

TOWN BOARD AGENDA
TOWN OF YORKTOWN
December 20, 2016

PLACE: TOWN HALL
TIME: 7:30 pm
Televised

- 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. PRESENTATION
Ken Rundle, Distribution Superintendent – Water Department

VI. PERSONNEL

Appoint Contingent-Permanent Police Officer - Daniel Curtis

BE IT RESOLVED, that Daniel F Curtis of Yorktown, New York is hereby appointed contingent-permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective December 21st, 2016 to be paid the contractual salary of \$52,727.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on December 21st, 2016.

Appoint Contingent-Permanent Police Officer - John Battista

BE IT RESOLVED, that John J Battista of Yorktown Heights, New York is hereby appointed contingent-permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective January 6th, 2017 to be paid the contractual salary of \$42,182.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on January 6th, 2017.

Appoint Contingent-Permanent Police Officer - James Hannigan

BE IT RESOLVED, that James J Hannigan of Yorktown Heights, New York is hereby appointed contingent-permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective December 21st, 2016 to be paid the contractual salary of \$52,727.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on December 21st, 2016.

VII. PUBLIC HEARINGS

DECISION:

Proposed Budget for Fiscal Year Beginning January 1, 2017

RECONVENE:

Reconvene Public Hearing - Rezoning Mohegan Auto and Tire Center

Reconvene a public hearing 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.

CONVENE:

Special Use Permit Application received from Global Mintello Group Corp.

3700 Barger Street – Re-Brand to BP Gasoline Station

Convene a public hearing to consider the application received from Global Mintello Group Corp. for a Special Use Permit, Wetland and Stormwater Permit. The request is to approve replacement of storage tanks with associated piping dispensers, install new canopy over dispensers with an in-canopy fire suppression system, install new drainage and other site improvement work with re-branding to BP station located at 3700 Barger Street, also known as Section 507, Parcel 1, Lot 2 on the Tax Map of the Town of Yorktown.

VIII. RESOLUTIONS

Advertise Bid for Annual Maintenance and Emergency on-call service for Town Boilers, Burners and Furnaces

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Friday, January 13, 2017 for the Annual Maintenance and Emergency On-call Service for Town Boilers, Burners and Furnaces Bid.

Advertise Bid for Annual Maintenance and Emergency on-call service for Boiler, Burner and Furnace located at Yorktown Community & Cultural Center

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Friday, January 13, 2017 for the Annual Maintenance and Emergency On-call Service for Boiler, Burner and Furnace at the Yorktown Community & Cultural Center Bid.

Advertise Bid for Auto Body Work on Town Vehicles

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown

Heights, New York, until 11:00 A.M., on Friday, January 13, 2017 for Town-owned Vehicles (Automobiles and Trucks) Auto Body Repair Bid.

Advertise Town Board meeting for January 3, 2017

Resolved, that the Town Board of the Town of Yorktown will meet on January 3, 2017 at 6:45 P.M., for the purpose of conducting an organizational meeting as required by law. The meeting will take place at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Approve Bid Extension for On Call Grit Removal & Disposal for the Water Pollution Control Plant – Bid #14-7

Whereas:

The Town Board at its meeting of December 16, 2014, awarded the bid for On Call Grit Removal & Disposal, Bid #14-7, for the Water Pollution Control Plant to Fred Cook Jr., Inc., and

The Town previously exercised its contractual option to extend the bid in one-year increments for the periods 1/1/16- 12/31/16. The maximum contract term of two (2) years has been reached.

The Town intends to extend this contract for its final one year term.

RESOLVED, that the Town Board extends the contract with Fred Cook Jr., Inc., for the On Call Grit Removal & Disposal, Bid #14-7 for a one year period with the same terms and conditions. Contract Price: \$149.95 per ton, Contract term: **1/1/17-12/31/17.**

Approve Fee Schedule for Goods and Services - Refuse and Recycling Department

Resolved, effective January 1, 2017, the Town Board approves the following fee schedule for goods and services offered by the Refuse & Recycling Department:

“Extra” Bulk Trash Collection: \$ 50.00

“Removal Sticker” for appliances containing Freon: \$ 20.00 for each Refrigerator or Freezer
(Note: Freon appliances will only be picked up & disposed of by the Refuse & Recycling Department when a paid “Removal Sticker” is on the appliance.

Car Tires without rim: \$ 5.00 each
(Note: car tires are not picked up curbside with Bulk Trash collections. During pre-scheduled “Disposal Days” residents can bring car tires to the Refuse & Recycling Department where a \$5.00/tire disposal fee must be paid).

30-gallon Biodegradable Leaf Bags: \$.40 each (\$ 20.00 bundle of 50 bags)

18-gallon Recycling Bin: \$ 8.00

14-gallon Recycling Bin: \$ 6.00

Authorize Bond Release Fleurat - #WP-BSWPPP-034-16 – Hayes Drive

Whereas,

Quentin & Anne Fleurat, as applicants, posted \$500 which was deposited into the T33 account on August 19, 2016, to serve as the Performance Bond for Wetland & Stormwater Permit #WP-BSWPPP-034-16, for work performed at his Hayes Drive location.

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.

Authorize Bond Release - Prunty - #FSWPPP-037-16 – Old Yorktown Road

Whereas:

CBK & Associates, Ltd., as applicant, posted check #119 in the amount of \$750.00 which was deposited into the T33 account on October 3, 2016, to serve as the Erosion Control Bond for permit #FSWPPP-037-16.

The Town Engineer has informed this Board that no work has been done on the site and that the property has since been sold and the permit is null and void.

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies totaling \$750.00 be released.

Authorize Budget Transfer for Water Pollution Plant – OGS Ford Truck Purchase

WHEREAS:

The Yorktown Heights Water Pollution Control Plant requests the purchase of the following vehicle: Ford F550 Truck with Knapheide Heavy Duty Value-Master-X Platform Body and IMT Crane (or equivalent).

The Town put in a bid request for the new work vehicle through the New York State Office of General Services.

Webster Ford dba Henderson Ford submitted the lowest price under the OGS state bid at a total contract price of \$80,454.27. Note: The second bidder, Van Bortel Ford, Inc. submitted a lower initial price of \$79,698.48, however their price did not include the power equipment package that was a specification requirement (and was indicated

as an add cost of \$841.80). When the total pricing from Van Bortel Ford, Inc. was adjusted to include the power equipment package, the new bid price was \$80,540.28

The Department will use available funds for the purchase, however we need the Town Comptroller to make the following 2016 budget transfers:

- a. \$18,000 from YS8130.201 Equipment to YS8130.201.1 Capital Equipment
- b. \$25,000 from YS8130.0449 Analysis to YS8130.201.1 Capital Equipment

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the purchase of a crane truck (with associated budget transfers indicated above) for use by the Yorktown Heights Water Pollution Control Plant staff. The total purchase amount shall be \$80,540.28 from Webster Ford dba Henderson Ford in accordance with the state contract bid price.

Authorize Conference Attendance for Town Engineer Michael Quinn

Whereas,

The Town Engineer wishes to partake in an upcoming Annual Winter Meeting of the New York Water Environment Association that will be held on February 6-8 at the Marriott Marquis in New York City.

Sufficient funds exist in the budget line item for Employee Training to cover the cost of attendance plus expenses, including travel to the conference hotel in New York City,

- Conference Fee: \$485
- Estimated travel expenses: \$75
- Total: \$560

Now Therefore Be It Resolved, that Michael Quinn, Town Engineer, has permission to attend the Annual Winter Meeting of the New York Water Environment Association as described above.

Authorize Education Class for Frank Rendina, Sewer Department Employee

Whereas,

A Town of Yorktown Employee, Frank Rendina, current job title, Maintenance Mechanic, wishes to obtain further skill in wastewater treatment plant operations. He is requesting Town Board approval to take an upcoming set of classes that will lead to operator certification.

Classes will be held at SUNY Ulster County and will occur on various dates in January 2017.

The classes he wishes to attend are as follows:

- Math for Wastewater Operators: \$131
- Basic Wastewater Lecture: \$1,029
- Basic Wastewater Lecture: \$639

- Total: \$1,799

Now Therefore Be It Resolved, that Frank Rendina, Maintenance Mechanic, has permission to attend the education classes listed above. Reimbursement will be in accordance with Town policy and the Agreement with the employee union, CSEA.

Authorize Supervisor to sign Memorandum of Agreement with the Superior Officers Association

BE IT RESOLVED that the Memorandum of Agreement between the Town of Yorktown and the Superior Officers Association (SOA) dated December 21, 2016 is hereby ratified and approved and the Town Board approves the funding for such Agreement; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a Collective Bargaining Agreement for the period from January 1, 2015 through December 31, 2017 that is consistent with the terms of the Memorandum of Agreement.

Authorize Supervisor to sign an agreement with Arthur J. Gallagher & Co. for Insurance Coverage

Be It Resolved, that the Town Board authorizes the Supervisor to sign a contract with Arthur J Gallagher & Co for insurance coverage for the calendar year 2017. Total costs for property, equipment floater, equipment breakdown, general liability, automobile, umbrella, E&O public officials, liability, law enforcement liability, workers comp, excess employers' liability and other-ocp premiums not to exceed \$803,862

Authorize Supervisor to sign an agreement with County of Westchester for an additional purchase of equipment for Nutrition Center

BE IT RESOLVED that the Town Supervisor is authorized to sign the agreement with the County of Westchester whereby the County is providing an additional \$7,000.00 to the Town to purchase additional equipment for use in the Nutrition Center.

Authorize Supervisor to sign an agreement with Maser Consulting, PA for professional engineering and construction inspection services – Sparkle Lake Dam

WHEREAS:

On 10/23/13, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with Maser Consulting, P.A. for professional engineering and construction inspection services for the Sparkle Lake Dam project in the amount of \$41,900. Then, on 7/7/15 the Town Board passed a resolution that authorized the Town Supervisor to sign Contract Amendment No. 1 with Maser for a lump sum cost of \$14,020 for additional work required plus an allowance of \$5,000 for soil testing and \$1,000 for reimbursable expenses.

During the actual course of construction several items of work were uncovered or added to the project that resulted in additional construction inspection time:

- Field redesign of the inlet structure and construction of a new concrete base due to heavy corrosion at the base of the inlet structure,
- Unforeseen field condition that required reconstruction of the foundation pump platform,
- A storm water pipe not shown on the underground utility drawings was uncovered during excavation and had to be accommodated in the new layout, including a new riprap apron at the discharge point, and
- A concrete platform at the water edge was cracked and required replacement with new cast-in-place concrete sidewalk to eliminate a safety hazard.

Of the \$5,000 soil testing allowance from Contract Amendment #1, only \$993 was spent. Maser Consulting requested the balance remaining, \$4,007, be re-assigned to the Construction Inspection line item to offset their additional field inspection time. There would be no change to the overall contract price and Maser will not request any additional funding above and beyond the \$4,007 that is requested herein. With the extra funds, Maser Consulting also agreed to assist the Town Engineer and Parks Superintendent in performing an end-of-year dam inspection that is a regulatory requirement of the NYSDEC Dam Safety Division and must be performed on a yearly basis.

In the professional opinion of the Town Engineer, Maser Consulting provided the extra services described herein and we recommend the Town Board approve the contract amendment as described herein.

NOW, THEREFORE BE IT RESOLVED, that

The Town Board authorizes the Town Supervisor to sign Contract Amendment No. 2 to the Professional Services Agreement with Maser Consulting P.A. for Extra Work Related to the Sparkle Lake Dam Construction Project. There is to be no change in the overall contract price, however, the Town Board agrees that \$4,007 originally allocated to the soil testing allowance may be re-assigned and paid under the Construction Inspection line item.

Authorize Supervisor to Sign a Professional Services Agreement with D&B Engineers in the Not-to-Exceed Amount of \$15,500 for MS4 Stormwater Compliance

Whereas,

The Town Engineer solicited proposals for professional services for the following scope of work: (1) prepare the MS4 annual report under the NYSDEC General Permit for Stormwater Discharges, (2) prepare an interim progress report under the town stormwater management program described above, (3) provide additional services related to stormwater best management practices, in-field training and various documentation to support the Town-wide program.

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 firms that provided written proposals were D&B Engineers and Architects P.C, GHD Consulting Services, Inc., and WSP Parsons Brinckerhoff.

In the professional opinion of Town Engineer, D&B Engineers and Architects P.C. provided the best overall proposal and the lowest cost to the Town.

The proposal for services to be provided by D&B Engineers and Architects P.C. as described above will be for a contract amount of \$15,500 broken down as follows: lump sum all-inclusive amount of \$5,500 for Tasks 1 & 2; a \$10,000 allowance for Task 3 to be billed at standard hourly billing rates and shall only be authorized upon written directive of the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, that

The Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with D&B Engineers and Architects P.C. for the scope of work as described in preceding section and the not-to-exceed amount of \$15,500.

Release Erosion Control/Wetland/Tree/Stormwater Bonds for Crompond Crossing, LLC – 3372 Old Crompond Road

WHEREAS,

Robert Schrader, as Applicant for the Crompond Crossing LLC for the Development Project located at 3372 Old Crompond Road, [Section 26.18, Block 1, Lot 7], provided the following financial securities as conditions of the project approval:

Letter of Credit via First Bank of Greenwich #101-2012 in the amount of \$545,735, to serve as the performance bond. The Applicant previously received a partial release of funds so the balance remaining at this time is \$45,262.49.

Letter of Credit via First Bank of Greenwich #102-2012 in the amount of \$25,000 to serve as the wetland restoration/guarantee bond. Note: This bond will be retained by the Town for 5-years per the terms and conditions of the approval resolution and is not being released at this time.

Letter of Credit via First Bank of Greenwich #103-2012 in the amount of \$35,000 to serve as the erosion/wetland/tree/stormwater bond.

Letter of Credit via First Bank of Greenwich #104-2012 in the amount of \$35,000 to serve as the erosion control bond. Applicant previously received a partial release of funds; the balance remaining is \$3,500.

NOW, THEREFORE BE IT RESOLVED, the above referenced bonds totaling \$83,762.49, be released to Robert Schrader as Applicant for Crompond Crossing LLC. The Town will continue to retain Letter of Credit #102-2012 in the amount of \$25,000.

Release Erosion Control/Wetland Bonds Permit #WP-BSWPPP-T-029-15 - Old St. George's, LLC

WHEREAS,

ATK Consulting, Inc., as applicant, posted check #1492 in the amount of \$2,500 which was deposited into the T33 account on July 1, 2011, to serve as the 5-year Wetland Bond for Planning Board permit #WP-054-10, for work performed at the Route 6 location.

Old St. George's, LLC, as applicant, posted check #1073 in the amount of \$3,000 which was deposited into the T33 account on June 26, 2015, to serve as the 5-year Wetland Bond for Town Board permit #WP-BSWPPP-T-029-15.

Old St. George's LLC, as applicant, posted check #1074 in the amount of \$5,000 which was deposited into the T33 account on June 26, 2015, to serve as the Erosion Control Bond for Town Board Permit #WP-BSWPPP-T-029-15.

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, the above referenced bonds totaling \$10,500.00, be released to ATK Consulting, Inc./Old St. George's, LLC.

IX. COURTESY OF THE FLOOR

X. ADJOURN

DIANA L. QUAST, RMC
Town Clerk
Town of Yorktown

Dated: December 20, 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 JANUARY 3, 2017

Wetland/SWPPP Permit Application Dornoch Development, LLC/Bruce Kelderhouse for property located on Turus Lane, Mohegan Lake, NY

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, New York on the 3rd day of January, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland/SWPPP Permit Application received from Dornoch Development, LLC/Bruce Kelderhouse for property located on Turus Lane, Mohegan Lake, NY 10547 also known as Section 16.17, Block 1, Lot 48.7. The request is to perform the following activity: construction of a modular single-family residence.

PUBLIC HEARINGS ADJOURNED

Public Hearing - 1875 Brookdale Street - Wetland Permit

A public hearing 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 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

A 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 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

A 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 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

A public hearing to enact a new Article X entitled "YORKTOWN COMMUNITY HOUSING BOARD" of Chapter 10 of the Code of the Town of Yorktown.

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.”