

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
JULY 6, 2010

PLACE: TIME:
TOWN HALL 6:00pm

Due to the air quality alert issued for the entire metropolitan area, which includes the lower Hudson Valley, Tonight's Town Board Meeting scheduled for Downing Park will take place at Town Hall at 6:00PM.

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. PROCLAMATION

The Month of July is Parks and Recreation Month
As designated by the U.S. House of Representatives

4. REPORT FROM SUPERVISOR SUSAN SIEGEL

5. REPORTS FROM TOWN COUNCIL

6. COURTESY OF THE FLOOR

7. VOLUNTEER BOARD

Resignation:

- Brad Huntington

Appointments:

Zoning Board of Appeals

- Anthony Tripodi

Conservation Board:

- Walter Plankl – Reappointment
- Jay Kaplan

8. PUBLIC HEARING

Convene:

- Proposed local law amending Chapter 10, Section 10-15 relating to membership in the Open Space Committee

9. REFERRALS

- Proposed local law repealing and replacing Chapter 15 – Building Construction and Fire Code Administration

- Proposed local law repealing and replacing Chapter 130 - Fire Prevention

10. ADVERTISING

Public Hearings – July 20th – Mohegan Colony Beach

- Proposed local law repealing and replacing Chapter 15 - Building Construction and Fire Code Administration
- Proposed local law repealing and replacing Chapter 130 - Fire Prevention
- Proposed New York State retirement incentive plan

Bids:

- Boiler Feeder Unit – YCCC
- Pavement Marking

11. RESOLUTIONS

Request from the Assessor:

- Authorize the Assessor to settle the tax certiorari proceedings for parcel 37.15-1-35 located at 2015 Greenwood Street

Request from the Comptroller:

- Approve budget transfers

Request from the Department of Environmental Conservation:

- Approve the renewal of the residential recyclable material Collection and disposal contract with C.R.P. Sanitation

Request from the Highway Department:

- Release of Escrow Deposit
- Driveway Permit - #1175 - \$500.00
Street Opening Permit # 009-009 - \$2,000.00

Request from the Legal Department:

- Authorize the Supervisor to sign easement agreements associated with the Chase Bank site plan

Request from the Police Department:

- Authorize one police officer to attend a 5 day Basic School for School Resource Officers

Requests from Supervisor's Office:

- Reimburse Wormser, Kiely, Galef & Jacobs for Legal Expenses from January through March 2010
- Authorize the sale of town owned property

12. REFUNDS

Duplicate Taxes:

- Account #2964000 - \$4,267.78

13. MONTHLY REPORTS

- Receiver of Taxes - 5

14. PERSONNEL

Appointments:

- Edward W. Kolisz – Fire Inspector
- Residency – Court Clerk
- Isabel M. Klein – Court Clerk

15. ADJOURN

ALICE E. ROKER
TOWN CLERK
TOWN OF YORKTOWN

DATED: July 6, 2010

The Town Board respectfully requests that you keep your remarks during Courtesy of the Floor as brief as possible; no more than three minutes.

TOWN BOARD OUTDOOR MEETING SCHEDULE

All meetings begin at 6:00PM. In the event of rain, the meeting will be held in the Town Board Room at Town Hall

- July 20 - Mohegan Colony Beach
- August 3 - Hilltop Hanover Farm
- September 7 – Teatown (The Meeting will be held inside of the main building)

OUTSTANDING BIDS:

- John C. Hart Library – Boiler Replacement Capital Improvement – Capital Improvement Project - #01 – Due Back – July 12, 2010
- Asphalt Laid In Place – Due Back July 16, 2010

July 6, 2010 Town Board Meeting
Resolutions to be approved:

7. VOLUNTEER BOARD

Resignation:

RESIGNATION - BRAD HUNTINGTON
ZONING BOARD OF APPEALS

Appointments:

APPOINTMENT - ANTHONY TRIPODI
ZONING BOARD OF APPEALS
RESOLUTION

RESOLVED, that Anthony Tripodi is hereby appointed to the Zoning Board of Appeals to replace Brad Huntington for a term ending December 31, 2011.

RE-APPOINTMENT – WALTER PLANKL
CONSERVATION BOARD
RESOLUTION

RESOLVED, that Walter Plankl is hereby re-appointed to the Conservation Board for a term ending July 31, 2013.

