

Meeting of the Town Board, Town of Yorktown held on October 17, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

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

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

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

FLAG PRESENTATIONS

There was a presentation of new town flags that will be erected at Patriot Park and the front of Town Hall. The first flag presented was the United States flag that was first adopted on December 3, 1775. The latest version was adopted on July 4, 1960 when Hawaii attained statehood. The flag was presented by Eric DeBartolo on behalf of the Yorktown Chamber of Commerce.

Matt Slater, representative for Senator Murphy, presented the New York State flag that was adopted in 1778 and shows the New York State coat of arms against a field of blue.

Six flags of the armed forces were also presented from the American Legion and Veterans of Foreign Wars for the Ring of Honor at Patriot's Park:

- The flag of the U.S. Army was first dedicated and flown before the public on June 14, 1956 at Independence Hall, Philadelphia upon the 181st anniversary of the establishment of the U.S. Army by the Continental Congress. The flag is white silk with a blue embroidered central design of the original War Office seal. "United States Army" is inscribed in white letters on a scarlet scroll, with the year 1775 in blue numerals below. The U.S. Army flag was presented Tony Grasso.
- The first U.S. Navy Jack flag has red and white stripes with the words "Don't Tread On Me" and a rattlesnake in the middle; it is the current U.S. jack authorized by the United States Navy. This flag was presented by John Giacomini.
- The flag of the U.S. Air Force is the Air Force seal surrounded by thirteen white five-pointed stars on a blue background (which represent the thirteen original colonies); the three-star grouping at the top portrays the three Departments of the Department of Defense (Army, Navy, and Air Force). This flag was adopted on March 26, 1951. The U.S. Air Force flag was presented by Carl Diliberto.
- The flag of U.S. Coast Guard is white with a dark blue Great Seal of the United States. The shield on the eagle's breast has a blue chief over vertical red and white stripes. Inscribed in an arc above the eagle is "United States Coast Guard" and below the eagle is the Coast Guard motto, "Semper Paratus" (Always Ready). Beneath that in Arabic numerals is 1790 – the year in which the service's ancestor, the U.S. Revenue Cutter Service, was founded. This flag was adopted on January 28, 1964. The U.S. Coast Guard flag was presented by Lee DeFrancesco.

- The flag of the U.S. Marine Corps is scarlet with the Corps emblem in gray and gold. It was adopted on January 18, 1939, although Marine Corps Order 4 had established scarlet and gold as the official colors of the Corps as early as 1925. The indoor/parade version is bordered by a gold fringe while the outdoor version is plain. This flag was presented by Al Laughlin.
- The flag of the U.S. Merchant Marine is a proud branch of service that is often overlooked. In peacetime its ships carry cargo and passengers, and in war they act as a reserve for the U.S. Navy. Created by the 74th Congress of the United States on June 29, 1936, the Merchant Marine Fleet services date all the way back to the Revolutionary War. However, it wasn't until May 24, 1994 that the official Merchant Marine flag was introduced. This flag was presented by Tom Einwich.

YORKTOWN POLICE DEPARTMENT AWARDS PRESENTATION

Chief Robert Noble presented the following awards:

- Meritorious Policy Duty Award to Sergeant Mark Rapisarda and Police Officer Michael Campion
- Lifesaving Award to Police Officer Keith Fortunato and Police Officer Thomas Be4yrer
- Excellent Policy Duty Award to Police Officers Michael Woodard, Anthony Dipietrantonio, Jason Swart, Michael Campion, Thomas Beyrer, Devin Gregorio, John Battista, John Hasset, Sergeant Mark Rapisarda, Detectives George Davis and Brian Shanahan, and Dispatcher Rose Vanca
- Certificate of Commendation to Police Officers Don Peters, Michael Kahn, Michael Tillstrand, and Max Ellsworth.
- The following civilians were honored for their actions in assisting the Yorktown Police Department: Bobby, Calvin, and Everett Rose, Jorge Bento, Claudio Saca, Freddy Alonzo, and Salvador Alonzo, the Lake Mohegan Fire District for their donation of one of their Ford Explorers to the YPD K9 Program.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Grace stated that recently the Town passed a Litter Camera Law and he wanted to inform everyone that the cameras are out there and functional. The police are now watching out for litter coming from vehicles and the owner of the vehicle can be fined up to \$500.00.

Supervisor Grace said that the Board has been exploring the rehabilitation of the tennis courts in Town. The Town has 12 courts: 6 active and 6 closed. Of the 6 that are closed, 4 are slated for rehabilitation: Downing Lower and Downing Upper, Blackberry Woods, and Shrub Oak. Shrub Oak and Downing Upper are in need of total rehabilitation (\$130,000 to \$150,000) and will need to be competitively bid. Downing Lower and Blackberry come in at a more modest cost of approximately \$40,000.00. The Town was hoping that the Downing Court rehabilitation budget would be under \$35,000 which would have allowed for 3 quotes rather than a competitive bid. The Parks and Recreation Supervisor and the Town Attorney will be preparing bid documents for the repair of all courts. It does not mean that all will be repaired but will give a price range. Most likely, the Downing Lower and Blackberry Woods courts will be the first to be repaired. The Downing Upper Court will probably not be done until a decision has been made about the relocation of Parks and their equipment from the upper courts which ties in with the relocation of the Highway Garage.

PUBLIC INFORMATION HEARING FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION GRANT BUILD A SAFE NY PROGRAM

Town Engineer Michael Quinn stated that earlier this year the Town received two grants from the Department of Transportation (DOT): One for the Hill Boulevard Bridge Replacement Project which is a \$2.6 million project and the grant was for \$2.47 million so there is a 5 percent Town match; the other is a culvert replacement at Veterans Road and that has been 100 percent funded (\$820,000 grant received). WSP has been asked to prepare the engineering report and do the engineering design and as part of that report, this public information session is required.

A representative from WSP presented the information regarding the background to the identification of these 2 critical infrastructure repairs. The timeline for the projects is driven by the BridgeNY requirements with a construction end date of September 2019. The objectives of the projects was presented which were to eliminate structural deficiencies, improve safety and approach roadway transitions, and improve hydraulic performance during peak storm events. Each of the project areas were shown in detail and the methods for repair.

Supervisor Grace thanked Town Engineer Michael Quinn and W.B. Sells for their work on this project and securing the grant money. The Town had embarked on an assessment of the inventory and audit of the infrastructure and was able to secure \$3.4 million in grant money. Based upon not having to spend this money, the Town allocated that \$3.4 million for additional road paving.

Councilman Patel asked when the payment of the grant is received by the Town. Mr. Quinn stated that we pay the contractor and then submit for reimbursement from New York State.

Supervisor Grace also mentioned that the Town is going to purchase a weed harvester for the lakes. Yorktown has several lakes whose associations have been requesting the reallocation of one lake association's weed harvester to use on other lakes and now that harvester has broken down. Supervisor Grace stated that the Town should be receiving \$80,000 in grant money from Senator Murphy's office and will purchase a harvester that will be used for all of the lakes in Yorktown. The Town will need to contribute about \$120,000 and will be going out to bid on this item soon.

APPOINTMENT LABORER IN THE WATER DEPARTMENT - GIULIO E. ELISEO
RESOLUTION #375

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

BE IT RESOLVED that Giulio E. Eliseo of Yorktown Heights, New York, is hereby appointed Laborer, job class code 0425-05, within the Water Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$40,684.00 annually;

BE IT RESOLVED, contingent upon successfully completion of a drug test and reference checks,

BE IT RESOLVED, that Giulio E. Eliseo will report to work at the Water Department on October 23, 2017 and this date will be used as the first date of appointment,

BE IT FURTHER 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 appointment on October 23, 2017.

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

PROMOTION TO WATER MAINTENANCE WORK GRADE I IN THE WATER
DEPARTMENT DOUGLAS M. NEESON
RESOLUTION #376

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

BE IT RESOLVED that Douglas M. Neeson of Putnam Valley, New York, is hereby appointed promotionally to the Civil Service Title, Water Maintenance Worker Grade I, job class code 0620-01, from Eligible List No. 74-652, within the Water Department, effective October 23, 2017, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 12, Step 4 which is \$64,435.00 annually,

BE IT FURTHER 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 appointment on October 23, 2017.

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

TRANSFER FROM BUILDING AND MAINTENANCE DEPARTMENT TO WATER
DEPARTMENT - VINCENT G. CALICCHIA, LABORER
RESOLUTION #377

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

BE IT RESOLVED that Vincent G. Calicchia, Jr. is hereby transferred from the Building Maintenance Department to the Water Department as a Laborer, job class code 0425-05, effective November 20, 2017, with no change in salary.

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

JEFFERSON VALLEY MALL SITE PLAN APPROVAL – WASHINGTON PRIME

Supervisor Grace stated that there were no resolutions ready at this time but was told by Town Attorney McDermott that he could take a consensus of the Board. This project had been discussed at previous meetings and site visits had been made. This project will also include a dedicated Town road that will be an extension of Strang Boulevard, as yet unnamed. This will allow the construction of another 8,000 sq. ft. pad to the northeast section of the site which will include a 26-foot pylon sign, and a new row of parking, reduction of the berm, tree removal, new plantings, and a new multi-tenant building.

Supervisor Grace stated that they will receive a written decision but they will also need to present a mylar site plan for the Supervisor's signature.

Town Attorney Michael McDermott mentioned that there is also a maintenance agreement in connection with that road which he received from Mr. Harrison. Mr. McDermott said he and Highway Superintendent David Paganelli are working on the details and it should be ready soon.

