

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
March 7, 2017

PLACE:
TOWN HALL

TIME:
7:30pm

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. SUPERVISOR GRACE'S REPORT TO THE TOWN
4. REPORTS FROM THE TOWN COUNCIL
5. PERSONNEL

Appoint Deputy Town Assessor – Cheryl Kastuk

BE IT RESOLVED, that Cheryl E. Kastuk, is hereby promoted as a Deputy Town Assessor, job class code 0073-01, from Eligible List No. 70-734, effective March 13, 2017, in the Assessor Department, to be paid from Yorktown CSEA Salary Schedule A-1, Group 14, Step 4 which is \$75,486.00 annually,

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 March 13, 2017.

6. PRESENTATION
Robert Noble – Chief of Police

7. PUBLIC HEARINGS
To Consider amending Chapter 198, Section 4D(2) “Designation of Landmarks or Historic Districts”

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 10598 on the 7th day of March, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Section 198-4.D(2) of the Code of the Town of Yorktown entitled “Designation of Landmarks or Historic Districts” by adding “The Commission shall discuss the designation proposal with the owner(s) of the subject property or properties prior to proceeding with the designation proposal.”

To consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic, Bunney Lane and Mark Road

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 10598 on the 7th day of March, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard,

to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” adding a full stop at intersection of Bunney Lane and Mark Road.

To consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” – Quaker Church and Granite Springs Road

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 10598 on the 7th day of March, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” adding a full stop at intersection of Quaker Church Road and Granite Springs Road.

To consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” East Main and Stony Street

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 10598 on the 7th day of March, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275-12 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Article I, entitled “Traffic and Parking Regulations,” adding a new subsection G to Section 275-12 entitled “Traffic Control Signals” for the installation of a traffic control signal at the intersection of East Main Street and Stony Street.

8. SET PUBLIC HEARING DATES:

Reconvene Public Hearing for Wetland Permit Application - 1875 Brookdale Street – George Pavan

NOTICE IS HEREBY GIVEN, that a public hearing will be reconvened 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 21st day of March, 2017 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.

Proposed Local Law adding a new Chapter entitled Utility Poles

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 21st day of March, 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider

adding a new Chapter to the Code of the Town of Yorktown entitled “**UTILITY POLES**” which would require that utilities that use Town highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment, and terminals have been removed.

9. RESOLUTIONS

Authorize Town Clerk to transmit a Home Rule Request form to the Counsel of the New York State Senate and New York State Assembly in relation to establishing the Town of Yorktown Industrial Development Agency to

WHEREAS, the Town Board of the Town of Yorktown believes that an Industrial Development Agency in the Town of Yorktown would promote, develop, encourage and assist in acquiring, constructing, improving, maintaining or equipping certain facilities within the Town thereby advancing the job opportunities, health, general prosperity and economic welfare of the people of the Town of Yorktown;

WHEREAS, the Town of Yorktown is committed to ensuring diverse local job creation in Yorktown; and

WHEREAS, the Town Board believes that local labor should first be sought before securing outside labor for Industrial Development Agency assisted projects; and

WHEREAS, it is the intention of the Town Board for the Yorktown Industrial Development Agency to promulgate a declaration of motivation for the employment of local trades people and prioritize local labor;

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of March 7, 2017 in support and passage of Assembly Bill A5753/Senate Bill S328.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the home rule counsel of the state senate and state assembly.

Authorize the Town Supervisor to petition the United States Acting Secretary of the Navy to name Ships in honor of the Battle of Pines Bridge and the Town of Yorktown

WHEREAS, on March 7, 2018, the Town of Yorktown will celebrate its 230th anniversary;

WHEREAS, the Town of Yorktown has great pride in the abundance of historical significance in the development of the United States, particularly the Hudson Valley region, since its formation;

WHEREAS, the Town of Yorktown is equally honored by the many dedicated people who have lived in the Town since it was established;

WHEREAS, the Town of Yorktown is blessed with a diverse and devoted citizenry presently residing in the Town;

WHEREAS, to honor the prior generations of townspeople as well as the current residents, throughout 2018 the Town of Yorktown will be conducting several town-wide celebrations to revel in our rich history, our great milestones and our hard fought achievements;

WHEREAS, dating back to the formation of the United States, the United States Navy has honored noteworthy people, places and events with names of classes of ships or individual ships;

WHEREAS, the Town Board believes that the residents of the Town of Yorktown deserve the honor and tribute of having a United States naval ship bear its name;

WHEREAS, one of the many ways the Town of Yorktown is commemorating its precious heritage, the Town of Yorktown plans to petition the United States Acting Secretary of the Navy to name naval ships after the Battle of Pines Bridge as well as Town of Yorktown;

WHEREAS, the United States Navy has named Ticonderoga-class guided missile cruisers after important military events such as battles – *Ticonderoga*, *Cowpens*, *Yorktown*, *Valley Forge*, *Bunker Hill* and *Antietam*;

WHEREAS, the Town Board submits that the Battle of Pines Bridge is a noteworthy event in the development of the cause of American Freedom that a naval ship should bear its name;

WHEREAS, the Battle of Pines Bridge, which occurred on May 14, 1781, was a battle between native-born Americans Patriots of the Rhode Island Regiment versus Loyalists, people who remained loyal to the British King. The American soldiers were tasked with guarding Pines Bridge, a strategic crossing point over the Croton River, which led into the Hudson River. The Croton River served as the Patriot line of defense throughout the war. The ability of the Patriots to control the area helped keep the New England colonies connected to the Middle and Southern colonies;

WHEREAS, in addition to the military strategic importance of the battle, the diversity of the American soldiers who were predominantly black, white or American Indian is equally significant. The regiment's commander, Colonel Christopher Greene, and many of his soldiers made the ultimate sacrifice on the Town's soil during the battle;

WHEREAS, in addition to the historical significance of the Battle of Pines Bridge, the Town of Yorktown – and its residents – have a long and dedicated history that is worthy of the honor of bearing a naval ship’s name;

WHEREAS, the United States Navy has named Littoral Combat Ships (LCSs), small surface vessels intended for close to shore operations, after small cities and towns such as *Fort Worth, Little Rock, Wichita, Cooperstown* and *Mobile*;

WHEREAS, the Town Board submits that Town of Yorktown – and its people – would be honored to have a Littoral Combat Ships named after the Town;

BE IT RESOLVED, the Town Board of the Town of Yorktown authorizes the Town Supervisor to petition the United States Acting Secretary of the Navy Sean Stackley to consider at the next ship naming convention that the next available Ticonderoga-class guided missile cruiser be given the name *USS Battle of Pines Bridge* and the next available Littoral Combat Ship be given the name *USS Town of Yorktown*.

Acceptance for Completion of Project - Sparkle Lake Dam

WHEREAS,

1. On 8/04/15, the Town Board passed a resolution that awarded the bid for Sparkle Lake Dam to Cal Mart Enterprises, Inc. at a cost of \$348,843.
2. The contract work was substantially completed by Cal Mart on 5/31/16. The remaining punch list items have been worked on by the contractor for the past several months and have been confirmed as complete.
3. Construction activities were supervised by a representative of the design engineer, Maser Consulting P.A., and they provided written certification that the work was completed according to the plans and specifications.
4. Cal Mart provided the following documents in support of their request for final acceptance: Contractor’s Affidavit of Payment of Debts and Claims, Consent of Surety to Final Payment, Contractor’s Affidavit of Release of Liens, and Affidavit of Payment of Material, Subcontractors, Insurance, Bonds and Labor.
5. In addition Cal Mart provided a 1-year Maintenance Bond in the amount of \$16,638 that will guarantee their workmanship until 5/31/17.
6. The Town Engineer and the Parks Superintendent both concur that the work has been satisfactorily completed and recommend the project be accepted as final and complete.

NOW, THERFORE BE IT RESOLVED, that

The Town Board accepts the Sparkle Lake Dam Project as final and complete and authorizes the release of remaining monies due to Cal Mart Enterprises, Inc., subject to the Town Attorney obtaining all necessary waiver of liens and release documents from Cal Mart Enterprises, Inc.

Acceptance for Completion of Project - Croton Heights Bridge/Culvert

WHEREAS,

1. On 4/28/15, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with ELQ Industries Inc., for emergency repair work of the culvert on Croton Heights Road near the intersection of Route 118.

2. On 2/7/17, the Town Board passed a resolution that authorized the Town Supervisor to sign an Amendment to the Contract Agreement with ELQ Industries Inc., for extra work that was performed during the course of the project.

3. The work was done from September through December 2015. Total cost of the project including the contract amendment was \$394,479.47.

4. The construction work was supervised by a representative of the design engineer, Sells/Parsons Brinckerhoff, and they provided written certification that the project has been completed according to the plans and specifications.

5. ELQ Industries provided a Final Release and Final Waiver of Claims & Liens that was prepared by the Town Attorney.

6. The Town Engineer and the Highway Superintendent both concur that the work has been satisfactorily completed and recommend the project be accepted as final and complete.

NOW, THERFORE BE IT RESOLVED, that the Town Board accepts the Croton Heights Road Culvert Replacement Project as final and complete and authorizes the release of remaining monies due to ELQ Industries Inc.

10. REFUNDS

Duplicate Tax Payments

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account #1923000 in the amount of \$2,694.84.

Account #4374009 in the amount of \$3,192.31.

Account #2494340 in the amount of \$3,846.12.

Account #1675000 in the amount of \$2,848.79.

Account #2576500 in the amount of \$3,487.94.
Account #0279502 in the amount of \$1,244.23.
Account #3082500 in the amount of \$2,505.28.
Account #2355500 in the amount of \$3,388.60.
Account #1228500 in the amount of \$1,470.33.
Account #1605000 in the amount of \$2,773.23.
Account # 743500 in the amount of \$ 741.93.
Account #4583500 in the amount of \$ 73.61.
Account #471500 in the amount of \$ 267.70.

11. MONTHLY REPORTS
12. COURTESY OF THE FLOOR
13. ADJOURN

Dated: March 7, 2017

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN

*** 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.