

Meeting of the Town Board, Town of Yorktown held on August 2, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Gregory M. Bernard, Councilman  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk  
Michael McDermott, Town Attorney

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss the personnel issues. Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the American Flag.

#### MOMENT OF SILENCE

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

#### REPORTS FROM TOWN COUNCILMEN

Councilman Diana stated that on August 7, 2013 the Town Board passed a resolution proclaiming Yorktown as a Purple Heart Town. Councilman Diana thanked all veterans, their families and friends, who helped make this possible. Recently signs were put up at two locations in town recognizing that designation: one at the intersection of Routes 35 and 202, at the other on Route 6, exiting the Taconic Parkway. Councilman Diana thanked the veterans for their service and the Parks and Recreation Department for putting up the signs. Councilman Diana mentioned that he attended a show at the Yorktown Stage over the weekend called the "The Marvelous Wonderettes." It was a great show and he urged people to go see a Yorktown Stage production; it is a great asset to the community. Councilman Diana said that many people have called regarding the Yorktown Against Heroin sign – it has sparked conversation and will hopefully make people talk and think about the heroin problem that is so prevalent in all towns today. There also seems to be a parking situation that has developed at the dog park. Apparently pipeline construction workers are commuting there and are being bused to their construction site. This issue is being addressed, especially so that there isn't too much parking being taken on the weekends.

Councilman Diana also gave an update on the Roma Building by restating the timeline of events: at the end of *March* the Town had its first meetings with the landlord/representative; *April/May* there were meetings with the landlord, environmental consultants, and contractors at which time they promised to have it cleaned up by the end of May. The Town gave them their due diligence and it didn't occur. Negotiations stalled in *June*. The Town Attorney noticed Roma Building owners of Supreme Court action that we have put into place. The Supreme Court Action has been set and Town Code Violations have been issued. Court dates took place in Town Court in *July*. The Department of Environmental Conservation issued a letter to take over the remediation and requested a Notice to Access letter, although navigational law allows them to do so. *August*: papers should have been returned by today to give them access, otherwise DEC will move in and start work there shortly after an order to show cause has been filed with the courts. Councilman Diana asked Town Attorney Michael McDermott to continue explaining this issue from a legal standpoint.

Town Attorney Michael McDermott stated that this has been his top priority since becoming Town Attorney. He has been dealing with the DEC, Attorney General, and the landlord's representatives on a daily basis. He has been tenacious and diligent in following up and the DEC has decided the condition at the Roma Building is bad enough and the landlord's response is not sufficient enough that they have decided to do the remediation themselves in conjunction with supervising the owners' remediation, or hiring their outside specialists and will charge that back to the owners. The announcement of the DEC stating they will undertake the investigation of and/or cleanup of the petroleum spill is a major decision in this case. Mr. McDermott stated that this accomplishment would not have been possible without having the full support of the Town Board and appreciated the confidence they had in him in order to get this done.

Councilman Bernard mentioned that on August 19<sup>th</sup> from 10:00 a.m. to 3:00 p.m. there will be a blood drive at the J.C. Hart Memorial Library in Shrub Oak.

Councilman Lachterman thanked the Yorktown Police Department for their representation in Baton Rouge, Louisiana by having officers attending the funeral of the slain officers. He also mentioned that on August 7<sup>th</sup> from 6:00 to 8:00 pm, the Yorktown Lions in conjunction with the Parks and Recreation Department will be having a free concert featuring country music singer Jessica Lynn at the Jack DeVito Veterans' Memorial Field.

Councilman Patel mentioned an arts and science exhibition that will take place this coming Saturday at the John C. Hart Library featuring local artists. He also mentioned that he attended Mohegan Lake Day, listing several of the day's features but also cautioned that although it was a celebration of the lake and the area, residents should be aware that green algae continues to be a problem at the lake. He speculates that this is due, in part, to pesticide leakage. Councilman Patel also asked that residents please conserve water usage.

#### REPORT FROM TOWN SUPERVISOR

Supervisor Grace stated that this would be the last televised meeting until September 6 and wished all board members a good August.

He mentioned the upcoming landmarks preservation appointments and how they dovetailed with the Pines Bridge Monument and Railroad Park Restoration projects.

Supervisor Grace talked about how the town has decided to fly a town flag along with the American flag on street poles in the downtown area. He held up the flag that the town is displaying and wanted to let the public know that the flag is also for sale for private homeowners who have a flagpole on their property. Supervisor Grace said he hopes that these flags will lift spirits and add a sense of pride for the community.

Supervisor Grace invited Linda Briggs and Christine Sisler to the podium. Ms. Briggs spoke about two programs the Landmarks Preservation Commission has in place: The first is the more traditional, labor-intensive program and is more restrictive in what changes you can make to your home. The second, which she hopes will encourage more residents to take an interest in the historic value of their homes, is called Homes of Historic Distinction. Her home on Baldwin Road, a former one-room schoolhouse, was the first home to obtain this designation. There are approximately 13 people who have completed the application and are seeking the same designation in order to receive the "Historic Yorktown" plaque listing their home as a Home of Historic Distinction. Ms. Briggs has said that it has generated positive feedback from some of the residents.

Christine Sisler stated that her home is also one of the 15 Homes of Distinction and mentioned that a resident's home doesn't have to be from the 1700's or 1800's, but one that has some interesting, unique, or noteworthy history. This program helps to promote and preserve the history of Town of Yorktown.

APPOINT LINDA BRIGGS CHAIRPERSON OF THE LANDMARKS PRESERVATION COMMISSION  
RESOLUTION #343

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

BE IT RESOLVED, that Linda Briggs is hereby appointed as the Chairperson of the Landmarks Preservation Commission.

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

APPOINT CHRISTINE SISLER TO THE LANDMARKS PRESERVATION COMMISSION  
RESOLUTION #344

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

BE IT RESOLVED, that Christine Sisler is hereby appointed as a member of the Landmarks Preservation Commission for a three-year term expiring on October 31, 2019.

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

ACCEPT RESIGNATION OF JEAN-FRANCOIS DE LAPEROUSE FROM THE  
LANDMARKS PRESERVATION COMMISSION  
RESOLUTION #345

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

Resolved, the Town Board accepts with regret the resignation of Jean-Francois de Laperouse from the Landmarks Preservation Commission.

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

PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 115  
ENTITLED ANIMALS BY ADDING A NEW ARTICLE VII ENTITLED "PROHIBITION  
ON SALE OF COMMERCIALLY BRED DOGS AND CATS IN PET STORES

Supervisor Michael Grace convened a public hearing to consider amending Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS," by adding a new article VII entitled "Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores." Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Councilman Lachterman explained that the law being proposed is to eliminate the sale of commercially-bred cats and dogs in the Town of Yorktown in order to take away the marketplace for puppy mills. He proceeded to explain the specifics of whom and how the sale of dogs and cats can take place within Yorktown.

Public Comments were as follows:

Ms. Allana Gorin stated her support of the new legislation and thanked the Board, and specifically, Councilman Lachterman for their attention to this matter. She proceeded to explain the detriment of having pet stores that sell commercially-bred animals, not only to the animals but also to the community. Many are dumped or abandoned and end up wandering the streets or in shelters which Yorktown pays for through a contract with the SPCA.

Mayor Norm Rosenblum from the Village of Mamaroneck Village spoke before the Board as representative of a community that has already adopted the same legislation. He is fully in support of passing this law and he recognizes the Yorktown law as one that is also trying to protect local breeders. His suggestion is to pass the law and review it down the line since care needs to be taken in defining commercial breeders and how dogs and cats are sold.

Melissa Romida, a Harrison, NY resident who supports the previous speakers' comments, spoke as a shelter volunteer and board member. She spoke not only of the problems caused by puppy mill breeding, but also "backyard breeders." The shelters do what they can but in addition to being an animal welfare issue, it is also a consumer fraud and taxpayer issue. Any town or village animal control agency is being funded by taxpayer dollars. Ms. Romida believes the addition of the language to the law "a natural person who has a litter of 10 or less" needs to be reviewed, as Mayor Rosenblum stated, since this may give a loophole for backyard breeders. Backyard breeding promotes inbreeding and

crossbreeding problems in animals and should not be encourage. Ms. Romida stated that shelters don't want to ever discourage animal adoption or purchase, but to encourage that it be done responsibly.

Ms. Diane Gorin also wanted to thank Councilman Lachterman and the Board for their support. She reiterated the above comments and issues and stated that the law needs to have no loopholes that would perpetuate the problem and protect the animals and the consumers. She also mentioned the stress that animal welfare organizations are under due to the millions of homeless animals that need to be sheltered or euthanized. Municipalities need to support animal welfare organizations in their efforts and Yorktown moves forward in this support by passing this law. The law needs to be clear and enforceable and not provide loopholes.

Supervisor Grace presented written comments: Donna Meade, a Port Chester resident, supports the passage of the new legislation. He mentioned another email received stating support. He spoke about a letter received from a Fox, Rothschild, a Lawrencville, a New Jersey law firm, who is representing a pet store in Turnersville, New Jersey. Mr. Rothschild opposes the new legislation. Supervisor Grace says they are a pro-business board who want businesses to thrive in Yorktown and they were very careful drafting the language of this legislation but will take care to review it 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 by Councilman Bernard, seconded by Councilman Diana and carried.

LOCAL LAW #17 of 2016 AMENDING CHAPTER 115 ENTITLED ANIMALS BY  
ADDING A NEW ARTICLE VII ENTITLED "PROHIBITION ON SALE OF  
COMMERCIALY BRED DOGS AND CATS IN PET STORES  
RESOLUTION #346

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

WHEREAS, a public hearing was held on the 2<sup>nd</sup> day of August, 2016 pursuant to notice duly published as required by law to amend Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS," by adding a new article VII entitled "Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores."

RESOLVED, that Local Law #17/2016 as annexed hereto, be and is hereby adopted.

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

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

Local Law #17 of 2016 is hereby duly adopted.

PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 300  
ENTITLED ZONING; ARTICLE XIX; OFF STREET PARKING, LOADING AND  
VEHICULAR ACCESS

Supervisor Michael Grace convened a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING; Article XIX: Off Street Parking, Loading and Vehicular Access. Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Town Attorney Michael McDermott gave a brief background to the changes that are being made to several local laws this year as part of the Town Board’s initiative to review sections of the Town Code, stating that changes are being made to streamline processes for both residents and town departments in order to increase effectiveness. One such change, which had been raised by the Town Building Inspector and is the amendment being presented, adds the phrase “site plan shall be maintained in accordance with plan approval.” This now gives the Building Inspector the authority to issue a notice of violation if there is any aberration to the site plan.

Supervisor Grace stated that this allows the Town to enforce the actual items that were approved in the original site plan that begin to get overlooked over time.

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

LOCAL LAW #18 of 2016 AMENDING CHAPTER 300 ENTITLED ZONING; ARTICLE  
XIX; OFF STREET PARKING, LOADING AND VEHICULAR ACCESS  
RESOLUTION #347

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

WHEREAS, a public hearing was held on the 2<sup>nd</sup> day of August, 2016 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING; Article XIX: Off Street Parking, Loading and Vehicular Access.

RESOLVED, that Local Law #18/2016 as annexed hereto, be and is hereby adopted.

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

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

Local Law #18 of 2016 is hereby duly adopted.

ADVERTISE PUBLIC HEARING TO AMEND CHAPTER 260-33 ENTITLED  
DEADLINE FOR FILING APPLICATIONS  
RESOLUTION #348

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of September, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider amending Chapter 260-33 of the Code of the Town of Yorktown entitled Deadline for Filing Applications.

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

ADVERTISE PUBLIC HEARING - PROPOSED LOCAL LAW TO AMEND CHAPTER  
260 ENTITLED TAXATION BY ADDING A NEW ARTICLE XI TAXABLE STATUS  
DATE  
RESOLUTION #349

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of September, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider amending Chapter 260 of the Code of the Town of Yorktown entitled Taxation by adding a new Article XI, Taxable Status Date.

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

ADVERTISE BID FOR PUMP STATION UPGRADE PROGRAM FOR WALDEN  
WOODS AND JEFFERSON VALLEY PS  
RESOLUTION #350

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

WHEREAS:

1. The two (2) wastewater pump stations identified above are located within the Hallocks Mill Sewer District.
2. The Town retained an engineering consultant, GHD Consulting Services ("Engineering Consultant"), to prepare documents suitable for bidding purposes consisting of contract drawings and specifications ("Contract Documents"). The required work scope is fully described in the Contract Documents and will form the basis of the project work to be undertaken.

3. The Contract Documents consist of three (3) prime contracts in order to comply with New York State Bid Laws (Wicks Law).

Contract 1 General Construction

Contract 2 Electrical

Contract 3 HVAC

4. The Engineering Consultant and their Designee will provide professional services during construction to monitor and inspect all aspects of the work to ensure compliance with the Contract Documents.

5.

RESOLVED, that the Town Board authorizes the Town Clerk to advertise for bids the Pump Station Upgrade Program: Walden Woods and Jefferson Valley PS. The work of this project to be performed under three (3) prime contracts, Town of Yorktown Bid #16-2.

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

AUTHORIZE BUDGET TRANSFER – CONTINGENCY TO PLANNING SPECIAL  
PROJECTS - CONSTRUCTION AND INSTALLATION OF THE BATTLE AT PINES  
BRIDGE MONUMENT  
RESOLUTION #351

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

Resolved that the Town Comptroller is authorized to transfer \$67,500.00 from Contingency A1990.499 to A8020.479 Planning Special Projects for the construction and installation of the Battle at Pines Bridge Monument.

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

AUTHORIZE BUILDING INSPECTOR TO ISSUE TEMPORARY BUILDING PERMITS  
RESOLUTION #352

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

RESOLVED that the Town Board authorizes the Building Inspector to issue three (3) temporary building permits to Picon Auto Group, LLC for the construction of three (3) temporary structures located at 3805 Crompond Road pursuant to Town Code §300-19 and Picon Auto Group, LLC will be required to deposit with the Town Clerk the sum of \$1,000.00 for each temporary building permit and the Town Board limits the dimensions of each temporary structure to be twelve feet by fifty-six feet.

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



AUTHORIZE CONFERENCE ATTENDANCE – KIM ADAMS PENNER, ASSESSOR  
RESOLUTION #353

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

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

Be It Resolved, that Kim Adams Penner has permission to attend the 2016 New York State Assessor's Association Annual Conference and Seminar on Assessment Administration to be held in Lake George, New York from September 18, 2016 through September 21, 2016.

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

AUTHORIZE COMPTROLLER TO PAY OUT JASON PAYNE THE CASH VALUE OF  
UNUSED TIME  
RESOLUTION #354

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

Be It Resolved, the Town Board hereby authorizes the Town Comptroller to pay Jason Payne the cash value of unused time as of his date of separation, Friday, July 15, 2016.

Rate of Pay: \$36.8922 hourly

Vacation	64.00 hours	x	\$36.8922	=	\$2,361.10
Compensatory Time	42.38 hours	x	\$36.8922	=	\$1,563.49
Total					\$3,924.59

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:		
A3120.102	Police Uniform Salary	\$3,924.59

To:		
A3120.108	Police Lump Sum	\$3,924.59

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

AUTHORIZE PURCHASE OF PISTOLS, GRIPS, HOLSTERS AND LIGHTS FOR  
POLICE DEPARTMENT  
RESOLUTION #355

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

WHEREAS, the Yorktown Police Department has received price quotes to purchase pistols, grips, holsters and lights and upon recommendation of Lt Robert Noble, Acting Chief of Police the Police Department would like to purchase this equipment from Atlantic Tactical,

Now Therefore Be It Resolved, that the Town Board hereby authorizes the Police Department to purchase this equipment from Atlantic Tactical for a total cost of \$13,330.80.

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

AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT – TOWN OF  
NEW CASTLE  
RESOLUTION #356

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

WHEREAS, occasionally an applicant for a tax assessment review has a close relationship with the Town (for example, when an applicant is an elected or appointed official of the Town, an employee of the Town, or a family member of such official or employee), and, additionally, the Town, as an owner of certain parcels of real property, occasionally applies for tax assessment review as to its own parcels; and

WHEREAS, the Town Board, the Assessor and the Board of Assessment Review wish to avoid conflicts of interest or the appearance of conflicts of interest in the Town's handling and determining of tax assessment reviews; and

WHEREAS, in some cases, recusal of one or more members of the Board of Assessment Review would be insufficient to resolve the conflict or appearance of conflict; and

WHEREAS, in order to create a procedure for handling such cases, it is in the interest of the Town to enter into an intermunicipal agreement with another town to provide for the mutual transfer of cases filed with the Town to the other's Board of Assessment Review for determination; and

WHEREAS, the Town of New Castle has indicated its willingness to entered into such an agreement for shared services; and

WHEREAS, pursuant to General Municipal Law section 119-o, municipal corporations have "the power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis,"

WHEREAS, the Town of New Castle has requested that the Town of Yorktown Board of Assessment Review undertake a review of assessment that may otherwise cause a conflict of interest with the Town of New Castle Assessor and/or the Town of New Castle Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute an intermunicipal agreement with the Town of New Castle for the mutual performance of tax assessment review services on an as-needed basis, at no cost to either municipality.

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

AUTHORIZE SUPERVISOR TO SIGN A HOLD HARMLESS AGREEMENT-  
ALGONQUIN GAS TRANSMISSION D/B/A SPECTRA ALGONQUIN MANAGEMENT,  
LLC FOR BLASTING ACTIVITIES  
RESOLUTION #357

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

WHEREAS, pursuant to Town Code Chapter 124, Algonquin Gas Transmission, LLC d/b/a Spectra Algonquin Management, LLC Its Operator and MD Drilling and Blasting, Inc. have applied to the Building Inspector for blasting permits for certain sites along the Algonquin Gas Line;

WHEREAS, pursuant to Town Code Chapter 124, Algonquin Gas Transmission, LLC d/b/a Spectra Algonquin Management, LLC Its Operator and MD Drilling and Blasting, Inc. are required to agree to hold the Town of Yorktown harmless in connection with such blasting activities;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown, that the Town Supervisor is hereby authorized to sign the hold harmless agreement.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT-PINES BRIDGE  
MONUMENT  
RESOLUTION #358

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute the Assignment and Assumption of the Commission Agreement with The Yorktown Historical Society of Yorktown Heights in connection with Pines Bridge Monument.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH THE TOWN AND CPI-HR  
FOR CONSULTING SERVICES  
RESOLUTION #359

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

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement between the Town and CPI-HR for the period of June 1, 2016 to May 31, 2017 in the amount of \$16,000 for consulting services to remain in compliance with the Affordable Care Act (ACA).

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT  
WITH WSP/PARSONS BRINCKERHOFF FOR TOWN-WIDE CULVERT REPAIR AND  
REPLACEMENT PROJECT  
RESOLUTION #360

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

WHEREAS,

1. The Engineering Department, the Highway Department and WSP/Parsons Brinkerhoff have worked together to identify a possible funding source that would pay for repairs and upgrades to culverts in the Town.
2. Under the NYSDOT BRIDGE NY Program, \$20 million has been allocated for state culvert projects. Awards will be in the range of \$100,000 to \$1 million for any single project and will cover costs related to design/engineering, right-of-way, construction, and construction inspection.
3. The Town intends to submit five (5) applications for culvert repair/replacement, which is the maximum allowed under this program. Note: the application deadline for the program is August 31, 2016.
4. The scope of work for WSP/Parsons Brinkerhoff will consist of the following tasks: (1) perform a visual inspection and condition assessment of approximately 25 culverts that are owned by the Town, (2) prepare a technical memorandum summarizing the findings and making recommendations for repairs, (3) submit five funding applications for qualifying projects on behalf of the Town.
5. As noted above, the Town has approximately 25 culverts within its borders that are maintained by the Highway Department. There is one culvert, located at Old Crompond Road, that is in need of immediate repair and it is anticipated that this will be our highest priority project.

6. The professional engineering services to be provided by WSP/Parsons Brinkerhoff will be performed for a lump sum in the amount of \$3,000. The Agreement will also include an allowance in the amount of \$1,000 for any work that may be needed outside of the defined work scope; this work would be paid for at the firm's normal hourly rate schedule that will be included as part of the Agreement.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with WSP/Parsons Brinkerhoff, for the scope of work as described in the preceding section in the amount of \$4,000.

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

APPROVE RELEASE OF EROSION CONTROL BOND #BSWPPP-035-16  
RESOLUTION #361

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

WHEREAS:

1. Laura & Steven Shaffer, as applicants, posted check #220 in the amount of \$750.00 which was deposited into the T33 account on June 21, 2016, to serve as the Erosion Control Bond for permit #BSWPPP-035-16 for the following work activity: regrade & upgrade exiting drainage.
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 monies totaling \$750.00 be released to Laura & Steven Shaffer, 209 Somerston Road, Yorktown Heights, NY 10598.

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

MONTHLY REPORTS

The Town Board accepted the Finance Department Report for July 2016.

COURTESY OF THE FLOOR, the following residents addressed the Town Board,

Mr. Howard Frank wanted to discuss the new local law that changes conditions of site plans. He stated an area that should be addressed are three storage containers located behind the CVS store. He has spoken to the owner and he lodged a complaint with the CVS office. The containers are covered with graffiti and pushed up to a broken fence which is also against the site plan. One of the containers is within twenty feet of the Tot Lot at the YCCC, also the fence is broken. He mentioned another area he has been monitoring is the drain valves at Sparkle Lake. Some of the drains are loaded with flies and mosquitos. He called

the Health Department and they responded within two days. Mr. Frank said these are the only off-the-road catch basins, about six to eight of them that were treated with the tablets. The Health Inspector followed up and said to call if there are any more of them that need to be inspected. Mr. Frank feels there are many more that are in the same condition.

Susan Siegel thanked the Town Engineer Michael Quinn for being proactive about seeking grant funding for the town. On July 19<sup>th</sup> during Courtesy of the Floor, she asked if the Town was going to apply for \$175,000 in grant money from the East of Hudson funds; other towns have applied and have received the money. She restated Supervisor Grace's July 19<sup>th</sup> response of using the funds for another "constructive use" and is now asking what that "constructive use" would be. She reminded the Board that the deadline is October 1<sup>st</sup>. If the Town doesn't use the \$175,000 it will go back into the general East of Hudson pot which means it can be used for any project for any town and might not benefit Yorktown. Mrs. Siegel mentioned that she knows there are many unsewered Hallocks Mill homeowners who would love to see the money used to have them hooked up to the sewer extension project but until the DEC actually gives the town permission to proceed with the sewer extension, it may very well be too late to apply for the grant money. She asked how else the money can be used before it is too late and mentioned catch basin cleaning, possible reconstitution of the Stream Team, the pump stations for Hallocks Mill, etc. Mrs. Siegel stated that there is also an August 31<sup>st</sup> deadline to apply for state money for fluoride planning and would like to know the status of any plans for that application. She stated that this is money that is there for the asking and hopes that the Town doesn't throw it away.

Mr. Jim Heller wanted to discuss recent events taking place at the Hilltop Gas Station. He feels that the owner of the gas station has not shown any interest in listening to the Town Board since he is parking used cars on Route 6 for which he was issued a violation, but doesn't seem to respond to any restrictions. He has put up "Diesel for Sale" and "Grand Opening" signs which he does not have Town Board or Planning Board approval for. He has also put up a banner in the back of the building. Mr. Heller feels that the owner has shown no respect for the Town Board, town residents, or the Town Code. He asked that the Town Board stand up for the residents and not allow him to sell used cars and asked that the Board not sell out Shrub Oak just for a favorable monument sign.

Ms. Linda Cooper wanted to thank the Board for their support of the Pines Bridge Monument. She related the history of the efforts to bring this project to fruition and thanked the Yorktown Historical Society and the Town Board for their work and support in this cultural, historical, and landmark effort.

Mr. Dan Strauss approached the Board to thank Mr. McDermott for his efforts in trying to resolve the Roma Building issue, as well as Councilman Diana. He also mentioned that he hopes the follow up with the DEC will be as diligent as it had been to get them to the current point in time. Mr. Strauss also wanted to express his thanks and admiration for the Town's support of the Pines Bridge Monument project. Mr. Strauss mentioned two other people who recently approached the board seeking funds for what he considers to be worthwhile projects. The Yorktown Trail Town Committee asked for \$20,000 to complete a trail project for which he already had grant money and volunteers. Todd Orłowski, the

Superintendent of Parks and Recreation, asked for \$130,000, in conjunction to a \$100,000 grant, to redo the ball fields which Mr. Strauss feels would greatly affect the quality of life for hundreds of children, coaches, and families into the future. Mr. Strauss asks the Town Board to consider giving these two projects the funding for which they are asking.

Courtesy of the Floor was closed.

Supervisor Grace responded to Courtesy of the Floor comments, as follows:

The trail project is a trail extension from Downing Drive to FDR State Park. There are legal issues with this project that have to be ironed out but the Town Board has made a commitment to seriously consider the project.

Supervisor Grace said he would be having a meeting the next morning with his staff to discuss the improvements that are proposed for the Route 202 ball fields. A couple of issues have arisen regarding the bid that took place; individual items on the low bidder's list do not add up. A lot of the work needed is related to drainage: curtain drains, grass swales, installation of pre-cast concrete, catch basins. All of this work is the bailiwick of the Highway Department so the Town Board is looking in-house to see how much can be done to save taxpayer money. The irrigation system also needs to be addressed through a better vetting process. Supervisor Grace stated that recent departmental changes may make it possible for more work to be done more efficiently by our own staff, which is good for the morale of staff working together, as well as benefitting the town.

Supervisor Grace thanked Linda Cooper for coming and showing her support for the Pines Bridge Monument and Michael Kohn and the Yorktown Historical Society for all of their work. He spoke about the significance of such a project and its relation to history of the area, as well as its significance in relationship to the country's present state of affairs. Supervisor Grace also encouraged donations either in the form of a cash donation or the purchase of a memorial brick to support the Pines Bridge Monument project.

Supervisor Grace acknowledged that there are some residents unhappy with the Hilltop Gas Station owner, but he feels that the owner has made an acceptable renovation of the property, having made a major investment in it, and believes the Town has worked with him. Councilman Bernard stated that the owner was told by the Building Inspector that he could paint the building whatever colors he chose, which he incorrectly took as license to erect the facade. Due to this and other issues, the owner was placed on the work session agenda in order to clear up outstanding issues. Councilman Bernard explained that once the final site plan is in place, it will be easier to hold the owner accountable to the conditions of that site plan.

Councilman Patel repeated the support of the Pines Bridge Monument project. He urges residents to support their fundraising efforts. Councilman Patel showed a picture of what Strawberry Road (the area of the Hilltop Gas Station) used to look like in order to demonstrate how it has changed and hopes for improvement.

Supervisor Grace stated that Town Attorney McDermott is working with the State on the fluoride program and that there are many competing interests for the \$175,000 grant. He wants to make sure it is put to its highest and best use.

Councilman Diana mentioned that 2018 will be Yorktown's 230<sup>th</sup> birthday. He is working on a celebration for July/August of 2018 to honor the 1788 incorporation.

Councilman Patel brought up a previous Town Board decision to fund a fluoride program and doesn't know why it fell through. He believes the Commissioner of the Westchester County Board of Health also supported this program. Supervisor Grace stated that, at that time, a major debate ensued as to the pros and cons of adding fluoride to the drinking water. There also happened to be a problem with the storing of the fluoride and its pump. Town Engineer Michael Quinn stated that they are pursuing the grant that Mrs. Siegel mentioned earlier during Courtesy of the Floor.

#### ADJOURN

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

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Diana L. Quast, Town Clerk  
Town of Yorktown