

Meeting of the Town Board, Town of Yorktown held on July 5, 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 particular persons. Upon motion made by Councilman Bernard, seconded by Councilman Diana, 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 gave kudos to the New York State Legislature for the recent passing of legislation to combat the heroin and opioid crisis in New York.

#### DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana stated that there will be Narcan Training held at the Town Hall on July 26, 2016. There are some spaces being held open for the public and you can contact Margaret Gspurning at 914-962-5722 x202, if you are interested in taking the training.

Councilman Patel stated that he attended the graduation at West Point and congratulated Ken Brown on his son becoming a new cadet there. He also congratulated the graduating classes of Yorktown and Lakeland High Schools.

Councilman Lachterman stated that the second Summer Concert is scheduled for this Sunday. There will also be a dedication of the Big Sky Sculpture before the concert beginning at 5:45 p.m. He also noted that there have been some practice fire drills at the YCCC which was a request of the Senior Advisory Committee.

#### PRESENTATION – YORKTOWN AMBULANCE CORPS

Richard Cariello, Captain, Yorktown Volunteer Ambulance Corps, announced that there will be free CPR classes offered to Yorktown residents during the months of August and September.

#### APPOINTMENT POLICE OFFICER

#### DEVIN GREGORIO – POLICE DEPARTMENT

#### RESOLUTION #302

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

BE IT RESOLVED, that Devin Gregorio of Mohegan Lake, New York is hereby appointed Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective July 6<sup>th</sup>, 2016 to be paid the contractual salary of \$52,727.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on July 6<sup>th</sup>, 2016.

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

APPOINTMENT POLICE OFFICER  
TIMOTHY MULLEN – POLICE DEPARTMENT  
RESOLUTION #303

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

BE IT RESOLVED, that Timothy J. Mullen of Yorktown Heights, New York is hereby appointed Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective July 6<sup>th</sup>, 2016 to be paid the contractual salary of \$52,727.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on July 6<sup>th</sup>, 2016.

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

PUBLIC HEARING TO AMEND CHAPTER 10 ADDING ARTICLE X “QUALITY OF LIFE COMMITTEE”

Supervisor Grace convened a public hearing to consider amending Chapter 10 of the Code of the Town of Yorktown entitled “BOARDS AND COMMISSIONS” by adding a new Article X entitled “QUALITY OF LIFE COMMITTEE,” Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Mr. Howard Frank stated that the Town Board should have a welcome committee. He also spoke about graffiti, texting and driving and more enforcement.

Mr. Ed Ciffone stated that he would like to see the proposed local law. The Town Clerk gave him a copy of the proposed local law and stated that it has been on the Town’s website for over a month and available in the Town Clerk’s office for review.

Ms. Miriam Curtin stated that she had a quality of life issue last night with loud fireworks. She feels that if a complaint is made anonymously it should not be publicized. This committee should not be a substitute for public comment. She feels the Town should do a large public relations campaign.

Mr. Ed Ciffone stated that he objected to a councilman being the chair of this committee. He also feels that there should be more than one community organization member on the committee.

Supervisor Grace stated that this committee is being created to facilitate another avenue for people to communicate with the Town Board.

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 Lachterman, seconded by Councilman Bernard and carried.

ADOPT LOCAL LAW #15 OF 2016 AMENDING CHAPTER 10 ADDING ARTICLE X  
“QUALITY OF LIFE COMMITTEE”  
RESOLUTION #304

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

WHEREAS, a public hearing was held on July 5, 2016, pursuant to notice duly published as required by law to amend Chapter 10 of the Code of the Town of Yorktown entitled “BOARDS AND COMMISSIONS” by adding a new Article X entitled “QUALITY OF LIFE COMMITTEE,”

RESOLVED, that Local Law #15/2016, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, which resulted as follows:

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

Local Law #15 of 2016 is hereby duly adopted.

ADVERTISE PUBLIC HEARING TO CONSIDER PROPOSED LOCAL LAW TO AMEND CHAPTER 275-17 “SPEED OF MOTOR VEHICLES IN SCHOOL AND PARK ZONES” RESOLUTION #305

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

NOTICE IS HEREBY GIVEN, that a public hearing will 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 19<sup>th</sup> day of July, 2016 at 7:30 o'clock PM to consider a proposed local law to amend Chapter 275-17 of the Code of the Town of Yorktown entitled “SPEED OF MOTOR VEHICLES in School Zones and Park Zones.”

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

APPROVE CERTIORARI PROCEEDING FOR 800 EAST MAIN STREET RESOLUTION #306

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 5.19-1-15, 800 East Main Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 5.19-1-15 Account Number 0280500, owned by O’Malley, J & M, et al Trustees for assessment roll years 2011, 2012, 2013 2014 and 2015 are settled as set forth in the proposed stipulation as follows:

Roll Year	Assessed Value From	Assessed Value To	Reduction
2011	197,800	180,000	17,800
2012	197,800	185,000	12,800
2013	197,800	190,000	7,800
2014	197,800	180,000	17,800
2015	197,800	180,000	17,800

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

AUTHORIZATION FOR BUILDING INSPECTOR TO ISSUE TEMPORARY CERTIFICATES OF OCCUPANCY - PEG REALTY RESOLUTION #307

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

BE IT RESOLVED, that the Building Inspector is hereby authorized to issue temporary certificates of occupancy to PEG Realty, 3677-3699 Hill Boulevard (Sec. 16.8-1-2.1)

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

AUTHORIZATION FOR COMPTROLLER TO PAY BRUCE BARBER,  
ENVIRONMENTAL CONSULTANT FOR ALGONQUIN PIPELINE PROJECT  
ATLANTIC BRIDGE SWPPP REVIEW  
RESOLUTION #308

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

RESOLVED, that the Comptroller is authorized to pay Bruce Barber, Environmental Consultant for review of the Atlantic Bridge SWPPP Algonquin Pipeline Project in the amount of \$5,000.00.

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

AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT WITH  
GENERAL CODE  
RESOLUTION #309

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

WHEREAS, the Town is seeking to bring its active record keeping program into the 21<sup>st</sup> Century by implementing a Town-wide Scanning and Enterprise Content Management project to provide a clear path forward for management and protection of future records and Town Information; and

WHEREAS, the Town has vetted a Records Management Program with General Code and Sullivan Data which would:

- Provide easier and faster access to the Town's records and documentation for Town employees and citizens;
- Protect Town Records from natural disaster and preserve the Town's historical records;
- Significantly improve the Town's ability to search and access records; and
- Begin improvements and efficiencies in Town Business Processes through elimination of paper recordkeeping and document sharing; now

THEREFORE, BE IT RESOLVED, the Town Supervisor is hereby authorized to sign the Contract between the Town of Yorktown and General Code in the amount of \$419,102.31.

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

AUTHORIZATION FOR SUPERVISOR TO SIGN AN INTER-MUNICIPAL  
AGREEMENT WITH WESTCHESTER COUNTY IN THE NY STATE FUNDED STOP-  
DWI PATROL/DATAMASTER PROGRAM  
RESOLUTION #310

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an Inter-Municipal agreement with Westchester County to Participate in the New York State funded STOP-DWI Patrol/Datamaster Program for the period of January 1, 2016 through December 31, 2020, not to exceed \$8,400.00 per year.

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

AUTHORIZATION OF BUDGET TRANSFER – JOHN C. HART MEMORIAL LIBRARY FOR EXTERIOR CARPENTRY WORK  
RESOLUTION #311

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

RESOLVED, that the Town Comptroller is authorized to transfer \$19,800 from the library fund balance to L.7410.0416 Maintenance for the purpose of paying Cerrato Custom Carpentry, Mohegan Lake, NY on the completion of exterior carpentry repair work at the John C. Hart Memorial Library.

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

AUTHORIZATION FOR SUPERVISOR TO SIGN CONTRACT WITH CERRATO CUSTOM CARPENTRY FOR EXTERIOR CARPENTRY REPAIR WORK AT JOHN C. HART MEMORIAL LIBRARY  
RESOLUTION #312

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

Resolved, that the Supervisor is authorized to sign a contract with Cerrato Custom Carpentry, Inc. of 3553 Crossways Road, Mohegan Lake, NY for exterior carpentry repair work at the John C. Hart Memorial Library.

