

Meeting of the Town Board, Town of Yorktown held on January 19, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss the employment history of a particular person.

Upon motion made by Supervisor Grace, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING REPORTS TO THE TOWN, Supervisor Grace introduced the new Town Attorney Michael McDermott. He also noted that the former Town Attorney Jeannette Koster was present and thanked her for 6 years of exemplary service to the Town.

Town Attorney Michael McDermott stated he was happy to be here.

Mrs. Jeannette Koster stated she enjoyed her time here but is fulfilling a lifelong goal to open her own practice which she is doing in Yorktown because she loves the community.

DURING REPORTS FROM THE TOWN COUNCIL, Councilman Patel spoke about an Eagle Scout Ceremony he attended and congratulated all of the Intel Science honorees.

Councilman Lachterman stated that there are vacancies on several boards and if anyone is interested they should contact the Supervisor's office. He also mentioned that the WWII Four Chaplains Memorial Service which will be held on February 1, 2016 at 2:00 PM at the Veterans Legion Post #1009.

Councilman Bernard stated that all of the Town Board's contact information is on the Town's website at www.yorktownny.org.

PRESENTATION

Mr. Brian Amico explained that Competition Carting is changing its fleet of garbage trucks over to natural gas and there are currently only two places that you can fill up in Westchester County. The closest facility is in the Valhalla area and because of this they will be changing some of the Garbage and Recycling Routes for this year. Some residences will move from Monday and Thursday to Tuesday and Friday and vice versa depending on where you live. All residences affected by this change will be notified by Competition Carting and it will also be in the local newspaper. The new schedule will begin the first week of April.

REAPPOINT DAVID MCCONNELL TO THE ADVISORY BOARD OF ARCHITECTURAL AND COMMUNITY APPEARANCE
RESOLUTION #38

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

BE IT RESOLVED, that David M. McConnell is hereby reappointed as a member of the Advisory Board of Architectural and Community Appearance for a three year term expiring December 31, 2018.

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

REAPPOINT DIANE DREIER TO THE CONSERVATION BOARD
RESOLUTION #39

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

BE IT RESOLVED, that Diane Dreier is hereby reappointed as a member of the Conservation Board for a three year term expiring on December 31, 2018.

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

REAPPOINT WILLIAM LASCALA TO THE CONSERVATION BOARD
RESOLUTION #40

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

BE IT RESOLVED, that William LaScala is hereby reappointed as a member of the Conservation Board, for a three-year term expiring December 31, 2018.

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

REAPPOINT AL AVITABILE TO THE PARKS AND RECREATION COMMISSION
RESOLUTION #41

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

BE IT RESOLVED, that Al Avitabile is hereby reappointed as a member of the Parks and Recreation Commission for a seven-year term expiring on December 31, 2022.

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

REAPPOINT ROBERT FAHEY TO THE ZONING BOARD OF APPEALS
RESOLUTION #42

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

BE IT RESOLVED, that Robert Fahey is hereby reappointed to the Zoning Board of Appeals for a five-year term expiring on December 31, 2020.

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

REAPPOINT WILLIAM GREGORY ALTERNATE MEMBER TO THE ZONING BOARD OF APPEALS
RESOLUTION #43

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

BE IT RESOLVED, that William Gregory is hereby reappointed as an alternate member of the Zoning Board of Appeals for a five-year term expiring on December 31, 2020.

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

PUBLIC HEARING TO AMEND CHAPTER 300 TO REZONE PORTIONS OF THE ZONING MAP

Supervisor Michael Grace convened a public hearing to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING”, by rezoning portions of the following lots on the Tax Map from the R1-20 Zoning District to the C-2R and R-3 Zoning Districts: Section 26.18, Block 1, Lots 11, 12, 13, 14, 15, and 16 (±20.29acres); Section 26.18, Block 1, Lot 9 (±2.59 acres) Section 26.18, Block 1, Lot 10 (±0.73acres) Affidavits of Posting and Publication were presented by the Town Clerk.

Susan Siegel asked that the Town Board hold off on voting on this proposed local law because she felt there was confusion on what lots were being rezoned.

Ms. Ann Cutignola, Tim Miller Associates, explained that there was an outdated map and it was replaced months ago. The metes and bounds description as well as the map on file is the correct parcels to be rezoned.

Supervisor Grace stated that he had no misunderstanding on what he was voting for during the public hearing for the rezoning of these parcels.

Councilman Patel explained that he abstained at the rezoning public hearing because he did not see the updated map.

Councilman Bernard stated that he also knew what parcels were being rezoned.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Supervisor Grace, seconded by Councilman Bernard and carried.

LOCAL LAW #1 OF 2016 TO AMEND CHAPTER 300 TO REZONE PORTIONS OF THE ZONING MAP IN CONJUNCTION WITH CROMPOND TERRACES REZONING RESOLUTION #44

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

WHEREAS, a public hearing was held on the 19th day of January, 2016 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

Portions of the following lots on the Tax Map of the Town of Yorktown are rezoned from the R1-20 Zoning District to the C-2R and R-3 zoning districts:

- Section 26.18, Block 1, Lots 11, 12, 13, 14, 15, and 16 (±20.29acres);
- Section 26.18, Block 1, Lot 9 (±2.59 acres)
- Section 26.18, Block 1, Lot 10 (±0.73acres)

RESOLVED, that Local Law #1/2016, be and is hereby adopted. The question of the adoption of the foregoing Local Law was duly put to a vote on rollcall, which resulted as follows:

Supervisor Michael Grace	Voting	Aye
Councilman Vishnu Patel	Voting	Aye
Councilman Gregory Bernard	Voting	Aye
Councilman Thomas Diana	Voting	Aye
Councilman Edward Lachterman	Voting	Aye

Local Law #1 of 2016 is hereby duly adopted.

PUBLIC HEARING
REQUEST TO AMEND A SPECIAL USE PERMIT FOR MOBIL GAS STATION

Supervisor Michael Grace convened a public hearing to consider the application received from Mobil Gas Station Convenience Store for an amendment to their Special Use Permit.

The request is to approve the demolition of an existing 1000 square foot convenience store and the construction of a new 3000 square foot convenience store at the Mobil Gasoline Station located at 2035 Saw Mill River Road also known as Section 37.14, Parcel 2, Lot 51 on the Tax Map of the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

Susan Siegel asked if the Planning Board responded to this project with any comments.

Councilman Bernard asked if the canopy could be shingled so that it would be more aesthetically pleasing.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was adjourned. Upon motion by Supervisor Grace, seconded by Councilman Diana and carried.

PUBLIC HEARING

REQUEST FOR A WETLANDS/GENERAL PERMIT FOR SHRUB OAK COMMUNITY ASSOCIATION PARK DISTRICT

Supervisor Michael Grace convened a public hearing to consider the application received from the Shrub Oak Community Association Park District for a Wetlands/General Permit to add a herbicide application to Mountain Brook Pond located at the intersection of Mountain Brook Road and Ravine Street, Shrub Oak, NY 10588. Affidavits of Posting and Publication were presented by the Town Clerk.

Bruce Barber, Environmental Consultant gave an overview of the project.

No public comment was received.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Councilman Bernard, seconded by Councilman Diana and carried.

DECLARE LEAD AGENCY/NEGATIVE DECLARATION - WETLANDS/GENERAL PERMIT FOR SHRUB OAK COMMUNITY ASSOCIATION PARK DISTRICT RESOLUTION #45

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

WHEREAS, the applicant proposes to maintain, preserve and enhance the quality of Mountain Brook Pond and,

WHEREAS, the applicant has submitted a wetland permit application plan which provides details of the activities that are proposed to reduce overgrowth of aquatic vegetation in the pond which include the use of an herbicide (Clearcast) and an algaecide (Cutrine Plus) (the action), and

WHEREAS, the action is located in a Town of Yorktown jurisdictional wetland, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled "Freshwater Wetlands" a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown wetland permit application (WP-72-15) dated August 26, 2015, and

WHEREAS, the action is located in a New York State Department of Environmental Conservation (NYSDEC) regulated water body, and

WHEREAS, the applicant has received a NYSDEC Article 24 Freshwater Wetlands Permit, ID Number: 3-5554-00319/00001 (effective June 24, 2015, expiration September 9, 2016) as well as a NYSDEC Aquatic Pesticide permit ID Number: 3-5554-00319/00002 (effective June 24, 2015, expiration September 9, 2016) for the proposed action, and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), and

WHEREAS, October 6, 2015, the Town Board referred the application to the following staff, consultants and advisory boards for comment:

Acting Town Engineer
Conservation Board
Planning Director
Town Attorney
Town Environmental Consultant

and

WHEREAS, the Town Board has not received any negative comments from the referral, and

WHEREAS, the Town Board has reviewed and carefully considered all correspondence that has been received in response to the action, and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared Lead Agency on January 19, 2016, and

WHEREAS, a public hearing on the permit application was conducted on January 19, 2016, and

WHEREAS, the public hearing for the Wetland Permit is hereby closed; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action will not have a significant adverse impact on the environment and therefore

BE IT RESOLVED THAT, the following plan is approved subject to compliance with the below-listed conditions found in the following documents:

- Wetland Permit Application WP-072-15 dated August 26, 2015.
- NYSDEC Article 24 Freshwater Wetlands Permit, ID Number: 3-5554-00319/00001 (effective June 24, 2015, expiration September 9, 2016).
- NYSDEC Aquatic Pesticide permit ID Number: 3-5554-00319/00002 (effective June 24, 2015, expiration September 9, 2016).

BE IT FURTHER RESOLVED THAT, the Wetland Permit is granted subject to and pursuant to Chapter 178-10 (D) 'General Permit' the approval shall be valid for a period of three years from date of this resolution. All work associated with the Wetland Permit shall be conducted in strict compliance with the general permit conditions as stated in the Town Code, and

BE IT FURTHER RESOLVED THAT, the applicant shall provide documentation of required public noticing to the Town of Yorktown prior to the commencement of any work, and

BE IT FURTHER RESOLVED THAT, the applicant shall schedule a pre-construction meeting with a representative of the Town of Yorktown at least 72 hours prior to the commencement of any work, and

BE IT FURTHER RESOLVED THAT, the applicant shall have a valid NYSDEC permit for any current and future applications of aquatic herbicides and algaecides and that the applicant shall comply with all future NYSDEC conditions and/or permit requirements, and

BE IT FURTHER RESOLVED THAT, the applicant shall provide a written report to the satisfaction of the Town of Yorktown which demonstrates the need for future applications in 2017 and 2018 and/or any modifications to the applications.

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

APPROVE TAX CERTIORARI STIPULATION – GHP STRANG AND STRANG
YORKTOWN, LLC
RESOLUTION #46

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

RESOLVED, that the tax certiorari proceedings affecting tax parcel 26.19-1-2 Account Number 1294000, owned by GHP Strang, LLC & GHP Yorktown, LLC for assessment roll year 2015 be settled as set forth in the proposed stipulation as follows:

Roll Year	Assessed Value From	Assessed Value To	Reduction
2015	327,800	276,480	51,320

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

AUTHORIZE THE WASTEWATER TREATMENT FACILITY TO CONTRACT WITH
EVOQUA
RESOLUTION #47

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

Resolved, that the Town Board authorizes the Wastewater Treatment Facility to contract with Evoqua (sole source provider) for programming (2 visits of 2 days each including expense) of microfilters at the Yorktown Wasterwater Facility in the amount of \$10,000.00.

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

AUTHORIZE CASH VALUE PAYOUT OF UNUSED TIME -JEANNETTE KOSTER
RESOLUTION #48

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Jeannette Koster the cash value of unused time as of her separation date:

Rate of Pay: \$65.1669

Vacation	140.00 hours	x	\$65.1669	=	\$ 9,123.37
Personal Days	21.00 hours	x	\$65.1669	=	\$ 1,368.50
Floating Holiday	14.00 hours	x	\$65.1669	=	\$ 912.34
			Total		\$11,404.21

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

From:
A1420.101 Legal - Salary
To:
A1420.108 Legal - Lump Sum Payments
Amount:
\$11,404.21

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

AUTHORIZE CASH VALUE PAYOUT OF UNUSED TIME – JOHN A. CALCUTTI
RESOLUTION #49

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay John A. Calcutti the cash value of unused time as of his retirement date:

Rate of Pay: \$35.7814

Sick	1500.00 hours @	50%	=	750.00 hours	
	750.00 hours x	\$35.7814	=	\$26,836.05	
Vacation	142.50 hours x	\$35.7814	=	\$ 5,098.85	
Personal Days	22.50 hours x	\$35.7814	=	\$ 805.08	
Floating Holidays	15.00 hours x	\$35.7814	=	\$ 536.72	
Longevity					
\$1,400 / 261 days = \$5.36 per day					
07/20/15 to 01/07/16 = 124 days					
	124 days	x	\$5.36	=	\$ 664.64
				Total	\$33,941.34

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

From:
D909.8 Highway - Fund Reserve for Employee Accrued Benefits
To:
D5110.108 Highway - Lump Sum Payments
Amount:
\$33,941.34

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

AUTHORIZE ATTENDANCE TO NYS GFOA ANNUAL CONFERENCE
COMPTROLLER PATRICIA CAPORALE AND SANDRA SERRANO
RESOLUTION #50

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

Be It Resolved, that Patricia Caporale and Sandra Serrano have permission to attend the 2016 New York State Government Finance Officers Association annual conference / training to be held in Albany, New York April 5, 2016 through April 8, 2016.

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

EXTEND THE FOLLOWING BIDS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #51

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

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, all the bids be and are hereby extended for one year, per the terms of the bid:

Cummins Engine OEM Parts; awarded to Campbell Freightliner of Orange Cty, LLC, 2040 Route 208, Montgomery, NY 12549. The contract renewal date is from June 22, 2016 to June 21, 2017.

John Deere Construction Equipment OEM Parts; awarded to Jesco, Inc., 118 St. Nichols Ave., So. Plainfield, NJ 07080. The contract renewal date is from June 22, 2016 to June 21, 2017.

Pavement Markings; awarded to Safety Marking, Inc. 460 Bostwick Ave., POB 38186, Bridgeport, CT 06605.

Stone, Gravel, Concrete Materials; awarded to various vendors. The contract renewal date is from January 1, 2016 to December 31, 2016.

Traffic Signs; awarded to Traffic Lane Closures, 1214 Route 52, Carmel, NY 10512. The contract renewal date is from August 1, 2016 to July 31, 2017.

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

EXTEND BIDS FOR BODYWORK ON TOWN CARS AND TRUCKS
RESOLUTION #52

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

WHEREAS bids were received on Friday, January 31, 2014, for “Bodywork on Town of Yorktown Cars” and “Bodywork on Town of Yorktown Trucks”, and

WHEREAS, on February 4, 2014, the bids for “Bodywork on Town of Yorktown Cars” was awarded to the low bidder, Yorktown Auto Body Inc., 1798 Front Street, Yorktown Heights, NY, and the bid “Bodywork on Town of Yorktown Trucks” was awarded to the low bidder, Luposello’s Auto Body Inc., 2030 Albany Post Road, Croton-On-Hudson, NY, and

WHEREAS, the Town has the option to extend said bids for two additional years in one-year increments; and

WHEREAS, the first extension of said bids for one additional year was in effect February 12, 2015 through February 11, 2016;

RESOLVED, that Kim Angliss Gage, Coordinator of the Central Garage, recommends to the Town Board that the Town exercise its option to renew the contracts for the second and final one-year increment, per the terms of the bids; and be it

FURTHER RESOLVED, the date of the extension will commence February 12, 2016 through February 11, 2017.

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

EXTEND SERVICES OF CARY VIGILANTE FOR BROADCASTING SERVICES
RESOLUTION #53

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

WHEREAS, the Town Board has extended the services of Cary Vigilante for broadcasting services from January 1, 2016 to December 31, 2016 at a rate of \$550.00/month.

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

LEASE CERTAIN ROOM (S) AT YCCC BY WESTCHESTER COMMUNITY
OPPORTUNITY PROGRAM, INC.
RESOLUTION #54

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

WHEREAS, Westchester Community Opportunity Program, Inc. a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE RENEWAL OF COMMERCIAL GARBAGE LICENSE FOR CARLO MINUTO CARTING, INC.
RESOLUTION #55

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

RESOLVED, that Carlo Minuto Carting, Co., Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2016.

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

AMEND ACCESS AND USE AGREEMENT WITH ALGONQUIN GAS TRANSMISSION, LLC
RESOLUTION #56

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

WHEREAS, Algonquin Gas Transmission, LLC (“Algonquin”) and the Town of Yorktown entered into an Access and Use License, dated June 2, 2015 (the “License”), that provides Algonquin access to temporary workspace on Sylvan Glen Park Preserve and Granite Knolls Park West to facilitate Algonquin’s construction of a replacement interstate natural gas pipeline as part of the Algonquin Incremental Market Project (the “AIM Project”); and

WHEREAS, on or around September 18, 2015, Almar LLC filed a lawsuit against the Town of Yorktown and Algonquin in Westchester County Supreme Court (Case No. 3078/2015) raising several claims regarding the License, and the Town of Yorktown and Algonquin each filed a motion to dismiss the litigation on or around October 19, 2015, which motions are now sub judice before the court; and

WHEREAS, Almar LLC and Algonquin have met to discuss construction and restoration related to the AIM Project, and Algonquin has therefore requested that the Town Board amend the License to remove the requirement that Algonquin restore a portion of its temporary workspace located adjacent to Stoney Street with a new access driveway and Algonquin instead seeks to restore that area to its pre-existing condition to the extent practical in accordance with the applicable permits and approvals for the AIM Project;

It is therefore resolved that:

At the request of Algonquin and in exchange for \$62,500 as consideration, the Town Board hereby authorizes: (i) the Town Supervisor to execute the Amendment to the Access and

Use License that eliminates the references to a new driveway as restoration in Granite Knolls Park West; and (ii) the Town Attorney to execute a stipulation on behalf of the Town Board to discontinue the *Almar LLC v. Michael Grace* Article 78 litigation (Westchester County NY Supreme Court, Index No. 3078/2015).

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

MONTHLY REPORTS

The Town Board accepted the December 2015 Cost of Construction Report from the Building Department.

COURTESY OF THE FLOOR POLICY

Supervisor Grace stated that the Town Board has decided to have a policy with regards to Courtesy of the Floor and it is as follows:

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk (townclerk@yorktownny.org) or Town Supervisor (supervisor@yorktownny.org), 363 Underhill Avenue, Yorktown Heights, NY 10598.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Paul Moskowitz spoke against limiting Courtesy of the Floor to one and moving it to the end of the Town Board agenda.

Mr. Paul Jeffries stated he had concerns with the rezoning request being proposed on Lexington Avenue.

Supervisor Grace stated that there is a public hearing scheduled on February 2, 2016 for the rezoning request and Mr. Jeffries can come a speak at that time so that his comments would be on the record of the public hearing.

A resident who stated she lives behind the proposed rezoning on Lexington Avenue and asked how many stories these buildings would be.

Mr. Dan Strauss spoke about several issues that he is concerned with such as Hilltop Gas Station and the Jack DeVito Veterans Memorial Park and Field. He would like to see more clean and green initiatives throughout town.

Mrs. Andrea Jeffries spoke about the proposed rezoning on Lexington Avenue.

Ms. Mariam curtain spoke against Courtesy of the Floor being last on the agenda.

Mr. Ed Ciffone stated that he agreed with Mariam Curtain

Mr. Ilan Gilbert congratulated Town Clerk Diana Quast and Councilman Ed Lachterman on being newly elected and Supervisor Grace on being re-elected. He also welcomed Town Attorney Michael McDermott. Mr. Gilbert stated that Courtesy of the Floor should be placed earlier on the agenda.

Mr. Stuart Glass welcomed Town Attorney Michael McDermott. He asked that all public hearing notices include the address of the property which has an action before the Town Board.

Mr. Tom Pomposello, Jr. stated that he apologizes for his earlier outburst but is frustrated with how people talk to the Town Board.

Mrs. Susan Siegel asked about a \$400,000 grant that Supervisor Grace referred to on his show Grace Notes.

Mrs. Jennie Sunshine spoke against having Courtesy of the Floor moved to the end of the agenda and feels that there should be two public comment times instead of one.

COURTESY OF THE FLOOR WAS CLOSED

Supervisor Grace stated that no one is shutting anyone out from speaking at Courtesy of the Floor. He noted that there is a law on the books that addresses dogs defecating and urinating in park areas which is subject to a fine. The Roma Building is being worked on by Councilman Diana and he has been in contact with the NYS DEC to see what can be done there. Supervisor Grace mentioned that Hilltop Gas Station will be back in before the Town Board. He explained that due to litigation from the homeowner across the street from Granite Knolls, the access road will not be done as part of the Algonquin Gas Pipeline/Spectra Energy Use and Access Permit. Phoenix house is for sale and a better access to the Town's property may be gained from that potential project.

Councilman Bernard apologized for his harsh words at the last meeting. He explained that he is frustrated by the personal attacks and stated that anyone can get in touch with him through the Town's website at www.yorktownny.org.

Councilman Diana stated he has been tasked with trying to get the Roma Building cleaned up. He attended the Association of Towns newly elected officials conference in Albany and read comments he received from there with regards to public comments during Town Board meetings.

Councilman Lachterman explained that this has come about due to the lack of decorum at meetings.

Councilman Patel stated that respect is needed from both sides.

ADJOURN

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

Diana L. Quast, Town Clerk
Town of Yorktown