

TOWN BOARD AGENDA
TOWN OF YORKTOWN
June 21, 2016

PLACE:
TOWN HALL

TIME:
7:30pm

- I. PLEDGE OF ALLEGIANCE
- II. MOMENT OF SILENCE
- III. REPORT FROM SUPERVISOR MICHAEL GRACE
- IV. REPORTS FROM TOWN COUNCIL
- V. PRESENTATION
Police Department

VI. PERSONNEL

Appointment - Police Sergeant – Justin Foley

BE IT RESOLVED, that Justin Foley is hereby appointed contingent-permanent as a Police Sergeant, job class code 0133-01, from Eligible List No. 71-197, effective June 22, 2016 to be paid from Yorktown PBA Salary Schedule, which is \$117,733.00 annually;

BE IT 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 contingent-permanent appointment on June 22, 2016.

Appointment – Police Lieutenant – James A. Graham

BE IT RESOLVED, that James A. Graham is hereby appointed contingent-permanent as a Police Lieutenant, job class code 0132-01, from Eligible List No. 70-177, effective June 22nd, 2016 to be paid from Yorktown SOA Salary Schedule, which is \$130,285.00 annually;

BE IT 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 contingent-permanent appointment on June 22nd, 2016.

Appointment – Assistant Superintendent Recreation – Kyle Thornton

BE IT RESOLVED, that Kyle Thornton of Eastchester, NY, is hereby appointed contingent-permanent to the civil service title, Assistant Superintendent Recreation, job class code 0261-01, from Eligible list No. 61-852, effective July 13, 2016, to be paid \$81,400.00 annually,

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

BE IT RESOLVED, that Kyle Thornton will report to work at the Yorktown Parks and Recreation Department on July 13th, 2016 and this date will be used as the first date of contingent-permanent 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 July 13th, 2016.

VII. PUBLIC HEARINGS

Request to consider application received from Alexander Equities, LLC to amend Special Use Permit – Gasoline Station

Notice Is Hereby Given, that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, 10598 on the 21st day of June, 2016 at 7:30 PM or as soon thereafter as the same can be heard, to consider the application received from Alexander Equities, LLC for an amendment to a Special Use Permit. The request is to approve a signage change to the existing canopy and approve a free standing sign at the Sunoco Gasoline Station formerly known as Hess located at 3919 Crompond Road, also known as Section 25.20, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown.

Proposed Local Law amending Chapter 124-2 (C) Blasting and Explosives Permit Required Insurance

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, NY on the 21st day of June, 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 124-2 (C) of the Code of the Town of Yorktown entitled "BLASTING AND EXPLOSIVES PERMIT REQUIRED INSURANCE."

Proposed Local Law amending Chapter 201-2 entitled Definitions and adding a new Section 201-10 entitled Recorded Images Violations

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, NY on the 21st day of June, 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 201 of the Code of the Town of Yorktown entitled "LITTERING" by amending Section 201-2 entitled "DEFINITIONS" and adding a new Section 201-10 entitled "RECORDED IMAGES VIOLATIONS."

Proposed Local Law amending Chapter 300-3 (B) Zoning Text Amendment Private and Parochial Schools and Helistops

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, NY on the 21st day of June, 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 300-3 (B) of the Code of the Town of Yorktown entitled "ZONING." (TEXT AMENDMENT PRIVATE AND PAROCHIAL SCHOOLS AND HELISTOPS.)

Proposed Local Law amending Chapter 300-3 entitled Zoning Definitions by amending the definition of Home Occupation

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, NY on the 21st day of June, 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 300-3 of the Code of the Town of Yorktown entitled "ZONING DEFINITIONS" by amending the definition of "HOME OCCUPATION."

VIII. ADVERTISEMENTS:

Advertise Bid for Computer and Networking Equipment 2016

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, in the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 AM on the 18th day of July, 2016 for Computer and Networking Equipment 2016.

Advertise Bid for Street Light Maintenance – Highway Department

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 18, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Street Light Maintenance Bid - Highway Department Bid Specifications may be obtained at the office of the Town Clerk in said Town Hall.

Advertise Bid for Traffic Light Maintenance – Highway Department

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 18, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Traffic Light Maintenance Bid - Highway Department Bid Specifications may be obtained at the office of the Town Clerk in said Town Hall.

IX. RESOLUTIONS

Approve Refund for Alarm Permit – Building Department

Resolved, that upon the recommendation of the Building Inspector the Alarm Permit Application Fee of \$30.00 is hereby refunded to Cody Arcuri due to property being located in Somers with a Yorktown address.

Authorize Comptroller to payout the cash value of unused time to David Rambo

Be it resolved, that the Town Board hereby authorizes the Town Comptroller to pay David Rambo the cash value of unused time as of his date of separation, Friday, June 10, 2016.

Rate of Pay: \$50.3558 hourly

Vacation	102.00 hours x	\$50.3558	=	\$5,136.30
		Total		\$5,136.30

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

From:		
SW8310.101	Water Salary	\$5,136.30
To:		
SW8310.108	Water Lump Sum	\$5,136.30

Authorize Budget Transfer – Refuse and Recycling Department

Resolved, that the Comptroller is authorized to do a budget transfer of \$12,000.00 from SR.7210.0470.01 (Diesel Fuel) to SR.7210.0420 (Vehicle Maintenance) for the Refuse and Recycling Department.

Authorize Supervisor to sign lease agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless

Resolved, that the Town Board authorizes the Supervisor to sign a lease agreement and all related documents between the Town of Yorktown and New York SMSA Limited Partnership d/b/a Verizon Wireless permitting Verizon Wireless to lease space on the Police Department Campus for the installation of a wireless cell tower.

Authorize Supervisor to sign lease agreement with Yorktown Community Nursery School

Resolved, the Town Supervisor is authorized to execute a lease agreement between the Yorktown Community Nursery School and the Town of Yorktown to utilize the Yorktown Community Nursery School as a summer camp between June 29, 2016 and July 29, 2016.

Authorize Supervisor to sign agreement with Westchester County Department of Senior Programs and Services and the Town of Somers for Title IIC for January 1, 2016 through January 31, 2016

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and

Services and the Town of Somers for Title IIC for 1/1/2016 through 1/31/2016 for the cost of \$3.75 per meal.

Authorize Supervisor to sign agreement with Westchester County Department of Senior Programs and Services and the Town of Somers for WIN for April 1, 2016 through March 31, 2017

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services and the Town of Somers for Win for 4/1/2016 through 3/31/2017 for the cost of \$3.75 per meal.

Authorize Supervisor to sign agreement with Westchester County Department of Senior Programs and Services for WIN in the amount of \$9,357.00, with an estimate of an additional \$3,031 Nutritional Services Incentive Program from April 1, 2016 through March 31, 2017

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for WIN in the amount of \$9,357, with an estimate of an additional \$3,031 (NSIP) Nutrition Services Incentive Program. This is for the period April 1, 2016 through March 31, 2017.

Extend Bid for Asphaltic Concrete Laid In-Place – Highway Department

Whereas, invitation to bid for Asphaltic Laid In-Place for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened,

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for Asphaltic Concrete Laid In-Place is hereby extended for one year, per the terms of the bid contract to: Clove Excavators, Inc., 212 Van Wagner Road, Poughkeepsie, NY 12603. The contract renewal date is from August 1, 2016 to July 31, 2017.

Authorize the Supervisor to sign a Professional Services Agreement with Charles A. Manganaro Consulting Engineers, P.C., to design and survey the Mohegan Avenue retaining wall replacement project

Whereas,

1. The Highway Superintendent and the Town Engineer solicited proposals for professional engineering services for the following scope of work: (1) replace an approximate 560-foot long retaining wall along Mohegan Avenue that is in poor condition and is nearing the end of its useful life, and (2) rebuild the roadway to Town standards.
2. The professional services shall include a topographical survey to establish existing site conditions, preparation of plans and specifications suitable for

bidding purposes, assistance during the bid phase and shop drawing review during the construction phase.

3. Also included in the professional services shall be the development of a traffic management plan that will utilize a detour or partial detour around the work site.
4. The Town will have an opportunity to review a draft set of documents and provide input from other Town departments prior to finalizing of the contract documents. An information data sheet will also be prepared to make affected residents and the general public aware of the planned construction project and its impacts during the period when Mohegan Avenue will be either closed or partially closed due to construction activities.
5. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in providing professional services. The three firms that provided written proposals were Charles A. Manganaro Consulting Engineers, WSP/Parsons Brinckerhoff, and GHD Consulting Services.
6. In the professional opinion of the Highway Superintendent and the Town Engineer, Charles A. Manganaro Consulting Engineers, P.C. provided the best overall proposal to the Town. In terms of cost, Charles A. Manganaro Consulting Engineers was the second bidder; however, they agreed to perform the work at the same price as the low bidder (\$26,200).
7. The proposal for services to be provided by Charles A. Manganaro Consulting Engineers as described above will be for a lump sum all-inclusive amount of \$26,200. An additional \$2,000 allowance will be included in the agreement to perform a geotechnical survey, including a soil boring that will provide subsurface data to more clearly define the foundation wall design parameters. An additional \$4,000 allowance will be included in the agreement for design contingency, which will only be authorized upon written directive of the Town Engineer. Grand total of the agreement shall be \$32,200.

Now Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Charles A. Manganaro Consulting Engineers, P.C., for the scope of work as described in preceding section.

Release Wetland and Erosion Control Bond for Permit #049-14

Whereas,

1. Michael Braun, as applicant, posted check #3995 in the amount of \$1,000.00, which was deposited into the T33 account on September 18, 2014 to serve as the Wetland Bond for permit #049-14, for work performed at the Grants Lane site.

2. Regal Blu Pool & Spa, as applicant, posted check #1873 in the amount of \$1,000.00, which was deposited into the T33 account on November 3, 2014 to serve as the Erosion Control Bond for permit #049-14, for work performed at the Grants Lane site.
3. The applicant has decided not to move forward with the work previously applied for and has requested his monies be returned.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and confirmed no work has been done and that the above referenced monies may be released.

Now Therefore Be It Resolved, that the above-referenced Wetland Bond in the amount of \$1,000 be returned to Mr. Michael Braun, 1306 Grants Lane, Ossining, NY 10562, and

Be It Further Resolved, that the above-referenced Erosion Control Bond in the amount of \$1,000 be returned to Regal Blu Pool & Spa, P.O. Box 3303, Stamford, CT 06905.

Release Wetland and Erosion Control Bond for #WP-BSWPPP-068-15

Whereas,

1. Teresa & Joseph Bucello, as applicants, posted check #1325 in the amount of \$600 which was deposited into the T33 account on August 24, 2015, \$300 to serve as the Erosion Control Bond and \$300 to serve as the Wetland Bond, for permit #WP-BSWPPP-068-15, for work performed at the Granite Springs Road location.
2. 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 Erosion Control & Wetland Bond, totaling \$600, be released to Teresa & Joseph Bucello, 608 Granite Springs Road, Yorktown Heights, NY 10598.

Release Wetland and Erosion Control Bond for Permit #043-15

Whereas,

1. Nabby Day Camp, as applicant, posted check #16881 in the amount of \$300.00, which was deposited into the T33 account on June 16, 2015 to serve as the Wetland Bond for permit #043-15, for work performed at the Nabby Hill site.
2. 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 Wetland Bond be released to Nabby Day Camp, Inc., 1 Nabby Hill, Mohegan Lake, NY 10547.

Release Wetland and Erosion Control Bond for #BSWPPP-087-15

Whereas,

1. Jill Colaizzi, as applicant, posted \$300 which was deposited into the T33 account on June 1, 2015, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-087-15, for work performed at her Court Street residence.
2. 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 Erosion Control Bond be released to Ms. Jill Colaizzi, 3237 Court Street, Yorktown Heights, NY 10598.

Release Wetland and Erosion Control Bond for #BSWPPP-054-15

Whereas,

1. Tetiana & Thomas Ferraro, as applicant, posted \$300 which was deposited into the T33 account on July 24, 2015, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-054-15, for work performed at their Somerston Road residence.
2. 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 Erosion Control Bond be released to Mr. & Mrs. Thomas Ferraro, 220 Somerston Road, Yorktown Heights, NY 10598.

Release Wetland and Erosion Control Bond for Permit #068-15

Whereas,

1. NY Fuel Distributors, as applicant, posted check #0040239 in the amount of \$2,500, which was deposited into the T33 account on September 8, 2015, to serve as the Erosion Control Bond for Permit #068-15, for work performed at the Commerce Street site.
2. The Town Engineer has informed this Board that a representative of this 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 \$2,500 be released to NY Fuel Distributors, 235 Mamaroneck Avenue, Suite LL, White Plains, NY 10605, Attn: Mr. Danny Porco.

Release Wetland and Erosion Control Bond for #BSWPPP-092-15 and #BSWPPP-057-15

Whereas:

1. Susana & Jorge Reis, as applicants, posted check #1842 in the amount of \$500 which was deposited into the T33 account on January 19, 2015, to serve as the Erosion Control Bond for permit #BSWPPP-092-15 for the following work activity: construction of an in-ground pool.
2. Susana & Jorge Reis, as applicants, posted check #1827 in the amount of \$300 which was deposited into the T33 account on July 31, 2015, to serve as the Erosion Control Bond for permit #BSWPPP-057-15 for the following work activity: leveling of backyard for recreational use.
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 \$800 be released to Susana & Jorge Reis, 2095 Van Cortlandt Circle, Yorktown Heights, NY 10598.

Release Wetland and Erosion Control Bond for Permit #066-13

WHEREAS,

1. Carlos Zhinin, as applicant, posted check #223 in the amount of \$500 which was deposited into the T33 account on January 10, 2014, to serve as the Erosion Control Bond for Stormwater Permit #066-13, for work performed at his Lexington Avenue residence.
2. 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 Erosion Control Bond be released to Mr. Carlos Zhinin, 3050 Lexington Avenue, Mohegan Lake, NY 10547.

Waive fee for use of the Nutrition Center by Yorktown Historical Society

Resolved, that the Town Board waives the fee of \$370.20 for use of the Nutrition Room for four presentations by the Yorktown Historical Society.

Waive fee for use of the YCCC Gym by the Red Cross

Resolved, that the Town Board waives the fee of \$336.00 for use of the YCCC Gym for a blood drive sponsored by the Red Cross during the Street Fair on October 9, 2016.

X. COURTESY OF THE FLOOR

XI. ADJOURN

Diana L. Quast, Town Clerk
Town of Yorktown

Dated: June 21, 2016

*** Agendas are Subject to Change ***

Courtesy of the Floor Policy

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk (townclerk@yorktownny.org) or Town Supervisor (supervisor@yorktownny.org), 363 Underhill Avenue, Yorktown Heights, NY 10598.

PUBLIC HEARING SCHEDULED FOR JULY 5, 2016

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, NY on the 5th day of July, 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 10 of the Code of the Town of Yorktown entitled "BOARDS AND COMMISSIONS" by adding a new Article X entitled "QUALITY OF LIFE COMMITTEE."

PUBLIC HEARINGS ADJOURNED

Amend Special Use Permit – Mobil Gas Station:

To demolish the existing 1000 square foot convenience store and construct a new 3000 square foot convenience store at the Mobil Gasoline Station located at 2035 Saw Mill River Road also known as Section 37.14, Parcel 2, Lot 51 on the Tax Map.

Repeal Chapter 102 entitled Affordable Housing

For the purpose of repealing Chapter 102 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING."