

Meeting of the Town Board, Town of Yorktown held on September 5, 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.

#### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations and the employment of particular individuals. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

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 SUPERVISOR

Supervisor Grace reminded everyone that this coming Monday is the 16<sup>th</sup> anniversary of 9-11 and there will be a remembrance ceremony in Shrub Oak at the J.C. Hart Library. Yorktown lost five Americans on that day. He stated that this is a beautiful ceremony that will begin at 4:00 p.m. Supervisor Grace also congratulated Senator Murphy for setting up his office for relief efforts for the Hurricane Harvey victims in Texas. There will be a box in the lobby of Town Hall (as well as all town halls and police departments) where residents can drop off donations such as personal hygiene items, school supplies, baby items, etc.

Supervisor Grace said that there has been misinformation regarding the reason for the removal of the war monuments in front of Town Hall. He stated that the Board is trying to make Town Hall more handicapped accessible; right now only the bottom floor is the most accessible since it is ground floor with the most parking spaces. The main floor does not have enough parking spaces, and the only real area to put extra parking is opposite to the front of the building. The monuments will be relocated to Patriot Park where there will be a historical monument walk that will extend through to Railroad Park. The old railroad station will be restored to its original appearance and Zino's barn will also be relocated in the park.

Councilman Patel asked if there were other ADA-related issues at other town buildings and Supervisor Grace said he was not aware of any.

#### REPORT FROM THE TOWN COUNCIL

Councilman Diana announced that the Tax Office will soon start collecting tax payments online via credit card payment that will include a 3% surcharge. School bills were sent out on September 1 and will be due by October 2. More information as to when they will be 100% online is forthcoming. A committee to organize Yorktown's 230<sup>th</sup> Anniversary Parade will soon be formed. Please let Mary Capoccia in the Supervisor's office know of your interest. It will be an all-day event.

Councilman Bernard thanked Senator Murphy and the Yorktown Police Department for their “Shed the Meds” program to dispose of excess medications/prescription drugs that residents may have had in their homes. The San Gennaro Feast begins on September 13 at 6:00 p.m. and is a 5-day event. The newly purchased mobile stage will be used to feature acts at the festival. He also thanked the Yorktown Chamber of Commerce for contributing \$5,000 towards the purchase of the mobile stage.

Councilman Patel announced the winner of a scholarship, as well as an Eagle Scout project. He thanked Ed Grisholm for his computer lab work involving teaching those who are afraid of computers, particularly the older population.

Councilman Lachterman mentioned some of the events happening in September and October, such as the 103<sup>rd</sup> Grange Fair on September 8 that will kick off with a tractor parade in Town at noon.

Supervisor Grace announced that Lowe’s would be breaking ground soon since they received their demolition permit. Department of Environmental Protection also approved the last bit of their permit. There was a pre-construction meeting held at Granite Knolls and the Supervisor is hoping that construction will begin as early as next week or the week after. A 2018 sports season is the goal for completion.

Councilman Patel asked if the pigging station was moving.

Supervisor Grace stated that as far as the cost of maintenance for the fields goes, this will be a revenue-generating facility and the fees will assist with the cost. He said that this will be a budget-neutral or budget-positive project.

#### PRESENTATIONS

Chief Robert Noble introduced new Police Officer Samantha Guilbert and spoke about her educational and past employment history, including a B.A. in History and Sociology and a Master’s in Education. She attended the NYS Park Police Academy and was hired by park police in 2013 as a field-training officer and was also a general topics instructor and domestic violence instructor. She has been assigned as a Field Training Officer in the Yorktown Police Department and will then be assigned to the patrol division. Chief Noble stated that Officer Guilbert’s background, training, and experience will serve Yorktown residents well.

Town Clerk Diana Quast administered the Oath of Office and Officer Guilbert thanked the Board, Chief Noble, and her fellow police officers for making her transition to the department very easy. She understands how much the community embraces the police department and looks forward to serving the town.

Chief Noble announced the names of past and present canine officers and all were acknowledged for their participation in the Yorktown Police Department K-9 Unit and thanked for helping to create the tradition of the unit. He acknowledged the attributes that it takes to be a successful officer in the K-9 unit. He thanked the Town Board for their support, as well as Lt. Graham, Lt. Gentner, Lt. DeJulio and the PBA. Future K-9 Officer Michael Campion was acknowledged. The new canine, Dallas, was introduced and welcomed to the Yorktown Police Department family. Officer Tom Beyrer, the new K-9 officer, was introduced. Chief Noble spoke about how physically and mentally demanding the course is to become a K-9 officer and how Officer Beyrer successfully completed the course in South Carolina this summer. He listed many of the tasks both officer and dog need to accomplish in order to complete the training. Chief Noble and the police department are proud of his and Dallas’ accomplishment and Officer Beyrer is looking forward to putting his training to use. Chief Noble also mentioned that Dallas is named for the police officers who were murdered in Dallas, Texas this year in an ambush attack.

