

Meeting of the Town Board, Town of Yorktown held on December 19, 2017 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.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

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

REPORT FROM THE TOWN COUNCIL

Councilman Patel wished all a happy and healthy new year and congratulated a local girl scouts troop for awards given out at a recent ceremony.

Councilman Diana reminded everyone that the third annual New Year's Eve ball drop will be held on Veterans Road. He stated that it was an honor and privilege for him to have served with Supervisor Grace and Councilman Bernard.

Councilman Lachterman repeated Councilman Diana's sentiments in working with the Supervisor and Councilman Bernard. He also mentioned that Yorktown Lions and Post 1009 of the American Legion are holding a New Year's Eve Party prior to the ball drop. The American Legion Post is beginning a chapter of the Sons of the American Legion so for people who have parents who may have served in the military, this is a good way to honor them and serve their community and support the Post.

Councilman Diana stated that a house on East Main Street in Shrub Oak has a demolition order and notice of violation issued by the Building Department. Town Attorney Michael McDermott stated that this is the first step that is required before the Town can take judicial action against the owner. Councilman Diana said that this has been a nuisance for years and will hopefully be coming down soon.

John McMullen, Poet Laureate, informed the Board that there will be a poetry workshop held at the J.C. Hart Memorial Library at the end of January. He then read one of his poems for the audience.

PRESENTATIONS

Patricia Caporale, Town Comptroller and former member and Troop Leader of the Lakeland East Girl Scout Community, introduced members of Troop 2067 who earned their Silver Award, the second highest award in the Girl Scouts:

- Kaitlin Byrnes – taught cake decorating skills to volunteers for cakes done by the Ronald McDonald House
- Gina O'Shaughnessy – Exercise with Me Program to fight against childhood obesity
- Aisha Bhakta – Blythedale Treasure Island to help children at Blythedale Children's Hospital (a bookcase filled with fun activities)

Proclamations of congratulations for their achievements were read and presented to each of the recipients.

Police Chief Robert Noble introduced Eagle Scout recipient Brendan Byrnes who constructed an outside area for officers at the police department as his Eagle Scout project. He was presented with

a Certificate of Appreciation from the Yorktown Police Department. Brendan thanked the police department and his troop, Councilmen Diana and Bernard and Highway Superintendent Dave Paganelli for their assistance.

Chief Nobel also introduced the Rose Brothers (Bobby, Calvin, and Everett) and presented them with a Certificate of Appreciation from the Yorktown Police Department and a Certificate of Recognition from the Town Board, as well as a Key to Yorktown. Chief Noble stated that since 1997 the three brothers from the Bronx have been painting murals of law enforcement officers in public spaces in order to paint a better picture of law enforcement. The Rose brothers painted three murals for the Yorktown Police Department: an American flag, a badge, and motto.

Chief Noble thanked Supervisor Grace and Councilman Bernard for their support and wished them the best for their future.

PUBLIC HEARINGS

DECISION PRELIMINARY BUDGET

Supervisor Grace stated that certain changes were made to the budget. Based upon those changes, the following resolution was adopted.

Councilman Patel voiced his objections to the budget, as presented, and informed the Board that he would not be voting aye. Supervisor Grace addressed his objections.

DECISION PRELIMINARY BUDGET

RESOLUTION #481

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

WHEREAS, Supervisor Michael Grace, acting as Budget Officer, did on the 27th day of October, 2017 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, 2018, and

WHEREAS, a public hearing was called and duly held on the 5th day of December, 2017, 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, 2018, 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	\$121,327.00
Councilman (4)	\$ 19,575.00
Town Clerk	\$ 96,677.00

Superintendent of Highways	\$110,777.00
Town Justice (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:

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Nay
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Resolution Adopted.

RECONVENE PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW ADDING A NEW SECTION TITLED “STREET OPENING PERMITS”

Supervisor Grace reconvened a public hearing to consider adding a new Section 250-17C and 250-17D to Chapter 250 entitled “STREETS AND SIDEWALKS” and Article III entitled “STREET OPENING PERMITS” to the Code of the Town of Yorktown.

Supervisor Grace gave the background to the genesis of this local law. Town Attorney Michael McDermott stated since the last public hearing, Con Edison representatives and counsel met with the Town Board and himself. Mr. McDermott reviewed the proposed changes.

The following people spoke:

A representative from Con Edison thanked the Town Board for the opportunity to discuss the Town’s concerns and subsequent discussions with Michael McDermott. He asked for consideration regarding the ultimate cost of the permit fees, although this has been addressed and he is optimistic that this will be resolved. He also mentioned the threshold of what size opening will necessitate a permit from the Board of the Highway Superintendent. It is currently 200 cubic feet and they are asking for this to be increased to 500 linear feet.

Supervisor Grace said the issue of enforcement will be discretionary. He mentioned that the Granite Springs project was significant in terms of cubic feet and that aboveground infrastructure had to be put into place; a situation he was not happy about. Supervisor Grace said that this would need to be looked at on an individual basis. He stated cubic feet provide a depth that linear feet do not. Michael McDermott said this is regulatory and not permissive. The work can be done, just with Town Board knowledge and possible inspection.

Highway Superintendent Dave Paganelli wants to allow Con Edison to replace old pipe and said that Con Edison’s intent is to replace 5.5 to 6.6 miles of leak-prone pipe over the next several years and the Town needs this legislation to regulate these types of projects.

Irv Breitbart, resident, stated that on November 11 he came before the Town Board to complain about the destructive work and would bring a claim for car repairs, which he did today. Con Edison’s contractor did not properly groove the road and it is causing damage. The metal plates need to be placed below the road surface.

Supervisor Grace again stated that this will be done on a case-by-case basis to provide oversight. Mr. McDermott asked to move to amend the local law to include the red-lined changes that were made.

Ed Ciffone, resident, stated that the fees should be increased.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Bernard, seconded by Councilman Lachterman, the proposed local law was amended.

ADOPT LOCAL LAW NO. 19 ADDING A NEW SECTION 250-17C AND 250-17D TITLED
“STREET OPENING PERMITS”
RESOLUTION #482

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

RESOLVED, a public hearing was reconvened on December 19, 2017, pursuant to notice duly published as required by law to add the following new Section 250-17C and 250-17D titled “Street Opening Permits.”

Section I. A new Chapter 250-17C entitled “**Town Board Street Opening Permits**” is added to the Code of the Town of Yorktown to read as follows:

250-17C Town Board Street Opening Permits

- (1) Permit required. Notwithstanding any other provision of the Article, any single street opening with a disturbance of greater than two hundred (200) cubic feet or multiple street openings within a five hundred (500) foot radius in a twelve (12) month period with a cumulative disturbance of greater than two hundred (200) cubic feet will require a street opening permit issued by the Town Board. In the event of an emergency, street opening work for which a permit may be required pursuant to this section may proceed with the express permission and authority of the Highway Superintendent, subject to the permit application being filed as soon as practicable thereafter.
- (2) Application. An application for a Town Board Street Opening Permit shall include submission of an application in an electronic media format (PDF or TIF or other format approved by the Building Inspector) on a form provided by or otherwise acceptable to the Highway Superintendent. The application shall include or be accompanied by the following information and documentation, as applicable:
 - (a) a description of the proposed work, including drawings depicting with sufficient clarity and detail the nature and extent of the work proposed;
 - (b) street names with the closest Tax Map numbers and the street addresses to where the proposed work will be performed;
 - (c) estimated start and completion dates;
 - (d) schedule of work with milestone dates, including equipment and materials delivery;
 - (e) designation of contact person who will provide reports as requested by the Highway Superintendent;
 - (f) traffic control plan;
 - (g) location of material storage yards, subject to the issuance of an obstruction permit pursuant to §250-17D; and
 - (h) any other documentation or information which the Town Board may request upon review of the permit application.
- (3) Fees. A fee in the amount as set forth in the Master Fee Schedule will accompany each application.
- (4) Inspection Fees. The Town Board may assign inspectors to assure that all conditions and requirements of the street opening permit are satisfied in accordance with the permit. The permittee shall pay the Town an amount up to the amount set forth in the Master Fee Schedule to cover the cost of inspection, based on the scope of work to be inspected.
- (5) Performance Bond. The Town Board may require that, prior to commencement of work under any permit issued pursuant to this section, the permittee shall post a bond in an amount set by the Town Board with conditions sufficient to secure compliance with the conditions and requirements set forth in the permit. The bond shall remain in effect until the Town Board certifies that the permitted work has been completed in compliance with the terms of the permit and the bond is released by the Town Board or a substitute bond is provided. In the event of a breach of any condition of any such bond, the Town Board may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution. Such court would be authorized to award to the Town attorneys’ fees, costs and disbursements. Where the permit holder is a utility regulated by New York State, in good financial standing, the utility may post a corporate guarantee in a form approved and acceptable to the Town Attorney in lieu of a performance bond in

an amount as determined by the Town Board reasonably calculated to restore any Town property prior to the commencement of the street openings.

- (6) Permit conditions. The Town Board may issue such conditions as it deems just, fair and necessary. Any permit issued under this section may be revoked by the Town Board if the Town Board finds and determines that there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by the permit without good cause.
- (7) Insurance required. Before such street opening permit is issued, the permittee shall submit evidence in the form of a certificate of insurance issued by an insurance company authorized to do business in the State of New York, guaranteeing that the permittee has in full force and effect a policy of public liability insurance, including a specific endorsement covering the liabilities arising from the operations of the street opening permit, in the amount not less than \$10,000,000 per occurrence. The certificate of insurance shall be to the satisfaction of Town Attorney. The permittee shall also save the Town harmless from all claims, actions and proceedings brought by any person, firm or corporation for injury to person or property resulting from or occasioned by such operations. Such policy shall contain the provision that the policy shall not be canceled, terminated, modified or changed by the company unless thirty (30) days' prior written notice is sent to the Town by certified mail. No permit shall be valid unless such insurance is in full force and effect; provided, however, that a permittee that is a utility regulated by any governmental entity may satisfy the terms of this provision by providing a letter in a form approved and acceptable to the Town Attorney the such permittee is self-insured to an amount in excess of \$1,000,000 and carries excess liability insurance for any claims above such an amount in which case the permittee shall submit evidence in the form of a certificate of insurance in a form approved and acceptable to the Town Attorney.
- (8) Injunctive Relief. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this article, or to restrain by injunction the violation of any provision of this article. Such court would be authorized to award to the Town attorneys' fees, costs and disbursements. The foregoing provisions for the enforcement of this article are not exclusive, but are in addition to any and all other laws applicable thereto.

Section II. A new Section 250-17D entitled “**Obstruction Permit**” is added to the Code of the Town of Yorktown to read as follows:

250-17D **Obstruction Permit**

A. Permit required.

- (1) Any street opening permit issued pursuant to this Article must be accompanied by an obstruction permit, if applicable. The use and operation of construction machinery or equipment which obstructs, encumbers or occupies any portion of a public street, right of way, highway, sidewalk area or town owned property will not be allowed unless a written permit for obstruction has first been obtained from the Town Board, which shall determine the permissible area of obstruction.
- (2) Such permits shall be valid for an effective period to be determined and specified therein by the Town Board. Such effective period may be extended, if so requested in writing by the permittee prior to expiration thereof, for such additional period as the Town Board may authorize.

B. Insurance required.

- (1) Before such obstruction permit is issued, the permittee shall submit evidence in the form of a certificate of insurance issued by an insurance company authorized to do business in the State of New York, guaranteeing that the permittee has in full force and effect a policy of public liability insurance, including a specific endorsement covering the liabilities arising from the operations of the street opening permit, in the amount not less than \$1,000,000 per occurrence. The certificate of insurance shall be to the satisfaction of Town Attorney. The permittee shall also save the Town harmless from all claims, actions and proceedings brought by any person, firm or corporation for injury to person or property resulting from or occasioned by such operations. Such policy shall contain the provision that the policy shall not be

canceled, terminated, modified or changed by the company unless thirty (30) days' prior written notice is sent to the Town by certified mail. No permit shall be valid unless such insurance is in full force and effect; provided, however, that a permittee that is a utility regulated by any governmental entity may satisfy the terms of this provision by providing a letter in a form approved and acceptable to the Town Attorney the such permittee is self-insured to an amount in excess of \$1,000,000 and carries excess liability insurance for any claims above such an amount in which case the permittee shall submit evidence in the form of a certificate of insurance in a form approved and acceptable to the Town Attorney.

C. Fees.

- (1) A fee in the amount as set forth in the Master Fee Schedule will accompany each application.
- (2) In addition to the application fee, the permittee shall also pay to the Town Board, in cash or by check payable to the Town, the obstruction permit fee which shall be computed in accordance with the following unit prices, for areas to be encumbered or occupied as determined by the Town Board:
 - (a) For the storage of equipment or materials on Town Property in an amount set forth in the Master Fee Schedule.
- (3) When the permittee exceeds the maximum authorized obstruction specified in the permit, said permittee shall, when so ordered, pay to the Town Board such additional amounts as the Town Board may require based on the original fees. Failure on the part of the permittee to comply promptly with said order shall be considered sufficient cause for revocation of the permit.
- (4) Conditions of all obstruction permits.
 - (a) The area of the obstruction for materials shall not be more than six (6) feet in height without the written authorization of the Town Board.
 - (b) The permittee shall keep clear and unobstructed, at all times, and shall in no way interfere with prompt access to, or adequate operation of, all manholes, catch basins, hydrants, valves or fire alarm boxes that may be situated in or near the area obstructed or occupied in accordance with the permit.
 - (c) Except as otherwise provided herein, the permittee shall also keep clear and unobstructed at all times the sidewalk area and gutter in or near the area occupied under the permit and shall remove promptly there from any dirt, rubbish, snow or ice.
 - (d) Except as otherwise provided herein, the permittee shall safeguard pedestrian and other traffic, erect and maintain suitable protective barricades and fences around the obstruction or area occupied and shall at all times provide a safe, adequate and unobstructed passageway not less than four feet in clear width for the use of pedestrians.
 - (e) When materials are to be moved over the sidewalks by means of a derrick, crane, hoist or chute, the permittee shall provide a safe and adequate sidewalk shed conforming to the requirements of the Town Board or, when so ordered by the Town Board, shall provide a safe, adequate and unobstructed temporary sidewalk around the obstruction or area occupied.
 - (f) Temporary sidewalks, when so ordered, shall, wherever practicable, be built to the same level as the existing sidewalk and in such manner as not to interfere with the free flow of water in the street or gutter.

- (g) The permittee shall also make adequate provision for the safe passage of vehicular traffic by day and by night. Unless otherwise directed by the Town, where the free flow of traffic is interfered with, the permittee shall designate competent persons to direct and expedite traffic by means of lights or flags.
- (h) Any person who places or causes to be placed in any of the streets or public places of the Town any building materials, earth, stone, sand, containers, trailers or any other obstruction shall cause sufficient light or lights to be maintained at such locations to protect travelers and pedestrians against damage or injury by reason thereof.

- D. Damage resulting from street obstruction. Any damage resulting from the obstruction encumbrance or occupation of a public street, highway or sidewalk area or from the storage of materials or operation of construction equipment or machinery shall be repaired by the permittee to the satisfaction of the Town Board when so ordered.
- E. Injunctive Relief. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this article, or to restrain by injunction the violation of any provision of this article. Such court would be authorized to award to the Town attorneys' fees, costs and disbursements. The foregoing provisions for the enforcement of this article are not exclusive, but are in addition to any and all other laws applicable thereto.

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

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #19 of 2017 is hereby duly adopted.

RECONVENE PUBLIC HEARING TO CONSIDER REZONING REQUEST APPLICATION RECEIVED FROM GEORGE ROBERTA – FRONT STREET AND EDGEWOOD STREET

Supervisor Grace reconvened a public hearing to consider the application received from Petitioner, George Roberta, in connection with property known on the Yorktown Tax Rolls as Section 48.07, Block 2, Lot 11 located at Front Street and Edgewood Street, Yorktown Heights, NY seeking a zoning map amendment from R1-20 to a Transitional Zone in order to construct two buildings that will be a mix of commercial space and residential units. The proposed local law will amend the Town of Yorktown Zoning Map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to Transitional Zoning District:

Section 48.07, Block 2, Lot 11 (48.07-2-11) (approximately 0.80 acre)

Supervisor Grace said that there was a concern regarding the back of the property.

The following people spoke:

George Roberta addressed Supervisor Grace's statement regarding the back of the property by stating that he wrote a letter addressing these issues and was referred to the Planning Board who seemed generally favorable to his changes but he needs to provide an expensive stormwater plan. He would like to know if the transitional zoning will be approved before he invests in the stormwater plan.

John Tegeder, Director of Planning, said that the site plan, without talking about technical infrastructure, seemed in place. The stormwater plan could probably be done after the fact.

