

Meeting of the Town Board, Town of Yorktown held on Tuesday, August 14, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor  
Vishnu V. Patel, Councilman  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman

Also Present: Maura Weissleder, Deputy Town Clerk  
Richard S. Abbate, Town Attorney

Absent: Alice E. Roker, Deputy Supervisor

#### TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Supervisor Gilbert, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews, and discuss litigation and negotiations, as well as personnel issues. Upon motion made by Supervisor Gilbert, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

#### SENIOR ADVISORY COMMITTEE

Members of the Senior Advisory Executive Committee (Rosemarie Panio, Mary DeSilva, Gil Kaufman, Maria Fama, Jennie Menton, and Daryl Lindholm) came before the Town Board to discuss topics of current interest to the Committee, as well as areas of concern. They spoke of the programs they have had recently, courtesy of such organizations as Hudson Valley Hospital and RideConnect. Yorktown seniors and other club presidents have come to the Senior Advisory Committee to discuss some of their concerns: the huge increases in garbage fees for private roads, scooters on the track at Jack DeVito Memorial Field which makes many seniors nervous, requesting a senior discount for Cablevision, security at the ACCCC, senior discounts for shopping, the idea of a standalone Senior Center, and senior daycare. They will be pursuing more information regarding a senior daycare program that is operated out of Putnam County. Mrs. Panio asked about affordable housing options for seniors who are contemplating downsizing. She mentioned RideConnect as an option for those who are seeking transportation services. Mrs. Panio asked the Board if they knew the current status of the Beaver Ridge Apartments and the bedbug problem. Supervisor Gilbert said that they initially had the problem, it was taken care of, and is now back again. He said that he spoke to the Department of Health who told him that bedbugs are considered a public nuisance rather than a public health issue. Mrs. Panio stated that the residents are fearful to speak out. The Senior Advisory Committee meets the third Friday of the month and future issues on the agenda for discussion include a tax options meeting with the Sole Assessor; Dr. Hattar, Superintendent of Yorktown Schools, will come to see how the high schoolers and seniors can get together; Hudson Valley Hospital's four new lunch and learn sessions regarding senior nutrition. Mrs. Panio said the Committee is actively looking for ways to keep our seniors here, healthy, and close to family and friends. She thanked the Town Board for their support and looks forward to working with them. Supervisor Gilbert said all of their issues are valid; some obvious and some not. He said he will try to address the issues as much as is practicable. He thanked the group for bringing these issues to the Board's attention; if it was not for their efforts in keeping the light shining on these concerns, they might not be addressed at all. Supervisor Gilbert said that the Town needs more options for living, shopping, and daily life. He is introducing a committee to help with substance abuse and mental health issues. This applies to senior citizens, as well. He mentioned a movie he would like shown at one of the Senior Committee's meetings, "Resilience," which discusses the balance and the relationship between our physical and mental wellbeing. Regarding senior daycare, Supervisor Gilbert said that federal funding was made available and given to each county. Since Westchester County has a much larger population, the money was disbursed among municipalities instead of concentrating it in one area, such as adult daycare. Jennie Menton said that tax season is coming and there are many seniors who cannot pay their tax bill. She asked if a program can be set up to make monthly payments instead of a lump sum. If not, can a program be created? Town Attorney Richard Abbate said that state law does not allow the Town to take monthly payments. Supervisor Gilbert said that maybe the Board has to speak to our state legislators about reconsidering this. A discussion ensued regarding overmedication of controlled substances and senior citizens.

APPOINTMENT OF POLICE OFFICER DANNY N. DAVID TO YORKTOWN POLICE DEPARTMENT  
RESOLUTION #281

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

BE IT RESOLVED, that Danny N. David is hereby appointed Police Officer in the Town of Yorktown effective August 22, 2018 to be paid \$55,193.00 annually;

BE IT RESOLVED, contingent upon successful completion of a medical and psychological examination,

BE IT FURTHER 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 August 22, 2018.

