



# Town of Yorktown

*Office of the Town Clerk*

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## **FINAL TOWN BOARD AGENDA**

**October 16, 2018**

**Spadaccia Meeting Room**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:45 PM EXECUTIVE SESSION (Closed Session):**

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

INTERVIEW

Planning Board

LITIGATION & NEGOTIATION:

Town Attorney

### **7:30 PM TELEVISED 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. COURTESY OF THE FLOOR
8. PUBLIC HEARINGS  
**Public Hearing to Consider the Request of the Landmarks Preservation Commission to Landmark the Albert A. Capellini Community and Cultural Center**  
Supervisor Ilan Gilbert will convene a public hearing to consider the request of the Yorktown Landmarks Preservation Commission to landmark the Albert A. Capellini Community and Cultural Center for designation as a historical landmark.

**Public Hearing to Consider the Request of John DeVito, the contract vendee, for a Petition to Rezone the Weyant Property Located at 2040 Crompond Road**

Supervisor Ilan Gilbert will convene a public hearing to consider the petition made by John DeVito, the contract vendee for property owned by the Laura F. Weyant Revocable Living Trust, for an amendment to the Zoning Map for property located at 2040 Crompond Road, also known as Section 37.14, Block 2, Lot 32. The petition is for a Change of Zone from R1-20 to Transitional Zone in order to demolish the existing structures and construct rental townhouses. The proposed local law will amend the Town of Yorktown zoning map as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to Transitional Zoning District:

Section 37.14, Block 2, Lot 32 (37.14-2-32) (2.6 acres)

9. RESOLUTIONS

**From the Town Board**

WHEREAS, Celestial Route 6 Associates II, LLC (“Celestial”) is the owner of certain real property located at the corner of Route 6 and Mohegan Avenue in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.16, Block 1, Lot 21 totaling approximately 0.83 acres (the “Property”); and

WHEREAS, the entire Property is presently zoned O (Office); and

WHEREAS, on or about September 20, 2018, Celestial filed a Petition for a rezoning of the subject Property from the O Zoning District into the C-2 (Commercial Hamlet Center) District (the “Rezoning”); and

WHEREAS, in conjunction with said Rezoning, Celestial has submitted a conceptual site plan (the “Plan”) and a full Environmental Assessment Form (“EAF”) under the State Environmental Quality Review Act (“SEQRA”) and associated materials (together with the Rezoning, hereinafter the “Action”); and

WHEREAS, on October 9, 2018, at a work session meeting of the Town Board, the Board reviewed the Action; and

WHEREAS, the Town Board desires to assume Lead Agency status (“Lead Agency”) and conduct a coordinated review with respect to the review of the Rezoning request and the Action in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR Section 617.6(b).

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Action will require review pursuant to SEQRA, and the governing regulations promulgated thereunder.
2. The proposed Action is an Unlisted Action under SEQRA.

3. The Town Board desires to assume Lead Agency status in connection with the SEQRA review of the Action.
4. The Town Board directs that, pursuant to Section 617.6(b)(3) of SEQRA's implementing regulations, a Lead Agency coordination letter be circulated amongst the various Involved and Interested Agencies, together with a distribution package, including Part 1 of the EAF, the Plan, and a copy of Celestial's Rezoning Petition submitted by Celestial, notifying them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board's Notice of Intent was transmitted to them.
5. The Town Board further directs that this Action be referred to the Planning Board for review and recommendation in accordance with the Town Code.

**From the Assessor's Office**

**Authorize Tax Certiorari Proceedings Affecting Tax Parcels 16.12-1-25 Account Numbers 1884100, Owned by Sears Roebuck and Co. (Seritage FRC Finance LLC)**

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.12 Block 1 Lot 25, located at 600 Lee Blvd, located on the Tax Map of the Town of Yorktown, Now Therefore Be It

RESOLVED, that the tax certiorari proceedings affecting tax parcels 16.12-1-25 Account Numbers 1884100, owned by Sears Roebuck and Co. (Seritage FRC Finance LLC.), for assessment roll years 2016 and 2017, be settled as set forth in the proposed stipulation as follows:

**Section 16.12 Block 1 Lot 25**

<u>Roll Year</u>	<u>Assessment From</u>	<u>Assessment To</u>	<u>Assessment Reduction</u>
2016	255,360	255,360	-0-
2017	255,360	166,600	88,760

**From the Engineering Department**

**Award Bid for Various Chemicals for the Water Pollution Control Plant**

WHEREAS:

1. The annual bid for Various Chemicals for the Water Pollution Control Plant was awarded October 17, 2017 for four (4) chemicals.
2. The Town rebid only two (2) of the four (4) chemicals as the vendors agreed to hold their prices for a one (1) year period and are summarized as follows:

<b>CHEMICAL</b>	<b>BIDDER</b>	<b>AMOUNT</b>
<b>Caustic Soda 50%</b>	Triathlon	\$2.365 / per gallon
	Main Pool & Chemical	\$3.32 / per gallon
	Surpass Chemical	\$2.694 / per gallon
	Univar USA Inc.	\$2.1947 / per gallon

	New Haven Chlor-Alkali JCI Jones Chemicals Kuehne Company	\$2.56 / per gallon \$2.20 / per gallon \$2.875 / per gallon
<b>Caustic Soda 25%</b>	Main Pool & Chemical Surpass Chemical Univar USA Inc. New Haven Chlor-Alkali	\$89.65 / per 55 gallon drum \$99.45 / per 55 gallon drum \$187.622 / per 55 gallon drum \$148.43 / per 55 gallon drum

RESOLVED, that the bid for Caustic Soda 50% be awarded to Univar USA Inc., the low bidder, at a cost of \$2.1947/ per gallon, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to Main Pool & Chemical, the low bidder, at a cost of \$89.65 /per 55 gallon drum, and be it further

RESOLVED, that the contract term for this project shall be for a duration of one (1) year, commencing on or about 11/1/18. 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.

**Award Bid for Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant**

WHEREAS:

1. The Town has an agreement for Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant that expired on 10/18/16.
2. There was a provision in the current agreement to extend the contract for an additional 2-year period upon mutual consent of the Contractor and the Town. The Contractor, Residuals Management Services, advised the Town in writing on 8/16/18 that they did not wish to extend the agreement.
3. The Town Board passed a resolution on 9/4/18 that authorized the advertisement for bids for this project.
4. Bids were opened on 10/10/18 and are summarized below. These unit prices are significantly higher than the previous contract (\$99.50 per ton) and can be attributable to the following: higher costs for trucking, insurance and driver labor, plus higher dump fees at the disposal location.

<b><u>BIDDER</u></b>	<b><u>AMOUNT OF BID</u></b>
SpectraServ Inc.	\$160.00 / per ton
Residuals Management Services	\$165.00 / per ton
Casella Organics	\$195.85 / per ton

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the bid for Dewatered Sludge Removal & Disposal, Bid #18-2, be awarded to SpectraServ Inc., the low bidder, at a cost of \$160.00 per ton. The contract term for this project shall be for a duration of two (2) years, commencing on or about 10/18/18. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of two (2) years at the same price, terms and conditions.

**Authorize Comptroller to Release Performance Bond in the amount of \$250 for work completed at 3320 Chelsey Street**

WHEREAS:

1. Christopher Loftus as applicant posted a Performance Bond in the amount of \$250 which was deposited to the T33 account on June 26, 2018 for site work performed at the Chelsey Street location.
2. Christopher Loftus has requested his Performance Bond 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 Performance Bond in the amount of \$250 be and is hereby released to Mr. Christopher Loftus, 3320 Chelsey Street, Mohegan Lake, NY 10547.

**From the Finance Department**

**Authorize the Following Budget Transfer – Police Department**

Be It Resolved, that the Comptroller is hereby authorized to process the following transfer:

From	\$49,500	General Fund - Fund Balance
To	\$33,500	A3120.210 Police – Vehicle
	\$16,000	A3120.210.1 Police – Vehicle Equipment

for the purchase of an additional vehicle to be utilized by the School Resource Officers stationed at the Elementary School in the Lakeland Central School District. This expenditure will be reimbursed by the Lakeland Central School District.

**Authorize the Following Budget Transfer – Highway Department**

Be It Resolved that the Town Board authorizes the following budget transfer for Highway Department for the purchase of magnesium chloride

From:			
D.5110.110	Highway Salary	\$48,750.00	
To:			
D5142.403	Highway Snow Supplies	\$48,750.00	

**Authorize Comptroller to Transfer Funds to Payout Retirement of Paul Grieve**

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

Rate of Pay:	\$51.3228 hourly				
	\$410.58 daily				
Compensatory Time	9.25 hours	x	\$ 51.3228	=	\$ 474.74
Holiday Pay	7.00 days	x	\$410.58	=	\$ 2,874.06
Personal Days	2.00 days	x	\$410.58	=	\$ 821.16

Vacation Days	8.00 days	x	\$410.58	=	\$ 3,284.64
Longevity					
\$2,175 / 261 days = \$8.33 per day					
08/31/18 to 09/16/18 = 16 days					
	16 days	x	\$8.33	=	\$ 133.28
			Total		\$ 7,587.88

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

From:	A3120.102	Police Salary Benefits	\$7,454.60
	A3120.106	Police Longevity	\$ 133.28
To:	A3120.108	Police Lump Sum	\$7,587.88

**From the Highway Department**

**Request to Extend Bid for Stone, Gravel, & Concrete**

WHEREAS, invitation to bid for the Stone, Gravel, and Concrete Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on November 1, 2016;

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Stone, Gravel, and Concrete for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be January 1, 2019 to December 31, 2019.

**Request to Extend Bid for Street Sweeping**

WHEREAS, invitation to bid for the Street Sweeping Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on November 15, 2015;

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Street Sweeping for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be January 1, 2019 to December 31, 2019.

**From the Planning Department**

**Approve update to the Zoning Map of the Town of Yorktown**

WHEREAS, the Town Board passed Local Law #1, #10 of 2016, Local Law #15 of 2017, and Resolution #94 of 1968, which changed the Zoning for the properties noted below requiring that the Zoning Map of the Town of Yorktown be amended accordingly:

1. Crompond Terraces – SBLs 26.18-1-11, 12, 13, 14, 15, 16; 26.18-1-9; 26.18-1-10  
Approved – Local Law No. 1 of 2016 on January 19, 2016  
R1-20 to C-2R and R-3

2. RPG Properties aka Mohegan Court – SBL 15.15-1-22  
Approved – Local Law No. 10 of 2016 on June 7, 2016  
R1-20 to R-3

3. Village Traditions – SBL 15.16-1-32  
Approved – Local Law No. 15 of 2017 on October 17, 2017  
C-2 to C-2R

4. Pure Salon – SBL 37.14-2-35  
Approved - Resolution #94 of 1968 on February 6, 1968  
R-3 to C-2

Be It Therefore Resolved, the Town Board approves an update to the Zoning Map to indicate the rezoning of the above properties.

**From the Water Department**

**Authorize Comptroller to do the Following Refund – Water Department**

RESOLVED, that the Town Board authorizes the Town Comptroller to issue a refund from Water Dept. account SW.0000.2655 due to an overpayment for water usage charges in the amount of \$9,190.44 to V.A. Spatz & Sons Construction, Inc., 91 Lone Pine Drive, Berkeley Heights, NJ 07922.

10. **MONTHLY REPORTS**

Building Department – September 2018  
Receiver of Taxes – September 2018

11. **ADJOURN MEETING**

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

Dated: October 16, 2018

DIANA L. QUAST, RMC, CMC  
TOWN CLERK  
TOWN OF YORKTOWN

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**AGENDAS ARE SUBJECT TO CHANGE**

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