

Meeting of the Town Board, Town of Yorktown held on February 6, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
Alice E. Roker, Deputy Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward A. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss personnel issues concerning individual employees, an item that would imperil effective law enforcement, if disclosed, and contract negotiations and litigation. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert 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.

DURING THE REPORT FROM THE TOWN SUPERVISOR

Supervisor Gilbert mentioned that he has spent the last couple of weeks working on constituent issues and meeting with condominium associations regarding recycling issues. He also stated that the Town has been contacted by many residents regarding broken utility poles and they have been in touch with the various utility companies to repair and rectify these situations. Supervisor Gilbert said that if you see a utility pole situation that requires attention, please contact his office.

Supervisor Gilbert also stated that the Parks and Recreation Commission is now heading up the Granite Knolls Sports and Recreational Facility project.

Supervisor Gilbert invited Karren Perez, Direction of Section 8 Housing, to come before the Board. Ms. Perez announced the lottery for affordable housing project on Kear Street and at the Crossroads in Somers is February 8. Eligibility requirements are online and the Housing Action Council in Tarrytown is accepting applications now in person. Ms. Perez also said that she is available as a resource for any person with housing issues.

Supervisor Gilbert introduced the new interim Town Attorney and the Oxman Law Group. Marc Oxman stated that he is honored to represent the Town. The Oxman Law Group is a composite of 12 lawyers representing different areas of the law. Each of these attorneys will be available to the Town but the point person will be the interim Town Attorney Richard S. Abbate.

DURING REPORTS FROM THE TOWN COUNCIL

Councilman Tom Diana gave kudos to the Police Department for the speedy arrest of those responsible for the recent bomb scare at the high school. He also thanked the Police for the recent drug arrest in Town. The Police Chief and he are working on a program and more information will be forthcoming which he thinks the community will find interesting.

Councilwoman Roker yielded her time to Westchester County Legislator Michael Kaplowitz who was present for the honor being given to Sal Rivera. He congratulated the new board and new administration and he and John Testa look forward to working with them. He spoke about how affordable housing has changed over the years and that there is no longer a stigma attached to the term "affordable housing." It is an economic investment in the quality and diversity of our community and has become a way for our residents to be able to remain in their hometown.

Councilman Patel stated that he attended the Westchester Municipal Officials Association meeting and remarked how interesting and informative it was. He also stated that he received very interesting information regarding school programs in Ossining.

Councilman Lachterman stated that he is having trouble with what he perceives to be a lack of transparency that the Town Board has demonstrated in choosing the Oxman Law Group. He feels that this is a patronage situation and one that is being forced on the Town. He also feels that this is an ethics violation in that Mr. Oxman should have disclosed up front that he was representing a resident who had a lawsuit against the Town.

Supervisor Gilbert again stated that this is an interim appointment that fills the gap between former Town Attorney Michael McDermott's resignation date and the appointment of a permanent Town Attorney. He said that he was very familiar with the work and reputation of the Oxman Law Group and decided on them for the gap period. An RFP (Request for Proposals) will be published in the near future to search for permanent representation.

Councilman Diana agreed with Councilman Lachterman by stating that there is a transparency issue, especially since the issue of transparency was a campaign issue for the new members of the Town Board. He stated that he believes the Town could have survived the 5 or 6 weeks without an interim attorney since both the supervisor and his assistant are attorneys.

Councilwoman Roker began by saying that although she respects both Councilmen Lachterman's and Diana's opinions, they will have to respectfully agree to disagree on this issue. She stated that this same conversation has been discussed over the last three meetings and it is now time to move on.

DURING REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent David Paganelli announced the upcoming nasty weather and cautioned that there will be freezing rain and black ice. He asked that residents call his office if they notice potholes that need repair.

PRESENTATION

Mrs. Noreen O'Driscoll, Director of Yorktown Senior Services and Nutrition Center, and Chief of Police Robert Noble came before the Town Board to commend the drivers of the Yorktown Senior Center who deliver meals to the elderly and homebound. Ms. O'Driscoll related stories of how these drivers have been in situations where they have been directly responsible for aiding seniors who they have found incapacitated while doing their deliveries. Both Ms. O'Driscoll and Chief Noble remarked how all of those being recognized have been in situations where they were responsible for 911 calls to assist seniors who have been in physical danger. Chief Noble mentioned his admiration for not just their job responsibilities, but also for their awareness of the people they serve.

