

Meeting of the Town Board, Town of Yorktown held on July 21, 2015 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Susan M. Siegel, Councilwoman  
Gregory M. Bernard, Councilman  
Thomas P. Diana, Councilman

Also present: Alice E. Roker, Town Clerk  
Diana L. Quast, Deputy Town Clerk  
Jeannette Koster, Town Attorney  
John Tegeder, Planning Director  
John Winter, Building Inspector  
Sharon Robinson, Acting Town Engineer

This meeting's location was changed from the Mohegan Colony Association Beach to Town Hall because of inclement weather.

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order

#### PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

#### MOMENT OF SILENCE

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

DURING REPORTS FROM THE SUPERVISOR, Supervisor Grace announced the lineup of concerts at the Gazebo sponsored by the Yorktown Lions Club. Supervisor Grace also spoke about an upcoming concert at the Yorktown Community and Cultural Center on August 8<sup>th</sup> with Jesse Terry; the proceeds will go to the Justin Veatch Foundation.

#### DURING REPORTS FROM THE TOWN BOARD.

Councilman Patel announced that three students from the United States won gold medals at the 2015 Intel Science Talent Search.

Councilman Bernard stated that everyone attending the free screening of the movie, Surf's Up at the YCCC last week appeared to be having a good time.

Councilman Thomas Diana announced that the next meeting of the Yorktown Task Force on Heroin will be at the Elks Club next Monday.

#### DURING COURTESY OF THE FLOOR, the following people spoke

Mr. Robert Giordano announced that the Yorktown Small Business Association will be holding its second annual Pizza Contest at the Hilltop Hanover Farm on October 4, 2015.

Mr. John Schroeder stated that it was his understanding that some Board Members are looking to abolish the Open Space Committee and that he would like to speak on this issue as a representative of the Yorktown Land Trust.

Supervisor Grace stated that he was dismayed to hear about this because it was a topic raised in Closed Session and now it appears that a member of the Board has violated the rules.

Councilwoman Siegel stated that she is the liaison for the Open Space Committee as well the Conservation Board and the Tree Conservation Advisory Commission. She brought up this issue with Mr. Schroeder's Committee. Mrs. Siegel stated that she is prepared to offer a list of appointments to the Open Space Committee later tonight.

Mr. Edward Lachterman, President of the Yorktown LIONS also spoke about the upcoming concerts including the Motown Review this coming Sunday. Yorktown Judge Sal Lagonia will be performing this weekend.

#### BAPTIST CHURCH ROAD BRIDGE DISCUSSION

Supervisor Grace spoke about the long history of this issue and what is currently being done to resolve the issues. The Board is attempting to resolve this matter as quickly as possible.

Mr. Marc Oxman stated that he is representing residents who live on Baptist Church Road whose lives have been adversely affected by the closure on this road.

Several residents of the area including Evelyn Jones, Dan Shapiro, Paul Moskowitz, Leda Blumberg, Robert Frackman and Shelly Saltzman told the Board how the closure of this road has affected their lives.

#### PUBLIC HEARING 3211 LAKESHORE DRIVE CONSTRUCT A NEW HOME

Supervisor Grace convened a public hearing to consider the application filed by Robert Panny, on behalf of the owners Linda and Michael Wolski for a wetlands permit for the construction of a new home at 3211 Lakeshore Drive, Yorktown Heights, NY. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace read memorandums from the Planning Board and Conservation Board which saw no issues with granting this permit. He also read comments from Bruce Barber, Yorktown's Environmental Consultant who stated that there were a number of outstanding issues.

Mr. William Besharat, a representative of the property owner explained that the entire project is in the buffer zone and because it is, there is no need to flag the wetlands.

Several residents who own neighboring properties spoke to the Board:

Mr. Scott Schwartz whose family owns property next to this proposed development site asked the Town Board to deny this permit. He handed the Board copies of literature from the US EPA on Lake Shoreland Protection Resources and a report on the annual meeting of the American Association for the Advancement of Science where development around lakes in the United States was the topic of discussion. Mr. Schwartz further stated that there has already been an overdevelopment of the area surrounding Mohegan Lake. He raised several issues including the already burdened drainage system in the area and the condition of the soils in Mohegan Lake.

Supervisor Grace questioned Mr. Besharat about the site's storm water prevention plan.

Mr. Brian Amico stated that in his opinion, this proposal should be granted. He told the Town Board to compare the size of the properties surrounding Mohegan Lake and its size to what surrounds Junior Lake and its size. Mr. Amico expressed his displeasure for the problems at Junior Lake.

Mr. Manny Demagistris, speaking on behalf of himself and his neighbor Steven Scaldaferi asked the Town Board to deny the permit.

Mr. Ken Belfer, a representative of the Mohegan Lake Improvement District stated that Mohegan Lake is suffering from a decade of overdevelopment. Part of the proposed site is higher than other properties in the neighborhood. He further suggested a need for additional environmental information.

Mr. Thomad Mieto, a representative of the Mohegan Beach Park District which is comprised of 250 families expressed concern that an area surrounding Mohegan Lake will now see development. These families who live directly across from Mohegan Lake may be visually impacted if there was development in this area.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion made by Supervisor Grace, seconded by Bernard, the hearing was adjourned.

PUBLIC HEARING COMMERCE HEIGHTS FOODSMART, INC.  
AMENDED SPECIAL USE PERMIT

Supervisor Grace convened a public hearing to consider the application filed by Henry Steeneck for an amended Special Use Permit. The request is to approve signs at the Commerce Heights Foodsmart, Inc. located at 2001 Commerce Street, also known as Section 37.14, Parcel 2, Lot 70 on the Tax Map of the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

No Public Comment received.

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

AMENDED SPECIAL USE PERMIT – COMMERCE HEIGHTS FOODSMART, INC  
RESOLUTION #280

Upon motion made by Councilman Bernard, seconded by Councilwoman Siegel,

WHEREAS, Henry Steeneck with property at 2001 Commerce Street filed an application for a special permit to change an existing freestanding sign, and

WHEREAS, the required application fee has been paid, and

WHEREAS, notice was given that a public hearing would be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 21th day of July, 2015, at 7:30 P.M., or as soon thereafter as the same can be heard, to consider the said application, and

WHEREAS, the matter was referred to the Planning Department, Planning Board, ABACA and the Building Inspector,

WHEREAS, responses were received from the Planning Board, Planning Department, ABACA, and the Building Inspector, and

WHEREAS, the applicant has filed a short form EAF pursuant to SEQR, it is

DETERMINED, that the proposed project will not result in any large or important impacts, and therefore, is one which will not have a significant effect on the environment, and it is therefore

RESOLVED, that with respect to this application and after review of the EAF and record in this matter, this Board hereby adopts a negative declaration, and it is further

RESOLVED, that the Supervisor sign a Notice of Determination of Non-Significance in accordance with such determination, and it is

FURTHER RESOLVED, that the application is granted as shown in the following plans and drawings:

1. Survey by Henry Carpenter & Co. dated 5/4/87
2. Sign drawing by Blair Company Architectural imaging dated 2/2015

Further resolved, that the Building Inspector is authorized to issue a permit for the freestanding sign as depicted in the Blair Co. drawings as depicted on pages 2 and 15 and the Henry Carpenter survey.

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

PUBLIC HEARING TOWN OF YORKTOWN  
SPARKLE LAKE DAM REHABILITATION

Supervisor Grace convened a public hearing to consider the application filed by the Town of Yorktown for a wetlands permit for the rehabilitation of the Sparkle Lake Dam, Yorktown Heights, NY. Affidavits of Posting and Publication were presented by the Town Clerk.

No Public Comment received.

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

WETLAND PERMIT – SPARKLE LAKE DAM REHABILITATION  
RESOLUTION #281

Upon motion made by Councilman Bernard, seconded by Councilwoman Siegel,

WHEREAS, the Town of Yorktown (the applicant) proposes to restore the dam located at Sparkle Lake (the action) in order to comply with New York State Department of Environmental Conservation requirements, and

WHEREAS, the action is located in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb Town of Yorktown jurisdictional wetland and wetland buffer in order to install the proposed mitigation as indicated in plans entitled “Rehabilitation of Sparkle Lake Dam” prepared by Maser Consulting, P.A., originally dated December 10, 2013 with most recent revision date of March 26 2014 consisting of seven (7) total sheets, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown wetland permit application WP- BSWPP-T 048-15, dated June 22, 2015, and

WHEREAS, the action will result in the temporary disturbance of 16,369 square feet of land surface, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater permit application WP-BSWPP-T 048-15, dated June 22, 2015, and

WHEREAS, the action will result in the cutting of approximately 20 protected trees, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown tree permit application WP-BSWPP-T 048-15, dated June 22, 2015, and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), and

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

WHEREAS, the Town of Yorktown Town Board declares Lead Agency on July 21, 2015 and,

WHEREAS, a public hearing was held on July 21, 2015 order to solicit comments from the public regarding the proposed action, and

WHEREAS, the Town Board fully considered the public comments and therefore closed the public hearing on July 21, 2015, and

THEREFORE BE IT RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Report and plans entitled: “Rehabilitation of Sparkle Lake Dam” prepared by Maser Consulting originally dated December 20, 2013 with most recent revision date of March 26, 2014 consisting of seven (7) total sheets.
- Town of Yorktown Combined Wetland, Stormwater Pollution Prevention Permit Application, Tree Permit Application dated June 22, 2015.

BE IT FURTHER RESOLVED THAT, the Wetland, Stormwater and Tree Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland, Stormwater and Tree Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this Wetland, Stormwater and Tree Permit, and

BE IT FURTHER RESOLVED THAT, the Wetland, Stormwater and Tree Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution and permit shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

1. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
2. Town Stormwater Management Officer must execute the MS4 Acceptance Form.
3. The applicant shall provide a current NYSDEC/ACOE wetland permit for the proposed action as/if required.
- 4.

Conditions of the Wetland, Tree and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Modifications to the approved plans shall be made only with prior Town Engineer approval.
5. A pre-construction meeting with the applicant’s contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland, tree and stormwater permit, documenting the status of the implementation of the requirements of this resolution.
2. Prior to the issuance of a Notice of Satisfactory Completion, all conditions of this permit must be completed to the satisfaction of the Acting Town Engineer and Town Environmental Consultant.
3. The applicant must comply with all conditions of the NYSDEC/ACOE permit as/if required.
4. The Town of Yorktown will conduct annual inspections of the wetland mitigation plantings. Invasive species will be removed and any diseased or dead plant material will be replaced to ensure a minimum of 85% survival of the planted species at the end of the five year period as measured from the date of completion.

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

ADVERTISE PUBLIC HEARING – AUGUST 4, 2015

NORTHERN WESTCHESTER RESTORATIVE CARE-AMENDED SPECIAL USE PERMIT

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Downing Park, 2881 Crompond Road, Yorktown Heights, New York 10598 on the 4<sup>th</sup> day of August, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider the application to amend a Special Use Permit to construct a parking lot for an additional 27 cars and to redesign an existing trash receptacle area at the Northern Westchester Restorative Care Center located on the East side of Lexington Avenue and known as Section 15.15, parcel 1, Lot 23 on the Tax Map of the Town of Yorktown.

A copy of said application is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING – SEPTEMBER 1, 2015

AMEND CHAPTER 200, OUTDOOR LIGHTING

RESOLUTION #282

Upon motion made by Councilman Patel, 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 MOHEGAN COLONY ASSOCIATION BEACH, Mohegan Lake, New York on the 1st day of September, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Article III of Chapter 200 of the Code of the Town of Yorktown entitled "LIGHTING, OUTDOOR."

Section I. Section 200-7A of the Town Code of the Town of Yorktown is hereby amended by the addition of the following new paragraph (5):

- (5) Modification and waiver. The approval authority, upon finding that due to special conditions of a site certain requirements of Section §200-6 of this chapter are unsuitable for the site or incompatible with a plan of development, may vary or waive said requirements, provided that such variance or waiver will not be detrimental to the public health, safety, or welfare, or have the effect of nullifying the intent and purpose of the adopted Zoning Map, the Zoning Ordinance, the Comprehensive Plan, or this Chapter 200. In varying or waiving such conditions the approval authority may specify such conditions that will, in

its judgment, secure substantially the objectives of the requirements so varied or waived.

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

A copy can also be viewed on the Town Website at [www.yorktownny.org](http://www.yorktownny.org).

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING – SEPTEMBER 1, 2015  
AMEND CHAPTER 275, FULL STOP - SUMMIT STREET  
RESOLUTION #283

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 MOHEGAN COLONY ASSOCIATION BEACH, corner of Oak and High Street, Mohegan Lake on the 1st day of September, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Chapter 275, of the Code of Yorktown by adding a Full Stop at the intersection of Summit Street and Underhill Avenue.

Section II. Section 275-6A in Chapter 275, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding the following location to the list of public highways upon which a driver of a vehicle shall come to a full stop unless otherwise directed by a peace officer:

Summit Street at the southeast corner of the intersection with  
Underhill Avenue

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

A copy can also be viewed on the Town Website at [www.yorktownny.org](http://www.yorktownny.org).

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING – SEPTEMBER 1, 2015  
AMEND CHAPTER 275, ADDING IVY KNOLLS PARK TO PARK ZONE  
RESOLUTION #284

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 MOHEGAN COLONY ASSOCIATION BEACH on the 1st day of September, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Article III of Chapter 275 of the Code of the Town of Yorktown:

Section 275-17E in Chapter 275, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding the following location to the list of park zones:

(h) Ivy Knolls Park:

[1] "Entering Park Zone" sign on Ivy Road, 300 feet east of boundary of the park.

[2] "Leaving Park Zone" sign on Ivy Road, southbound, 300 feet west of the boundary of the park.

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

A copy can also be viewed on the Town Website at [www.yorktownny.org](http://www.yorktownny.org).

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

RE-APPOINT MEMBERS OF THE ADVISORY COMMITTEE ON OPEN SPACE  
RESOLUTION #285

Upon motion made by Councilwoman Siegel, seconded by Councilman Patel,

Resolved, that the following people be re-appointed to the Advisory Committee on Open Space: Walter Daniels, Phyllis Bock, John Schroder, Paul Moskowitz and Mark Michaels.

Patel, Siegel	Voting Aye
Grace, Bernard, Diana	Voting Nay
Resolution defeated.	

APPOINTMENT – ZONING BOARD OF APPEALS

GREGORY BUCCI

RESOLUTION #286

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

BE IT RESOLVED, that Gregory Bucci is hereby re-appointed as a member of the Zoning Board of Appeals for a five year term expiring December 31, 2019.

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

APPOINTMENT – PARKS AND RECREATION COMMISSION

JAMES MARTORANO, JR.

RESOLUTION #287

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

BE IT RESOLVED, that James Martorano, Jr. is hereby re-appointed as a member of the Parks and Recreation Commission for a seven year term expiring December 31, 2021.

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

APPOINTMENT

LINDA R. BIGGS – LANDMARKS PRESERVATION COMMISSION

RESOLUTION #288

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

BE IT RESOLVED, that Linda R. Briggs is hereby re-appointed as a member of the Landmarks Preservation Commission for a three year term expiring October 16, 2017.

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

APPOINTMENT – CONSERVATION BOARD

PHYLLIS BOCK

RESOLUTION #289

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



BE IT RESOLVED, that Phyllis Bock (Co-Chair) is hereby re-appointed as a member of the Conservation Board for a three year term expiring September 30, 2017.

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

APPOINTMENT - ADVANCED LIFE SUPPORT COMMISSION  
RESOLUTION #290

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

BE IT RESOLVED, that Barbara Santoro, is hereby re-appointed as a member of the Advance Life Support Commission for a two year term expiring March 31, 2017.

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

APPOINTMENT-ABACA  
MARK CONNELLY  
RESOLUTION #291

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

BE IT RESOLVED, that Mark Connelly, Co-Chair is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year expiring March 31, 2018.

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

APPOINTMENT - ABACA  
CHRISTOPHER TAORMINA  
RESOLUTION #292

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

BE IT RESOLVED, that Christopher Taormina is hereby appointed as a member of the Advisory Board of Architectural and Community Appearance (replacing David Tetro's term) expiring June 30, 2018.

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

APPOINTMENT – ABACA  
WILLIAM PRIMAVERA  
RESOLUTION #293

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

BE IT RESOLVED, that William Primavera, is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year expiring March 30, 2018.

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

APPOINTMENT - ABACA  
HEIKE SCHNEIDER  
RESOLUTION #294

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

BE IT RESOLVED, that Heike Schneider is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance expiring March 30, 2018.

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

APPOINTMENT – ABACA  
DAVID TETRO  
RESOLUTION #295

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

BE IT RESOLVED, that David Tetro is hereby appointed as an alternate member of the Advisory Board of Architectural and Community Appearance (replacing Christopher Taormina's term) expiring June 30, 2018.

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

EXTEND REQUEST FOR PROPOSAL  
ADVANCED LIFE SUPPORT DISTRICT SERVICES  
RESOLUTION #296

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

WHEREAS, a Request for Proposal (RFP) was duly advertised and opened on August 12, 2013, for Advanced Life Support Services, and

WHEREAS, the Request for Proposal (RFP) was awarded to Empress EMS beginning on January 1, 2013 through December 31, 2015, and

WHEREAS, the agreement included an option to renew for one two-year period, and  
WHEREAS, the ALS District Commissioners solicited a proposal from Empress EMS for the years 2016 and 2017 detailed as follows:

2016 - \$570,429  
2017 - \$598,950

Now Therefore Be It Resolved, that upon the recommendation of the ALS District Board of Commissioners, the Town Board extends the Request for Proposal for one two-year period ending on December 31, 2017.

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

AUTHORIZE CONTROLLER TO PAY PO IACONA UNUSED TIME  
RESOLUTION #297

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Matthew Iacona the cash value of unused time as of his date of separation.

Compensatory Time	16.01hours x \$ 47.2414 hourly rate of pay =	\$ 756.33
Vacation Days	8.00days x \$377.93 daily rate of pay =	\$3,023.44
Holiday Pay	2.22days x \$377.93 daily rate of pay =	\$ 839.00
	Total	\$4,618.77

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

AUTHORIZE CONTROLLER TO PAY LT. MALAN UNUSED TIME  
RESOLUTION #298

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Richard Malan the cash value of unused time as of his retirement date.

Rate of Pay: \$62.3970 hourly

Sick	1,488 hours	@	75%	=	1,116 hours
	1,116 hours	x	\$62.3970	=	\$69,635.05
Compensatory Time	88 hours	x	\$62.3970	=	\$ 5,490.94
Personal Days	32.00 hours	x	\$62.3970	=	\$ 2,220.70

#### Holiday Pay

Received: 13 pays @ \$422.38 (daily) = \$5,490.94  
 Entitled To: 6/29/15 (1 day) 422.38/10days per pay period = \$ 42.29

#### Longevity

7,575 / 248 days = \$30.54 per day  
 09/03/14 to 06/29/15 = 203 days  
 203 days x \$30.54 = \$6,200.50  
 Received 02/26/15 \$7,575.00  
 Overpayment - \$ 1,374.50

#### College Pay

248 scheduled days 9/1/14-9/1/15 – 43 days 6/30/15-9/1/15 = 205 days  
 205 days worked / 248 scheduled days = 82.66%  
 \$600 college pay x 82.66% = 495.97

Total \$76,510.45

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

#### AWARD COMPUTER NETWORKING BID RESOLUTION #299

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

Whereas, the Town solicited bids for the purchase of Computer Networking Equipment for the Town's computer system, and

Whereas, three bids were timely received, and said bids were opened Thursday, July 9, 2015 pursuant to the published Notice to Bidders, and

Whereas the Bid amounts are as follows:

Apex Computer Systems - \$33,743.12  
 With the following options: Option 1 - \$403.88 Option 2 - \$997.55

OM Office Supply Inc - \$33,796.00  
 With the following options: Option 1 - \$392.50 Option 2 - \$971.00

Sullivan Data Management - \$34,476.41  
 With the following options: Option 1 - \$399.33 Option 2 - \$976.01

Now therefore be it resolved, that the Town Board hereby awards said bid to Apex Computer Systems.

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

#### ACCEPT BONDS – STAPLES PLAZA MIDDLE BUILDING – STORMWATER PERMIT #050-14 RESOLUTION #300

Upon motion made by Councilwoman Siegel, seconded by Councilman Bernard,

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Kings Capital Construction Group, Corp., Performance Bond #SNN0000056, in the amount of \$55,622.00, to serve as the Performance Bond for the Site Work Estimate for the Staples Plaza Middle Building Site Plan located on Route 202, and

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Kings Capital Construction Group, Corp., in the amount of \$20,000.00, to serve as the Erosion Control Bond for the Site Work Estimate, and

Bond Acceptance – Staples Plaza Middle Building (Continued)

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Check #72039, in the amount of \$6,050.00, to serve as the 8% Inspection Fee for the Site Work Estimate, and

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Check #72040, in the amount of \$5,000.00, to serve as the construction monitoring/escrow fee for Stormwater Permit #050-14, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced site plan.

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

RELEASE BOND – WETLANDS PERMIT #042-14 GRANITE SPRINGS ROAD  
RESOLUTION #301

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

WHEREAS, Scott & Regina Murdock, as applicant, posted check #1403 in the amount of \$300 which was deposited into the T33 account on July 3, 2014, covering Wetland Permit #042-14, for work performed at the Granite Springs Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be released to the applicant,

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

RELEASE BOND – SOMERSTON ROAD - WETLAND PERMIT #WP-046-13  
RESOLUTION #302

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

WHEREAS, Danielle Jennings, as applicant, posted \$300 cash which was deposited into the T33 account on July 15, 2013, covering Wetland Permit #046-13, for work performed at the Somerston Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be released to the applicant

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

AUTHORIZE THE PLANNING DEPARTMENT TO SUBMIT GRANT PROPOSAL FOR  
DIGITIZING RECORDS  
RESOLUTION #303

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

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding Application to apply to the New York State Department of State Local Government Efficiency Program to aid in the digitizing of Town records; and

WHEREAS, the grant request is for \$200,000.00, with a local match of 10% of the final program cost applied for, \$20,000.00 will be the responsibility of the Town;

BE IT FURTHER RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for a grant from the New York State Department of State Local Government Efficiency Program for the digitizing of Town records.

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

Councilwoman Siegel asked if Mark Linehan could speak on behalf of a community established committee called the Yorktown Town Trails Committee.

Mr. Mark Linehan spoke in favor of the grant proposals,.

AUTHORIZE THE PLANNING DEPARTMENT TO SUBMIT GRANT PROPOSAL FOR  
RAILROAD STATION RESTORATION  
RESOLUTION #304

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

WHEREAS, in 2006 the Town of Yorktown was awarded funds by the New York State Department of Transportation (NYS DOT) through the Transportation Enhancements Program (PIN 8780.26) in the amount of \$295,762.00, with a required Town match of \$147,881.00, for a total project cost of \$443,643.00; and

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding application to apply to the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund to request additional funds that would qualify as part of the Town match portion of the NYS DOT grant; and

WHEREAS, the grant request is for \$73,940.00 and with a 50% local match required, \$73,941.00 will be the responsibility of the Town;

NOW THEREFORE BE IT RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for a grant from the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund in the amount of \$73,940.00 for restoration of the Yorktown Heights Railroad Station building.

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

AUTHORIZE THE PLANNING DEPARTMENT TO SUBMIT GRANT PROPOSAL FOR  
TRAILWAY CONNECTION - RAILROAD PARK TO FDR STATE PARK  
RESOLUTION #305

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

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding Application to apply to the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund and Recreational Trails Grant Programs for a grant to fund construction of a trailway connection from Railroad Park to Franklin Delano Roosevelt State Park; and

WHEREAS, the project is proposed to be split in two sections, the first from Railroad Park to Baldwin Road and the second from Baldwin road to Mohansic Avenue; and

WHEREAS, the Town desires to request funding for the first section of the project; and

WHEREAS, the Total estimated cost of the first section of the project is \$440,000; and

WHEREAS, the Environmental Protection Fund Program requires a local match of 50% of the final program cost applied for, which is \$200,000.00; and

WHEREAS, the Recreational Trails Program (RTP) requires a local match of 20% of the final program cost applied for, which is \$200,000.00; and

WHEREAS, the Environmental Protection Fund Program (RTP) local match of 50% may be satisfied by the grant funds from the Recreational Trails Program, leaving the 20% match required by the RTP of \$40,000, which will be the total responsibility of the Town for the project; and

BE IT FURTHER RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for a grant from the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund and Recreational Trails Grant Programs.

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

AUTHORIZE THE PLANNING DEPARTMENT TO SUBMIT GRANT PROPOSAL FOR  
DOWNTOWN REVITALIZATION PROJECT  
RESOLUTION #306

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

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding Application to apply for grant funds for the Yorktown Heights Downtown Revitalization Project; and

WHEREAS, the Total estimated cost of the project is \$4,075,000 for the construction of the Highway and Parks Garage and \$750,000 for site improvements to the Front Street property; and

WHEREAS, the Empire State Development Fund grant request is for \$965,000, with a local match of 10% of the total final program cost, \$482,500 will be the required match; and

WHEREAS, Cleaner Greener Communities (CGC) Implementation Grants request is for \$500,000, with a local match of 25% of the final grant allocation, \$125,000 will be the required match; and

WHEREAS, the Local Government Efficiency Program grant request is for \$200,000.00, requires a local match of 10% of the final grant allocation, \$20,000 will be the required match; and

WHEREAS, the Environmental Protection Fund Program grant request is for \$400,000, with a local match of 50% of the final grant allocation, is \$200,000.00 will be the required match; and

WHEREAS, the Recreational Trails Program (RTP) grant request is for \$200,000, with a local match of 20% of the final grant allocation; and

WHEREAS, the Environmental Protection Fund Program (RTP) local match of 50% may be satisfied by the grant funds from the Recreational Trails Program, leaving the 20% match required by the RTP of \$40,000; and

BE IT FURTHER RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for grant funds for the Yorktown Heights Downtown Revitalization Project.

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

AUTHORIZE SUPERVISOR TO SIGN AN IMA WITH WESTCHESTER COUNTY  
RELATING TO MUTUAL AID AND RAPID RESPONSE FOR POLICE DEPARTMENT  
RESOLUTION #307

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

RESOLVED, that the Supervisor is hereby authorized to sign an inter-municipal agreement with Westchester County for the five-year term commencing on July 31, 2015 and terminating on July 30, 2020, for the purpose of agreeing to and participating in the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York and the Westchester County Arson Zone Plan.

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

AWARD BID – PURCHASE AND INSTALL ABOVE GROUND OIL TANK – WATER  
DEPARTMENT  
RESOLUTION #308

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

WHEREAS, on June 15, 2015 a request for proposals was sent to three (3) qualified fuel oil tank companies; and

WHEREAS, by July 7, 2015 deadline only one proposal was received from Optima Environmental Service, Inc.; and

THEREFORE BE IT RESOLVED that the Town Board authorizes the Water Distribution Superintendent to hire Optima Environmental Services Inc. to purchase and install one (1) above ground storage oil tank at the Water Department office for \$13,500.

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

AUTHORIZE BUDGET TRANSFER  
RESOLUTION #309

Upon motion made by Councilman Diana, seconded by Councilwoman Siegel,

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

Transfer \$13,500 from the Water Department Special Projects Meters Line (SW.8340.0483.0006) to the Water Department Equipment Line (SW.8310.0200) for the purchase and installation of a new fuel oil tank for the main office location.

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

AUTHORIZE SUPERVISOR TO SIGN A CERTIFICATION TO BE SUBMITTED TO THE  
NEW YORK OFFICE OF THE AGING TO PROVIDE FUNDING FOR NUTRITION/SENIOR  
SERVICES DEPARTMENT  
RESOLUTION #310

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

WHEREAS, the Town Board of the Town of Yorktown authorizes the Supervisor to sign a Certification to be submitted to the New York State Office of the Aging that any funding received as per Part I Chapter 60 of the Laws of 2014 for the period beginning January 1, 2015 will be used solely to provide salary increases and salary related fringe benefit increases for the staff of the Nutrition/Senior Department.

THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to sign this Certification.

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

APPOINT POLICE SERGEANT – YORKTOWN POLICE DEPARTMENT  
PAUL DILLON  
RESOLUTION #311

Upon motion made by Councilwoman Siegel, seconded by Councilman Bernard,

BE IT RESOLVED, that Paul F Dillon is hereby appointed contingent permanent as a Police Sergeant, job class code 0133-01, from Eligible List No. 71-197, effective July 22, 2015 to be paid from Yorktown PBA Salary Schedule, which is \$113,440.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of contingent permanent appointment on July 22, 2015.

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

MONTHLY REPORTS

The Town Board accepted the monthly report from the Receiver of Taxes.

ADJOURN

Upon motion made by Councilwoman Siegel, seconded by Councilman Bernard, The Town Board Meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown