

TOWN BOARD AGENDA
TOWN OF YORKTOWN
August 2, 2016

PLACE:
TOWN HALL

TIME:
7:30pm

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

V. PERSONNEL:

Appoint Linda Briggs Chairperson of the Landmarks Preservation Commission

BE IT RESOLVED, that Linda Briggs is hereby appointed as the Chairperson of the Landmarks Preservation Commission.

Appoint Christine Sisler to the Landmarks Preservation Commission

BE IT RESOLVED, that Christine Sisler is hereby appointed as a member of the Landmarks Preservation Commission for a three-year term expiring on October 31, 2019.

Accept Resignation of Jean-Francois de Laperouse from the Landmarks Preservation Commission

Resolved, the Town Board accepts the resignation of Jean-Francois de Laperouse from the Landmarks Preservation Commission.

VI. PUBLIC HEARINGS:

Proposed Local Law amending Chapter 115 entitled Animals

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 2nd day of August, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS," by adding a new article VII entitled "Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores."

Proposed Local Law amending Chapter 300 entitled Zoning; Article XIX

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 2nd day of August, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING; Article XIX: Off Street Parking, Loading and Vehicular Access.

VII. ADVERTISEMENTS:

Proposed Local Law to amend Chapter 260-33 entitled Deadline for Filing Applications

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, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 6th day of September, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider amending Chapter 260-33 of the Code of the Town of Yorktown entitled Deadline for Filing Applications.

Proposed Local Law amending Chapter 260 entitled Taxation by adding a new Article XI Taxable Status Date

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, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 6th day of September, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider amending Chapter 260 of the Code of the Town of Yorktown entitled Taxation by adding a new Article XI, Taxable Status Date.

Advertise Bid for Pump Station Upgrade Program, Jefferson Park PS and Jefferson Valley PS

WHEREAS:

1. The two (2) wastewater pump stations identified above are located within the Hallocks Mill Sewer District.
2. The Town retained an engineering consultant, GHD Consulting Services (“Engineering Consultant”), to prepare documents suitable for bidding purposes consisting of contract drawings and specifications (“Contract Documents”). The required work scope is fully described in the Contract Documents and will form the basis of the project work to be undertaken.
3. The Contract Documents consist of three (3) prime contracts in order to comply with New York State Bid Laws (Wicks Law).
 - Contract 1 General Construction
 - Contract 2 Electrical
 - Contract 3 HVAC
4. The Engineering Consultant and their Designee will provide professional services during construction to monitor and inspect all aspects of the work to ensure compliance with the Contract Documents.

RESOLVED, that the Town Board authorizes the Town Clerk to advertise for bids the Pump Station Upgrade Program: Jefferson Park PS and Jefferson Valley PS. The work of this project to be performed under three (3) prime contracts, Town of Yorktown Bid #16-2.

VIII. RESOLUTIONS:

Authorize Budget Transfer – Contingency to Planning Special Projects

Resolved that the Town Comptroller is authorized to transfer \$67,500.00 from Contingency A1990.499 to A8020.479 Planning Special Projects for the construction and installation of the Battle at Pines Bridge Monument.

Authorize Budget Transfer – Highway Department

Resolved, the Comptroller is authorized to transfer \$86,298.44 from Highway's Fund Balance to Highway's Paving Line, D5112-200.

Authorize Budget Transfer – Highway Department

Resolved, the Comptroller is authorized to make the following Budget transfers:

From: D5130.423 - \$3,000
D5140.420 - \$1,500
D5142.407 - \$1,200
D5130.220 - \$ 800
D5110.423 - \$ 600

To: D5110.479 - \$7,100

Authorize Building Inspector to issue Temporary Building Permits

RESOLVED that the Town Board authorizes the Building Inspector to issue three (3) temporary building permits to Picon Auto Group, LLC for the construction of three (3) temporary structures located at 3805 Crompond Road pursuant to Town Code §300-19 and Picon Auto Group, LLC will be required to deposit with the Town Clerk the sum of \$1,000.00 for each temporary building permit and the Town Board limits the dimensions of each temporary structure to be twelve feet by fifty-six feet.

Authorize Conference Attendance – Kim Adams Penner, Assessor

Whereas, sufficient funds exist in the Assessor Training line to cover the cost of expenses, including lodging and seminar

Be It Resolved, that Kim Adams Penner has permission to attend the 2016 New York State Assessor's Association Annual Conference and Seminar on Assessment Administration to be held in Lake George, New York from September 18, 2016 through September 21, 2016.

Authorize Comptroller to pay out Jason Payne the cash value of unused time

Be It Resolved, the Town Board hereby authorizes the Town Comptroller to pay Jason Payne the cash value of unused time as of his date of separation, Friday, July 15, 2016.

Rate of Pay: \$36.8922 hourly

Vacation	64.00 hours	x	\$36.8922	=	\$2,361.10
Compensatory Time	42.38 hours	x	\$36.8922	=	\$1,563.49
Total					\$3,924.59

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

From:					
A3120.102	Police Uniform Salary				\$3,924.59
To:					
A3120.108	Police Lump Sum				\$3,924.59

Authorize Purchase of Pistols, Grips, Holsters and Lights for Police Department

WHEREAS, the Yorktown Police Department has received price quotes to purchase pistols, grips, holsters and lights and upon recommendation of Lt Robert Noble, Acting Chief of Police the Police Department would like to purchase this equipment from Atlantic Tactical,

Now Therefore Be It Resolved, that the Town Board hereby authorizes the Police Department to purchase this equipment from Atlantic Tactical for a total cost of \$13,330.80

Authorize Supervisor to sign intermunicipal Agreement – Town of New Castle

WHEREAS, occasionally an applicant for a tax assessment review has a close relationship with the Town (for example, when an applicant is an elected or appointed official of the Town, an employee of the Town, or a family member of such official or employee), and, additionally, the Town, as an owner of certain parcels of real property, occasionally applies for tax assessment review as to its own parcels; and

WHEREAS, the Town Board, the Assessor and the Board of Assessment Review wish to avoid conflicts of interest or the appearance of conflicts of interest in the Town’s handling and determining of tax assessment reviews; and

WHEREAS, in some cases, recusal of one or more members of the Board of Assessment Review would be insufficient to resolve the conflict or appearance of conflict; and

WHEREAS, in order to create a procedure for handling such cases, it is in the interest of the Town to enter into an intermunicipal agreement with another town to provide for the mutual transfer of cases filed with the Town to the other’s Board of Assessment Review for determination; and

WHEREAS, the Town of New Castle has indicated its willingness to entered into such an agreement for shared services; and

WHEREAS, pursuant to General Municipal Law section 119-o, municipal corporations have “the power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis,”

WHEREAS, the Town of New Castle has requested that the Town of Yorktown Board of Assessment Review undertake a review of assessment that may otherwise cause a conflict of interest with the Town of New Castle Assessor and/or the Town of New Castle Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute an intermunicipal agreement with the Town of New Castle for the mutual performance of tax assessment review services on an as-needed basis, at no cost to either municipality.

Authorize Supervisor to sign a Hold Harmless Agreement- Algonquin Gas Transmission d/b/a Spectra Algonquin Management, LLC for Blasting Activities

WHEREAS, pursuant to Town Code Chapter 124, Algonquin Gas Transmission, LLC d/b/a Spectra Algonquin Management, LLC Its Operator and MD Drilling and Blasting, Inc. have applied to the Building Inspector for blasting permits for certain sites along the Algonquin Gas Line;

WHEREAS, pursuant to Town Code Chapter 124, Algonquin Gas Transmission, LLC d/b/a Spectra Algonquin Management, LLC Its Operator and MD Drilling and Blasting, Inc. are required to agree to hold the Town of Yorktown harmless in connection with such blasting activities;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown, that the Town Supervisor is hereby authorized to sign the hold harmless agreement.

Authorize Supervisor to sign an agreement-Pines Bridge Monument

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute the Assignment and Assumption of the Commission Agreement with The Yorktown Historical Society of Yorktown Heights in connection with Pines Bridge Monument.

Authorize Supervisor to sign agreement with the Town and CPI-HR for consulting services

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement between the Town and CPI-HR for the period of June 1, 2016 to May 31, 2017 in the amount of \$16,000 for consulting services to remain in compliance with the Affordable Care Act (ACA).

Authorize Supervisor to sign a Professional Services Agreement with WSP/Parsons Brinckerhoff for Town-Wide Culvert Repair and Replacement Project

WHEREAS,

1. The Engineering Department, the Highway Department and WSP/Parsons Brinckerhoff have worked together to identify a possible funding source that would pay for repairs and upgrades to culverts in the Town.
2. Under the NYSDOT BRIDGE NY Program, \$20 million has been allocated for state culvert projects. Awards will be in the range of \$100,000 to \$1 million for any single project and will cover costs related to design/engineering, right-of-way, construction, and construction inspection.
3. The Town intends to submit five (5) applications for culvert repair/replacement, which is the maximum allowed under this program. Note: the application deadline for the program is August 31, 2016.
4. The scope of work for WSP/Parsons Brinckerhoff will consist of the following tasks: (1) perform a visual inspection and condition assessment of approximately 25 culverts that are owned by the Town, (2) prepare a technical memorandum summarizing the findings and making recommendations for repairs, (3) submit five funding applications for qualifying projects on behalf of the Town.
5. As noted above, the Town has approximately 25 culverts within its borders that are maintained by the Highway Department. There is one culvert, located at Old Crompond Road, that is in need of immediate repair and it is anticipated that this will be our highest priority project.
6. The professional engineering services to be provided by WSP/Parsons Brinckerhoff will be performed for a lump sum in the amount of \$3,000. The Agreement will also include an allowance in the amount of \$1,000 for any work that may be needed outside of the defined work scope; this work would be paid for at the firm's normal hourly rate schedule that will be included as part of the Agreement.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with WSP/Parsons Brinckerhoff, for the scope of work as described in the preceding section in the amount of \$4,000

Approve Release of Erosion Control Bond #BSWPPP-035-16

WHEREAS:

1. Laura & Steven Shaffer, as applicants, posted check #220 in the amount of \$750.00 which was deposited into the T33 account on June 21, 2016, to serve as the Erosion Control Bond for permit #BSWPPP-035-16 for the following work activity: regrade & upgrade exiting drainage.
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 monies totaling \$750.00 be released to Laura & Steven Shaffer, 209 Somerston Road, Yorktown Heights, NY 10598.

- IX. MONTHLY REPORTS
 - Finance Department
- X. COURTESY OF THE FLOOR
- XI. ADJOURN

Diana L. Quast, Town Clerk
Town of Yorktown

Dated: August 2, 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 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."