

TOWN BOARD AGENDA
TOWN OF YORKTOWN
September 2, 2014

PLACE:
TOWN HALL

TIME:
7:30pm

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. PROCLAMATION
 - Hydrocephalus Awareness
4. PRESENTATION
 - Lorraine DeSisto
5. REPORT TO THE TOWN FROM SUPERVISOR GRACE
 - Justin Veatch Fund Update
Thom Iannicari
6. REPORTS FROM TOWN COUNCIL
7. RESOLUTIONS FROM the August 5, 2014 Meeting
8. COURTESY OF THE FLOOR
9. PUBLIC HEARINGS
 - Section 8 Housing Choice Voucher Program -proposed 5-Year Plan for fiscal year 2015-2019
 - Proposed Local law creating Chapter 65 – Filing Vacancies in Elected Office (MAY HOLD SPECIAL ELECTION)

§ 65-9. Method of filling vacancy.

Within 30 days after the occurrence of a vacancy in an elective office subject to this article, the vacancy may be filled by Town Board appointment. If an appointment is not made within 30 days, the vacancy may be filled by either (a) special election called by the Town Board, to be held not less than 60 days and not more than 90 days from the date the Town Board decides to call for a special election, or (b) in the next general election, whichever will allow the vacancy to be filled in the shortest space of time reasonably possible.

§ 65-10. Offices affected.

The elective offices subject to this article are the Office of the Supervisor, the Town Council, the Town Clerk, and the Superintendent of Highways

- Proposed Local law creating Chapter 65 – Filing Vacancies in Elected Office (SHALL HOLD SPECIAL ELECTION)

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10. REFERRAL

A Petition from BJ's Wholesale Club (located at Staples Plaza) for a zoning map amendment. To rezone the from C-1 to C-3, the entire 7.3 acre Lot 75, and a 2.8 portion of Lot 76. The purpose of the rezoning is to allow BJ's to add a gasoline filling station as an amenity to its members on the rezoned portion of Lot 76

11. PERSONNEL

Promotion – Diane K. Schiavone:

BE IT RESOLVED, that Diane K Schiavone is hereby appointed permanent to the civil service title, Senior Office Assistant (Office Manager), job class code 0943-01, from Eligible List No. 73-493, effective September 3rd, 2014, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 10, Step 5, which is \$63,399.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

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 September 3rd, 2014.

12. ADVERTISEMENTS

Bids:

- **Welding Consumables & Parts Bid – Highway Department**

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on September 22, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Welding Consumables & Parts Bid-Highway Dept. Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

13. AWARD BIDS/RFPs

- **Pavement Markings – Highway Department**

WHEREAS, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 19, 2014, with only one bid received.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings be and is hereby awarded to Safety Marking, Inc. 460 Bostwick Ave, POB 38186, Bridgeport, CT 06605, the only bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 1, 2014 and terminate on July 31, 2015. The Town shall have the option to extend this contract at the same price for two (2) additional one-year terms for a total of three (3) years. The extensions shall be for the period August 1, 2015 through July 31, 2016 and August 1, 2016 through July 31, 2017.

14. RESOLUTIONS

- **Requests from the Engineering Department:**

- **Bond Acceptance – Sierra Bella/Terra Firma Subdivision**

WHEREAS, Steve Giordano Builders, Inc., as applicant and principal, provided the Town with Westchester Fire Insurance Company Bond #K08702512 in the amount of \$113,500.00, to serve as the Performance Bond for the Sierra Bella / Terra Firma Subdivision located on Hunterbrook Road, and

WHEREAS, Steve Giordano Builders, Inc., as applicant and principal, provided the Town with Westchester Fire Insurance Company Bond #K08702524 in the amount of \$17,500.00, to serve as the bonding requirements for the Engineering Department's and Planning Board's Erosion Control Bond, and

WHEREAS, Terra Firma NY LLC, as applicant and developer, provided the Town with Check #284 in the amount of \$9,880.00 to serve as the 8% Inspection Fee for, and

WHEREAS, Steve Giordano Builders, Inc., as applicant and developer, provided the Town with Westchester Fire Insurance Company Bond #K08702664 in the amount of \$5,000.00, to serve as the Wetland Bond for Wetland & Stormwater Permit #WP-FSWPPP-T-019-14 (fka: #034-09),

WHEREAS, Steve Giordano Builders, Inc., as applicant and developer, provided the Town with Check #287 in the amount of \$1,250.00, to serve as the Inspection Fees for Wetland and Stormwater Permit #WP-FSWPPP-T-019-14 (#034-09), NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fees for the above referenced subdivision.

Bond Acceptance – Staples Plaza Site Plan

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Check #66705 in the amount of \$28,905.00, to serve as the bonding requirement for completion of landscaping and trash enclosure gates for the Staples Plaza Site Plan located on Route 202, NOW, THEREFORE BE IT

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

Bond Release – IBM – Kitchawan Road

WHEREAS, I.B.M. as applicant, posted check #002937449 in the amount of \$300 which was deposited into the T33 Account in August of 2001, for work performed at Kitchawan Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to I.B.M., P.O. Box 218, Yorktown Heights, NY 10598, Attn: Mr. Don DeMouth.

• **Request from the Highway Superintendent**

WHEREAS, on August 26, 2014, Auctions International, Inc., the Town's contracted auctioneer, conducted an online auction featuring vehicles and items of equipment identified by Highway Superintendent Dave Paganelli as surplus Town property; and

WHEREAS, Auctions International has obtained bids for the vehicles and items of equipment and Superintendent Paganelli has requested the Town Board to declare the auctioned items to be surplus and to accept the bids;

NOW THEREFORE BE IT RESOLVED, that the Town Board declares the vehicles and items of equipment listed below to be Town surplus, not needed by the Town for any municipal purpose, and accepts the bids as shown below for each item.

Item #1:	1992 International 2574 6 Wheel Dump	\$2125.00
Item #2:	1995 International 2571 6 Wheel Dump	\$2550.00
Item #3:	1993 International 2574 6 Wheel Dump	\$2225.00
Item #4	1995 International 2574 6 Wheel Dump	\$2275.00
Item #5	1989 International 1754 6 Wheel Dump	\$2125.00
Item #6	1996 International 4854 6 Wheel Dump	\$2800.00
Item #7	1995 International 2574 6 Wheel Dump	\$2225.00
Item #8	1994 International 4854 6 Wheel Dump	\$3150.00
Item #9	1989 International 2574 6 Wheel Dump	\$2025.00
Item #10	1992 International 2574 6 Wheel Dump	\$1825.00
Item #11	Year Trailer	\$ 52.50
Item #12	Miltiquip Compressor	\$1525.00
Item #13	1986 Mack RD600 Tri-Axle Dump	\$6500.00
Item #14	1994 Ford 35C Bus	\$ 360.00
Item #15	Komatsu Excavator	\$9600.00
Item #16	Light Posts	\$ 125.00
Item #17	Lamp Posts	\$ 380.00
Item #18	Lamp Posts	\$ 82.50
Item #19	Lamp Posts	\$ 155.00
Item #20	Light Posts	\$ 42.50
Item #21	Plow Blade	\$ 510.00
Item #22	Plow Blade	\$1450.00
Item #23	Plow Blade	\$1025.00
Item #24	Plow Blade	\$1200.00
Item #25	Plow Blade	\$1300.00
Item #26	Plow Blade	\$1500.00
Item #27	Plow Blade	\$1800.00
Item #28	Plow Blade	\$ 890.00
Item #29	Plow Blade	\$1275.00
Item #30	Plow Blade	\$ 790.00
Item #31	Plow Blade	\$1225.00
Item #32	Plow Blade	\$ 430.00

- **Request from the Legal Department**

Authorize the Supervisor to sign an agreement with Westchester County

RESOLVED, the Supervisor is authorized to sign an intermunicipal agreement between Westchester County and the Town which provides for the Town's purchase of a paratransit van from the County for \$1.00

Budget Transfer

BE IT RESOLVED, the following budget transfers in the Town Attorney’s budget 2014 are hereby authorized:

\$10,000 from A1420.0424.001 (Non-Retainer Tax Certs) to A.1420.0439 (Litigation Outside Counsel Fees)

\$6,000 from A1420.0425.001 (Labor Non-Retainer) to A.1420.0439 (Litigation Outside Counsel Fees)

\$6,000 from A1420.0437.000 (Foreclosure/Sale Expenses) to A.1420.0439 (Litigation Outside Counsel Fees).

• Requests from the Refuse and Recycling Department

Approve auction of surplus equipment

WHEREAS, Kim Angliss Gage, Coordinator, Refuse & Recycling Department, has designated the following item as obsolete or out-of-service equipment;

ITEM #	Year / Make / Model	VIN #	TITLE	Department
1	1999 Mack-Leach packer RD690S	1M2P264C4XM027975	Yes	Refuse & Recycling

THEREFORE BE IT RESOLVED, that the Town Board designated the aforementioned item as surplus equipment and authorizes such equipment to be placed on public online auction with Auction’s International, Inc., the Town’s contracted auctioneer; and

BE IT FURTHER RESOLVED, the aforementioned item be sold to the highest bidder upon Kim Angliss Gage’s approval.

Support the Statewide campaign for Textile Recycling

WHEREAS, the Town of Yorktown operates a successful recycling program for Yorktown residents with a goal to reduce, reuse and recycle components of the waste stream in order to benefit the environment; and

WHEREAS, the Town of Yorktown is supportive of expanding recycling efforts in New York State that capture and reuse waste items that would otherwise be disposed of as solid waste; and

WHEREAS, the United States Environmental Protection Agency estimates that only about 15% of unwanted textiles, including clothing, shoes, hats, linens, towels, and belts, are donated for reuse or recycling; the remaining 85% is simply trashed, estimated at 70 pounds per citizen per year; and

WHEREAS, the Town of Yorktown has recognized that the New York State Association for Reduction, Reuse and Recycling (NYSAR³), is teaming up with the Council for Textile

Recycling (CTR), and the Association of Wiping Materials, Used Clothing and Fiber Industries, also known as Secondary Materials and Recycled Textiles (SMART), to launch a first-of-its-kind statewide textile recovery campaign in New York State aimed at recovering 1.4 billion pounds of textiles trashed annually in New York State, with a market value of \$200 million, by:

- Increasing awareness for the need to increase textile recovery and recycling and reducing wasteful textile disposal practices,
- Enhancing job development through the recovery of more materials, and
- Promoting collaboration between key textile recovery stakeholders, including collectors, recyclers, retailers, and municipal recycling professionals; and

WHEREAS, the Town of Yorktown wishes to take a leadership role in recycling efforts to reduce solid waste and recycle those components of the waste stream in order to benefit the environment by promoting textile recovery efforts, and communicating the environmental, economic, and social benefits of increased textile recovery; now, therefore, be it

RESOLVED, that the Town of Yorktown does hereby express its strong support of a Statewide campaign to recover more textiles from the waste stream and to thereby reduce waste that would otherwise end up in the solid waste stream by promoting textile recovery efforts and communicating the environmental, economic, and social benefits of increased textile recovery. This Resolution shall take effect immediately.

- **Request from the Supervisor's Office**

To ensure public safety and health regarding Spectra Energy's Algonquin Incremental Market (AIM) natural gas pipeline, compressor and metering stations expansion project

WHEREAS, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, has petitioned the Federal Energy Regulatory Commission (FERC) to remove and replace an existing 26 inch pipeline with a 42 inch pipeline with necessary appurtenant structures, and

WHEREAS, the pipeline project is a removal and replacement of an existing pipe in situ for over 50 years, and

WHEREAS, the project has raised issues in regard to public health and safety including but not necessarily limited to:

- air quality concerns,
- possible release of radon gas and/or its radioactive derivatives, e.g. lead and polonium,
- release of environmental containments during construction
- contingencies for possible catastrophic failure and/or accidents
- blowdowns during maintenance
- use and maintenance and security of a proposed Pipeline Inspection Gauge (PIG) launcher including handling, storage cleaning and disposal of PIG materials, and

WHEREAS, said concerns need thorough review and analysis and proper mitigation where required

BE IT HEREBY RESOLVED, that the Town of Yorktown requests interested party status in order that the Town's concerns may be fully explored, and

BE IT RESOLVED, that the Town of Yorktown objects to the location of the PIG launcher within its jurisdiction unless the public health and safety concerns can be fully addressed and mitigated, and

BE IT RESOLVED, that the Town of Yorktown requests interested party status within the New York State Department of Environmental Conservation's New York State Quality Environment Review Act review of said project, and

BE IT RESOLVED, that a copy of this resolution be forwarded to the Federal Energy Regulatory Commission and all involved agencies with the request that the public health, safety and planning concerns stated herein be fully vetted, addressed and mitigated prior to the issuance of a Certificate of Necessity by FERC.

- **Request from Councilman Bianco and Councilman Patel**

To Insure Public Safety and Health for the Town of Yorktown Regarding Spectra Energy's Algonquin Incremental Market Natural Gas Pipeline Project. (This resolution was received in PDF format – it is attached to the agenda.)

- **Request from the Water Superintendent**

Budget Transfer

BE IT RESOLVED, that the following 2014 budget transfer is approved:

Transfer \$3,250.00 from the Water Department Maintenance Real Property Line (SW.8320.0416) to the Water Department Professional Services Line (SW.8310.0490) for professional services pertaining to asbestos abatement and roof replacement specifications;

- **Request from the Yorktown Volunteer Ambulance Corp.**

Fee Waiver

BE IT RESOLVED, that the Town Board hereby waives all fees associated with the Yorktown Volunteer Ambulance Corps request to obtain a building permit and zoning variance for the erection of a sign.

15. REFUND DUPLICATE TAXES

RESOLVED, the Town Board approves duplicate tax refunds for the following accounts:

- 1210500 - \$2,978.09
- 4314501 - \$ 771.11
- 3429000 - \$3,907.33
- 2773500 - \$4,241.27

16. MONTHLY REPORTS

- Receiver of Taxes – July 2014

17. ADJOURN

Alice E. Roker
Town Clerk
Town of Yorktown

Date: September 2,, 2014

The Town Board's Televised Meeting begins at 7:30PM

See a list of outstanding bids on the Town Clerk's page, Town of Yorktown's website:
www.yorktownny.org

September 16, 2014 – Public Hearings:

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, New York on the 16th day of September, 2014 at 7:30 o'clock PM to consider the application filed by Tracy Chalifoux, RLA on behalf of Victoria Abbate for a wetlands permit for the installation of a 16 feet by 32 feet in-ground pool and pool patio, steps, retaining walls, pool equipment, pad, related grading, pool enclosure fencing and native wetland plantings at 2579 Barry Court, Yorktown Heights, NY.

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, New York on the 16th day of September, 2014 at 7:30 o'clock PM to consider a Proposed Local Law amending Chapter 178 of the Town of Yorktown Town Code- Freshwater Wetlands:

Add:

178-10(B)(5):

The Town Board, upon findings that a proposed action is consistent with the activities as set forth in Chapter 178-9,, may refer any regulated activity subject to its review and approval for disposition by the Town Engineer, and may attach conditions thereto.