

TOWN BOARD AGENDA
TOWN OF YORKTOWN
November 1, 2016

PLACE:
TOWN HALL

TIME:
7:30 pm

- I. PLEDGE OF ALLEGIANCE
- II. MOMENT OF SILENCE
- III. REPORT FROM TOWN SUPERVISOR MICHAEL GRACE
- IV. REPORTS FROM TOWN COUNCILMEN: GREG BERNARD, TOM DIANA, ED LACHTERMAN, VISHNU PATEL
- V. PRESENTATIONS
 - Pinesbridge Monument

VI. PERSONNEL

Approve promotion to Road Maintenance Foreman – Nicholas DeVito

BE IT RESOLVED, that Nicholas J DeVito is hereby promoted to Road Maintenance Foreman, job code # 0435-02 within the Highway Department effective November 7, 2016 to be paid from Yorktown CSEA Salary Grade 14, Step 1 which is \$62,364.00 annually, and 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 November 7, 2016.

Approve promotion to Road Maintenance Foreman – Scott Mills

BE IT RESOLVED, that Scott Mills is hereby promoted to Road Maintenance Foreman, job code # 0435-02 within the Highway Department effective November 7, 2016 to be paid from Yorktown CSEA Salary Grade 14, Step 4 which is \$70,044.00 annually, and 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 November 7, 2016.

VII. PUBLIC HEARINGS

Public Hearing Rezoning Mohegan Auto and Tire Center

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board of the Town of Yorktown, New York, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, on November 1, 2016 at 7:30 p.m., or as soon thereafter as the same can be heard, to consider the application received from Petitioner: Mohegan Auto & Tire Center, Inc. in connection with property known on

the Yorktown Tax Rolls as Section 15.12, Parcel 2, lot 8, located at 1581 East Main Street, Shrub Oak, NY 10588 seeking a zoning map amendment from R1-20 to Transitional Zone and a Wetland Permit.

Public Hearing to repeal in its entirety Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING” and enact a new Chapter 102

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 1st day of November, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to repeal in its entirety Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING” and enact a new Chapter 102 of the Code of the Town of Yorktown entitled “BELOW MARKET HOUSING INCENTIVES.”

Public Hearing to repeal Chapter 300-39 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING” and enact a new Chapter 300 Article XXXI

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 1st day of November, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to repeal Chapter 300-39 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING” and enact a new Chapter 300 Article XXXI of the Code of the Town of Yorktown entitled “INCLUSION OF ADDITIONAL HOUSING UNITS.”

Public Hearing to enact a new Article X entitled “YORKTOWN COMMUNITY HOUSING BOARD” of Chapter 10 of the Code of the Town of Yorktown

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 1st day of November, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to enact a new Article X entitled “YORKTOWN COMMUNITY HOUSING BOARD” of Chapter 10 of the Code of the Town of Yorktown.

VIII. RESOLUTIONS

Approve Budget Transfer – Water Department

Resolved, as per request of Kenneth Rundle, Distribution Superintendent – Water Department, the Comptroller is hereby authorized to transfer the following:

\$290,000.00 from SW8310.495 Service by Others to SW8340.490.2 Professional Services – NWJWW

To properly document payments made to the Northern Westchester Water Works for service rendered by the Water Works to the Town of Yorktown

Approve Certiorari Proceeding for Tax Parcel 37.15-1-34, Account No. 3776050 owned by RGW Group, LLC

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.15 Block 1 Lot 34, 1974 Maple Hill Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.15-1-34 Account Number 3776050, owned by RGW Group, LLC for assessment roll years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 are settled as set forth in the proposed stipulation as follows:

Roll Reduction Year	Assessed Value	
	From	To
2010	95,000	78,228 16,772
2011	95,000	83,145 11,855
2012	95,000	88,060 6,940
2013	95,000	92,513 2,487
2014	95,000	88,670 6,330
2015	95,000	91,800 3,200
2016	95,000	86,000 9,000

Approve Refund for Duplicate Water Bill Payment for Account #44-03770012

Resolved, that upon the recommendation of Cliff Kummer, Northern Westchester Joint Water Works, a duplicate water bill payment be and is hereby refunded to Account #44-03770012 in the amount of \$28.08.

Approve Bid Extension for Bi-Annual Parks and Recreation Brochure

RESOLVED, that the Town Board approves the extension of the Yorktown Department of Parks and Recreation Bi-Annual Brochure Bid, which was awarded to Graphic Image, Inc. 561 Boston Post Road, Milford, CT. 06460, per the terms of the contract for one additional year, January 1, 2017 through December 31, 2017.

Authorize Supervisor to sign agreement with CARFAX Police Crash Assistance Program

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute an agreement with CARFAX Police Crash Assistance Program.

Authorize Supervisor to sign an agreement with Admit Computer Services, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute an agreement with Admit Computer Services, Inc. d/b/a Impact to convert the existing Sungard/HTE RMS that is being used by the Yorktown Police Department to the new system which would be hosted and maintained by Impact.

Authorize Supervisor to sign a proposal with Sullivan Data to provide Fujitsu FI-7160 scanners for the Laserfiche Project

Whereas the Town obtained quotes from Sullivan Data Management which are lower than the Contract awarded by the County of Fairfax, Va for the purchase of Fujitsu FI-7160 scanners summarized below:

Fujitsu FI-7160 scanner (quantity 11):
County of Farifax, Virginia Contract #4400003732 \$11,712.25
Sullivan Data \$10,138.48

Fujitsu FI-7160 Three Year Warranty (quantity 11):
County of Farifax, Virginia Contract #4400003732 \$ 2,020.37
Sullivan Data \$ 1,860.54

Therefore Be It Resolved, that the Town Board authorizes the Supervisor to sign proposal in the amount of \$11,999.02 with Sullivan Data to provide scanners for the Town wide Laserfiche project.

Authorize Supervisor to sign a proposal with Sullivan Data to provide Fujitsu FI-7260 scanners

Whereas the Town obtained quotes from Sullivan Data Management which are lower than the Contract awarded by the County of Fairfax, Va for the purchase of Fujitsu FI-7260 scanners summarized below

Fujitsu FI-7260 scanner (quantity 2):
County of Farifax, Virginia Contract #4400003732 \$ 3,192.00
Sullivan Data \$ 2,642.26

Fujitsu FI-7260 Three Year Warranty (quantity 2):
County of Farifax, Virginia Contract #4400003732 \$ 367.34
Sullivan Data \$ 338.28

Therefore Be It Resolved, that the Town Board authorizes the Supervisor to sign proposal in the amount of \$2,980.54 with Sullivan Data to provide scanners for the Town wide Laserfiche project.

Authorize Supervisor to sign a proposal with Sullivan Data to provide Fujitsu FI-7460 scanners

Whereas the Town obtained quotes from Sullivan Data Management which are lower than the Contract awarded by the County of Fairfax, Va for the purchase of Fujitsu FI-7460 scanners summarized below:

Fujitsu FI-7460 scanner (quantity 3):
County of Farifax, Virginia Contract #4400003732 \$11,397.75
Sullivan Data \$ 9,282.06

Fujitsu FI-7460 Three Year Warranty (quantity 3):
County of Farifax, Virginia Contract #4400003732 \$ 6,720.00
Sullivan Data \$ 5,715.06

Therefore Be It Resolved, that the Town Board authorizes the Supervisor to sign proposal in the amount of \$14,997.12 with Sullivan Data to provide scanners for the Town wide Laserfishe project.

Authorize Supervisor to sign a proposal with Precision Built Fence to furnish and install perimeter fence around detention pond at Railroad Park

Whereas:

The Engineering Department obtained quotes to furnish and install a split rail fence around a detention pond that was recently completed as a stormwater retrofit project by the East of Hudson Watershed Corporation, and

The Town of Yorktown will be reimbursed 100 percent by the East of Hudson Watershed Corporation for all costs expended to perform this work, and

The scope of work will be to furnish and install approximately 1,100 linear feet of split rail fencing, cedar posts and 3-rails with 1-inch x 1-inch black mesh for added safety protection. The work includes installation of two (2) 4-foot high by 8-foot wide access gates. All work to be done with prevailing wage rates, and

Quotes were received from three (3) firms:

- a. \$28,000 from Precision Built Fence, Peekskill, NY
- b. \$37,225 from Yaboo Fence, West Nyack, NY
- c. \$42,415 from Salem Fence, Baldwin Place, NY

Now, Therefore Be It Resolved, that the Town Board authorizes the Supervisor to sign proposal in the amount of \$28,000 with Precision Built Fence, Peekskill, NY to furnish and install a Perimeter Fence around the detention pond at Railroad Avenue Park.

Approve additional Town Board meeting for November 14, 2016

Resolved, the Town Board of the Town of Yorktown will hold a Town Board Meeting on Monday, November 14, 2016 at 6:00 p.m. The meeting will be held at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Rescind Appointment of Richard Rubenstein from the Board of Ethics

WHEREAS, Local Law 3 of 2010 as codified in Town Code § 45-9 established a newly constituted Town of Yorktown Board of Ethics;

WHEREAS, Town Code §45-9 established one, two and three year terms of service for the members of the Board of Ethics;

WHEREAS, Town Code §45-9 limited the service each member of the Board of Ethics to two consecutive terms;

WHEREAS, on May 4, 2010 the Town Board appointed Richard Rubenstein to the first statutory term as a member of the Board of Ethics to expire on December 31, 2012;

WHEREAS, on December 18, 2012 the Town Board reappointed Mr. Rubenstein to a second consecutive statutory term as a member of the Board of Ethics to expire on December 31, 2015;

WHEREAS, on May 17, 2016 the Town Board appointed Mr. Rubenstein to a third consecutive statutory term as a member of the Board of Ethics to expire on December 31, 2019;

WHEREAS, the appointment of Mr. Rubenstein to a third consecutive term as a member of the Board of Ethics was *ultra vires* to the Town of Yorktown Ethics Code; WHEREAS, to be fully compliant with the Town of Yorktown Ethics Code, the appointment of Mr. Rubenstein must be immediately rescinded;

NOW BE IT RESOLVED, the Town Board hereby immediately rescinds the May 17, 2016 appointment of Richard Rubenstein as a member of the Town of Yorktown Board of Ethics.

IX. MONTHLY REPORTS

Receiver of Taxes – September and October 2016

X. COURTESY OF THE FLOOR

XI. ADJOURN

DIANA L. QUAST, RMC
Town Clerk
Town of Yorktown

Dated: November 1, 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 SCHEDULED FOR NOVEMBER 15, 2016

To authorize Planning Board to utilize Flexibility Standards on Featherbed Properties, Inc. Subdivision located on Jacob Road

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York on November 15, 2016, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard to consider the application received from Featherbed Properties, Inc. Jacob Road, 53.5 acre site - Section 35.16, Block 1, Lot 4 to authorize the Planning Board to process subdivision utilizing flexibility Standards.

To consider the Wetland Permit Application received from Joseph Riina, Site Design Consultants on behalf of George Pavan for property located at 1875 Brookdale Street

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 15th day of November, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from Joseph Riina, Site Design Consultants on behalf of George Pavan for property located at 1875 Brookdale Street, Yorktown Heights, NY 10598, also known as Section 37.19, Block 2, Lot 22,23,24. The request is to perform the following activity: Construction of a single family residence, driveway and landscaped yard areas.

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.

Proposed Local Law amending Chapter 245-5 entitled “SOLID WASTE”

Proposed Local Law amending Chapter 245-5 of the Code of the Town of Yorktown entitled “SOLID WASTE” by amending Section 245-5 entitled “DEFINITIONS” and adding a new Section 245-20-1 entitled “RECEPTACLES: STANDARDS AND PLACEMENT” and adding a new Section 245-20-2 entitled “GARBAGE AND REFUSE COMPACTORS.”