Proclamations from New York State Assemblyman Byrne and New York State Senator Murphy were read. John Winton from Senator Murphy's office expressed his admiration for the senior community in Yorktown and how the Town provides for its seniors. Westchester County Legislator Michael Kaplowitz presented a proclamation from the Westchester County Board of Legislators announcing that February 10th will now be known as Salvatore Rivera Day.

Chief Noble also spoke about the Alliance for Safe Kids Save-A-Life Forum to be held on March 18, 2018 at Lakeland High School from noon to 3:00 p.m. He stated that this program is great because it tries to put kids in positive places to do good things and make the right choices.

Councilman Lachterman said that the Save-A-Life Forum is a terrific program because it brings real life situations to the students that can have tremendous impacts on them. Councilman Diana spoke how the opioid crisis has now become a national epidemic.

Mr. John Winton from Senator Murphy's office spoke of a taskforce hearing of the NYS Senate Taskforce on Heroin and Opioid Addiction that is being held on February 15th at 6:30 p.m. at Pace University in Pleasantville. Everyone is encouraged to attend. A main topic will be an investigation of state regulations regarding sober homes and sober living.

Supervisor Gilbert remarked that it comes down to enforcement, education, prevention, and then recovery. He said the opioid crisis needed to be approached with a global solution. Supervisor Gilbert said he hopes to announce soon the creation of a commission for the Town to address all of the different aspects of drug addiction, since a multi-prong approach is the best way to help combat the problem.

Westchester County Legislator Michael Kaplowitz stated that, late in December, the county attorney had been authorized to join lawsuits against the “Big Pharma,” the large pharmaceutical companies. So Westchester County will be in the courtroom with lots of other entities against these companies. He explained that it would be analogous to the lawsuits brought against the big tobacco companies.

COURTESY OF THE FLOOR

Mr. John McMullen, poet laureate, said that the first poetry workshop held at the library was a success. He recited his poem, “Ice on Lake Mahopac.”

Mr. Grigory Kravtsov, resident, first thanked the Town Board for moving Courtesy of the Floor to the beginning of the meeting. He then said that he is hoping that the new Board would consider his claim that the Town over-enforced the Wetland Ordinance against his property; namely, that the previous administration would not listen when he brought his proposal to make his home and property both insurable and sellable. He likened the process to being railroaded, and now the property is engulfed by floods. He is in trouble with his mortgage holder because he can no longer obtain insurance for the flooded property and the bank wants to foreclose on the mortgage. He stated that the previous administration wrongfully enforced the wetland ordinance to the detriment of the homeowner. His stated his property also took on water from the broken dam at Sparkle Lake which caused a tremendous amount of damage. Mr. Kravtsov stated that this is actually what caused the loss of his insurance and the bank to send their representative to foreclose on the mortgage. He hopes that this administration will be more constructive and sympathetic to the plight of homeowners who find themselves on the receiving end of the wrongheaded protection of wetlands.

Mr. Jay Kopstein, resident, asked what has the Town done or is doing about the unlawful and unsafe construction practices that are taking place at the Kear Street housing project. The contractor has obstructed unsafely and unlawfully traffic for the last several weeks. What has the Town done or is doing at the old Hilltop Gas Station site to gain compliance with the site plan that the Town approved at the request of the new owner, who now is not in compliance with his own request? Tonight’s resolution regarding the limited Master Plan for the Roma Building and the Weyant does not designate the area to be studied. He spoke of the negative traffic impact these projects would have on the surrounding areas, and these areas need to be included in such a study. He also stated that he disagrees with Councilman Diana on a statement he made regarding the duties of the Town Attorney that could be covered by the Supervisor and assistant during an interim period. Mr. Kopstein stated that the Town Supervisor was not elected to be the Town Attorney, even though he has a good reputation as an attorney. The same was said for Stewart Glass. Acting as attorneys for the Town is not part of their current responsibilities.

Mr. Ed Ciffone, resident, stated that decisions should be made on unfinished capital projects; namely, moving the Highway Garage project. He said that the Supervisor needs to make a decision on this and can get out of the contract with the architect. Mr. Ciffone stated that with the surplus in the fund balance (10.7 million) the previous board could have done moving the garage. The sports complex is also going to be an issue that the Board will have to decide where the rest of the money is going to come from. Mr. Ciffone did say that he is glad the Granite Knolls Sports Complex is now back in the hands of the Parks & Recreation Commission and the Parks & Recreation Department. Mr. Ciffone asked if a decision will be made soon regarding a second Courtesy of the Floor.

Supervisor Gilbert said that they have not yet decided on a second Courtesy of the Floor but his initial feeling is that when the Board has an agenda the length that they have, one Courtesy of the Floor and the opportunity to speak during public hearings may be sufficient.

Mr. Ciffone addressed Councilman Lachterman regarding an article that was written about how the former Town Attorney, Michael McDermott, was hired. He said that the article stated that the only person interviewed for the job at that time was Mr. McDermott. Councilman Lachterman said that

Jeannette Koster should be contacted. He stated that he did not want to open that door because he did not want to embarrass anyone, but went on to mention campaign contributions and said that Mr. Ciffone is barking up the wrong tree. Councilman Lachterman stated that the article is wrong and that Ms. Koster should be asked if she was interviewed.

Mr. Dan Strauss, resident, thanked the Board for microphones at all meetings, moving Courtesy of the Floor, and for more public input. He brought up the problem of open, overflowing garbage dumpsters, specifically siting Maple Hill Street. Mr. Strauss said that business in town is floundering and it could not flounder more if you do not pick up trash. No one would want to come to do business here if it is not cleaned up. He invited the Town Board and advisory boards to go and look at the back of the businesses on Maple Hill Street to see for themselves.

Mr. Rob Puff, resident, read a statement that he is disappointed in the newly elected members of the board in what he perceives to be a lack of integrity regarding the hiring of the Oxman Law Group as acting town counsel, especially in the wake of a pending lawsuit, and said that reeks of political payback. He stated that it was done without notice on the agenda, which smacks of hypocrisy given their campaign tactics months before. He asks that the Board go on the record to explain how and why this decision can be justified.

Mr. Ken Belfer, president of Lake Mohegan Improvement District, thanked all of those involved and responsible for the bid and award of the aquatic weed harvester.

Dr. Pell, resident, asked the Board begin immediately to restore the Hyatt Burying Ground.

Mr. Greg Bernard, former councilmember, asked if the Board has discussed the liaisons to the advisory boards. He asked if the RFP that went out for a traffic study be pursued and placed on a work session.

Ms. Geri Schwalb, resident, asked if the Board would consider doing something about the sober home on Underhill Road, which the newspaper says is now operational.

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

In response to Geri Schwalb, Supervisor Gilbert stated that former town attorney, Michael McDermott and the Building Department looked into speaking with the author of the article to see what facts the article was based on, since the Town did not have an actual basis for going onto the property and determining if there was activity.

Supervisor Gilbert stated that he has already given his reasons for why he hired the Oxman Law Group at previous meetings and will not address it further. He did address the reason why it was not on the agenda: the night that it was done was the last public hearing the Town had where it could have been public before Mr. McDermott's resignation. Mr. McDermott made it clear that he wanted a clean cut and therefore, his request was honored. Councilman Lachterman said that the agenda came out late that night and the item could have been placed on it. Councilman Lachterman asked Town Attorney Richard Abbate if there was any overlap with the Oxman firm and Mike McDermott regarding ongoing cases, particularly the sober home. Mr. Abbate stated he had not had any direct conversations with Mr. McDermott, and he has just received the files on the sober home.

Councilwoman Roker stated that she had spoken with John Landi, Building Inspector, regarding the sober home. She said that part of this discussion needed to take place in closed session since there are legal issues involved. She said that Mr. Landi visited the sober home but was not invited in, which is their prerogative, but despite that, he has a handle on the situation.

Councilman Lachterman addressed Mr. Kravtsov's issue by saying that he never came before the Board in the last two years with a wetland permit application. The problem he has is years and years old and there is also litigation involved. As far as the Granite Knolls project and Mr. Ciffone's comments, it is not the \$4.6 million as he quoted because there was money given the first time around – \$6.1 million in total that was there for the fields - so there is not the gap that Mr. Ciffone thinks there is. However, Supervisor Gilbert said that there appears to be some short fall that is being worked on.

Councilman Roker addressed Mr. Bernard's comments by saying that she is concerned about the area of the traffic study because that is where the new Granite Knolls sports complex will be which will increase traffic. She also addressed Mr. Kopstein's comments about the Kear Street project and said that she has also noticed that it has frequently become a one-way street, as he observed. She said that she would speak with Chief Noble about what can be done. Mr. Kopstein stated that you do not need to contact the police – this is a code enforcement issue that can be addressed by the code enforcement officer.

NOTICE OF RECORDS MANAGEMENT DAYS 2018

RESOLUTION #32

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

NOTICE IS HEREBY GIVEN, that the Town Hall Offices, Town of Yorktown, located at 363 Underhill Avenue, Yorktown Heights, New York, will be closed for Records Management Inventory on Thursday, February 15, and Friday, February 16, 2018, and

NOTICE IS FURTHER GIVEN, that the following departments or divisions of departments will also be closed for Records Management Inventory on Thursday, February 15, and Friday, February 16, 2018.

The Yorktown Parks and Recreation Department located at 176 Granite Springs Road.

The Yorktown Planning Department located at 1974 Commerce Street.

The Yorktown Refuse & Recycling Department located at 2279 Crompond Road.

The Yorktown Museum located at 1974 Commerce Street.

The Yorktown Water Department located at 1080 Spillway Road, Shrub Oak, New York.

The Yorktown Section 8 office located at 1974 Commerce Street.

The Records Division of the Yorktown Police Department located at 2281 Crompond Road.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye

Resolution adopted.

ADVERTISE PUBLIC HEARING TO AMEND CHAPTER 168-1 MASTER FEE SCHEDULE

Councilman Lachterman requested that this resolution be taken as a separate vote from the other resolutions.

CONFERENCE ATTENDANCE FOR THE TOWN CLERK TO ATTEND THE NEW YORK STATE TOWN CLERK'S ASSOCIATION ANNUAL CONFERENCE AND TRAINING MEETING

RESOLUTION #33

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

WHEREAS, sufficient funds exist in the Town Clerk's Training line to cover the cost of expenses, including lodging and conferences;

Now, Therefore, Be It Resolved, that the Town Clerk has permission to attend the 2018 New York State Town Clerks Association Annual Conference and Training Meeting to be held in Albany, New York from April 22-25, 2018.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye

Resolution adopted.

ADVERTISE PUBLIC HEARING TO CONSIDER WETLAND PERMIT APPLICATION - JEFFERSON OWNERS CORPORATION FOR DRAINAGE MAINTENANCE PROGRAM

RESOLUTION #34

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

RESOLVED, that the Town Clerk is hereby authorized to refer out to the agencies listed below for their review and/or recommendation the Wetland Permit Application received from Jefferson Owners Corporation for property located at Jefferson Village, Yorktown Heights, NY, 10598 also known as:

Section/Block/Lot 17.13-2-2.-125 through 17.13-2-2.-216

Section/Block/Lot 17.13-2-3.-344 through 17.13-2-3.-443
Section/Block/Lot 17.09-1-68.-444 through 17.09-1-68.-576
Section/Block/Lot 17.09-1-69.-217 through 17.09-1-69.-343
Section/Block/Lot 17.09-1-71.-662 through 17.09-1-71.-753
Section/Block/Lot 17.05-1-14.-754 through 17.05-1-14.-1000

The request is to perform the following activities: maintenance of streams, ponds, drainage culverts within the Jefferson Village community, including removal of sticks, branches and sediment, repair of erosion and structures that may occur, and the removal of sediment building up within ponds and silt traps.

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations back before March 6, 2018, and

BE IT FURTHER RESOLVED, a Public Hearing is scheduled to take place on Tuesday, March 20, 2018 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

Town of Yorktown Agencies:
Building Inspector
Conservation Board
Highway Superintendent
Planning Board
Planning Department
Town Attorney
Town Engineer

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

REFER OUT AND ADVERTISE PUBLIC HEARING TO CONSIDER THE AMENDED SPECIAL USE PERMIT APPLICATION FROM LEWIS ROANE, REPRESENTING THE APPLICANT, PINNACLE BRANDED LLC CONVENIENCE STORE, LOCATED AT 3451 CROMPOND ROAD
RESOLUTION #35

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

RESOLVED, that the Town Clerk is hereby authorized to refer out to the agencies listed below for their review and/or recommendation the application filed by Lewis Roane for an amended Special Use Permit for a gas station located at 3451 Crompond Road, Yorktown, NY, also known as Section 36.06, Parcel 1, Lot 25. The request is to renovate and expand the existing convenience store and gas station, expand the gas pump count from three to six pumps, and to add a canopy over the pump area.

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations back before March 6, 2018, and

BE IT FURTHER RESOLVED, a Public Hearing is scheduled to take place on Tuesday, March 20, 2018 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

Outside Agencies:
New York City Department of Environmental Protection
New York State Department of Transportation
Westchester County Planning Board/Planning Department

Town of Yorktown Agencies:
ABACA
Building inspector

Conservation Board
Highway Superintendent
Planning Board
Planning Department
Town Attorney
Town Board
Town Engineer

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

REFER OUT AND ADVERTISE PUBLIC HEARING TO CONSIDER THE AMENDED
SPECIAL USE PERMIT APPLICATION RECEIVED FROM CPD ENERGY CORP. AND
MICHAEL PICCIRILLO, ARCHITECT FOR MOBIL GAS STATION, 2035 SAW MILL RIVER
ROAD
RESOLUTION #36

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

RESOLVED, that the Town Clerk is hereby authorized to refer out to the agencies listed below for their review and/or recommendation the application filed by CPD Energy Corp for an amended Special Use Permit. The request is for the demolition of an existing 1000 square foot convenience store and the construction of a new 3000 square foot convenience store at the Mobil Gasoline Station located at 2035 Saw Mill River Road, also known as Section 37.14, Parcel 2, Lot 51 on the Tax Map of the Town of Yorktown.

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations back before March 6, 2018, and

BE IT FURTHER RESOLVED, a Public Hearing is scheduled to take place on Tuesday, March 20, 2018 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

Outside Agencies:

New York City Department of Environmental Protection
New York State Department of Transportation
Westchester County Planning Board/Planning Department

Town of Yorktown Agencies:

ABACA
Building Inspector
Conservation Board
Highway Superintendent
Planning Board
Planning Department
Town Attorney
Town Board
Town Engineer

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN COMPTROLLER TO PAY PAUL SHIELDS CASH VALUE OF UNUSED
TIME AS OF RETIREMENT DATE
RESOLUTION #37

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

BE IT RESOLVED, the Town Board hereby authorizes the Town Comptroller to pay Paul Shields the cash value of unused time as of his retirement date.

Rate of Pay: \$39.4973

Sick	1500.00 hours @ 750.00 hours x	50% \$39.4973	= 750.00 hours = \$29,622.98
Vacation	116.38 hours x	\$39.4973	= \$ 4,596.70
Personal Days	22.50 hours x	\$39.4973	= \$ 888.69
Floating Holidays	15.00 hours x	\$39.4973	=\$ 592.46
Longevity	\$1,600 / 260 days = \$6.15 per day 09/12/17 to 01/05/18 = 84 days 84 days x \$6.15		= \$ 516.60
Total			\$36,217.43

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

From:

D909.8 Highway Fund Reserve for Employee Accrued Benefits	\$29,622.98
D5110.101 Highway Salary	\$ 6,077.85
D5110.106 Highway Longevity	\$ 516.60

To:

D5110.108 Highway Lump Sum Payments	\$36,217.43
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Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN COMPTROLLER TO PAY NANCY MILANESE CASH VALUE OF UNUSED TIME AS OF RETIREMENT DATE
RESOLUTION #38

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Nancy Milanese the cash value of unused time as of her retirement date.

Rate of Pay: \$37.3782

Sick	1400.00 hours @ 700.00 hours x	50% \$37.3782	=700.00 hours =\$26,164.74
Vacation	175.00 hours x	\$37.3782	=\$ 6,541.19
Personal Days	21.00 hours x	\$37.3782	=\$ 784.94
Floating Holidays	14.00 hours x	\$37.3782	=\$ 523.29
Longevity	\$1,600 / 260 days = \$6.15 per day 07/01/17 to 01/04/18 = 134 days 134 day x \$6.15		= \$ 824.10
Total			\$34,838.26

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

A909.8 General Fund Reserve for Employee Accrued Benefits	\$26,164.74
A8020.101 Planning Salary	7,849.42

A8020.106 Planning Longevity \$ 824.10

To:

A8020.108 Planning Lump Sum Payments \$34,838.26

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT WITH CGI COMMUNICATIONS
RESOLUTION #39

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

RESOLVED, that the Supervisor is authorized to sign an agreement with CGI Communications, Inc. to participate in the Community Video Program.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE YORKTOWN PLANNING DEPARTMENT TO PRODUCE A TARGETED LIMITED MASTER PLAN FOR THE WEYANT PROPERTY AND THE ROMA BUILDING

Councilman Diana requested that this resolution be taken as a separate vote from the other resolutions.

AUTHORIZE TOWN COMPTROLLER TO RELEASE ESCROW DEPOSIT FOR DRIVE PERMIT AND STREET OPENING PERMIT

RESOLUTION #40

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

BE IT RESOLVED that the Town Board authorizes the Town Comptroller to release Escrow Deposit for Driveway Permit #1201 in the amount of \$500.00 and Street Opening Permit #016-012 in the amount of \$11,000.00.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ADVERTISE BID FOR ASPHALT CONCRETE AND LIQUID BITUMINOUS MATERIALS – HIGHWAY DEPARTMENT

RESOLUTION #41

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

RESOLVED that notice is here given that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on March 15, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Asphalt Concrete & Liquid Bituminous Materials, Highway Department Bid.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN COMPTROLLER TO TRANSFER FUNDS TO PAY SITE DESIGN CONSULTANTS FOR SERVICES REGARDING GRANITE KNOLLS SPORTS AND RECREATION COMPLEX

RESOLUTION #42

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

BE IT RESOLVED, that on November 21, 2017 the Town Board authorized a Professional Services Agreement with Site Design Consultants to provide field inspection services and construction administration services in connection with the Granite Knolls Sports and Recreation Complex.

BE IT FURTHER RESOLVED, the Comptroller is authorized to transfer \$95,000.00 from the General Fund – fund balance to capital project HA Granite Knolls Sports Complex to pay for these services.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR AQUATIC WEED HARVESTER AND TILT DECK TRAILER
RESOLUTION #43

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

WHEREAS, bids were accepted on Monday, November 13, 2017 to supply and deliver an Aquatic Weed Harvester and Tilt Deck Trailer, and

WHEREAS, Bids were received by the following companies:

<u>Bidder</u>	<u>Total Bid Amount</u>
Spooner Machine, Inc.	\$103, 119.00
Barber Welding, Inc. /Alpha Boats Unlimited	\$105, 815.00
Aquamarine, Inc.	\$107, 670.00
Aquarius Systems	\$164, 400.00

RESOLVED, that the Bid from Spooner Machine, Inc. be rejected. The Weed Harvester submitted for purchase is 11,400lbs. This is 4,400 lbs. over the maximum weight acceptable in the specifications and is a flat bottom hull where pontoons were specified in the bid.

BE IT FURTHER RESOLVED, the Bid for the Aquatic Weed Harvester and Tilt Deck Trailer be awarded to Barber Welding, Inc. /Alpha Boats Unlimited as the lowest responsive bidder in the amount of \$105,815.00.

BE IT FURTHER RESOLVED, the Comptroller is hereby authorized to transfer funds for the purpose of purchasing this equipment from the Mohegan Lake Improvement District Fund Balance – transfer to ID7180.201 – Equipment. \$80,000 will be reimbursed upon receipt of funding from a New York State Grant.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR FORMATTING, PRINTING AND DELIVERING THE 2018 PROGRAM
BROCHURES – PARKS AND RECREATION DEPARTMENT
RESOLUTION #44

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

WHEREAS, bids were received on Monday February 5, 2018 for formatting, printing and delivering the 2018 Program Brochures as specified by the Town of Yorktown Parks and Recreation Department. Bids were submitted by the following vendors:

1. Graphic Image, Inc.
561 Boston Post Road
Milford, CT. 06460
 BID per Brochure: \$5,900.00
 Total cost per year (x2): \$11,800.00
2. Courier Printing Corporation
24 Laurel Bank Ave.
Deposit, NY 13754
 BID per Brochure: \$6,316.00
 Total cost per year (x2): \$12,632.00
3. Chase Press
1520 Front Street
Yorktown, NY 10598

BID per Brochure: \$5,679.00
 Total cost per year (x2): \$11,358.00

4. Kenyon Press, Inc.
 One Kenyon Press Dr
 Sherburne, NY 13460
 BID per Brochure: \$7,914.00
 Total cost per year (x2): \$15,828.00

5. Accel Printing & Graphics
 128 Radio Circle
 Mount Kisco, NY 10549
 BID per Brochure: \$8,359.00
 Total cost per year (x2): \$16,718.00

6. Your Printer V.2.0 Ltd.
 6 Corporate Drive
 Cranbury, NJ 08512
 BID per Brochure: \$11,195.00
 Total cost per year (x2): \$22,390.00

7. KB Offset Printing
 3500 E.College Ave. Ste 1000
 State College, PA 16801
 BID per Brochure: \$7,956.00
 Total cost per year (x2): \$15,912.00

RESOLVED, that the lowest bidder, Chase Press, is awarded the 2018 Program Brochures Bid.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
 Resolution adopted

AUTHORIZATION TO PURCHASE A FORKLIFT FOR PARKS AND RECREATION DEPARTMENT RESOLUTION #45

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

RESOLVED that Todd Orlowski, Superintendent of Parks and Recreation is hereby authorized to purchase one (1) forklift using New York State Contract PC 67141 in the amount of \$23,886.00.

FURTHER RESOLVED, the source of the purchase will be the Parks and Recreation Equipment Line (A7110.201) as part of the approved 2018 operating budget.

COMPANY	PRICE
Doosan G25P-5 MMC DF Engine 5000# Capacity, IC Pneumatic Tire Forklift	\$23,886.00

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
 Resolution adopted.

ADVERTISE PUBLIC HEARING TO AMEND CHAPTER 168-1 MASTER FEE SCHEDULE

Councilman Lachterman stated that he felt this law was just changed for the purpose of transparency and does not think that it needs to be changed back. He feels that it detracts from transparency by taking it off public hearings.

Supervisor Gilbert stated that the only reason this has been brought up is because every time the fee schedule is changed, it will necessitate a refile and reprinting of the law. It was actually recommended by the former town attorney. Supervisor Gilbert and the Board decided that it was not necessary to pursue and the resolution was withdrawn.

AUTHORIZE THE YORKTOWN PLANNING DEPARTMENT TO PRODUCE A TARGETED LIMITED MASTER PLAN FOR THE WEYANT PROPERTY AND THE ROMA BUILDING

This Resolution was tabled to a future Town Board meeting

WHEREAS, the Town of Yorktown Town Board has received two petitions to rezone property within the Yorktown Heights hamlet; and

WHEREAS, said petitions are for adjacent and abutting properties known as The Weyant, located at 2040 Crompond Road and known on the tax maps of the Town of Yorktown as tax ID 37.14-2-32, and the Roma Building, located at 2038 Saw Mill River Road and known on the tax maps of the Town of Yorktown as tax ID 37.14-2-33; and

WHEREAS, the Town of Yorktown Town Board, desiring to investigate and understand the cumulative impacts of the proposed uses, planning and layout characteristics, architectural considerations, traffic impacts, inter alia, and to identify appropriate mitigation measures, wishes to study the properties together and produce a targeted limited master plan for both properties; now

THEREFORE BE IT RESOLVED, that the Town of Yorktown Town Board authorizes the Yorktown Planning Department to coordinate the respective petitioners and their professional representatives in cooperation toward producing a targeted limited master plan, and further authorizes the Planning Department to produce any necessary technical material required for completion of same; and

BE IT FURTHER RESOLVED, that no funds for outside consultants are authorized by this resolution, and any necessary service identified by the Planning Department that is required to complete the said master plan shall be reviewed and authorized by the Town Board prior to any service being rendered.

Councilman Diana suggested that since the Weyant property has been a project in existence for a year, it does not seem fair to hold up their process for the sake of the Roma building. They are two separate properties of two different zones. He would like to have Mr. DeVito back in at a work session to go over his plan of what he wants to do – he was looking to find an answer before he moved on pursuing his project. To lump these two projects together at this time is not a good idea. He would like the Board to be able to give Mr. DeVito an idea of how the Board feels about his project at a work session so that he can move on to holding a neighborhood meeting with the residents in the area. Councilwoman Roker said that she would like to see this done and according to the Planning Department, this will not be a yearlong study. She would like to see what effects these buildings would have on the community behind them. Councilman Diana said that he doesn't give much credence to what the Roma building owners want to do and that is why it doesn't seem fair to hold up the Weyant owners. Mr. DeVito is now proposing a much lesser scale than what he originally proposed. Councilman Patel believes it should be discussed with the Board again. Councilman Lachterman said that he spoke with Ms. Lee, who represents the builders for the Roma Building, and asked what it is that really works for them. She replied that they don't know yet, because they haven't looked at the numbers. He just feels that they do not really know what they want and to hold up the Weyant project doesn't seem fair. Ms. Roker agreed to bring Mr. DeVito back and is willing to table the resolution.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss contract negotiations and legal matters. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and adjourned the meeting.

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN