

Meeting of the Town Board, Town of Yorktown held on September 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  
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk  
David Paganelli, Highway Superintendent  
Michael McDermott, Town Attorney

Absent: Thomas P. Diana, Councilman

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Bernard, 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 Bernard, 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 said that he hoped everyone enjoyed the San Gennaro Feast – there was a wonderful turnout. He said thousands attended with no incidents. It is a symbolic coming together of all heritages. He congratulated those who planned the event, the Yorktown Police Department and Highway Department who helped monitor activity – the security was planned well before the event. Congratulations to Parks and Recreation for their assistance, Councilman Ed Lachterman for his involvement with the ShowMobile, and YVAC for having a station for those who might need medical assistance.

Supervisor Grace also mentioned the posthumous dedication of a portion of Route 118 to United States Army Major Clayton Carpenter – he was a wonderful person and member of the armed services and represented the best of what is Yorktown.

This coming Sunday, the Oldsmobile Club of Westchester will have their auto show. The Yorktown Chamber of Commerce will be sponsoring the Street Fair being held on October 8. Supervisor Grace thanked all of the civil service workers for their work in preparing for these events.

#### REPORT FROM THE TOWN COUNCIL

Councilman Lachterman thanked the Grand Marshall of the San Gennaro Feast, Dotty LaScala.

Councilman Patel said that ShopRite will be having a food donation drive tomorrow, September 6. He also mentioned that the Grange Fair was a beautiful event and hopes that even more people will attend next year. He, too, mentioned the dedication to Major Carpenter.

Highway Superintendent David Paganelli mentioned that his department will begin paving and will release a list of the roads affected.

Supervisor Grace stated that there is some concern over Gomer Street and said that Con Edison will be approached to address this issue.

PRESENTATION – SUPPORT CONNECTION

Kathy Quinn, Director of Support Connection, spoke about the organization and the services offered to cancer patients and their families all over the county, Canada, and some European countries. She said what makes them different from other support groups is that all of the counselors have had cancer themselves. She talked about the Support-A-Walk event that is coming up on Sunday, October 1, 2017. All monies raised will go to the services they offer. She also thanked the Yorktown community. She has attended many of the recent events and has heard nothing but good feedback.

AWARD REQUEST FOR PROPOSALS FOR REMOVAL AND RELOCATION OF FLAGPOLE IN FRONT OF TOWN HALL  
RESOLUTION #329

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

WHEREAS, the Town solicited proposals for the removal and relocation of a flagpole directly in front of Town Hall to a location within approximately two (2) miles from Town Hall;

WHEREAS, four (4) proposals were received, opened, and evaluated and it was determined that the proposal submitted by LCS Landscapes was deemed most beneficial to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town selects LCS Landscapes to provide services as per their submitted proposal in the amount of \$3,850.00.

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

AWARD REQUEST FOR PROPOSALS FOR REMOVAL AND RELOCATION OF THREE GRANITE BLOCK MONUMENTS IN FRONT OF TOWN HALL  
RESOLUTION #330

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

WHEREAS, the Town solicited proposals for the removal and relocation of three (3) Granite block monuments directly in front of Town Hall to Patriot Park;

WHEREAS, six (6) proposals were received, opened, and evaluated and it was determined that the proposal submitted by LCS Landscapes was deemed most beneficial to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town selects LCS Landscapes to provide services as per their submitted proposal in the amount of \$5,250.00.

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

RECONVENE PUBLIC HEARING ON A STORMWATER/WETLANDS PERMIT APPLICATION FOR INGROUND POOL INSTALLATION – 2353 GRANVILLE COURT (GORMAN)

Supervisor Grace reconvened a public hearing to consider the stormwater/wetlands permit application for the installation of an in-ground pool. Albert Capellini, attorney for the applicant, said that Mr. Gorman has spoken with the Town Engineer, Michael Quinn, and is willing to install a 6' wide and 8' wide fence that would allow for an easy flow into the easement area. Mr. Capellini feels that this is a reasonable compromise. A shed will also be moved out of the area.

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 Supervisor Grace, seconded by Councilman Bernard, and carried.

Mr. Quinn stated that there is an agreement in principle but conditions will need to be laid out at the next work session.

Supervisor Grace stated that a decision will be made at the next Town Board meeting.

CONVENE PUBLIC HEARING ON A SITE PLAN APPROVAL APPLICATION FOR JEFFERSON VALLEY MALL IMPROVEMENT PROJECT – WASHINGTON PRIME GROUP

Supervisor Grace convened a public hearing on the Site Plan Approval Application for the Jefferson Valley Mall Improvement Project.

Al Capellini, attorney for applicant, stated that the Jefferson Valley Mall has been undergoing a revitalization – lowering of the berm has made stores visible and a change in the stores is drawing in more people. The mall is now coming forward with more innovations – key to which is a window out onto Route 6. This proposed change includes an exit off Route 6 directly into the mall. The original plan for the mall was to keep itself out of sight of Route 6. This plan will make the mall more visible to people. They are also adding retail space in the northeast quadrant of the property that will be serviced by this new window, which will now become part of the ring road and lead down to Lee Boulevard. This will become a public road. The signage for the mall will also change, as it is a critical component of visibility. Stephen Harris, Vice President of Development for Washington Prime Group and Ralph Peragine, Provident Engineering, will discuss the improvements encompassed in the application.

Mr. Peragine showed the Board the plans for the proposed changes for an eastbound exist ramp that would connect to the new road. These plans have been discussed with the Department of Transportation. They are also proposing approximately 8300 square feet of additional retail space. A new monument sign is proposed opposite Dick's Sporting Goods store. As you come in off the right turn lane, there will be a new-way finding sign to direct people to different locations. There was mention of at least one more sign. Mr. Peragine discussed the new off ramp, flow of traffic, and stop controls. He also mentioned that suggestions from the last work session they attended have been incorporated into the new design and plans (relocation of dumpsters, additional landscaping).

Architectural plans and materials for the facades were presented by Greg Soltis – RDL Architects, for the project.

Stephen Harris, Vice President of Development for the Washington Prime Group from Columbus, Ohio thanked the Board for hearing their application and stated that this has been a very successful project so far and they are encouraged to proceed with the next steps. Mr. Harris went over the signage and the modifications incorporated at the Board's suggestion at a previous work session. A twenty-six foot sign will be erected which is designed for visibility according to the speed on Route 6. This sign will be a mall identification sign for the anchor stores. There will be a monument sign as you approach the right turn to help you identify tenants in the outer buildings and other mall tenants. A way-finding sign will be erected which is strictly directional to various aspects of the mall. A discussion took place with the Board regarding the height of the twenty-six foot sign; where the base of the sign is in relation to the grade of the road.

Councilman Bernard asked Mr. Harris to address the road maintenance and agreement he would present to the Town. Mr. Harris said that he has been in conversations with Town Attorney Michael McDermott regarding this and stated that in general what they agreed to is that the road would be maintained by them at their expense. Mr. McDermott said that they will continue their discussion. David Paganelli, Highway Superintendent, said that he is not sure he is comfortable with the Town taking a road that they are not maintaining yet for which they are still liable. Councilman Patel asked for the length of the road and was told it is approximately 1200-1300 feet. Supervisor Grace said that issue of the dedication of the ring road to the Town has to do with restrictions of the Department of Transportation. The issue for DOT is that this is a limited access highway where at one time they condemned accesses out to Route 6 by the properties abutting Route 6. They presumably paid compensation for the condemnation of those rights of access. The DOT will not necessarily give those rights back but will consider the possibility if it is made a Town road. It is the Board's considered opinion that the mall is a valuable asset to the community and will keep the mall viable for a long time. This is why the Town would have to accept that portion of the ring road as a Town road. Town Engineer Michael Quinn also mentioned the possibility of having a sewer line to go under the road that would help eliminate problems in that area. The applicants were agreeable to discussing this issue further.

The following members of the public spoke:

Mark Lieberman, resident, was told that it is just an entrance into the mall that is being added.

George Hanson, resident, hopes the changes are successful. He is concerned about the number of cars that will be brought into the mall and their impact on the neighborhood.

Howard Frank, resident, mentioned the wetlands that once existed in the area and he is concerned about the drainage in the area. He wanted to know if approval had been obtained from DEP and DEC and also if Con Edison had been consulted. No special consideration should be given to signage for this project over what was given to any other businesses.

Mr. Capellini stated that DEP is not involved in this application and this road.

Town Engineer Michael Quinn stated that the applicant is doing a stormwater treatment system and has done a full stormwater pollution plan that the Engineering Department reviewed, as well.

Bill Beck, local fitness club owner and resident, is concerned that the Town is not doing their due diligence regarding this project. He mentioned that the portion of the ring road may cause taxpayers more money in the future when it needs to be replaced. He said he would like to have a ring road for his business and feels that the Town may be setting a precedent by allowing this to happen. The same is true about the size of the signs; he would like to be able to do that as well for his business.

Ed Ciffone, resident, asked questions regarding the next public hearing about a proposed fitness club in a portion of the Sears building at the mall. Supervisor Grace explained the differences between the two projects and told Mr. Ciffone that he may speak to the fitness club issue at their public hearing later in the evening.

Sam Rosenfeld, resident, asked the Board is they had a cost of what the ring road will be to the taxpayers. Supervisor Grace stated that there should be no additional cost to the taxpayers – it is a no-cost structure. The cost will be worked out between Washington Prime Group and the Town.

Supervisor Grace said there are still some issues that need to be tightened up regarding this project, including the road dedication. He would also like to have some more clarification on the signs, as well. Councilman Bernard suggested to the applicant that they stake out exactly where the twenty-six foot sign would be and fly a balloon to the exact height so the Board can do a site visit to check out the visibility from Route 6. The applicant will meet at the next work session.

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, and carried.

The Town Board reserved decision on this application until the next Town Board meeting.

CONVENE PUBLIC HEARING ON A PROPOSED LOCAL LAW TO ADD NEW SECTION 300-86G “PERMITTED USES” G. HEALTH OR FITNESS CLUB

Supervisor Grace convened a public hearing to add a new Section 300-86G “PERMITTED USES” G. HEALTH OR FITNESS CLUB to the code which Supervisor Grace stated was prompted by a second application that has to do with the Sears store at the Jefferson Valley Mall. Mr. Capellini, attorney for the applicant, spoke about how the uses of malls as strictly shopping centers have changed. These changing times have also changed how we shop and where we shop. Mall owners must adapt to these changes or go out of business. This application is such a case. Sears is moving to the upper floor of their space, leaving the downstairs vacant. A fitness center wishes to move into this space but cannot until this is added to the “permitted uses” section of the Town code. Mr. Capellini reminded the Board that in every other commercial zone he could think of, including the CR zone, as well as in the Office Zone and the Industrial I2 zone, a health fitness center is permitted and encouraged the Board to approve this change in the local law.

Councilman Bernard asked Mr. Capellini how he and his client felt this project would benefit the mall when there is no access into the mall from the proposed fitness center. Mr. Capellini said that the Town would be helping the taxpayers by having the income from the business that would lessen the chances of the property owner asking to have their taxes reevaluated. He also said that having a fitness club there makes the mall a destination location.

The following members of the public spoke:

Bill Beck again mentioned doing due diligence. Has anybody asked how many cars will this type of business bring to the mall? Will they fit? He has not seen this in any of the documentation. The only study he saw was five-years old and not based on a mall with a fitness center. This same question should also be applied to sewer/septic needs of the fitness club. Does the Board know what an on-site pool means in a fitness center? If he drains his club's pool at the same time as they drain theirs, can the sewer system handle it? Can the site handle 15-20 showers running every day? Also, this is a change of use for the site – not just Seritage's property but the entire mall site. Is there enough parking if three boutique fitness studios moved in and a health club? What happens if the fitness center is joined by a pool complex with three more pools? Mr. Beck said that the Town will not have the ability to reject that once the use is changed in the law.

James Tripoli, Executive Member of the Chamber of Commerce, and employee of Club Fit in Yorktown spoke about his memories of the mall and how it was a cornerstone of the area. He questioned the necessity for a health club at the mall, citing that the mall doesn't open until 10:00 a.m. and most fitness center members use their clubs much earlier in the day. He also mentioned that there is no direct access from the fitness center into the mall. He said that he believes it will not bring overflow customers to the mall and the market for fitness clubs is oversaturated.

Mark Lieberman, resident, mentioned having a Whole Foods Market or Trader Joe's come into the mall. There are five gyms in the area; another one will not bring more people.

Howard Frank, resident, said that there was weakness in the original construction of the mall and extensive work had to be done. A structural analysis of the thickness of the concrete and flooring needs to be examined before a pool and heavy exercise equipment is installed.

