

Meeting of the Town Board, Town of Yorktown held on December 20, 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 and seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss the employment of a particular individual. Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the American Flag.

MOMENT OF SILENCE

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

DURING REPORTS FROM THE TOWN SUPERVISOR, Michael Grace mentioned that this would be the last Town Board meeting of 2016.

DURING REPORTS FROM TOWN COUNCIL, Councilman Diana Announced that there will be a New Years Eve Ball Drop and fireworks on December 31, 2016.

Councilman Patel mentioned an Eagle Project which benefited the John C. Hart Memorial Library.

Councilman Lachterman reminded everyone that the Lions Club and the American Legion are holding a New Year's Eve Party.

APPOINTMENT – POLICE OFFICER DANIEL F. CURTIS
RESOLUTION #552

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

BE IT RESOLVED, that Daniel F. Curtis of Yorktown, New York is hereby appointed contingent-permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective December 21st, 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 December 21st, 2016.

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

APPOINTMENT – POLICE OFFICER JOHN J. BATTISTA
RESOLUTION #553

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

BE IT RESOLVED, that John J. Battista of Yorktown Heights, New York is hereby appointed contingent-permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective January 6th, 2017 to be paid the contractual salary of \$42,182.00 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 January 6th, 2017.

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

APPOINTMENT – POLICE OFFICER JAMES J. HANNIGAN
RESOLUTION #554

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

BE IT RESOLVED, that James J Hannigan of Yorktown Heights, New York is hereby appointed contingent-permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective December 21st, 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 December 21st, 2016.

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

PROCLAMATION – Supervisor Grace presented Anthony Chiaverini with a Certificate of Appreciation for his 45 years of business in Yorktown, A Cut Above, and congratulated him on the occasion of his retirement.

PRESENTATION FROM KEN RUNDLE, DISTRIBUTION SUPERINTENDENT

Ken Rundle, Distribution Superintendent for the Yorktown Water District, spoke before the Board regarding leak detection in the Yorktown water system and the methods used to do so. Two months ago Mr. Rundle proposed a new system of leak detection that would be done in-house, as opposed to the outsourcing that had been done in the past. The Town Board agreed and the leak detection was done and was very successful. The fee for the outsourcing was \$20,850. The in-house operation did the same work, if not more comprehensively, and was done for \$7,500 resulting in a savings of \$13,350. This was saved in just 10 days time; the 5 year projection would be a savings of approximately \$67,000. Mr. Rundle explained that there is also more oversight in doing this project in house. When the Town's employees go out on the job, there is always a foreman or assistant foreman present to ensure nothing gets overlooked. This cannot be said with an outside company. Leak detection is done to catch small leaks and is done at night when it is quieter and there is less water usage. The Town has 7 water storage tanks in town ranging from 30,000 to 3,000,000 gallons. The Town also has 170 miles of water main pipe to maintain. This is what is being checked during the leak detection process. They found 14 leaks; 12 of which the Town is responsible for and those were fixed. Mr. Rundle feels the program was a success and asked for the program to be pushed forward for next year.

Residents are informed about leaks on their property and advised how to take action because, even though it is their responsibility, it is still water the Town is purchasing and may be wasted.

Councilman Patel stated how the new system helps to monitor excessive use and waste of resources.

Councilman Diana stated how it will also help prevent major water main breaks.

Superintendent Rundle stated how fire prevention measures are an area of concern for him. Yorktown has 1,700 fire hydrants in the Yorktown Fire District; 935 have been checked for

operation in the last 2 to 3 months; 500 have been flushed which means that 1400 hydrants have been looked at in the last few months. Forty-three hydrants needed repairs. Mr. Rundle reminded residents to clear snow away from hydrants during snow storms. He also mentioned how freezing pipes can be an issue with the colder temperatures and said that residents should make sure garage doors are kept closed and any broken windows are repaired.

Supervisor Grace mentioned that the replacement of the 3,000,000 gallon water tank with a 3,800,000 water tank was a successful project that came in on time and under budget.

Superintendent Rundle also wanted to thank Matt Kehoe and his staff at the Northern Westchester Joint Water Works. He said how much he appreciates his staff and their dedication to their jobs.

Councilman Patel asked Mr. Rundle what are his recommendations regarding the water tank lining project. Mr. Rundle said that the plans have been designed and are at the Health Department for approval and once that has been finalized, he will present them to the Board.

Supervisor Grace said that although it had been a budgeted project for a few years, it became a moving target in terms of completion because things kept changing: it moved from one location to another and then the costs started changing. The Town is committed to doing it once final plans are presented.

AUTHORIZE SUPERVISOR TO SIGN MEMORANDUM OF AGREEMENT WITH THE SUPERIOR OFFICERS ASSOCIATION
RESOLUTION #555

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

Be It Resolved that the Memorandum of Agreement between the Town of Yorktown and the Superior Officers Association (SOA) dated December 21, 2016 is hereby ratified and approved and the Town Board approves the funding for such Agreement; and

Be It Further Resolved that the Town Supervisor is authorized to execute a Collective Bargaining Agreement for the period from January 1, 2015 through December 31, 2017 that is consistent with the terms of the Memorandum of Agreement.

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

DECISION ON PUBLIC HEARING FOR 2017 ADOPTED BUDGET

Supervisor Grace stated that elimination of the tax levy in the Open Space District and reallocating the levy to the General Fund in a special line for Capital projects would allow for extra money for things like paving and culvert repairs.

Councilman Patel asked if this elimination was discussed publicly. Councilman Lachterman said that it was discussed at the last meeting.

Councilman Patel feels that more discussion should have taken place. He feels that since it was a referendum and a ballot to put the levy into place, there should be a referendum and ballot to remove it. He said that if they went to the State and told them that the Town would like to use the Open Space money to maintain open space as well as for other things; this is one way to reduce the budget next year. If there hadn't been the levy in the first place, the \$1.5 million would never have been collected from Spectra. We were able to purchase Solomon Farms and other valuable pieces of land because of the fund.

Supervisor Grace stated that the fund was valuable for certain purposes but right now we are not looking to purchase any more open space. The levy was used to pay down a \$5 million ban which was used to purchase Solomon Farms, Locke Avenue, Granite Knolls, etc. He sees nothing more in fiscal year 2017 that would compel the Town to continue to collect the levy. The fund at the end of the fiscal year will show a surplus which cannot be expendable against any other expenditure because it is restricted to the purchase of property. He said that it is collecting people's money and putting it into a fund for which you have no plan to spend

it which does not seem to be prudent. Supervisor Grace said that they can eliminate the levy and get everything done or they can increase the levy in the General Fund and try to get environmental projects done which would include maintenance.

Councilman Patel does not agree – he stated that the process that was followed to obtain the levy should be the same process to eliminate it. Supervisor Grace said there are too many legal problems to do it that way – he said they are not eliminating the fund, therefore the town can go back to it, if needed. The levy is being taken on a per capita basis, not an ad valorem basis. State legislation did not speak to the duration of the levy, the amount of the levy, or the perpetuation of the levy. State legislation only allowed the collection of a tax for the purpose of purchasing open space which you could do using General Fund funds. These funds are collected on an ad valorem basis; not a per capita basis. Councilman Patel said he feels the Town will benefit financially under the present system when we start utilizing the open space we have.

Councilman Lachterman said that if the Town puts it to a ballot, the Town loses the opportunity to bring it back the \$30 levy. If the Town finds property that would benefit the Town and the ecology, they would not be able to collect the tax to purchase it.

Supervisor Grace said that we have a fund that is accumulating money for which we have no immediate open space purchases planned. The Town would then be compelled to either spend it on open space, give it back somehow, or the Town would have to collect it under one pretense and ask the state legislation to spend it under other purposes. He stated that we are not compelled to impose the levy in the Open Space fund, especially since we don't have anything to spend it on. We can use that portion that would be levied for other capital projects and not offend the tax cap or affect taxpayer refunds. Councilman Patel respectfully disagrees.

Supervisor Grace made a motion to amend the budget minus the levy in the Open Space District and to increase the levy in the General Fund by \$400,000.

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

Councilman Patel said that this budget is \$5,000,000 more than it was 5 years ago. We have added positions to the town staff and salary and benefits account for three-quarters of the budget. Costs are increasing so how can the Board tell the public that taxes won't go up? Money is going into budget lines and not being spent to improve conditions in the Town.

Town Clerk Diana Quast stated that the public hearing for the budget was closed on December 13, 2016 and reminded the Town Board that a roll-call vote is needed to adopt the budget.

Supervisor Grace stated that this was a motion to amend the budget and he would now make a motion to adopt the budget, as amended.

ADOPT BUDGET AS AMENDED - BUDGET YEAR 2017
RESOLUTION #556

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

WHEREAS, Supervisor Michael Grace, acting as Budget Officer, did on the 28th day of October, 2016 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2017, and

WHEREAS, a public hearing was called and duly held on the 13th day of December, 2016, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and

accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget, and be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2017, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

Supervisor	\$121,328.00
Councilman (4)	\$ 19,575.00
Town Clerk	\$ 96,677.00
Superintendent of Highways	\$110,777.00
Town Justices (2)	\$ 32,437.00

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

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

The resolution was thereupon declared duly adopted.

RECONVENE PUBLIC HEARING TO REZONE MOHEGAN AUTO AND TIRE CENTER

Supervisor Grace reconvened a public hearing to consider the application received from Petitioner Mohegan Auto & Tire Center, Inc. in connection with property known on the Yorktown Tax Rolls as Section 15.12, Parcel 2, lot 8, located at 1581 East Main Street, Shrub Oak, NY 10588 seeking a zoning map amendment from R1-20 to Transitional Zone and a Wetland Permit.

The following people spoke:

Joseph Riina, Site Design, spoke regarding some of the input from the last meeting regarding the placement and design of the “Welcome to Shrub Oak” sign, as well as the fencing.

John Tegeder, Director of Planning, stated that he felt the design was good (would like to see the “Welcome to Shrub Oak” be raised), but he was not sold on the position of the sign. He gave his opinions and suggestions. Chris Sciarra spoke to the reasons why the sign was placed where it was. He also asked if the Board would be opposed to “scrapping” the sign. Councilman Bernard said they would be opposed.

Supervisor Grace stated that the Board would continue on with the next public hearing and would circle back to this issue in order to give the applicant and his representatives time to discuss the proposed changes to the sign.

CONVENE PUBLIC HEARING FOR A SPECIAL USE, WETLANDS/SWPPP PERMITS FOR GLOBAL MINTELLO GROUP CORP – 3700 BARGER STREET – RE-BRAND BP GASOLINE STATION

Supervisor Grace convened a public hearing to consider the application received from Global Mintello Group Corp. for a Special Use Permit, Wetland and Stormwater Permit. The request is to approve replacement of storage tanks with associated piping dispensers, install new canopy over dispensers with an in-canopy fire suppression system, install new drainage and other site improvement work with re-branding to BP station located at 3700 Barger Street, also known as Section 507, Parcel 1, Lot 2 on the Tax Map of the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

The following people spoke:

Andrew Stewart from Highpoint Engineering and Sara Cafran both on behalf of Global Mintello Group Corp. Mr. Stewart reviewed the details of the project with the Board.

Supervisor Grace stated that this is at least their third appearance before the Board and he understands that most of the issues with the project have been or are being addressed.

Ms. Cafran stated that the applicant has decided to hold off with either a new building or renovation of the existing structure. Mr. Stewart displayed the plans for the new signage and canopy. Lighting was lowered and dimmed, as requested by the Board. Mr. Stewart also presented plans for the curb change.

