

Meeting of the Town Board, Town of Yorktown held on February 20, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present:       Ilan D. Gilbert, Supervisor  
              Alice E. Roker, Deputy Supervisor  
              Vishnu V. Patel, Councilman  
              Thomas P. Diana, Councilman  
              Edward A. Lachterman, Councilman

Also Present: Diana L. Quast, 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 Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss personnel issues concerning individual employees, an item that would imperil effective law enforcement, if disclosed, and contract negotiations and litigation. 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 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 reported that since the last town board meeting he and his staff have been meeting local business owners and what issues they face and what the Town Board can do to help promote business. He also has been looking into some inherited issues from the last administration, such as the garbage contract. He has had meetings with department heads, specifically with Planning and Engineering to deal with infrastructure projects, particularly culvert replacements in the northern part of town. Supervisor Gilbert said he was pleased to announce two new businesses opening in town: Bagel Emporium and Pappas Greek Kitchen. He also mentioned that this week was also Records Management Week and thanked departments and employees for their cooperation. A total of 4.08 tons of paper was shredded.

#### DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana asked if everyone would take a moment out of their day to remember the families in Parkland, Florida who lost their loved ones in the recent high school shooting. He said that he is committed to assisting the police department and all first responders in any way possible in order to keep our children safe by helping to give them to tools and equipment to do so.

Councilwoman Roker said that we have a building in town where children congregate and the Board will need to talk with the police department to ensure that the building is safe. She said she now understands why, as a former Town Clerk, she was told by the schools that they would no longer be used as voting location. It was a move made to keep our children safe. Councilwoman Roker said that she is happy to be a liaison to the Public Safety Committee. If anyone has an issue that they would like looked into relative to a public safety concern, please email Councilwoman Roker at Town Hall.

Councilman Patel stated that he was present at the Association of Towns Meeting in New York City recently, along with the Supervisor and the Town Clerk, and said many topics were covered that affect the life of the community. He mentioned security at the YCCC needs to be discussed.

Councilman Lachterman also mentioned the security issue at both the YCCC and Town Hall. AARP will be giving tax aide help to seniors on Mondays, 10:00 a.m. to 3:00 p.m., at the John C. Hart Library from February 5<sup>th</sup> to April 16<sup>th</sup> and at the YCCC on Tuesdays and Fridays, 10:00 a.m. to 2:00 p.m., from February 2<sup>nd</sup> to April 17<sup>th</sup>. Councilman Lachterman stated that on behalf of the Sons of the American Legion (for those who have parents and/or grandparents who served in the

military) the organization is open for membership – a great way to support the veterans and the American legion hall. They meet the first Thursday of the month at the American Legion Post #1009 at 7:00 p.m.

Supervisor Gilbert wanted to mention the importance of two resolutions that are on the agenda: the first is the creation of a substance abuse and mental health committee. He discussed the importance for this committee to set up a multi-disciplinary approach to mental health and substance abuse issues in our community by drawing on the expertise in various fields relative to these issues. The second resolution he drew attention to is the creation of an economic and business revitalization committee; an advisory committee established to assist himself and the Town Board in revitalizing the business districts in the hamlets of the Town. Its mission would be to attract and support private investment by identifying and marketing the Town's assets, increasing employment opportunities, supporting existing, as well as attracting new, high quality retail, commercial, and industrial enterprises throughout the Town.

#### DURING REPORTS FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Paganelli thanked all of those individuals from several departments who helped during the recent storm, as well as the police department. He spoke about the traffic light replacement at the intersection of Hanover and Moseman which had been hit and needed to be taken down. There is still a light in the northbound lane of Hanover Street. After having spoken to the NYS DOT, he feels the Town is in a position to do a repair of the light and not a total replacement, thereby saving tens of thousands of dollars.

#### DURING COURTESY OF THE FLOOR, The following people spoke:

The following members of the public spoke:

Mr. John McMullen, poet laureate, read his poem "Florida."

Mr. John DelVecchio came before the Board to as part of his work towards a Merit Badge for the Boy Scouts. He asked the Board questions regarding the security of the Town, i.e., cameras, criminal checks, keeping businesses safe, license plate readers. His questions were answered by Supervisor Gilbert who assured him of the commitment of the Town Board and the Yorktown Police Department to the safety of all residents and businesses. Councilman Diana also said that the security in the schools has also been increased. Councilwoman Roker mentioned that they will be looking at the security of town buildings. Councilman Lachterman also cautioned about not violating individuals rights for those who have paid their debt to society after committing a crime.

Mr. Thomas Franzen, resident, thanked the Board for the opportunity to speak. He directed his comments to Councilman Diana to whom he had sent an email. He spoke about the natural beauty of Yorktown but said that unfortunately every trail and park seems to be littered with trash. He asked for more signage about the Town making residents aware of the penalty for littering, stricter littering laws, better enforcement of the current law. He asked about the creation of a committee that would involve residents in litter clean up since studies show that those communities who involve residents in cleaning up their environment have less litter. Supervisor Gilbert mentioned that the previous administration had installed the litter cameras and they will continue to monitor them. Councilman Lachterman suggested that Mr. Franzen contact Kim Angliss Gage in the Refuse and Recycling Department to discuss involvement the Battle of Yorktown Clean Up program. He also introduced Dan Strauss who also is very involved in the litter issue in the town.

Mr. Kevin Byrnes, resident and Scout Master for John DelVecchio, congratulated John on his work. He spoke of his work as a former NYPD officer and his professional background. Mr. Byrnes stated that he believes the current Immigration Protection Act endangers public safety, violates federal law, infringes on long established principles of law enforcement cooperation, and jeopardizes millions in federal public safety grants. He urges the Board to vote yes to the proposed resolution by Councilmen Diana and Lachterman that is on the agenda.

Ms. Susan Siegel, resident, asked about the upcoming budget transfer resolution for \$235,000 plus for inspections services regarding the Lowes project – will Lowes be reimbursing the Town for this or will it become a taxpayer expense? She also asked about the resolution for a traffic consultant for the Stoney Street intersection. She said that she was in favor of the study, and although Mazur Consulting (and Mr. Greeley who works for them) may do good work, she questioned whether the company who represents several developers including the developer for the Shrub Oak International School for Autism who is creating part of the problem, is the right choice and doesn't it pose a

conflict of interest? She thanked the Board for the anticipated public hearing for a wetlands permit for the Mohansic Trail Extension. She wanted ask if the public information meeting for the trail extension could be held on either March 7<sup>th</sup> or March 15<sup>th</sup>. Scott Keller, acting director of the Hudson Valley Greenway who has given both the Town and the Trailtown Committee grant money for the extension, will be giving a presentation at that meeting.

Mr. Jim Pugliese, resident, spoke to the Board regarding the Immigration Protection Act and keeping our residents safe and wanted to express his agreement with the previous speaker, Mr. Byrnes, and his opposition to sanctuary cities.

Mr. Robert Puff, resident, asked about the RFP for legal services that the Board said would be issued and was told by the Town Clerk when it will be placed on the agenda for vote. Mr. Puff also raised the issue of sanctuary cities and said that the newly elected members of the Board said that they were not in favor of sanctuary status for Yorktown during their campaigns. He would like to make sure that they remember their statements and make sure that Yorktown does not become a sanctuary town.

Mr. John Campobasso, resident & President of the Yorktown Athletic Club, also spoke about the safety and security of the children. He asked that the Board vote for Councilman Diana and Councilman Lachterman's resolution.

Mr. Marc Hopkin, resident, said that the people present in the room do not represent the people of Yorktown, they are only those that came to the meeting. He asked if a person is arrested for any violation and is an illegal immigrant, should that person be deported? If a person is a victim of a crime and is an illegal immigrant, wouldn't that person be hesitant to call the police for fear they would be deported?

Mr. Gwenn Glazer, resident, also had the same questions as the previous speaker. She also asked what does the proposed resolution actually do? She hopes the Board votes no since she does not see any language in the proposed resolution that would protect her or her child. She does not want to see the Town's excellent police force used as a tool for the federal government's persecution of illegal immigrants.

Mr. Jay Kopstein, resident, directed his comments to Supervisor Gilbert, Councilman Patel, and Councilwoman Roker. He is in favor of the proposed resolution and supports the governor and democratic principles. It is a civil offense to be here illegally; it is a criminal offense if someone is deported and reenters illegally. He proceeded to explain the legal process and supporting the resolution helps to keep this a civil matter and prevents it from becoming a criminal one.

Mr. Marc Lieberman, resident, had a question regarding procedures. The agenda came out about 3 hours before the meeting, so how did all of these people prepare statements regarding the Immigration Protection Act and tonight's proposed resolution?

Mrs. Diana Quast, Town Clerk, responded that her office only found out about the proposed resolution late yesterday when the office was closed so it could not be added until today. The tentative agenda was published last Friday.

A resident, voiced her opposition to tonight's resolution.

Mr. John Flynn, resident, said he does not have a strong position on this topic but is concerned by the "demand" of residents that the board should vote for tonight's resolution. He talked about the racial profile of what is "acceptable" to be as an immigrant and feels there is a hypocrisy in the support of tonight's resolution.

Ms. Maggie Brown, resident, echoed the statements of those who spoke against tonight's proposed resolution. She reminded everyone that it is not that easy to just become "legal."

Mr. Dan Strauss, resident, spoke to the littering problem in Town. He said that he was happy to hear the previous resident speak about the problem. He has been battling the litter problem for years. Mr. Strauss reminded everyone they can go to Refuse and Recycling and get a grabber and a bag and volunteer to pick up litter. He also spoke about the dog refuse problem, as well. Mr. Strauss talked about having a security presence at the YCCC.

Mr. Ed Ciffone, resident, he talked about his lawsuit against the Town, and particularly addressed Councilman Diana and Councilman Lachterman. He said that if he does not get satisfaction from this lawsuit, he will take it up with the State Comptroller and the State Attorney General.

Supervisor Gilbert stated that it would be improper for Councilman Diana and Councilman Lachterman to comment on pending litigation.

Mr. John DelVecchio, the father of Scout John DelVecchio and a county law enforcement officer and owner of a security firm, spoke before the board to say that he believes fear drives the idea that if we don't become a sanctuary city, immigrants will be deported and that is not the truth. He addressed the previous question is an illegal immigrant commits a violation, would he or she be deported? The answer is no. The only thing a sanctuary designation will do is tie the hands of law enforcement which is not necessary because their hands are tied enough already. Mr. DelVecchio stated that we are a country of laws and we all have to follow them.

Dr. Pell, resident, asked to Board to act with respect towards our early families and start paperwork to make the Hyatt Burying Ground both a state and national landmark.

Mr. John McMullen, resident, voiced his opinion regarding the immigration in general.

MR. Ken Belfer, resident & president of Lake Mohegan District, said he was happy to hear the discussions regarding litter and the attempts to bring attention to the issue. He also voiced his opinion regarding the immigration issue and the proposed resolution. He believed there was fear-mongering present at this meeting, as well as other issues behind the resolution. Mr. Belfer hopes that there will be more opportunity for public input.

Mr. Paul Moskowitz, resident, said that he has no real knowledge of the immigration issue and would like to know the impact of the passage of such a resolution.

Mr. Gil Kaufman, resident, suggested sending out a survey to find out how the residents of the Town really feel about this issue.

Mr. Greg Bernard, resident, thanked the Board for the RFP for the traffic study on Main Street but disagrees with Ms. Siegel's assessment of Mazur Consulting. He takes offense that she questions the integrity of Mr. Greeley who he feels knows the traffic patterns of Yorktown better than anyone. He hopes that the Town Board will award the RFP to the lowest bidder and move on.

