

Meeting of the Town Board, Town of Yorktown held on June 21, 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 Councilman Bernard, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss the employment of a particular person. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Girls Scouts Gold Award recipient Sarah Fritz along with Eagle Scout Alex Rochare 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 thanked everyone that participated in Community Day, the new owners of the Jefferson Valley Mall, Yorktown Youth Soccer Club and all the Not-for-Profits and volunteer groups. He also stated that Dick's Sporting Goods will be opening in 2017. Supervisor Grace announced that Wednesday, June 22, 2016 is the Yorktown Heights Firemen's Parade and Carnival and the Summer Concerts begin this Sunday at the Jack DeVito Veterans Memorial Field at 6:00 p.m.

DURING REPORTS FROM THE TOWN COUNCIL, the following Councilmen spoke:

Councilman Diana wished everyone a belated Happy Father's day, and spoke about the Yorktown against Heroin fundraiser which was a great success. Councilman Diana mentioned that the Town has been diligently working on getting the hole in front of the Roma Building filled in.

Councilman Bernard stated that Justin Foley will be the new Traffic Safety Officer.

Councilman Patel stated that he attended a wedding at West Point for a graduate who will be deployed in three months. He congratulated all the Yorktown and Lakeland High School seniors on graduating. He also asked everyone to conserve water and welcomed all the Yorktown Police Officers who were present tonight.

#### PRESENTATION – YORKTOWN POLICE DEPARTMENT

Acting Police Chief Robert Noble introduced Sergeant Justin Foley and gave a brief bio which included his experience with the NYPD.

#### APPOINTMENT POLICE SERGEANT

#### JUSTIN FOLEY – POLICE DEPARTMENT

#### RESOLUTION #266

Upon motion made by Supervisor Grace and seconded by Councilman Diana,

Be It Resolved that Justin Foley is hereby appointed contingent-permanent as a Police Sergeant, job class code 0133-01, from Eligible List No. 71-197, effective June 22, 2016 to be paid from Yorktown PBA Salary Schedule, which is \$117,733.00 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 contingent-permanent appointment on June 22, 2016.

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

Sergeant Foley was sworn in and thanked the Town Board for the opportunity to serve Yorktown.

Acting Police Chief Robert Noble introduced Officer Tim Colton who currently serves the Yorktown Police Department in the Patrol Division as a Field Training Officer. He will now serve in the Traffic Safety Unit. Colton thanked the chief and the board for the opportunity to serve.

Acting Chief Noble introduced Officer Tim Curtin, a lifelong Yorktown resident, who currently serves in the Patrol Division. Officer Tim Curtin thanked the Board and Chief Noble for the opportunity to serve.

Acting Chief Noble introduced Gregory Palladino, a lifelong Yorktown resident, and welcomed him to the Police Department. Police Officer Palladino thanked the Chief, the Yorktown Police Department and the Town Board for the opportunity to serve.

APPOINTMENT POLICE LIEUTENANT - JAMES GRAHAM  
RESOLUTION #267

Upon motion made by Supervisor Grace, seconded by Councilman Bernard,

Be It Resolved that James A. Graham is hereby appointed contingent-permanent as a Police Lieutenant, job class code 0132-01, from Eligible List No. 70-177, effective June 22<sup>nd</sup>, 2016 to be paid from Yorktown SOA Salary Schedule, which is \$130,285.00 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 contingent-permanent appointment on June 22<sup>nd</sup>, 2016.

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

Acting Police Chief Robert Noble introduced James Graham as Acting Police Lieutenant. He thanked the Town Board for their time and the audience for their attendance.

Supervisor Grace thanked the Parks and Recreation Department for the effort and level of commitment the department makes to the Town. Parks and Recreation Superintendent Todd Orłowski introduced Kyle Thornton and gave a brief biography that detailed his qualifications.

APPOINTMENT ASSISTANT SUPERINTENDENT RECREATION  
KYLE THORNTON  
RESOLUTION #268

Upon motion made by Supervisor Grace, seconded by Councilman Diana

Be It Resolved that Kyle Thornton of Eastchester, NY, is hereby appointed contingent-permanent to the civil service title, Assistant Superintendent Recreation, job class code 0261-01, from Eligible list No. 61-852, effective July 13, 2016, to be paid \$81,400.00 annually,

Be It Resolved, contingent upon successful completion of a drug test and reference checks, that Kyle Thornton will report to work at the Yorktown Parks and Recreation Department on July 13th, 2016 and this date will be used as the first date of contingent-permanent appointment,

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 July 13<sup>th</sup>, 2016.

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

Kyle Thornton thanked the Board and the Parks and Recreation Department and stated his commitment to the position and the Town of Yorktown.

PUBLIC HEARING FOR AN AMENDED SPECIAL USE PERMIT – GASOLINE STATION - ALEXANDER EQUITIES, LLC 3919 CROMPOND ROAD

Supervisor Grace convened a public hearing to the application received from Alexander Equities, LLC for an amendment to a Special Use Permit. The request is to approve a signage change to the existing canopy and approve a free standing sign at the Sunoco Gasoline Station formerly known as Hess located at 3919 Crompond Road, also known as Section 25.20, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown. Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Attorney Al Capellini gave the Town Board a history of the special use permit that was originally granted in 2009 for a Hess Station sign. The gasoline station has now become a Sunoco Station. It is no longer going to be a free standing sign by a monument sign in the same location as the free standing sign.

Councilman Bernard asked to see a rendering of what the sign will look like. Mr. Capellini showed pictures of the new Sunoco colors and the monument-style sign. He also produced the site plan which showed the currently location of the hess sign and how the new sign will not interfere with any traffic or safety issues.

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 Supervisor Grace, seconded by Councilman Bernard and carried.

PUBLIC HEARING FOR AN AMENDED SPECIAL USE PERMIT – GASOLINE STATION - ALEXANDER EQUITIES, LLC 3919 CROMPOND ROAD  
RESOLUTION #269

Upon motion made by Supervisor Grace, seconded by Councilman Diana,

WHEREAS, Alexander Equities, LLC with property at 3919 Crompond Road filed an application for a special permit to change an existing freestanding sign, and canopy signage, and

WHEREAS, the required application fee has been paid, and

WHEREAS, notice was given that a public hearing would be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 21<sup>st</sup> day of June, 2016, at 7:30 P.M., or as soon thereafter as the same can be heard, to consider the said application, and

WHEREAS, the matter was referred to the Westchester County Planning Board/Department, New York State Department of Transportation, ABACA, Building Inspector, Planning Board/Department, Town Attorney and Town Engineer, and

WHEREAS, responses were received from ABACA, and

WHEREAS, the applicant has filed a short form EAF pursuant to SEQR, it is

DETERMINED, that the proposed project will not result in any large or important impacts, and therefore, is one which will not have a significant effect on the environment, and it is therefore

RESOLVED, that with respect to this application and after review of the EAF and record in this matter, this Board hereby adopts a negative declaration, and it is further

RESOLVED, that the Supervisor sign a Notice of Determination of Non-Significance in accordance with such determination, and it is

FURTHER RESOLVED, that the application is granted as shown in the following plans and drawings:

1. Signed drawing by Everbrite dated 11/17/15

Further resolved, that the Building Inspector is authorized to issue a permit for the freestanding sign and canopy signage as depicted in the Everbrite drawing.

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

PUBLIC HEARING FOR AN AMENDED SPECIAL USE PERMIT – GASOLINE STATION - ALEXANDER EQUITIES, LLC - 3919 CROMPOND ROAD

Supervisor Grace convened a public hearing to consider a proposed Local law to amend Chapter 124-2 (C) of the Code of the Town of Yorktown entitled “BLASTING AND EXPLOSIVES PERMIT REQUIRED INSURANCE.” Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Town Attorney Michael McDermott explained that extra work sessions in the beginning of the year allowed the Town Board to review the workings of the Town and during that time some ordinances needed to be revised. As he goes through the Town Code in connections with various assignments, he finds that there are some areas that need to be polished up - the blaster/owner of the property must have insurance minimum of \$1,000,000 per occurrence. He also gave an update on the Roma Building.

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 Supervisor Grace, seconded by Councilman Diana and carried.

ADOPT LOCAL LAW #11 OF 2016 AMENDING CHAPTER 124-C BLASTING AND EXPLOSIVES PERMIT REQUIRED INSURANCE RESOLUTION #270

Upon motion made by Supervisor Grace, seconded by Councilman Bernard,

WHEREAS, a public hearing was held on the 21<sup>st</sup> day of June 2016, pursuant to notice duly published as required by law to amend Chapter 124-C of the Code of the Town of Yorktown entitled “BLASTING AND EXPLOSIVES PERMIT REREQUIRED INSURANCE”.

RESOLVED, that Local Law #11/2016, 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 #11 of 2016 is hereby duly adopted.

PUBLIC HEARING – PROPOSED LOCAL LAW AMENIDNG CHAPTER 201-10 ENTITLED RECORDED IMAGES VIOLATIONS

Supervisor Grace convened a public hearing to consider a proposed Local law to amend Chapter 201 of the Code of the Town of Yorktown entitled “LITTERING” by amending Section 201-2 entitled “DEFINITIONS” and adding a new Section 201-10 entitled “RECORDED IMAGES VIOLATIONS”. Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Town Attorney Michael McDermott explained that this local law puts in a regulatory foundation to hold the registered owner of a vehicle civilly liable for littering from the car. The next step will be to invest in the technology to effectively enforce this law. We know we have chronic areas where he feels that this technology will allow us to capture license plates of the vehicles that are discharging litter. Town Attorney McDermott said that making this a statute is the first of its kind and he is proud to be a part of its enactment.

Bob Buchanan, a Yorktown resident living on Indian Hill Road, identified an area of town that he feels has become, in effect, a dump. He stated that he would like to see a police presence in this area to help stop the dumping.

Supervisor Grace stated that if a resident takes a picture themselves, that picture can be used as evidence under this legislation. One of the goals of this legislation is also to act as a deterrent; once prosecution takes place, the hope is that less occurrences will take place.

Mr. Howard Frank, a Yorktown resident, stated that before the Town Board enacts this legislation, he would like the Town Board to include legislation against graffiti. Public utility equipment is also getting marked up.

Town Attorney Michael McDermott stated that he is working on a graffiti law with the code enforcement officer. The Town Attorney also cautioned the public to not confront a perpetrator.

Councilman Lachterman mentioned that it would not work the same way since most graffiti offenders do not drive.

Mrs. Susan Siegel commended the Town Board for trying to address this problem. In general she believes that more research needs to be done on the cameras that are to be used. What kind of cameras are being contemplated - surveillance or security (red light) cameras? Who will monitor these cameras? Do we have the resources for this monitoring? The concept of the law is very good, she feels that this law needs to work out some issues to be workable and enforceable. She urged the Town Board to adjourn the public hearing.

Mr. Anthony Grasso, Chamber of Commerce, complimented the Town Attorney for the work he is doing on this piece of legislation. He would like to see this legislation passed and then work out the details.

Councilman Bernard stated that this is a framework that will enable the Town Board to act on an issue.

Mr. Daniel Strauss, resident, voiced his support of the law. He said he has driven up Wood Street and into Putnam County - there is a sign that says if you see littering, call the Carmel PD. There are many of these signs in Putnam County and worries that there may be dumping from Putnam County into Yorktown.

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 Lachterman and carried.

ADOPT LOCAL LAW #12 OF 2016 AMENDING CHAPTER 201 ENTITLED LITTERING BY AMENDING DEFINITIONS AND ADDING A NEW SUBSECTION ENTITLED RECORDED IMAGES VIOLATIONS RESOLUTION #271

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

WHEREAS, a public hearing was held on the 21<sup>st</sup> day of June 2016, pursuant to notice duly published as required by law to amend Chapter 201 of the Code of the Town of Yorktown entitled “LITTERING” by amending Section 201-2 entitled “DEFINITIONS” and adding a new Section 201-10 entitled “RECORDED IMAGES VIOLATIONS”.

RESOLVED, that Local Law #12/2016, 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 #12 of 2016 is hereby duly adopted.

PUBLIC HEARING TO AMEND CHAPTER 300-3 (B) ENTITLED “ZONING” (TEXT AMENDMENT PRIVATE AND PAROCHIAL SCHOOLS AND HELISTOPS.)

Supervisor Grace convened a public hearing to consider a proposed Local Law to amend Chapter 300-3 (B) of the Code of the Town of Yorktown entitled “ZONING.” (TEXT AMENDMENT PRIVATE AND PAROCHIAL SCHOOLS AND HELISTOPS.) Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Supervisor Grace gave an overview of the law.

Mr. Jay Kopstein, resident, objects to the word helistop. It is not located in an existing law and is misleading. He read a definition of a helispot is - a temporary landing spot for helicopters. Temporary or occasional use by a helicopter. Any designation where a helicopter can safely take off and land. It is a temporary location.

Mrs. Susan Siegel, resident, asked if there was something that precipitated the change to this law. Why are we extending the use of helistops to residential locations.

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.

ADOPT LOCAL LAW #13 OF 2016 AMENDING CHAPTER 300-3 (B) ENTITLED “ZONING” (TEXT AMENDMENT PRIVATE AND PAROCHIAL SCHOOLS AND HELISTOPS.) RESOLUTION #272

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

WHEREAS, a public hearing was held on the 21<sup>st</sup> day of June 2016, pursuant to notice duly published as required by law to amend Chapter 300-3 (B) of the Code of the Town of Yorktown entitled “ZONING.” (TEXT AMENDMENT PRIVATE AND PAROCHIAL SCHOOLS AND HELISTOPS.)

RESOLVED, that Local Law #13/2016, 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 #13 of 2016 is hereby duly adopted.

PUBLIC HEARING – PROPOSED LOCAL LAW AMENIDNG CHAPTER 300-3 ENTITLED ZONING DEFINITIONS BY AMENDING THE DEFINITION OF HOME OCCUPATION

Supervisor Grace convened a public hearing to consider a proposed Local Law amending Chapter 300-3 of the Code of the Town of Yorktown entitled “ZONING DEFINITIONS” by amending the definition of “HOME OCCUPATION.” Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Supervisor Grace gave an overview of the law.

Mr. Howard Frank, resident, cited a case of a homeowner who had a bread route Who loaded his truck at 3:00 a.m. The Town should exclude box trucks that are moving merchandise.

ADOPT LOCAL LAW #14 OF 2016 AMENDING CHAPTER 300-3 (B) ENTITLED “ZONING” BY AMENDING DEFINITION OF HOME OCCUPATION RESOLUTION #273

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

WHEREAS, a public hearing was held on the 21<sup>st</sup> day of June 2016, pursuant to notice duly published as required by law entitled “ZONING DEFINITIONS” by amending the definition of “HOME OCCUPATION.”

RESOLVED, that Local Law #14/2016, 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 #14 of 2016 is hereby duly adopted.

ADVERTISE BID FOR COMPUTER AND NETWORKING EQUIPMENT 2016 RESOLUTION #274

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, in the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 AM on the 18<sup>th</sup> day of July, 2016 for Computer and Networking Equipment 2016.

Specifications may be obtained at the Office of the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598 during regular business hours.

The bidder assumes the risk of any delay in the mail, or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown heights, NY 10598, marked: **Bid: Computer and Networking Equipment.**

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interest of the Town of Yorktown.

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

ADVERTISE BID FOR STREET LIGHT MAINTENANCE – HIGHWAY  
DEPARTMENT  
RESOLUTION #275

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 18, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Street Light Maintenance Bid - Highway Department Bid Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Street Light Maintenance - Highway Department**

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID FOR TRAFFIC LIGHT MAINTENANCE – HIGHWAY  
DEPARTMENT  
RESOLUTION #276

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 18, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Traffic Light Maintenance Bid - Highway Department Bid Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Traffic Light Maintenance - Highway Department**

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

APPROVE REFUND FOR ALARM PERMIT – BUILDING DEPARTMENT  
RESOLUTION #277

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

Resolved, that upon the recommendation of the Building Inspector the Alarm Permit Application Fee of \$30.00 is hereby refunded to Cody Arcuri due to property being located in Somers with a Yorktown address.

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

AUTHORIZE COMPTROLLER TO PAYOUT THE CASH VALUE OF UNUSED TIME TO DAVID RAMBO  
RESOLUTION #278

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

Be it resolved, that the Town Board hereby authorizes the Town Comptroller to pay David Rambo the cash value of unused time as of his date of separation, Friday, June 10, 2016.

Rate of Pay: \$50.3558 hourly

Vacation 102.00 hours x \$50.3558 = \$5,136.30

Total \$5,136.30

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

From:  
SW8310.101 Water Salary \$5,136.30

To:  
SW8310.108 Water Lump Sum \$5,136.30

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

AUTHORIZE BUDGET TRANSFER – REFUSE AND RECYCLING DEPARTMENT  
RESOLUTION #279

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

Resolved, that the Comptroller is authorized to do a budget transfer of \$12,000.00 from SR.7210.0470.01 (Diesel Fuel) to SR.7210.0420 (Vehicle Maintenance) for the Refuse and Recycling Department.

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

AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT WITH NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS  
RESOLUTION #280

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

Resolved, that the Town Board authorizes the Supervisor to sign a lease agreement and all related documents between the Town of Yorktown and New York SMSA Limited Partnership d/b/a Verizon Wireless permitting Verizon Wireless to lease space on the Police Department Campus for the installation of a wireless cell tower.

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

AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT WITH YORKTOWN COMMUNITY NURSERY SCHOOL  
RESOLUTION #281

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

Resolved, the Town Supervisor is authorized to execute a lease agreement between the Yorktown Community Nursery School and the Town of Yorktown to utilize the Yorktown Community Nursery School as a summer camp between June 29, 2016 and July 29, 2016.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES – TITLE II C TOWN OF SOMERS RESOLUTION #282

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

Resolved, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services and the Town of Somers for Title IIC for 1/1/2016 through 1/31/2016 for the cost of \$3.75 per meal.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES – WIN – TOWN OF SOMERS – APRIL 1, 2016 – MARCH 31, 2016 RESOLUTION #283

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

Resolved, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services and the Town of Somers for WIN for 4/1/2016 through 3/31/2016 for the cost of \$3.75 per meal.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES – WIN – TOWN OF SOMERS – APRIL 1, 2016 MARCH 31, 2017 RESOLUTION #284

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

Resolved, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for WIN in the amount of \$9,357, with an estimate of an additional \$3,031 (NSIP) Nutrition Services Incentive Program. This is for the period April 1, 2016 through March 31, 2017.

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

EXTEND BID FOR ASPHALTIC CONCRETE LAID IN-PLACE – HIGHWAY DEPARTMENT RESOLUTION #285

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

Whereas, invitation to bid for Asphaltic Laid In-Place for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened,

Now Therefore Be It Resolved that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for Asphaltic Concrete Laid In-Place is hereby extended for one year, per the terms of the bid contract to: Clove Excavators, Inc., 212 Van Wagner Road, Poughkeepsie, NY 12603. The contract renewal date is from August 1, 2016 to July 31, 2017.

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES  
AGREEMENT WITH CHARLES A. MANGANARO CONSULTING, P.C.-  
MOHEGAN AVENUE RETAINING WALL REPLACEMENT PROJECT  
RESOLUTION #286

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

Whereas,

1. The Highway Superintendent and the Town Engineer solicited proposals for professional engineering services for the following scope of work: (1) replace an approximate 560-foot long retaining wall along Mohegan Avenue that is in poor condition and is nearing the end of its useful life, and (2) rebuild the roadway to Town standards.
2. The professional services shall include a topographical survey to establish existing site conditions, preparation of plans and specifications suitable for bidding purposes, assistance during the bid phase and shop drawing review during the construction phase.
3. Also included in the professional services shall be the development of a traffic management plan that will utilize a detour or partial detour around the work site.
4. The Town will have an opportunity to review a draft set of documents and provide input from other Town departments prior to finalizing of the contract documents. An information data sheet will also be prepared to make affected residents and the general public aware of the planned construction project and its impacts during the period when Mohegan Avenue will be either closed or partially closed due to construction activities.
5. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in providing professional services. The three firms that provided written proposals were Charles A. Manganaro Consulting Engineers, WSP/Parsons Brinckerhoff, and GHD Consulting Services.
6. In the professional opinion of the Highway Superintendent and the Town Engineer, Charles A. Manganaro Consulting Engineers, P.C. provided the best overall proposal to the Town. In terms of cost, Charles A. Manganaro Consulting Engineers was the second bidder; however, they agreed to perform the work at the same price as the low bidder (\$26,200).
7. The proposal for services to be provided by Charles A. Manganaro Consulting Engineers as described above will be for a lump sum all-inclusive amount of \$26,200. An additional \$2,000 allowance will be included in the agreement to perform a geotechnical survey, including a soil boring that will provide subsurface data to more clearly define the foundation wall design parameters. An additional \$4,000 allowance will be included in the agreement for design contingency, which will only be authorized upon written directive of the Town Engineer. Grand total of the agreement shall be \$32,200.