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

AUTHORIZATION TO SIGN LETTER OF ENGAGEMENT WITH O'CONNOR DAVIES  
RESOLUTION #282

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

RESOLVED, that the Town Supervisor is authorized to sign an engagement letter with O'Connor Davies, LLP, 500 Mamaroneck Avenue, Suite 301, Harrison, NY 10528 to serve as the Town's outside auditors for fiscal years 2018, 2019, 2020, 2021, and 2022 at the following annual rates:

	<u>Audit Fee</u>	<u>NYS DOT Certification of Rules &amp; Regulations</u>
2018	\$61,400	\$2,500
2019	\$61,400	\$2,500
2020	\$61,400	\$2,500
2021	\$62,600	\$2,500
2022	\$63,750	\$2,500

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

REPLACEMENT OF BOILER NO. 3 AT THE AACCCC BUILDING

Margaret Gspurning, Building Maintenance Department, came before the Board to report that Boiler No. 3 at the AACCCC building, which is both the gas and oil burner, is completely beyond repair and needs replacing. She would like the Board to authorize a bid for the replacement and installation of Boiler No. 3, and removal of same. The money will come from the Contingency fund. Mrs. Gspurning reported that potentially all of the boilers in that building will have to be replaced. Another boiler will need to be replaced next year. The new boilers will have a different cooling system than the old ones and no asbestos abatement will be needed, although Mrs. Gspurning said she will have the oil company check for asbestos. The boiler being replaced is at least over 20 years old.

ADVERTISE FOR NEW BOILER AT AACCCC  
RESOLUTION #283

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

RESOLVED, the Town Board authorizes the Town Clerk to advertise a bid for the purchase and installation of a new boiler for the Albert A. Capellini Cultural and Community Center and removal of the existing Boiler No. 3.

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

TOWN-WIDE PHONE SYSTEM

Margaret Gspurning, Building Maintenance Department, along with Hank Becker and Paul Downing, representatives from Magna Five, came before the Town Board to discuss a new town-wide phone system. The phone system they are recommending is a computer “hosted” switch system installation where the customer purchases the network and phones. The system is called a PBX system which also has wireless capability. The system has an application that can be downloaded onto a smart phone that would allow you to continue working during power outages or from another location. There would be a cellular wireless backup for the Town Hall, Police Department, etc. The phones and equipment would cost approximately \$20,000 which would be the cost for moderate phones that have fewer functions, but are considered to be sufficient for our uses. There would be separate wiring for the computer network. This wiring would cost approximately \$35,000. Magna Five is now a national company (three years ago they were only local). They have supplied some areas in southern Westchester. Each of the Town buildings would have an internet connection that will be tied into Magna Five’s switch. Mrs. Gspurning stated that this company came in with the best price and the best monthly savings – right now, the Town pays about \$6,000 per month versus Magna Five’s estimate of \$2,700 per month. The Town also currently splits the \$6,000 a month among many vendors which makes tracking and payment a cumbersome process. This would be one payment to one vendor. She requested that the Town Board consider a resolution to move forward for funding. The Town Board said they will consider a resolution at the next Town Board meeting on September 4, 2018.

PURCHASE OF VEHICLES FOR HIGHWAY DEPARTMENT

Highway Superintendent David Paganelli came before the Board to request a budget transfer of \$350,000 from the fund balance into the equipment line for the purpose of buying vehicles for the Highway Department. The department is also short of about \$120,000 in paving money, and he would like to transfer this amount from the equipment line into the paving line. Mr. Paganelli said he is holding off on the purchase of a couple of vehicles until grant money comes through.

AUTHORIZE BUDGET TRANSFER FOR PAVING  
RESOLUTION #284

Upon motion made by Supervisor Gilbert, seconded to Councilman Diana,

BE IT RESOLVED, that the Town Board authorizes the following budget transfer for Highway Department for additional paving of roads

From:		
D.5110.201	Highway Equipment	\$120,000.00
To:		
D5112.210	Highway Paving	\$120,000.00

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

ADDITIONAL STOP SIGNS

Highway Superintendent David Paganelli raised the issue of stop signs in two locations in Yorktown. He is requesting that the Town Code be amended to include four stop signs at the intersection of Underhill Avenue and Hanover Road, as well as at the intersection of White Hill Road and Mohansic Avenue. He will also be dealing with the NYS DOT to obtain the additional stop signs.