Hoyt Wade, resident, stated that the Planning Board asked for Mr. Roberta's plans in August for plantings and screenings. He said that the Planning Board has to give a recommendation on the zoning before the Town Board can rule. He and his neighbors are resigned to a certain amount of mixed-use development but why not C2R zoning instead of transitional. Mr Hoyt said that this meeting is out of order according to the rules of transitional zone.

Susan Siegel, resident, stated that she fully supports the rezoning of the site and its development but not by transitional zoning. She feels it gives the Town Board too much power to work deals and does not give sufficient standards or guidelines for a property's development. She said that the applicant has not submitted anything more since the July 18, 2017 meeting when it was requested that more information was required. Ms. Siegel stated that there should be no hearing this evening because nothing new has been submitted and you cannot ask for a rezoning without having a stormwater plan. She stated that this should be a C2R zone, as it is in the surrounding areas.

Chris Sciarra, CS Construction – contractor for the project, said he went to the Planning Board with a letter with a couple of different ideas that Mr. Roberta could do and the Planning Board looked upon them favorably. Mr. Roberta said that this is less than half of what C2R zoning would allow him to do. He stated that he is actually doing less than what he could under C2R – same structure; make it one building, and add another floor.

Mr. Wade spoke again regarding the lack of a sufficient buffer, the “roller coaster” driveway, location of the garbage dumpster up against the residential property line.

Ms. Siegel said that just because what Mr. Roberta is proposing is less than what C2R allows doesn't mean that it should be approved by the Planning Board.

Mr. Roberta addressed Mr. Wade's outstanding issues. In terms of the dumpsters, trash can be picked up between certain hours; the bins are recessed and are below grade, plastic receptacles can be used which would all reduce noise. Mr. Roberta said that his plan is much more pleasing to the eye than what currently exists. He is not trying to circumvent anything by requesting a transitional zone; all approving boards still have their “say-so.”

Ms. Siegel stated that when the Town Board votes to approve the transition zone, it approves the site plan. How can a site plan be approved without a stormwater plan?

Mr. Jim Pugliese, resident, stated that Mr. Roberta is a builder who wants to improve the quality of the town and he doesn't understand why this is such an issue.

Mr. Joe Riina, engineer for the project, said that a buffer will be created and will be planted with dense vegetation which will act as both a visual and sound buffer to the property.

Mr. Tony Grasso, speaking as a member of the Chamber of Commerce, stated that if he had to choose between this plan or what he could do under C2R zone (i.e., no second floor), he would choose this plan.

John Tegeder said the Planning Board did send the Town Board a letter essentially saying that they were okay with the concept and wanted to see the stormwater plan.

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

DECLARATION OF LEAD AGENCY – REZONING REQUEST APPLICATION RECEIVED FROM GEORGE ROBERTA – FRONT STREET AND EDGEWOOD STREET RESOLUTION #483

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

WHEREAS, George Roberta, Front Street Property submitted a Petition to the Town Board requesting the Town Board rezone certain real property, comprised of ±0.80 acres, located at Front Street and Edgewood Street in the area designated by the Town as the Yorktown Heights Hamlet, also known on the Town Tax Map as parcel 48.07-2-11 ("Parcel") from R1-20 to Transitional Zone;

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (EAF), dated April 21, 2017, and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, there has been no objection to the Town Board Declaration of Intent for Lead Agency dated May 9, 2017; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board thereby declares Lead Agency for this project.

Grace, Bernard, Diana, Lachterman Voting Aye.

Patel Voting Nay.

Resolution adopted.

NEGATIVE DECLARATION – REZONING REQUEST APPLICATION RECEIVED FROM GEORGE ROBERTA – FRONT STREET AND EDGEWOOD STREET RESOLUTION #484

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

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Front Street and Edgewood Street Rezoning

SEQRA Status: ____ Type 1

X Unlisted

Conditioned Negative Declaration: ____ Yes

X No

Description of Action: Proposed rezone of approximately 0.80 acre parcel at Front Street and Edgewood Street from R1-20 to Transitional Zone.

Location: Front Street and Edgewood Street, Yorktown, Westchester County
Section 48.07, Block 2, Lot 11

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. This negative declaration is based on a Full Environmental Assessment Form Dated April 21, 2017.
2. The plan conforms to the Town's Land Use and Zoning Policies.
3. For reason of its size this project will not have an impact on Town services.
4. After evaluating the relevant areas of environmental concern, the Town Board concludes that there will be no significant adverse impacts on the environment as a result of the approval of the proposed development of the subject site.

5. The proposed action will not result in a material conflict with the Town’s officially approved or adopted plans or goals.
6. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.
7. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. There shall not be any reduction of open space.
9. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For Further Information:

Contact Person: Town of Yorktown Director of Planning John Tegeder,
1974 Commerce Street,
Yorktown Heights, NY 10598
914-962-6565

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

SITE PLAN APPROVAL – REZONING REQUEST APPLICATION RECEIVED FROM
GEORGE ROBERTA – FRONT STREET AND EDGEWOOD STREET
RESOLUTION #485

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

WHEREAS, George Roberta (the “Applicant”) as owner, applied to the Town Board of the Town of Yorktown for site plan approval under Article XVII of the Town Code of the Town of Yorktown; and

WHEREAS, the subject site is a 14.70 acre parcel located at Front Street in the Town of Yorktown and is transitionally zoned, and known as Section 48.07, Parcel 2, Lot 11, (formerly parcels 48.07-2-11, 13, 15 ,17) on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

1. A drawing, titled "Preliminary Site Plan," Sheet 1 of 1, prepared by Site Design Consultants, dated April 21, 2017, no revisions; and

WHEREAS, the Applicant submitted as part of its application an Environmental Assessment Form dated April 21, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board declared itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board
Conservation Board

June 6, 2017

ABACA
New York City DEP
Westchester County Planning Board

May 30, 2017
June 8, 2017
May 23, 2017

and;

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on July 18, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on December 19, 2017; and

WHEREAS, the Town Board, based on the Applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration pursuant to SEQRA §617.7 finding the proposed action would not significantly affect the environment; and

WHEREAS, on December 19, 2017 the Town Board approved the Applicant's verified petition to rezone the Property from R1-20 to the transitional zone; and

THEREFORE BE IT NOW RESOLVED, that site plan approval is hereby granted for a mixed-use building with commercial/retail uses on the first floor and residential apartments on the second floor, and a second commercial only building on the Property. The Property shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to the uses cited above and as listed in the resolution granting approval for rezone of the Roberta Front Street Property (the "Rezoning Resolution");
2. The following bulk regulations, as established by the Town Board at the rezoning stage, shall be met by the proposed development as shown on the site plan drawings enumerated herein and as listed below:

Lot area	.08035 ac
Lot width at front yard	350.00 ft.
Front yard	13.5 ft. @ bldg. 1; 9.5 ft. @ bldg. 2
Side yard	15.0 ft. and 27.1 ft.;
Rear yard	52.5 ft. @ bldg. 1; 29.6 ft. @ bldg. 2
Maximum height	35 ft. main building 20 ft. accessory building
Maximum coverage	7,478 sq. ft. (21%)
Off street parking	Office: 34 parking spaces

3. The Stormwater pollution prevention plan shall be reviewed and approved by the Town of Yorktown Planning Board;
4. Lighting shall be approved by the Town of Yorktown Planning Board and consistent with the lighting shown on the Site Plan and chapter 200 of the Town Code;
5. Appropriate refuse pick-up times for the Property shall be set by the Planning Board; and
6. Entrance signage will be consistent in size and style with existing signage.
7. Final landscaping plan Shall be reviewed and approved by the Planning Board.
8. Provide construction and infrastructure details.

FURTHER RESOLVED, the Applicant shall submit copies of the approved site plan with amendments listed herein for signature by the Town Supervisor.

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

REZONING REQUEST RECEIVED FROM GEORGE ROBERTA – FRONT STREET AND EDGEWOOD STREET
RESOLUTION #486

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

WHEREAS, George Roberta (the “Applicant”) as owner, applied for a transitional zoning designation for an approximately .80 acre parcel located on Front Street in the Town of Yorktown, also known as Section 48.07, Parcel 2, Lot 11, (formerly parcels 48.07-2-11, 13, 15 ,17) on the Tax Map of the Town of Yorktown (the ‘Property”). The proposed use and development of the site is to allow for a for-profit office and flex space including, but not limited to, use for a digital printing/cutting/laminating business; and

WHEREAS, the Property is currently zoned R1-20, abuts residential property to its west and one residence on its northerly boundary, but has frontage on Front Street which almost exclusively serves Light Industrial zoned properties,; and

WHEREAS, the Property is unimproved and vacant; and

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on July 17, 2017 and closing on December 19, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York; and

WHEREAS, the applicant submitted as part of its application an Environmental Assessment Form dated April 21, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, receiving no objection or opposition to its intent to act as lead agency, the Town Board hereby declares itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board created the transitional zone designation specifically for residentially zoned properties that have unique characteristics that make them difficult to develop under their zoning designation; and

WHEREAS, the transitional zoning designation considers the unique characteristics of the these specific parcels and establishes area and bulk requirements to assure compatibility with the surrounding uses and character of the immediate neighborhood; and

WHEREAS, the Property is surrounded by varying uses of single family residential and light industrial, and is situated on, and accessed from Front Street which was developed for, and serves almost exclusively the light industrial zoned uses; and

WHEREAS, the Applicant’s parcel qualifies as a targeted property for a transitional zoning designation as defined in Article XVII of the Town Code in that:

1. The Property lies between two distinctly different zoning classifications, R1-20 to the West and North and Light Industrial north, east, and south, and the property fronts on, and is accessed from Front Street which serves the Light Industrial zoned uses, therefore setting the neighborhood character to which it most directly relates as Light Industrial and therefore makes it impractical to redevelop the site in its current zoning designation; and
2. The two zoning designations differ vastly in their uses, the intensity of their activity, the possibility of the production of noise, odor, traffic, pollution, and lighting impacts, that renders the present zoning incompatible with the light industrial uses already established on this street, and that development under the current zone is impractical as single family residential use would be within a potentially highly impactful environment and would not meet the normal expectations of peace and quality of life associated with single family

residential neighborhoods in the town; and

WHEREAS, pursuant to Article XVII, the Town Board hereby finds the following:

- i. The proposed use of the subject site is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
- ii. The use is compatible with the environmental constraints of the site.
- iii. The use of the subject site cannot be accommodated by the existing zoning;
- iv. The subject site is not economically developable under the existing zoning designation; and therefore

BE IT HEREBY RESOLVED, that the Town Board pursuant to 6NYCRR §617.7 of the State Environmental Quality Review Act determines that there will be no adverse environmental impacts resulting from this action and therefore adopts a negative declaration pursuant thereto; and

BE IT FURTHER RESOLVED that the request for rezoning of the subject parcel to a transitional zone is hereby granted; and

The use, density, setback and area and bulk requirements for the subject site shall be as follows:

PERMITTED MAIN USES:

1. Commercial uses as found in § 300-21(C)(9)(a)
2. Second floor residential apartments

MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD:

1. Main Uses Permitted by special permit from the Town Board in accordance with the provisions of §300-21(C)(9)(b) and in accordance with the provisions of Article VII.

PERMITTED ACCESSORY USES:

1. Permitted Accessory Uses in accordance with the provisions of § 300-21(C)(9)(c).

PERMITTED ACCESSORY USES BY SPECIAL PERMIT FROM TOWN BOARD:

1. none

SCHEDULE OF REGULATIONS

TRANSITIONAL ZONE PROPOSED BULK REGULATIONS

Lot area	.08035 ac
Lot width at front yard	350.00 ft.
Front yard	13.5 ft. @ bldg.. 1; 9.5 ft. @ bldg. 2
Side yard	15.0 ft. and 27.1 ft.
Rear yard	52.5 ft. @ bldg. 1; 29.6 ft. @ bldg. 2
Maximum height	35 ft. main building 20 ft. accessory building
Maximum coverage	7,478 sq. ft. (23%)
Required off street parking	Office: 34 parking spaces required

FURTHER RESOLVED, that no development shall be permitted except in accordance with a plan of development approved by the Town Board pursuant to the State Environmental Quality Review Act and Article VIII of the Yorktown Town Code and all other relevant laws.

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

ADOPT LOCAL LAW NO. 20 TO AMEND THE ZONING MAP OF THE TOWN OF YORKTOWN – FRONT STREET REZONING
RESOLUTION 483

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

WHEREAS, a public hearing was reconvened on December 19, 2017 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from C-2 to C2R, as shown on Exhibit “A,” and as further described by metes and bounds in Exhibit “B,” both of which are annexed hereto and incorporated as if set forth in full herein:

Portions of the following lot on the Tax Map of the Town of Yorktown are rezoned from R1-20 Zone to a Transitional Zone, as shown on Exhibit “A,” and as further described by metes and bounds in Exhibit “B,” both of which are annexed hereto and incorporated as if set forth in full herein:

Section 48.07, Block 2. Lot 11 (approximately 0.8 acre)

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Nay
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #20 of 2017 is hereby duly adopted.

CONVENE A PUBLIC HEARING TO CONSIDER PROPOSED LOCAL LAW AMENDING CHAPTER 260-38 ENTITLED COLD WAR EXEMPTION - DURATION

Supervisor Grace convened a public hearing to amend Chapter 260-38 of the Code of the Town of Yorktown entitled “Cold War Veterans Tax Exemption” - Duration.

The following people spoke:

Gil Kaufman, resident, asked why this change is just for cold war veterans. Town Attorney Michael McDermott stated that the exemption exists; the state statute allows for the removal of the 10 year time limit.

Tony Grasso, resident, asked if veterans can get more than one exemption. The Assessor answered only one exemption.

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

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the proposed local law was amended.

ADOPT LOCAL LAW 21 TO AMEND CHAPTER 260 ENTITLED “TAXATION”
RESOLUTION #487

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

WHEREAS, a public hearing was held on December 19, 2017 pursuant to notice duly published as required by law to amend Chapter 260 of the Code of the Town of Yorktown as follows:

§260-38 entitled **Duration** is hereby repealed.

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #21 of 2017 is hereby duly adopted.

CONVENE A PUBLIC HEARING TO CONSIDER THE TOWN'S APPLICATION FOR A RESTORE NY COMMUNITIES INITIATIVE GRANT FOR THE DEPOT SQUARE PROJECT

Supervisor Grace convened a public hearing to consider the Town's application for a Restore NY Communities Initiative grant for the Depot Square Project Property Assessment List in the amount of \$1,000,000 with a local match of ten percent.

Supervisor Grace stated that this will allow the Town to apply for more grant money to move the Highway Department and restore Depot Square.

The following people spoke:

Susan Siegel stated that from a planning perspective it makes sense to move the highway garage eventually. She commended the board for aggressively seeking grant money but wonders if this grant is being applied for prematurely and proceeded to explain her reasons. She ended by stating that the application was already made, so why is a hearing being held this evening?

Paul Moskowitz, resident, asked why the Town feels it needs to destroy the old highway building instead of repurposing it into possible commercial or residential space. He stated that the Town may be depriving itself of several hundreds of thousand dollars for what is essentially a hole in the ground.

Mr. Fusco, resident, is in favor of this project and thanked the board for their patience.

Ed Ciffone, resident, stated that he is in favor of applying for the grant.

Tony Grasso also stated he is in favor of the project. He also asked if there is any potential planning for a senior facility somewhere in town.

Sergio Esposito, Chamber of Commerce, stated that it is a priority to move the Highway Department. Even if the project doesn't go through, the money should still be sought after. He said that renovating the existing building may be more expensive than moving it.

Jenny Menton, resident, stated her agreement with this project.

Ken Belfer, resident, stated that he was excited to see the planning the Town has done for such an important parcel and commends the Planning Director for the work he has done.

Mel Tanzman, resident, is in favor of senior centers and adult day care & health care centers. He wanted to know if the application for this grant was due last week and the resolution is only being done this evening. If yes, why is the Town going through this process?

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

Supervisor Grace first stated that he would like to be reimbursed the application fee since he is the one who sent it in. Second, he stated that the application was due last week but the absence of the resolution at that time would not be a "fatal issue" to the application or negate it. The resolution can be done retroactively. He then proceeded to give an update as to where the project is now.

AUTHORIZATION TO APPLY FOR GRANT MONEY FROM RESTORE NY COMMUNITIES INITIATIVE ROUND V FOR DEPOT SQUARE PROJECT
RESOLUTION #488

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

WHEREAS, the Town Board seeks to apply for grant money from the Restore NY Communities Initiative Round V for the Depot Square project; and

WHEREAS, this project consists of an initial demolition of the existing highway garage facility located in the middle of downtown Yorktown Heights, relocation of the facility to surplus town

owned property outside of downtown, for which \$413,760 was granted to the Town by the Empire State Development Corporation as a part of the Restore NY Round IV process; and

WHEREAS, the next phase of the project consists of the redevelopment of the former highway garage property for private mixed-use development, which will require the installation of stormwater pollution prevention infrastructure on the site; and

WHEREAS, the project would revitalize the Yorktown Heights hamlet by re-purposing a centrally and critically located property for a mixed use development that would spur on further downtown revitalization; and

WHEREAS, on December 19, 2017 the Town Board held a Public Hearing to discuss applying for said grant application; and

WHEREAS, the Restore NY Communities Initiative grant request is for \$1,000,000 and requires a local match of 10%, therefore \$100,000.00 will be the required match; and

WHEREAS, should the grant be approved by the Empire State Development Corporation Board of Directors, a point 1 percent (0.1%) Commitment Fee, of the award amount, will be assessed to the applicant and due immediately; and

BE IT THEREFORE NOW RESOLVED, the Town Board finds the proposed project is consistent with the Town of Yorktown Comprehensive Plan; and

RESOLVED, the proposed financing is appropriate for the specific project and the project facilitates effective and efficient use of existing and future public resources to promote both economic development and preservation of community resources; and

RESOLVED, the project develops and enhances the surrounding neighborhood in a manner that will attract, create, and sustain employment opportunities in Yorktown Heights; and

RESOLVED, the Town Board authorizes the Town Supervisor to submit a grant application for the Restore NY Communities Initiative that requires a 10% match of \$100,000.00 and a maximum \$1,000.00 Commitment Fee, if awarded; and

RESOLVED, the Town Comptroller is hereby authorized to reimburse Supervisor Michael Grace in the amount of \$500.00, which was paid to Empire State Development Corporation to serve as the grant application fee.

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

CONVENE A PUBLIC HEARING TO CONSIDER THE STORMWATER MANAGEMENT AND WETLANDS PERMIT APPLICATION RECEIVED FROM WILLIAM PRIMAVERA FOR PROPERTY LOCATED AT 2715 AND 2723 HICKORY STREET

Supervisor Grace convened a public hearing to consider the Stormwater Management and Wetland Permit Applications received from William Primavera for property located at 2715 and 2723 Hickory Street, Yorktown Heights, NY 10598, also known as Section 27.13, Block 2, Lot 14 and Section 27.13, Block 2, Lot 15. The request is to perform the following activity: Construction of single-family houses, asphalt driveway, stormwater system in the wetland buffer. Disturbance to buffer is expected to be a total of 10,182 square feet. Mitigation includes installation of erosion and sediment controls, extending public sewers, and providing mitigation plantings.

Phil Sanders, RPG Properties, explained that his firm is seeking a permit to build in the wetland buffer area of a low-functioning wetland. Part of the application is a private-public partnership to extend the sanitary sewer 800 feet from where it currently comes out of the Guiding Eyes property. The majority of the plans are complete and will require a minimal amount of tweaking.

Joe Riina, site engineer for the project, stated that two properties meet bulk requirements and are zoned R1-20. There is a wetland corridor that runs through the property north to south and continues up the hill. He presented a map of the property to show the buffer area and the location of the work that would be done in the neighborhood, including the proposed sewer extension.

Bill Canavan, HydroEnvironmental Solutions (hired by applicant), stated that all of the impervious surfaces will be directed to subsurface infiltrators which will augment groundwater recharge to the wetland. A landscape architect is planning a split-rail fence to be installed along the backyard so there is an obvious demarcation point where the wetland buffer begins. This will also include 10 feet of native species vegetation. A functionality assessment was done by his firm. This comprehensive report dictated what the wetlands mitigation measures would be.

Dr. Carl Hoegler, resident, stated that many of his neighbors have had trouble with flooding and spillage, partially due to the expansion that was done years ago of the Guiding Eyes parking lot. The mitigation they put in has not helped. He is concerned that the developer has written up an impressive plan, however, nowhere did he see the effect on the community. The discharge from the stream goes south so that whatever impact this development will have will be on the south, not the north. They are not dealing with extra water from the parking lot expansion and nothing is getting better. He said that the owner had told him in the past that the property could probably never be developed because of the water. Dr. Hoegler is concerned about the wetlands in the area and feels that it is a very sensitive area – the wetlands themselves can function as a retainer for water and removing them will cause serious issues. The area would be better served if the property was left alone.

Joe Riina said that the NYS DEC requires a full SWPPP be done on a disturbance of an acre or more. This project claims that the disturbance is less than an acre but as a source of mitigation, they are providing a stormwater management plan, such as an infiltration system on each lot. They have done testing in accordance with Appendix D of the NYS DEC Stormwater Design Manual. They did deep test holes and did not encounter anything that would indicate a seasonal groundwater table. All of this is being kept on the high end of the lot near the road. He then spoke about how the infiltrators would work.

Supervisor Grace stated that he understood that the post-construction run off to the wetlands would be more controlled because it would be more contained.

Dr. Hoegler asked Mr. Riina and the Board questions regarding the stormwater plan.

Judith Stavans, resident, asked questions regarding maintenance of the provisions of the stormwater plan – who is responsible, etc. Ms. Stavans asked that the hearing be adjourned so that critical information may be obtained and questions answered.

Joe Riina stated that as part of the SWPPP approval, a maintenance agreement is going to be filed with the County Clerk's Office as it relates to that property which is enforceable by the Town.

Linda Miller, resident, made statements regarding the wetlands functionality assessment and the method that was used in the assessment by HydroEnvironmental Solutions.

Maureen Zaney, resident, opposes the proposed project. The property owner does not live there and will not be affected by the area. She also asked about the size of the infiltrators.

Property owners of 2743 Hickory (right next door to the proposed project) spoke about how the property floods all of the time. The brook rises to very high levels. The owner also stated how he believes that it is absurd that the owner of the proposed project thinks that there is dumping there because he picks up trash since it is next to his property. These owners would like to know the impact this project will have on their property.

Dave Bracken, resident and licensed professional engineer, stated that the wetlands assessment plan will need to be changed as well as the stormwater plan. Infiltrators require a lot of maintenance and are not the panacea that everyone thinks. The maintenance will be the responsibility of the future owner at great expense.

Pat Huffield, resident in the proposed area, stated that she also has had flooding problems. She said that during storms the water doesn't go into just the stream. Her yard frequently gets flooded.

Jennifer Raimondo, resident, stated that there is a reason why the land was not build on for 47 years – because of the wetlands. She has a double sump pump, water in her basement, and her backyard is a pond when it storms.

Fred Ruskel, resident of Colonial Street, stated that he was never notified of the public hearing. He spoke of all of the problems he experienced with water on his property after the Guiding Eyes project. He stated that the problem that exists now should not be exacerbated by another project.

Linda Clemenza, resident, stated she has a history with both Mr. Riina and Guiding Eyes for the Blind for many years. She spoke about the overdevelopment of the town and how she has lakes sitting on her property because of the water issues. Ms. Clemenza said that there is a lot of destruction in the area because of the Guiding Eyes project, as well as others. She cannot afford any more water damage.

Andrew Pecuna, resident, thanked Supervisor Grace and Councilman Bernard for their service to the Town. He stated that he believes this project will force residents to seek relief from the Town at great expense.

John Campobasso, resident, asked what type of houses are going to be built there in terms of square footage. He also is looking forward to the sewer extension.

Ron Calameda, resident, brought up the fact that the Conservation Board was not in favor of this project.

Susan Siegel stated that the public-private partnership for the sewers is critical since the lots can only be developed if there are sewers. She said that the developer has to bring the line from Guiding Eyes to Hickory and then connect to the town line. The only lots that will benefit from this are the developer's lots, so where is the benefit to the residents in this partnership. Ms. Siegel also wanted to know where the money is going to come from for this. She said the Conservation Board said that the sewer issue has to be addressed first and that will not be until next year.

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

Supervisor Grace stated that this project needs to be put into perspective and said that he didn't think that two lots would make much of a difference because the problems are much more systemic than that and it will take a much more global solution to fix them.

AUTHORIZE TOWN CLERK TO ADVERTISE THE RE-BID FOR THE PUMP STATION REHABILITATION OF THE JEFFERSON VALLEY, JEFFERSON PARK AND WALDEN WOODS PUMP STATIONS

RESOLUTION #489

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y until 11:00 a.m., Tuesday, February 13, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the Pump Station Rehabilitation of the Jefferson Valley, Jefferson Park and Walden Woods Pump Stations.

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

AWARD BID FOR GRIT AND SCREENING REMOVAL AT THE YORKTOWN WATER POLLUTION CONTROL PLANT
RESOLUTION #490

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

WHEREAS:

- A. The Town currently has an agreement in place for grit and screenings removal services at the Yorktown Heights Water Pollution Control Facility that expires on 10/13/17.
- B. The Agreement was originally awarded on 12/16/14 to Fred Cook Inc. for a one-year duration and then extended for two (2) additional one-year periods. There were no additional options to extend, therefore the Town advertised for new bid prices. The current Agreement expires on 12/31/17.
- C. The term of this Agreement will be 1/1/18 through 12/31/19 (2-year agreement). Upon mutual consent of the Contractor and the Town, the agreement may be extended for an additional two (2) year term.
- D. The scope of work will include the following:
1. Grit and screenings waste to be placed into Town-owned waste containers by the plant staff. When requested the vendor will pick up full dumpsters, haul away to a licensed disposal facility and then return the empty dumpster.
 2. Payment will be made on a unit price basis, at the bid price of \$185 per ton.
- E. The Town procurement policy was followed for the public bid advertisement. Documents were also posted electronically on the Empire State Bid System where they were downloaded by six (6) contracting firms. Although only two bids were received, we feel the pricing is consistent with the previous unit price contract (\$149.95 per ton).
- F. In the professional opinion of the Town Engineer, the prices bid are fair and reasonable. The Town has a long-standing relationship with Fred Cook Inc. and we have been very satisfied with their past performance.
- G. The Department will use available funds for the purchase order under cost code YS.8130.460.2 Sludge Removal.

NOW, THEREFORE BE IT RESOLVED, the bid for Grit & Screenings Removal at the Yorktown Heights Water Pollution Control be awarded to Fred Cook Inc. in the amount of \$185 per ton. The contract shall commence on 1/1/18 and be in effect for two (2) years, until 12/31/19.

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

EXTEND BID FOR THE ANNUAL MAINTENANCE OF ELECTRICAL WORK ON TOWN BUILDINGS
RESOLUTION #491

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

RESOLVED, that the Annual Maintenance for electrical work on Town Buildings for the Town of Yorktown be hereby extended for one year per the terms of the bid agreement to Michael Dubovsky (Hanover Electric) 251 G Underhill Avenue, Yorktown Heights, NY 10598. The date of the extension will be from November 19, 2017 through November 18, 2018.

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

AUTHORIZE COMPTROLLER TO PAYOUT ELIZABETH WALSH THE CASH VALUE OF UNUSED TIME AS OF HER DATE OF SEPARATION
RESOLUTION #492

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Elizabeth Walsh the cash value of unused time as of her date of separation:

Rate of Pay:	\$30.5505				
Vacation	14.00 hours	x	\$30.5055	=	\$427.71
			Total		\$427.71

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

APPROVE THE REDUCTION IN RENTAL FEE FOR USE OF ROOMS AT THE YCCC BY SPARC, INC.
RESOLUTION #493

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

Resolved, at the request of SPARC Inc., the Town Board hereby reduces the rental fee of \$4,442.00 to \$460.00, based on a charge of \$20 per date of use, for the use of rooms located at the Yorktown Community & Cultural Center on the 23 dates requested:

Thursday 6:30PM - 7:30PM
November 16, 2017 Rooms 16 and 26
December 14, 2017 Room 26 and Sr. Nutrition Center
Friday 6:30PM - 9:15PM
September 15, 2017 Rooms 16, 26, 209
October 6, 13, 20, 27, 2017 Rooms 16, 26, 209
November 3, 17, 2017 Rooms 16, 26, 209
December 1, 2017 Rooms 16, 26, 209
December 8, 2017 Rooms 16, 209
December 15, 2017 Rooms, 209
January 5, 2018 Rooms 16, 26, 209
January 12, 2018 Rooms 26, 209
January 19, 2018 Rooms 16,
January 26, 2018 Rooms 16, 26, 209
February 2, 9, 16, 2018 Rooms 16, 26, 209
March 2, 9, 2018 Rooms 16, 26, 209
March 16, 2018 Rooms 16, 209
March 23, 2018 Rooms 16, 26, 209

All room use requests are subject to review for availability prior to acceptance of the reservation. The Town will invoice the rent in advance. The Town will invoice for all dates reserved, according to the agreed rate.

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

AUTHORIZE COMPTROLLER TO MAKE THE FOLLOWING BUDGET TRANSFERS FROM WATER DEPARTMENT TO HIGHWAY DEPARTMENT
RESOLUTION #494

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfers:

Transfer \$13,000 from Water Dept. line SW.8340.0490 (Prof. Svcs) to line SW.8340.0461 (Repair of Rds) for reimbursement to Highway Dept. for 2017 patching.

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

AUTHORIZE COMPTROLLER TO PAY INVOICE FROM YORKTOWN JAZ, LLC IN THE AMOUNT OF \$20,180.00 FOR THE REMOVAL AND RELOCATION OF THE ZINO BARN RESOLUTION #495

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

BE IT RESOLVED The Town Comptroller is authorized to pay an invoice from the Contingency Fund to Yorktown Jaz, LLC an invoice in the amount of \$20,180.00 for the removal and relocation of the of the Zino Barn.

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

AUTHORIZE CARRYOVER OF ACCRUED 2017 VACATION TIME FOR USE IN 2018 RESOLUTION #496

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

Whereas, the following employees have requested and received permission from their applicable department heads to carry accrued 2017 vacation time for use in 2018 and

Whereas, the Comptroller has confirmed the available balances as of 2017 Payroll 24, for pay period ending November 30, 2017, now

Therefore, Be It Resolved, the following employees may carry over remaining vacation time balances as follows, unless the employee takes vacation time after 2017 Payroll 24 which would reduce the time listed below:

<u>NAME</u>	<u># HOURS</u>	<u>NAME</u>	<u># HOURS</u>
Isabel Klein	139.75	Kim Penner	225.00
Maria Ricci	49.00	Maureen Connelly	70.00
Shane Enea	17.00	Patricia Hallinan	98.00
John Tegeder	206.50	Shirley McCord	47.00
Lori Rotunno	19.00	Maria Stolfi	74.50
Barbara Korsak	245.00	Adam Cerrato	67.50
Patricia Caporale	245.00	Shajan George	97.50
Gennelle MacNeil	56.00	Mike Hecker	37.50
Donna Andrews	98.00	Jim Morgan	75.00
Donna Polito	15.00	Doug Neeson	22.50
Patricia DeMarsh	35.00	Ken Rundle	72.00
Thomas Travis	37.36	Vincent Calicchia	37.50
Andrew Cerrato	67.50	Karren Perez	140.00
Scott Ferreira	32.625	Joseph Venitucci	144.00
Barry Gelbman	37.5	John Landi	98.00
Vincent Haight	9.375	Paul Colarusso	35.50
Michael Hoek	78.75	Steven Vitulli	41.50
Stephen Melillo	11.25	Danny Cruz	72.50
Dominic Monopoli	145.00	Al Pisano	97.50
Bryan O'Keefe	82.50	Anne Anderson	96.00
Guido Parks	127.5	Michael Batista	37.50
Richard Williams	7.5	Nicholas Burns	33.75
Scott Baldwin	22.00	Andrew Heady	7.75
Michael Samuels	19.25	Richard Weber	22.5

Jessica Bambach	77.00	Kieran Carney	60.00
Anita Hecker	91.00	Angela Cavallo	30.00
Christopher Soi	49.00	Donald Curry	90.00
Todd Orłowski	53.75	Joseph Dell'Olio	20.25
Kyle Thornton	87.5	Nicholas DeVito	31.00
Noreen O'Driscoll	140.00	Ted Devlin	23.25
Terri Campanaro	23.00	Patricia Dickan	1.75
Sal Rivera	42.00	Peter Goldberg	38.25
Terrance Deveau	13.00	Michael Grasso	42.75
LeArtis El	3.5	Kevin Harrigan	30.00
Mark Bistro	6.00	Kareem Holebrook	11.25
David Humphrey	9.00	Paul Hollopeter	262.50
Kathie Nicholson	105.00	Robert Ireland	82.50
Elena Panagi	49.00	Thomas McNulty	26.25
Michael Quinn	42.00	Scott Mills	23.35
Dawn Irving	23.50	David Nikisher	67.50
Louise Kobiliak	49.00	Paul Shields	22.50
Mike Mill	70.00	Paul Welsch	15.00
Will Batista	14.00	Antonio Cambareri	101.00
Curt Chase	35.50	Daniel Moran	27.75

Margaret Gspurning	182.00	Charles Vilarino	150.00
Peggiann Thorp	21.00	Bradley Sheppard	7.5
Kim Angliss Gage	35.00	Adele Hobby	27.50
Peter Legler	30.00	Jeffrey Rosentrach	48.75

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH HAPPY SOFTWARE, INC. IN THE AMOUNT OF \$5,646.00 FOR SOFTWARE SUPPORT TO THE SECTION 8 OFFICE RESOLUTION #497

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

RESOLVED, that the Supervisor is authorized to sign an agreement with Happy Software, Inc. in the amount of \$5,646.00 for a one year software license and software support for computer software provided to the Section 8 Office, to cover the period from February 1, 2018 through January 31, 2019.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH SHALLOW CREEK KENNELS, INC. FOR NARCOTICS DETECTION TRAINING FOR POLICE SERVICE DOG RESOLUTION #498

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

BE IT RESOLVED that the Town Supervisor is authorized to execute a contract with Shallow Creek Kennels, Inc. for training for the Narcotics Detection/Patrol Police Service Dog.

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

AUTHORIZE FORFEITURE OF WETLAND BOND PERMIT #WP-BSWPPP-T-026-11 RESOLUTION #499

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

WHEREAS,

1. John Barile, as Applicant, provided the Town with Check #167 in the amount of \$6,550, which was deposited by the Town on July 30, 2014, with the following cost breakdown:
 - \$2,500 to serve as the Wetland Bond to be held for three (3) years
 - \$2,500 to serve as the Erosion Control Bond
 - \$1,000 to serve as the non-refundable Construction Monitoring fee
 - \$550 for the non-refundable Consultant permit review fee
2. The \$2,500 Erosion Control Bond was previously released to the Applicant at the April 21, 2015 Town Board meeting following successful completion of all field work.
3. The Applicant is not entitled to a return of the \$2,500 Wetland Bond as the conditions of the permit had not been adhered to for the indicated duration of three (3) years.

NOW, THEREFORE BE IT RESOLVED, that the above referenced Wetland Bond in the amount of \$2,500 is hereby forfeited by the Applicant and the funds transferred to the Town of Yorktown.

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

AUTHORIZE RELEASE OF EROSION CONTROL AND WETLAND BOND FOR MOHEGAN TIRE & AUTO, 1530 EAST MAIN STREET IN THE AMOUNT OF \$1,300.00
RESOLUTION #500

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

WHEREAS,

1. Diah Hamed, as applicant for Mohegan Tire & Auto, posted \$800 in cash, which was deposited into the T33 account on March 22, 2016, \$500 to serve as the Erosion Control Bond and \$300 to serve as the Wetland Bond, for permit #WP-BSWPPP- 009-16, for work performed at the East Main Street location.
2. Diah Hamed, as applicant for Mohegan Tire & Auto, posted \$500 which was deposited into the T33 account on May 4, 2017, to serve as the Wetland Bond for permit #WP-016-17, for work performed at the East Main Street location.
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, the above referenced Erosion Control & Wetland Bonds, totaling \$1,300.00, be released to Mohegan Tire & Auto, 1530 East Main Street, Shrub Oak, NY 10588, Attn: Mr. Diah Hamed.

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

AUTHORIZE RELEASE OF EROSION CONTROL/ESCROW BOND #WP-E-050-09 FOR HILL BLVD., INC. AKA GALAXY BOWL/PEG REALTY IN THE AMOUNT OF \$17,425.00
RESOLUTION #501

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

WHEREAS:

1. Hill Blvd., Inc., as applicant, posted check #1041 in the amount of \$34,687.00 to serve as the Erosion Control/Escrow Bond (\$15,000 deposited to T33 on October 6, 2014) and non-reimbursable site estimate fee (\$19,687 deposited to A2116 on October 6, 2014).
2. Hill Blvd., Inc., as applicant and developer posted check #1043 in the amount of \$2,800 to serve as the Wetland Bond (\$1,000 deposited to T33 on October 14, 2014) and Inspection Fees (\$1,800 deposited to T76 on October 14, 2014 with a reimbursable balance of \$1,425) for permit #WP-E-050-09.
3. Hill Blvd., Inc., as applicant and developer has requested monies be released as the site is now complete.
4. 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 \$17,425 be and are hereby released to Hill Blvd., Inc., 3665-67 Hill Blvd., Jefferson Valley, NY 10535, Attn: Mario Mancini.

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

AUTHORIZE TOWN ATTORNEY TO SETTLE A CLAIM ASSERTED BY THE NEW YORK CITY POLICE DEPARTMENT FOR REIMBURSEMENT OF TRAINING OF POLICE OFFICER DEVIN GREGORIO
RESOLUTION #502

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

BE IT RESOLVED that the Town Attorney is authorized to settle a claim asserted by the New York City Police Department in connection with the reimbursement of training of Police Office DEVIN GREGORIO pursuant to General Municipal Law §72-c in the amount of \$18,500.00.

FURTHER, BE IT RESOLVED the Town Comptroller is authorized to make the following budget transfers:

\$17,000 from A3120.425	PD SPCA contract
\$ 1,000 from A3120.427	PD Darkroom Supplies
\$ 500 from A3120.432	PD Investigative Expense
\$18,500 to A3120.423	PD Training & Supply

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSITS
RESOLUTION #503

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to release the following Escrow Deposits:

Street Opening Permit #017-006 in the amount of \$2,000.00 for the Ellis Street location to Westchester Modular Homes, 1995 Route 22, Brewster, NY 10509.

Street Opening Permit #016-009 in the amount of \$2,000.00 for the Loder Road location to Wicopee Constr., Inc. 157 Wicopee Road, Putnam Valley, NY, 10579.

Driveway permit #1210 in the amount of \$500.00 for the Ellis Street location to Westchester Modular Homes, 1995 Route 22, Brewster, NY 10509.

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

AWARD BID FOR TURF AT GRANITE KNOLLS SPORTS AND RECREATION FACILITY
RESOLUTION #504

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

WHEREAS, Requests for Proposals (RFP) were accepted on Monday, November 13, 2017 to furnish and install synthetic turf systems at Granite Knolls Sports and Recreation facility, and

WHEREAS, Requests for Proposals were received by the following:

<u>Bidder</u>	<u>Total Cost of Project</u>
LandTek Group, Inc. 235 County Line Road Amityville, NY 11701	\$948,500.00
Astro Turf 2680 Abutment Road Dalton, GA 30720	\$1,078,160.00
Shaw Sports Turf 185 South Industrial Blvd. Calhoun GA, 30701	\$1,037,785.00

Blue Sky International, Inc.
43 Paoli Plaza
Paoli, PA 19301

\$1,276,288.00

RESOLVED, the Town Board determines that the Town would benefit from awarding the contract to Shaw Sports Turf since the Shaw systems meets all the specifications outlined in the Request for Proposals. The Department of Environmental Protection (NYSDEP) has the Shaw Turf Legion system on its approved list of products. Furthermore, the Shaw synthetic turf provides a layered backing system increasing the weight, strength and stability. The system provides a tighter row of stitch using two types of synthetic blades, the mono- filaments and slit-film fibers. This closer stitch pattern provides more playing surface fibers and its design delivers consistency of play, less in-fill flyout (“spray”), and stronger fiber (synthetic blades) durability over time and heavy use.

RESOLVED, that the Request for Proposal to furnish and install synthetic turf systems at the Granite Knolls Sports and Recreation facility be awarded to Shaw Sports Turf, 185 South Industrial Blvd, Calhoun, GA 30701 for the Legion HP Product and the Momentum 2.0 in the amount of \$1,037,785.00.

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

REQUEST FOR GML SECTION 207-C STATUS – POLICE OFFICER MICHAEL KAHN
RESOLUTION #505

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

WHEREAS, Police Officer Michael Kahn was injured in the performance of his duties on August 19th, 2017; and

WHEREAS, Officer Kahn requested in writing that he be granted General Municipal Law("GML") Section 207-c status for sixty (60) days (August 19, 20, 23, 24, 25, 26, 29, 30, 31,2017; September 1, 4, 5, 2017; October 19, 22, 23, 24, 25, 28, 29, 30, 31, 2017; November 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 2017; December 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17, 18, 21, 22, 23, 24, 27, 28, 29, and 30, 2017) of missed work related to his injuries;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Kahn's request for GML Section 207-c status for the sixty (60) days of missed work (August 19, 20, 23, 24, 25, 26, 29, 30, 31, 2017; September 1, 4, 5, 2017; October 19, 22, 23, 24, 25, 28, 29, 30, 31, 2017; November 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 2017; December 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17, 18, 21, 22, 23, 24, 27, 28, 29, and 30, 2017) and medical treatment related to his injuries, and authorizes the Town Supervisor to advise Officer Kahn thereof.

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

MAINTENANCE AGREEMENT AND RING ROAD DEDICATION FOR THE JEFFERSON
VALLEY MALL ROAD.
RESOLUTION #506

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

BE IT RESOLVED, the Town Supervisor is authorized to sign the Offer of Dedication from Mall at Jefferson Valley, LLC and Seritage SRC Finance, LLC in connection with the real property located at Section 16.12, Block 1, Lot 25 within Jefferson Valley Mall to be used as a public highway;

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to sign the Maintenance Agreement with Mall at Jefferson Valley, LLC and Seritage SRC Finance, LLC in connection with the real property located at Section 16.12, Block 1, Lot 25 within Jefferson Valley Mall to be used as a public highway;

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH DAVID TETRO, ARCHITECT, FOR THE PROPOSED HIGHWAY GARAGE AND PARK FACILITIES CONSTRUCTION
RESOLUTION #507

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

WHEREAS, the Town is in the process of developing plans for the proposed highway garage and department of parks facilities at the Greenwood Street Property;

WHEREAS, the Town requires the assistance of a registered architect to develop architectural, structural, mechanical and electrical design as well as construction professional services;

WHEREAS, the Town solicited proposals from three qualified architects as follows:

Warshauer Mellusi Warshauer Architects, P.C. Elmsford, NY	\$200,000.00
Sullivan Architecture, P.C. White Plains, NY	\$840,000.00
David A. Tetro, Architect, P.C., Yorktown Heights, NY	\$120,000.00

BE IT RESOLVED, that the Town Supervisor is authorized to sign a professional services agreement with David Tetro in an amount of \$120,000.00

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

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICE AGREEMENT WITH KJM CONSTRUCTION MANAGEMENT, INC. FOR THE LOWES SITE DEVELOPMENT PROJECT
RESOLUTION #508

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

WHEREAS,

1. The Lowes Site Development Project was recently approved by the Planning Board and construction is expected to commence in December 2017. The Town Code requires the Applicant to pay the Engineering Department an 8 percent inspection fee for the civil/site work improvements that will be performed on the project. Since this large scale project will require an entirely new infrastructure for sanitary sewer service, Town water and storm water collection/detention/treatment, the Engineering Department requests the ability to use an outside firm to provide full time on-site inspection and field oversight services.

2. Note this fee is payable at the time permits are issued, i.e. prior to the start of construction activities.

3. The scope of this agreement will be to provide a Resident Representative on site whenever the Contractor (or Subcontractor) is performing construction work. The Town Engineer solicited proposals for the following scope of work:

- Monitor the work to ensure conformance with the engineering plans, the Planning Board Approval Resolution and Town-issued permits (stormwater, wetlands, tree removal, sewer connection, water connection, etc.).
- Confirm that the work is being performed in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP).
- Act as the liaison between the Applicant/Owner/Engineer, Contractor, other Regulatory Agencies (i.e. NYSDOT, NYSDEC, NYCDEP, WCHD) and Town departments on construction project-related activities.
- Coordinate field activities and scheduling with the Yorktown Police Department and other Town departments when there will be impacts outside the property site.

- Maintain detailed written records during construction; i.e. daily log of work performed by the installing Contractor, photographs of the work in progress, record of non-typical circumstances encountered, review of as-built drawings and/or changes from the approved plan.
- Attend progress and coordination meetings to track progress of the project, to confirm the required policies and procedures are being followed and to document key issues that the Town needs to be aware of.
- Observe the Contractor's final testing and start-up of all utilities, post-construction stormwater control measures and related systems.
- Confirm acceptability of the installed work and, if necessary, issue notice to Applicant/Owner/Engineer regarding any non-acceptable or defective work.

4. In a previous discussion with the Town Board and summarized in a memo dated 11/28/17, the site work estimate only included items that would be under Town oversight. Items that will not be under Town oversight (and not part of the Consultant scope of work): (1) Road work and reconstruction on Route 202 (under the jurisdiction of NYSDOT); (2) Electrical and telecommunication infrastructure work (under the jurisdiction of utility providers); (3) Temporary shoring, survey/layout work, removal of unsuitable materials (part of contractor means and methods not typically under Town oversight); (4) Asphalt parking and concrete sidewalk related to retail parking and entry/exit driveways (not typically under Town oversight); and (5) Miscellaneous items such as handrail, irrigation, site lighting, general conditions, insurance, taxes, contractor overhead and profit.

5. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that have the in-house expertise and expressed interest in providing field inspection services. The firms that provided written proposals were KJM Construction Management, Hazen and Sawyer, and WSP USA.

6. In the professional opinion of Town Engineer, KJM Construction Management, Inc. provided the best overall proposal and the lowest cost to the Town.

7. The professional services to be provided by KJM Construction Management will be paid at a rate of \$115 per hour. Assuming full time supervision, the cost will be \$18,400 per month, or \$220,800 for the estimated 12-month project duration. We also recommend including a contingency allowance of \$15,000 for any work that may be needed outside of the defined work scope. Total cost of agreement (with contingency) will be \$235,800.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with KJM Construction Management, Inc. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$235,800.

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

ESCROW DEPOSIT RELEASE – STREET OPENING PERMIT 3632 COOPER STREET,
MOHEGAN LAKE
RESOLUTION #509

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

Street Opening Permit #017-017 in the amount of \$1,000.00 for 3632 Cooper Street to Richard & Diane Heffler, 3632 Cooper Street, Mohegan Lake, NY 10547.

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

RESIGNATION OF MICHAEL REDA, ETHICS BOARD
RESOLUTION #510

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

RESOLVED, the Town Board hereby accepts the resignation of Michael Reda from the Ethics Board.

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

APPOINTMENT OF SERGIO ESPOSITO TO THE ETHICS BOARD

RESOLUTION #511

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

BE IT RESOLVED, that Sergio Esposito is hereby appointed as a member of the Board of Ethics Committee to fill the unexpired of Michael Reda. The three-year term expires on May 31, 2019.

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

RESIGNATION OF JAMES HACKETT, PARKS AND RECREATION COMMISSION

RESOLUTION #512

Upon motion made by Councilman Bernard, seconded by Councilman Diana,
RESOLVED, the Town Board hereby accepts the resignation of James Hackett from the Parks and Recreation Commission.

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

APPOINTMENT OF MATTHEW TALBERT - PARKS AND RECREATION COMMISSION

RESOLUTION #513

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

BE IT RESOLVED, that Matthew Talbert is hereby appointed as a member of the Parks & Recreation Commission for a seven-year term expiring on December 31, 2024.

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

COURTESY OF THE FLOOR

The following members of the public spoke:

Stewart Glass, resident, stated that he felt it was a disgrace with a new board coming in to rush appointments through. He stated that there were a number of people interested in the Ethics Board and the process is that all those interested be interviewed. Mr. Glass also mentioned that the grants for Depot Square do not commit Town money until the grants are received yet authorization to enter into a professional agreement with an architect for the amount of \$120,000 was rushed through tonight. There are many people who are not in favor of this project and the new board should have the opportunity to review this before committing Town money. Mr. Glass also said that the stipulations of the maintenance agreement for the ring road at the Jefferson Valley Mall are not known and the new administration will have to bear the expense of this maintenance. The new board should have had the opportunity to review this maintenance agreement.

Mark Lieberman, resident, thanked the Board for the sunscreens on the windows at Sparkle Lake for their bridge club. He also wanted to know if the water main break on Stony Street was related to the construction in the area. Mr. Lieberman also said that approximately one year ago he interviewed for the Ethics Board and never heard from anyone after that. Supervisor Grace said that he got his answer.

John Campobasso thanked the entire board for the passage of the Granite Knolls project and the award of the turf bid.

Ed Ciffone enumerated many of the current Board's accomplishments under Supervisor Grace that he had requested be done over the years. He also pointed out some of his criticisms. He thanked the Board for their service.

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

Supervisor Grace made a speech regarding his time as supervisor. He gave the status of outstanding projects and hopes the new board will see them through to their completion. He would like to see the continuation of many of the events that had been established under his supervision. Supervisor Grace thanked his fellow board members, co-workers, and community members, and wished the new Town Board much success.

Councilman Bernard also thanked those who put their faith in him as council member. He spoke of how he will miss the position and the people.

ADJOURN

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

Diana L. Quast, RMC
Town Clerk
Town of Yorktown