Supervisor Grace stated that this agreement would be subject to the Town Attorney's approval and for his signature.

712 KITCHAWAN REZONING REQUEST AND ZONING MAP AMENDMENT

Supervisor Grace stated that they will also have to provide a mylar with site plan approval of uses and explained that this is a site plan map with the conditions on it. A written resolution will be done but they actual site plan needs to be prepared for the supervisor's signature that will include a schedule of uses since this is a transitional zone. Mr. Spiro, the applicant, stated that the site plan has already been submitted.

VILLAGE TRADITIONS REZONING REQUEST AND ZONING MAP AMENDMENT

The Town Board considered the request from Village Traditions, LLC, the owners of premises located at 1821 East Main Street, Mohegan Lake, NY, also known as Section 15.16, Block 1, Lot 32 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a C-2/O Zone to C-2R Zone in order to change two structures: one 3,000 square foot 2-story office structure to a 3,000 square foot building with one apartment, and change to C2-R for a second building to also have an apartment.

LEAD AGENCY DECLARATION AND NEGATIVE DECLARATION FOR VILLAGE TRADITIONS REZONING REQUEST AND ZONING MAP AMENDMENT RESOLUTION #378

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

WHEREAS, the Town Board of the Town of Yorktown ("Town Board") received a request for a Zoning Map Amendment, dated April 24, 2017, from Village Traditions, LLC ("the Petitioner") for the property located at 1821 East Main Street, Mohegan Lake, NY, also known on the Town Tax Map as Section 15.16, Block 1, Lot 32 ("the Property"); and

WHEREAS, the Property is presently zoned C-2/O as a result of Local Law No. 9 of 2011; and

WHEREAS, the Petitioner is seeking a Zoning Map change for the entirety of the property, to a C-2R Zoning District; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (EAF), dated May 24, 2017, and pursuant to NNYSCR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, there has been no objection to the Town Board Declaration of Intent for Lead Agency dated

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

NOW THEREFORE BE IT RESOLVED the Town Board thereby declares Lead Agency for this action; 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 following Negative Declaration:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Rezone Request by Village Traditions LLC
Town of Yorktown, Westchester County

SEQRA Status: ___ Type 1
 X Unlisted

Conditioned Negative Declaration: ___ Yes
 X No

Description of Action: The applicant, Village Traditions, LLC, the owners of premises located at 1821 East Main Street, Mohegan Lake, NY, also known as Section 15.16, Block 1, Lot 32 on the Yorktown Tax Rolls, requested to amend the Zoning Map to change their parcel from the C-2/O zoning districts to the C-2R zoning district.

Location: 1821 East Main Street, Mohegan Lake, in the Town of Yorktown, Westchester County, New York. Parcel is described on the Town of Yorktown tax roll as Section 15.16 Block 1 Lot 32.

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a material demand for other actions.

8. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
9. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
10. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

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

DECISION FOR VILLAGE TRADITIONS REZONING REQUEST AND ZONING MAP AMENDMENT
RESOLUTION #379

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

WHEREAS, the Town Board of the Town of Yorktown ("Town Board") received a request for a Zoning Map Amendment, dated April 24, 2017, from Village Traditions, LLC ("the Petitioner") for the property located at 1821 East Main Street, Mohegan Lake, NY, also known on the Town Tax Map as Section 15.16, Block 1, Lot 32 ("the Property"); and

WHEREAS, the Property is presently zoned C-2/O as a result of Local Law No. 9 of 2011; and

WHEREAS, the Petitioner is seeking a Zoning Map change for the entirety of the property, to a C-2R Zoning District; and

WHEREAS, the Town Board gave notice of a public hearing to be held on July 18, 2017, to consider the Application; due notice was posted at Town Hall; due notice was published in the official newspaper of the Town; and the Town Board held the public hearing on July 18, 2017 which was reconvened and closed on October 3, 2017 to consider the rezoning; and

WHEREAS, the Town Board has determined that the rezoning action is an Unlisted Action under SEQRA; and

NOW THEREFORE BE IT RESOLVED, the Town Board adopted a negative declaration pertaining to this action by Resolution #377 of 2017, finding that there will be no significant adverse effect as a result of the action; and

BE IT FURTHER RESOLVED, by the Town Board that the Petition for a Zoning map Amendment rezoning from C-2/O to the C-2R zoning district is hereby approved.

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

ADOPTION OF LOCAL LAW TO AMEND ZONING MAP – VILLAGE TRADITIONS
RESOLUTION #380

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

WHEREAS, a public hearing was held on July 18, 2017 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown as follows:

The following lot on the Tax Map of the Town of Yorktown are rezoned from C-2 to C2R, as shown on Exhibit "A," and as further described by metes and bounds in Exhibit "B," both of which are annexed hereto and incorporated as if set forth in full herein:

Section 15.16 Section 1 Lot 32 (Approximately 1 acre) located at 1821 East Main Street, Mohegan, NY 10588

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

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #15 of 2017 is hereby duly adopted.

ADOPT LOCAL LAW #16 of 2017 TO ADD NEW SECTION 300-86G ENTITLED
“PERMITTED USES” G. HEALTH OR FITNESS CLUB
RESOLUTION #381

Upon motion made Councilman Diana, seconded by Councilman Bernard,

WHEREAS, a public hearing was held on September 19, 2017 pursuant to notice duly published as required by law to add a new Section 300-86G of the Code of the Town of Yorktown entitled “PERMITTED USES” as follows:

Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” is hereby amended by adding a new §300-86G of the Code of the Town of Yorktown entitled “Permitted Uses” as follows:

G. Health or Fitness Club

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

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #16 of 2017 is hereby duly adopted.

NEGATIVE DECLARATION FOR SECTION 300-86G ENTITLED “PERMITTED USES”
ADDING HEALTH OR FITNESS CLUB
RESOLUTION #382

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

Resolved, that the Negative Declaration under SEQRA for this textual change is approved.

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

RECONVENE PUBLIC HEARING FOR JEFFERSON VALLEY MALL INTERIOR SITE
PLAN APPROVAL SERITAGE

Supervisor Grace reconvene a public hearing to consider the Site Plan Approval Application for property located at the Jefferson Valley Mall, 650 Lee Boulevard in the Town of Yorktown. The request is to perform the following activity: interior renovations to the existing Sears lower level to develop 37,201 square feet of retail space and a 38,616 square foot fitness center, inclusive of a 5,732 square foot building expansion with parking area and associated site improvements.

Albert Cappelini, attorney for the applicant, introduced Raphael Castelli, project architect, and Erick Mein from Bohler Engineering, who will show how the plans have changed from the last meeting to the final product this evening. Mr. Castelli discussed the changes that included the relocation of the trash area for the proposed restaurant to keep out of the parking area. He also spoke of the exterior elevation changes and the changes to the colors of the façade.

The representative from Bohler Engineering, Erick Mein, showed changes to the parking area for a better flow of traffic, and tree relocations. Atlantic Traffic and Design Engineers submitted a traffic report that showed no significant impact due to the proposed changes.

Mr. Howard Frank, resident, asked if the Town Engineer looked at the amount of gallons that will be used and where the effluent will go when these changes are made since there were problems with the other sewer line that goes down to the Route 6 sewer connection. He also asked if the fire department inspected the accesses and fire hydrant placements.

Supervisor Grace stated that this is a different line altogether that will go to Peekskill. Mr. Frank asked if there is a safety plan that shows the sprinkler system and fire hydrants.

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

Supervisor Grace instructed the applicants to come back with a mylar site plan with all of the required information for his signature.

APPROVE JEFFERSON VALLEY MALL INTERIOR SITE PLAN - SERITAGE
RESOLUTION #383

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

Resolved, that the Jefferson Valley Mall Interior Site Plan for this project is approved.

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

CANCEL PUBLIC HEARING FOR STORMWATER/WETLANDS PERMIT –
600 MADISON COURT - SCIALDONE
RESOLUTION #384

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

RESOLVED, the public hearing set for the application for a Stormwater/Wetlands Permit submitted by John Scialdone for premises located at 600 Madison Court, Yorktown Heights is hereby cancelled as it was deemed unnecessary.

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

STORMWATER PERMIT APPLICATION – 600 MADISON COURT – SCIALDONE
RESOLUTION #384

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

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a MS4 Storm Water Management permit for construction of a single-family house.
2. The Approval Authority for this permit application is the Town Board.
3. The application fee of \$1,500 was paid by the Applicant.
4. The Applicant submitted engineering plans prepared by Insite Engineering, dated 9/13/2017.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
2. The Town Engineer shall issue the permit in accordance with the terms of this resolution and with the conditions below.
3. The following conditions are included as part of the Action: All comments listed in the Town Engineer's memo dated 9/26/17 and then updated on 10/2/17 and copied below hereto shall be addressed to the satisfaction of the Town Engineer prior to issuance of any permits.

The Engineering Department has met with the Applicant and reviewed several sets of plans for this project. At this time we have the following comments on the revised documents:

Description of Work: Construction of a single family home and 2-car garage structure along with approximately 200 linear feet of retaining wall (maximum height 4-feet) and other site improvements. Includes installation of a driveway, an underground infiltration system, minor re-grading and landscaping.

Plans Reviewed: Drawings SP-1 and SP-2 (2 sheets) prepared by Insite Engineering, Surveying and Landscape Architecture, John Watson, P.E., Revision 4, dated 11/2/17

Conditions that must be met prior to the commencement of work:

1. A Performance Bond shall be established in the amount of \$500 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that at least 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing removed, all post-construction controls satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. The Performance Bond is taken for a period of no more than twelve (12) months, unless an extension is granted in writing by the Town Engineer prior to the permit expiration date. If the stabilization and re-vegetation has not been completed during this period, the Town will declare the bond in default and monies shall be forfeited to the Town.
3. A Yorktown Building Permit must be obtained from the Building Department.
4. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the proposed land disturbance area.
5. The property lines must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.
6. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut. Only those trees specifically shown on the plans may be removed, a new permit shall be obtained from Engineering should the removal of any other trees be required.
2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. No soil storage outside the limit of disturbance line is permitted and must be solely on Applicant's property. Road in front of property must be kept broom clean at all times.
4. The applicant or their representative shall notify the Engineering Department prior to backfill of any underground stormwater management practices, i.e. for the footing drain/sump pump discharge and the retaining wall drainage. The engineering inspector will confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
5. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess

soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve in writing prior to the work occurring.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

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

PUBLIC HEARING FOR STORMWATER MANAGEMENT AND WETLAND PERMIT APPLICATION GRETCHEN MORFEA -1711 MOHANSIC AVENUE EAST

Supervisor Grace convene a public hearing to consider the Stormwater Management and Wetland Permit Application received from Gretchen Morfea for property located at 1711 Mohansic Avenue East, Yorktown Heights, NY 10598, also known as Section 37.17, Block 1, Lot 16. The request is for the installation of an in-ground pool.

Councilman Lachterman explained that this application was reviewed with the Conservation Board who found that the original plans for the in-ground pool posed a concern because it was considered to be too close to the stream on the property. The Conservation Board recommended repositioning the pool which plans are being presented now. Mr. Morfea explained what his plans for his property are; he stated that he spent much time with the Town Engineer and incorporated suggested changes.

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

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

STORMWATER MANAGEMENT AND WETLAND PERMIT APPLICATION GRETCHEN MORFEA -1711 MOHANSIC AVENUE EAST
RESOLUTION #385

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

WHEREAS:

1. The Applicant, Gretchen Morfea, submitted an application for a Wetland and a Stormwater Pollution Prevention Plan permit for construction of in-ground swimming pool.
2. A Public Hearing was held regarding this application on 10/17/2017.
3. The Approval Authority for this permit application is the Town Board.
4. All required application fees have been paid.
5. The Applicant submitted engineering plans for the subject property, entitled: Proposed Site Plan New In-ground Pool for Morfea Residence by SJF Engineering Services, revision 1 dated 8/18/17.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.

3. All comments listed in the Town Engineer's memo dated 9/25/17 have been satisfied.
4. The following conditions are included as part of the Action:

Conditions that must be met prior to the commencement of work:

1. A Performance Bond shall be established in the amount of \$250 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that at least 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing removed, all post-construction controls satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
1. The Performance Bond is taken for a period of no more than twelve (12) months, unless an extension is granted in writing by the Town Engineer prior to the permit expiration date. If the stabilization and re-vegetation has not been completed during this period, the Town will declare the bond in default and monies shall be forfeited to the Town.
2. A Building Permit must be obtained from the Building Department.
3. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.
4. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the proposed land disturbance and soil stockpile area. A stabilized construction entrance shall be installed at the edge of pavement to prevent off-site migration of spoils.

Conditions that must be met during construction:

1. The entire scope of work is shown on the plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. Road in front of property must be kept broom clean at all times.
4. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve prior to the work occurring.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
1. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

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

STORMWATER MANAGEMENT AND WETLAND PERMIT APPLICATION - FELICITY ARENGO AND ELAINE CHAPNIK - 3211 LAKESHORE DRIVE

Supervisor Grace convened a public hearing to consider the Stormwater Management and Wetland Permit Application filed by Joseph Buglino, Alfandre Architecture/EcoBuilders, on behalf of the owners Felicity Arengo and Elaine Chapnik for the construction of a single family dwelling for property located at 3211 Lakeshore Drive, Mohegan Lake, NY 10547, also known as Section 25.08, Block 3, Lot 2.

Town Engineer Michael Quinn explained that this is an application for a new single-family house on an undeveloped lot that backs up to Mohegan Lake. The house is 1400 square feet.

Felicity Arengo and Elaine Chapnik, the current owners of the lot, introduced themselves and explained their plans for their two bedroom, 2 bath home. They are aiming for a zero-net energy home and are working with environmental “green” builders to achieve this. This lot was the subject of a previous public hearing that had granted the previous owner a larger house. The home will be connected to the sewer.

Steven Scaldaferrri, resident across the street from the proposed building site, stated that the lake has been suffering for years with algae blooming and the community has been struggling to deal with this for years; he would like to see this lot left untouched. Disturbing any area of the lake will just make matters worse, and he would like to see the permit denied.

Councilman Bernard mentioned that the Board had received some emails objecting to the permit.

Ken Belfer, resident and president of the Mohegan Lake Improvement District, said he understands the concerns of the residents opposed to this project. He stated that he is not representing the Improvement District this evening, although this project will undoubtedly be discussed at their meeting being held next week. He stated that he and the Improvement District were present for the previous public hearing on this property and gave a lot input regarding the incorporation of changes to the plans. He said that he also understands that it is difficult to tell an owner that they cannot build on their land and feels that the plans these owners are presenting seem to be an improvement of the previous plans and are being done in a very respectful way.

Councilman Bernard recommended adjourning this public hearing and reconvene after Mr. Belfer’s board has had a chance to meet and gather suggestions/comments. Mr. Belfer said that he would make sure this is discussed at their meeting.

Supervisor Grace stated that he would like to see this project brought before the Board at a worksession so more discussion could take place and a comparison of the current owners’ plans to the previous owners’ approved plans could be reviewed.

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

AWARD BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT

RESOLUTION #386

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

WHEREAS:

1. The bid for Various Chemicals for the Water Pollution Control Plant was awarded October 18, 2016.
2. The Town rebid only four (4) of the nine (9) chemicals as the vendors agreed to hold their prices for a one (1) year period and are summarized as follows:

<u>CHEMICAL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID</u>
Ferric Chloride	PVS Technologies	\$635.00/dry ton
Ferric Chloride 37% to 40%	Slack Chemical	\$98.37 / per drum
Caustic Soda 50%	JCI Jones Chemicals	\$2.04 / per gallon
Caustic Soda 25%	Surpass Chemical	\$81.90 / per drum

RESOLVED, that the bid for Ferric Chloride be awarded to PVS Technologies, the low bidder, at a cost of \$635.00 per dry ton, and be it further

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Slack Chemical, the low bidder, at a cost of \$98.37 per drum, and be it further

RESOLVED, that the bid for Caustic Soda 50% be awarded to JCI Jones Chemicals, Inc., the low bidder, at a cost of \$2.04 per gallon, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to Surpass Chemical, the low bidder, at a cost of \$81.90 per drum.

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

EXTEND BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION
TREATMENT PLANT
RESOLUTION #387

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

WHEREAS:

1. The Town Board at its meeting of October 18, 2016, awarded the bid for Various Chemicals for the Water Pollution Control Plant, Bid #16-6, for nine (9) chemicals. The term of the contract was one year, expiring on 10/31/17.
2. The contract language included an option to extend the bid for up to two (2) additional 1-year terms, at the same price, contract terms and conditions, upon mutual consent of the Town and the contractor.
3. Three (3) of the vendors agreed to hold their bid price for an additional 1-year period:
 - a. Shannon Chemical Corp. for Citric Acid 50%,
 - b. Slack Chemical Co. for Sulfuric Acid not more than 51%, Sodium Bisulfite 38% and Sodium Hypochlorite 15% and
 - c. Clean Waters, Inc. for Polymer
4. The Town Engineer recommends that the Town accept the bid extension for an additional 1-year term, for the period of 11/01/17 through 10/31/18. Note: there will be one (1) remaining bid extension option upon mutual consent of the Town and the contractor.
5. There are four (4) chemicals in which the vendor did not wish to extend the current Town agreement, the Town is currently advertising for bids for these chemicals.

RESOLVED, that the Town Board extends the contract with the above referenced chemical companies, for Various Chemicals for the Water Pollution Control Plant, Bid #16-6, for a one year period, commencing on 11/01/17 and ending 10/31/18.

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

APPROVE RELEASE OF ESCROW DEPOSITS – HIGHWAY DEPARTMENT
RESOLUTION #388

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

RESOLVED, that upon recommendation of the Highway Superintendent, the Town Board authorizes the release of the following escrow deposits for the following permits:

<u>Permit Type</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	014-001	\$1000.00	Hanover St.	Panco Plumbing & Heating 953 Rt. 6, Mahopac, NY
Driveway	1186	\$500.00	Hanover St	Same as above
Driveway	1198	\$500.00	3084 Uncas	PanBar Realty, LLC 361 Rt. 6 Mahopac, NY 10541

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

APPROVE RELEASE OF BOND FOR PERMIT #FSWPPP-087-16 – KIPLING DRIVE
RESOLUTION #389

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

WHEREAS:

1. Mindy & Jason Wissing, as applicants, posted check #685 in the amount of \$250 to serve as the Erosion Control Bond which was deposited to the T33 account on December 16, 2016 for work performed at their Kipling Drive location.
2. Mindy & Jason Wissing, as applicants have requested monies be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies totaling \$250 be and are hereby released to Mr. & Mrs. Jason Wissing, 820 Kipling Drive, Yorktown Heights, NY 10598.

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

AUTHORIZE THE SUPERVISOR TO SIGN A GRANT APPLICATION UNDER THE NEW
YORK STATE DEPARTMENT OF HEALTH, COMPONENT 2 IMPLEMENTATION &
MAINTENANCE PROJECTS
RESOLUTION #390

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

RESOLVED, that the Supervisor is authorized to sign a grant application under the New York State Department of Health, Component 2 Implementation & Maintenance Projects for addition of fluoride to the Catskill Aqueduct water supply and is authorized the to act as the Authorized Representative for the application.

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

Supervisor Grace discussed the controversy and problems that the Town has had with the storage of fluoride in the past involving Cortlandt and the Northern Westchester Joint Water Works. Until the Town has a public hearing to discontinue fluoride in the water, the Town still has to provide it. Until the Town has an engineering solution and a budget set aside for it, the Supervisor said to consider Town water not fluoridated.

Councilman Patel stated that he would like to see the Commissioner of Health come to town and weigh in on the fluoride issue.

Supervisor Grace said that we are in the process of fluoridating the water, which is why we are applying for the grant.

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH
GENTECH LTD FOR EXTRA WORK FOR PREVENTATIVE MAINTENANCE AND ON
CALL SERVICES OF THE EMERGENCY GENERATORS
RESOLUTION #391

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

WHEREAS:

1. On 12/06/16, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with Gentech LTD for preventative maintenance and on-call service work of emergency generators. There are a total of twenty (20)

emergency generators Town-wide that are included in this agreement and the contract duration is 2 years. The total amount of the agreement: \$33,032.50.

2. For the preventative maintenance portion of work, the Contractor was required to perform maintenance/inspection tasks at the individual unit prices bid, which totaled \$21,860. The balance of the agreement, \$11,172.50, was for on-call services and an allowance for parts/materials. Gentech furnished hourly labor rates for regular and premium hourly rates that may be utilized by the Town on as-needed basis to perform repairs and emergency service work.
3. Gentech completed its first round of preventative maintenance in April 2017 and identified additional repair work that is needed for twelve (12) generators. We attribute the large amount of extra work due to two factors: (1) many of the emergency generators are old and approaching the end of their useful life, and (2) Gentech was required to perform detailed equipment assessments and maintenance tasks that were not required in previous service contracts. Maintaining emergency generators are critical to the operation of wastewater treatment plant and pumping stations and provide needed redundancy for equipment systems to continue operations in the event of a power outage.
4. The cost to undertake all of the recommended repairs at 12 generators is estimated at \$16,415, which exceeds the \$11,172 currently available for on-call services. The Engineering Department reviewed each of the vendor price quotes with the facility manager and recommends the work be performed at this time to ensure that emergency power is available when needed.
5. The Town Engineer recommends the Town Board approve an amendment to provide an additional \$10,000 for the remainder of the 2-year contract. This will pay for all of the extra work that has been proposed to date plus leave a balance of approximately \$4,500 for future extra work that may be needed.
6. The Department will use available funds for this work.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 1 in the amount of \$10,000 to the Agreement with Gentech LTD for Extra Work Related to the Preventative Maintenance and On-Call Services of Emergency Generators.

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

AUTHORIZE POLICE DEPARTMENT TO PURCHASE ONE WHITE FORD F250 PICK-UP TRUCK
RESOLUTION #392

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

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of a new pick-up truck in the Yorktown Police Department's 2017 budget; and

WHEREAS, the Yorktown Police Department requests authorization to purchase one (1) 2017 White Ford F250 Pickup Truck as specified in Westchester County Contract, and #RFB-WC-15304, 16155.

WHEREAS, the Yorktown Police Department has monies in its 2017 budget line 210 for the purchase of this vehicle, now

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) 2017 White Ford F250 Pickup Truck as specified in Westchester County Contract #RFB-WC-15304, 16155. Vance Country Ford in the amount of approximately thirty- two thousand nine hundred eight dollars and forty-seven cents (\$32,908.47).

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

COURTESY OF THE FLOOR

The following members of the public spoke:

Ken Belfer, resident, said thank you for the announcement of the harvester and for the Board's support and Senator Murphy's support in creating a partnership to take care of the lake.

Jay Kopstein, resident, brought up the construction on Kear Street and how it obstructed the westbound lane and forced traffic into the eastbound lane. He also believe the awnings that are being installed on the second floor is not according to their site plan or what their variance states.

Dan Strauss, resident, asked if the Town has fluoride in it right now. Supervisor Grace stated no. The pile of rocks by the barn on Veterans Road is an eyesore and needs to be removed, especially since the culvert is going to be repaired. Mr. Strauss thanked the Town Board for the litter cameras.

The following residents spoke in favor of the proposed repairs to the tennis courts:

Harold Pressburg, resident, asked for money to be appropriated now for the refurbishments so contractors know the Town is serious about the repairs. He spoke of the poor conditions of the courts and how important the courts are for the residents and the high school students.

Larry Killian, resident, displayed photos of the current conditions of courts that are being played on currently. He repeated what Mr. Pressburg said about appropriation of the funds.

Gary Montalbano, resident, spoke about how tennis is a sport that all ages can play.

Vincent Alessi, resident, spoke of how it is a benefit to the entire community and would like to see this a top priority.

Melvin Tanzman, resident, spoke about how the community has been hearing about the political vitriol that be publicized. He believes it is a political distraction from the real issues facing the Town. He raised the issue of a pledge of ethics that those in local government have been asked to sign. However, Councilman Patel did sign the pledge. Mr. Tanzman quoted some of what he deemed objectionable language used by some of those running for office.

Supervisor Grace stated that Mr. Tanzman is entitled to his position but that a few items needed clarification. The supervisor proceeded to respond and give explanation to Mr. Tanzman's examples of political vitriol.

Kathleen Fernald, resident, also voiced her support of the repairs of the tennis courts. She also mentioned the lack of tennis-related events that the Town used to have but no longer offer.

Maria Lucas, resident, appeared before the board regarding a flooding problem she has had with her down-gradient neighbor. She feels that the Town's failure to issue the neighbor a violation has forced her to spend additional money on civil engineer reports when they are not necessary. Ms. Lucas wants a permit issued to her so that she may correct the issues on her property that meets the Town's criteria on sub-surface drainage. She does not feel that this is an issue for lawyers to decide which is what she is repeatedly told by the Board.

Town Attorney Michael McDermott told Mrs. Lucas that this is private matter between her and her neighbor and stated that her attorney did not return their phone calls. He stated that the supervisor is not in the position to detail or address her litigation with her neighbor and the town engineer has always been available to mediate the technical details between her and her neighbor.

Supervisor Grace stated that this is a private drainage swale. The Town Board felt that they could mediate a solution between Mrs. Lucas, her neighbor, the insurance company, but ended up not being able to do so. He also stated that the Board could not spend public money fixing a

private owner's property issue. This is not the Town's drainage swale and to fix it would be considered a gift of public funds. He suggested that Mrs. Lucas have her attorney contact the Town Attorney.

Paul Moskowitz, resident, said that at the last town meeting he had two questions regarding the authorization for the Town to pay for legal representation for Supervisor Grace in a complaint against him brought by resident Susan Siegel: first, why is the Town paying for the legal representation; and second, why is the Town not using the Town Attorney for legal representation?

Ed Ciffone, resident, stated that there should be two segments of Courtesy of the Floor. He encourages residents to ask for this. He spoke of abuse of power and then referred to the petition he handed in regarding the proposed new Highway Garage. He said the Board has the right to put anything on the ballot. He said he was told in a letter by the Town Clerk that this petition is not valid to be placed on a ballot.

Howard Frank, resident, brought up a public safety issue regarding the agreement with GenTech and the maintenance of the emergency generators – does this include the Police Department since they have had power outages there. He also wanted to know the new Verizon cell tower would have a generator that would help the whole town. He spoke about the installation of fiber optics and that all of the generators should have an alarm system. He thanked the Town Clerk, Diana Quast, for answering his FOIL request regarding the Quality of Life Commission.

Claude Wallace, resident, is the up-gradient neighbor of Maria Lucas who spoke earlier. He said that his home has never water issues and he says that now the Department of Environmental Conservation wants to come in to look at his property. This issue is now affecting others in the neighborhood so it is a public issue, not private. Supervisor Grace said that he should speak privately with the Town Attorney. All of the people affected should petition for a drainage improvement district to create a taxing district that would allow for the improvements to the drainage. Supervisor Grace stated that he is not sure the information Mr. Wallace has received is correct regarding the effects to his property.

Susan Siegel, resident, asked how the public would know if a resolution that was passed has been implemented? She said that she assumed that when the resolution is passed that it is implemented but has found that this is not always the case and then proceeded to give examples. She also asked about the consensus vote that was taken earlier in the evening and the process of site plan and zoning issues. How can the Board pass these projects through without having the resolution in front of them? Mrs. Siegel also asked for the cost of the anti-litter cameras and the cost of their installation.

Councilman Bernard asked that Michael McDermott, Town Attorney, answer Mr. Moskowitz's questions regarding the use of Town funds to pay for legal representation for the supervisor. Mr. McDermott stated that the nature of the complaint alleges a conflict that would only allegedly exist because Michael Grace is the supervisor of the town. He made the determination that it was a proper expenditure of Town money. Mr. Raskin was hired because he specializes in this type of areas; he had been hired previously by the Town to represent a former town attorney so there was a precedent for this action.

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN