

Meeting of the Town Board, Town of Yorktown held on December 18, 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 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 Supervisor Gilbert, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker, 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 announced there is a link on the Town website for the public meetings. The Enbridge pipeline is progressing; they will be working through February and possibly beyond. Enbridge representative will be present at the January 15th Town Board meeting to give an update.

Supervisor Gilbert acknowledged residents' frustration with the traffic problems on Route 202 caused by the Lowe's project. His office has arranged with the developer to provide police presence at the site (at the developer's sole cost). Final roadwork will be completed in the spring. There will be some delays in the next two weeks.

Supervisor Gilbert also said his office has been in touch with NYSEG and Con Edison regarding efforts to storm harden their infrastructure in Yorktown. Altice has also been contacted to relocate their equipment to the new poles in Town so we can eliminate as many double poles as possible.

Supervisor Gilbert reported that the Town is moving forward on the rehabilitation of the pump stations and responses to requests for proposals from design professionals are due soon.

A meeting with the County Executive, George Latimer, was held to discuss topics of interest to the Town including, but not limited to, access to the \$10 million that the County is holding for the Hallocks Mill project to connect additional landowners to the sewers. The Town put forth a proposal on how those funds could be dispensed to save the Town money. Supervisor Gilbert also met with May Carpenter, the County's Commissioner of the Department of Senior Programs and Services to determine what additional services can be provided to Yorktown. He said they specifically asked about a senior daycare center but was advised from a County perspective that this was not practical because there are facilities in the County where costs can be subsidized and is income based. Most of these facilities are down County because of how the County utilizes funds received from the federal government.

Supervisor Gilbert has had meetings with Northern Westchester Watershed Committee at which time he presented the Town's plan to connect individuals currently on septic to the Hallocks Mill sewer system. Most of the members were in favor but the formal allocation will take place at a meeting to be scheduled in January.

State Senator Peter Harckham accepted the Supervisor's invitation to visit Town Hall so he could be presented with a list of items that the Town Board would like to see taken up with the State Legislature, including grants the Board would like to see pursued and legislation they would like to see adopted such as having the State pay taxes on 1,053 acres of state-owned parkland in the Town of Yorktown.

Supervisor Gilbert said he has been attending the Northern Westchester Joint Water Works meetings and have discussed the Joint Water Works budget for 2019.

Supervisor Gilbert mentioned Boy Scout Troop #164's successful coat collection that was kicked off at Town Hall. He also mentioned many of the activities that were held and in which he participated: Holiday Light Parade, Yorktown Menorah Lighting, Candy Drop by the Yorktown Fire Department, etc. He also attended the Wynwood Oaks Holiday Party, Seniors at the Beach Event, and the Eagle Scout Ceremony for Kevin Robert Burns, III.

The January schedule for Town Board meetings is as follows: January 8 – work session; January 15 – Town Board meeting; January 22 – work session.

DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana also mentioned the great turnout for the Holiday Light Parade and acknowledged Perry Gusikoff from Yorktown Auto Body for all of the food he prepared for the volunteers.

Councilman Diana said some of the problems with Lowe's project are because they are waiting for Verizon to come and take down telephone poles. He had a conversation with the head of Yorktown JAZ (the developer) and was told they have finally gotten to the point where Verizon is supposed to get there this week to take care of the intersection at Mohansic Avenue. Once that is done, they will be able to repave that strip which will be wider and relined so that it is safer for the traveling public.

Councilman Diana said that there will be the Ball Drop this New Year's Eve in conjunction with the Chamber of Commerce.

Councilman Patel mentioned the Yorktown High School students' presentation scheduled for this evening.

Councilman Lachterman reminded everyone that the Senior Advisory Committee is meeting this Friday and invited anyone interested to attend. The J.C. Hart Library is holding a blood drive on Wednesday, December 26th from 12:00 until 5:00 pm. He also congratulated Kevin Burns, III on his achieving Eagle Scout. He also mentioned the end of Eric DiBartolo's run as President of the Chamber of Commerce and thanked him for all of the work he did to promote business in Yorktown. Councilman Lachterman mentioned that it is difficult for business owners to do business in Westchester County and asked Supervisor Gilbert to keep that in mind in meetings with the County Executive. He discussed the mandatory background checks small business owners must do on employees and how much it costs.

PRESENTATION

A presentation on Water, Sewer, and Land Use Impact on the Environment was presented by Lakeland and Yorktown High School students: Michael Buchwald, Liam Schwartz, Paul Duffy, and Jenni Puglisi.

DURING COURTESY OF THE FLOOR, The following people spoke:

The following members of the public spoke:

John McMullen, Yorktown Poet Laureate, read an original piece regarding the "Mendoza Line" and its meaning to all fields of endeavor.

Eric DiBartolo, President of Yorktown Chamber of Commerce, spoke about the problems at Lowe's and said that the light as you come off the Taconic Parkway (southbound) is not in sync with the rest of the lights and the reason is it is not in sync has to do with a safety issue for workers who are working at an area by another traffic light. Mr. DiBartolo also spoke about the upcoming New Year's Eve Ball Drop and the sponsors of the event.

Supervisor Gilbert and the Town Board thanked Mr. DiBartolo for his dedication to the Town and as President of the Chamber of Commerce.

Mr. Tom Reagan, resident and Vice President of the Yorktown Athletic Club, asked about field usage fees for the upcoming seasons because they are approaching their registration period. Todd Orłowski, Superintendent of Parks & Recreation, said the Parks & Recreation Commission has information they are reviewing regarding fees and he anticipates decisions being made by the first Commission meeting in January. Councilman Lachterman suggested a motion to rollover what they were paying at Legacy for the use of Granite Knolls for the new year, since Legacy Field is closed. Mr. Orłowski suggested a special meeting of the Commission to settle this. Councilwoman Roker asked if this was done, does that mean the Town anticipates the fees for Granite Knolls will be similar to the fees for Legacy. Mr. Orłowski said that they are anticipating Granite Knolls fees to be slightly higher than Legacy. Supervisor Gilbert asked what the difference would be and Mr. Orłowski said anywhere between \$5 and \$10 per hour higher.

Councilman Diana made a motion to keep the fees the same for Granite Knolls for the upcoming year so the YAC could move forward. Councilwoman Roker stated that she is concerned that if the Commission has objectives to meet with the fee schedule for Granite Knolls and the Board votes for the same fees, the Commission's objective will not be met. Councilman Lachterman suggested only doing this for Yorktown clubs for 2019 since that should be the Board's priority. Councilwoman Roker asked if the Parks & Recreation Commission and Department were aware of their deadlines and was told by Mr. Reagan that their timing has never changed.

FEE SCHEDULE FOR GRANITE KNOLLS AND YORKTOWN ATHLETIC CLUBS
RESOLUTION #447

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

RESOLVED, the 2019 fee schedule for use of the Granite Knolls Sports and Recreational Facility by Yorktown sports clubs will be the same as the fee schedule used for Legacy Field.

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

A discussion took place regarding a fee schedule for use of the fields by the school districts. Councilman Lachterman and Councilman Diana felt that the schools should pay a fee, as well. Councilwoman Roker said that this is a situation that should be viewed as a partnership with the school districts.

Mr. Ed Ciffone, resident, asked to have the telephone that was in the Board Room to be returned. He also asked that the insurance requirement and fee to use the Board Room be waived for the United Taxpayers of Yorktown and they be scheduled for the last Wednesday of the month, as they had been in the past. Mr. Ciffone asked about the budget and the tax rate. He spoke about the fund balance and compared years. He said the budget has not changed, regardless of the majority of the Board. He wanted to see the budget reduced to zero. Councilwoman Roker attempted to explain that the number of the fund balance includes the \$6 million from Enbridge; there was never \$10 million available to the Board in the fund balance. She was concerned that the public is misinformed when Mr. Ciffone quotes a fund balance that is not correct.

Supervisor Gilbert said that the fund balance is a snapshot in time – the balance that Mr. Ciffone quoted was as of December 31, 2017. Within days or weeks after that, \$3 million of the \$10 million went to the Granite Knolls fields, an additional \$3.2 million was dedicated to the Veterans Road and Hill Boulevard capital projects. This brought the balance down to approximately \$4 million and that money the Town needs for other projects. He encouraged Mr. Roberts and Mr. Ciffone of the UTY to come and speak with him regarding the numbers, but does not want the public misled about the fund balance. The Town needs a healthy fund balance in order to be able to pursue grant money because the Town has to pay out the money first before being reimbursed by the grants. Supervisor Gilbert also stated the Town is required by the State Comptroller to keep at least 15 percent fund balance in terms of the General Fund. Supervisor Gilbert also stated that it is unhealthy to use fund balances to pay operational costs; it is to be used for capital projects – it is like using your savings account for daily living.

Mr. George Windsment, resident and member of Stop DWI, said the Governor Cuomo is planning to legalize marijuana in New York State and believes Senator Harckham will follow suit. Supervisor Gilbert, as well as Councilwoman Roker, said that they are not in favor of legalizing marijuana. Councilman Lachterman stated that he and Councilman Diana feel that they should have a law drafted in advance of any legalization that it will be illegal and to zone out any business that want to open to sell marijuana. Supervisor Gilbert said he would need to look into this because he is not sure that this is legal. Town Attorney Richard Abbate said that the Town might be able to zone out the businesses but not the usage. A discussion ensued regarding marijuana use and the consequences of its legalization.

Councilwoman Roker said that the Board should not only send the message to Albany but also published in the newspaper so the public will know where they stand.

Mr. Paul Moskowitz, resident, said that he understood the Town is considering a solar energy law. There is a group who would like to take a plot of land in a residential area, clear the trees, and put up a solar farm. He said that solar energy has a potential to replace fossil fuels, but so do trees. Trees are constantly taking carbon dioxide out of the air and storing it. If you take the trees down, this process stops, and what has been stored may be released. It is counterproductive for the Town to allow the cutting down of trees to install a solar energy facility. The Town needs to consider this very carefully. There are other open places that can house a solar energy facility, such as parking lots.

Mr. Tony Grasso, resident, said there are over 5,000 seniors over the age of 65 who are in the position of having to decide to buy either food or medicine, and he would like the Town Board to keep this in mind. Mr. Grasso also said that the way the County allocates funding to areas that are deemed not affluent is not correct – Yorktown is not a rich community. The cost of living here is high. Mr. Grasso said the budget mirrors the previous administration's budget and suggested being more conservative on spending. Mr. Grasso commented on various points of the budget and how it is determined. Municipal funding and budgeting are very different from other kinds of budgeting and people need to understand the differences in order to understand the budget.

Mr. Greg Bernard, resident, wanted to talk about the Planning Board attorneys. As a former liaison to the Board and former Town Board Councilman, he was satisfied with the legal representation. He does not feel the current legal representative interacts with the Planning Board enough and if the Supervisor would ask the department heads and the Planning Board members, they would tell him the prior representation was better. Mr. Bernard said this could be changed in the new year. The Planning Board needs someone who will help them get things done.

Supervisor Gilbert said, as liaison, he has not seen anything negative but will take Mr. Bernard's comments into consideration.

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

PUBLIC HEARING FOR CELESTIAL ROUTE 6 ASSOCIATES II, LLC TO AMEND THE ZONING OF PREMISES LOCATED AT CORNER OF ROUTE 6 AND MOHEGAN AVENUE

Town Supervisor Ilan Gilbert convened a public hearing to consider the request from Celestial Route 6 Associates II, LLC for premises located at the corner of Route 6 and Mohegan Avenue, in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.16, Block 1, Lot 21 totaling approximately 0.83 acres. The request is to amend the zoning of the parcel from O Zoning District to C-2 (Commercial Hamlet Center) District in accordance with Chapter 300 of the Zoning Code of the Town of Yorktown.