AUTHORIZATION TO ADVERTISE PUBLIC HEARING AMENDING CHAPTER 275,  
ARTICLE 1 – ADDING FOUR STOP SIGNS AT UNDERHILL AND HANOVER  
RESOLUTION #285

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

RESOLVED, the Town Board hereby authorizes the Town Clerk to advertise a public hearing to be held on the 25<sup>th</sup> day of September, 2018 at 7:30 o’clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” by adding four stop signs at Underhill Avenue and Hanover Street which would make this intersection a four-way stop.

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

AUTHORIZATION TO ADVERTISE PUBLIC HEARING AMENDING CHAPTER 275,  
ARTICLE 1 – ADDING FOUR STOP SIGNS AT WHITE HILL ROAD & MOHANSIC AVE.  
RESOLUTION #286

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

RESOLVED, the Town Board hereby authorizes the Town Clerk to advertise a public hearing to be held on the 25<sup>th</sup> day of September, 2018 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," Article I, entitled "Traffic and Parking Regulations," by adding a stop sign at White Hill Road and Mohansic Avenue.

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

WEYANT PROPERTY

Joe Riina (Site Design), John DeVito (Developer), and John Tegeder (Director of Planning) came before the Board to discuss the design options of the proposed buildings on the Weyant Property. The more recent plan is the one from the mini-master plan that was recently done – there would be a common entrance/exit that both the Weyant and Roma properties would be able to use and is the incorporated traffic improvement being vetted with the NYS DOT. One of the main features that is key to this is the entrance to the Falkenburg property (old Cablevision property) which would be the elimination of the left turn and push it further up the road because this is a major traffic jam area. This would need Mr. Falkenburg's cooperation. The sidewalk area of the Weyant project and the Roma project would need to be deeded to the DOT. This procedure involves a lot of property lost to Mr. DeVito and the owners of the Roma Building. The entrance slated for Hamblyn would be eventually for emergencies only and would be gated off. The DOT wants the land dedication completed before they issue a permit for this entrance, although there is a possibility of being allowed to do this configuration up front. This plan is based on an R-3 zone. The townhouse plan (23 units) provides less loss of units than the duplex plan. Since the dedication of the sidewalks to the DOT also resulted in a loss of parking spaces for Mr. DeVito's project. Supervisor Gilbert was concerned about sufficient parking being provided. Mr. DeVito and Mr. Riina believe they have sufficient parking. Mr. DeVito is asking for direction from the Board because he has spent a lot of time working with the Board on this. Mr. Riina said that the project can be done as R-3 or transitional zone. Buffers on the property lines were discussed. The townhouse plan has a smaller buffer area with less occupants and the multi-story building has more of a buffer with a greater number of occupants. Mr. DeVito feels that his plans seem fit with what the Town wants for the direction of the Heights area. Councilman Lachterman asked about Mr. Greeley's impressions of the meetings he had with DOT. Mr. DeVito said this has to be a partnership between the public sector and the private sector because the DOT has no money and were very upfront about this. If DOT does not give the green light for the 202 entrance, Hamblyn would be used until DOT finishes their land dedication process. Mr. Riina made the suggestion that Hamblyn could be posted with No Parking signs. Mr. DeVito said that he needs a direction from the Town Board in order to move forward. The DOT said just getting the sidewalk easements could take a year, which Mr. DeVito doesn't have a problem with, but he needs to move forward from the last two years. Kenneth McGevna, a resident, said that he was not happy that no one ever asked him about his concerns, and he is a direct neighbor. He stated that Mr. DeVito did not address any of their concerns. He never had any response to his emails to the Board. He said that the traffic concerns are not being addressed realistically or sufficiently. He would rather see a lower density (the townhouse development – which doesn't have as great a buffer). John Tegeder said that in terms of the three story building, you should consider that as the buildings move in towards themselves, it creates a less intrusive effect. Buildings built closer to the property line have the potential to look bigger than the multi-story building that is set farther into the property. He said the Town should want to accommodate the mini master plan because it benefits the entire downtown in terms of handling traffic. This offers some solution to the problem or, at the very least, some improvement. Mr. DeVito said that if we go with the townhouse plan, he will require transitional zone. Mr. Tegeder said the three story apartments (36) would have less impact on the neighbors. Councilman Lachterman said the two multi-story buildings seem to work for the Route 202 side and the screenings will be better for the neighbors. A decision will most likely be given at the September 4<sup>th</sup> meeting as to which plan the Board will approve.

## TOWN ROOFS

Richard Kuhn from the Garland Group has worked with the Town through the public bidding process in the past and with US Communities contracts. He is a building envelope expert in roofing and masonry. He showed aerial photos of the water department building and did infrared scans of the building that showed thermal images indicating where water is being retained. Infrared helps with tough-to-find leaks, and whether or not a roof needs a retro fit or total replacement. The Water Department roof definitely needs a new roof from structural damage done as a result of a tree strike through the roof during the winter storms – a second past puncture was also discovered. Town Hall shows about an inch of water trapped between the old and the new roof on the skateboard park side of the building. The old roof is actually what is protecting the building from the water coming in. This is also a complete tear off and replacement. The water needs to be pumped out first and the roof dried out. The start would be at the Water Department – he listed out the priority of the steps which would cost approximately \$32-42,000. The Court House would require metal cladding systems for the walls – many of the issues there are related to rising walls and masonry issues. The Police Department is in a bad way, as well, also with masonry issues. Many of these issues are very challenging. These projects are all ready to be done now, but Mr. Kuhn factored in a five-year spread because of the amount of money involved. He showed visuals of some of the projects his company has worked on. Councilman Lachterman brought up the issue of mold in some of the town locations. The Police Department has the potential to have mold. Supervisor Gilbert said the Board will have to have internal discussions and consider the safety of the public and the employees. He stated that the Town does have monetary constraints but will have to see what can be done. Margaret Gspurning, Buildings & Maintenance, said she would like to have this vetted to see if we can piggy back onto US communities and work with this cooperative.

## VEHICLE PURCHASE FOR BUILDINGS & MAINTENANCE

Margaret Gspurning, Building Maintenance Department, came before the Board to request the purchase of a truck for the Building and Maintenance staff. The money is in the budget to cover this purchase. Parks and Recreation has been allowing them to use their trucks. The purchase of a truck would allow them to go from job to job without having to backtrack and lose time.

## AUTHORIZATION TO PURCHASE VEHICLE FOR BUILDING MAINTENANCE DEPT. RESOLUTION #287

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

RESOLVED, the Town Board authorizes the Building Maintenance Department to purchase the following vehicle from Westchester County Contract #BPS-5617 and #RFB-WC-18038:

2019 Ford Transit Connect from Country Ford Mercury Inc./Vance Country Ford with Weatherguard package from TCD Cellular Communications Inc. (The Cruisers Division)

for a total cost of \$28,253.59.

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

## LANDMARKING THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER

Christine Sisler, Lynn Briggs, and Dr. Edward Pell (Landmark Commission) came before the Board to discuss the landmarking of the Albert A. Capellini Cultural and Community Center. Ms. Briggs thanked those who helped her prepare the study for the landmarking process. This is a landmarking request, not a Homes of Distinction request. The process requires that she explain what they are landmarking; in this case it is only the building not the property. She would like to see the plaza area included in this request (benches, monuments, flagpole). Ms. Briggs presented why this building should be landmarked and how it meets the criteria. It is connected to significant people in the past: Mildred E. Strang, Rose-Marie Menes, Kevin Kearins. Councilman Diana asked if it is landmarked, does it need to stay that way in perpetuity and Ms. Briggs said any changes to the outside can be done as long as the changes are within the accepted style of the landmarking. The cost would be \$1,800 for the designation plaque. The Town Board directed the Landmarks Commission to proceed with the application process.

## AUTHORIZATION TO REFER LANDMARKING APPLICATION TO VARIOUS AGENCIES RESOLUTION #288

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

RESOLVED, the Town Board has authorized the referral of the application to landmark the Albert A. Capellini Community and Cultural Center to various relevant agencies.

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

#### PROPOSED TREE ORDINANCE

Linda Miller, member of Advocates for a Better Yorktown (ABY), and Bill Kellner (Tree Commission) came before the Board to discuss the second draft of the proposed tree ordinance. Ms. Miller said they have incorporated comments and suggestions from individuals and from previous meetings. She is asking for a referral of this version of the law so that a public hearing can be set. Ms. Miller stressed that strong mitigation needs to be a part of this law, especially in consideration of the proposed Solar Facility Local Law. Supervisor Gilbert stated that there will have to be a consideration and balance between the preservation of the trees and a move forward towards energy efficiency. Ms. Miller said that this version of the proposed law is mindful of the rights of the individual homeowner. Planning Director John Tegeder stated that his broadest comment of the proposed version is that it could benefit from more conciseness and clarity. A law such as this where permits are required needs to be as simple as possible. Councilman Lachterman said there seemed to be a lot of administrative work on the part of the property owner and town employees in the last draft. Ms. Miller said much of the administrative requirements have been cleaned up. She said it is a difficult task because, on one hand, they are being asked to be explicit so that everyone can understand the law and, on the other hand, they are being told that the language is onerous. Councilman Diana stated that much of what is in the law already exists in requirements by other departments/entities. He said that trees located near power lines need to be addressed. Ms. Miller said it has been addressed in the new draft. Bill Kellner (Tree commission) said that one thing they liked in the 2016 law was the 24” specimen tree provision and the original ABY recommendation brought that down to 18” which caused some debate. This is being removed from the proposal by the ABY. The Tree Commission is unanimous in keeping the specimen tree provision. Supervisor Gilbert asked Ms. Miller what is ABY’s problem with this provision and she said some of the Town Board members were uncomfortable with the idea of people needing a permit to take down one tree and which is required by a specimen tree provision and that is why it was removed. She said that fees for permits will need a Town Board decision. John Tegeder said that 30% bonding for mitigation can turn into a big deal for a homeowner. He also mentioned the lengthy process required to take down a tree. Councilman Diana asked Bill Kellner what he thought of the current standing law and Mr. Kellner replies that reinstating buffers on property edges is a good idea; the law should apply to town-owned properties; a definition of woodland should be included; the 30% threshold of clearing a woodland needs work – the applicant needs a clear idea of when they will hit the threshold.

The Town Board approved a 30-day referral of the proposed law once a referral-ready document is completed and sent to the Town Clerk and after they have had a chance to review it.

#### AUTHORIZATION TO REFER PROPOSED CHANGES TO THE TREE ORDINANCE

##### RESOLUTION #289

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

RESOLVED, the Town Board hereby authorizes the Town Clerk to refer out the proposed changes to Chapter 270 “Trees” to the appropriate agencies.

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

#### RESOLUTIONS

##### AUTHORIZE SUPPORT CONNECTION TO DECORATE POSTS ALONG COMMERCE STREET

##### RESOLUTION #290

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

Resolved, that the Town Board authorizes Support Connection to decorate posts along Commerce Street with pink and teal ribbons from Route 202/118 intersection to the Yorktown Fire House during the period starting the week of Labor Day through Monday, October 8, 2018.

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

AUTHORIZE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME DUE TO RETIREMENT – SHARON KULLBERG  
RESOLUTION #291

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Sharon Kullberg the cash value of unused time as of her retirement date:

Rate of Pay: \$37.1051

Sick	235.25 hours @	50%	=	117.63 hours
	117.63 hours x	\$37.1051	=	\$4,364.68
Vacation	32.50 hours x	\$37.1051	=	\$1,205.92
Floating Holidays	5.50 hours x	\$37.1051	=	\$ 204.08
Total				\$5,774.68

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

From:		
L909.8	Library Reserve for Employee Accrued Benefits	\$4,364.68
L7410.101	Library Salary	\$1,410.00
To:		
L7410.108	Library Lump Sum Payments	\$5,774.68

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

AUTHORIZE COMPTROLLER TO DO THE BUDGET TRANSFER – HIGHWAY DEPARTMENT  
RESOLUTION #292

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

BE IT RESOLVED, that the Town Board authorizes the following budget transfer for Highway Department for additional paving of roads

From:		
D.5110.201	Highway Equipment	\$120,000.00
To:		
D5112.210	Highway Paving	\$120,000.00

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

AUTHORIZE REFUND OF STREET OPENING PERMIT  
RESOLUTION #293

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

RESOLVED, that upon recommendation by the Highway Superintendent the Town Board authorizes the Town Comptroller to release the following refund:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund To:</u>
Street Opening	016-005	\$1,000.00	Lee Blvd.	Timothy Andrews Verizon Communications 10 Pinewood Road Poughkeepsie, NY 12603
Street Opening	016-006	\$1,000.00	Lee Blvd.	Same as above
Street Opening	016-007	\$1,000.00	Hill Blvd.	Same as above

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

AUTHORIZE RELEASE OF BOND FOR PERMIT #BSWPPP -011-17 – WESTCHESTER MODULAR RESOLUTION #294

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

WHEREAS:

1. Westchester Modular as applicant for a land development project at the Ciccarello residence at 1779 West Road, posted check #52926 in the amount of \$250 to serve as the Performance Bond, which was deposited into the T33 account on May 25, 2017 for permit #BSWPPP-011-17.
2. Westchester Modular as applicant for a land development project at the Rodriguez residence at 2464 Hunterbrook Road, posted check #51648 in the amount of \$750 to serve as the Erosion Control Bond and Wetland Bond, which was deposited into the T33 account on October 31, 2016 for permit #WP-FSWPPP-062-16.
3. Westchester Modular as applicant has requested monies be released as the work on both properties is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the properties and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies totaling \$1,000 be released to Westchester Modular, 1995 Route 22, Brewster, NY 10509, Attn: Mr. Vincent Leto or Patrick Fahey.

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

AUTHORIZE COMPTROLLER TO DO BUDGET TRANSFER – SEWER DEPARTMENT RESOLUTION #295

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

RESOLVED, the Town Comptroller is authorized to make the following budget transfers:

1. \$253,638 from Sewer Fund Balance into YS.8130.479 Special Projects
2. \$231,500 from Sewer Fund Balance into YS.8130. 479.3 Special Projects Hallocks Mill Sewer Build Out

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

ACCEPT PERFORMANCE BOND FOR PUMP STATION UPGRADE BID – KINGS CAPITAL RESOLUTION #296

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

WHEREAS:

1. The Town Board awarded the Pump Station Upgrade Bid at the Town Board Meeting of May 22, 2018 and amended June 19, 2018, to Kings Capital Construction Company, Inc., for a total bid amount of \$1,995,000 for the construction portion of the project.
2. Kings Capital Construction Company, Inc., as Applicant, provided the Town with Colonial Surety Company Performance Bond #CSC-225286, in the amount of \$1,995,000.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

NOW THEREFORE BE IT RESOLVED, that the delivery of the required project Performance Bond has 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 ENGINEER TO ISSUE THE FOLLOWING PERMITS TO SEARS/SERITAGE - #T-FSWPPP-026-18 -STORMWATER, TREE PERMIT RESOLUTION #297

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

RESOLVED, that the Town Engineer is authorized to issue Stormwater, and Tree Permit #T-FSWPPP to Sears/Seritage for Approved Site Plan Work at the Jefferson Valley Mall.

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

SET PUBLIC HEARING FOR PETITION RECEIVED FROM STEP MURPHY, LLC, GRACE FAMILY REALTY, INC. AND UNDERHILL REALTY MANAGEMENT, LLC FOR A SEWER MAIN EXTENSION RESOLUTION #298

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

RESOLVED, the Town Board hereby authorizes the Town Clerk to advertise a public hearing to consider a Petition for a sewer extension in the Hallocks Mill Sewer District regarding a project proposed by Step Murphy, LLC, Grace Family Realty, Inc., and Underhill Realty Management, LLC for property bordered by Route 118, Underhill Avenue, Kear Street, and adjacent commercial properties for September 4, 2018.

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

SET PUBLIC HEARING FOR CATSKILL AQUEDUCT REPAIR AND REHABILITATION RESOLUTION #299

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

RESOLVED, the Town Board hereby authorizes the Town Clerk to advertise a public hearing for the Catskill Aqueduct Repair and Rehabilitation Project being done by the New York City Department of Environmental Protection, Capital Improvement Project for September 25, 2018.

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

ADJOURN MEETING

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board meeting was adjourned.

---

MAURA WEISSLEDER  
DEPUTY TOWN CLERK  
TOWN OF YORKTOWN