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

Councilman Lachterman said that the County Legislature has put the Immigration Protection Act on their agenda for the 26<sup>th</sup> when they will look to pass this act. He feels the language is disturbing because is it based on the lack of communication in law enforcement. He spoke of needing to go through the proper channels to become a citizen when you enter this county legally. Councilman Lachterman stated that the issue of the path to becoming a citizen for illegal immigrants that are here already is not up to us to decide. He said that this Act will "handcuff" our police force from being able to catch criminals and cause safety issues. Councilman Diana echoed the sentiments of Councilman Lachterman, adding that is to give our police force the tools to be able to get the job done.

Supervisor Gilbert said that this issue should be tabled on procedural grounds. He said that there should be a public hearing on this issue; some comments prove that he feels that there are people in the audience who have not read the Immigration Protection Act and they should familiarize themselves with it. He stated that one should not conclude that a "no" vote of *not* declaring Yorktown a non-sanctuary town creates a sanctuary town – that simply is not true. An act by the legislature is different from a law by the legislature. An act only affects the county individuals and not local municipalities. He has reason to believe that law enforcement would not be hampered in any way. When you are fingerprinted, those fingerprints go to ICE – they have the obligation to lodge a detainer against the individual. He maintains that nothing in the document changes the way our town is safeguarded. He believes that this resolution serves only to make a statement, and he is not in favor of passing resolutions that do not serve a purpose. There are other ways of making a

statement. He will vote his conscience but not this evening. He agrees the Town must remain safe; but he also agrees that this is a speculative resolution that wants to make a statement. He invites our County Legislators to come and explain their points of view on this issue.

Councilwoman Roker stated that there were many mailers that were sent to the community that stated she, Supervisor Gilbert, and Councilman Patel were in favor of making Yorktown a sanctuary town that would cause taxes to rise. This is a lie. She does not know where that information came from and it is a lie. She would never do anything to anyone in Yorktown that would cause harm. She believes this is a fear-mongering tactic. She would do anything to keep Yorktown safe. There should be a public hearing on this resolution so we can hear what all residents think.

Councilman Lachterman said there is fear that the police will not be able to do their jobs. He proceeded to explain how this would work and this was disputed by Councilman Roker. She supports listening to what the community has to say.

Councilman Diana said that this is a resolution put on the agenda for this evening and does not want to see a public hearing scheduled unless there is a vote held this evening.

Councilman Patel objected to how late the resolution came to his attention and objected to being asked to vote on something he has not had the chance to study. Councilman Lachterman said he believed it was important to have it on tonight's agenda because of the County Legislature's vote the end of the month.

REAPPOINT BARBARA SANTORO TO THE ADVANCED LIFE SUPPORT DISTRICT COMMISSION  
RESOLUTION #46

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

Be It Resolved, Barbara Santoro is hereby reappointed to the Advanced Life Support District Commission for a one-year term expiring on December 31, 2018, and will serve as Chair.

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

REAPPOINT PAUL TURIANO TO THE ADVANCED LIFE SUPPORT DISTRICT COMMISSION  
RESOLUTION #47

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

Be It Resolved, Paul Turiano is hereby reappointed to the Advanced Life Support District Commission for a one-year term expiring on December 31, 2018.

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

APPOINT JOSEPH TROIA TO THE ADVANCED LIFE SUPPORT DISTRICT COMMISSION  
RESOLUTION #48

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

Be It Resolved, that Joseph Troia is hereby appointed to the Advanced Life Support District Commission for a two-year term expiring on December 31, 2019.

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

APPOINT JEFFREY SIEGEL TO THE ADVANCED LIFE SUPPORT DISTRICT COMMISSION  
RESOLUTION #49

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

Be It Resolved, that Jeffrey Siegel is hereby appointed to the Advanced Life Support District Commission for a two-year term expiring on December 31, 2019.

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

The two new members of the Advanced Life Support District Commission, Joseph Troia and Jeffrey Siegel, introduced themselves to the Board and gave brief statements regarding their backgrounds and experience. They were then sworn in by Town Clerk Diana Quast.

A discussion took place regarding the resolutions creating two new committees. Councilman Lachterman stated that although the creation of the two new committees have great intentions, it may be that there is too much of an overlap with other support groups like Al-Anon, ASK, Alcoholics Anonymous, Yorktown Against Heroin, etc., and that there are sometimes a fight amongst groups for funding, mission statements, and the like. Councilman Lachterman also felt there were too many groups being vetted for participation. He suggested this go on a work session first.

Councilwoman Roker stated she would like to have a vote on these committees.

Councilman Patel voiced his support of these committees.

A discussion took place between Councilwoman Roker and Councilman Lachterman regarding the necessity of the Substance Abuse Prevention and Mental Health Committee and its function.

Mr. Jim Pugliese, spoke before the Board to say that we should not have organizations fighting against each other, especially when it is for the sake of our children.

Mr. Al Avitable, resident, spoke to say that representatives of the organizations in the Town should be on the Board of this committee so that you are getting together people who all have one single purpose. This should not be made to be over complicated.

Councilman Diana stated that the idea is wonderful but felt the focus should be more on the mental health issue. Supervisor Gilbert said no this cannot be a split issue. Councilman Diana felt this may be taking away from the significance of those who sit on other substance abuse prevention boards.

Supervisor Gilbert said he has no intention of taking away the "personality" or integrity of each group separately, but is trying to unite these groups. They all need to understand how they inter-relate.

Councilman Lachterman suggested that in the near future we get a good outline of each these groups and responsibilities so that there are no redundancies.

ESTABLISH A SUBSTANCE ABUSE PREVENTION AND MENTAL HEALTH COMMITTEE  
RESOLUTION #50

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

Whereas, substance abuse is known to have a myriad of underlying causes including, but not limited to, peer pressure, escapism, stress, the addiction to a drug's effects, and

Whereas, substance abuse is not solely related to the illegal drug; individuals may abuse alcohol, nicotine, opioid painkillers, and other legal substances, and

Therefore, Be It Resolved, the Town Board establishes a Substance Abuse Prevention and Mental Health Committee that shall be comprised of members of various field including, but not limited to doctors, other health care providers, counselors, teachers, parents and siblings of individuals with a history of substance abuse, recovering addicts and alcoholics, law enforcement, faith based community representatives, and providers of substance abuse treatment, and others as deemed appropriate by the Town Board. Members shall serve without compensation and at the pleasure of the Town Board.

Be It Further Resolved, this committee will take a multi-disciplinary approach to mental health and substance abuse issues in our community, drawing on expertise in various fields: doctors and other health care providers, counselors, teachers, parents and siblings of individuals with a history of substance abuse, recovering addicts and alcoholics, law enforcement, faith based community representatives, and providers of substance abuse treatment, and

Be It Further Resolved, this is not an all-inclusive list; this Committee will cooperate with all existing resources in our community to attempt to eradicate this most serious scourge.

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

ESTABLISH AN ECONOMIC AND BUSINESS REVITALIZATION COMMITTEE  
RESOLUTION #51

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

Whereas, the mission of the Economic and Business Revitalization Committee is to attract and support private investments by identifying and marketing the town's assets; and

Whereas, by increasing employment opportunities, supporting existing as well as attracting new high quality retail, commercial, and industrial enterprises throughout the town, with a particular emphasis on redeveloping under-performing areas of the town; and

Whereas, further assisting in the diversity of business interests with a wide range of needs, and continuing to work with our partners in order to bring about a higher level of prosperity, job growth, and expanded economic and entrepreneurial development opportunities throughout the town; and

Whereas, utilizing the untapped resources of our residents and other volunteers with expertise in various areas including, but not limited to, those with economic, marketing, and planning expertise, now

Therefore Be It Resolved, the Town Board of the Town of Yorktown establishes an Economic and Business Revitalization Committee that shall be comprised of seven (7) members. Members shall serve without compensation for a term of three (3) years and shall have staggered terms. Two (2) members' terms will expire December 31, 2018, three (3) members' terms will expire December 31, 2019, and two (2) members' terms will expire on December 31, 2020.

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

A discussion among Board members was held before the vote on the following resolution regarding holding a public hearing on this issue. Councilman Lachterman stated that it important to let the County Legislature know where we stand because what they are doing is paramount to a sanctuary city; it is not for illegals but for people who have broken the law (besides their illegal status). Councilwoman Roker suggested that they be call "undocumented" instead of "illegals" since that is what their status really is. Councilman Lachterman disputed this. Councilman Patel said that everybody has a view and nobody knows what to do. He stated that many of these people serve in our military and that this is a decision to be made a higher level of government. Councilman Lachterman restated that it is important to let the higher levels of government know how local governments feel. Supervisor Gilbert asked if they are calling for a vote this evening or a public hearing? Councilman Diana said he would prefer to vote. Councilwoman Roker asked why do they need to vote this evening and Councilman Lachterman replied that there is some sort of deadline for the County vote. Councilwoman Roker said that we are a Town of 33,000 and they need to know how the residents feel before assuming the Board's vote tonight represents them and they should have the right to comment. She said she would not have put this on the agenda tonight. Supervisor Gilbert stated that there were comments that this was put on the agenda hastily and that there are parts of the resolution that he is in favor of but also those that he is not and unless there is discourse and a public hearing, he cannot vote in favor of this resolution. This discussion included a comment from Jay Kopstein, resident, who said that this establishes a bad precedent since the Town has not done public hearings on resolutions before, only on pieces of legislation. According

to Mr. Kopstein, unless the plan is to have public hearings on further resolutions, the vote should just be taken.

PROPOSED RESOLUTION FOR WESTCHESTER COUNTY LEGISLATURE TO TAKE  
PAUSE IN PASSING LEGISLATION WITH REGARDS TO THE IMMIGRATION  
PROTECTION ACT  
RESOLUTION #52

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

WHEREAS, the Westchester County Board of Legislators will meet to consider an Act, which, among its provisions, would prohibit local law enforcement and in particular the Westchester County Police from cooperating with immigration (ICE) authorities with respect to detained unnaturalized and/or illegal aliens;

WHEREAS, cooperating with county, state and federal law enforcement agencies is an important part of maintaining law and order and public safety; and

WHEREAS, the need for this cooperation is now more than ever required to properly protect our citizens from threats of terror, serious crime and illicit drug trafficking, and

WHEREAS, according to the Affiliated Police Association of Westchester County, the passage of a law that would direct local law enforcement not to cooperate with Federal Law enforcement authorities would cause Westchester County to be deemed a sanctuary for criminal, unnaturalized and/or illegal aliens charged with crimes; and

WHEREAS, United States Executive Order 13768 provides that jurisdictions that willfully refuse to comply with 8 U.S.C. § 1373 will be designated as “sanctuary jurisdictions” and will not be eligible to receive federal grants, except as deemed necessary for law enforcement purposes; and

WHEREAS, the Town of Yorktown operates a police department that is desirous of fully cooperating with Federal Law Enforcement agencies and authorities and deems such cooperation as being in the best interests of the Yorktown community, and

WHEREAS, there is no articulable public safety benefit by directing the Westchester County police not to cooperate with Federal Law enforcement, same being nothing more than a vapid, hollow political statement that puts all in danger and

WHEREAS, the passage of any such law is contrary to the purpose of government to keep its citizens from harm, and

WHEREAS, prior to the consideration of any such law the County Board of Legislators and the County Executive’s office should be admonished to consider the impacts to local municipal, city, town and village police departments and therewith the local municipalities’ concerns, and

WHEREAS, 8 U.S.C. § 1373 provides that a local governmental entity or official may not prohibit, or in any way restrict, any governmental entity or official from sending to, or receiving from, ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual; and

WHEREAS, the Town of Yorktown fully complies with 8 U.S.C. § 1373; and

WHEREAS, the Town of Yorktown intended to resist any act which would cause it to be labeled a sanctuary jurisdiction; and

WHEREAS, the Town of Yorktown will continue to comply with the directives of Federal Law and Federal law enforcement agencies, and

WHEREAS, the Town of Yorktown remains committed to the safety of all its citizens and all persons whether naturalized or not. And