Mr. Daniel Richmond, attorney representing Celestial Route 6 Associates, a representative from JMC Site Development Consultants, and Mark Elman from Celestial Route 6 Associates came before the Board for a discussion regarding the proposed rezoning at the corner of Route 6 and Mohegan Avenue from O Zoning to C-2 in order to be able to effectively develop the property. Mr. Richmond showed the plans for the property which is a one lot, previously approved four-lot subdivision. The property owner has not been able to effectively market this lot in the current zoning, but has had to turn down several interested parties in the retail and restaurant uses. This rezoning request would allow for a more effective use of the property. They have already been before the Conservation Board, the Architectural Review Board, the Planning Board, and have

interacted with the Westchester County Planning Board who have all indicated that they are okay with this request. Upon retaining a specific user for the site, they will go back to the Planning Board for full environmental review. Significant traffic mitigations have been done for this site. Mr. Elman said a traffic analysis was done comparing the two different uses: a 2,000 square foot restaurant with a drive-thru and a 7,200 square foot retail use.

The following members of the public spoke:

Mr. Brian Dee, Shrub Oak resident, said he passes this site every day and the traffic is always an issue. He does not agree with the request to change the zone since they knew the zoning when they purchased the property. The Master Plan for Yorktown should be adhered to. Mr. Dee said that it does not matter what goes on the site, it will only increase the traffic problems and frustrate the residents and residents of surrounding communities.

Councilwoman Roker asked Director of Planning John Tegeder to approach the Board. She said the current zoning designation of this property did not come about because the people who do that for a living said it should be Office zone, but was done two former council members. She asked Mr. Tegeder to talk about the Planning Board's site plan approval for this property. He said it was originally zoned as Office, and approved a third building so there is a standing approval on it now for a bank. They went through a lot of traffic studies and traffic improvements that were done as mitigation. Although the traffic situation there is still terrible in terms of volume and the capacity of the two-lane road that is Route 6, is much better than it was prior to the development of this project.

Councilwoman Roker said the Sustainable Development study did look at and there had been discussions concerning the solution of doing the bypass for traffic going from Shrub Oak to beyond the Cortlandt Town Center. Those proposals were rejected by the Town of Cortlandt. Yorktown has reserved some right-of-ways that would help that. Councilwoman Roker asked him when he thought these would be done and Mr. Tegeder replied that probably when the situation becomes too unbearable. Councilwoman Roker said an agreement would have to be worked out with the neighboring towns. Mr. Tegeder said the history of Route 6 is making bypasses that the NYS Department of Transportation did. He said that the current portion of Route 6 that runs from the Taconic to the St. George Winery was done by DOT. DOT actually bought up land and created a right of way and then built Route 6. At first they built a two-lane road and to the north of that was what looked like a road bed that they prepared and rough graded in the event of a second two-lane road came which did about 20 years ago. This originally happened in the late 1950s/early 1960s and those things do not happen anymore. DOT does not have the will or the money to do those types of projects anymore. Councilwoman Roker said that if NYS were to give money for infrastructure improvement that it could possibly be done. Mr. Tegeder said they would need to have the will and/or desire to do this.

Mr. Dan Strauss, resident, said he recalled another project proposed across the street from this one on a vacant piece of land near the Audi dealership. A developer wanted to come in and put in an entire retail/office complex. He asked what the status of that project was and Mr. Tegeder said there are a couple of projects in that area, the Cipriani property called Envirogreen, and the Audi Dealership's expansion project. Both are still current projects. A discussion took place regarding these projects and the current properties and how they could be connected through their parking lots, thereby alleviating traffic on Route 6. He said, though, that the DEC will not approve this idea for the Cipriani property due to wetlands.

Supervisor Gilbert reviewed the comments received on this request from other interested boards and agencies.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilwoman Lachterman, seconded by Councilwoman Roker.

Mr. Richmond gave closing statements regarding the appropriateness of this request.

AWARD BID FOR THREE (3) NEW OR LOW MILEAGE 4 DOOR COMPACT SUVs TO BE USED AS OFFICIAL TOWN VEHICLES
RESOLUTION #448

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

WHEREAS, invitation to bid for three (3) new or low mileage four door compact SUVs to be used as Official Town Vehicles was duly advertised, and

WHEREAS, said bid was received and opened on the 18th day of December 2018, with the bid amount for the above-referenced vehicles summarized as follows:

<u>Bidder</u>	<u>Compact SUV Model</u>	<u>Amount</u>
Curry Honda	HRV-LX	\$20,900
Curry Honda	HRV-LX	\$20,900
Curry Honda	HRV-LX	\$20,900

NOW, THEREFORE BE IT RESOLVED, that the Town Board awards the bid to Curry Honda, 3845 Crompond Road, Yorktown Heights, NY 10598 for the purchase of three (3) 2019 HRV-LX Compact SUVs in the amount of \$62,700.00.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to process the following transfers to purchase three (3) Honda HRV LX's at \$20,900 each,

from:

A1420.437	Foreclosure Exp	\$25,000.00
A1220.810	Supervisor Medical	\$30,000.00
A1420.425.1	Labor Non Retainer	\$ 7,700.00

to:

A.1345.210	Vehicles	\$62,700.00
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Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted

APPROVE LEAD AGENCY STATUS FOR THE SEQRA REVIEW OF THE REZONING PETITION AND PROPOSAL FROM CONCRETE VENTURES, LLC FOR THE ROMA BUILDING SITE AND DEVELOPMENT PROJECT
RESOLUTION #449

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

WHEREAS, Concrete Ventures, LLC ("Concrete Ventures") is the developer of certain real property located at 2038 Saw Mill River Road in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 37.14, Block 2, Lot 33 totaling approximately 1.34 acres (the "Property"); and

WHEREAS, the entire Property is presently zoned C-3; and

WHEREAS, on October 23, 2018, Concrete Ventures filed a Petition for a rezoning of the subject Property from the C-3 Zoning District into the Transitional Zone (the "Rezoning"); and

WHEREAS, in conjunction with said Rezoning, Concrete Ventures has proposed constructing a four-story mix-used development consisting of high-end rental units, and approximately 9,300 square feet of retail on the ground level (the "Project," and together with the Rezoning, the "Action"); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project ("Involved Agencies") in accordance with SEQRA; and

WHEREAS, on November 13, 2018, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume lead agency status ("Lead Agency") in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to circulate a Lead Agency

coordination letter amongst the various Involved Agencies (“Notice of Intent”), together with a distribution package, including Part 1 of the Environmental Assessment Form (“EAF”), the Plan, and other relevant information submitted by Concrete Ventures, and notify said Involved Agencies that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to serve as Lead Agency with respect to the review of the Action, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk’s transmittal of the aforementioned documentation, and no other Involved Agency has objected to the Town Board serving as Lead Agency in connection with the SEQRA review of the Action; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action.

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

APPROVE LEAD AGENCY STATUS FOR THE SEQRA REVIEW OF THE REZONING
PETITION AND PROPOSAL FROM DP YORKTOWN (HILL PROPERTY) BUILDING SITE
AND DEVELOPMENT PROJECT
RESOLUTION #450

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

WHEREAS, DP Yorktown, LLC (“DP Yorktown” or “Petitioner”) is the contract purchaser of certain real property located at 571 East Main Street in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 17.08, Block 1, Lots 4 and 17 totaling approximately 19.3 acres (the “Property”); and

WHEREAS, the entire Property is presently zoned R1-20; and

WHEREAS, on or about September 18, 2018, DP Yorktown filed a Petition with the Town Board for a rezoning of the subject Property from the R1-20 Zoning District into the R-3 District (the “Rezoning”); and

WHEREAS, in conjunction with said Rezoning, DP Yorktown has proposed constructing 150 two-story rental apartments on the Property contained within eleven buildings (the “Project”), and has submitted a conceptual site plan and a full Environmental Assessment Form (“EAF”) under SEQRA and associated materials (together with the Rezoning, hereinafter the “Action”); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Action (“Involved Agencies”) in accordance with the SEQRA; and

WHEREAS, on or about October 2, 2018, the Town Board duly adopted a Resolution in which it (i) declared its desire and intent to assume Lead Agency status in connection with the SEQRA review of the Project under the New York State Environmental Quality Review Act (“SEQRA”); and (ii) directed the Town Clerk to transmit Part 1 of the EAF prepared by Petitioner and other materials submitted by Petitioner to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to assume lead agency status (“Lead Agency”) with respect to the coordinated review of the Project, under SEQRA and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk’s transmittal of the aforementioned documentation, and no other Involved Agency has expressed an interest in serving as Lead Agency in connection with the SEQRA review of the Rezoning Petition and the Project; and

WHEREAS, the Town Planning Board received and reviewed the Rezoning Petition, EAF, and other materials transmitted by the Town Board and Petitioner made a preliminary presentation of the Project to the Planning Board on or around October 15, 2018; and

WHEREAS, the Planning Board will participate in the Town Board’s coordinated environmental review of the Action by, *inter alia*, reviewing Petitioner’s submitted conceptual site plan and analyzing the environmental impacts of the Project and Rezoning Petition under SEQRA; and

WHEREAS, Petitioner shall submit the additional information necessary for the Town Board and Planning Board to analyze the environmental impacts of the Project and Rezoning Petition under SEQRA, including, but not limited to, traffic and parking analyses, wetland delineation, applicable storm-water, water, and sewer studies, and other socio-economic analysis, although Petitioner shall not be required at this juncture to submit comprehensive engineering drawings, elevations, utility plans, and other detailed plans, studies, and documents necessary to obtain Site Plan approval unless, in the judgement of the Town Board or Planning Board, such information is necessary to reasonably identify and analyze potential environmental impacts and potential mitigation measures that will aid the Town Board in identifying any potential significant adverse impacts and in its subsequent determination of significance under SEQRA; and

WHEREAS, Petitioner acknowledges that any decision or statements of the Planning Board with respect to the conceptual site plan review process or recommendations to the Town Board regarding the proposed Zoning Map Amendment for the Project in accordance with Section 300-206 of the Town Code and N.Y. Town Law Section 264, shall not constitute final determinations by the Planning Board concerning density, layout, etc., and;

WHEREAS, upon assuming Lead Agency status, the Town Board shall continue its coordinated review of the Rezoning Petition and, simultaneously, the Planning Board shall review the proposed action and advise the Town Board regarding any additional information that may be required, any potential impacts it identifies, develop and issue recommendations on the conceptual site plan, and develop recommendations to the Town Board on the Zoning Map Amendment; and

WHEREAS, in the event the Rezoning Petition is granted by the Town Board, Petitioner’s proposed redevelopment will require Site Plan approval from the Town Planning Board in full compliance with Chapter 195 of the Town Code; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency in connection with the SEQRA review of the Action.

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

AUTHORIZE COMPTROLLER TO ESTABLISH A CAPITAL PROJECT IN THE AMOUNT OF \$114,000

RESOLUTION #451

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

RESOLVED, that the Comptroller is authorized to establish a capital project in the amount of \$114,000 to be funded as follows:

- \$75,352 from the Library Fund Balance
- \$38,648 from the Library Trustees Deposit

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

AWARD BID FOR BATHROOM RENOVATIONS AT THE JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #452

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

WHEREAS, invitation to bid for the bathroom renovation of the John C. Hart Memorial Library located at 1130 East Main St., Shrub Oak NY 10588 was duly advertised, and

WHEREAS, said bids were received and opened on the 14th day of November 2018, with the bid amounts for the above-referenced project summarized as follows:

<u>Bidder</u>	<u>Amount</u>
Sherwani Contracting, Inc.	\$114,000
Nika Contracting Group, Corp.	\$123,000
Vinco Builders	\$137,600
Collier Construction, LLC	\$156,500
Pearl River Plumbing, Heating, & Electric, Inc.	\$168,168
Piazza Inc., Inc.	\$233,936
Manhattan Premier Construction, Inc.	\$257,350

NOW, THEREFORE BE IT RESOLVED, that the Town Board awards the bid to Sherwani Contracting, Inc. in the Amount of \$114,000.

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

RESCIND RESOLUTION #430 DATED DECEMBER 11, 2018
RESOLUTION #453

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

RESOLVED that Resolution #430, dated December 11, 2018, authorizing position of Staff Assistant to be moved from Grade 10, Step 5 of the CSEA Pay Scale as stipulated in the Agreement by and between the Town of Yorktown and CSEA, Local 1000 AFSCME, AFL-CIO January 1, 2016 to December 31, 2019 to Grade 14, Step 1 is hereby rescinded.

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

AUTHORIZE COMPTROLLER TO PAY FROM THE GRANITE KNOLLS CAPITAL PROJECT HA7110.201 FOR INSTALLATION OF THE PAVILION TO DEVITO BUILDERS
RESOLUTION #454

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

RESOLVED, that the Comptroller is authorized to pay from the Granite Knolls Capital Project HA7110.201 for installation of the pavilion to DeVito Builders, Inc., in an amount not to exceed \$34,500.

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

APPROVE MONTESANO BROTHERS INC., CHANGE ORDER M33
RESOLUTION #455

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

RESOLVED, that the Town Board approves Montesano Brothers Inc., Change Order M33 for modifications made to the protective field fencing and installation of net systems for the Granite Knolls Sports and Recreation Complex in the amount of \$51,902.08. Payment for this change order is offset by credit for unused line items of 0201.2 Earthwork – Rock Excavation and 0202 Unclassified Excavation that were included in the original contract awarded.

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

APPOINT CHRISTIAN CHAPARRO AS A PERMANENT POLICE OFFICER
RESOLUTION #456

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

BE IT RESOLVED, that Christian J. Chaparro of Yorktown Heights, New York, is hereby appointed permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-547, effective December 19, 2018 to be paid the contractual salary of \$55,193.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on December 19, 2018.

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

RELEASE BOND FOR PERMIT #BSWPPP-014-18 - KAMHI DRIVE IN THE AMOUNT OF
\$250 TO DANIEL MCKENNA
RESOLUTION #457

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

WHEREAS:

1. Daniel McKenna as applicant posted a check #1672 in the amount of \$250 which was deposited to the T33 account on April 25, 2018 to serve as the Performance Bond for construction of a pool at 3564 Kamhi Drive.
2. Daniel McKenna has requested the bond be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Daniel McKenna, 3564 Kamhi Drive, Yorktown Heights, NY 10598.

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

RELEASE BOND FOR PERMIT #T-WP-003-18 - JOURNEY'S END ROAD IN THE AMOUNT
OF \$1,000 TO CONTE HOMES, INC.
RESOLUTION #458

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

WHEREAS:

1. Conte Homes, Inc., as applicant posted check#1071 in the amount of \$1,000 which was deposited to the T33 account on April 25, 2018 to serve as the Performance Bond for tree remediation at 1515 Journeys End Road.
2. Conte Homes, Inc., has requested their money be released as the site work/tree planting is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, the above referenced \$1,000 bond be and is hereby released to Conte Homes, Inc., P.O. Box 142, Croton On Hudson, NY 10520.

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

Councilman Lachterman asked Todd Orlowski if the change order resolution for Montesano Bros. was an additional cost and what did the work entail. Mr. Orlowski explained that they bought a net barrier systems to protect spectators on the complex behind the end zones and the baseball diamond.

Councilman Diana asked about the new car purchase and if they were new cars or low mileage cars and was told by the Town Comptroller that they are 2019 cars with very low mileage.

Town Engineer Michael Quinn presented a resolution to create a capital project for the fluoride addition. It would authorize a transfer of funds from the water reserve fund, \$209,000 which is the amount of the professional service agreement, and that would be applied toward the design. Another transfer would have to be done a few months down the road for construction. This is just for the professional service agreement which is 100% reimbursable by the State Health Department.

Supervisor Gilbert said that the Town Board had discussed how they would like to move this project forward. The Town will be able to do this without jeopardizing other Town funds.

AUTHORIZE COMPTROLLER TO ESTABLISH A CAPITAL PROJECT IN THE AMOUNT OF \$209,000 FOR FLUORIDATION PROJECT
RESOLUTION #459

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

RESOLVED, the Town Board authorizes the Comptroller to create a capital Project for the design and construction of a facility to add fluoride to the drinking water supply and to transfer \$209,000 from the Water Reserve Fund to the project.

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

Supervisor Gilbert mentioned that in reviewing the pros and cons of adding fluoride to drinking water, he learned that not only is it important for children it is also very important for the senior population.

Councilwoman Roker thanked the Town Comptroller, Patricia Comptroller, for all of her help and guidance in the budget process.

MONTHLY REPORTS

Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board accepted the November 2018 Monthly Report from the Receiver of Taxes.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board Meeting was adjourned.

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN