

Meeting of the Town Board, Town of Yorktown held on November 22, 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 Lachterman, the Town Board moved into Executive Session to conduct personnel, volunteer board and Land Use Counsel interviews and Contract Negotiations. Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

MOHANSIC TRAILWAY

Mr. Mark Linehan, President Yorktown Town Trail Committee and Joseph Riina, Engineer discussed with the Town Board the proposed Mohansic Trailway which will link Route 118 by Turco's to Baldwin Road. Mr. Linehan stated that the Trail Committee has most of the money estimated to do the project and would like the town to help with the rest.

Supervisor Grace explained that the Town cannot do the work for free and there could be issues with union personnel, if the Highway Department participates in this project.

Highway Superintendent Dave Paganelli stated that the Town Board would have to pass a resolution authorizing the Highway Department to assist in this project.

Supervisor Grace asked the Highway Superintendent to meet with the Town Attorney and Mr. Linehan and discuss the issues.

CROTON OVERLOOK

Mr. Dennis Fitzgerald, Esq., Executor of Muldoon estate, was present to ask the Town Board to reconsider an earlier decision to deny the extension of the Croton Overlook Rezoning Resolution which had a sunset clause in it. Mr. Fitzgerald stated that there are some legal issues that are being taken care of and they have a contractor to do the work, they just need the extension in order to put everything into place and begin the work.

Supervisor Grace gave an overview of the Croton Overlook project and stated that he is opposed to the original project and is not in favor of the extension. However, Mr. Fitzgerald can reapply at a later date with a new plan.

CROTON OVERLOOK EXTENSION

RESOLUTION #518

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

Resolved, that the Town Board chooses to not extend the Croton Overlook Project Resolution for Rezoning.

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

BONFIGLIO 1233 BALDWIN ROAD – STORMWATER APPLICATION
RESOLUTION #519

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

BE IT RESOLVED that the application made by Joseph Riina, Site Design Consultants on behalf of the owner Michael Bonfiglio for a Stormwater Pollution Prevention Plan in connection with the construction of a single-family home located at 1233 Baldwin Road, Yorktown Heights, NY 10598 is hereby referred to the Town Engineer for issuance of all necessary permits.

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

GIORDANO 1346 BAPTIST CHURCH ROAD – STORMWATER PERMIT
RESOLUTION #520

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

BE IT RESOLVED that the application made by Tim Cronin, Cronin Engineering on behalf of the owners Mark and Debbie Giordano for a Stormwater Pollution Prevention Plan in connection with the construction of a single-family home located at 1346 Baptist Church Road, Yorktown Heights, NY 10598 is hereby referred to the Town Engineer for issuance of all necessary permits.

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

ENGINEERING DISCUSSION

Town Engineer Michael Quinn stated that the consulting company for the pump station upgrade project is still reviewing the bids. They will also need to review the funding of the project.

HIGHWAY GARAGE RELOCATION DISCUSSION

Mr. Ed Ciffone, President, UTY discussed with the Town Board the relocation of the highway garage. He went over several items regarding the plans to move the highway garage to Greenwood Street. He stated that a petition that was started has over 5,000 signatures against the highway garage being moved and asked the Town Board to wait until they had all the funding for the project.

Councilman Patel reaffirmed that over 5,000 residents had signed a petition against the highway garage relocation project.

Supervisor Grace stated that no petition has been submitted to the Town regarding this issue.

Mr. Ciffone stated that he would not submit the signed petitions because he expected there would be some type of retaliation toward the signers.

Supervisor Grace stated that Mr. Ciffone's comment regarding retaliation crossed the line and would not be tolerated. He advised the police officer present to escort Mr. Ciffone out of the meeting.

Councilman Bernard stated that comments made by Mr. Ciffone are accusatory towards this Town Board's integrity and that is not acceptable.

Councilman Diana stated that Mr. Ciffone's privilege to address the Town Board has been revoked.

GRANITE KNOLLS REFERRAL
RESOLUTION #521

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

Resolved, that the Town Clerk is hereby authorized to refer out the Proposed Site Plan for the Granite Knolls Recreation Facility to the agencies listed below for their review and/or recommendation, and

Be It Further Resolved, the Town Board declares its intent to act as Lead Agency, and

Be It Further Resolved, that the Town Board requires your comments and or recommendations by December 22, 2016.

To: US Army Corps of Engineers
New York State Department of Transportation
New York State Department of Environmental Conservation
New York City Department of Environmental Protection

Westchester County Department of Health
Westchester County Planning Board
Westchester County Planning Department

Lake Mohegan Fire Department

Yorktown School District

Chamber of Commerce

Town of Yorktown Agencies:

ABACA
Building Department
Conservation Board
Highway Department
Environmental Consultant
Planning Board
Planning Department
Police Department
Recreation Commission
Sewer Department
Town Attorney
Town Board
Town Engineer
Water Department

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

AUTHORIZE SUPERVISOR TO SIGN A PROPOSAL WITH SITE DESIGN
RESOLUTION #522

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

Resolved, that the Supervisor is authorized to sign a Proposal with Site Design Consultants to provide design services for the Granite Knolls Recreation Facility, to be paid for out of the Parks Trust and Agency Account.

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

REFERRAL PROPOSED LOCAL LAW TO AMEND WETLAND ORDINANCE
RESOLUTION #523

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

Resolved, that the Town Clerk is hereby authorized to refer out the following proposed local laws to repeal in its entirety Chapter 178 of the Code of the Town of Yorktown entitled “FRESHWATER WETLANDS” and replace with a new Chapter 178 entitled “FRESHWATER WETLANDS PROTECTION ORDINANCE”, and

Be It Further Resolved, that there are two drafts of the proposed local law to review and comment on, and the Town Board would like your comments sent or emailed to me at dquast@yorktownny.org on or before December 22, 2016. May I also request that even if you have no comments or opinions, you share that as well, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

To: New York City Department of Environmental Protection
New York State Department of Environmental Conservation
New York State Department of Transportation

Westchester County Planning Board/Department

Yorktown Chamber of Commerce

Conservation Board
Environmental Consultant
Highway Department
Planning Board/Department
Open Space Committee
Town Attorney
Town Board
Town Engineer
Wetlands Inspector

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

REFERRAL OF PROPOSED LOCAL LAW TO AMEND MASTER FEE SCHEDULE
RESOLUTION #524

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

RESOLVED, that the Town Clerk is hereby authorize to refer out the following Proposed Local Laws amending Chapter 15-16, 105-8, 115-33, 124-3, 138-5, 155-4, 168, 171-6 regarding fees and the Master Fee Schedule.

The Board would like your comments sent or emailed to me at dquast@yorktownny.org on or before December 22, 2016. May I also request that even if you have no comments or opinions, you share that as well, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

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

APPROVE WATER BILL TO BE PAID IN TWO INSTALLMENTS
RESOLUTION #525

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

Resolved, that the Town Board authorizes Water Bill Account Number 41-0221377-2 to be paid in two installment payments.

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

ACCEPT DONATION OF CONFERENCE TABLE AND CHAIRS
RESOLUTION #526

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

Resolved, that the Town Board accepts the donation of a conference room table and chairs from the Westchester County BAR Association.

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

AUTHORIZE BUDGET TRANSFER

RESOLUTION #527

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

Be it resolved that the Comptroller is authorized to process the following payroll budget transfers:

Engineering:			
Payroll #22	\$ 5,357.84		
Payroll #23	\$13,889.51		
Payrolls 24 through 26	\$48,613.29		
To: 1440.101	\$67,860.64	Engineering Salary	
From: 1440.490	\$67,860.64	Engineering Professional Services	
Police:			
Payroll #22	\$ 12,551.81		
Payroll #23	\$ 22,332.76		
Payrolls 24 through 26	\$ 87,500.00		
To: 3120.111	\$134,884.57	Police Uniform Overtime	
From: 3120.102	\$134,884.57	Police Uniform Salary	

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

AUTHORIZE BUDGET TRANSFER

RESOLUTION #528

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

Be It Resolved, that the Town Board authorizes the following 2016 year end budget transfers:

	Description	From	To
General			
A.3120.810	Medical Insurance	117,000.00	
A.3120.0421.0001	Computer Support/Software		65,000.00
A.3120.0424	Communications		35,000.00
A,3120.0210	Vehicles		17,000.00
A.3120.0470	Gas & Oil	26,000.00	
A.3120.0201	Equipment		26,000.00
A.3120.0102	Salaries Uniformed	72,000.00	
A.3120.0201.0001	Computer Equipment		72,000.00

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

AUTHORIZE RELEASE OF BOND FOR WOLSKI

RESOLUTION #529

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

Whereas:

1. TTKN LLC as applicant, posted check #334 in the amount of \$2,500 which was deposited into the T33 account on August 19, 2016, to serve as the Wetland Bond for permit #WP-T-BSWPPP-062-14.

2. TTKN LLC as applicant, posted check #333 in the amount of \$2,500 which was deposited into the T33 account on August 19, 2016, to serve as the Erosion Control Bond for permit #WP-T-BSWPPP-062-14.
3. TTKN LLC as applicant, posted check #335 in the amount of \$1,000 which was deposited into the T76 account on August 19, 2016, to serve as the Construction Monitoring Fee for permit #WP-T-BSWPPP-062-14.
3. The Town Engineer has informed this Board that no work has been done on the site and that the property has since been sold and the permit is null and void.

Now, Therefore Be It Resolved, that the above referenced monies totaling \$6,000 be released to TTKN LLC, P.O. Box 2, Mahopac Falls, NY 10542.

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

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct personnel, volunteer board and Land Use Counsel interviews and Contract Negotiations. Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved out of Executive Session and adjourned the Town Board meeting.

ADJOURN

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

DIANA L. QUAST, RMC
Town Clerk
Town of Yorktown