

Meeting of the Town Board, Town of Yorktown held on October 10, 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 Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations and interviews. Upon motion made by Councilman Diana, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

COLONEL JOHN HYATT BURYING GROUND

Dr. Edward Pell and Linda Briggs (Landmark Preservation Committee) came before the Board to discuss the opportunity for the Town to take over the Hyatt Cemetery. Dr. Pell stated that this is now a legal issue for the Town to take over the restoration of the Cemetery. The benefactors of the estate have been contacted (Brandeis University, United Jewish Appeal, and Lester Rosenbaum, the attorney for the Bernstein Estate) who seem to all be in favor of turning it over. The land is approximately .7 acres including the cemetery. Dr. Pell stated that there is no access or parking on the property. Town Attorney Michael McDermott stated that the Town will need to hold a due diligence public hearing in order to take over the care and maintenance, which appear to be minimal. Dr. Pell said he is prepared to get grant money in order to replace the 13 headstones that are there but first the cemetery must be declared neglected, then be considered abandoned, and then can be taken over by the Town. The Brown Cemetery on Hanover Street was also briefly discussed as a possible cemetery to be taken over by the Town. Michael McDermott said he would look into this property and Linda Briggs said she would show him the inventory list that she has of pocket cemeteries in the Town.

A public hearing was set for November 21, 2017.

CLEAN ENERGY COLLECTIVE

Attorney Albert Capellini appeared before the Board with his client, Joe Shanahan from Clean Energy Collective, to discuss the development of a solar farm in Yorktown which his company develops. They presented a paper copy of a slide presentation. Clean Energy Collective has at least 68 projects up and running in many counties in New York State. The developments are community-shared projects, i.e., similar to a neighborhood co-op for vegetables. It is a resident's choice to share in the production of energy. Clean Energy builds the facility and people buy shares in the production. The development has no impact to first responders in the area, no lighting issues, no hazardous waste, and no noise. Mr. Shanahan said that they have already chosen a site location – 3859 Foothill Street – and have approached the owner, Mr. Lockwood. Clean Energy would be interested in a pilot agreement with possibly payment in lieu of taxes as part of the agreement.

Councilman Bernard stated that Clean Energy would have to address our tree laws. Mr. Shanahan stated that there are no CO2 emissions; no carbon footprint. He said that they would lease this property for a number of years, or possibly another property that is town-owned. Allowing this may open the Town up to other potentially beneficial programs for the future.

Supervisor Grace said this would be a worthwhile project but the new technology is missing from the Town Code. The language in the code would have to be brought up to date in order to properly address this agreement. The Board will have to examine how this can be done.

Councilman Lachterman asked how many shares or shareholders would participate in their production and was told by Mr. Shanahan that there were 460 homes involved. The property is about 11 acres. This energy production would go directly into the grid. Councilman Lachterman said that if town buildings were put on this program, all taxpayers would benefit. Mr. Shanahan stated that Clean Energy does not make their money producing electricity – they sell tax credits and receive government incentives as their income.

Councilman Bernard stated that there are wetlands on the property but was told by Mr. Shanahan that the development would not be interfering with them.

Councilman Patel asked if this would produce hot water and was told no; it is purely electricity producing.

Supervisor Grace said that the Town will move ahead and work on legislation that will be akin to a special use permit. The Town doesn't currently have provisions, but if Clean Energy would provide an application while the Town works on the legislation, that would help move the process along. Supervisor said the approval authority will be with the Town Board and this will be a referral with the advisory boards.

SERITAGE PROJECT AT THE JEFFERSON VALLEY MALL

Ralph Castelli came before the Board to present the plans for the revised signage which incorporated the changes suggested at previous meetings. Current color schemes were looked at that had been used in the latest mall renovations and used as a basis for the outside colors. Parapet heights were altered, colors changed, some landscaping changes were made, signs were moved. Mr. Castelli said the company would like the sign facing Route 6 to be as large as possible because they are afraid that it will not be seen in the current location. He also asked if some of the landscaping from the area be moved to the lower parking area, specifically the trees.

Supervisor Grace said the sign was okay, but moving the trees may be an issue since he feels it adds to the scenery. Mr. Castelli showed photos he took that demonstrated the lack of visibility with the existing trees. Planning Director John Tegeder said the Town should find a new place for the trees in order to help with the visibility issue and suggested an additional area.

Supervisor Grace said approvals will need to be drafted and that Seritage should come back before the board.

The Town Board raised the issue of the Jefferson Valley Mall sign issue with the Washington Prime group. The balloon test showed that the location of the sign is not good. An exhibit of the sign will be available for the public hearing on October 17. Supervisor Grace said that 26 feet is okay for the height. Washington Prime said that they will have their sign people look into blockage to make sure that 26 feet will be good. The road dedication needs to be worked out with Michael McDermott who said the issue is the scope of the road that we are going to take. Supervisor Grace said to take the road all the way through. A discussion ensued with Highway Superintendent David Paganelli about what needs to be done to the road. Liability will remain with the Town. The Town may use subcontractors but maintenance and liability is ours. Mill and fill will need to be done. Supervisor Grace stated that normally we will not take a road until it is repaired but this will be an exception. The estimated cost, according to Dave Paganelli, is approximately \$135,000. They further discussed the kind of road construction that will take place and any additional costs.

A discussion took place regarding the sewer service which connects to the Seritage project area and plugging into existing infrastructure, as well as the pathway of the sewer. Supervisor Grace discussed where the surrounding area has an existing issue but this project does not seem like it will help any of that problem. This is a private sewer that if the Town involves itself in, would have to become a public sewer and maintenance would be the Town's responsibility. The Board will try to have a maintenance agreement ready for the next Town Board meeting on October 17. Supervisor Grace said Washington Prime should prepare site plan drawings and the plat. John Tegeder said that a road plat needs to be filed with the county.

Washington Prime asked if they wanted to go back to the original sign location, would they be able to remove trees from that site. Supervisor Grace said they would be better off leaving the trees where they are currently located since the tree canopy only serves to enhance the mall. He

also said that they are welcome to increase the size of the sign, if they wish. Supervisor Grace stated that everything needed to be included on the site plan so there is no ambiguity later on.

SCIALDONE – 600 MADISON COURT – STORMWATER MANAGEMENT/TREE REMOVAL PERMIT

Mr. and Mrs. Scialdone have variances on their property and frontage is no longer an issue. They want to remove seven trees from one area of their property and landscape a garden. They will transplant three of the trees on another part of the property, as well as planting some low shrubbery. Mr. and Mrs. Scialdone want to put in water service and they have a driveway permit to create a new driveway. They will need to put in a new connection to the sewer.

The Board does not have any concerns regarding the tree removal and told Mr. Scialdone that they will schedule him for a public hearing on November 21, 2017 but he may be removed from the schedule if, after upon further discussion with other departments, it is deemed unnecessary.

NOTICE OF PUBLIC HEARING – STORMWATER PERMIT FOR 600 MADISON COURT – SCIALDONE
RESOLUTION #363

Upon motion made by Councilman Bernard, seconded by Councilman Diana

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY on the 21st day of November, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a stormwater management and tree removal permit application made by John Scialdone to remove and relocate trees on his property located at 600 Madison Court in the Town of Yorktown for the purpose of creating a garden space. Water service is needed and the creation of a new driveway.

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

PROPOSED LOCAL LAW TO AMEND CHAPTER 275 – PURPLE HEART PARKING

Gene Lange and Gil Kaufman came before the Town Board to move forward a proposed local law regarding the Purple Heart parking spaces in Town. This local law amendment would designate the specific locations in Town as Purple Heart Recipient spaces. This would go into the same section of Town Code as handicapped parking. The permit would be issued by the Town Clerk's office. A public hearing was set for November 21, 2017.

NOTICE OF PUBLIC HEARING - PROPOSED LOCAL LAW TO AMEND CHAPTER 275 – PURPLE HEART PARKING PERMITS
RESOLUTION #364

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

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY on the 21st day of November, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed Local Law to amend Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding a new Section 275-4L: Purple Heart Parking.

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

RFP FOR TRAFFIC STUDY (EAST MAIN STREET CORRIDOR)

Phil Grealy from Maser Consulting, P.A. and Officer Jason Swart came before the Town Board to discuss a Request for Proposals for a Traffic Study to be done at the East Main Street Corridor. As a result of the Shrub Oak International School project, an outline was put together evaluating the corridor. This outline may be used as the basis for the RFP; the outline goes through the information in the study and the steps to get what is needed (design issues). It discusses pedestrian accommodations and identifies areas where improvements can be done today – what is inside and outside the right of way, current standards, etc. The signalization of

the intersection is the most imperative piece, i.e., a three-color traffic signal. Pedestrian accommodations in certain areas (like the library) need to be addressed; for example: advance warnings, striping, signing, and crosswalks. They would submit their own numbers for these improvements or the Town can use this outline to do an RFP. Councilman Bernard stated that the money should be spent at the main intersection and spread out from there.

AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS – TRAFFIC STUDY

RESOLUTION #365

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

RESOLVED, the Town Clerk is hereby authorized to advertise for Request for Proposals for a traffic study to be done at the East Main Street corridor.

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

Resolution adopted.

LED SIGN FOR THE YORKTOWN POLICE DEPARTMENT

Chief Noble came before the Town Board to discuss putting an LED sign in front of the police campus that announces the Police Department and displays messages. The cost is approximately \$45,000 and will need to have a stoneware base built and electricity installed. They will need to go to bid.

AUTHORIZATION TO ADVERTISE FOR BID – LED SIGN FOR POLICE DEPARTMENT
RESOLUTION #366

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

RESOLVED, the Town Clerk is hereby authorized to advertise for an LED sign for the Police Department and Justice Court campus.

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

Resolution adopted.

VERIZON CELL TOWER ON POLICE DEPARTMENT CAMPUS

Town Attorney Michael McDermott said that he heard from Verizon regarding the cell tower on the police department's campus. They said they cannot place it on the outer structure because it cannot sustain the weight. Verizon said they can move it downhill about 20 feet and shorten it; the accessory equipment cannot go on the roof.

PROPOSED LOCAL LAW (STREET OPENING & OBSTRUCTION PERMIT)

This proposed local law is in response to what is happening on Gomer Street and the utility work being done there. The idea is to do road opening permits for a certain threshold and for a certain number that will cover a per excavation of not more than 200 cubic feet on a single incident or series of openings within a 500 foot radius; multiple incidents will be no more than 200 cubic feet within a certain time frame.

Town Attorney Michael McDermott said that an applicant will make an application which will include: drawings, street names, tax id, schedule of work, dates of start and finish, emergency numbers, location of material storage yards. The Town Board will have approval of the location. This law will ensure the Town Board stays in complete control and oversight of specific projects. It provides the Town with a good deal of protection. A performance bond would be required and the amount of the permit will be dictated by each project. Inspection fee will be 8% of the total cost of the project. It is an aggressive piece of legislation to protect the Town from the damage outside agencies do to our roads. A public hearing is to be set for November 21, 2017.

NOTICE OF PUBLIC HEARING – PROPOSED LOCAL LAW FOR STREET OPENING AND OBSTRUCTION PERMITS

RESOLUTION #367

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown

Heights, New York 10598, on the 21st day of May, 2013 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending Chapter 250 of the Code of the Town of Yorktown entitled "STREETS AND SIDEWALKS" concerning street opening permit fees.

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

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

AWARD BID FOR SLUDGE AND GREASE REMOVAL – WATER POLLUTION CONTROL PLANT RESOLUTION #368

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

WHEREAS:

- A. The Town currently has an agreement in place for sludge and grease removal services at the Yorktown Heights Water Pollution Control Facility that expires on 10/13/17.
- B. The Agreement was originally awarded on 10/14/14 to Fred Cook Inc. and then extended for two (2) additional one-year periods. There were no additional options to extend, therefore the Town advertised for new bid prices.
- C. The scope of work for this agreement will include the following:
 1. Pumping, removal and disposal of liquid sludge from the Yorktown Heights Water Pollution Control Plant and from Town-owned wastewater pumping stations, Estimated Quantity per Year: 26,000 gallons. The unit price bid was \$.13 per gallon (same price as the current agreement).
 2. Pumping, removal and disposal of liquid grease from the Yorktown Heights Water Pollution Control Plant, Town-owned wastewater pumping stations and/or Town sewer lines, Estimated Quantity per Year: 18,000 gallons. The unit price bid was \$.20 per gallon (same price as the current agreement).
 3. During some maintenance activities and during emergency system breaks, the Town will request the presence of a vehicle and operator to remove sludge and grease if needed. During these times, Town will pay a standby rate for vehicle/operator to be on site in case services are needed (30-minute max. response time during emergencies). The unit price bid was \$165 per hour (slight increase from the \$160 per hour in the current agreement).
 4. The Yorktown Heights Water Pollution Control Plant has two (2) sludge digesters and one (1) sludge storage tank that need periodic removal of contents for cleaning, repair and/or maintenance. The unit price bid was \$.41 per gallon (slight increase from the \$.38 per gallon in the current agreement).
- D. The Town procurement policy was followed for the public bid advertisement. Documents were also posted electronically on Empire State Bid System where they were downloaded by nine (9) contracting firms. Although only one bid was received, the prices bid are the same or only slightly higher than the previous unit price contract.
- E. In the professional opinion of the Town Engineer, the prices bid are fair and reasonable. The Town has a long standing relationship with Fred Cook Inc. and we have been very satisfied with their past performance.
- F. The Department will use available funds for the purchase order under cost code YS.8130.460.2 Sludge Removal. Note: Work under Task #4, removal of digester contents,

has not been budgeted for 2017 and the work would only be done if sufficient funding is put in place for 2018 and/or 2019.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign an Agreement with Fred Cook Inc. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$63,390.00.

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

AUTHORIZE PAYMENT TO LCS COMPANIES FOR REMOVAL OF GRANITE MONUMENTS

RESOLUTION #369

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

BE IT RESOLVED that the Comptroller is authorized to process payment to LCS Companies, Inc. in the amount of \$9,100.00 from Contingency – Capital Projects A1990.499.1 for the relocation of the granite memorials and flag pole from in front of Town Hall.

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

PAYOUT OF UNUSED TIME – MICHAEL COLARUSSO

RESOLUTION #370

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

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Michael Colarusso the cash value of unused time as of his retirement date.

Rate of Pay:	\$37.3108		
Sick:	763.435 hours @ 50%	=	381.72 hours
	381.720 hours x \$37.3108	=	\$14,242.28
Vacation:	67.50 hours x \$37.3108	=	\$ 2,518.48
	TOTAL	=	\$16,760.76

BE IT FURTHER RESOLVED that the Town Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
SW909.8	Water Fund Reserve for Employee Accrued Benefits	\$14,242.28
SW8340.101	Water Salary	\$ 2,518.48
To:		
SW8340.108	Water Lump Sum Payments	\$16,760.76

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

COLLECTION OF STREET OPENING PERMITS

RESOLUTION #371

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

BE IT RESOLVED that the Highway Superintendent is immediately authorized to collect a non-refundable \$20,000.00 for annual multiple street opening permits in accordance with Town Code §250-17B(2).

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

AUTHORIZATION OF FUND TRANSFER – AMAZON PROPERTY MAINTENANCE
RESOLUTION #372

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

BE IT RESOLVED that the Town Comptroller is hereby authorized to transfer \$2,650.00 from the Amazon Park – Park District (AP) Fund Balance to Amazon Park Property Maintenance (AP7180.416).

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

AUTHORIZATION TO PURCHASE TABLETS – POLICE DEPARTMENT
RESOLUTION #373

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

WHEREAS the Town of Yorktown Police Department obtained quotes for the purchase of tablets to replace computer currently used in Police vehicles, as follows:

Patrol PC Rhino Tablet	
New Jersey Contract #A81300 T0106	\$4,200.00
Patrol PC	\$3,755.00
Rhino tab dock	
New Jersey Contract #A81300 T0106	\$ 558.00
Patrol PC	\$ 499.00
Internal 2D Imaging Scanner	
New Jersey Contract #A81300 T0106	\$ 395.00
Patrol PC	\$ 353.00
Rugged Backlit Keyboard	
New Jersey Contract #A81300 T0106	\$ 217.00
Patrol PC	\$ 194.00
On Dash Mount (Universal)	
New Jersey Contract #A81300 T0106	\$ 601.00
Patrol PC	\$ 537.00
Verizon Internal Cellular Modem	
New Jersey Contract #A81300 T0106	\$ 498.00
Patrol PC	\$ 445.00

WHEREAS, the following compatible equipment is necessary to mount and operate the tablets in the police vehicles:

Windows 10 Licenses(8 x 209)	\$ 1672.00
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THEREFORE BE IT RESOLVED, the Town Board hereby authorizes the Yorktown Police Department to purchase eight (8) tablets and compatible equipment from Patrol PC having a total cost of \$45,591.

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

BUDGET TRANSFERS FOR POLICE DEPARTMENT
RESOLUTION #374

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

BE IT RESOLVED that the Comptroller is hereby authorized to process the following budget transfers for the Police Department:

From:

A3120.102 Police Salary \$216,591.00

To:

A3120.210 Police Vehicles \$ 83,000.00

For the purchase of a pick-up truck and 2 used vehicles

A3120.201 Police Equipment \$ 85,000.00

For the purchase of:

In car accident reporting & tickets(Tracs) 18,000.00

Voice Recorder 12,000.00

Ballistic Shields 20,000.00

Security Cameras for Building 25,000.00

Patrol Rifles 10,000.00

A3120.424 Police Communication \$ 3,000.00

For the purchase of additional portable radios

A3120.201.1 Police Computer Equipment \$ 45,591.00

For the Purchase of tablets

Grace, Patel, Bernard, Lachterman Voting Aye.

Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Bernard, the Town Board moved out of Executive Session and adjourned the meeting.

MAURA WEISSLEDER
DEPUTY TOWN CLERK