Now Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Charles A. Manganaro Consulting Engineers, P.C., for the scope of work as described in preceding section.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #049-14  
RESOLUTION #287

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

Whereas,

1. Michael Braun, as applicant, posted check #3995 in the amount of \$1,000.00, which was deposited into the T33 account on September 18, 2014 to serve as the Wetland Bond for permit #049-14, for work performed at the Grants Lane site.
2. Regal Blu Pool & Spa, as applicant, posted check #1873 in the amount of \$1,000.00, which was deposited into the T33 account on November 3, 2014 to serve as the Erosion Control Bond for permit #049-14, for work performed at the Grants Lane site.
3. The applicant has decided not to move forward with the work previously applied for and has requested his monies be returned.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and confirmed no work has been done and that the above referenced monies may be released.

Now Therefore Be It Resolved, that the above-referenced Wetland Bond in the amount of \$1,000 be returned to Mr. Michael Braun, 1306 Grants Lane, Ossining, NY 10562, and

Be It Further Resolved, that the above-referenced Erosion Control Bond in the amount of \$1,000 be returned to Regal Blu Pool & Spa, P.O. Box 3303, Stamford, CT 06905.

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

RELEASE WETLANDS AND EROSION CONTROL BONDS FOR  
#WP-BSWPPP-068-15  
RESOLUTION #288

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

Whereas,

1. Teresa & Joseph Bucello, as applicants, posted check #1325 in the amount of \$600 which was deposited into the T33 account on August 24, 2015, \$300 to serve as the Erosion Control Bond and \$300 to serve as the Wetland Bond, for permit #WP-BSWPPP-068-15, for work performed at the Granite Springs Road location.
2. 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, that the above-referenced Erosion Control & Wetland Bond, totaling \$600, be released to Teresa & Joseph Bucello, 608 Granite Springs Road, Yorktown Heights, NY 10598.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #043-15  
RESOLUTION #289

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

Whereas,

1. Nabby Day Camp, as applicant, posted check #16881 in the amount of \$300.00, which was deposited into the T33 account on June 16, 2015 to serve as the Wetland Bond for permit #043-15, for work performed at the Nabby Hill site.
2. 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, that the above-referenced wetland bond be released to Nabby Day Camp, Inc., 1 Nabby Hill, Mohegan Lake, NY 10547.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #087-15  
RESOLUTION #290

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

Whereas,

1. Jill Colaizzi, as applicant, posted \$300 which was deposited into the T33 account on June 1, 2015, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-087-15, for work performed at her Court Street residence.
2. 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, that the above-referenced Erosion Control Bond be released to Ms. Jill Colaizzi, 3237 Court Street, Yorktown Heights, NY 10598.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #054-15  
RESOLUTION #291

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

Whereas,

1. Tetiana & Thomas Ferraro, as applicant, posted \$300 which was deposited into the T33 account on July 24, 2015, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-054-15, for work performed at their Somerston Road residence.
2. 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 that the above-referenced Erosion Control Bond be released to Mr. & Mrs. Thomas Ferraro, 220 Somerston Road, Yorktown Heights, NY 10598.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #068-15  
RESOLUTION #292

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

Whereas,

1. NY Fuel Distributors, as applicant, posted check #0040239 in the amount of \$2,500, which was deposited into the T33 account on September 8, 2015, to serve as the Erosion Control Bond for Permit #068-15, for work performed at the Commerce Street site.
2. The Town Engineer has informed this Board that a representative of this 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, that the above-referenced monies totaling \$2,500 be released to NY Fuel Distributors, 235 Mamaroneck Avenue, Suite LL, White Plains, NY 10605, Attn: Mr. Danny Porco.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #092-15  
RESOLUTION #293

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

Whereas,

1. Susana & Jorge Reis, as applicants, posted check #1842 in the amount of \$500.00 which was deposited into the T33 account on January 19, 2015, to serve as the Erosion Control Bond for permit #BSWPPP-092-15 for the following work activity: construction of an in-ground pool.
2. Susana & Jorge Reis, as applicants, posted check #1827 in the amount of \$300.00 which was deposited into the T33 account on July 31, 2015, to serve as the Erosion Control Bond for permit #BSWPPP-057-15 for the following work activity: leveling of backyard for recreational use.
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, that the above-referenced monies totaling \$800 be released to Susana & Jorge Reis, 2095 Van Cortlandt Circle, Yorktown Heights, NY 10598.

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

RELEASE WETLANDS AND EROSION CONTROL BOND FOR PERMIT #066-13  
RESOLUTION #294

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

Whereas,

1. Carlos Zhinin, as applicant, posted check #223 in the amount of \$500 which was deposited into the T33 account on January 10, 2014, to serve as the Erosion Control Bond for Stormwater Permit #066-13, for work performed at his Lexington Avenue residence.

2. 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, that the above-referenced Erosion Control Bond be released to Mr. Carlos Zhinin, 3050 Lexington Avenue, Mohegan Lake, NY 10547.

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

WAIVE FEE FOR USE OF THE NUTRITION CENTER FOR YORKTOWN  
HISTORICAL SOCIETY  
RESOLUTION #295

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

Resolved, that the Town Board waives the fee of \$370.20 for use of the Nutrition Room for four presentations by the Yorktown Historical Society.

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

WAIVE FEE FOR USE OF THE YORKTOWN COMMUNITY CULTURAL CENTER  
BY THE RED CROSS  
RESOLUTION #296

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

Resolved, that the Town Board waives the fee of \$336.00 for use of the YCCC Gym for a blood drive sponsored by the Red Cross during the Street Fair on October 9, 2016.

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

AUTHORIZE COMPTROLLER TO PAY BRUCE BARBER, ENVIRONMENTAL  
CONSULTANT FOR REVIEW, MEETINGS, INSPECTIONS AND SPECIAL  
PROJECTS IN THE AMOUNT OF \$5,000  
RESOLUTION #297

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

Resolved, that the Town Board authorizes the Comptroller to pay Bruce Barber, Environmental Consultant, for review, meetings, inspections and special project consulting for the Algonquin Pipeline Project Valve sites 15 and 15B in the amount of \$5,000.00.

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

Town Attorney Michael McDermott stated that the antenna at the Police Department was old and needed repair. Last year Verizon approached the Police Department to replace the antenna in exchange for a goods and services. Chief McMahon negotiated a contract with Verizon that in exchange for anew antenna, Verizon would donate to the town a new radio system console and goods and services. The sum and substance of the deal is that the old antenna will be replaced at no cost to the Town which is estimated to be worth \$150,000. We will be getting a revenue share of 20% of whatever Verizon collects which is approximately \$20,000 to the Town.

Councilman Bernard asked if Highway Superintendent Dave Paganelli wanted to address the public regarding the extension of the Asphalt Concrete Laid In-Place bid. Highway Superintendent Paganelli stated that now the cost of blacktop has gone up to \$80.77/ton and by extending the bid an additional year it keeps the cost at \$77.50/ton He also stated that the Town received money from New York State through the CHIPS funding. He spoke about the various equipment and materials the Highway Department

uses to accomplish the paving projects. He noted that there have been tablets placed in the catch basins to control the mosquito population due to the Zika virus.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Daniel Strauss spoke about the new signage at the Jack DeVito Veteran's Memorial Field. Mr. Strauss thanked the Board for moving on the Roma Building. He spoke about Commercial Property maintenance all over Town. He also asked where the flower planters were on Commerce Street.

Supervisor Grace stated they will be coming soon.

Mr. Howard Frank commended the Town Board for hiring a full-time engineer and is pleased to see him work and attend Planning Board meetings. He spoke about plumbing and drainage issues at Sparkle Lake and the standing water that has been created.

Ms. Kathryn McGowan, and Ms. Eileen Burke stated that they have tried to get sewers in their area for years. She asked the Town Board to send letters to all unsewered residents to gauge level of interest and would like to see a committee set up of a Town Board member and community members to work to get this accomplished.

Mr. Joseph Riccardi, Sunrise Street stated that the proposed sewer district has been talked about for the past three (3) years. But every year there are obstacles to achieving it.

Supervisor Grace stated that the Town started off trying to get past the impasse with both NYCDEP and NYSDEC. The Town hired Mr. Dan Ciarcia to assist in the process and it was through his efforts that the Town finally got a meeting with the NYCDEP and we started to see some movement from a monthly average to a yearly average. The problem is how to finance sewers and sewer districts. It's not too bad for those on the uphill side of Sunrise Street but it is hard for those on the downhill side. Supervisor Grace explained about the surface discharge from the plant and variance procedure through NYCDEP. The Pump station rehabilitation is now being planned and will allow new hookups and district extensions. It not only has to be physically feasible but financially feasible for the residents. The goal is to try and get low-cost/no-cost sewer district extensions that encompasses as many areas as possible (500-600 noncontiguous homes) with little infrastructure expense to the individual homeowners. He also mentioned bonding as a possible method of funding.

ADJOURN

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

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Diana L. Quast, Town Clerk  
Town of Yorktown