APPOINTMENT – JAY KAPLAN
CONSERVATION BOARD
RESOLUTION

RESOLVED, that Jay Kaplan is hereby appointed to the Conservation Board for a term ending June 30, 2013.

8. PUBLIC HEARING

Convene:

PROPOSED LOCAL LAW AMENDING
CHAPTER 10 SECTION 10-5 RELATING TO
MEMBERSHIP IN THE OPEN SPACE COMMITTEE

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Downing Park, 2881 Crompond Road, Yorktown Heights, New York on the 6th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to amend section 10-15 of Chapter 10 of the Code of the Town of Yorktown entitled “BOARDS AND COMMISSIONS” relating to membership in the Advisory Committee on Open Space.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

10. ADVERTISEMENT

Public Hearings: July 20, 2010 Mohegan Colony Beach

PROPOSED LOCAL LAW REPEALING AND
REPLACING CHAPTER 15 – BUILDING CONSTRUCTION

AND FIRE CODE ADMINISTRATION
ADVERTISEMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Mohegan Colony Beach, Corner of Oak and High Streets, Mohegan Lake, New York on the 20th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 15, in its entirety, and replacing it with a new Chapter 15, entitled Building Construction Administration relating to the enforcement of the NYS Uniform Fire Prevention and Building Code.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

PROPOSED LOCAL LAW REPEALING AND
REPLACING CHAPTER 130 – FIRE PREVENTION
ADVERTISEMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Mohegan Colony Beach, Corner of Oak and High Streets, Mohegan Lake, New York on the 20th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 130, in its entirety, and replacing it with a new Chapter 130, entitled Fire Prevention accepting the applicability of the New York State Uniform Fire Prevention and Building Code.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

PROPOSED NEW YORK STATE
RETIREMENT INCENTIVE PLAN
ADVERTISEMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Mohegan Colony Beach, Corner of Oak and High Streets, Mohegan Lake, New York on the 20th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to consider a proposed local law to elect a Retirement Incentive Program for eligible town employees as authorized by Chapter 105, laws of 2010 of the State of New York.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

**BOILER FEEDER UNIT – YCCC
NOTICE TO BIDDERS
ADVERTISEMENT**

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, July 19, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the Replacement of Boiler Feed Pump Unit at the Yorktown Community and Cultural Center.

A Pre-Bid Meeting will be held on July 12, 2010 at 9:00 A.M., 363 Underhill Avenue, Yorktown Heights, New York 10598.

All bids must be accompanied by an executed non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

**PAVEMENT MARKING
NOTICE TO BIDDERS
ADVERTISEMENT**

Notice is hereby given that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y. until 10:00 a.m. on July 16, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Pavement Markings.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having the bid in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Ave. Yorktown Heights N.Y. 10598, marked "BID-PAVEMENT MARKINGS"

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

11. RESOLUTIONS

Request from the Assessor:

**AUTHORIZE THE ASSESSOR TO SETTLE THE TAX CERTIORARI
PROCEEDINGS FOR PARCEL 37.15-1-35
RESOLUTION**

WHEREAS, tax certiorari proceedings were instituted challenging the assessments for parcels known as Section 37.15, Block 1, Lot 35 located at 2015 Greenwood Street and Section 37.15, Block 1, Lot 31 located at 2010 Maple Hill Street, on the Tax Map of the Town of Yorktown, and

WHEREAS, the Petitioner is willing to withdraw all pending tax certiorari proceeding for parcel 37.15-1-31, located at 2010 Maple Hill Street provided that the proposed settlement for parcel 37.15-1-35 as hereinafter set forth be accepted, now therefore be it

RESOLVED that the tax certiorari proceedings affecting tax parcel 37.15-1-35 as mentioned above for assessment roll years 1990, 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 be settled as set forth in the proposed stipulation as follows:

AV AV

Assessment Year Tax Year From To

1990	1991	2,700	2,000
1993	1994	2,700	2,000
1994	1995	2,700	2,000
1996	1997	2,700	2,000
1997	1998	2,700	2,000
1998	1999	2,700	2,000
1999	2000	2,700	2,000
2000	2001	2,700	2,000
2001	2002	2,700	2,000
2002	2003	2,700	2,000
2003	2004	2,700	2,000
2004	2005	2,700	2,000
2005	2006	2,700	2,000
2006	2007	2,700	2,000
2007	2008	2,700	2,000
2008	2009	2,700	2,000
2009	2010	2,700	2,000

Request from the Comptroller:

**APPROVE BUDGET TRANSFERS
RESOLUTION**

WHEREAS, the following budget transfers exceed the Supervisor's \$10,000 limit, and

WHEREAS, upon recommendation of the Town Comptroller, the following budget transfers are requested:

A 1420.108 Legal Lump Sum 14,174.57 Cover Buckley pmt at separation

A 1990.499 Contingency (14,174.57) Cover Buckley pmt at separation

A 1110.108 Justice Court Lump Sum 52,494.76 Cover retiring Court Clerk

A 1990.499 Contingency (52,494.76) Cover retiring Court Clerk

A 1420.439 Legal Litigation 100,000.00 Cover remaining expenses

A 1990.499 Contingency (100,000.00) Cover remaining expenses

YS 8130.408.1 Yorktown Sewer Fuel Oil 35,000.00 Town Engineer request

YS 8130.407.1 Yorktown Sewer Electricity (35,000.00) Town Engineer request

BE IT RESOLVED, the above budget transfers are approved.

Request from the Department of Environmental Conservation:

APPROVE RENEWAL OF RESIDENTIAL RECYCLABLE
MATERIAL COLLECTION AND DISPOSAL CONTRACT WITH
C.R.P. SANITATION
RESOLUTION

WHEREAS, the current Town residential garbage recyclable material collection and disposal contract with C.R.P. Sanitation, Inc., expires on December 31, 2010; and

WHEREAS, the Town Superintendent of Environmental Conservation has evaluated CRP. Sanitation, Inc.'s performance during the initial term of the contract, finds the performance to be satisfactory and recommends to the Board that it exercises its option to renew the contract for a one-year term on the same terms and conditions as the original contract; NOW, THEREFORE BE IT

RESOLVED, that the Town Board elects to exercise its option to extend the residential garbage and recyclable material collection and disposal contract with C.R.P. Sanitation, Inc. for a one-year term beginning January 1, 2011 and ending December 31, 2011.

Request from Highway Department:

RELEASE OF ESCROW DEPOSIT
DRIVEWAY PERMIT # 1175
RESOLUTION

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

Type of Permit Permit # Amount Location Refund to

Driveway 1175 \$500.00 1693 Horton Rd. Michael E. Bizovi &
Usha Bizovi
1693 Horton Rd.
Mohegan Lake, NY
10547

RELEASE OF ESCROW DEPOSIT
STREET OPENING PERMIT # 009-009
RESOLUTION

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

Type of Permit Permit # Amount Location Refund to

Street Opening 009-009 \$2,000.00 Hanover St. United Septic &
Excavation Corp
311 Railroad Ave.
Bedford Hills, NY
10507
Request from the Legal Department:

AUTHORIZE SUPERVISOR TO SIGN
EASEMENTS FOR THE CHASE BANK SITE PLAN
RESOLUTION

WHEREAS, the Planning Board approved the JPMorgan Chase, N.A. site plan by Resolution #09-07 dated March 9, 2009; and

WHEREAS, the SEQRA process was completed as part of said site plan approval; and

WHEREAS, said site plan approval required the property owner, Crompond Road Associates, LLC, to file with the Westchester County Clerk a Declaration & Public Access Easement, a Conservation Easement, and a Water Easement with the Town of Yorktown;

BE IT THEREFORE RESOLVED, that the Town Board authorizes the Town Supervisor to sign the said Declaration & Public Access Easement, Conservation Easement, and Water Easement with Crompond Road Associates LLC, associated with the site plan approval for the JPMorgan

Chase Bank, N.A. located at 3394 Crompond Road, Yorktown Heights, NY 10598.

Request from the Police Department:

AUTHORIZE ONE POLICE OFFICER TO ATTEND A
5-DAY BASIC SCHOOL FOR SCHOOL FOR
SCHOOL RESOURCE OFFICERS
RESOLUTION

BE IT RESOLVED, that the Town Board hereby authorizes one Police Officer to attend a Basic School Resource Officer Course scheduled for August 30, 2010 through September 3, 2010 in Geneva, New York.

BE IT FURTHER RESOLVED, the officer's attendance at this 5-day training will not create any overtime nor create any overtime backfill for his absence.

Request from Supervisor's Office:

REIMBURSE WORMSER, KIELY, GALEF & JACOBS
FOR LEGAL EXPENSES FROM JANUARY THROUGH MARCH 2010
RESOLUTION

RESOLVED, the Town Supervisor is authorized to pay disbursements of \$297.02 to Wormser Kiely Galef & Jacobs, LLP for legal expenses from January through March 2010 while acting as Interim Town Attorney.

AUTHORIZE THE SALE OF TOWN OWNED PROPERTY
RESOLUTION

WHEREAS, the Town of Yorktown acquired title to the real property listed below by virtue of an in rem tax foreclosure proceeding;

Tax Map ID Address

59.10-2-13 Bronx Road

59.10-2-31 496 Vine Road

16.13-2-49 1281 Ivy Road

25.08-2-74 1569 Wenonah Trail

25.11-1-4 3050 Lexington Avenue .

37.09-1-83 491 Fisher Pond Road.

37.11-1-42 2285 Saw Mill River Road

37.14-1-74 Baldwin Road

48.18-2-37 586 Croton Heights Road

48.18-2-39 566 Croton Heights Road

69.08-1-26.11 400 Aqueduct Avenue .

WHEREAS the Town Board has determined that it has no use for the listed parcels; and

WHEREAS the Town Board has determined that selling the above listed parcels would be in the best interest of the Town; and

WHEREAS, the Town Board has determined that the above listed parcels should be sold by way of sealed bid;

NOW, THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Clerk to advertise the above listed parcels for sale by way of sealed bid.

**AUTHORIZE THE SALE OF TOWN OWNED PROPERTY
BERNSTEIN HOUSE
RESOLUTION**

WHEREAS, the house and real property located at 3147 Old Yorktown Road, Town of Yorktown, Tax Map ID 26.07-1-30 (formerly known as Section 4.19, Parcel 45, Lot 4), (referred to hereinafter as the “Bernstein House”) was devised and bequeathed in the Last Will and Testament of Helen Bernstein to the Town of Yorktown Museum, a department of the Town of Yorktown, and was conveyed by Lester Rosenbaum, the executor of the estate of Helen Bernstein, to the Town of Yorktown on November 21, 1990; and

WHEREAS, the conveyance was made upon the condition that the premises and the house thereon shall be used for the Town of Yorktown museum purposes with some or all of the rooms being open as a museum for a period of at least ten years from the date thereof, and

WHEREAS, the property was open and used by the Town for museum purposes from 1990 until 2008, and

WHEREAS, the Town of Yorktown Museum no longer utilizes the Bernstein House for museum purposes, and

WHEREAS the Town Board has determined that it has no further use for the Bernstein House, and that selling the property would be in the best interest of the Town, and

WHEREAS, the Town Board has determined that the Bernstein House should be sold by way of sealed bid,

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Town Clerk to advertise the property for sale by way of sealed bid.

14. PERSONNEL

Appointments:

**APPOINTMENT – EDWARD W. KOLISZ
FIRE INSPECTOR**

RESOLUTION

BE IT RESOLVED, that Edward W. Kolisz of Shrub Oak, NY, is hereby appointed Fire Inspector, job class code 0107-01, from Eligible List No. 61-888, within the Building Department, effective August 9, 2010 to be paid from Yorktown CSEA Salary Schedule A-1, Group 13, Step 1 which is \$59,945.00 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 appointment on August 9, 2010.

YORKTOWN JUSTICE COURT CLERK RESIDENCY RESOLUTION

RESOLVED, that the Town Board finds that notwithstanding any provision of any special, general or local law to the contrary, the Court Clerk of the Town of Yorktown need not be a resident of the Town of Yorktown, and

FURTHER RESOLVED, that the Town Board intends this finding to supersede the provisions of Section 3 of the Public Officers Law of the State of New York and Section 23 of the Town Law of the State of New York.

APPOINTMENT – ISABEL M. KLEIN YORKTOWN JUSTICE COURT CLERK RESOLUTION

RESOLVED, Isabel M. Klein residing in Middletown, NY is appointed to the full time position of Court Clerk, civil service job class code 0046-03, to serve at the pleasure of the Town Justices, effective August 1, 2010, to be paid annually in the amount of \$75,000.00, with annual vacation, health benefits, sick days, personal days, and floating holidays to follow the CSEA agreement and be it

FURTHER RESOLVED, this appointment is subject to a probationary term of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on August 1, 2010.

It shall not be a requirement of this appointment that the Court Clerk reside in the Town of Yorktown.