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

AUTHORIZATION FOR OBSOLETE, OUT-OF-SERVICE SURPLUS VEHICLES TO BE SOLD ON PUBLIC ONLINE AUCTION  
RESOLUTION #313

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

WHEREAS, various department heads have designated the following items as obsolete, out-of-service, surplus vehicles, and

YEAR	MAKE/MODEL	VIN (LAST 4-DIGITS)	TITLE	DEPARTMENT
1997	Ford, Crown Vic.	3433	Yes	Assessor
1996	Ford, Crown Vic.	2970	Yes	Building
2006	Ford, F350 Van	2059	Yes	Nutrition
1997	Ford, Crown Vic.	0834	Yes	Parks
1999	Chevrolet, Pick-up	6845	Yes	Parks
1999	Ford, F-350 Utility	7292	Yes	Parks
1998	Ford, Crown Vic.	6760	Yes	Police
1995	Ford, F-350	6404	Yes	Sewer
2000	Ford, Crown Vic.	6356	Yes	John C. Hart Memorial Library

WHEREAS, on August 11, 2015, the Yorktown Town Board authorized the Town Supervisor to sign an agreement with Absolute Auctions and Realty Inc. of Pleasant Valley, NY to sell surplus Town vehicles and equipment at an online auction which includes taking photographs of vehicles and equipment and preparing condition reports of the Town's items to be auctioned, all at no cost to the Town, now

Therefore Be It Resolved, the Town Board designates the aforementioned items as surplus vehicles and authorizes them to be placed on public online auction with Absolute Auctions and Realty Inc.

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

RELEASE LANDSCAPE BOND – YORKTOWN FARMS SUBDIVISION GAY RIDGE ROAD  
RESOLUTION #314

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

WHEREAS,

1. Val Santucci, as applicant, filed Landscape Bond #2369, in the amount of \$300.00, for Lot #80.3 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 account on April 27, 2015.
2. Val Santucci, as applicant, filed Landscape Bond #2368, in the amount of \$300.00, for Lot #32.13 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 account on February 27, 2015.
3. Val Santucci, as applicant, filed Landscape Bond #2367, in the amount of \$300.00, for Lot #32.14 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 account on January 20, 2015.
4. Val Santucci, as applicant, filed Landscape Bond #2366, in the amount of \$300.00, for Lot #32.16 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 account on January 19, 2015.
5. Val Santucci, as applicant, filed Landscape Bond #2365, in the amount of \$300.00, for Lot #80.6 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
6. Val Santucci, as applicant, filed Landscape Bond #2363, in the amount of \$300.00, for Lot #32.12 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
7. Val Santucci, as applicant, filed Landscape Bond #2364, in the amount of \$300.00, for Lot #80.7 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
8. Val Santucci, as applicant, filed Landscape Bond #2362, in the amount of \$300.00, for Lot #32.11 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
9. Val Santucci, as applicant, filed Landscape Bond #2361, in the amount of \$300.00, for Lot #80.5 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
10. Val Santucci, as applicant, filed Landscape Bond #2360, in the amount of \$300.00, for Lot #80.1 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
11. Val Santucci, as applicant, filed Landscape Bond #2359, in the amount of \$300.00, for Lot #32.15 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
12. Val Santucci, as applicant, filed Landscape Bond #2358, in the amount of \$300.00, for Lot #80.8 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
13. Val Santucci, as applicant, filed Landscape Bond #2357, in the amount of \$300.00, for Lot #32.7 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
14. Val Santucci, as applicant, filed Landscape Bond #2354, in the amount of \$300.00, for Lot #32.6 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.

15. Val Santucci, as applicant, filed Landscape Bond #2356, in the amount of \$300.00, for Lot #32.10 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
16. Val Santucci, as applicant, filed Landscape Bond #2355, in the amount of \$300.00, for Lot #32.8 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
17. Val Santucci, as applicant, filed Landscape Bond #2353, in the amount of \$300.00, for Lot #32.19 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
18. Val Santucci, as applicant, filed Landscape Bond #2352, in the amount of \$300.00, for Lot #32.18 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
19. Val Santucci, as applicant, filed Landscape Bond #2351, in the amount of \$300.00, for Lot #32.17 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013.
20. The Town Engineer has informed this Board that a representative of his Department has inspected said properties and determined that the work has been satisfactorily completed, and that said bonds totaling \$5,700.00 may be released,

NOW, THEREFORE, BE IT RESOLVED, that the above referenced Landscape Bonds are hereby released to Mr. Val Santucci, 37 Croton Dam Road, Ossining, NY 10562.

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

ACCEPTANCE OF MAINTENANCE BOND AND RELEASE OF EROSION CONTROL/WETLAND BOND RESOLUTION #315

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

WHEREAS,

1. Val Santucci, as applicant, previously provided the Town with Hudson Valley Bank, N.A., Letter of Credit No.707, in the amount of \$1,094,062.00, to serve as the Performance Bond for the Yorktown Farm Subdivision, located off Gomer Street.
2. That said Performance Bond, Letter of Credit No. 707, was reduced at the Town Board meeting of September 18, 2012 to \$231,103.90.
3. Val Santucci, as applicant, previously provided the Town with Hudson Valley Bank, N.A., Letter of Credit No.711, in the amount of \$40,000.00, to serve as the Erosion Control Bond for the Yorktown Farms Subdivision.
4. Val Santucci, as applicant, previously provided the Town with Hudson Valley Bank, N.A., Letter of Credit No.719, in the amount of \$15,000.00, to serve as the Wetland Bond for Wetland/Excavation Permit #WP-E-010-08.
5. Val Santucci, applicant and developer of the Yorktown Farms Subdivision, has informed the Town Engineer that the construction of the subdivision is complete and has requested the bond monies be returned.
6. The Town Engineer has informed this Board that a representative of his department has inspected the subdivision and determined that all public improvements for the subdivision have been satisfactorily completed. The Town Engineer further requested a Maintenance Bond be provided to the town as a 1-year guarantee and warrants for the new Town roadways, stormwater measures and street trees.
7. Val Santucci as applicant and developer, provided the Town with Allied World Insurance Company Maintenance Bond No. S001-1176 in the amount of \$40,000.00,

to serve as the Maintenance Bond for the Yorktown Farms Subdivision, for a period of 1-year, commencing on June 1, 2016.

NOW, THEREFORE BE IT RESOLVED, that the above referenced Letters Of Credit (#707, #711, #719) be released to Mr. Val Santucci, 37 Croton Dam Road Corp., Ossining, NY 10562.

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

RELEASE OF ESCROW DEPOSIT FOR STREET OPENING PERMIT #016-010  
RESOLUTION #316

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

RESOLVED, that the Town Board authorizes the release of an escrow deposit in the amount of \$2,000.00 to Man of All Seasons, 1795 Hunterbrook Road, Yorktown Heights, NY 10598 for Street Opening Permit No. 016-010.

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

DURING COURTESY OF THE FLOOR, the following people spoke:

Mrs. Mary Capoccia spoke about an incident that took place at Community Day.

Mr. Howard Frank spoke about conditions at Sparkle Lake that he feels were not done right by the contractor.

Mr. Robert Giordano, President, Yorktown Small Business Association spoke about an incident that took place at Community Day.

Mr. Ken Belfer announced that the annual Mohegan Lake Day will be held on July 17, 2016, beginning at 9:00 a.m.

Mr. James Heller stated that he supports the Quality of Life Committee. He also spoke about Hilltop Gas Station and would like to know why they are selling used cars when it is restricted.

Councilman Bernard stated that he has spoken with the owner and there is a plan for the property.

Mr. Jay Kopstein stated that he is still selling cars which is a violation of the Town Code.

Mr. Ed Ciffone spoke about an incident that took place at Community Day. He also asked to be on the Quality of Life Committee.

Courtesy of the Floor was closed.

Supervisor Grace gave an overview of the Highway Garage Project.

MONTHLY REPORTS

The Town Board accepted the monthly reports from the Receiver of Taxes dated June 2016.

ADJOURN

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

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Diana L. Quast, Town Clerk  
Town of Yorktown