



Town of Yorktown

Office of the Town Clerk Diana L. Quast

FINAL TOWN BOARD MEETING AGENDA

February 21, 2023

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

6:30 PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

Police Department

Litigation and Negotiations

Town Attorney

7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR THOMAS DIANA
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM WHITE PLAINS
Vedat Gashi - Westchester County Legislator, 4th District
7. PRESENTATION
Sarah Wilson and Heidi Bornemann - Super Bowl of Cereal
8. POET LAUREATE
John McMullen
9. PUBLIC HEARING
Decision - Amendment to Chapter 300-39(A) though (F) of the Code of the Town of Yorktown entitled "Affordable Housing."

Adopt a determination of non-significance pursuant to the State Environmental Quality Review Part 6 CRR-NY 617.7, and that a Negative Declaration Form be attached reflecting such adoption

WHEREAS, the Town Board of the Town of Yorktown has considered all of the potential environmental impacts associated with the adoption of proposed amendments to Chapter 300-39, Affordable Housing of the Town Code, and have determined that there are no significant adverse impacts to the environment or the social and economic conditions in the Town; and

THEREFORE, BE IT NOW RESOLVED, that the Town Board hereby adopts a determination of non-significance pursuant to the State Environmental Quality Review Part 6 CRR-NY 617.7, and that a negative declaration form is attached hereto reflecting such adoption.

Adopt Local Law #1 of 2023 to amend Chapter 300-39(A) through (F) of the Code of the Town of Yorktown entitled “Affordable Housing.”

WHEREAS, a public hearing was duly held on February 14, 2023, pursuant to notice duly published as required by law to amend Chapter 300-39(A) through (F) of the Code of the Town of Yorktown entitled “Affordable Housing.”

Be It Enacted by the Town Board of the Town of Yorktown as follows:

Section I.

Section 300-39(A) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

Effect, purpose and intent. It is the purpose and intent of this section to provide guidelines and regulations for affordable housing under the Town’s Affordable Housing Program.

Section 300-39(B) of the Code of the Town of Yorktown is hereby amended by replacing the definition of AFFORDABLE HOUSING with:

A residential dwelling unit made available for sale or rent at a price established in conformance with the provisions hereof.

Section 300-39(D)(3) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

Among income-eligible households which meet the occupancy standards, affordable units will be offered in the order of applicants based on the number on the affordable housing waiting list. The waiting list number will be determined at the discretion of the Community Housing Board either by lottery or by date and time of receipt of the preapplication. If the earliest date of receipt of the preapplication is utilized, in the event there is a tie due to identical dates of receipt of preapplications, a lottery will be used to determine the order of those applications on the list.

Section 300-39(D) of the Code of the Town of Yorktown is hereby amended to include the following new section (5):

(5) All Affordable Housing, whether for purchase or for rent, shall be broadly marketed in a fair and affirmative manner. Such marketing shall include referral to the County of Westchester's Homeseeker website.

Section 300-39(E)(2)(b) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

The price affordable to a household at 80% of AMI at the time the unit is offered for resale. This price shall be determined such that monthly housing costs shall not exceed 30% of 80% AMI, as adjusted based on unit size using the minimum household size for the unit as per Section D.2. hereinabove, and calculating the mortgage based on 100% of the sales price utilizing an average of prevailing mortgage rates for thirty-year, fixed-rate mortgages. Monthly housing costs shall include the estimated principal and interest on the mortgage loan, estimated property taxes and homeowners' insurance (otherwise known as "PITI"), as well as any estimated common charges, homeowners' association fees, and/or common maintenance fees.

Section 300-39(E)(3) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

- (3) Sales price.
 - (a) Resale: For resale of existing affordable homeownership units, the price established by the YCHB in accordance with the foregoing shall be the maximum resale price. Should no buyer be eligible under the terms herein contract for and close on the purchase of the affordable housing unit at this maximum price, the homeowner may, at his sole discretion, reduce the price or withdraw the unit from the market. The Town shall not be deemed to guarantee the resale price of the unit, which may be affected by factors such as the housing market and condition of the unit. A buyer of an affordable housing unit shall be deemed to have fully assumed the risks associated with the future value of the unit. The deed restrictions are for the sole purpose of ensuring that the unit is sold to an income-eligible buyer at no more than the maximum resale price as determined above.
 - (b) Initial Purchase Price: For calculation of the initial purchase price of an affordable homeownership unit, the YCHB shall establish the maximum gross sales price utilizing the guideline information from the U.S. Department of Housing and Urban Development in the most recent edition of the "Westchester County Area Median Income (AMI) Sales & Rent Limits" published by the County of Westchester. To calculate housing costs for establishment of affordability of for-sale units, the YCHB shall include the estimated principal and interest on the mortgage loan, estimated property taxes and homeowners' insurance (otherwise known as PITI), as well as any estimated common charges, homeowners' association fees, and/or common maintenance fees applying to the units in the development. The maximum initial for-sale price shall be determined such that monthly housing costs shall not exceed 30% of 70% AMI, as adjusted based on unit size using the minimum family size eligible for the unit per the occupancy standards in Section D.2. hereinabove, and calculating the mortgage based on 100% of the sales price utilizing an average of prevailing mortgage rates for 30-year, fixed rate mortgages.

Section 300-39(E)(4)(b) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

To calculate initial rent for the for-rent affordable housing units, the YCHB will use the Low HOME rents based on unit size, as set forth in the most recent edition of the “Westchester County Area Median Income (AMI), Sales and Rent Limits.”

Section 300-39(E)(4)(c) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

Minimum floor area.

Unit Size of Affordable Units	Minimum Gross Floor Area (square feet)
Efficiency	450
One bedroom	675
Two bedrooms	750
Three bedrooms	1,000
Four bedrooms	1,200

Section 300-39(E)(4)(e) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

One hundred and fifty days prior to the expiration of the lease, the owner or manager shall request income documentation from the tenant. The owner or manager shall review eligibility based on the rent and income guidelines provided by the YCHB and in effect at that time. If the tenant remains eligible, the owner or manager shall offer the tenant a renewal lease at a rent no greater than the Low HOME rent for the unit size occupied. If the tenant fails to submit income documentation for all occupants of a rental affordable housing unit as provided above, the owner shall not offer the tenant a renewal lease and shall terminate the tenant's lease.

Section 300-39(E) of the Code of the Town of Yorktown is hereby amended by adding the following § 300-39(E)(8):

Where development-specific funding agreements from Westchester County, New York State, or United States Government agencies require another methodology for determining rent or sales price, the provisions of such agreements shall supersede the methodology provisions of this local law.

Section 300-39(F)(1)(a) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

The annual review of the implementation of this section and the recommendation of changes in these provisions where necessary. At the request of the Community Housing Board, the Yorktown Town Board may ask the County of Westchester to carry out the administrative duties specified herein, or may engage other government or not-for-profit agencies to perform such duties, and may authorize expenditures from the Yorktown Affordable Housing Trust Fund to pay, if necessary, for the performance of those duties.

RESOLVED, that Local Law #1 of 2023, be and is hereby duly adopted.

10. COURTESY OF THE FLOOR

11. RESOLUTIONS

From the Assessor's Office

Authorize Supervisor to extend the retainer agreement with Emminger, Newton, Pigeon, Magyar, Inc. by \$15,000 for appraisal services

Resolved that the Supervisor is authorized to extend the retainer agreement with Emminger, Newton, Pigeon, Magyar, Inc by \$15,000 for appraisal services for the mall at Jefferson Valley located at 650 Lee Boulevard, Yorktown.

Be It Further Resolved, the Comptroller is authorized to transfer funds from the 2022 appropriations as follows for this purpose:

From: A1355.101	Assessor Salary	\$15,000.00
To: A1355.437	Appraisals	\$15,000.00

From the Building Department

Appoint Ralph Tarchine as a part-time consultant in the Building Department

BE IT RESOLVED, that Ralph Tarchine is hereby appointed part-time as a consultant in the Building Department, at the rate of \$75.00 per hour.

From the Finance Department

Authorize Comptroller to pay Angel Garcia the cash value of unused time as of his retirement date

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Angel Garcia the cash value of unused time as of his retirement date:

Rate of Pay: \$457.04 daily
\$ 57.13 hourly

Vacation	6.00 days	x	\$457.04	= \$2,742.24
Personal Days	4.00 days	x	\$457.04	= \$1,828.16
Holiday Pay	1.08 days	x	\$457.04	= \$ 493.60
Veterans Days	2.00 days	x	\$457.04	= \$ 914.08
Comp Time	.16 hours	x	\$ 57.13	= \$ 9.14

Longevity

01/09/22 to 01/09/23 \$2,025.00

\$2,025.00 / 260 days = \$7.79 per day

01/09/23 to 01/27/23 = 14 days

14 days x \$7.79 = \$ 109.06

Total Longevity \$2,134.06

Total \$8,121.28

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A3120.106	Police Longevity	\$2,134.06
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A3120.102	Police Salary – Uniform	\$5,987.22
To: A3120.108	Police Lump Sum Payments	\$8,121.28

From the John C. Hart Memorial Library

Authorize Comptroller to refund and process the following budget transfer for the Library Director

BE IT RESOLVED, that the Town Comptroller is hereby authorized to reimburse the following expenses:

From: L.7410.0405 Conferences in the amount of \$1,054.11

To: Yvonne Cech, Library Director
for attending the New York Library Association Conference 11/1/2022 - 11/5/2022.

From the Receiver of Taxes

Authorize the following Duplicate Second Half School Tax refunds

Resolved, that the below listed Duplicate Second Half School Taxes be refunded:

<u>Account No:</u>	<u>Amount</u>	
3931000	\$2,975.58	Refund Duplicate Second Half School Tax
0444500	\$1,913.31	Refund Duplicate Second Half School Tax
1260400	\$4,903.04	Refund Duplicate Second Half School Tax
2286000	\$4,033.54	Refund Duplicate Second Half School Tax
4687514	\$6,141.25	Refund Duplicate Second Half School Tax
1726500	\$3,513.16	Refund Duplicate Second Half School Tax
1214500	\$3,710.41	Refund Duplicate Second Half School Tax
2552500	\$3,582.99	Refund Duplicate Second Half School Tax
4436000	\$4,669.32	Refund Duplicate Second Half School Tax

From the Town Clerk

Set public hearing to amend Chapter 260 of the Code of the Town of Yorktown entitled “TAXATION”

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 10598 on Tuesday, March 7, 2023 at 7:30 o’clock PM, or as soon thereafter as the same can be heard, to amend Chapter 260 of the Code of the Town of Yorktown entitled “TAXATION” by amending Section 260-1(A), 260-1(A)(5), 260-2(A), 260-23(A), 260-23(B), 260-25(A), 260-29(A), and 260-34.

A copy of said proposed local Law is on file in the office of the Town Clerk, where the same may be requested during regular office hours or on the Town Clerk’s webpage at www.yorktownny.org/townclerk under “Pending Legislation.”

Approve Joint Meeting of the Town Board, Planning Board, Conservation Board, Heritage Preservation Commission and the Parks and Recreation Commission to discuss the Soundview Property a/k/a Underhill Farm project

NOTICE IS HERE GIVEN that a joint meeting of the Town Board, Planning Board, Conservation Board, Heritage Preservation Commission, and Parks and Recreation Commission will be held on Wednesday, March 8, 2023 at 7:00 p.m. in the Town Board

Room of the Yorktown Town Hall, 363 Underhill Avenue, New York 10598 to discuss the Soundview Property a/k/a Underhill Farm project.

From the Town Engineer

Advertise Bid for Ultraviolet Lamp Replacement Disinfection System for the Water Pollution Control Plant

Resolved, that the Town Clerk is hereby authorized to advertise a bid for Ultraviolet Lamp Replacement Disinfection System for the Water Pollution Control Plant – Bid #23-3.

Award Bid for Various Chemicals for the Yorktown Heights Water Pollution Control Plant Bid

WHEREAS, the Town bid nine (9) chemicals for the Various Chemicals for the Yorktown Heights Water Pollution Control Plant Bid and are summarized as follows:

<u>CHEMICAL</u>	<u>BIDDER</u>	<u>AMOUNT</u>
Ferric Chloride	PVS Technologies	\$1,193.00 \$/per dry ton
Ferric Chloride 37% to 40%	Surpass Chemical	\$272.94 \$/per 55 gallon drum
Caustic Soda 50%	Univar Solutions	\$3.527 \$/gallon
Caustic Soda 25%	Surpass Chemical	\$157.85 \$/per 55 gallon drum
Citric Acid 50%	Surpass Chemical	\$586.30 \$/per 55 gallon drum
Sulfuric Acid (not more than 51%)	Slack Chemical	\$323.94 \$/per 55 gallon drum
Sodium Bisulfite 38%	Surpass Chemical	\$149.05 \$/per 55 gallon drum
Sodium Hypochlorite 15%	Surpass Chemical	\$184.25 \$/per 55 gallon drum
Calgon Poly-E-Z	Slack Chemical	\$16.47 \$/dry ton

RESOLVED, that the bid for Ferric Chloride be awarded to PVS Technologies, the low bidder, at a cost of \$1,193.00 \$per dry ton, and

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Surpass Chemical, the low bidder, at a cost of \$272.94 per \$/55-gallon drum, and \$1,364.00 \$/per 275 gal. tote, and

RESOLVED, that the bid for Caustic Soda 50% be awarded to Univar Solutions, the low bidder, at a cost of \$\$3.527 \$/gallon, and

RESOLVED, that the bid for Caustic Soda 25% be awarded to Surpass Chemical, the low bidder, at a cost of \$157.85\$/per 55gal drum, and \$789.25 \$/per 275 gal. tote, and

RESOLVED, that the bid for Citric Acid 50%, be awarded to Surpass Chemical, the low bidder, at a cost of \$586.30 \$/per 55gal drum, and

RESOLVED, that the bid for the 275 gallon tote for the Citric Acid 50% be awarded to Slack Chemical, the low bidder, at a cost of \$2,817.00 \$/per 275 gal. tote, and

RESOLVED, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical the low bidder, at a cost of \$323.94 \$/55 - gallon drum, and \$1,504.25 \$/per 275 gal. tote, and

RESOLVED, that the bid for Sodium Bisulfite 38%, be awarded to Surpass Chemical the low bidder, at a cost of \$149.05 \$/per 55-gallon drum, and \$\$745.25 \$/per 275 gal tote, and

RESOLVED, that the bid for Sodium Hypochlorite 15%, be awarded to Surpass Chemical, the low bidder, at a cost of \$184.25 \$/per 55- gallon drum, and \$921.25 \$/per 275 gal. tote, and

RESOLVED, that the bid for Calgon Poly-E-Z be awarded to Slack Chemical, the low bidder at a cost of \$16.47 \$/dry ton.

RESOLVED, that the contract term for this project shall be for a duration of one (1) year, commencing or about 2/21/23. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of one (1) year at the same price, terms and conditions.

12. ADJOURN MEETING

A motion will be made to adjourn the Town Board meeting.

Dated: February 21, 2023

DIANA L. QUAST, TOWN CLERK
MASTER MUNICIPAL CLERK
TOWN OF YORKTOWN

*****AGENDAS ARE SUBJECT TO CHANGE*****

Americans with Disabilities Act: If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.