

Meeting of the Town Board, Town of Yorktown held on June 7, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Tardy: Vishnu V. Patel, Councilman

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

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Supervisor Grace led the 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 TO THE TOWN, Supervisor Grace stated that Friday, June 10, 2016 is Relay for Life and urged everyone to attend.

DURING REPORTS FROM THE TOWN COUNCIL, the following Councilmen spoke:

Councilman Diana stated that Sunday, June 12, 2016, Yorktown against Heroin will host a Pig Roast.

Councilman Lachterman stated that on June 26, 2016 the Yorktown Grange will host their 5th Annual Antique Car Show. He also announced the tentative summer concert schedule hosted by the Yorktown Lions.

Supervisor Grace announced that some people have gotten phone calls or people coming to their front door saying they are from the IRS, if this happens do not give out any personal information and contact the Yorktown Police Department.

PRESENTATION

Cosmo Pagano from GHD Consulting Services gave The Town Board a project overview on the Pump Station Upgrade Program. A copy of the presentation is on file in the Town Clerk's office for review. Councilman Patel came into the meeting.

APPOINT LT. ROBERT NOBLE CHIEF OF POLICE ON A TEMPORARY BASIS EFFECTIVE JUNE 11, 2016 THROUGH AUGUST 29, 2016

RESOLUTION #244

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

RESOLVED, that effective June 11th, 2016 through August 29th, 2016, Robert M Noble is appointed to Police Chief on a temporary basis in the absence of Daniel McMahon.

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

ACCEPT RETIREMENT OF JULIO SISTA FROM THE ENGINEERING DEPARTMENT RESOLUTION #245

Upon motion made by Councilman Diana, seconded by Lachterman,

RESOLVED, that the Town Board accepts the Retirement of Julio Sista from the Engineering Department.

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

ACCEPT RETIREMENT OF GEORGE ROUTSIS FROM THE WATER DEPARTMENT RESOLUTION #246

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

RESOLVED, that the Town Board accepts the Retirement of George Routsis from the Water Department.

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

ACCEPT RESIGNATION OF DAVID RAMBO, WATER DISTRIBUTION RESOLUTION # SUPERINTENDENT RESOLUTION #247

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

RESOLVED, that the Town Board accepts the Resignation of David Rambo, Water Distribution Superintendent.

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

ADVERTISE BID - UNMARKED VEHICLE PURCHASE – POLICE DEPARTMENT RESOLUTION #248

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

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 6, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for *Police Department Unmarked Vehicle Purchase*. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

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

ADVERTISE PUBLIC HEARING TO CONSIDER APPLICATION RECEIVED FROM ALEXANDER EQUITIES, LLC TO AMEND SPECIAL USE PERMIT – GASOLINE STATION RESOLUTION #249

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, 363 Underhill Avenue, Yorktown Heights, 10598 on the 21st day of June, 2016 at 7:30 PM or as soon thereafter as the same can be heard, to consider the application received from Alexander Equities, LLC for an amendment to a Special Use Permit. The request is to approve a signage change to the existing canopy and approve a free standing sign at the Sunoco Gasoline Station formerly known as Hess located at 3919 Crompond Road, also known as Section 25.20, Parcel 1, Lot 4 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, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

NEGATIVE DECLARATION AND REZONING – 3574 LEXINGTON AVENUE
RESOLUTION #250

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

WHEREAS, the Town Board of the Town of Yorktown ("Town Board") received a Verified Petition for a Zoning Map Amendment, dated November 5, 2015, from RPG PROPERTIES, INC., ("RPG" and the "Petitioner"); and

WHEREAS, RPG is the owner of certain real property, comprised of ±1.102 acres, located east of Lexington Avenue in the area designated by the Town as the Mohegan Lake Hamlet, also known on the Town Tax Map as parcel 15.15-1-22 ("Lot 22"); and

WHEREAS, the property is presently zoned R1-20; and

WHEREAS, Petitioner is seeking a Zoning Map change for the entirety of the property, consisting of Lot 22, to a R-3 Zoning District in order to facilitate the development of a Proposed multi-family development, as described herein (the "Petition"); and

WHEREAS, the multi-family development would consist of eight (8) residential townhouse style units, served by 22 parking spaces, a refuse enclosure, as well as a 12000+/- SF recreation/park area that will also serve as a buffer to the existing neighborhood behind the proposed development.; and

WHEREAS, the proposed development will be served by public water and sewer systems; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Petitioner submitted a full Environmental Assessment Form prepared by RPG Properties, Inc., dated January 20, 2016, together with supplemental information (the "EAF");

WHEREAS, at meetings on November 11, 2015, and January 5, 2016, Petitioner and their development team presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, following the presentation of Petitioner and their development team, the Town Board accepted the Petition for consideration at the January 5, 2016 meeting; and

WHEREAS, on November 11, 2015, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume Lead Agency status in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to transmit Part I of the EAF to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board's Notice of Intent was transmitted to them; and

WHEREAS, the Petition and EAF were duly circulated to involved and interested agencies in accordance with SEQRA, the Code of the Town of Yorktown and New York State Law; and

WHEREAS, on December 2, 2015, Petitioner appeared before the Town Conservation Board and presented plans for 12 and 18 units; and

WHEREAS, by memorandum, dated December 3, 2015, the Conservation Board opined that the requested unit count of 12-18 units should be reduced to be more protective of the environment, and the Petitioner has reduced the unit count to 8 (eight) units; and

WHEREAS, by letter, dated December 7, 2015, the Westchester County Planning Board, in accordance with SEQRA, Section 239-1, m and n of the New York State General Municipal Law, and Section 277.61 of the County Administrative Code expressed no objection to the Petition; and

WHEREAS, by Memorandum, dated November 30, 2015, the Advisory Board on Architecture and Community Appearance stated that it had no substantial objection to the Town Board granting the Petition; and

WHEREAS, Petitioner appeared before the Town Planning Board on December 7, 2015, and December 21, 2015; and

WHEREAS, discussion was held before the Planning Board regarding any potential adverse impacts that may result from the Action; and

WHEREAS, the Planning Board concluded that the EAF and supplemental materials submitted by Petitioner identified analyzed, and shown mitigation for all possible significant impact; and

WHEREAS, all of the aforementioned comments have been duly considered; and

WHEREAS, the notice and hearing requirements for this Petition as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Petition was presented to the Town Board at a duly noticed Public Hearing conducted on February 2, 2016, that was adjourned on that same date and was reopened on May 17, 2016 and completed and closed on that same date; and

WHEREAS, following the close of the Public Hearing on May 17, 2016, and upon review of the EAF and accompanying empirical studies, expert reports, plans and other related materials submitted by Petitioner, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site, and in accordance with SEQRA, the Town Board as Lead Agency adopted a Negative Declaration; and

WHEREAS, the Town Board has fully considered the Petition and adopts the following findings of fact:

Rezoning the property to R-3 is consistent with the surrounding neighborhood character. Specifically, the proposed R-3 property is bordered to the north by property that is a Single family house converted to multiple apartments. The property is bordered on the south by a congregate care housing facility and to the west, directly across Lexington Avenue in the Town of Cortland, are a mix of multi-family housing and congregate care residential facilities; and

The proposed Zoning Map Amendment is consistent with the Town of Yorktown's Comprehensive Plan, adopted June 15, 2010 ("Comprehensive Plan"). Specifically, Goal 4-E "Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional, office, park/civic uses, and compatible residential uses that create an atmosphere of vitality."; and

The property is located in the area of Town known as the Mohegan Lake Hamlet. The proposed rezone and project is consistent with the comprehensive plan Policy 4-1 "Promote a mix of retail, professional offices, and housing in the hamlet business centers,

and in specified locations, promote mixed use “Main Street” or “Village Center” Development.” Policy 4-1 further states “Residential uses would add more evening and weekend activity to the hamlet business center. More importantly, housing units in hamlet business centers would tend to be smaller than single family homes, providing much-needed housing diversity and greater affordability to Yorktown’s housing supply; and

The Proposed rezone of the property to R-3 is consistent with the Comprehensive Plan Goal 5-C “In and around the five hamlet business centers (refer to chapter 4), promote housing diversity in a format compatible with both commercial uses and adjacent single family residential areas; and

The need to maintain high standards of architecture and design in the neighborhood is acknowledged by the Town Board and echoed by the residents from the adjacent residential neighborhood, and the Comprehensive Plan Goal 5-E states “Ensure that new homes are compatible with the character of their neighborhoods”; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself lead agency, determines the action should be classified as an Unlisted Action in accordance with SEQRA; and

WHEREAS, the Town Board has undertaken a comprehensive review and consideration of all empirical studies, expert reports, plans and other related materials submitted by the Petitioner, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site; and

WHEREAS, the Town Board has determined that Petitioner satisfactorily addressed all comments raised with regard to potential adverse impacts resulting from the Action; and

WHEREAS, in consultation with the Town Board’s legal counsel and Planning Staff it has considered, inter alia, the criteria pursuant to 6 N.Y.C.R.R. Section 617.7(c) and the potential for environmental significance as listed in the adopted Negative Declaration; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to SEQRA, the Town Board, as Lead Agency, has carefully considered the Action, and the criteria listed in 6 NYCRR Section 617.7(c), including the EAF, the Petition, and all supplemental materials submitted by the Applicant and public relating thereto, as well as comments from Interested Agencies, the Town Board hereby finds that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration; and

WHEREAS, the Town Board, having considered all of the evidence pursuant to the future development possible under the proposed zoning, makes the following determinations:

The Town Board reviewed and evaluated several development schemes of varying intensity, including 12 units, 10 units, and 8 units of residential townhouse style development, and determined that the scheme that represents the maximum use intensity that the Property will support and have the least impact on the environment, the character of the neighborhood, and the health, safety, and welfare of the general public and the immediate neighboring residents is the eight (8) unit plan of development; and

The Town Board reviewed and evaluated the recreational requirements of the proposed zone and determined that the 12000 SF +/- recreation area meets the needs of the neighborhood as a passive open space area with no active play areas, therefore creating a sufficient buffer to the immediate residential neighborhood adjacent to the property; and

The Town Board reviewed and evaluated the character of the adjacent and surrounding neighborhoods as to their character and quality of architectural and landscaping treatments and determined, in accordance with the Comprehensive plan as above, that the architectural and landscaping treatments shall be thoroughly reviewed by the Planning Board during its subsequent Site plan review and that the architectural treatment and landscaping of the development be approved by the Planning Board as part of their site plan approval and that a plan of maintenance be required, and that any future alterations of same be reviewed and approved by the planning board.

NOW, THEREFORE BE IT resolved by the Town Board that the Petition for a Zoning Map Amendment rezoning from the R1-20 Zoning District to the R-3 Zoning district is hereby approved on the property, as legally described in Exhibit "A"; and

BE IT FURTHER RESOLVED, that the Town Board shall adopt a local law amending the zoning and the Town's Zoning Map.

The question of the adoption of the foregoing Resolution was duly put to a vote, 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

The resolution was duly adopted.

CONVENE PUBLIC HEARING AMENDING CHAPTER 245-5 ENTITLED "SOLID WASTE" ADDING NEW SECTION 245-20-1 – ENTITLED "RECEPTACLES: STANDARDS AND PLACEMENT," AND ADDING SECTION 245-20-2 - GARBAGE AND REFUSE COMPACTORS

Supervisor Grace convened a public hearing to consider a proposed Local Law amending Chapter 245-5 of the Code of the Town of Yorktown entitled "SOLID WASTE" by amending Section 245-5 entitled "DEFINITIONS" and adding a new Section 245-20-1 entitled "RECEPTACLES: STANDARDS AND PLACEMENT" and adding a new Section 245-20-2 entitled "GARBAGE AND REFUSE COMPACTORS." Affidavits of Posting and Publication were presented by Town Clerk Diana L. Quast.

Town Attorney Michael McDermott gave an overview of the proposed local law.

Supervisor Grace stated this law would only apply to commercial properties.

Mr. Dan Strauss stated that this local law is a great idea and enclosing the dumpsters will provide for a nicer look particularly behind stores that face roadways.

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

ACCEPT DONATION TO THE SENIOR CENTER TRUST IN THE AMOUNT OF \$1,267.18
RESOLUTION #251

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

RESOLVED, that the Town Board accepts a donation in the amount of \$1,267.18 from the dissolved Chapter 2 club dues, to be deposited into the Yorktown Senior Center Trust to be used only for the Senior Center.

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

APPROVE PUMP STATION UPGRADE PROGRAM – DECLARE LEAD AGENCY
JEFFERSON PARK, WALDEN WOODS AND JEFFERSON VALLEY PUMP
STATIONS SEQRA - TYPE II ACTION – PROPOSED ACTION WILL NOT HAVE A
SIGNIFICANT ADVERSE EFFECT ON ENVIRONMENT
RESOLUTION #252

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

WHEREAS:

1. The three (3) wastewater pump stations identified above are located within the Hallocks Mill Sewer District.
2. The current New York State Department of Environmental Conservation (NYSDEC) SPDES permit for the Yorktown Heights Water Pollution Control Plant, issued in November 2015, require specific measures be implemented at wastewater pumping stations in regards to alarms and emergency operations
3. The Town retained an engineering consultant, GHD Consulting Services (“Engineering Consultant”), to perform a background study and evaluate alternatives for upgrades to the three (3) wastewater pumping stations.
4. The Engineering Consultant prepared a schematic design report dated February 2016 that outlined the recommended improvements. The report formed the basis of design and the Engineering Consultant prepared 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 (“the Action”).
5. The Contract Documents indicate that there shall be no direct disturbance to Town of Yorktown and NYSDEC delineated wetland areas. The Action will result in a limited ground disturbance and select tree removal within the 100-foot wetland buffer areas.
6. The Contract Documents indicate the Action will result in a land disturbance of greater than 5,000 square feet and cut/fill volumes that exceed 50 cubic yards. The Town requirements for stormwater management measures are being implemented while the construction work is in progress. The Contract Documents include an erosion and sedimentation control plan and details in accordance with Town standards.
7. The Contract Documents indicate that all disturbed wetland buffer areas shall be restored utilizing a restoration seed mix. Trees that are cut shall be removed and replaced at a minimum of 1:1 in number with a native species.
8. The Engineering Consultant and their Designee will provide professional services during construction to monitor and inspect all environmental aspects and conditions of the Action to ensure compliance with the Contract Documents.
9. Details of the Action were presented at a public meeting of the Town Board on June 7, 2016 in which the public had an opportunity to gain information and ask questions regarding the action.
10. The Town Board intends to act as Lead Agency in the coordinated review of said Actions under SEQRA and further intends to implement and complete all responsibilities of that office.
11. The Town Board has determined that the proposed action is a Type II Action in accordance with Section 6 NYCRR under the State Environmental Quality Review Act (SEQRA), found the Proposed Action will not have a significant adverse effect on the environment and therefore further environmental review is not required.

NOW THEREFORE BE IT RESOLVED the Town Board declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.

The Action is approved by the Town Board subject to compliance to the Contract Documents and subject to future revisions. Plans entitled: "Town of Yorktown New York Pump Station Upgrade Program-Jefferson Park, Walden Woods, and Jefferson Valley-86-18742" prepared by GHD Consulting Services, Inc. dated March, 2016.

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

APPROVE REFUND FOR OVERPAYMENT OF WATER BILL - 308 HEATHER COURT

RESOLUTION #253

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

RESOLVED, that upon recommendation of the Northern Westchester Joint Water Works, the amount of \$431.34, overpayment of final Water Bill Acct #43-10290308 be hereby refunded.

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

AUTHORIZE TOWN ATTORNEY TO COMMENCE A LEGAL ACTION AGAINST 1331 METRO HOLDING CORP/ROMA BUILDING

RESOLUTION #254

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

BE IT RESOLVED that the Town Attorney is hereby directed to commence an action against 1331 Metro Holdings Corp pursuant to the applicable statute, rule or regulation, including but not limited to, New York State Executive Law, the New York State Town Law, the Code of the Town of Yorktown to seek the necessary judicial order directing the abatement of the conditions at the Roma Building located at 2038 Saw Mill River Road, Yorktown, New York.

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

AUTHORIZE TOWN CLERK TO REFER OUT APPLICATION RECEIVED BY ALEXANDER EQUITIES, LLC FOR AN AMENDMENT TO A SPECIAL USE PERMIT- GASOLINE STATION

RESOLUTION #255

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Alexander Equities, LLC for an amendment to a Special Use Permit. The request is to approve a signage change to the existing canopy and approve a free standing sign at the Sunoco Gasoline Station formerly known as Hess located at 3919 Crompond Road, also known as Section 25.20, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown, and

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations by June 20, 2016. A Public Hearing will be scheduled for June 21, 2016.

Referred to the following agencies:

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Patricia Cole the cash value of unused time as of her date of retirement, Friday, May 27, 2016

Rate of Pay: \$32.7142 hourly				
Sick	1,500 hours @ 50% = 750 hours			
	750 hours x 32.7142	=		\$24,535.65
Vacation	157.50 hours	x	\$32.7142	= \$ 5,152.49
Floating Holidays	7.50 hours	x	\$32.7142	= \$ 245.36
Longevity				
\$1,400 / 261 days = \$5.36 per day				
03/10/16 to 05/27/16 = 56 days				
	56 days	x	\$5.36	= \$ 300.16
Total				\$30,233.66

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

From:		
D909.8 Highway Fund Balance	Accrued Employee Liability	\$29,688.14
D5110.106	Highway Longevity	\$ 300.16
D5110.101	Highway Salary	\$ 245.36
To:		
D5110.108	Highway Lump Sum	\$30,233.66

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

AUTHORIZE COMPTROLLER TO PAY GARY FISTER THE CASH VALUE OF UNUSED TIME AS OF HIS RETIREMENT DATE
RESOLUTION #258

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Gary Fister the cash value of unused time and pro-rated longevity as of his retirement date, May 26, 2016

Rate of Pay: \$56.3855 hourly				
\$451.08 daily				
Compensatory	1.75 hours	x	\$ 56.3855	= \$ 98.68
Vacation	2 days	x	\$451.08	= \$ 902.16
Holiday Pay	5.29 days	x	\$451.08	= \$2,386.22
Longevity				
\$2,175 / 236 days = \$9.22 per day				
01/03/16 to 05/25/16 = 96 days				
				= \$ 885.12
Total				\$4,272.18

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

From:		
A3120.102	Police Salary	\$1,000.84
A3120.107	Police Holiday	\$2,386.22

A3120.106 Police Longevity \$885.12
To:
A3120.108 Police Lump Sum Payments
Amount: \$4,272.18

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

AUTHORIZE RELEASE OF BANK CERTIFICATES OF DEPOSIT #44958 IN THE AMOUNT OF \$25,000 AND #44957 IN THE AMOUNT OF \$15,000 – CREATIVE LIVING RESOLUTION #259

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

WHEREAS, C.J. Diven as applicant, provided the Town with Gotham Bank Certificate of Deposit #44958 in the amount of \$25,000.00, which was accepted by the Town Board at its meeting on April 20, 2011, to serve as the Wetland and Tree Bond which will be held for a five-year period, for the Creative Living Site Plan located on Navajo Road, and

WHEREAS, C.J. Diven as applicant, provided the Town with Gotham Bank Certificate of Deposit #44957 in the amount of \$15,000.00, which was accepted by the Town Board at its meeting on April 20, 2011, to serve as the Erosion Control Bond for the Creative Living Site Plan, and

WHEREAS, the applicant has requested the monies be released, and

WHEREAS, the Town Engineer has reviewed the work that has been performed to date and concurs that the work that has occurred has been satisfactorily completed, NOW, THEREFORE BE IT

RESOLVED, that the Town Board releases the above referenced Assignments to Mr. Bruce Adler, c/o Creative Living, 99 South Newman Street, Hackensack. NJ 07601. Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE POLICE DEPARTMENT TO PURCHASE THREE (3) FORD EXPLORER INTERCEPTORS OFF STATE CONTRACT RESOLUTION #260

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

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of three new police vehicles in the Police Department's 2016 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Explorer Police Interceptors; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for Ford Explorer Police Interceptors; and

WHEREAS, Van Bortel Ford, Inc of East Rochester, New York has submitted the lowest bid for Ford Explorer Police Interceptors; and

WHEREAS, the State of New York Office of General Services has awarded contract # PC66744 to the lowest bidder, Van Bortel Ford; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase three (3) Ford Explorer Police Interceptors from the State of New York Office of General Services contract # PC66744 from Van Bortel Ford in the amount of approximately eighty seven thousand dollars and no cents (\$87,000.00).

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

AUTHORIZE TOWN SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES FOR AAA TRANSPORTATION PROGRAM
RESOLUTION #261

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

Resolved, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for AAA Transportation Program in the amount of \$2,159.00. This is for the period of April 1, 2016 through March 31, 2017.

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSIT FOR STREET OPENING PERMIT #0016-003
RESOLUTION #262

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

Resolved, that upon recommendation of the Highway Superintendent, the Town Board authorizes the release of the following escrow deposits to PanBar Realty, LLC, 361 Route 6, Mahopac, NY 10541: Street Opening Permit #0016-003, \$1,000.00.

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

AUTHORIZE COMPTROLLER TO REFUND DUPLICATE TAXES
RESOLUTION #263

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payment to Account #3765500 in the amount of \$116.66.

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

MONTHLY REPORTS

The Town Board accepted the following Monthly Reports:

Building Construction Report May 2016
Receiver of Taxes – May 2016

AUTHORIZE PAYMENT TO FIX HORIZONTAL GRINDER “BEAST”
RESOLUTION #264

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

Whereas, the Town of Yorktown has received invoices totaling \$109,637.93 for repair to the horizontal grinder, and

Whereas, the Town of Yorktown received insurance recoveries totaling \$82,971.48 for repair of the horizontal grinder which were credited to D2680.1 Insurance recoveries, Now

Therefore be it resolved that the Town Board authorizes the Comptroller to transfer the following for payment of the horizontal grinder repair:

From	To	
D 909 Fund Balance	D 5110.418 Equipment Maintenance	\$91,860.30
SR 909 Fund Balance	SR 7210.418 Equipment Maintenance	\$ 8,888.82
YS 909 Fund Balance	YS 8130.418 Equipment Maintenance	\$ 8,888.82

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

LOCAL LAW #10 AMENDING THE TOWN OF YORKTOWN ZONING MAP
RESOLUTION #265

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

WHEREAS, a public hearing was held on the 7th day of June, 2016 pursuant to notice duly published as required by law to amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to the R-3 zoning district:

Section 15.15, Parcel 1, Lot 22 (15.15-1-22) (approximately one acre)

Section II. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed

Section III. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

RESOLVED, that Local Law #10/2016, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on rollcall, 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 #10 of 2016 is hereby duly adopted.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Gil Kaufman stated that the enrichment program uses the senior room in the afternoon and there has been some damage to the flooring, tables and chairs. He also mentioned that the Town Board accepted a donation for the senior trust and that money could be used for security cameras at the YCCC.

Ms. Miriam Curtain spoke about the Quality of Life Committee and hopes that the Town Board will continue to allow people to speak at Courtesy of the Floor. She also suggested having microphones used during work sessions and having them televised.

Mr. Nick Toumanios spoke about 482 Underhill Avenue and the situation that occurred there where a young person passed away from a drug overdose. He asked the Supervisor what the Town will be doing about this.

Mrs. Susan Siegel stated that a home rule was previously sent to the New York State Legislature asking to have a task force created to provide legislation to regulate sober homes.

Mr. Ed Ciffone spoke about the rezoning on Lexington Avenue and back taxes. He also thanked Mr. David Rambo for his service to the Town as the Water Distribution Superintendent who recently resigned.

Councilman Bernard stated that there will be no change to Courtesy of the Floor, if the Quality of Life Committee is created. The Town Board wants to hear from its residents and this is another way for residents to address the Town Board.

Supervisor Grace stated that the Committee will be addressing Quality of Life issues and he is against televising work sessions.

Councilman Diana stated that this committee is not being created to stifle the public but to enhance communication with the residents.

Councilman Patel stated that we should honor our volunteers and put Courtesy of the Floor first.

ADJOURN

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

Diana L. Quast, Town Clerk
Town of Yorktown