



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

February 20, 2018

Spadaccia Meeting Room
363 Underhill Avenue, Yorktown, NY 10598

6:45 PM EXECUTIVE SESSION (Closed Session):

- A motion will be made to go into Executive Session to discuss the following item(s):

LITIGATION

- Legal Department

7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN
5. REPORTS FROM THE TOWN COUNCIL
6. REPORTS FROM THE HIGHWAY SUPERINTENDENT
7. COURTESY OF THE FLOOR
8. PERSONNEL
Volunteer Board Appointments:
Reappoint Barbara Santoro to the Advanced Life Support District Commission
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.

Reappoint Paul Turiano to the Advanced Life Support District Commission

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.

Appoint Joseph Troia to the Advanced Life Support District Commission

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.

Appoint Jeffrey Siegel to the Advanced Life Support District Commission

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.

9. RESOLUTIONS

From Supervisor Ian Gilbert

Establish a Substance Abuse Prevention and Mental Health Committee

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.

Establish an Economic and Business Revitalization Committee

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.

From Councilman Thomas Diana and Councilman Edward Lachterman

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.

From the Town Board

Refer out request received by Marcia Saunders to purchase Parkland on Illington Road – Alienation of Parkland

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

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

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 RESOVED, 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

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

RESOLVED, the Town Clerk is hereby authorized to refer out the request for a wetlands permit to remedy a notice of violation for unauthorized tree removal received from Victor Conte for property located at 1515 Journeys End Road, also known on the tax maps as Section 69, Block 10, Lot 1-22 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:
Conservation Board
Highway Superintendent
Planning Board
Planning Department
Town Board
Town Engineer

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

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

From the Town Attorney

Authorize Supervisor to sign an amendment to the Town's License agreement with Yorktown Volunteer Ambulance Corp

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.

From Town Clerk Diana Quast

Authorize Supervisor to sign Agreement with Cary Vigilante for Broadcasting Services

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.

Approve 2018 Town Board Meeting Dates

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 3 televised meeting - outdoor site, 5:30 p.m.
 July 10 work session
 July 17 televised meeting - outdoor site, 6:00 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.

From the Town Comptroller
Authorize Comptroller to payout cash value of unused time to John Hassett as of date of Retirement

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

Authorize Comptroller to payout cash value of unused time to Michael McDermott as of date of separation

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

Authorize Comptroller to make the following budget transfer

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.

From Parks and Recreation Department

Authorize Supervisor to sign a Hold Harmless Agreement with Yorktown Schools

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

Authorize Comptroller to pay NorWest for 2017 Services

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

From the Planning Department

Award RFP for Traffic Study on Stoney Street and East Main Street

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.

From the Police Department

Authorize Police Department to purchase a construction trailer from the Yorktown Central School District for \$1.00

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.

From the Refuse and Recycling Department

Authorize Supervisor to sign agreement with USAgain for the Town’s Textile Recovery Program

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.

From the Engineering Department

Authorize Comptroller to do the following Budget Transfer

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.

Authorize Engineer to issue Stormwater Permit #FSWPPP-002-18 for 517 Giordano Drive for the purpose of constructing a patio

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.

Authorize Comptroller to accept Performance Bond received from Zappico Construction, LLC for the Orchard View Subdivision

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.

Authorize the Town Comptroller to accept the performance bond for Lowes Site Development

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.

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

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.

From Superintendent of Highways Dave Paganelli
Authorize Comptroller to release Escrow Deposit for Street Opening Permit #015-013 in the amount of \$1,000 - 2617 Gregory Street

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

9. **ADJOURN MEETING**

- A motion will be made to adjourn the Town Board meeting.

Dated: February 20, 2018

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN

AGENDAS ARE SUBJECT TO CHANGE

Americans with Disabilities Act: If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.