



Town of Yorktown

Office of the Town Clerk

**VIDEO CONFERENCE
FINAL TOWN BOARD MEETING AGENDA
FOR JUNE 16, 2020
363 Underhill Avenue, Yorktown, NY 10598**

6:30 PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

PERSONNEL

Human Resources
Police Department

LITIGATION & NEGOTIATION

Town Attorney

7:30 PM VIDEO CONFERENCE TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATION
Proclaiming June 19, 2020 Juneteenth Day In Recognition of the End of Slavery
WHEREAS, Juneteenth is recognized as the oldest nationally celebrated commemoration of the ending of slavery in the United States; and

WHEREAS, President Abraham Lincoln first issued the Emancipation Proclamation effective January 1, 1863, freeing the slaves in the South. However, southern slave owners ignored that order. On June 19th, 1865, Union soldiers arrived in Galveston,

Texas and enforced the president's order, freeing the slaves two and a half years after it was first decreed. This day has since come to be known as Juneteenth; and WHEREAS, Juneteenth has been also titled "Jun-Jun," "Freedom Day," "Emancipation Day," and "Emancipation Celebration;" and

WHEREAS, Juneteenth celebrations have been held to honor African-American freedom while encouraging self-development, education and respect for all cultures;

NOW THEREFORE BE IT RESOLVED, That the Town of Yorktown proclaims June 19th as Juneteenth Day in recognition of June 19, 1865, the date on which Union soldiers ended slavery in Galveston, Texas; and

FURTHER BE IT RESOLVED, The Town of Yorktown reiterates its stance against all forms of oppression, racism and bigotry; and

FUTHER BE IT RESOLVED, That the Town of Yorktown supports the continued nationwide celebration of Juneteenth Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped this nation.

8. POET LAUREATE

John McMullen

9. PRESENTATION

Yorktown Together Resource Guide for Diversity & Inclusion - Alliance for Safe Kids

10. COURTESY OF THE FLOOR

11. PUBLIC HEARINGS

Convene Public Hearing to amend Chapter 300 entitled "ZONING," Article VII, entitled "Permitted Special Uses," Section 300-80, entitled "Sidewalk Cafes."

Supervisor Matt Slater will convene a public hearing to consider a Proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article VII, entitled "Permitted Special Uses," Section 300-80, entitled "Sidewalk Cafes."

Reconvene Public Hearing to Amend Chapter 300, entitled "Zoning" by adding a new Article VII, Section 300-81.5 "Battery Energy Storage Systems."

Supervisor Matt Slater will reconvene a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled "Zoning" by adding a new Article VII, Section 300-81.5 "Battery Energy Storage Systems."

12. RESOLUTIONS

Approve Lead Agency, Negative Declaration and Authorizing a MS4 Storm Water Management & Tree Removal Permit for construction of a single family residence with site and driveway improvements at 320 Illington Road

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a MS4 Storm Water Management & Tree Removal permit for construction of a single-family residence along with associated site and driveway improvements (Proposed Action).
2. The Approval Authority for this Proposed Action is the Town Board as the proposed work will involve a land disturbance in excess of 200 cubic yards.
3. The application fee of \$1,500 was paid by the Applicant.
4. The Applicant submitted engineering plans for the subject property, entitled:
 - Property Survey prepared by Ward Carpenter Engineers, dated 10/18/09
 - Construction Documents prepared by Molinelli Architects, dated 2/7/20, 8 sheets.
5. The Engineering Department performed a review of the submitted documentation and all technical review comments were addressed in the resubmittal referenced above.
6. In regards to the Town Code, Chapter 270 Trees, the Applicant proposed to preserve trees to the maximum extent practicable. In order to construct the new residence, a total of 26 live trees must be removed. Since many of the trees being removed are within the footprint of the new structure, Applicant proposed to re-plant 13 trees as part of his land development project and pay a fee into the Tree Bank Fund for the net loss of 13 trees. Payment to the Tree Bank Fund was determined as follows: [13 trees @ \$100/tree = \$1,300] + [woodland disturbance of 18,539 sf @ \$300/5,000 sf = \$1,112] = \$2,412
7. The Board received a technical review memo from the Conservation Board dated 5/20/20 with the following comment:
 - Recommended use of Evergreens or Hemlocks to blend with the natural surroundings
8. The Town Board discussed this application at meeting held on 6/9/20. No members of the public spoke on this application.
9. The Town Board reviewed communications received from the Engineering Department, Planning Board, Tree Conservation Advisory Commission and Conservation Board.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Item, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. That the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse

environmental impacts, and that an Environmental Impact Statement need not be prepared.

3. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
4. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
5. As mitigation for the removal of trees, the Board accepts a fee payable to the Tree Bank Fund in lieu of tree replacement due to the limited opportunity to provide adequate on-site or off-site mitigation. The fee shall be \$2,412 as defined herein.
6. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.
7. The Town Engineer shall issue the permit in accordance with the terms of this resolution.

The following conditions are included as part of the Action:

- (1) Applicant shall submit payment to the Tree Bank Fund in the amount of \$2,214;
- (2) The use of evergreen or hemlock plantings shall be incorporated into the project as per Conservation Board comment dated 5/20/20; and
- (3) All draft conditions as listed in the Town Engineer’s memo dated 4/14/20 are adopted in the Engineering permit.

Authorize Comptroller to process the following Budget Transfer

Resolved, the Comptroller is hereby authorized to process the following budget transfer:

From:

A1990.499 General Fund – Contingency \$5,000.00

To:

A.1220.490 Professional Services \$5,000.00

For payment to Laberge Group for the preparation of a Funding Needs assessment.

Authorize Supervisor to sign an agreement with Thompson and Bender for additional services not to exceed an additional \$30,000.00

RESOLVED, that the Town Board authorizes the Supervisor to sign an Amended Agreement with Thompson and Bender for additional services to be provided to the Town of Yorktown for “Community Branding,” not to exceed an additional \$30,000.00, and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to process the following budget transfer:

From:	Contingency	A1990.499	\$30,000.00
To:	Communication	A1220.442.1	\$30,000.00

Authorize Town to issue a Request for Proposals for a Concession at Railroad Park

RESOLVED, that the Town is authorized to issue and advertise a request for proposals to conduct a concession at Railroad Park.

Authorize Supervisor to sign a COVID-19 Screening Agreement with Non-Town Users of the Albert A. Capellini Community and Cultural Center

RESOLVED, that the Supervisor is authorized to sign COVID-19 Screening Agreements with non-Town users of the Albert A. Capellini Community & Cultural Center.

Authorize increase in WSA's contract in the amount of \$12,500.00 and authorize Comptroller to transfer \$12,500.00 from Capital Contingency A1990.499.1 to the Railroad Rehabilitation Capital Project JJ7110.0200

WHEREAS, on June 15, 2004 the Town Board of the Town of Yorktown authorized payment to Walter Sedovic Architects, Irvington, NY (WSA) for architectural services for the rehabilitation of the Yorktown Heights Railroad Station in Railroad Park as outlined in their revised proposal, in the amount of up to \$46,957.00; and

WHEREAS, on July 19, 2016 the Town of Yorktown Town Board reauthorized payment pursuant to the original contract in the same amount up of \$46,957.00; and

WHEREAS, in 2018 WSA worked with the Planning Department to revise the Contract Documents to conform to the New York State Department of Transportation's (NYSDOT) requirements standards and specifications to obtain the department's approval for a \$295,762 grant funding this project; and

WHEREAS, these revisions exceeded the contract budget for contract documents by a total of \$9,015.00; and

WHEREAS, in addition, over the course of WSA's contract with the Town, the contract total was exceeded by a total of \$3,290.25 for reimbursable expenses; and

WHEREAS, due to the additional work required to revise the contract documents and the accrued reimbursable expenses, the contract amount will be exceeded by \$12,305.25; and

THEREFORE BE IT NOW RESOLVED, the Town Board hereby authorizes the increase in WSA's contract in the amount of \$12,500.00; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Comptroller to transfer \$12,500.00 from Capital Contingency A1990.499.1 to the Railroad Rehabilitation Capital Project JJ7110.0200.

13. ADJOURN

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK

Dated: June 16, 2020

Instructions for the Public to participate in Town Board Meetings Remotely:

The Town Board of the Town of Yorktown will not be meeting in person. In accordance with the Governor's Executive Order 202.1, until further notice, meetings will be held via video conferencing. The Town of Yorktown will televise a video conference Town Board meeting for 7:30 pm on Tuesday, June 16, 2020. The Town Board will open the meeting and then vote to go into an Executive Session beginning at 6:30 p.m. **There are two public hearings on the agenda and you can register with the Town Clerk if you would like to speak during these public hearings.**

Please make sure to register in advance if you would like to speak at Courtesy of the Floor or during the Public Hearings for this meeting at dquast@yorktownny.org or call me at (914) 962-8152.

You will need to provide your name, phone number and email address when registering so we can send a confirmation to you containing instructions on how to join the meeting. You can also email comments in advance of the meeting to dquast@yorktownny.org. All written comments received before the meeting will be given to the Town Board. You will have an opportunity to see and hear the meeting live on Channel 20 (Cable) or Channel 33 (Fios). If you have a computer, tablet, or smartphone, you will be able to see and hear the meeting while it is occurring on the Town's website at yorktownny.org.

If you have any questions, please contact me at dquast@yorktownny.org or (914) 962-8152.