



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

September 4, 2018

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

6:00 PM TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN
5. REPORTS FROM THE TOWN COUNCIL
6. REPORTS FROM THE HIGHWAY SUPERINTENDENT
7. PRESENTATION
 - Support Connection Walk
 - Book of Highways 1760 – Diana Quast, Town Clerk
 - Update on Granite Knolls – Al Avitabile, Parks and Recreation Commission

8. PUBLIC HEARINGS

Underhill Management Sewer Extension Request

Town Supervisor Ilan Gilbert will convene a public hearing to consider a Petition for a sewer extension in the Hallocks Mill Sewer District regarding a project proposed by Step Murphy, LLC, Grace Family Realty, Inc., and Underhill Realty Management, LLC for property bordered by Route 118, Underhill Avenue, Kear Street, and adjacent commercial properties.

Proposed Local Law to amend Chapter 300 of the Code of the Town of Yorktown with regards to Multi-Family Dwellings in a Country Commercial Zone

Town Supervisor Ilan Gilbert will convene a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled "Zoning" regarding Multi-Family Dwelling Units in the Country Commercial Zone District.

9. COURTESY OF THE FLOOR

10. APPOINTMENTS

Economic and Business Revitalization Committee

Appoint Andrew Drews

Be It Resolved, that Andrew Drews is hereby appointed as a member of the Economic and Business Revitalization Committee for a four-year term to expire on December 31, 2022, Be It Further Resolved, that Andrew Drews will serve as the Chair.

Appoint George Souls

Be It Resolved, that George Souls is hereby appointed as a member of the Economic and Business Revitalization Committee for a four-year term to expire on December 31, 2022.

Appoint Kyle DeVito

Be It Resolved, that Kyle DeVito is hereby appointed as a member of the Economic and Business Revitalization Committee for a three-year term to expire on December 31, 2021.

Appoint Katherine Quinn

Be It Resolved, that Katherine Quinn is hereby appointed as a member of the Economic and Business Revitalization Committee for a three-year term to expire on December 31, 2021.

Appoint Renee Fogerty

Be It Resolved, that Renee Fogerty is hereby appointed as a member of the Economic and Business Revitalization Committee for a three-year term to expire on December 31, 2021.

Appoint Greg Brown

Be It Resolved, that Greg Brown is hereby appointed as a member of the Economic and Business Revitalization Committee for a two-year term to expire on December 31, 2020.

Appoint William Beck

Be It Resolved, that William Beck is hereby appointed as a member of the Economic and Business Revitalization Committee for a two-year term to expire on December 31, 2020.

11. RESOLUTIONS

From the Supervisor's Office

Re-establish the Environmental Panel

WHEREAS, the Town of Yorktown Town of Yorktown established a panel of staff members known as the Environmental Panel, which had as its purpose meeting with the public to streamline environmental permits and disseminating other development related information to aid permittees in navigating the permit process; and

WHEREAS, the Environmental Panel ceased its operations in 2016, and

WHEREAS, the town board of the Town of Yorktown desires to re-establish the panel to provide the public with assistance in the permit processes of the Town; and

NOW, THEREFORE, BE IT RESOLVED, that Town board re-establishes the Environmental panel and that it shall consist of the Town Engineer, the Town Building Inspector and the Director of Planning, and other staff or volunteer board members that may be appropriate to the duties of the panel; and

BE IT FURTHER RESOLVED that the panel shall be chaired by the Director of Planning and shall meet on a regular basis as is necessary to execute its duties and provide assistance to potential permittees in the permitting processes of the Town.

Authorize SPARC, Inc. use of rooms at the Albert A. Capellini Community and Cultural Center at a reduced rate

Be It Resolved, that the Town Board authorizes SPARC Inc., use of rooms at the Albert A Capellini Community & Cultural Center, to provide social and recreational programming to teens and young adults with developmental disabilities, the Town Board hereby reduces the room rent fees from \$4,851.00 to \$420.00 for 183 hours of room use beginning on October 12, 2018 through March 29, 2019 as indicated in the schedule below.

October-12, 19, 2018

November-2, 9, 16, 30, 2018

December-7, 14, 21, 2018

January-4, 11, 18, 25, 2019

February-1, 8, 22, 2019

March-1, 8, 15, 22, 29, 2019

Authorize the American Red Cross use of rooms at the Albert A. Capellini Community and Cultural Center for a blood drive

Be It Resolved, that the Town Board authorizes the American Red Cross use of rooms at the Albert A Capellini Community and Cultural Center, to hold a blood drive.

Mobile Community Stage Policy

Whereas, the Town of Yorktown is barred from providing organizations with a gift of public funds, now

Therefore Be It Resolved, that the Mobile Community Stage will be under the direction of the Superintendent of Parks and Recreation, and

Be It Further Resolved, the fee for the use of the Mobile Community Stage will be \$1,000 and the transportation fee will be \$300.

From the Building and Maintenance Department

Authorize Supervisor to sign an agreement with US Communities under a Master Intergovernmental Cooperative Purchasing Agreement

RESOLVED, that the Town Supervisor is authorized to enter into an agreement with US Communities under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with Cobb County, GA and US Communities for roofing with contract holder Garland/DBS. Inc. and authorizing the Town of Yorktown to make purchases for the benefit of the Town of Yorktown through US Communities, Garland/DBS. Inc. There is no charge to the Town for joining this purchasing system.

From the Engineering Department

Authorize funding for Bridge Replacement – Hill Boulevard over Barger Brook

WHEREAS, a project for the Replacement of Hill Boulevard over Tributary to Barger Brook (BIN 2265539) in the Town of Yorktown, Westchester County, PIN. 8761.66 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Town of Yorktown will design, let and construct the Project: and

WHEREAS, the Town of Yorktown desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Yorktown Town Board, duly convened does hereby

RESOLVE, that the Yorktown Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Yorktown Town Board hereby authorizes the Town of Yorktown to pay 100% of the cost of right-of-way acquisition work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$16,104 (calculated as follows: Original Budget, \$5,000 plus \$11,104 Additional Work equals New Total \$16,104) is hereby appropriated from available Town funds and made available to cover the cost of participation in the above phase(s) of the Project and it is further

RESOLVED, that the Yorktown Town Board hereby agrees that the Town of Yorktown shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Yorktown and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town Board of Yorktown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof; and it is further

RESOLVED, that the Town of Yorktown hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and the construction phase of the Project shall be completed within thirty-six (36) months; and it is further

RESOLVED, that the Supervisor of the Town of Yorktown be and is hereby authorized to execute on behalf of the Town of Yorktown all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Yorktown's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the Supervisor the following municipal titles: Town Attorney, Town Engineer and/or Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Authorizes Comptroller to accept the project Performance Bond received from Acorn Electric for the Pump Station Upgrade Project

WHEREAS:

1. The Town Board awarded the Pump Station Upgrade Bid at the Town Board Meeting of April 5, 2018 to Acorn Electrical Contractors, LLC, for a total bid amount of \$350,000 for the electrical portion of the project.
2. Acorn Electrical Contractors, LLC as Applicant, provided the Town with Argonaut Insurance Company c/o CMGIA #CMGP001560, in the amount of \$350,000.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

NOW THEREFORE BE IT RESOLVED, that the delivery of the required project Performance Bond has been satisfied and that the Town Comptroller is authorized to accept the above referenced project Performance Bond.

Authorize Comptroller to release monies totaling \$250 to Morfea - #WP-BSWPPP-049-17 Mohansic Avenue East

WHEREAS:

1. Luigi & Gretchen Morfea as applicants, posted check #163 in the amount of \$250 which was deposited to the T33 account on October 27, 2017, to serve as the Performance Bond for site work performed at the Mohansic Avenue East location.
2. Luigi & Gretchen Morfea have requested their money be released as the site is now complete.
3. 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 monies totaling \$250 be and is hereby released to Mr. & Mrs. Luigi Morfea, 1711 Mohansic Avenue East, Yorktown Heights, NY 10598.

Authorize Comptroller to release monies totaling \$2,500 to Envirogreen Associates

WHEREAS:

1. Rick Cipriani of Envirogreen Associates as applicant, posted check #1343 in the amount of \$2,500 which was deposited to the T33 account on March 22, 2002, for site work performed at the East Main Street location.
2. Rick Cipriani of Envirogreen Associates has requested his money be released as the site is now complete.
3. 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 monies totaling \$2,500 be and is hereby released to Envirogreen Associates, 11 Hageman Court, Katonah, NY 10536, Attn.: Mr. Rick Cipriani.

Authorize Comptroller to release monies totaling \$2,500 to Kilik – Country Academy of Dance - #WP-E-043-07

WHEREAS:

1. Howard Kilik, as applicant, provided the Town with Check No. 110 in the amount of \$2,500.00 which was deposited into the T33 account on July 10, 2009, to serve as the Wetland Bond for the Country Academy of Dance Site Plan for permit #WP-E-034-07.
2. Howard Kilik, as applicant, provided the Town with Check No.105 in the amount of \$10,000 which was deposited into the T33 account on May 8, 2009, to serve as the Erosion Control Bond for the Country Academy of Dance Site Plan.
3. Howard Kilik as applicant has requested their monies be released as the project is not moving forward.
4. Since the permit is being voided, the Town Engineer has no objection to release of the monies being held.

NOW, THEREFORE BE IT, RESOLVED, that the above referenced monies are hereby released to Howard Kilik, 15 Highland View Road, Mahopac, NY 10541, Attn: Howard & Linda Kilik.

Authorize Comptroller to release monies totaling \$250 to 521 Chase Road

WHEREAS:

1. Robert & Ellen Weiner as applicants, posted check #1337 in the amount of \$250 which was deposited to the T33 account on September 26, 2017 to serve as the Performance Bond for site work performed at the Chase Road location.
2. Robert & Ellen Weiner have requested their money be released as the site is now complete.
3. 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 monies totaling \$250 be and is hereby released to Mr. & Mrs. Robert Weiner, 521 Chase Road, Yorktown Heights, NY 10598.

Advertise Bid for Various Chemicals for the Water Pollution Control Plant

Resolved, that the Town Clerk is hereby authorized to advertise a bid for Various Chemicals for the Water Pollution Control Plant, Bid #18-3.

Advertise Bid for Dewatered Sludge for the Water Pollution Control Plant

Resolved, that the Town Clerk is hereby authorized to advertise a bid for Dewatered Sludge for the Water Pollution Control Plant, Bid #18-2.

Approve Extension of Bid for Various Chemicals for the Water Pollution Control Plant

WHEREAS:

1. The Town Board at its meeting of October 17, 2017, awarded the bid for Various Chemicals for the Water Pollution Control Plant, for four (4) chemicals. The term of the contract was one year, expiring on November 1, 2018.
2. The contract language included an option to extend the bid for an additional one year term at the same price, contract terms and conditions, upon mutual consent of the Town and the contractor.
3. Four (4) of the vendors agreed to hold their bid price for an additional 1-year period:
 - a. Shannon Chemical Corp. for Citric Acid 50%,
 - b. Slack Chemical Co. for Sulfuric Acid not more than 51%, Sodium Bisulfite 38% and Sodium Hypochlorite 15% and
 - c. Clean Waters, Inc. for Polymer
 - d. PVS Technologies for Ferric Chloride
4. The Town Engineer recommends that the Town accept the bid extension for an additional 1-year term, for the period of 11/1/18 through 10/31/19.
5. There are two (2) chemicals in which the vendor did not wish to extend the current Town agreement, the Town is currently advertising for bids for these chemicals.

RESOLVED, that the Town Board extends the contract with the above referenced chemical companies, for Various Chemicals for the Water Pollution Control Plant, for a one year period, commencing on 11/1/18 and ending 10/31/19.

From the Finance Department

Authorize Comptroller to payout cash value of unused time as of date of separation for Nicholas DeVito

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Nicholas Devito the cash value of unused time as of his date of separation:

Rate of Pay: \$35.1750

Vacation 34.75 hours x \$35.1750 = \$1,222.34

Floating Holidays	3.75 hours	x	\$35.1750	=	\$ 131.91
Comp Time	4.50 hours	x	\$35.1750	=	\$ 158.29
				Total	\$1,512.54

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

From:

D5110.101 Highway - Salary
\$1,512.54

To:

D5110.108 Highway Lump Sum Payments
\$1,512.54

From the Highway Department

Release Escrow Deposits for Street Opening Permit #016-015

Resolved, that the Town Board authorizes the Comptroller to release Street Opening Permit #016-015 in the amount of \$1,000 to RPG Properties, Inc., 26 Hillcrest Ave., Brewster, NY 10509.

From the Planning Department

Authorize the Town of Yorktown to modify by Executed Rider the agreement with the County of Westchester for the purpose of undertaking a Community Development Program

WHEREAS, the Town of Yorktown Town Board adopted a resolution dated May 22, 2018 authorizing the Town Supervisor to execute an agreement with County of Westchester to participate in a community development program; and

WHEREAS, The United States Department of Housing and Urban Development, the sponsoring agency responsible for the program, is requiring a modification to paragraph 16 of the agreement which adds subparagraph (c) which states that the town may not “receive a formula allocation under the ESG program except through the Urban County;” and

WHEREAS, the modification is to be in the form of a rider to the agreement; and

WHEREAS, the Town Board finds the modification is acceptable and in the public interest; and

NOW, THEREFORE, BE IT RESOLVED, that Town Supervisor be and hereby is authorized to execute a rider to the executed Cooperation Agreement between the Town of Yorktown and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community development Act of 1974 as amended and Title II of the National Affordable Housing Act of 1990, as amended.

12. **EXECUTIVE SESSION (Closed Session):**

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

LITIGATION AND NEGOTIATIONS

- Legal Department

13. **ADJOURN MEETING**

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

Dated: September 4, 2018

DIANA L. QUAST, RMC, CMC
TOWN 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.