WHEREAS providing extra-legal protections to a selected group of individuals undermines the proper and equal application of law and undermines the authority of law allowing same to be arbitrarily enforced and applied; and

WHEREAS, the protection of the fundamental rights of all requires obedience to and the equal application of law;

NOW, THEREFORE, BE IT RESOLVED, that this Board pleads that the County Board of Legislators give pause in its deliberations prior to the adoption of any law which would direct the Westchester County Police to provide special accommodation and/or sanctuary to those coming into custody of Westchester law enforcement by reason of their status as unnaturalized citizens and/or illegal aliens;

AND BE IT FURTHER RESOLVED, that this Board demands the County Board of Legislators further pause in its deliberations to affirm that any law, act or resolution directing that County law enforcement to provide special accommodation and/or sanctuary to un-naturalized and/or illegal aliens shall not have effect on or over town police departments within Westchester County and in particular the town of Yorktown which shall remain fully compliant with the United States Constitution and all applicable federal laws with respect to immigration detainer requests;

AND BE IT FURTHER RESOLVED, that this Board requests that prior to any consideration of legislation or resolution that intends to provide special accommodation and/or sanctuary to an un-naturalized and/or illegal alien that it considers input from local police enforcement agencies and affiliations;

AND BE IT FURTHER RESOLVED, that the Commissioners of the Yorktown Police Department is hereby authorized and directed to remain fully compliant with all applicable federal laws and the United States Constitution and cooperate with the federal government to the extent permissible by law; notwithstanding any act of the County Board of legislators and/ County Executive,

AND BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Westchester County Executive George Latimer, Westchester County Legislator Michael Kaplowitz, Westchester County Legislator John Testa and Chief Robert Noble of the Yorktown Police Department.

Diana, Lachterman Voting Aye  
Gilbert, Roker, Patel Voting Nay  
Resolution denied.

There continued to be a discussion, which included comments from the audience, as to what “sanctuary” actually means.

REFER OUT REQUEST RECEIVED BY MARCIA SAUNDERS TO PURCHASE PARKLAND ON ILLINGTON ROAD – ALIENATION OF PARKLAND RESOLUTION #53

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

RESOLVED, the Town Clerk is hereby authorized to refer out the request received from Marcia Saunders to purchase Town Owned Parkland located on Illington Road known on the tax maps as Section 69.08-1-11 to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by March 19, 2018, and

BE IT FURTHER RESOLVED, a Public Hearing is scheduled to take place on Tuesday, April 3, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 pm o'clock or as soon thereafter can be heard.

Town of Yorktown Agencies:  
Assessor  
Advisory Committee on Open Space  
Building Inspector

Conservation Board  
Planning Board  
Planning Department  
Recreation Commission  
Town Board  
Town Engineer

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

Mr. Robert Puff, resident, was allowed to comment on the resolution put to vote regarding the sanctuary jurisdictions. He stated that the resolution, in effect, asks for a public hearing and input from various levels of government and government agencies. Supervisor Gilbert said that it also asked for a lot of other things that he could not agree to. Mr. Puff said there are many pieces of legislation that have items to agree and not agree on and a compromise needs to take place. Supervisor Gilbert said this resolution was not brought forward in a work session, there was no discussion and they were asked to vote on this, as written. And he voted on it, as written.

Councilman Lachterman told Mr. Puff he might want to put out on social media and contact friends and family to let the County know their opinion on this issue. Mr. Puff asked if the Town Board would still move forward on having a Town Meeting or public hearing on this issue and was told yes by Councilwoman Roker and Supervisor Gilbert.

REFER OUT REQUEST MADE BY THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A WETLANDS PERMIT TO CONDUCT A PILOT PROJECT TO TREAT THE AQUATIC INVASIVE SPECIES HYDRILLA VERTICILATA IN THE NEW CROTON RESERVOIR  
RESOLUTION #54

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

RESOLVED, the Town Clerk is hereby authorized to refer out the request for a wetlands permit received from the New York City Department of Environmental Protection to conduct a Pilot Project to treat the aquatic invasive species Hydrilla Verticilata in the New Croton Reservoir to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and  
BE IT FURTHER RESOLVED, that the Town Board would like your comments and/or recommendations back before March 19, 2018, and

BE IT FURTHER RESOLVED, a Public Hearing is scheduled to take place on Tuesday, April 3, 2018 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

Town of Yorktown Agencies:  
Advisory Committee on Open Space  
Conservation Board  
Highway Department  
Planning Board  
Planning Department  
Town Attorney  
Town Board  
Town Engineer

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

REFER OUT REQUEST MADE BY VICTOR CONTE FOR 1515 JOURNEYS END ROAD FOR A WETLAND PERMIT TO REMEDY A NOTICE OF VIOLATION FOR UNAUTHORIZED TREE REMOVAL

This resolution was tabled for discussion at a future work session.

REFER OUT REQUEST MADE BY MOHANSIC TRAILWAYS FOR A WETLANDS PERMIT TO CONSTRUCT A PATHWAY FROM ROUTE 118 AND DOWNING DRIVE ACROSS TO BALDWIN ROAD  
RESOLUTION #55

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

RESOLVED, the Town Clerk is hereby authorized to refer out the wetland permit request received from Mohansic Trailways to construct a pathway from Route 118 and Downing Drive through to Baldwin Road, also known on the tax maps as Section 37.14, Block 1, Lot 43 to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by March 19, 2018, and

BE IT FURTHER RESOLVED, a Public Hearing is scheduled to take place on Tuesday, April 3, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 pm o'clock or as soon thereafter can be heard.

New York State Department of Transportation  
New York City Department of Environmental Protection

Town of Yorktown Agencies:  
Advisory Committee on Open Space  
Building Inspector  
Conservation Board  
Highway Department  
Planning Board  
Planning Department  
Recreation Commission  
Town Board  
Town Engineer

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT TO THE TOWN'S LICENSE AGREEMENT WITH YORKTOWN VOLUNTEER AMBULANCE CORP  
RESOLUTION #56

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

RESOLVED, the Supervisor is authorized to sign an amendment to the Town's license agreement with the Yorktown Volunteer Ambulance Corp. (YVAC) for the storage of a flycar for advanced life support services, through December 31, 2019, at the same annual rate as set forth in the agreement.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH CARY VIGILANTE FOR BROADCASTING SERVICES  
RESOLUTION #57

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

RESOLVED, the Town Board extends the services of Cary Vigilante for broadcasting services from January 1, 2018 through December 31, 2018 at a rate of \$550.00 per month.

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

APPROVE 2018 TOWN BOARD MEETING DATES

RESOLUTION #58

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

RESOLVED, the meeting dates of this Town Board will start their meeting at 6:45 PM and that the taping of televised Town Board Meeting begins at 7:30PM unless otherwise noted and shall be as follows:

January 2	televised meeting
January 9	work session
January 16	televised meeting
January 23	work session
February 6	televised meeting
February 13	work session
February 20	televised meeting
February 27	work session
March 6	televised meeting
March 13	work session
March 20	televised meeting
March 27	work session
April 3	televised meeting
April 10	work session
April 17	televised meeting
April 24	work session
May 1	televised meeting
May 8	work session
May 15	televised meeting
May 22	work session
June 5	televised meeting
June 12	work session
June 19	televised meeting
June 26	work session
July 10	work session
July 17	televised meeting - outdoor site, 5:30 p.m.
July 24	work session
August 7	televised meeting - outdoor site, 6:00 p.m.
August 14	work session
September 4	televised meeting
September 25	work Session meeting
October 2	televised meeting
October 9	work session
October 16	televised meeting
October 23	work session
November 13	work session
November 20	televised meeting
November 27	work session
December 4	televised meeting (Budget Hearing)
December 11	work Session meeting
December 18	televised meeting

FURTHER RESOLVED, that the Town Board will meet with its Department heads to review their budgets on November 14 and November 15, and be it

FURTHER RESOLVED, that the Town Board will hold its regular Budget Hearing at 6:00 PM on December 4, 2018, and be it,

FURTHER RESOLVED, that Special Meetings shall be called and held in conformance with Section 62 of the Town Law and Article 7 of the Public Officers Law.

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

AUTHORIZE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME TO JOHN HASSETT AS OF DATE OF RETIREMENT  
RESOLUTION #59

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, Be It Resolved, the Town Board hereby authorizes the Town Comptroller to pay John Hassett the cash value of unused time as of his retirement date

Rate of Pay:	\$51.3228 hourly				
Compensatory Time	2.02 hours	x	\$51.3228	=	\$ 103.68
Holiday Pay	8.00 hours	x	\$51.3228	=	\$ 410.58
Personal Days	24.00 hours	x	\$51.3228	=	\$ 1,231.74
Vacation Days	200.00 hours	x	\$51.3228	=	\$10,264.56
Longevity	2,175 / 242 days = \$8.99 per day 11/20/17 to 01/28/18 = 69 days				
	69 days	x	\$8.99	=	\$ 620.31
Total					\$12,630.86

Be It Further Resolved, the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:	A3120.102	Police Salary Benefits	\$12,050.55
	A3120.106	Police Longevity	\$ 620.31
To:	A3120.108	Police Lump Sum	\$12,630.86

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

AUTHORIZE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME TO MICHAEL MCDERMOTT AS OF DATE OF SEPARATION  
RESOLUTION #60

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

Be It Resolved, the Town Board hereby authorizes the Town Comptroller to pay Michael McDermott the cash value of unused time as of his date of separation

Rate of Pay:	\$64.0394 hourly				
Floating Holidays	14.00 hours	x	\$64.0394	=	\$ 896.56
Personal Days	21.00 hours	x	\$64.0394	=	\$1,344.83
Vacation Days	105.00 hours	x	\$64.0394	=	\$6,724.14
Total					\$8,965.53

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:	A1420.101	Legal Salary	\$8,965.53
To:	A1420.108	Legal Lump Sum	\$8,965.53

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

AUTHORIZE COMPTROLLER TO MAKE BUDGET TRANSFER FOR WATER DEPARTMENT

RESOLUTION #61

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

Be It Resolved, that the Comptroller is hereby authorized to transfer \$3,000.00 from the Kitchawan Water District Fund Balance to Maintenance and Repair of Meters (SW28340.419) for the purpose of meter testing.

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

AUTHORIZE SUPERVISOR TO SIGN A HOLD HARMLESS AGREEMENT WITH YORKTOWN SCHOOLS

RESOLUTION #62

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

RESOLVED, the Supervisor is authorized to sign a Hold Harmless Agreement with the Yorktown School District for use of its Field and Building Facilities.

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

AUTHORIZE COMPTROLLER TO PAY NORWEST FOR 2017 SERVICES

RESOLUTION #63

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

RESOLVED, the Comptroller is authorized to to pay Norwest for therapeutic recreational programs for services provided in 2017 in the amount of \$38,250.

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

AWARD RFP FOR TRAFFIC STUDY ON STONEY STREET AND EAST MAIN STREET

RESOLUTION #64

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

WHEREAS, the East Main Street corridor in the hamlet of Shrub Oak has exhibited undesirable traffic conditions along its entire length and at certain intersections including its intersection with Stony Street; and

WHEREAS, the Town Board of the Town of Yorktown desires to study the traffic conditions to gain a suitable level of knowledge in order to develop appropriate measures to alleviate the negative impacts of those conditions; and

WHEREAS, The Town board authorized the issuance of a Request for Proposals (RFP) to solicit proposals from qualified traffic engineering firms to conduct a study of the traffic conditions and to formulate potential mitigation measures for those conditions; and

WHEREAS, proposals were received for the proposed traffic study and are summarized as follows:

Maser Consulting, P.A 400 Columbus Avenue Valhalla, NY 10595	\$26,950.00
Provident Design Engineering 7 Skyline Drive Hawthorne, NY 10532	\$30,650.00
Adler Consulting 235 Main Street White Plains, NY 10601	\$ 31,105.00

WHEREAS, the listed costs are exclusive of required meetings with the Town Board, Town staff and other agencies as detailed in the RFP as Task VIII; and

THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Yorktown authorizes the Supervisor of the Town of Yorktown to sign a professional services agreement for the East Main Street/Stony Street Traffic Study, with Maser Consulting, P.A. in the amount of \$ 26,950.00; and

BE IT FURTHER RESOLVED, that the Town Board authorizes an additional \$3100.00 for consultant meetings as required by Task VIII of the RFP, to be billed on an hourly basis in accordance with the schedule of fees provided in the consultant's proposal.

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

AUTHORIZE POLICE DEPARTMENT TO PURCHASE A CONSTRUCTION TRAILER FROM THE YORKTOWN CENTRAL SCHOOL DISTRICT FOR \$1.00  
RESOLUTION #65

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

WHEREAS, the Yorktown Central School District no longer has use for a "construction trailer" and wishes to sell this piece of equipment to the Yorktown Police Department for a sum of One Dollar (\$1.00).

WHEREAS, the Yorktown Police Department wishes to purchase this "construction trailer" for the amount of One Dollar (\$1.00) and place this piece of equipment on said property to be used for in-service training scenarios and maneuvers.

RESOLVED, that the purchase of this "construction trailer" is hereby approved by the Town Board of the Town of Yorktown.

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

A memorandum from Kim Angliss-Gage of the Refuse & Recycling Department was read by Supervisor Gilbert in support of the following resolution. Supervisor Gilbert stated that Ms. Angliss-Gage said that the issues regarding litter and this program have been rectified.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH USAGAIN FOR THE TOWN'S TEXTILE RECOVERY PROGRAM  
RESOLUTION #66

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

WHEREAS, the Town Board adopted a resolution on October 14, 2014, for a one-year agreement with USAgain, 18 Sargent Place, Mt. Vernon, NY 10550, as sole contractor for the town's 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 textile; 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, and additional one-year agreement beginning on January 1, 2018, is to be signed with USAgain, 18 Sargent Place, Mt. Vernon, NY 10550.

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

AUTHORIZE COMPTROLLER TO DO BUDGET TRANSFER – ENGINEERING DEPT.  
RESOLUTION #67

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

RESOLVED, the Town Comptroller is authorized to transfer \$235,800 from General Fund - Fund Balance to A1440.479.2 Special Projects - Lowes Site Development, as per Town Board Resolution of 12/19/17, for the purpose of paying KJM Construction Management Inc. for engineering inspection and oversight services.

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

AUTHORIZE ENGINEER TO ISSUE STORMWATER PERMIT #FSWP002-18 FOR 517  
GIORDANO DRIVE FOR THE PURPOSE OF CONSTRUCTING A PATIO  
RESOLUTION #68

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

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a MS4 Storm Water Management permit for minor site and driveway improvements.
2. The Approval Authority for this permit application is the Town Board as the proposed work will involve a land disturbance in excess of 200 cubic yards.
3. The application fee of \$1,500 was paid by the Applicant.
4. The Applicant submitted engineering plans prepared by Daniel Sherman, Landscape Architect, dated 10/3/17: (1) Site Prep & Demolition Plan SP-1; (2) Landscape Plan & Details, (3) Construction Layout Plan

NOW THEREFORE BE IT RESOLVED THAT:

1. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
2. The Town Engineer shall issue the permit in accordance with the terms of this resolution and with the conditions below.
3. The following conditions are included as part of the Action: All comments listed in the Town Engineer's memo dated 2/9/18 and copied below hereto shall be addressed to the satisfaction of the Town Engineer prior to issuance of any permits.

The Engineering Department has met with the Applicant and reviewed the submitted plans. We have the following questions/comments on the submitted documents:

- A. Design professional shall provide backup calculations for the sizing of the underground stormwater detention system so we can confirm there will be no off-site impacts as a result of this land development project.
- B. Applicant should confirm with the Building Department if any Building Permits will be needed for the relocated shed or any of the proposed retaining walls.
- C. The plans currently show a new retaining wall being constructed in the Town right-of-way, please correct so that this work only occurs on private property.
- D. Stormwater drainage from the driveway currently flows directly into Giordano Drive, must add a catch basin or trench drain to capture stormwater and direct to the stormwater detention system. Applicant should consult with the Highway Department to confirm the wider driveway entry does not exceed Town standards (16-foot width is good design practice).
- E. Provide further clarification on the basement sump pump, specifically in regards to the discharge point (not currently shown on the plans).
- F. It is not clear from the submitted plans if roof leaders from the rear of the house will be tied into the underground stormwater detention system, please clarify. Additional stormwater infrastructures may be needed to account for roof drainage.
- G. Provide details on erosion and sediment control measures that will be put in place and include reference to the 2015 Stormwater Management Design Manual published by NYSDEC.

Include a silt fence around the disturbed areas, stabilized construction entrance, location for soil stockpile and a limit of disturbance.

Conditions that must be met prior to the commencement of work:

1. A Performance Bond shall be established in the amount of \$500 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that at least 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing removed, all post-construction controls satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. The Performance Bond is taken for a period of no more than twelve (12) months, unless an extension is granted in writing by the Town Engineer prior to the permit expiration date. If the stabilization and re-vegetation has not been completed during this period, the Town will declare the bond in default and monies shall be forfeited to the Town.
3. A Yorktown Building Permit must be obtained from the Building Department (if applicable).
4. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the proposed land disturbance area.
5. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the architectural/landscape design plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. A limit of disturbance shall be established along the silt fencing boundary; no material storage, vehicle movements or construction activity shall be allowed to outside this area.
3. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
4. No trees were shown to be removed; a permit shall be obtained from Engineering should the removal of any trees be required.
5. No soil storage outside the limit of disturbance line is permitted. Road in front of property must be kept broom clean at all times.
6. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve in writing prior to the work occurring.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

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

AUTHORIZE COMPTROLLER TO ACCEPT PERFORMANCE BOND RECEIVED FROM ZAPPICO CONSTRUCTION, LLC FOR THE ORCHARD VIEW SUBDIVISION  
RESOLUTION #69

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

WHEREAS:

1. Planning Board Approval Resolution #17-18, Condition #15 referenced fees and bonds to be posted to the Engineering Department for Performance and Inspection.
2. Zappico Construction, LLC, as applicant posted check #8413 in the amount of \$82,780 to serve as the 8% Inspection Fee to the Engineering Department.

3. Zappico Construction, LLC as Applicant, provided the Town with an Irrevocable Letter of Credit from PCSB Bank reference #6080027950, in the amount of \$500,000 to serve as the Project Performance Bond for permit #WP-FSWPPP-T-060-16. The Project Performance Bond shall serve as a guarantee for the full and final project completion as per the Planning Board approval resolution and project documents, related to the Wetlands, MS4 Stormwater Management and Tree Removal permits prepared by the Engineering Department and signed by the Planning Board Chairman.
4. The documentation submitted by the Applicant was referred to the Town Attorney (Michael McDermott) and Town Comptroller for review and acceptance as to form.

NOW THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Town permits, i.e. payment of non-refundable Engineering Department inspection fees and delivery of the required project performance bond have been satisfied and that the Town Comptroller is authorized to accept the above referenced project performance bond.

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

AUTHORIZE THE TOWN COMPTROLLER TO ACCEPT THE PERFORMANCE BOND FOR LOWES SITE DEVELOPMENT RESOLUTION #70

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

WHEREAS:

1. Planning Board Approval Resolution #16-22 referenced bonds to be posted for Erosion & Sediment Control, Performance and Wetland Planting Bond. In lieu of the providing individual bond amounts, the Town agreed Applicant could provide one Project Performance Bond in the aggregate amount of \$1,000,000.
2. Yorktown Jaz, LLC, as Applicant, provided the Town with The Guarantee Company of North America's Site Improvement Bond #76154779, in the amount of \$1,000,000, to serve as the Erosion & Sediment Control bond, Performance Bond, and Wetland Planting Bond for permit #WP-E-028-10, for the Lowe's Site Development Plan located on Route 202.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.
4. Yorktown Jaz, LLC, as Applicant, previously provided the Town with the 8% Inspection Fee, in the amount of \$357,490 (The check was delivered to the Town Comptroller December 20, 2017) for permit #WP-E-028-10, for the Lowe's Site Development Plan, and

NOW THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Town permits, i.e. payment of non-refundable Engineering Department inspection fees and delivery of the required project performance bond have been satisfied and that the Town Comptroller is authorized to accept the above referenced project performance bond.

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

AUTHORIZE TOWN COMPTROLLER TO RELEASE PERFORMANCE BOND #SNN0000056 IN THE AMOUNT OF \$55,622.00 AND EROSION CONTROL BOND # SN0000057 IN THE AMOUNT OF \$22,000.00 – STAPLES PLAZA MIDDLE BUILDING SITE PLAN RESOLUTION #71

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

WHEREAS,

1. Kings Capital Construction Group, Corp., provided the Town with Performance Bond #SNN0000056, in the amount of \$55,622.00, for the Site Work Estimate for the Staples Plaza Middle Building Site Plan located on Route 202.
2. Kings Capital Construction Group, Corp., provided the Town with Erosion Control Bond #SNN0000057, in the amount of \$20,000.00, for the Site Work Estimate.
3. The applicant has requested that the monies be released as all improvements have been completed.
4. The Town Engineer has informed this Board that a representative of his department has

inspected the property and determined that the improvements for the site have been met; therefore all monies may be released.

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies are released to Kings Capital Construction Group, Corp., 660 White Plains Road, Suite #560, Tarrytown, NY 10591, Attn: Mr. John Roche.

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSIT FOR STREET OPENING PERMIT #015-013 IN THE AMOUNT OF \$1,000 - 2617 GREGORY STREET RESOLUTION #72

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

RESOLVED, that the Comptroller is authorized to release the Escrow Deposit for Street Opening Permit #015-013 in the amount of \$1,000.

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

Councilman Lachterman asked for a separate vote on the resolution for a wetland permit for Victor Conte and the property at 1515 Journey's End so he could ask questions.

Councilman Lachterman said you are allowed to do maintenance work within wetlands. The wetland buffer for this property is incredibly steep and the amount of dead trees and overgrowth is tremendous. If maintenance is allowed, is a wetland permit necessary for this? Supervisor Gilbert said that Mr. Conte also removed healthy trees for the purpose of scenic value. Councilman Lachterman asks if the Town Board has a right to request a remedy? Councilwoman Roker said that the Town Engineer brought this to the Board's attention because he felt something egregious had happened and his plan to remedy the situation was to have Mr. Conte replant trees. Councilman Lachterman said that his concern is where does the right of the property owner stop and where do we have the right to infringe upon it and require it. Councilwoman Roker said that the Town Board would not have known about this issue if it had not been for the Town Engineer bringing it to their attention.

It was decided to table this resolution and bring Mr. Conte and the Town Engineer back to a work session to discuss the issue.

Supervisor Gilbert stated that he has no opposition to holding a Town Hall meeting regarding the resolution on the sanctuary jurisdiction issue. He stated that he does not believe that the County will be able to vote on this issue based on how many prior versions there have been. Councilman Lachterman said he did not agree.

SET A DATE FOR TOWN HALL MEETING TO DISCUSS THE PROPOSED COUNTY LEGISLATION REGARDING IMMIGRATION AND SANCTUARY JURISDICTION ISSUES RESOLUTION #73

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

RESOLVED, there will be a Town Hall Meeting held on March 7, 2018, beginning at 7:00 P.M. to receive comments from our two Westchester County Legislators and the public on a proposed resolution presented to the Town Board at the February 20, 2018 Town Board meeting.

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

ADJOURN

Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker, the Town Board Meeting was adjourned.

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DIANA L. QUAST, RMC

TOWN CLERK  
TOWN OF YORKTOWN