Rob Puff, resident, said that this application gives the Town a chance to have space repurposed by an applicant who is willing to help revitalize the area and help grow the tax base of the Town. These businesses may, in the future, help with capital improvements in the town, bring in new jobs, add tax revenue, and bring in new customers. It will add healthy competition from which the residents may benefit. He is in favor of having the health fitness center occupy the space at the mall.

Bill Beck stated that there is a tax consequence with this change in use. The mall will not be paying sales tax, whereas a store will. Supervisor Grace stated that sales tax goes to the county and a local share comes back to the towns.

Daryl Lindholm, resident, commended the Board for rejuvenating the mall but her concern is water. She lives in Jefferson Village and they have a big problem with water, starting with the pond that is near the Village and wanted to let the Board know they are concerned.

Dan Strauss, resident, said it sounded as if the previous speaker, Mr. Puff, said that anyone that comes here for these applications should be accepted. He does not think that should be the case. He believes that the repurposing of the mall should be for more family-oriented activities, which a health club is not. The Board needs to consider if the Town has the traffic in northern Westchester to support all of the businesses coming into Town.

Dan Rosenfeld asked about the hearing coming up next. He seemed to agree with Mr. Lieberman about having a Whole Foods or Trader Joe's in the mall and felt people would come from farther away to shop there.

Rob Puff stated that he did not imply that all businesses be allowed if they make an application. He clarified that he was referring to the amendment to the zoning definition of “permitted uses.” He stated that he is neither for against this gym coming in; he is for allowing “health fitness club” to be allowed in that zone in the local law.

Ed Ciffone asked what the current zone is for the mall and what is the change? Supervisor Grace explained that they are not changing the zone; they are adding to the schedule of permitted uses for the mall’s zone.

Michael McCurry, resident, urged the Town to be innovative and creative. He would rather see competition between towns instead of between businesses in town. Part of the Board’s job may also be to choose businesses that are better for the Town, not necessarily better for already established business.

Mr. Capellini urged the Board to consider that this change is a vital cog in the redevelopment of the mall.

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.

Councilman Patel wanted to clarify that this is not restricted to just a health fitness club. Supervisor Grace stated that is correct – any business can make an application.

CONVENE PUBLIC HEARING ON A SITE PLAN APPROVAL APPLICATION FOR JEFFERSON VALLEY MALL IMPROVEMENT PROJECT – SERITAGE GROUP

Supervisor Grace convened a public hearing to consider an amended site plan for a health fitness center at the Jefferson Valley Mall inclusive of a 5,732 square foot building extension with parking. Mr. Capellini, attorney for the applicant, said 24 Hour Fitness, as tenant, would like to move into the space being vacated by Sears who sold to the Seritage Group. Sears owned their own lot that had been carved out of the Jefferson Valley Mall perimeter. They will add a small addition to the building and add a restaurant.

Kristen DeLuca of Bohler Engineering presented the proposed site plan. The Sears building will be repurposed as follows: The first floor will have tenant spaces, a proposed health fitness club (24 Hour Fitness), and an additional retail space; the second floor will be the remaining Sears and the Sears Auto Center will be repurposed for a future tenant(s). The expansion on the lower level and expansion of sidewalk around the upper level resulted in the elimination of some parking spaces but they were able to add some spaces back in. Nineteen parking spaces were eliminated. Ms. DeLuca stated that parking calculations have actually gone down based on the types of businesses going in. The application provides for an increase of approximately 4300 square feet of landscaped space so they are actually reducing the amount of pavement and will install landscaped islands. Some trees will be removed (approximately seventeen) but more trees will be planted (approximately twenty-one). There is a reconfiguration of the sanitary sewer that goes under the expansion area that will be accommodated.

A discussion took place regarding traffic conditions in the area and parking.

Raphael Castelli presented the architectural plans for the Sears anchor building which included several different finishes on the façade to make it exciting and inviting. They are proposing two possible restaurants with outside seating in the old Sears Auto Center Location. Signage size was kept in line with the master sign plan for the Jefferson Valley Mall. Responding to a question by Councilman Bernard regarding the signage, Mr. Castelli said that they incorporated the suggestions by ABACA.

The following members of the public spoke:

Howard Frank mentioned that there does not seem to be proper frontage for restaurants. Also asked about what happened to the flagpole and was told it was being relocated on the mall property.

Mark Lieberman stated that the numbers quoted by Ms. DeLuca regarding traffic and the hours of the traffic earlier in the presentation seem to support a previous comment that it would not support shopping at the mall.

Bill Beck cautioned the Town Board not to say yes without thinking through this application. He disputes the traffic numbers and asks that the Board dig into the numbers to make sure this use is supported at that site.

Dan Rosenfeld asked if someone from 24 Hour Fitness would speak about the proposed facility.

Ray Duhurst, Vice President of Real Estate for 24 Hour Fitness, gave a description of what their business would offer to the public.

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

Mr. Capellini was advised to return to a future work session.

CONVENE PUBLIC HEARING PROPOSED LOCAL LAW TO AMEND CHAPTER 275 RELATING TO TRAFFIC AND PARKING REGULATIONS ON BANK ROAD

Supervisor Grace convened a public hearing to consider amending Chapter 275 of the Town Code relating to Traffic and Parking Regulations on Bank Road. Councilman Bernard stated that the Public Safety Committee had received some complaints about parking on Bank Road in the area of Club Fit. The Committee investigated the situation and is now proposing that there should be no parking from Lee Boulevard to the town line on the south side of Bank Road. Also they would like to put and to have no parking for a certain stretch from the town line to the north side of the road. They met with Bill Beck, owner of Club Fit, to consider this change.

The following members of the public spoke:

Bill Beck stated that although he is not thrilled with losing parking, he appreciates the process the Town went through (having the Committee meet with him) to come to this decision.

Councilman Bernard said the Committee also approached this from a safety perspective.

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. 13 of 2017 AMENDING CHAPTER 275 RELATING TO TRAFFIC AND PARKING REGULATIONS ON BANK ROAD RESOLUTION #331

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

WHEREAS, a public hearing was held on September 19, 2017, pursuant to notice duly published as required by law to amend 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;

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

Section 275-4A in Chapter 275, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by repealing:

Bank Road, south side, running 160 feet in an easterly direction from Lee Road.

Section 275-4A in Chapter 275, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding:

Bank Road, south side, running in an easterly direction from Lee Road to the Town's right of way.

Section 275-4A in Chapter 275, entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Traffic and Parking Regulations,” is hereby amended by repealing:

Bank Road, north side, from the intersection Lee Road to a point 160 feet east of said intersection

Section 275-4A in Chapter 275, entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Traffic and Parking Regulations,” is hereby amended by adding:

Bank Road starting at 730 feet from the northeast corner of Lee Boulevard and Bank Road heading in an easterly direction and ending at 780 feet from the northeast corner of Lee Boulevard and Bank Road, constituting 50 feet of no parking zone.

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

Local Law #13 of 2017 is hereby duly adopted.

AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS FOR TOWN INSURANCE  
RESOLUTION #332

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

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 is authorized to issue a request for proposals for qualified bidders to submit proposals for the Town’s insurance needs.

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

AUTHORIZATION TO BID FOR VARIOUS CHEMICALS – YORKTOWN HEIGHTS WATER POLLUTION CONTROL PLANT  
RESOLUTION #333

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

RESOLVED, 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 11, 2017 for Various Chemicals for the Yorktown Heights Water Pollution Control Plant.

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

AUTHORIZATION FOR TOWN COMPTROLLER TO CREATE GRANITE KNOLLS SPORTS & RECREATION COMPLEX CAPITAL PROJECT AND TRANSFER \$3,850,000.00 FROM GENERAL FUND  
RESOLUTION #334

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

Resolved that the Town Board authorizes the creation of the Granite Knolls Sports and Recreation Complex Capital Project with an authorized spending in the amount of \$3,850,000 for the contract awarded to Montesano Brothers Inc.

Be it further resolved the Comptroller is authorized to transfer \$3,850,000 from the General Fund – Fund Balance to fund this project.

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

AUTHORIZE BUDGET TRANSFER TO FUND WORKER'S COMPENSATION FROM JANUARY 1, 2017 THROUGH AUGUST 31, 2017  
RESOLUTION #335

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

Be it resolved that the Town Board authorizes the Budget Transfers listed below to fund Worker's Compensation from January 1, 2017 through August 31, 2017:

From: A.1002 General Fund - Fund Balance  
To: A9901.900 General Fund Transfer to Worker's Compensation  
Amount: \$56,959.38

From: D.1002 Highway – Fund Balance  
To: D9901.900 Highway Transfer to Worker's Compensation  
Amount: \$319,070.33

From: SR.1002 Refuse – Fund Balance  
To: SR9901.900 Refuse Transfer to Worker's Compensation  
Amount: \$41,820.70

From: SW.1002 Water – Fund Balance  
To: SW9901.900 Water Transfer to Worker's Compensation  
Amount: \$16,182.90

From: YS.1002 Sewer – Fund Balance  
To: YS9901.900 Sewer Transfer to Worker's Compensation  
Amount: \$59,412.55

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

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL ENGINEERING SERVICES FOR PLANNING DEPARTMENT  
RESOLUTION #336

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

BE IT RESOLVED the Town Supervisor is authorized to sign a professional services agreement with Site Design Consultants for on-call engineering consultant services for the Planning Department.

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

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL LANDSCAPE ARCHITECTURAL CONSULTANT SERVICES FOR PLANNING DEPARTMENT  
RESOLUTION #337

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

BE IT RESOLVED the Town Supervisor is authorized to sign a professional services agreement with IQ Landscape Architects, P.C. for on-call landscape architectural consultant services for the Planning Department.

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

AUTHORIZE RELEASE OF BOND #WP-BSWPPP-027-17 VAN CORTLANDT CIRCLE - DRAKEFORD  
RESOLUTION #338

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

WHEREAS:

1. Deborah & Stephen Drakeford, as applicants, posted check #299 in the amount of \$250 to serve as the Erosion Control Bond which was deposited to the T33 account on June 14, 2017 for work performed at their Van Cortlandt Circle location.
2. Deborah & Stephen Drakeford, as applicants have requested monies be released as the site is now complete.
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, that the above referenced monies totaling \$250 be and are hereby released to Mr. & Mrs. Stephen Drakeford, 2213 Van Cortlandt Circle, Yorktown Heights, NY 10598.

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

AUTHORIZE RELEASE OF BOND #WP-025-10 – MOHANSIC AVENUE EAST - THOMAS ROONEY RESOLUTION #339

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

WHEREAS:

1. Thomas Rooney, Jr., as applicant, posted check #1363 in the amount of \$500 to serve as the Wetland Bond which was deposited to the T33 account on August 27, 2010 for wetland remediation work performed at his Mohansic Avenue East location.
2. Thomas Rooney, Jr., as applicant has requested monies be released as the site is now complete.

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 \$500 be and are hereby released to Mr. Thomas Rooney, Jr., 1731 Mohansic Avenue East, Yorktown Heights, NY 10598.

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

AUTHORIZE RELEASE OF EROSION CONTROL BOND #BSWPPP – 001 & 008-16 UNCAS & WILLIAMS DRIVE – PANBAR REALTY RESOLUTION #340

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

WHEREAS,

1. PanBar Realty, LLC as applicant posted Check #1471 in the amount of \$2,500 which was deposited into the T33 account on June 7, 2016, to serve as the Escrow Account for Stormwater Permit #BSWPPP-008-16, for work performed at the Williams Drive location.
2. Pan Bar Realty, LLC as applicant posted Check #1420 in the amount of \$1,000 which was deposited into the T33 account on February 26, 2016, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-001-16, for work performed at the Uncas Drive 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, that the above referenced escrow monies be released to PanBar Realty, LLC, 361 Route 6, Mahopac, NY 10541.

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

AUTHORIZE RELEASE OF EROSION CONTROL BOND #BSWPPP – 016-15  
TRIGLIA – CHRISTINE ROAD  
RESOLUTION #341

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

WHEREAS,

1. Rocco Triglia, as applicant, posted \$500 which was deposited into the T33 account on March 27, 2015, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-016-15, for work performed at the Christine Road location,
2. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced Erosion Control Bond be released to Mr. Rocco Triglia, 24 Aida Lane, Cortlandt Manor, NY 10567.

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

MONTHLY REPORTS

Building Department – Construction Report for August 2017 was accepted by the Town Board.

COURTESY OF THE FLOOR

The following members of the public spoke:

Rosemary Panio thanked the Supervisor, the Town Board, and the Town Clerk, as the Chair of the Senior Advisory Committee for their support and invited everyone in town who is interested in senior issues to attend their meetings. The Committee meets every third Friday of the month in the Town Board Room. Ms. Panio encouraged attendance so that the Board may be informed of any issues or concerns the public has relating to senior issues.

Jackie Dzaluk, resident, spoke about the resolution regarding the rejection of sanctuary designation that was passed at the last board meeting. She stated that there was no advance to the public regarding this resolution and it shows a lack of transparency on the part of the Town Board.

Francis Goldwyn, resident, asked the Town Board if they ever considered the impact this resolution would have on local businesses.

Denise Farrell, resident who is a registered municipal advisor, is disappointed in the Town's resolution and felt the Board should have asked the residents about the issue first. She asked that the Board rescind the resolution.

Elise Graham, resident, stated that the resolution is gratuitous and impotent.

Grace Caporino, resident, stated her opposition to the resolution.

Mark Lieberman quoted crime statistics for Yorktown and voiced his opposition to the resolution. He thanked the Yorktown Police Department for keeping residents safe and given the data he quoted, there is no reason for this resolution. It is a resolution of intolerance.

Gwen Glazer, resident, praised the police force during a recent peace vigil. This resolution will hamper the police because immigrants who don't feel safe will not report crimes. The Board is not doing their job by not informing the residents.

Paul Moskowitz, resident, applauds the Westchester County Legislature's veto; the resolution was shameful.

Maura Gregory, resident, opposed the resolution. She said that no discussion was allowed regarding this resolution. Why was it passed in the dark at this time – could it be that this is an election year? This was not about money or losing funding as the resolution stated.

Haley Wolf, resident, referred to Supervisor Grace's comments about the San Gennaro Festival and how it brought disparate groups together. This resolution takes a bite out of the American Dream.

Michael McCurry said that, in the past, the supervisor has said that there is no room in here for national politics. This is a national political issue.

Jay Kopstein, resident, stated that people who wish to immigrate should follow the law in order to be here. It is the responsibility of Congress to change or not change the law. It is not the responsibility of local government.

Eve Smerdlove Schoenfeld, resident, voiced her opposition to the resolution. She thinks the resolution is mean spirited and shameful.

Ed Ciffone, resident, stated that he does not support the new sports complex or the new highway department project. He wanted to know why the Town is spending money for a new version of what they already have. Mr. Ciffone presented 2,633 signatures on a petition opposed to the new Highway Garage to Town Clerk Diana Quast. Ms. Quast told Mr. Ciffone that anything he gives her at a meeting becomes a public record and will be maintained in her office. He wants the Board to put this issue on the ballot in November.

Jennie Minton, resident, stated that she is very proud of the Town Board. She said that she is speaking out of respect for her parents who were both immigrants and the rules they had to follow in order to immigrate. She is in favor of the Board signing the resolution.

Ilan Gilbert, resident, stated that he believes what the Board did was a distraction and this discussion tonight is a distraction. The best-case scenario is that everyone enters the country legally. The resolution addressed law and order – domestic violence and sexual abuse will not be reported from many immigrant communities out of fear. Police forces have built relationships with these communities so that they would be trusted – this resolution destroys these relationships.

Susan Siegel, resident, asked why the cancellation of the public hearing for the Weyant property was not advertised. Why anything wasn't said at a previous meeting that it had been cancelled?

Tony Grasso, resident, spoke in favor of the Board signing the resolution regarding sanctuary designation. He spoke about his own experiences as an immigrant.

Francis Goldwyn, resident, also spoke of his family's immigrant history, as well as their contribution during the Holocaust and rescue of Jewish prisoners. He spoke of their contribution to this country, as well. Mr. Goldwyn stated that this resolution is nothing more than discrimination against immigrants.

Maggie Brown, resident, stated that many people do not have the opportunity to come to the country legally. People who have been able to do so are very fortunate. There are immigrants from all parts of the world – some escaping persecution or seeking a better opportunity.

Upon motion made by Councilman Lachterman, seconded by Councilman Bernard, courtesy of the floor was closed.

Supervisor Grace responded to Mrs. Siegel's comment by stating that those directly affected by the Weyant – the neighborhood – were contacted about the adjournment.

Supervisor Grace appreciated everyone's comments but takes exception to the implication that this was motivated by bigotry or hatred. He gave his personal family history of immigration.

Supervisor Grace cited a lack of transparency on the part of Westchester County because they never came to the towns about what the towns thought about having to tell their police force not to enforce what the law states. It leaves our police force enforcing what the county no longer wants to do. Supervisor Grace stated that you do not find a way for people to become legal by not following the law.

ADJOURN

Upon motion made by Councilman Lachterman, seconded by Supervisor Grace the meeting was adjourned.

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DIANA L. QUAIST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN