require that utilities that use Town highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment, and terminals have been removed. Affidavits of Posting and Publication were presented by the Town Clerk.

Mr. Dan Strauss stated that this is terrific idea.

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

APPROVE BID EXTENSION FOR UNIFORM CLEANING SERVICES FOR POLICE DEPARTMENT RESOLUTION #124

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

WHEREAS, bids for Uniform Cleaning Services for the Police Department were received and opened on April 15, 2016 and

WHEREAS, said bids were awarded to Rite Price Cleaners, the sole bidder; and

WHEREAS, said contract commenced April 17, 2017 and will expire April 16, 2018, and

WHEREAS, the town has the option to extend said bid for two additional years in one-year increments; and

THEREFORE BE IT RESOLVED, that the Uniform Cleaning Services Bid for the Police Department awarded to Rite Price Cleaners is hereby extended for one year, per the terms of the bid; and

FURTHER RESOLVED, the dates of the extension will be April 17, 2017 to April 16, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR FUNDING OF A VACUUM TRUCK PURCHASE RESOLUTION #125

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

BE IT RESOLVED that the Town Supervisor is authorized to sign the Intermunicipal Agreement with the County of Westchester for the funding of a portion of the eligible cost associated with the purchase of a vacuum truck.

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

AUTHORIZE SUPERVISOR AND TOWN ATTORNEY TO SIGN A BRIDGE NY LOCAL PROJECT AGREEMENT WITH NYS DOT FOR CULVERT REPLACEMENT ON VETERANS ROAD
RESOLUTION #126

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

BE IT RESOLVED that the Town Supervisor and the Town Attorney are authorized to sign the Bridge NY Local Project Agreement with the New York State Department of Transportation for the Culvert Replacement of Veterans Road over Hallocks Mill Brook.

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

AUTHORIZE SUPERVISOR AND TOWN ATTORNEY TO SIGN A BRIDGE NY LOCAL PROJECT AGREEMENT WITH NYS DOT FOR BRIDGE REPLACEMENT OF HILL BLVD. TRIBUTARY TO BARGER BROOK
RESOLUTION #127

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

BE IT RESOLVED that the Town Supervisor and the Town Attorney are authorized to sign the Bridge NY Local Project Agreement with the New York State Department of Transportation for the Bridge Replacement of Hill Blvd over Tributary to Barger Brook.

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

AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH AUTOMATED CONTROL LOGIC, INC. FOR ALARM MONITORING OF HVAC SYSTEM – JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #128

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

RESOLVED, that the Town Supervisor is authorized to sign a contract with Automated Control Logic, Inc. for alarm monitoring of the HVAC systems in the John C. Hart Memorial Library for one year from April 14, 2017 to April 13, 2018, at the rate of \$185.50 per month, and for service calls at the hourly labor rates set forth on the price sheet attached to the proposal dated March 7, 2017.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH NCOURT
RESOLUTION #129

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

BE IT RESOLVED that the Town Supervisor is authorized to sign an agreement with NCourt to provide the Yorktown Police Department with an electronic payment processing program.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR SENIOR PROGRAMS TITLE IIIC-1
RESOLUTION #130

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

Resolved that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for Title IIIC-1 in the amount of \$2,770, with an estimate of an additional \$11,140 (NSIP) Nutrition Services Incentive Program, and Title IIIC-2 in the amount of \$47,799, with an estimate of an additional \$24,423 (NSIP). This is for the period January 1, 2017 through December 31, 2017.

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

AUTHORIZE SUPERVISOR TO SIGN A REVISED AGREEMENT WITH WESTCHESTER COUNTY FOR SENIOR PROGRAMS FOR DIRECT CARE WORKER IN THE AMOUNT OF \$11,356.00

RESOLUTION #131

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Amendment to the original agreement with Westchester County Department of Senior Programs and Services for Direct Care Worker Agreement in the amount of \$11,356. The original amount was \$11,481. It was changed due to a clerical error from Westchester County. This is for the period 4/1/15 through March 31, 2106.

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

AUTHORIZE SUPERVISOR TO SIGN A REGIONAL KITCHEN AGREEMENT WITH TOWN OF SOMERS

RESOLUTION #132

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

Resolved that the Town Board authorizes the Town Supervisor to sign a Regional Kitchen Agreement with The Town of Somers and Yorktown to prepare meals for a cost of \$4.00 per meal. This period is for January 1, 2017 through December 31, 2017.

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

AUTHORIZE SUPERVISOR TO SIGN A STORMWATER MAINTENANCE AGREEMENT WITH URSTADT BIDDLE PROPERTIES, INC. FOR STAPLES PLAZA PROJECT

RESOLUTION #133

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

WHEREAS:

1. The Applicant, Urstadt Biddle Properties, Inc. recently completed construction of the Staples Plaza Project located at 3333 Crompond Road, Yorktown Heights. There was a Stormwater Pollution Prevention Plan (SWPPP) in place to manage stormwater during the various construction activities. As part of the SWPPP, the Applicant was also required to implement post-construction stormwater collection and treatment devices. The Town wishes to execute a Stormwater Maintenance Agreement to memorialize the responsibilities of the Applicant for long term inspection and maintenance of these devices.

2. One of the requirements of the Stormwater Maintenance Agreement is for the Applicant to file an annual compliance report with the Engineering Department. The Town needs to track these measures as one of the conditions of our MS4 Town-wide Stormwater Management Program.

3. The agreement will be subject to the review and approval of the Town Attorney.

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the Town Supervisor to sign a Stormwater Maintenance Agreement with Urstadt Biddle Properties, Inc. for the Staples Plaza Project located at 3333 Crompond Road, Yorktown Heights.

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

AUTHORIZE COMPTROLLER TO REFUND FIFTY PERCENT (50%) OF A BUILDING PERMIT FEE TO SOLAR CITY

RESOLUTION #134

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

WHEREAS,

1. A building permit application for the subject property was filed with the Department on 3/1/2016. The permit fee of \$125 was paid on 3/7/2016 and permit BP # 20160064 was subsequently issued on 3/17/2016. However the Applicant subsequently decided not to move forward with the work. A written notice of cancellation was received on 1/7/2017 as per the attached.

2. In accordance with the Town Code, Chapter 15 Building Construction Administration, Subchapter 15-16 Fees, Paragraph D, the Applicant is entitled to a 50% refund of the building permit fee paid if no work was started.

3. A follow-up inspection performed by Department personnel confirmed that no work has been performed on this project.

NOW, THEREFORE BE IT RESOLVED, that the Comptroller is authorized to refund 50% of the building permit fee in the amount of \$62.50 and remit to Solar City, 203 Ridgewood Drive, Elmsford, NY 10523.

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

MONTHLY REPORTS

The Town Board accepted the Monthly Report received by the Receiver of Taxes for March 2017.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Robert Giordano, resident, spoke about the Yorktown Small Business Symposium on April 12, 2017. PCSB is the prime sponsor; there will be a continental breakfast at the Yorktown Stage. Mr. Giordano gave contact information for all who are interested. This event will talk about upcoming plans and projects that are going on in Yorktown and around Westchester County that will enhance the business climate.

Mr. Paul Moskowitz, resident, spoke about the preliminary plans for the Grace and Murphy buildings. He had stopped by the Planning Department and saw a building plan for a 40,000 sq. ft. building, a separate 2900 sq. ft. building for a bank, and parking for 196 cars. He remarked that he did not see any attempt to change the environment of Yorktown Heights so that people could walk from one place to another instead of having to get in their car and drive. There was nothing that would attract people to this site other than those working in the buildings. He was surprised that there is another bank planned; he believes it is the last thing the Town needs. Mr. Moskowitz stated he felt that Mr. Grace and Mr. Murphy gave us a plan that contributes to the stereotype of Yorktown not being a very nice looking town in northern Westchester. He feels that if this is what elected officials plan for the Town then he could not look forward to future plans they may have (i.e., Depot Square).

Mrs. Susan Siegel, resident, spoke about the Hallocks Mill Sewer District. She stated that at the March 21 meeting she asked for clarification on the legal status as to how the Board was planning on paying for the \$21 million worth of sewer projects in the Hallocks Mill Sewer District. What sections of New York State law or any other state law gave the town the ability to charge 4,000 already sewered properties in the Hallocks Mill SD \$18 million for two sewer projects that don't affect or benefit them. Mrs. Siegel says this is the fourth time she is asking the same question, as her previous questions have been ignored. She says she is aware that the Town is planning a sewer presentation on May 2nd, but feels the taxpayers affected should have answers before then. Does state law allow for the apportionment of the costs or does it not? She would like to know the answer and the source of the answer. Mrs. Siegel feels there are other important sewer projects in Town that need to be done, such as the replacement of two aging Hallocks Mill pump stations and says there is enough money to pay for this. She is hoping for an answer to her question.

Mr. Jay Kopstein, resident, said he lives in the Hallocks Mill Sewer District, and Mrs. Siegel does not speak for him. She does not speak for 4,000 people. He would like to know the cost to the Town when they have to respond to frivolous Article 78 lawsuits.

Mr. Dan Strauss, resident, commented on the Traffic Safety Committee's work. He thinks the crosswalks are a great addition but feels that the Town is not walkable because people are fearful of traffic incidents. Mr. Strauss commented that the police department is doing a terrific job but feels that educating the public should end and ticketing people who are breaking the law should be increased. There should be more unmarked police cars in order to stop the speeding. People are just not afraid of punitive measures because there are not enough of them. The Town will not be walkable until people are punished for breaking traffic laws.

Mr. Mel Tanzman, resident, wanted to follow up on the Town Board's work session discussion to have the Westchester County Planning Department review the new wetlands law. He felt the wording of the referring resolution may elicit no response from the county's Soil & Water Conservation District and the Planning Department, as it was originally done. Mr. Tanzman stated that there are many professionals at the County who have expertise in wetlands and wetlands legislation. He said the county did not review the first draft that was sent last November because the county did not have jurisdiction to review the law. He said he was advised that a new resolution had been sent to the county and said that a revised resolution should be done that says opinions be rendered independent of any legal requirements of such a review. This would encourage responses.

Deputy Town Clerk Maura Weissleder approached the Board to explain that both the Westchester Planning Board and the Soil and Water Conservation District were sent the draft of the law and requested comments, and to reply even if they had no comment. The Westchester County Planning Board chose not to comment; an email to that effect was received by the Clerk's Office. The Soil and Water Conservation District had received the draft and would try to respond before the public hearing but it was a tight timeframe for them. However, they would do their best.

Mr. Ed Ciffone, resident, commented on the amount of unpaid taxes that exist in the Town. In the last 4 or 5 years, the Town has been increasing our fund balance by \$2 million. He suggests the Town purchase the Chase Bank building that will be empty when the new one opens. It could be used for additional space for senior citizens from the YCCC building. Mr. Ciffone also stated that there should be a referendum on the ballot for the people to vote for revitalization. He feels there is enough money in the surplus to make changes.

Mr. Larry Kilian, resident of Bunney Court, had some further thoughts on the 485(B) tax incentive plan and agreed with the Town Board when they praised the Industrial and Commercial Incentive Board for doing what they were charged to do in researching the incentive plan, but he feels that the need may go farther than what they were charged to do and may be more than what should be expected from volunteer boards. Research needs to be done regarding the necessity and efficacy of the incentive, no comparative of analyses of tax rates from other towns and their use of the incentive was done, there was no rationale of why not to target. Most importantly, there was no estimate of the short term negative effects as opposed to the long term positive effects of the program. It is important before implementation to have an objective analysis of its effects. The Town should be looking at various options of how to implement this program and may need a financial consultant to do these analyses by looking at data from the past years. The consultant could advise the Town as to how to proceed and periodically report on the short and long term effects of the policy and its effect on bringing in new businesses and existing businesses.

Mr. Tony Grasso, resident, stated that either the members of the public who come to speak at the meetings don't listen closely enough or may have their own agenda for speaking. Mr. Grasso specifically addressed the issue of allowing individuals to develop their property as long as it is in accordance with the zoning for that particular area. He also responded to a comment made earlier regarding collecting unpaid tax money. He stated this is the Town Board's responsibility to collect these taxes. Mr. Grasso was recently told by the Receiver of Taxes that the Town has actually collected over \$2 million dollars in interest and other fees on back taxes; the Town charges 1% per month so if anyone doesn't pay their taxes, the Town is collecting 1% per month.

His point being that money is being received by back taxes over and above the actual tax amount. Mr. Grasso also acknowledged the traffic issues in town.

Mrs. Dorothy LaScala, resident, thanked Highway Superintendent David Paganelli and the Highway Department for the quick patch up of holes on Gomer Street.

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

Deputy Supervisor Bernard responded to Courtesy of Floor by saying that the May 2nd presentation regarding the Hallocks Mill Sewer Projects will answer questions and that the Board is looking at the best way of doing this project with minimal cost to residents.

Traffic tickets have increased since last year and a sector car is sent to the area where there may be an issue. However, the sector car can only stay there as long as it is not needed in another location. Unfortunately, our neighbors and residents are the majority of offenders and education and enforcement is the way they will continue to proceed. He also addressed a BOCES review of how buses exit the campus that back up nearby intersections. There are many traffic issues being addressed. Deputy Supervisor Bernard also addressed how some of the fund balance will be used to address infrastructure issues in town. As far as the 485(b) tax incentive plan comments, Deputy Supervisor Bernard said there has been talk about creating a secondary committee to track the use of the exemption and the inclusion of a financial advisor would be beneficial.

Councilman Patel stated that using the ballot to get residents opinions regarding large expensive projects should be considered. He also stated that filling empty store fronts is not as easy as it may seem. There is a great risk for new businesses; therefore established businesses may be a good thing like banks, utilities, etc.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilman Bernard and carried, the Town Board meeting was adjourned.

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