

Meeting of the Town Board, Town of Yorktown held on January 26, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk  
Maura Weissleder, Deputy Town Clerk  
Patricia Caporale, Town Comptroller  
Michael McDermott, Town Attorney

### TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

### EXECUTIVE SESSION

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

### WATER RATES

A request was made by Dave Rambo, Water Department Supervisor, to raise water rates \$6.00-\$6.25 per one thousand gallons. Town of Yorktown rates have remained at \$5.00 per one thousand gallons since 2006.

The Northern Westchester Joint Waterworks cannot bond and there are several capital projects that are imminent:

- Cement lining of water mains
- Storage Tanks
- New increase in Joint Waterworks rates. In the past, the Town has absorbed these increases and the public never saw them.

Supervisor Grace remarked that Yorktown is very low compared with other communities; almost 30% lower.

NYC % pass-through was corrected a few years ago but not enough to absorb the increases.

Supervisor Grace requests a public hearing be set to consider a proposed increase to \$6.25 per thousand gallons.

A resolution will be placed on the February 2<sup>nd</sup> Town Board Agenda.

### PARKS AND RECREATION DEPARTMENT

Discussion on Organic Pesticide/Herbicide and Pick-Up Truck Purchase

A request was made by Brian Gray, Parks and Recreation Superintendent, to purchase an F350 pick-up truck. This request is not to replace another truck, but as an addition. This purchase will be placed on the February 2<sup>nd</sup> Town Board Agenda.

A request was also made by Superintendent Gray to revise/amend a 2009 Town Board Resolution regarding the elimination of all pesticide use, including insecticides and herbicides on all town-owned property. This request is made to allow the use of organic material as pesticides on town-owned property. The Jonathan Green Program has proved to be effective on fields and is a multi-step program that requires no licensed applicator.

The Chamber of Commerce Car Show was discussed with Brian Gray and whether a fee was charged. Superintendent Gray stated no fee was charged.

POLICE DEPARTMENT GENERATOR

Police Chief Dan McMahon and Town Electrician Michael Dubovsky discussed the need for a new generator. The current one is not working and its age and parts availability necessitate buying a new one. We currently have a 30KW (100 amps) and it is recommended that we purchase a 40KW (200 amps) since there is not that much difference in price: \$18,500 + \$2,200 for transfer switch. There is also an optional \$800 five-year warranty available.

This purchase will require a resolution to depart from our local procurement policy.

Michael Dubovsky will check to see if the vendor is on the contract list. Councilman Bernard requested that Chief McMahon notify him what the lead time is on the purchase.

A separate resolution should be done for the cost of the increase of the transfer switch from 100 amps to 200 amps (\$2200.00).

AUTHORIZE POLICE DEPARTMENT TO AN EMERGENCY REPLACEMENT OF THE GENERATOR  
RESOLUTION #57

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

WHEREAS, the Police Department’s Stand-by Generator has experienced internal mechanical problems that rendered the generator unusable, and

WHEREAS, the Police Department’s Stand-by Generator is over forty-three years old and repair parts are no longer available, and

WHEREAS, the lack of a stand-by generator at the Police Department is a public safety issue, now therefore be it,

RESOLVED, that the Town Board hereby authorizes the Yorktown Police Department to purchase a Generac Industrial Diesel Generator 40k rating wired for 120/208 VAC three phase 60hz Model for a total of \$18,460.00.

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

AUTHORIZE POLICE DEPARTMENT TO PURCHASE TRANSFER SWITCH FOR NEW GENERATOR  
RESOLUTION #58

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

WHEREAS, the Police Department’s Transfer Switch must be compatible with the Generac Industrial Diesel Generator 40k Stand-by Generator, now therefore be it,

RESOLVED, that the Town Board hereby authorizes the Yorktown Police Department to purchase a Generac Automatic Transfer Switch with 200 Amp, 3 Pole, 120/208 VAC, three phase, 60hz, with 2 – Wire Start Circuit for a total of \$2,200.00.

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

NUTRITION

Noreen Driscoll, Nutrition Site Manager, requested that the Town enter into an agreement with the Food Bank of Westchester to allow to shop and receive food at no cost, or minimal cost, for seniors of Yorktown.

AUTHORIZE SUPERVISOR TO SIGN AND AGREEMENT WITH FOOD BANK OF WESTCHESTER  
RESOLUTION #59

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman,

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Food Bank of Westchester to allow the Yorktown Nutrition Center to shop and receive food at no cost, or a minimal cost, for the senior citizens of Yorktown

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

#### HILLTOP GAS STATION

Chris Sciarra, CS Construction, would like to apply for a zone change for this project so they can use it as a transitional space. The current zoning is R1-10 which is non-conforming; he would like to be able to transition from one use to another.

The question of a canopy was raised. The concern is that a canopy should be aesthetically pleasing. Councilman Diana wants to retain the “charm” of Main Street and a design needs to incorporate that concept.

Councilman Bernard suggested that landscaping may need to be done and maintained to the property behind the station to help beautify the area. This would require a wetlands permit.

Mr. Jay Kopstein commented that ADA law states that all services stations are obligated to be full service upon request.

Chris Sciarra was directed to come back to the Town Board with a plan that incorporates the Board’s suggestions.

#### OSCEOLA BEACH

Chris Sciarra, CS Construction, and John Tegeder, Planning Department, came to discuss Osceola Beach property. Chris Sciarra would like to construct 22-24 apartments on the property but does not want to pursue this until the structure at the back of the Osceola Manor is taken down. Mr. Sciarra is seeking to rezone from Country Commercial Zoning to Restrictive Zone.

#### ADVERTISE PUBLIC HEARING FOR PROPOSED LOCAL LAW TO AMEND CHAPTER 300, ZONING BY ADDING NEW SUBSECTION RESOLUTION #60

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 16<sup>th</sup> day of February, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” by amending Section 300-21 (C)(13) (a)(6).

Section I. Section 300-21(C)(13)(a) of Chapter 300, ZONING, of the Town Code is amended by the addition of a new subsection 300-21(C)(13)(a)(6) to read as follows:

The business of designing, assembling, packaging, engraving and/or shipping of various electromechanical components, automated equipment, related cabling as well as mechanical parts and enclosures where the business is to be conducted in an existing building.

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

#### ADVERTISE PUBLIC HEARING FOR PROPOSED LOCAL LAW TO AMEND CHAPTER 275, PROHIBITING PARKING ON ROCHAMBEAU DRIVE RESOLUTION #61

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue,

Yorktown Heights, New York on the 16<sup>th</sup> day of February, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," by adding parking restrictions on Rochambeau Drive.

Section II. Section 275-4(A) of the Town Code entitled "VEHICLE AND TRAFFIC" prohibiting parking on certain streets is hereby amended to add the following streets:

Rochambeau Drive, east side, from Underhill Avenue to Woods Brooke Lane  
Rochambeau Drive, west side, from Underhill Avenue to Woods View Court

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

ADVERTISE PUBLIC HEARING FOR PROPOSED LOCAL LAW TO AMEND CHAPTER 275, NO STANDING ON ROCHAMBEAU DRIVE  
RESOLUTION #62

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 16<sup>th</sup> day of February, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," by amending Section 275-4 to add a new subsection 275-4 (H).

Section III. Section 275-4(A) of the Town Code entitled "VEHICLE AND TRAFFIC" is amended by the addition of a new subsection Section 275-4(H) to read as follows:

H. No standing. Standing shall be prohibited at all times on the following streets or portions thereof as stated:

Rochambeau Drive, east side, from Underhill Avenue to Woods Brooke Lane  
Rochambeau Drive, west side, from Underhill Avenue to Woods View Court

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

EzPASS SALES

Deputy Town Clerk Maura Weissleder requested that the Town Board pass a resolution to permit the Town Clerk's Office to begin selling EzPass to the public for \$25 per unit. The Town will receive \$4 of the \$25 purchase price.

SALE OF EzPASS IN THE TOWN CLERK'S OFFICE  
RESOLUTION #63

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

WHEREAS, the Town of Yorktown Town Clerk's Office wishes to retail E-ZPass Tags through the New York State Thruway Authority's E-ZPass On-the-Go Program; and

WHEREAS, the Yorktown Town Clerk's Office will purchase E-ZPass tags for the cost of \$21.00 per Tag from the Thruway Authority and sell the Tags at a cost of \$25.00 per tag, allowing the Town of Yorktown to keep \$4.00 per sale, now

THEREFORE BE IT RESOLVED, the Town Board of the Town of Yorktown hereby authorizes the Town Clerk's office to enter in an agreement with the New York State Thruway Authority to sell E-ZPass Tags provided all legal requirements are complied with.

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

REQUEST FOR A PROCLAMATION

A proclamation was requested by Hindu Sayamsevak Sangh USA to declare January 30, 2016 as “Surya Namaska Yajna (SNY) Sun Salutation Marathon Day.”

*WHEREAS, Hindu Sayamsevak Sangh USA is organizing a unique Nationwide program – Surya Namaska Yajua (SNY) Sun Salutation Marathon on January 29 and 30, 2016; and*

*WHEREAS, this is a holistic approach, wherein performing Surya Namaskar, a popular yoga procedure performed daily by millions worldwide, that benefits individuals at the physical, mental, intellectual and spiritual levels; and*

*WHEREAS, the goal for SNY is to collectively perform 1,000,000 Surya Namaskams Participation in the SNY can be achieved by performing in the SNY Surya Namaskars individually or as a group, keeping a count of the Namaskans performed, and submitting it to the local coordinator; and*

*WHEREAS, the grand finale of the SNY will be a 24 hour Yoga Marathon, starting on January 29<sup>th</sup> at 6:00 p.m.*

*NOW, THEREFORE, BE IT RESOLVED, that I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the members of the Town Board, hereby proclaim January 30, 2016 as*

**“SURYA NAMASKA YAJNA (SNY) SUN SALUTATION MARATHON DAY”**

ADJOURN

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

---

Maura Weissleder, Deputy Town Clerk  
Town of Yorktown