

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 7, 2019 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 S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Patel, seconded by Councilman Diana, the Town Board moved into Executive Session to conduct an interview and discuss individual personnel issues, litigation, and negotiations. Upon motion made by Councilman Patel, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

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.

DURING REPORT FROM THE SUPERVISOR

Supervisor Gilbert acknowledged a \$3,000 donation from the Yorktown Garden Club towards the plantings on Commerce Street and along East Main Street in Shrub Oak.

Supervisor Gilbert also mentioned a thoughtful email from Mrs. Liz Talbert from the Alliance for Safe Kids (ASK) for his efforts in securing a \$5,000 grant from Enbridge. The Supervisor also thanked Councilman Lachterman for his efforts in this regard.

Supervisor Gilbert said the Westchester County Department of Health is urging anyone not vaccinated for measles to get vaccinated. To reserve a spot to get a free Measles, Mumps, & Rubella (MMR) vaccine, go to <http://www.health.ny.gov/gotoclinic/to>. There will be an MMR vaccination clinic on Tuesday, May 14, from 10:00 a.m. to 6:00 p.m. at 134 Court Street, White Plains. In addition, the MMR vaccine is available through private healthcare providers and is covered by most insurers. Residents should call their health care provider as soon as possible to make arrangements to be vaccinated. Supervisor Gilbert stressed that it is especially important that children attending camp this summer get vaccinated.

Supervisor Gilbert stated that, for those who are not aware, Route 202 (Crompond Road) is a New York State road. The Town of Yorktown has no authority to do maintenance, repair, or design on a state road. He said he is well aware of the problems residents have encountered on Route 202 during the construction at the Lowe's site and has visited the site to photograph and document the roadway conditions. He said he has made countless phone calls and has held numerous meetings with representatives of the NYS Department of Transportation (DOT), New York State consultants, the developer's representatives and their consultants and contractors. These efforts have resulted in minor temporary road repairs and a tweaking of the timing of the traffic lights. The primary concern of the DOT is that traffic should not backup on the Taconic Parkway when cars are attempting to exist the parkway. It was understood that until the roadway on Route 202 was milled and repaved the timing of the traffic lights would continue to be an issue for those traveling on Route 202 and those entering Route 202 from the adjacent town roads. NYS DOT does not allow their roadways, including Route 202, to be repaved until the asphalt plants are opened and the temperature reaches a constant 40 degrees and rising.

Supervisor Gilbert said that, at his request, another meeting was held on April 30th. This meeting discussed the repaving of the road and the implementation of the proposed solution to the traffic light issue. Beginning the week of May 13th, the developer's contractor is scheduled to rip out certain sections of the road and make repairs to correct "spot" problems. Beginning the week of May 20th, for three nights, another of the developer's contractors will mill and repave the road from Strang Boulevard to Old Crompond Road. These repairs are all weather dependent. Supervisor Gilbert continued saying that after the road is milled and paved another contractor will install a loop in the road's pavement that is designed to detect the volume of traffic and adjust the pre-programmed timing of the traffic lights according to the traffic volume. This is expected to take approximately 12 days.

Supervisor Gilbert was happy to report that on April 22nd work started on the Police Department roof and on April 29th work started on the Courthouse roof. This evening there is a resolution to award the bid for the work on the Mohegan Avenue Retaining Wall. He said that, as promised, his administration is addressing those infrastructure issues that have been long neglected.

Supervisor Gilbert reported that the Yorktown Police Department presented an "Active Shooter" program in Town Hall last Tuesday – a video of the presentation is available on public access stations. It was a very informative and, unfortunately, a very necessary training, considering the times we live in. Our Police Department plans to present this program again. Dates and places to be announced.

Supervisor Gilbert attended an event at the Benjamin Franklin Elementary School with the Town's senior citizens and students. The students served breakfast and, as always, it was good to see how well the generations interact with each other.

This year's Arbor Day Celebration celebrated the participants and their entries in the poster contest. The Town Board found it very difficult to select winners in each of the participating grades due to the high quality of the entries. In addition to the display of the winning posters and the rest of the entries, a tree donated by Tom Schmitt, a member of the Town's Tree Conservation Advisory Commission, was planted in front of the John C. Hart library with the assistance of a local Girl Scout troop. In addition, the Town's Tree Conservation Advisory Commission placed identification tags on a number of trees on the grounds of the Hart Library as an educational tool and as a constant reminder that every day should be Arbor Day.

Supervisor Gilbert attending a very moving Yom Hashoah Ceremony, also known as a Holocaust Memorial Service, at the Yorktown Jewish Center. He said he also had the privilege of participating in the Town-sponsored Holocaust Remembrance Ceremony at the American Legion Hall Post 1009 with a keynote address by Holocaust survivor Peter Volgyes.

Supervisor Gilbert also attended services for Bob Graham, a 97-year-old Marine, Private First Class, held on Friday, April 26th at St. Elizabeth Ann Seton Church. Mr. Graham was part of the Marine Raiders, an elite fighting unit in the corps serving in places like Guadalcanal during World War II.

Supervisor Gilbert reported that Dr. Hattar, Superintendent of the Yorktown Central School District, sponsored a breakfast with senior citizens at the Yorktown High School. At that time he explained to those in attendance what courses are being offered to students in the school. Some of the senior citizens were surprised that courses that they took when they were in high school were still being offered, such as home economics and wood shop, as well as new technology courses, such as 3D printing.

Supervisor Gilbert said that this past Thursday he had the opportunity of helping paint Commerce Street purple to kick off the fundraising for Relay for Life's upcoming activities that will culminate on June 14th with a series of ceremonies and a walk to benefit the American Cancer Society. The event also serves to promote public awareness of their programs.

Supervisor Gilbert attended a 99th birthday party for Rowena Jacque Lodes with her friends and family at Wynwood Oaks in Shrub Oak. Supervisor Gilbert reported that he also attended a great “Cinco de Mayo” fundraiser for the Yorktown Teen Center and thanked all those who participated or contributed to this great cause.

Supervisor Gilbert reported that this past Saturday was a very active day in Town. There was another “Coffee with a Cop” at Seven-Eleven to thank the Town’s officers who are participating in a bike ride to Washington, D.C. to raise money for the families of fallen officers. There was a Hike for Hope held at FDR Park which was sponsored by the American Foundation for Suicide Awareness. At the same time, there was a walk to benefit the ASPCA. It was also New York Park Day.

Supervisor Gilbert announced there are currently three vacancies on the Town’s Open Space Committee. If anyone is interested, they should send a copy of their resume and a cover letter indicating their interest to sglass@yorktownny.org.

Supervisor Gilbert announced the following upcoming activities:

- Wednesday, May 8th – Yorktown’s Landmark Preservation commission will be presenting “Preserving Our Architectural Legacy: A Call to Action.” It is the first-ever symposium dedicated to educating the Yorktown community about its rapidly disappearing architectural history, dispelling the myths and communicating the benefits about preservation, and building an action plan to achieve economic progress with preservation. The response to this program has been so well received that, unfortunately, they cannot accommodate any additional attendees. The results of this preservation event will be published following the symposium.
- Saturday, May 11th – Yorktown resident Scott Urgola has organized a Pete Seeger 100th Birthday Tribute Concert to be held at the John C. Hart Memorial Library on Saturday, May 11 at 2 pm. This is a family event.
- Monday, May 13th – the Friends of the Library are having a dine and donate at Frankie & Augie’Z on Monday, May 13. The Friends of the Library raise money throughout the year to help support the library.
- Thursday, May 30th – Congratulations to Walter and Jane Daniels, on being chosen to receive a Distinguished Citizen Planner Award in the Westchester Municipal Planning Federation’s annual planning awards program. The Award will be presented to the Daniels at the Federation’s annual awards dinner at Le Chateau in South Salem, New York. It should also be noted that the town’s Granite Knolls Sports & Recreation Complex will be recognized with a Planning Achievement Award.

DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana said he also attended the Holocaust Remembrance service and everyone gained a wealth of information. He said that it is not until you hear about the stories from someone who was involved that you get a sense of the real terror experienced by the survivors. He also announced that there will be another Sons of the American Legion Breakfast on June 2.

Councilwoman Roker mentioned the shooting in Colorado at a school that happened today. She then spoke about the recent screening of the moving “No Letting Go” sponsored by the Yorktown Rotary and ASK. The subject of the movie was handling mental illness in a child within a family. In attendance at the event was the woman whose family was the subject. Councilwoman Roker said it is vital to recognize when our children are in trouble. There will be another screening and it is well worth attending. She ended by saying our children need our help.

Councilman Lachterman said he also attended the Holocaust Remembrance Ceremony. He, too, stated how emotional it is to listen to the stories of actual survivors. A video of the ceremony will run on the local access channel this Saturday. He thanked all who helped to put the ceremony together and those who participated. Councilman Lachterman also mentioned the walk for the organization, My Brother Vinnie. The Lions Club helped provide and serve refreshments. In reference to the “Active Shooter” class sponsored by the Yorktown Police, Councilman Lachterman advised all to look for emergency exits and to know where you are and how to get out.

Councilman Lachterman also congratulated all award recipients of the senior class at Lakeland High School this past Wednesday. He also announced the following:

- Wednesday, May 8th, Circolo DaVinci will be having their dinner.
- Saturday, May 11th, there will be a shredding event sponsored by the Hudson River Financial Credit Union, 3563 Mohegan Avenue, from 9:00 a.m. to 1:00 p.m.
- Friday, May 17th is the next Senior Advisory Committee meeting from 1:00 to 3:00 p.m.
- Saturday, May 18th is the Sparkle Lake Fishing Derby from 9:00 a.m. to 12:00 p.m., \$5.00 entrance fee.
- Sunday, June 2nd, the Sons of the American Legion will hold their last breakfast of the season from 9:00 a.m. – 11:00 a.m.; the entrance fee is \$8.00.
- Wednesday, June 5th, the Lion Club will have a golf outing at the Centennial Golf Course. Information is listed on their website, www.yorktownlions.com.

Councilman Lachterman also thanked those who sent cards for the veterans for the mail call and Honor Flight. He wished all a Happy Mother's Day.

REAPPOINTMENT OF JOHN MEISTERICH AS A MEMBER OF THE ZONING BOARD OF APPEALS

RESOLUTION #174

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

BE IT RESOLVED, that John Meisterich is hereby re-appointed to the Zoning Board of Appeals for a five-year term expiring on December 31, 2023.

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

REAPPOINTMENT OF WALTER DANIELS AS MEMBER AND CO-CHAIR OF THE OPEN SPACE COMMITTEE

RESOLUTION #175

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

BE IT RESOLVED, that Walter Daniels is hereby re-appointed as a member of the Advisory Committee on Open Space for a term to expire on December 31, 2021.

NOW BE IT FURTHER RESOLVED, that the Town Board re-appoints Walter Daniels as the Co-Chair of the Advisory Committee on Open Space.

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

REAPPOINTMENT OF JOHN SETTEMBRINO AS MEMBER AND CO-CHAIR OF THE OPEN SPACE COMMITTEE

RESOLUTION #176

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

BE IT RESOLVED, that John Settembrino is hereby re-appointed as a member of the Advisory Committee on Open Space for a term to expire on December 31, 2021.

NOW BE IT FURTHER RESOLVED, that the Town Board re-appoints John Settembrino as the Co-Chair of the Advisory Committee on Open Space.

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

REAPPOINTMENT OF PHYLLIS BOCK AS MEMBER OF THE OPEN SPACE COMMITTEE
RESOLUTION #177

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

BE IT RESOLVED, that Phyllis Bock is hereby re-appointed as a member of the Advisory Committee on Open Space for a term to expire on December 31, 2022.

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

REAPPOINTMENT OF JOHN SCHROEDER AS MEMBER OF THE OPEN SPACE COMMITTEE
RESOLUTION #178

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

BE IT RESOLVED, that John Schroeder is hereby re-appointed as a member of the Advisory Committee on Open Space for a term to expire on December 31, 2020.

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

REAPPOINTMENT OF PAUL MOSKOWITZ AS MEMBER OF THE OPEN SPACE COMMITTEE
RESOLUTION #179

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

BE IT RESOLVED, that Paul Moskowitz is hereby re-appointed as a member of the Advisory Committee on Open Space for a term to expire on December 31, 2022.

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

REAPPOINTMENT OF MARK MICHAELS AS MEMBER OF THE OPEN SPACE COMMITTEE
RESOLUTION #180

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

BE IT RESOLVED, that Mark Michaels is hereby re-appointed as a member of the Advisory Committee on Open Space for a term to expire on December 31, 2020.

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

Mr. Paul Moskowitz came before the Board and thanked them for the reappointment. The Open Space Committee has been in existence for about 15 years. They walk mostly undeveloped properties and evaluate them as potential open space. They evaluate properties on a multi-variable formula that includes wildlife, appropriateness, connection corridor, education possibilities, architectural remains on the property, etc. Mr. Moskowitz said he believes the Granite Knolls space is one of the Town's greatest acquisitions. The committee does not acquire the property; their function to advise the Town Board on possible acquisitions. Mr. Moskowitz said the committee does need some volunteers for open board positions.

Councilwoman Roker asked if a map could be developed showing where they consider property to be open space and potential sites for open space. Mr. Moskowitz said that such a map exists. Councilwoman Roker said it would be a good idea if they made a presentation and displayed the map.

POET LAUREATE - John McMullen

Poet Laureate John McMullen recited two original poems, "I Was Going to Write" and "Writing in My Head."

COURTESY OF THE FLOOR

Mr. Jay Kopstein, resident, had a problem with the resolution on the agenda regarding Town Employee Cell Phone Policy. He felt it sets a bad precedent to put collective bargaining issues as a resolution before the Board. This goes straight to contracts; it talks about disciplinary action, and affects collective bargaining contract.

Town Attorney Richard Abbate explained that this needed because the Nutrition Center was undergoing an audit for funds and New York State said that a cell phone policy was a requirement. The policy was submitted to the CSEA and they agreed to it after a few changes were made. Mr. Kopstein said that he was not saying it was a bad policy; he is saying it establishes a bad precedent to put these types of resolutions before an open board meeting because now somebody else, e.g. a different board, can come with a resolution that the unions do not agree with. It is a collective bargaining issue that should not be done in a public forum.

Mr. Dan Strauss, resident, talked about quality of life in Town. He cited Carmel, and that was mentioned last week and used an example of good town planning. It is a suburb of Indianapolis and is far different from Yorktown. The mayor there had a plan to change their town. He has major corporations that moved into Carmel. Mr. Strauss spoke to the city manager there who said they do not have quality of life issues because they had planned ahead of any potential issues. Mr. Strauss said he attended the active shooter presentation, which was excellent, and only confirmed that you have to have a plan. He has a plan to clean up Yorktown and so far it is working. Mr. Strauss said the Town does not need a Quality of Life Committee – he has a plan that can solve the quality of life issues in Yorktown. He would be happy to meet with the Board.

Mrs. Jennie Menton, resident, commented on the shooting in Colorado school. She said there is a problem in Yorktown that is not being addressed. The AACCCC Building is open too often and is a safety concern. It is too big to be kept unlocked. People are going in and out to use the bathrooms, and the building is too big to keep track of everyone. Ms. Menton said that an outside bathroom is needed. This had been discussed as a needed facility but then nothing was done. She and the Board discussed the safety issues and possible solutions.

Mr. George Winsman, resident, said he has been involved in active shooter training for many years. He said the main problem is that it is not addressed enough. Too much of the focus is on what to do after the shooter comes in. There are signs that need to be recognized before it get to that point. There is a change in the person's demeanor before the event – parents, teachers, family members need to pay attention to younger people for signs of disturbance. Mr. Winsman also requested a curtain be placed in front of the board table – he feels it is disrespectful to view Board members taking off their shoes.

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

Councilwoman Roker, as a member of the Public Safety Committee, agreed with Mr. Winsman that behavior prior to a shooting event should be addressed. She said that the Town cannot lock the AACCCC because it is a public building but certain safety measures have been put in place, e.g., bullet-proof doors, and phones in classrooms. There are cameras but unfortunately we do not have a dedicated safety person yet to monitor the cameras. Ms. Menton asked again about the outside bathroom? Councilwoman Roker agreed that there should be an outdoor bathroom. Ms. Menton said the Town could eliminate a lot of people entering the building if there was an outdoor bathroom. She also asked if the doors can lock from the outside but open inside in order to get out.

Mr. Michael Lin, resident, suggested that the book depository could be located outside like the library. He said the “exit but not enter” suggestion is not secure because a person can simply put something in the door to stop it from locking. Electronic locking is also not that secure and because thermal imaging is easily counteracted.

Supervisor Gilbert said that ASK has a mental health first aid program that is directed to everybody in Town that helps to recognize individuals at risk. It is hard to differentiate between teen rebellion and having significant. The program and the movie, "No Letting Go," address this issue.

APPROVE CELL PHONE USE POLICY FOR ALL TOWN EMPLOYEES
RESOLUTION #181

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

Objective

This policy outlines the use of cellphones at work and the safe use of cellphones by employees while driving.

Policy

Cellphones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive.

Personal cellphones

While at work, employees are expected to exercise discretion in using personal cellphones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during nonwork time when possible and to ensure that friends and family members are aware of the Town of Yorktown's policy.

The Town of Yorktown will not be liable for the loss of personal cellphones brought into the workplace.

Town-provided cellphones

When job duties or business needs demand, the Town may issue a business cellphone to an employee for work-related communications. Personal use of Town-owned cellphones should be kept to a minimum.

Employees in possession of Town-owned cellphones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection.

Safety issues for cellphone use

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times.

Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving; use of a cellphone while driving is not required by the Town. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.

An employee may use a cell while driving without a hands-free device when the purpose of the phone call is to communicate an emergency to police or fire department, a hospital or physician's office, or an ambulance corps or when operating an authorized emergency vehicle in the performance of official duties.

Reading or sending text messages while driving is strictly prohibited.

Video or audio recording devices

The use of camera or other video or audio recording-capable devices in restrooms and/or locker rooms is strictly prohibited.

Consequences for Violators

Employees violating this policy will be subject to discipline, up to and including termination of employment.

Employee Acknowledgement

The undersigned employee acknowledges that he or she has read the cellphone use policy and agrees to comply with all terms of the policy.

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

AUTHORIZE REFERRAL OF WETLAND PERMIT AND TREE REMOVAL APPLICATION BY CON EDISON RESOLUTION #182

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

RESOLVED, the Town Clerk is authorized to refer the wetland permit application and tree removal permit application made by Con Edison for property located known on the Tax Map of the Town of Yorktown as: 16.12-1-15, 16, & 31; 70.14-1-6; 48.18-1-2; 37005-1-30 & 34 to the appropriate agencies.

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

AUTHORIZE REFERRAL OF STORMWATER MANAGEMENT PERMIT AND TREE REMOVAL APPLICATION MADE BY CONTE HOMES, INC. - 1550 JOURNEYS END RESOLUTION #183

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

RESOLVED, the Town Clerk is authorized to refer the stormwater management permit application and tree removal permit application made by Victor Conte, Conte Homes, Inc. for property located at 1550 Journeys End Road, Croton-on-Hudson, NY to the appropriate agencies.

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

AUTHORIZE REFERRAL OF WETLAND PERMIT APPLICATION MADE BY DANIELLE & PAUL KILKENNY - 39 SOMERSTON ROAD RESOLUTION #184

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

RESOLVED, the Town Clerk is authorized to refer the wetland permit application made by Danielle & Paul Kilkenny for property located at 39 Somerston Road, Yorktown Heights, NY to the appropriate agencies.

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

ADVERTISE PUBLIC HEARING FOR WETLAND/ STORMWATER PERMIT APPLICATION MADE BY VITO PLANAMENTO - 3083 OAK STREET RESOLUTION #185

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

RESOLVED, the Town Clerk is authorized to advertise for a public hearing to be convened by the Town Board, Town of Yorktown on Tuesday, June 4, 2019 to consider the wetland/stormwater permit application made by Vito Planamento for property located at 3083 Oak Street, Mohegan Lake, NY for the purpose of demolition of existing cottage, abandonment of existing cesspool, construction of a modular home foundation and modular home, and installation of a new single on-site septic system.

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

ADVERTISE PUBLIC HEARING FOR WETLAND/ STORMWATER PERMIT
APPLICATION MADE BY ROY A. FREDRIKSEN, P.E. (GIULIANO) – 2398 TRELAWN
STREET

RESOLUTION #186

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

RESOLVED, the Town Clerk is authorized to advertise for a public hearing to be convened by the Town Board, Town of Yorktown on Tuesday, June 4, 2019 to consider the wetland/stormwater permit application made by Roy A. Fredriksen, P.E. for property located at 2398 Trelawn Street, Yorktown Heights, NY for the purpose of construction of an in-ground pool and garage.

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

AUTHORIZE COMPTROLLER TO PROCESS BUDGET TRANSFERS (HIGHWAY)

RESOLUTION #187

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

BE IT RESOLVED, the Comptroller is hereby authorized to process the following budget transfer:

From:

A1990.499.1 General Fund – Contingency Capital \$30,000.00

To:

D5110.479 Highway – Drainage \$30,000.00
to replace Town-wide failing drainage.

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

AUTHORIZE COMPTROLLER TO PROCESS BUDGET TRANSFERS (WORKER’S
COMPENSATION)

RESOLUTION #188

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

BE IT RESOLVED, that the Comptroller is authorized to process the following Budget Transfers listed below to fund Worker’s Compensation from September 1, 2017 through December 31, 2018:

From: A.1002 General Fund - Fund Balance

To: A9901.900 General Fund Transfer to Worker’s Compensation

Amount: \$258,162.12

From: D.1002 Highway – Fund Balance

To: D9901.900 Highway Transfer to Worker’s Compensation

Amount: \$239,302.34

From: L.1002 Library – Fund Balance

To: L9901.900 Library Transfer to Worker’s Compensation

Amount: \$390.87

From: SR.1002 Refuse – Fund Balance

To: SR9901.900 Refuse Transfer to Worker’s Compensation

Amount: \$33,012.00

From: SW.1002 Water – Fund Balance

To: SW9901.900 Water Transfer to Worker’s Compensation

Amount: \$26,557.57

From: YS.1002 Sewer – Fund Balance

To: YS9901.900 Sewer Transfer to Worker’s Compensation

Amount: \$68,799.96

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

AUTHORIZE THE COMPTROLLER TO RELEASE THE ESCROW DEPOSIT
(SPIRELLI ELECTRIC, INC.)
RESOLUTION #189

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

RESOLVED, that Street Opening Permit #018-003 in the amount of \$2,000.00 be refunded to Spirelli Electric, Inc., 990 E. Main Street, Shrub Oak, NY 10588 for 3545 Buckhorn Street.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER
COUNTY DEPT. OF SENIOR PROGRAMS & SERVICES FOR WIN AND NSIP
RESOLUTION #190

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Westchester County Department of Senior Programs and Services for WIN (Wellness in Nutrition) in the amount of \$9,357 and an estimated NSIP (Nutrition Services Incentive Program) amount of \$2,771. This is for the period 4/1/19 through 3/31/2020.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER
COUNTY DEPT. OF SENIOR PROGRAMS & SERVICES FOR IIIB
(TRANSPORTATION)
RESOLUTION #191

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Westchester County Department of Senior Programs and Services for IIIB (transportation) in the amount of \$10,113. This is for the period 1/1/19 through 12/31/2019.

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

AUTHORIZE SUPERVISOR TO SIGN A ONE-YEAR EXTENSION FOR THE
CONCESSION LICENSE AGREEMENT WITH O'NEILL'S CONCESSION
RESOLUTION #192

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

RESOLVED, that the Supervisor is authorized to sign a one year extension of the Concession License Agreement with O'Neill's Concessions to provide food and refreshment services at the Town of Yorktown's pools located on Edgewater Street, Yorktown Heights (Junior Lake Pool) and Sunnyside Street, Shrub Oak (Brian J. Slavin Aquatic Center).

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

AWARD BID FOR T-SHIRT AND UNIFORMS FOR USE TOWN-WIDE
RESOLUTION #193

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 11:00am on the 17th day of April 2019, now therefore be it,

RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the lowest bidder, Front Nine Capital, LLC d/b/a Star Screen Print, for the items numbered PR-1 through LIB-3.

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.

AWARD BID - BUSES FOR SUMMER CAMP PROGRAMS FOR THE PARKS AND RECREATION DEPARTMENT
RESOLUTION #194

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 22, 2019, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

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

	COMPANY	BID
1	Baumann & Sons Buses, Inc.	\$18,388.50
2	Hudson Valley Transportation	No Bid
3	JTR Transportation Corp	No Bid
4	Coach Tours	No Bid

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

	COMPANY	BID
1	Baumann & Sons Buses, Inc.	\$1,377.70
2	Hudson Valley Transportation	No Bid
3	JTR Transportation Corp	No Bid
4	Coach Tours	No Bid

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, 6, 8, 9, 11, 14, 16)

1	Baumann & Sons Buses, Inc.	\$10,560.00
2	HudsonValley Transportation	No Bid
3	JTR Transportation Corp	No Bid
4	Coach Tours	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.

Section II (Coach Buses for Trips 3, 4, 5, 7, 10, 12, 13, 15)

	COMPANY	BID
1	JTR Transportation Corp	\$25,800.00
2	HudsonValley Transportation	\$26,625.00
3	Coach Tours	\$29,895.00
4	Baumann & Sons Buses, Inc.	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Todd Orłowski, the bid for Section II. (Coach Buses for Trips) be and is hereby awarded to JTR Transportation Corp., the lowest responsible bidder.

AND BE IT FURTHER RESOLVED, the results of sections I.A. and I.B. is hereby awarded to Baumann & Sons Buses, Inc.; the results of sections I.C. is hereby awarded to Baumann & Sons Buses, Inc. Section II is hereby awarded to JTR Transportation Corp. and will amount to approximately \$25,800.00 (please note – trips may change due to scheduling changes/conflicts/weather etc.). Additional bids were collected for other trips and will be used if needed)

Section I.A (2 buses) and Section I.B (1 bus) to Baumann & Sons Buses, Inc. = \$19,766.20

Section I.C to Baumann & Sons Buses, Inc. = \$10,560.00

Section II to JTR Transportation Corp = \$25,800.00

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

ENDORSE YORKTOWN TRAIL TOWN COMMITTEE TO APPLY FOR A GRANT TO THE HUDSON RIVER VALLEY NATIONAL HERITAGE AREA GRANT PROGRAM RESOLUTION #195

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

WHEREAS, the Yorktown Trail Town Committee is applying to the Hudson River Valley National Heritage Area for a grant under the Hudson River Valley National Heritage Area Grant Program for a project entitled “Interpreting Quarrying in the Town of Yorktown with Signs and Online Resources,” to be located in the Sylvan Glen Park Preserve in the Town of Yorktown, and

WHEREAS, the Sylvan Glen Park Preserve is the site of the former Mohegan Quarry that was in operation from 1895 to the mid-20th century, and

WHEREAS, the Mohegan Quarry once played a major role in the town’s economy, and

WHEREAS, the interpretive project will add to an understanding and appreciation for the town’s economic history, and

WHEREAS, the interpretive project will add to the enjoyment of the Sylvan Glen Park Preserve for town residents, and

WHEREAS, the interpretive project will further the town’s economic development goal, and the goal of its Economic Development and Revitalization Committee, to make Yorktown a destination by promoting the town’s trails, parks and history, and

WHEREAS, the grant application requires the applicant to obtain the approval and endorsement of the governing body of the municipality in which the project will be located,

NOW, THEREFORE, Be It Resolved, that Town Board of the Town of Yorktown hereby does approve and endorse the application of the Yorktown Trail Town Committee for a grant under the Hudson River Valley National Heritage Area Grant Program, for a project known as “Interpreting Quarrying in the Town of Yorktown with Signs and Online Resources” and located within this community at no cost to the Town.

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

AWARD BID FOR THE MOHEGAN AVENUE RETAINING WALL RESOLUTION #196

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

WHEREAS:

1. The Mohegan Avenue Retaining Wall, which runs along Mohegan Lake in the vicinity of Kimble Avenue, has reached the end of its useful life. In June 2016, the Town retained Manganaro Engineers to prepare contract documents for the replacement of the retaining wall.
2. The Town Board passed a resolution on 1/22/19 that authorized the advertisement for bids for this project.
3. The scope of work included the replacement of approximately 600 linear feet of wall with modular precast blocks, associated tree removal, erosion and sediment controls, and traffic control along with new asphalt overlay through the work area.
4. The Contract Documents and Proposal Pages required bidders to provide a Base Bid for all required work of the project. Bidders were also required to include an Add Alternate to remove and replace the existing guardrail along the lake side of Mohegan Avenue, which will enable the Town to widen this section of roadway.
5. Bids were opened on 4/8/19.
6. In a follow-up meeting held on 4/18/19, the Town Engineer and Highway Superintendent met with the low bidder (Remus Industries). The full project scope of work was reviewed and the Remus representatives confirmed their bid pricing and intention to complete the work as indicated in the Contract Documents.
7. The Town Engineer and Highway Superintendent recommend awarding the bid to the low bidder, Remus Industries LLC, Ossining, NY.

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the bid for Mohegan Avenue Retaining Wall Replacement Project, be awarded to Remus Industries LLC Ossining, NY the low bidder, at a cost of \$935,998, which includes the Add Alternate for removal & replacement of guardrail, and

BE IT FURTHER RESOLVED, the contract is to commence when the Town issues a Notice of Award on or about May 15, 2019 and the contract completion date shall be 120 calendar days from the Notice of Award date.

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

APPROVE BOND RELEASE FOR PETERKIN – PHEASANT ROAD - #T-WP-BSWPPP-005-18

RESOLUTION #197

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

WHEREAS:

1. Tracey Peterkin as applicant, posted check #4432 in the amount of \$250 which was deposited to the T33 account on April 25, 2018.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool at 1049 Pheasant Road.
3. Tracey Peterkin has requested her money be released as the site is now complete.
4. 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, the above referenced \$250 bond be and is hereby released to Ms. Tracey Peterkin, 1049 Pheasant Road, Yorktown Heights, NY 10598.

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

Councilman Lachterman asked if the specific requests made by Ken Belfer were included in the bid document for the Mohegan Avenue Retaining Wall Repair Bid. Michael Quinn said in the introductory meeting with the contractor and talked through a few solutions as to how they can make some of the requested modifications. Mr. Quinn said that when they sit down with the contractor at the projects first “kick-off” meeting, they will write out exactly what he is looking for, ask for a price, and negotiate from there.

Councilman Lachterman said he remembered Mr. Belfer being specifically promised some type of replacement drainage. Mr. Quinn said that section of town has a hump in the center of the road so water sheds off to either side of the road. All of the catch basins and stormwater collection devices are not on the lakeside of the road but on the other side. Right now water flows over the side of the wall and down into the lake. He said Mr. Belfer and the lake association would love for the Town to capture that water and treat it before it gets discharged into the lake. He said he has a few ideas/solutions as to what they can do there.

Supervisor Gilbert said it is his understanding that the Town may be able to utilize some of the Mohegan Lake Improvement money that is becoming available in July and that may be one of the plans. Mr. Quinn said the proposed idea is a long-term solution; what they are now proposing is to put new catch basins on the lakeside, picking up that water, putting in some filters – which would have to be changed each year.

Councilwoman Roker asked the Town Engineer to explain why this request is so important. Mr. Quinn said there are many contaminants on a road. Water quality procedures would want to treat the “first flush” which means treating the first quarter inch of rain by removing the hydrocarbons, the floatables, the solids, etc. This needs to be done in many areas that are environmentally sensitive (like Mohegan Lake). He reminded the Board that we did not hire this company to do drainage fixes but to repair a retaining wall. Mr. Quinn cautioned that money has to be managed carefully, although he believes that they got a good price on this bid (\$30,000 was set aside to cover the Town-wide drainage issues).

AUTHORIZATION TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH D&B ENGINEERS & ARCHITECTS, P.C. – MS4 ANNUAL REPORT AND ADDITIONAL SERVICES

RESOLUTION #198

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

WHEREAS:

1. As per a Town Board resolution dated 1/17/17, the Town entered into a professional services contract with D&B Engineers and Architects P.C. for the following scope of work:
 - Prepare the MS4 Annual Report under the NYSDEC General Permit for Stormwater Discharges;
 - Prepare an interim progress report under the Town Stormwater Management Program described above;
 - Provide additional services related to stormwater best management practices, public education & outreach, in-field training and various documentation to support the Town-wide program.
2. In a letter proposal dated 3/19/19, D&B Engineers and Architects P.C. has offered to extend the agreement through 2019 with no change in the hourly bill rates and no change in the contract amount of \$15,500.
3. In the 2017 Professional Service Agreement, there was an outstanding balance of \$970, therefore the new agreement will be \$15,500 less \$970 equals \$14,530.
4. The Town Engineer recommends the agreement with D&B Engineers and Architects P.C., be extended with all terms and conditions of the original agreement to remain the same.
5. The department will use available funds for the purchase under cost code A1440.

NOW, THEREFORE BE IT RESOLVED, the Town Supervisor is authorized to sign the Professional Services Agreement with D&B Engineers and Architects P.C. in the not-to-exceed amount of \$14,530.

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

MONTHLY REPORTS

The Town Board accepted the Monthly Report received from the Receiver of Taxes for April 2019.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into an Executive Session to discuss individual personnel issues and will adjourn thereafter.

ADJOURN

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

MAURA WEISSLEDER
DEPUTY TOWN CLERK
TOWN OF YORKTOWN