Mr. Stewart said that the client is proposing two monument signs on the property.

John Tegeder, Director of Planning, said he looked at the signage and said it is okay and has no particular problem with it.

Councilman Bernard and Councilman Diana stated that they are not in favor of two monument signs. Supervisor Grace agreed. Discussion followed as to where the best placement of one monument sign would be. A further discussion of landscaping took place and Mr. Stewart showed where landscaping would be done on the property. Supervisor Grace felt that landscaping would soften the appearance of the gas station, as well as make it more appealing to residents in the area. Mr. Tegeder suggested a four foot dark green fence – he did not see a need for a six foot fence or a chain link fence.

Mr. Stewart and Town Engineer Michael Quinn, discussed drainage issues, per a memo from Mr. Quinn.

Supervisor Grace said the applicant should return to the Town Board with suggested changes and recommendations on January 3rd.

Mr. Jim Heller, a resident who lives across the street from the gas station, wanted to applaud the Town Board for their interest and involvement in this project. He feels that it will be a very classy addition to the neighborhood. His only question is that according to the Town's Comprehensive Plan, dense landscaping was required.

Councilman Bernard told Mr. Heller that the property that he is referring to is State DOT land, not Town land, therefore, the Town cannot plant there.

Mr. Mark Lieberman, resident, mentioned the possibility of increased traffic in the area due to the gas station. He pointed out problem spots that already exist at the intersection and feels it may get worse.

Supervisor Grace made a motion to close the public comment, seconded by Councilman Lachterman. Town Clerk Diana Quast reminded the Town Board that public comment could not be closed if a public hearing is adjourned.

Supervisor Grace disagreed, stating he could close public comment when he wished, and proceeded to enumerate the changes the Town Board would be looking for when the public hearing is reconvened.

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

RECONVENE PUBLIC HEARING TO REZONE MOHEGAN AUTO AND TIRE CENTER (continued)

Mr. Riina came before the Board to state that the owner, Mr. Hamed, is in agreement to move the sign, at the line of the existing arborvitae and transplanting the arborvitae in a horseshoe shape around the sign, as suggested earlier in the evening. He would like the option of facing the wall with either brick or stone. The Board's opinion is that it should be stone. Councilman Bernard stated that now the number of plants will be reduced. He would prefer to keep all the plantings to retain the density.

The following people spoke:

Mr. Jim Heller, resident, said there has been no talk about how the applicant has been in violation of Town Code regarding the sale of used cars on the property. He said that the applicant has stated that all he has tried to do is to beautify the property. Mr. Heller feels this is disingenuous since he has removed all of the greenery that was on the property. He said that Mr. Hamed had no right to remove the trees from DOT property and has removed the density buffer that is supposed to exist, as well as removing an 8-foot fence. The proposed replantings the applicant proposes are too few and too sparse. Mr. Heller feels that the Board has not listened to the majority of the residents who opposed the rezoning to allow the sale of used cars.

Mrs. Susan Siegel, resident, agrees with Mr. Heller in his assessment of the landscaping issues and that a valuable greenbelt has been lost along Route 6. She also brought up the fact that there are two parcels of land in this project (one site plan), however, only one parcel is up for rezoning to a transitional zone (the gas station parcel). She proceeded to give a history of the zoning on the property. The site was rezoned to transitional zoning in 1997 and then the transition was changed in 2001. Item 11 of the last transitional change in 2001 stated that there shall be no commercial sale of vehicles from the site. Therefore, all the the sales of used cars that took place since then have been illegal. Also, since the current rezoning application is only for the parcel where the garage is located and not where the used cars are located, it still should not be permitted unless the applicant wants to come back and apply for a transitional zone change for that piece of property that has the used cars. Mrs. Siegel then proceeded to point out what she feels are inconsistencies this project has in relation to the Town's Zoning Code.

Chris Sciarra stated that the owner did check with the State DOT about cleaning up the swale and removing plants from the site so he could gain access to the existing fence. He said that the DOT actually commended Mr. Hamed for cleaning it up.

Supervisor Grace mentioned that cars being sold on the front lot of the property is permitted, and there is nothing that says the cars being sold on the front lot cannot be parked on the back lot. The transaction of the sale must take place on the front lot.

Councilman Bernard stated the back parcel does not need to be rezoned because it is already a transitional zone, and the approving resolution from tonight's meeting is for the front parcel which will have conditions set.

Mrs. Siegel attempted to speak before the Board again, but was told she was prohibited from doing so.

Supervisor Grace asked for a motion to close the public hearing. Councilman Diana made a motion to close the public hearing, and was seconded by Councilman Lachterman.

Supervisor Grace asked if there were any conditions from an engineering standpoint and was told that issues were addressed.

Supervisor Grace stated the conditions that the Board requires and, upon compliance, the Board will issue an approving resolution.

ADVERTISE BID FOR ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICE FOR TOWN BOILERS, BURNERS AND FURNACES
RESOLUTION #557

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Friday, January 13, 2017 for the Annual Maintenance and Emergency On-call Service Bid for Town Boilers, Burners and Furnaces.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Bid documents may also be obtained on the Town of Yorktown's website at www.yorktownny.org.

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

ADVERTISE BID FOR ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICE FOR BOILER, BURNER AND FURNANCE LOCATED AT THE YCCC
RESOLUTION #558

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Friday, January 13, 2017 for the Annual Maintenance and Emergency On-call Service Bid for Boiler, Burner, and Furnace located at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Bid documents may also be obtained on the Town of Yorktown's website at www.yorktownny.org.

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

ADVERTISE BID FOR AUTO BODY WORK ON TOWN VEHICLES
RESOLUTION #559

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Friday, January 13, 2017 for Town-owned Vehicles (Automobiles and Trucks) Auto Body Repair Bid.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Bid documents may also be obtained on the Town of Yorktown's website at www.yorktownny.org.

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

ADVERTISE TOWN BOARD MEETING FOR JANUARY 3, 2017
RESOLUTION #560

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

Resolved, that the Town Board of the Town of Yorktown will meet on January 3, 2017 at 6:45 P.M., for the purpose of conducting an organizational meeting as required by law. The meeting will take place at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY. 10598.

Be It Further Resolved, that the Town Board meeting scheduled for December 30, 2016 is cancelled.

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

APPROVE BID EXTENSION FOR ON-CALL GRIT REMOVAL & DISPOSAL FOR THE
WATER POLLUTION CONTROL PLANT BID #14-7
RESOLUTION #561

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

Whereas, the Town Board at its meeting of December 16, 2014, awarded the bid for On Call Grit Removal & Disposal, Bid #14-7, for the Water Pollution Control Plant to Fred Cook Jr., Inc., and

The Town previously exercised its contractual option to extend the bid in one-year increments for the periods 1/1/16- 12/31/16. The maximum contract term of two (2) years has been reached.

The Town intends to extend this contract for its final one year term.

Resolved, that the Town Board extends the contract with Fred Cook Jr., Inc., for the On Call Grit Removal & Disposal, Bid #14-7 for a one year period with the same terms and conditions. Contract Price: \$149.95 per ton, Contract term: 1/1/17-12/31/17.

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

APPROVE FEE SCHEDULE FOR GOODS AND SERVICES FOR THE REFUSE AND RECYCLING DEPARTMENT

RESOLUTION #562

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

Resolved, effective January 1, 2017, the Town Board approves the following fee schedule for goods and services offered by the Refuse & Recycling Department:

“Extra” Bulk Trash Collection: \$ 50.00

“Removal Sticker” for appliances containing Freon: \$ 20.00 for each Refrigerator or Freezer
(Note: Freon appliances will only be picked up & disposed of by the Refuse & Recycling Department when a paid “Removal Sticker” is on the appliance.

Car Tires without rim: \$ 5.00 each
(Note: car tires are not picked up curbside with Bulk Trash collections. During pre-scheduled “Disposal Days” residents can bring car tires to the Refuse & Recycling Department where a \$5.00/tire disposal fee must be paid).

30-gallon Biodegradable Leaf Bags: \$.40 each (\$ 20.00 bundle of 50 bags)

18-gallon Recycling Bin: \$ 8.00

14-gallon Recycling Bin: \$ 6.00

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

AUTHORIZE BOND RELEASE – FLEURAT – WP#-BSWPPP – 034-15 – HAYES DRIVE

RESOLUTION #563

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

Whereas, Quentin & Anne Fleurat, as applicants, posted \$500 which was deposited into the T33 account on August 19, 2016, to serve as the Performance Bond for Wetland & Stormwater Permit #WP-BSWPPP-034-16, for work performed at their Hayes Drive location.

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.

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

AUTHORIZE BOND RELEASE – PRUNTY – FSWPPP-037-16 – OLD YORKTOWN ROAD
RESOLUTION #564

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

Whereas, CBK & Associates, Ltd., as applicant, posted check #119 in the amount of \$750.00 which was deposited into the T33 account on October 3, 2016, to serve as the Erosion Control Bond for permit #FSWPPP-037-16.

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 \$750.00 be released.

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

AUTHORIZE BUDGET TRANSFER FOR WATER POLLUTION PLANT – OGS FORD TRUCK PURCHASES
RESOLUTION #565

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

WHEREAS, the Yorktown Heights Water Pollution Control Plant requests the purchase of the following vehicle: Ford F550 Truck with Knapheide Heavy Duty Value-Master-X Platform Body and IMT Crane (or equivalent).

The Town put in a bid request for the new work vehicle through the New York State Office of General Services.

Webster Ford dba Henderson Ford submitted the lowest price under the OGS state bid at a total contract price of \$80,454.27. Note: The second bidder, Van Bortel Ford, Inc. submitted a lower initial price of \$79,698.48, however their price did not include the power equipment package that was a specification requirement (and was indicated as an add cost of \$841.80). When the total pricing from Van Bortel Ford, Inc. was adjusted to include the power equipment package, the new bid price was \$80,540.28

The Department will use available funds for the purchase, however we need the Town Comptroller to make the following 2016 budget transfers:

- a. \$18,000 from YS8130.201 Equipment to YS8130.201.1 Capital Equipment
- b. \$25,000 from YS8130.0449 Analysis to YS8130.201.1 Capital Equipment

Now, Therefore Be It Resolved, that the Town Board authorizes the purchase of a crane truck (with associated budget transfers indicated above) for use by the Yorktown Heights Water Pollution Control Plant staff. The total purchase amount shall be \$80,540.28 from Webster Ford dba Henderson Ford in accordance with the state contract bid price.

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

AUTHORIZE CONFERENCE ATTENDANCE FOR TOWN ENGINEER MICHAEL QUINN
RESOLUTION #566

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

Whereas, the Town Engineer wishes to partake in an upcoming Annual Winter Meeting of the New York Water Environment Association that will be held from February 6th through 8th at the Marriott Marquis in New York City.

Sufficient funds exist in the budget line item for Employee Training to cover the cost of attendance plus expenses, including travel to the conference hotel in New York City:

- Conference Fee: \$485
- Estimated travel expenses: \$75
- Total: \$560

Now Therefore Be It Resolved that Michael Quinn, Town Engineer, has permission to attend the Annual Winter Meeting of the New York Water Environment Association as described above.

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

AUTHORIZE EDUCATION CLASS FOR FRANK RENDINA – SEWER DEPARTMENT
RESOLUTION #567

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

Whereas, a Town of Yorktown Employee, Frank Rendina, current job title Maintenance Mechanic, wishes to obtain further skill in wastewater treatment plant operations. He is requesting Town Board approval to take an upcoming set of classes that will lead to operator certification.

Classes will be held at SUNY Ulster County and will occur on various dates in January 2017.

The classes he wishes to attend are as follows:

- Math for Wastewater Operators: \$131
- Basic Wastewater Lecture: \$1,029
- Basic Wastewater Lecture: \$639
- Total: \$1,799

Now Therefore Be It Resolved, that Frank Rendina, Maintenance Mechanic, has permission to attend the education classes listed above. Reimbursement will be in accordance with Town policy and the Agreement with the employee union, CSEA.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH COUNTY OF
WESTCHESTER FOR AN ADDITIONAL PURCHASE OF EQUIPMENT FOR
NUTRITION CENTER
RESOLUTION #568

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

Be It Resolved that the Town Supervisor is authorized to sign the agreement with the County of Westchester whereby the County is providing an additional \$7,000.00 to the Town to purchase additional equipment for use in the Nutrition Center.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH MASER
CONSULTING, PA FOR PROFESSIONAL ENGINEERING AND CONSTRUCTION
INSPECTION SERVICES – SPARKLE LAKE DAM
RESOLUTION #569

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

Whereas on 10/23/13, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with Maser Consulting, P.A. for professional engineering and construction inspection services for the Sparkle Lake Dam project in the amount of \$41,900. Then, on 7/7/15 the Town Board passed a resolution that authorized the Town Supervisor to sign Contract Amendment No. 1 with Maser for a lump sum cost of \$14,020

for additional work required plus an allowance of \$5,000 for soil testing and \$1,000 for reimbursable expenses.

During the actual course of construction several items of work were uncovered or added to the project that resulted in additional construction inspection time:

- Field redesign of the inlet structure and construction of a new concrete base due to heavy corrosion at the base of the inlet structure,
- Unforeseen field condition that required reconstruction of the foundation pump platform,
- A storm water pipe not shown on the underground utility drawings was uncovered during excavation and had to be accommodated in the new layout, including a new riprap apron at the discharge point, and
- A concrete platform at the water edge was cracked and required replacement with new cast-in-place concrete sidewalk to eliminate a safety hazard.

Of the \$5,000 soil testing allowance from Contract Amendment #1, only \$993 was spent. Maser Consulting requested the balance remaining, \$4,007, be re-assigned to the Construction Inspection line item to offset their additional field inspection time. There would be no change to the overall contract price and Maser will not request any additional funding above and beyond the \$4,007 that is requested herein. With the extra funds, Maser Consulting also agreed to assist the Town Engineer and Parks Superintendent in performing an end-of-year dam inspection that is a regulatory requirement of the NYSDEC Dam Safety Division and must be performed on a yearly basis.

In the professional opinion of the Town Engineer, Maser Consulting provided the extra services described herein and we recommend the Town Board approve the contract amendment as described herein.

Now, Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 2 to the Professional Services Agreement with Maser Consulting P.A. for Extra Work Related to the Sparkle Lake Dam Construction Project. There is to be no change in the overall contract price, however, the Town Board agrees that \$4,007 originally allocated to the soil testing allowance may be re-assigned and paid under the Construction Inspection line item.

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

RELEASE EROSION CONTROL/WETLAND/STORMWATER BONDS
CROMPOND CROSSING, LLC – 3372 OLD CROMPOND ROAD
RESOLUTION #570

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

Whereas, Robert Schrader, as applicant for Crompond Crossing LLC for the Development Project located at 3372 Old Crompond Road [Section 26.18, Block 1, Lot 7], provided the following financial securities as required via conditions of the project approval:

1. Letter of Credit via First Bank of Greenwich #101-2012 in the amount of \$545,735, to serve as the performance bond. The Applicant previously received a partial release of funds so the balance remaining at this time is \$45,262.49.
2. Letter of Credit via First Bank of Greenwich #102-2012 in the amount of \$25,000 to serve as the wetland restoration/guarantee bond.
3. Letter of Credit via First Bank of Greenwich #103-2012 in the amount of \$35,000 to serve as the erosion/wetland/tree/stormwater bond.
4. Letter of Credit via First Bank of Greenwich #104-2012 in the amount of \$35,000 to serve as the erosion control bond. Applicant previously received a partial release of funds; the balance remaining is \$3,500.

5. 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, the above referenced bond amounts totaling \$108,762.49 be released to Robert Schrader as Applicant for Crompond Crossing LLC.

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

RELEASE EROSION CONTROL/WETLAND BONDS PERMIT #WP-BSWPPP-T-029-15
OLD ST. GEORGE'S, LLC – ATK CONSULTING
RESOLUTION #571

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

Whereas, ATK Consulting, Inc., as applicant, posted check #1492 in the amount of \$2,500 which was deposited into the T33 account on July 1, 2011, to serve as the 5-year Wetland Bond for Planning Board permit #WP-054-10, for work performed at the Route 6 location.

Old St. George's, LLC, as applicant, posted check #1073 in the amount of \$3,000 which was deposited into the T33 account on June 26, 2015, to serve as the 5-year Wetland Bond for Town Board permit #WP-BSWPPP-T-029-15.

Old St. George's LLC, as applicant, posted check #1074 in the amount of \$5,000 which was deposited into the T33 account on June 26, 2015, to serve as the Erosion Control Bond for Town Board Permit #WP-BSWPPP-T-029-15.

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, the above-referenced bonds totaling \$10,500.00, be released to ATK Consulting, Inc./Old St. George's, LLC.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH ARTHUR J.
GALLAGHER & CO. FOR INSURANCE COVERAGE
RESOLUTION #572

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

Be It Resolved, that the Town Board authorizes the Supervisor to sign a contract with Arthur J Gallagher & Co for insurance coverage for the calendar year 2017. Total costs for property, equipment floater, equipment breakdown, general liability, automobile, umbrella, E&O public officials, liability, law enforcement liability, workers comp, excess employers' liability and other-ocp premiums not to exceed \$803,862.00.

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

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Paul Moskowitz, resident, spoke regarding the elimination of the open space levy and the increase of the General Fund Tax by \$400,000. He said these two actions were only hinted at after the public hearing on the budget and there was no notice that these actions were a possibility and, therefore, no possibility for public comment. He feels proper procedure was not followed and these actions are not legal.

Mr. Ed Ciffone, resident, spoke about what he termed the addition of \$400,000 from the open space fund to the General Fund.

Mrs. Susan Siegel, resident, asked what the status was of the bid award for the Hallocks Mill Pump Station and the reason for the delay. She also asked whatever happened to the parkland alienation bill with the St. George Winery whereby a land swap was to take place and the town would have a piece of the winery's lot on the western side of the property. She also stated that the change to the open space fund displayed not only a lack of transparency on the part of the Board, but also violated the public's trust. When residents voted in 2005 to assess themselves \$30 for open space acquisition, they were able to vote with full knowledge on the subject. Therefore, in order to remove or change this flat fee, a vote should go back to the public so they can make an informed decision.

Upon motion made by Councilman Bernard and seconded by Councilman Lachterman, Courtesy of the Floor was closed.

Supervisor Grace said they are taking a global approach to solving sewer infrastructure issues in the Town, which in the case of the Hallocks Mill Pump Station also encompasses the sewerage of the 500 homes located in the Hallocks Mill Sewer District. This will all be packaged into one deal.

The winery issue will be brought up when the State Legislature meets again this year.

Supervisor Grace addressed the open space issue again by explaining why things were done the way they were in order to buy open space, which they did with the money collected. The issue of the levy has been around for a few years, with the viewpoint of what should be done with the money, and the fact there was no sunset provision in the legislation. There will be approximately \$200,000 left in this account that will have to be dealt with – either buying a piece of property or returning the money to the taxpayers.

ADJOURN

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

DIANA L. QUAST, RMC
Town Clerk
Town of Yorktown