Office Beyrer thanked the Board, particularly Councilman Diana (a former K-9 police officer), his family, and the community for their support. He thanked his fellow police officers without whom he would not be able to do his job.

Chief Noble also acknowledged the members of the group Yorktown Against Heroin and their contributions for the purchase of Dallas and the training of Officer Beyrer and Dallas. He thanked them for being a vital community partner against crime and addiction.

Chief Noble named the many residents and businesses who supported the purchase and training needed for the K-9 Unit: the purchase of a canine bullet-proof vest, collars, leashes, cooling/heating fan for the police vehicle, veterinary services, and dog food, vehicle servicing, etc.

Chief Noble also thanked members of the public who helped Officer Michael Kahn who was injured in a car accident while on duty; they will be thanked publicly at a later date. He also asked for some of those people to identify themselves by contacting the police department.

APPOINTMENT STOCK CLERK – ANGELA CAVALLO - HIGHWAY DEPARTMENT RESOLUTION #310

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

BE IT RESOLVED, that Angela Cavallo is hereby appointed Stock Clerk, job class code 0198-01, from eligible list no. 67-729, in the Highway Department, effective September 6<sup>th</sup>, 2017, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 8, Step 1 which is \$44,561.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 6<sup>th</sup>, 2017.

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

APPOINTMENT LIBRARY BOARD– KATHLEEN LAW-IMPERATO – LIBRARY BOARD RESOLUTION #311

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

BE IT RESOLVED that Kathleen Law-Imperato is hereby reappointed as a member of the John C. Hart Memorial Library Board for a five-year term expiring on August 31, 2022.

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

Supervisor Grace introduced John Landi, the new Building Inspector. Mr. Landi thanked the Board and said he is happy to be serving the Town and its residents.

PUBLIC HEARING TO CONSIDER PROPOSED LOCAL LAW AMENDING CHAPTER 300-89A(2) BY DELETING AND REPLACING CHAPTER 300-89A(2)

A public hearing was convened to consider a proposed Local Law to amend Chapter 300-89A(2) of the Code of the Town of Yorktown entitled “OFF STREET PARKING, LOADING AND LANDSCAPING REQUIREMENTS” by deleting the existing §300-89A(2) and enacting a new §300-89A(2) as follows: Four parking spaces shall be provided for each 1,000 square feet of GLA for any of the uses allowed in §300-86.

Supervisor Grace stated that this is an amendment to revise the minimum required parking in a CRC zone. This had been done a few years back. The town has taken many steps to revitalize the commercial tax base and one of the things they had looked to do very early on was the parking requirements for commercial establishments. It was determined that our requirements were not current with what the trends were for commercial space and wanted to reduce the minimum parking from 5 spaces per 1,000 square feet to 4 spaces per 1000 square feet. There was some issue at that time and the revision was not done. This revision will now bring the requirements in line with the rest

of the commercial districts.

Albert Capellini, attorney for the applicant of the Jefferson Valley Mall improvement project, spoke in favor of the reduction. He presented a report done in 2012 to show there was excess parking at the mall. He said that the original 5 spaces per 1,000 square feet was “way overkill” of what was really needed and bringing the requirement down to 4.25 spaces could easily be done. Mr. Capellini thanked the board for bringing this to the public’s attention.

Bill Beck, resident, wanted to talk about the proposal. He thanked the board for the job they do. He owns a business near the mall. Mr. Beck said that no one wants to see the mall succeed more than him but does not understand why the board wants to change the parking requirement. Why would you reduce parking in order to be more successful? Parking will be needed if they are building more space and filling the empty stores.

Mark Lieberman, resident, stated that many of the parking spaces throughout the year are taken up by different vendors and events (rug sales, carnivals, farmers’ market, etc.) and wants to be sure this is taken into consideration when reducing the parking space requirement.

Mr. Capellini responded to Mr. Lieberman’s statement by saying these vendors and events were allowed because there was an excess of parking spaces.

Steven Harris, Washington Prime Group (Jefferson Valley Mall) stated that parking ratio requirements for malls and their anchor stores have been reduced year after year; this property in particular does not need its current ratio. These numbers have been dropping, year after year.

Councilman Patel asked if the size of the parking space would reduce. Mr. Harris said no – the reduction is the count of spaces, not the size of the individual spaces.

Mr. Beck said he has no doubt that parking is being cut down, but is this the answer?

Councilman Bernard stated that there is a memo from the Planning Board stating that they are in favor of this amended ratio and confirm the trend of the reduction of parking spaces.

Mr. Beck still pursued his line of thought with Supervisor Grace and the Board that the reduction of parking does not bring customers; filling empty stores with businesses will.

Mr. Capellini reminded everyone that this is a very small reduction in parking – one quarter of each space. This meets the lease requirements of the tenants that are there and any tenants in the future.

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, and carried.

ADOPT LOCAL LAW NO. 12 AMENDING CHAPTER 300-89A(2) BY DELETING AND REPLACING CHAPTER 300-89A(2) RESOLUTION #312

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

WHEREAS, a public hearing was held on September 5, 2017, pursuant to notice duly published as required by law to amend section 300-89A(2) of the Code of the Town of Yorktown entitled “OFF STREET PARKING, LOADING AND LANDSCAPING REQUIREMENTS”;

Be it enacted by the Town Board of the Town of Yorktown as follows:

Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” is hereby amended by deleting the existing §300-89A(2) and enacting a new §300-89A(2) as follows:

Four parking spaces shall be provided for each 1,000 square feet of GLA for any of the uses allowed in §300-86.

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

Local Law #12 of 2017 is hereby duly adopted.

NEGATIVE DECLARATION AND LEAD AGENCY FOR LOCAL LAW NO. 12 TO AMEND CHAPTER 300-89A(2) BY DELETING AND REPLACING CHAPTER 300-89A(2) RESOLUTION #313

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

12-12-79 (3/99)-9c	<b>SEQR</b>
<b>State Environmental Quality Review</b> <b>NEGATIVE DECLARATION</b> Notice of Determination of Non-Significance	
Project Number: N/A	Date: September 5, 2017
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 as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.	
<b>Name of Action:</b> Amendment to parking requirements in the CRC zone in the Town of Yorktown N.Y.	
<b>SEQR Status:</b>	Type 1 <input type="checkbox"/> Unlisted <input checked="" type="checkbox"/>
<b>Conditioned Negative Declaration:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description of Action:</b> Proposed local law amending Article IX, Chapter 300-89 A. (2) of the Town of Yorktown Zoning Code relating to required parking ratio for the CRC Zone, specifically amending the requirement from 4.25 spaces per square feet of Gross Leaseable Area to 4 spaces per 1000 square feet of Gross Leaseable area.	
<b>Location:</b> Location: Town of Yorktown, Westchester County	

SEQR Negative Declaration	Page 2 of 2
<b>Reasons Supporting This Determination:</b> (See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)	
1) This negative declaration is based on a Full Environmental Assessment Form 2) The plan conforms to the Town's Land Use and Zoning Policies. 3) For reason of its specificity to the CRC zone 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 amendment to the parking requirements of the CRC zone.	
<b>If Conditioned Negative Declaration,</b> provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)	
<b>For Further Information:</b> Contact Person: John Tegeder Address: 1974 Commerce Street, Yorktown Heights, NY 10598 Telephone Number: (914) 962-6565	
<b>For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:</b> <ul style="list-style-type: none"> <li>• Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001</li> <li>• Appropriate Regional Office of the DEC</li> <li>• Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.</li> <li>• Applicant</li> <li>• Other Involved Agencies (if any)</li> </ul>	
Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)	

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

PUBLIC HEARING TO CONSIDER STORMWATER/WETLAND PERMIT APPLICATION FOR 2353 GRANVILLE COURT (GORMAN) – INSTALLATION OF IN-GROUND POOL AND SPA

A public hearing was convened to consider the stormwater management and wetland permit application received from Thomas Gorman for property located at 2353 Granville Court, Yorktown Heights, NY 10598, also known as Section 36.11, Block 1, Lot 33.1. The request is to perform the following activity: excavation for in-ground pool and spa installation.

Al Capellini, attorney for applicant Thomas Gorman, has an issue with the memo that was received on this day from the Town Engineer, Michael Quinn. Mr. Capellini believes the Mr. Quinn has raised some questions regarding the site that need to be discussed with the Town Attorney regarding what an easement is supposed to be. He stated that sometimes it might be misconstrued that an easement means the taking of a fee, which it is not. A homeowner is entitled to use his property as long as the easement purpose is served.

Supervisor Grace asked if Mr. Capellini was seeking an adjournment and Mr. Capellini replied in the affirmative. Supervisor Grace said the Town Engineer may be shy to proceed with what would have normally been knocked down to an administrative permit because the plans are coming closer to encroaching on that easement area, he is erring on the side of caution. Mr. Capellini said that he understands completely where the Town Engineer is coming from, however, this could have been determined months ago – this process has cost his client a lot of money to get to this point.

Councilman Patel asked Michael Quinn if he would like to respond to Mr. Capellini. Mr. Quinn stated that he has met with the applicant who understands their concerns and knows what is in the memo. There are issues to be worked out.

Mr. Capellini stated that his applicant began this process in May and submitted his stormwater/wetlands permit in June or July. He would like to get his pool built before the winter. Supervisor Grace stated that this is uncharted territory for Mr. Quinn and that he needs the Board's guidance. Unfortunately, this was not red-flagged earlier for their attention. Town Attorney Michael McDermott said that he would meet with Mr. Capellini to discuss the legal issues.

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 Supervisor Grace, seconded by Councilman Lachterman, and carried.

Supervisor Grace stated that this public hearing will be adjourned until the meeting on September 19, 2017.

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

ADVERTISE BID FOR SLUDGE AND GREASE REMOVAL FOR THE WATER POLLUTION CONTROL PLANT  
RESOLUTION #314

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

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 Wednesday, October 4, 2017 for the Sludge & Grease Removal at the Yorktown Heights Water Pollution Control Plant.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall and are located at the Town's website at [www.yorktownny.org](http://www.yorktownny.org).

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.

A pre-bid meeting will be held at the site (Yorktown Heights Water Pollution Control Plant, 2200 Greenwood Street) Tuesday, 9/26 at 10:00 am.

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

ADVERTISE REQUEST FOR PROPOSALS FOR ADVANCED LIFE SUPPORT SERVICES

RESOLUTION #315

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 4:00 p.m. on Wednesday, October 4<sup>th</sup>, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 from qualified and interested companies to furnish prompt reliable advanced life support service within the Town of Yorktown Advanced Life Support District. The purpose of this request for proposals is to select, after review and evaluation, the most effective advanced life support service company to work in conjunction with the existing police, fire, and basic life support ambulance services in providing these services for the District.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours, or on the Town's website at [www.yorktownny.org](http://www.yorktownny.org).

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 at the time and the place specified above.

The Town Board reserves the right to reject any or all proposals and to accept that proposal which it deems most favorable to the interests of the Town of Yorktown.

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

APPROVE CONFERENCE ATTENDANCE FOR KIM ADAMS PENNER, SOLE ASSESSOR

RESOLUTION #316

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

WHEREAS, sufficient funds exist in the Assessor Training line to cover the cost of expenses, including lodging and seminar, now therefore

BE IT RESOLED that Kim Adams Penner, Sole Assessor, has permission to attend the NYSAA Seminar on Assessment Administration to be held at the Crowne Plaza, Lake Placid, NY from October 1, 2017 thru October 4, 2017.

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

APPROVE AND ENDORSE APPLICATION OF TEATOWN LAKE RESERVATION FOR A GRANT UNDER THE ENVIRONMENTAL PROTECTION FUND

RESOLUTION #317

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

WHEREAS, the Teatown Lake Reservation is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the

Environmental Protection Fund for a park project to be located at 1595 Spring Valley Road, Ossining, NY, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

NOW, THEREFORE, Be It Resolved that the Board of the Town of Yorktown does hereby approve and endorse the application of Teatown Lake Reservation for a grant under the Environmental Protection Fund for a park project known as the Regional Science Education Center and located within this community.

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

AUTHORIZE COMPTROLLER TO PAY OUT THE CASH VALUE OF UNUSED TIME TO ANTHONY MASTROGIOVANNI AS OF RESIGNATION DATE RESOLUTION #318

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

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Anthony Mastrogiovanni the cash value of unused time as of his date of resignation, August 11, 2017.

Rate of Pay: \$24.3344

Vacation	67.50 hours	x	\$24.3344	=	\$1,642.58
Personal	15.00 hours	x	\$24.3344	=	\$ 365.02
Float	15.00 hours	x	\$24.3344	=	\$ 365.02
			Total		\$2,372.62

BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: SW8340.101 Water Salary \$2,372.62  
To: SW8340.108 Water Lump Sum Payment \$2,372.62

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

AUTHORIZE SUPERVISOR TO SIGN CHANGE ORDER NO. 1 FOR THE YCCC BATHROOM RENOVATION PROJECT RESOLUTION #319

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

WHEREAS the bid for the renovation of the Men’s and Women’s restrooms on the lower level of the Yorktown Community and Cultural Center (YCCC) was awarded to A. DeVito & Son, Inc., the lowest responsible bidder at the meeting of the Town Board on Tuesday, August 1<sup>st</sup>, 2017 and

WHEREAS additional work associated with the installation of a standalone privacy screen in men’s room and the modification of the tile installation to subway/brick pattern layout is needed NOW THEREFORE BE IT

RESOLVED that the Town Board authorized the Town Supervisor to sign Change Order No 1 for the Men’s and Women’s restrooms at the YCCC renovation project in the amount of \$4,650.00 (for a total construction cost of \$74,150.00)

BE IT FURTHER RESOLVED the Town Board authorizes the expenditures to come from the Capital Project HV – Improvements to Various Town Buildings.

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

AUTHORIZE SUPERVISOR TO SIGN A STORMWATER CONTROL FACILITY  
MAINTENANCE AGREEMENT WITH JASON AND MINDY WISSING  
RESOLUTION #320

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

BE IT RESOLVED that the Town Supervisor is authorized to sign the Stormwater Control Facility Maintenance Agreement with Jason and Mindy Wissing for the property located at 820 Kipling Road, Yorktown Heights, NY.

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

AUTHORIZE THE MAINTENANCE AND REPAIR OF ALL PUBLIC ROADS

Councilman Bernard asked that this resolution be held over to later date.

AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT AND  
HOLD HARMLESS AGREEMENT WITH THE YORKTOWN CENTRAL SCHOOL  
DISTRICT

RESOLUTION #321

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

BE IT RESOLVED that the Town Supervisor is authorized to sign the Intermunicipal Agreement and Hold Harmless Agreement with the Yorktown Central School District for the mutual sharing of facilities, vehicles, and equipment.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH GOVERNMENT  
PORTALS FOR ELECTRONIC PAYMENT SERVICES – RECEIVER OF TAXES  
RESOLUTION #322

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

BE IT RESOLVED that the Town Supervisor be authorized to sign the Agreement with Government Portal to authorize electronic payment services in the Tax Receiver's Office.

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

Supervisor Grace discussed the resolution authorizing the advertisement for Request for Proposals for Turf at the Granite Knolls Sports and Recreation Facility that Councilman Patel asked to be held off from earlier in the evening. Councilman Patel asked if this is a bid or RFP and was told it is an RFP. Councilman Patel questioned whether this is correct in this circumstance. Supervisor Grace said that there were several non-local turf vendors who have contacted him. They are very interested in doing business in this area and are willing to work with us in terms of reduced prices and very aggressively pursuing our business. There is a possibility, if turf is laid the right way into the corners of the project, that more fields could be created. Supervisor Grace spoke of the various factors that need to be looked at according to what our needs may be. Supervisor Grace stated that we need a lot of lead time on this, even though breaking ground is going to happen within the next couple of weeks.

Councilman Patel questioned the toxicity levels that can come from artificial turf. Supervisor Grace said that any turf the town considers will have to be Department of Environmental Protection compliant. It needs to be pervious in nature. There is a suspicion that some of the infields may have toxicities; however testing is uncertain. There are many fillers that need to be looked at along with each fillers potential toxicity.

Councilman Patel asked how much money is the Town looking at spending on the turf? Supervisor Grace explained that the first bid for the project told the Board what the price for the earthwork would be; if the low price had been the highest of what was actually received, the Board would have gone back to the drawing board. Until a definitive bid price was determined, the Board did not know if they could go ahead. Since the bid price was what it was (\$3.8 million), the Board was able to proceed with the next step – the turf. Since vendor pricing of the turf is very competitive, even the worst-case scenario will put the Town within budget. However, we will not know what the costs will be until all of the RFPs come back and all factors are taken into account. Councilman Patel asked about the other amenities and was guaranteed by Supervisor Grace that they will be done.

ADVERTISE REQUEST FOR PROPOSALS TO SUPPLY AND INSTALL TURF ON VARIOUS FIELDS AT GRANITE KNOLLS SPORTS AND RECREATION PROJECT RESOLUTION #323

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, from qualified and interested companies to supply and install turf for various fields located at the Granite Knolls Sports and Recreation Project located in the Town of Yorktown, NY.

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

Supervisor Grace opened a discussion regarding two previous resolutions that were held earlier in the evening regarding the Highway Garage/Depot Square project. Councilman Patel stated that he is one hundred percent opposed to giving the town land at the site of the demolished Highway Department to someone familiar to the Town Board for development purposes. He wants to see it kept as town property. Councilman Patel pointed out some issues that he sees with the plans for the property that the Board has discussed. He stated that he feels that this is a “fake” project. He asked how much money was in the bank for this project and was told by Supervisor Grace that there is \$1.4 million. Supervisor Grace said there are monetary commitments. Councilman Patel said there is no professional, unbiased report on this project to see if it is viable. He felt that the Planning Board/Department is not unbiased enough. Supervisor Grace said that he takes exception to any notion that the Planning Department is anything but professional. He stated that, yes, the Planning Director is biased because he is in favor of anything that is in the best interests of the Town. Councilman Patel feels that the Planning Department says yes to too many of the Town Board’s plans.

Supervisor Grace stated that the Highway facilities are inadequate. Councilman Patel stated that this land belongs to the Town and it should stay the Town’s. Supervisor Grace spoke of the plans for that area of town, as well as other.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR PROFESSIONAL SERVICES FOR ENGINEERING DESIGN WITH GHD – DEPOT SQUARE AND HIGHWAY GARAGE RESOLUTION #324

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

WHEREAS,

1. The Engineering Department has been working with Planning on a site development plan for the Highway Garage/Depot Square site, which will include a new 3-story commercial project development with associated parking lot and stormwater improvements. Because this project site is located with the designated Main Street Area, the stormwater pollution prevention plan (SWPPP) must be reviewed and approved by the NYCDEP.
2. The Engineering Department requests the ability to work with a professional engineering consultant that has the demonstrated expertise to perform the

required hydraulic modeling and stormwater design layout that will be needed to prepare the SWPPP.

3. Over the past several months the Department has been working closely with representatives of the NYSDEC and NYCDEP on classifying existing site conditions and performing fieldwork to locate anticipated stormwater practices. The test data that has been collected will now be incorporated into a stormwater design report that must be reviewed and approved by NYCDEP in order to move the project forward. Note: we are not undertaking the detailed engineering design at this time but will use the conceptual designs that have been prepared as the basis for our report to the NYCDEP.
4. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that have the in-house expertise, equipment resources and expressed interest in providing the requested professional services. The firms that were contacted: GHD Consulting Services Inc., WSP USA, Inc., and Provident Design Engineering.
5. In the professional opinion of Town Engineer, GHD Consulting Services Inc. provided the best overall proposal and the lowest cost to the Town. Their price was for a lump sum of \$18,000.
6. The scope of work for this project includes the following: (1) for current site condition, determine peak stormwater runoff from the 1-year, 10-year and 100-year storm events; (2) for the proposed site condition, determine peak stormwater runoff from the 1-year, 10-year and 100-year storm events; (3) calculate the required stormwater water quality volume per NYSDEC standards; (4) investigate stormwater treatment options including green infrastructure practices; (5) delivery shall be a completed SWPPP that is acceptable to the NYSDEC and NYCDEP.
7. The Department will use available funds for the purchase under cost code A.1440.479 Special Projects.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with GHD Consulting Services Inc. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$18,000.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR SURVEYING AT DEPOT SQUARE AND HIGHWAY GARAGE WITH BADY & WATSON  
RESOLUTION #325

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

WHEREAS,

1. The Engineering Department has been working with Planning on a site development plan for the Highway Garage/Depot Square site, which will include a new 3-story commercial project development with associated parking lot and stormwater improvements. A small portion of the site contains New York State-wetlands, which have been recently flagged by a representative of the NYSDEC. An updated land survey is needed to capture the updated wetland boundary, topographical information, property boundaries and underground utility information. The Department has already performed deep hole testing and soil percolation testing with representatives of the NYCDEP to confirm current soil conditions and to identify the areas that can be used for stormwater infiltration practices. More detailed survey

information is now needed in order to perform hydraulic analyses and to complete the stormwater design practices.

2. The Engineering Department has also been working with Planning on a site development plan for the new Highway Garage site that is proposed for the rear of the Town-owned property located at 2200 Greenwood Street. The Department worked with representatives of the NYCDEP to confirm the presence of a watercourse, which was flagged in the field and will be included in the new land survey. There is not currently a land survey on file so we are looking to capture the watercourse, topographical information, property boundaries and underground utility information.
3. The Department has already performed deep hole testing with representatives of the NYCDEP to confirm current soil conditions. The soil percolation tests are being planned so we can identify the areas that will be used for stormwater infiltration practices.
4. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that have the in-house expertise, specialized equipment and expressed interest in providing the requested professional services. The firms that were contacted: Badey & Watson, P.C., WSP USA, Inc., and Insite Engineering, Inc.
5. In the professional opinion of Town Engineer, Badey & Watson, P.C. provided the best overall proposal and the lowest cost to the Town. Their price was \$6,950 for Task 1 (3.5 acre property at Highway Garage/Depot Square) and \$11,500 for Task 2 (18 acre site at New Highway Garage Site). The total price for both tasks will be \$18,450. Note: work to be done as prevailing wage in accordance with Town law.
6. The scope of work for this project includes the following: (1) compile topographic data using survey equipment and available LIDAR data; (2) identify location of parking area, buildings, driveways, walks, retaining walls and other structures, watercourse/wetland flags; (3) reference survey to NAD83 and NAVD88 datum; (4) underground features and surface area with precision down to 1-foot contour level; (5) deliverable in print version and AutoCAD format latest release.
7. The Department will use available funds for the purchase under cost code A.1440.479 Special Projects.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Badey & Watson, P.C., for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$18,450.

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

RESOLUTION SUPPORTING VETO OF ACT 165-2017 AND REJECTION OF SANCTUARY JURISDICTION DESIGNATION  
RESOLUTION #326

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

WHEREAS, the Westchester County Board of Legislators adopted Act No 165-2017 on August 7, 2017, which, among its provisions, would prohibit law enforcement from cooperating with immigration authorities with respect to criminal illegal aliens;

WHEREAS, cooperating with county, state and federal law enforcement agencies is paramount to maintaining law and order and public safety; and

WHEREAS, according to the Affiliated Police Association of Westchester County, the passage of Act No 165-2017 would handcuff local law enforcement by turning Westchester into a Sanctuary County for criminal illegal aliens charged with felonious crimes such as manslaughter, robbery, rape and sexual abuse; and

WHEREAS, United States Executive Order 13768 provides that jurisdictions that willfully refuse to comply with 8 U.S.C. § 1373 will be designated as “sanctuary jurisdictions” and will not be eligible to receive federal grants, except as deemed necessary for law enforcement purposes; and

WHEREAS, the Town of Yorktown currently receives federal grants and funding, in a wide range of areas and has plans to apply for future federal funding; and

WHEREAS, 8 U.S.C. § 1373 provides that a local governmental entity or official may not prohibit, or in any way restrict, any governmental entity or official from sending to, or receiving from, ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual; and

WHEREAS, the Town of Yorktown fully complies with 8 U.S.C. § 1373; and

WHEREAS, the Town of Yorktown is not nor intends to be a “sanctuary jurisdiction” or “Sanctuary town”;

WHEREAS, the Town of Yorktown is continuing to comply with the United States Constitution; and

WHEREAS, the Town of Yorktown remains committed to promoting the trust between local police officers, the immigrant community of this great town and all its citizens documented or undocumented; and

WHEREAS, the fundamental rights of all humans upon which this great nation has been founded must be jealously guarded and protected;

NOW, THEREFORE, BE IT RESOLVED, that this Town Board commends Westchester County Executive Robert P. Astorino for his veto of Act 165-2017, owing to the fact that its adoption would turn Westchester into a sanctuary jurisdiction;

AND BE IT FURTHER RESOLVED, that this Town Board further pause in its deliberations to reaffirm the position of that the town of Yorktown remains fully compliant with the United States Constitution and all applicable federal laws with respect to immigration detainer requests;

AND BE IT FURTHER RESOLVED, that this Town Board further pause in its deliberations to reject any label or designation as a “sanctuary jurisdiction” pursuant to the recent Executive Order to protect the taxpayers of the town of Yorktown from any actions to render the County ineligible for current or future federal funding;

AND BE IT FURTHER RESOLVED, that the Town of Yorktown shall remain fully compliant with all applicable federal laws and the United States Constitution and cooperate with the federal government to the extent provided by law;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to Westchester County Executive Robert P. Astorino, Westchester County Legislator Michael Kaplowitz and Westchester County Legislator John Testa.

Councilman Patel stated he would not vote aye for this resolution because he just received it that afternoon and wants to speak with his lawyer and wants time to fully understand what the resolution may mean.

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

The Town Board accepted the following monthly reports:

- Construction and Building Report – July 2017
- Receiver of Taxes Report – August 2017

TRAFFIC REPORT

Councilman Bernard presented the Traffic Report including proposed changes to various locations in town that include speed calming and traffic devices, as well as traffic studies. Shrub Oak International School is giving the Town \$30,000 as part of their approval process to do a traffic study on East Main Street in the Shrub Oak corridor. They will focus on the intersection of Stony Street and East Main Street since that will be directly affected by the school when it becomes operational. Other intersections will be looked at depending on how far the \$30,000 can be spent.

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH FAO ASSOCIATES TO PREPARE RFPS FOR TOWN'S INSURANCE RESOLUTION #327

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

WHEREAS, the Town's insurance policies are due to expire at the end of 2017; and

WHEREAS, the Town seeks to obtain the best insurance for the lowest price; now therefore

BE IT RESOLVED the Town Supervisor is authorized to sign a Professional Services Agreement with FAO Associates who will prepare a request for proposals for qualified bidders to submit proposals for the Town's insurance needs.

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

Councilman Patel requested a motion that \$2,000,000 from the fund balance be set aside to do the following: \$1,000,000 to be spent this year on road paving and \$1,000,000 to be spent next year for the same purpose. No second was received.

Supervisor Grace stated that \$1.6 million had already been allocated this year. This amount covered everything that was possible to do in the paving season. Some areas of town are having other kinds of infrastructure done, such as gas pipes and sewer pipes, that will prevent them from getting their roads paved sooner rather than later. He stated that there would be ample time during the budget process to allocate additional funds for other paving projects.

SET PUBLIC HEARING TO CONSIDER PROPOSED LOCAL LAW AMENDING CHAPTER 275 RELATING TO TRAFFIC AND PARKING REGULATIONS ON BANK ROAD RESOLUTION #328

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 19<sup>th</sup> day of September, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," Article I, entitled "Traffic and Parking Regulations," by repealing and replacing that portion of §275-4A relating to Bank Road.

A copy of the proposed local law is on file in the Office of the Town Clerk at the said Town Hall, where the same may be inspected during regular office hours. It can also be viewed at [www.yorktownny.org](http://www.yorktownny.org) under Town Clerk/Pending Legislation.

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

### COURTESY OF THE FLOOR

Jay Kopstein, resident, asked the Town Clerk Diana Quast if petitions had been filed in her office regarding the relocation and redevelopment of the highway garage. Ms. Quast replied that they had not.

Joanne Miller-Prisco, resident of Highbrook Street, stated she has a brook on her property that floods. The underpass that goes under the road is clogged; the brook needs to be dredged. She is asking the town for help in cleaning the brook and maintaining the area. She stated that it is getting worse as the years go on – the silt build up is now nearly three feet high and there is a tree stump in the stream that is backing up debris. Supervisor Grace said that they would definitely get out there to take a look to see what needs to be done.

Mark Lieberman, resident, asked when Labor Day comes and they move the Bridge Club from the Community Center to Sparkle Lake, to please have a curtain hung to cover the glare coming in off the lake that is intolerable for some of the players who have eye issues. He also asked about the resolution regarding the intermunicipal agreement with the school district from earlier in the evening. Does the sharing of facilities include ballfields? Mr. Lieberman stated that it was clear there were two boards operating here and he agreed with Councilman Patel that it is intolerable that he be given a resolution with such short notice and no time to consider it. Clearly four members had the time to consider it and not Councilman Patel.

Ed Ciffone, resident and president of UTY, stated that he wrote a letter regarding the sports complex and the new highway garage. Why would the Board not use the money being spent on the Granite Knolls Sports and Recreational Facility to build the new Highway Garage? The Town Board is making a big mistake – all capital projects over \$5,000 should be placed on a ballot so that taxpayers can vote. He spoke about the unassigned fund balance (which he considers too high) and how much could be done with that money. As a member of the Taxpayers Subsidy Committee, he asked that an item be placed on either a work session agenda or a town board agenda to meet with the committee on how Yorktown taxpayers could possibly create high tech local job opportunities for residents.

Dan Strauss, resident, spoke about destination towns. He said he has listened for two years to what the Supervisor and the Board has to say and he said that the Town has neither a river nor a railroad, and in his estimation, that is what drives a destination town. All of the talk about businesses surviving or not surviving will not drive Yorktown Heights. Businesses on Commerce Street that currently look awful will not be improved by Supervisor Grace putting up a new building in the area. We are not a destination town; we are an event town and he agrees with all of the events that the town does and more would great.

Susan Siegel, resident, addressed the turf at Granite Knolls and appreciated all of the variables that will go into the purchase but she is surprised that with all of the planning that has gone into Granite Knolls that the Board doesn't know what kinds of turf they want. Putting an RFP out asking for suggestions may give the Board "apples and oranges" since there are so many different kinds of turf, as well as other variables. The research should have been done beforehand and a bid put together. An RFP process is not available to the public and can be discussed at a closed work session where the Board may not be choosing the lowest bidder. It would be more open and transparent to do a bid.

Tom Pomposello, resident, and sponsor of the Feast of San Gennaro, wanted to remind everyone that the Feast of San Gennaro will be held on September 13 and end on September 17. The procession will be held on the 13<sup>th</sup> and everyone is invited to march. He thanked the board for welcoming the feast to the Town for the third year. Money will be raised for St. Patrick's Youth Group. Supervisor Grace said these events are important because they give an opportunity to the Yorktown community to get involved.

Tony Grasso, resident, addressed the Town Supervisor when he said that the supervisor must take control of the board meeting; every member should be recognized before he speaks, regardless of who he is and that no one should be speaking over anyone else. He finds it unacceptable when the board members act like children. The supervisor has a great responsibility to run a board properly and if the board does not respect you, something has to be done. If there are 5,000 signatures for a petition regarding the highway department, they are meaningless if nothing has been done with them. Mr. Grasso spoke about the need for a new highway building.

Supervisor Grace said that he does take responsibility and hopes there are people who have been on the board long enough to have respect for each other. However, he said that if he “puts the hammer down,” he will hear much criticism. You cannot legislate good behavior; you just hope people will behave in the correct manner.

Supervisor Grace’s response to Mark Lieberman: The supervisor stated that he will look into having a curtain hung at Sparkle Lake for the Bridge Club. The IMA with the school is not for athletic facilities; it is for things like bucket trucks, and other equipment, as well as inside facilities for camp.

Supervisor Grace’s response to Ed Ciffone: The supervisor stated that the reason we received the money from Spectra for the Granite Knolls project was very specific to the Town losing access to athletic fields due to the pipeline construction. Other project possibilities were lost during the first pass with Algonquin a few years ago.

Supervisor Grace’s response to Susan Siegel: The supervisor stated that going out for an RFP for different types of turf does not preclude the Town from going out to bid with specifications after the proposals have been reviewed. He explained that, as a result of the bid or RFP process that if it is not in the best interests of the Town to do so, no bid/proposal needs to be accepted.

Supervisor Grace further addressed Mr. Ciffone by explaining the budget process for choosing projects for the Town. Supervisor Grace said he is very proud of this Board for the way they restored fiscal health of the town, as well as completed and future infrastructure projects.

Supervisor Grace further addressed Mr. Lieberman: Supervisor Grace said that he takes great exception to the statement that there are two boards; that is nonsense. If you know your job and your direction, it does not take too long to absorb a page and a half of a resolution. If you know what you want, have a compass and have a vision it is very easy it does not take a lot to analyze the resolution or talk to a lawyer. If you disagree with the resolution, that is fine, just articulate your reasons for doing so.

Councilman Lachterman stated that this is also a current topic in the news and is being discussed all over.

Councilman Patel said he is proud of his prior vote on the Spectra project.

Councilman Bernard stated that Councilman Patel’s earlier request for a motion to put money into the fund for paving was a political stunt.

ADJOURN

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

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DIANA L. QUAST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN

Dated: September 5, 2017