

Meeting of the Town Board, Town of Yorktown held on Tuesday, November 20, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
 Alice E. Roker, Deputy Supervisor
 Vishnu V. Patel, Councilman
 Thomas P. Diana, Councilman
 Edward H. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
 Richard S. Abbate, Town Attorney

EXECUTIVE SESSION

Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss personnel issues of particular individuals, as well as litigation and negotiations. Upon motion made by Councilwoman Roker seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces, as well as those whose lives were lost in the recent wildfires in California.

DURING REPORT FROM THE SUPERVISOR, Supervisor Ilan Gilbert thanked Highway Superintendent David Paganelli and his crews for their response to the storm conditions last week. Over 65 town employees were involved in the efforts to keep the roads clear.

Supervisor Gilbert mentioned that he reached out to Con Edison and requested that they undertake a pilot program to identify “danger trees” – trees that are dead, dying or diseased that are an imminent threat to their utility lines. The first phase identified 59 danger trees on Underhill Avenue from the Taconic Parkway to Route 118. Con Edison will contact property owners to remove the trees at Con Ed’s expense. Supervisor Gilbert stated that this initiative will encourage the utility companies to provide more reliable services to residents and businesses.

Supervisor Gilbert mentioned he attended a Tea at Saint Patrick’s for seniors, who were served by the students.

Supervisor Gilbert said he also joined Director of Planning John Tegeder in meeting with a group that is working with the State on the Empire Trail, a statewide project that incorporates the North County Trailway. This group is working on signage and is proposing to erect a sign along the Trailway in Yorktown, likely in Railroad or Patriot Park. They are also planning the construction of a bike rack that can be used for repairs.

He also attended a number of meetings with the Economic & Business Revitalization Committee and was impressed with the talent and ideas put forth by its members and looks forward to their recommendations. The Town also welcomed three new businesses recently: Michael McCurry’s Video Productions, Mima’s Pizza, and JCM Racing. He wished them all much success.

Supervisor Gilbert met with the Planning Department on various projects in Shrub Oak and Jefferson Valley, including the gas station on Barger Street and the proposed Hill Farm rental housing project. He said that it is obvious that with all the development taking place and proposed for Yorktown that Yorktown is a vibrant and desirable community.

Supervisor Gilbert also attended meetings to advance progress on the upgrades of the Hallock’s Mill Pump Stations and the extension of sewers in Hallock’s Mill. Another meeting will soon be held on the sewer extension project.

He met with representatives of the Senior Advisory Committee and town employees to put together a grant application with the Fieldhome Foundation, which was submitted yesterday.

Supervisor Gilbert also attended an event sponsored by Drug Crisis in our Backyard, dealing with the drug crisis and methods to assist local groups to distribute information on drug awareness and treatment. It also dealt with new developments in the field dealing with scientific information on genetic pre-disposition to drug or alcohol vulnerability. He stated that it is more important than ever to assist these groups to disseminate information on treatment options.

Supervisor Gilbert attended the Justin Veatch Fund Food & Music fundraiser at Wilkens farm. He said this is a good cause that raised money for music scholarships. Over 35 scholarships have been awarded to date.

Supervisor Gilbert attended meetings with other Westchester officials that focused on domestic abuse. A number of northern Westchester communities have agreed to work on this issue with the Westchester District Attorney's office. He will be discussing this issue with the Town Board in the near future.

Supervisor Gilbert also attended a luncheon at North Westchester Restorative Therapy & Nursing Center hosted by St Patrick's and said that this just reiterates the fact that Yorktown is a caring town with many individuals giving selflessly of their time without any thought of recognition.

The Halloween parade became an indoor event due to inclement weather but was a totally enjoyable and successful event.

Supervisor Gilbert attended the dedication, as well as delivered a proclamation, at the Mohegan Volunteer Ambulance Corps' dedication of a new ambulance in honor of John Dillon.

Supervisor Gilbert said that the Yorktown Chabad's dedication of its new Torah was a joyous occasion for all who attended. The ceremony continued with a parade that concluded at the Chabad center.

Supervisor Gilbert said he has had discussions with Enbridge on the upcoming issues related to the installation of the pipeline. He walked the path of the pipeline from Legacy Field to the Taconic with representatives of Enbridge to ascertain possible additional impacts caused by this ongoing project.

In furtherance of the development in the area of Route 202 & Route 118/35, Councilwoman Alice Roker, Director of Planning John Tegeder and Supervisor Gilbert met with representatives of New York State Department of Transportation in Poughkeepsie to discuss the mini master plan and to ascertain what assistance they could provide for improving this intersection. At that time, he also was able to acquire items to enable the town to hook-up temporary generators to traffic signals during power outages thereby relieving the police department to address other issues that may arise.

Supervisor Gilbert stated that as the son of a World War II Veteran, Veterans Day is a special time of year. He had the pleasure of attending a moving ceremony at Patriot Park sponsored by the American Legion and Veterans of Foreign Wars. Thereafter, he presented proclamations on behalf of the Town and on behalf of Congresswoman Nita Lowey and marched in the Veterans Day Parade in Shrub Oak. He stated that every day should be Veterans Day, for without their sacrifices we would not have the freedoms today that we take for granted.

The Town Board, in conjunction with the various town departments, and Town Comptroller Pat Caporale have worked hard on the Preliminary budget. The Budget hearing will take place on December 4, 2018.

Supervisor Gilbert took the opportunity to thank Senator Murphy for his service to Yorktown and the State of New York and looks forward to working with Senator-elect Pete Harkham for the benefit of all residents of Yorktown.

DURING REPORTS FROM THE TOWN COUNCIL, Councilman Diana spoke about the storm last Thursday and how it was difficult for the town crews. Saturday was the unveiling of the

Pinesbridge Monument. He congratulated the Historical Society, the project was due to many people. There are still bricks available for purchase to help with the maintenance of the monument. Councilman Diana addressed the controversy over the location of the monument and the lack of transparency. Everyone involved met with the Historical Society, the Monument Committee, John Tegeder, Director of Planning (whose involvement was crucial to the monument's completion). The alternative locations were Railroad Park and Patriot Park. Security was a main issue, as well as visibility. Railroad Park provided both. If events did not happen the way they did, he is sure that the statue would still be in California. He mentioned the breakfast at the Legion Hall and how wonderful it was.

Councilman Lachterman stated that the Legion Hall breakfast is held on the second Sunday of the month (except in December).

Councilwoman Roker stated that both ceremonies for Veterans Day were unbelievable. She thanked the men from all of the veterans groups for attending year after year. They continue to work in the community to do whatever they can to provide and collect funds to help those less fortunate, particularly this time of year. She is a member of the public safety committee and they met and talked about a number of things going on. Police Officer Jason Swart, will do a presentation on traffic issues received from residents of the community, particularly speed bumps. Many things need to happen before speed bumps can be installed. Former Councilmember Greg Bernard was instrumental in a traffic study at Stony Street and East Main Street, and it does warrant a traffic light. The paper talked about the application the Town received from the Roma building. People have asked about what the Town will do about the State Roads Route 202 and 35. They met with New York Department of Transportation to discuss the proposed changes.

Planning Director John Tegeder stated that the engineer for the Roma and Weyant properties has come up with some ideas regarding traffic. Dr. Greeley, Traffic Consultant, stated that some of their short term ideas are being considered by the New York State Department of Transportation. The Roma building has 4 curb cuts and the plan calls for 3 to be removed. They will have egress and ingress through the Weyant property. Currently between the two properties are 6 curb cuts and this will be reduced to 2. The Roma Building will be asked to add a right turn lane on Route 202. There will be another left hand turn lane for the Verizon building. This may become a signaled intersection in the future. The Roma Building has about 25,000 sq. ft. of commercial space and if this were rented out to strictly commercial it would create much more traffic than the plans being currently proposed (residential and commercial). There is great benefit to combining these properties together as a traffic project.

Route 202 down by BJ's and Stony Street will have work done at the intersection where a new CVS is going in. Lowe's will also be making traffic improvements in their area near the Taconic State Parkway.

Councilwoman Alice Roker stated that there have been preliminary discussions with other businesses along Route 202. They will be going to the planning group at the department of transportation. They look at long term projects; the people they met with are in the permitting and funding area of DOT.

Councilman Patel asked about the area surrounding the Roma building which suffers from traffic problems. Mr. John Tegeder stated that with the mini master plan, Dr. Greeley has provided turn lanes that will go farther back and hopefully address these issues.

Councilman Lachterman said that the State Assembly had a hearing on transportation and infrastructure in New York State. Assemblyman Byrne attended and brought up this intersection. They talked about how the state roads are not being maintained properly. He encouraged John Tegeder to reach out to Assemblyman Kevin Byrne who is eager to help.

Councilwoman Roker said that we have identified how much money we will need to fix our crumbling infrastructure.

Supervisor Gilbert stated that when things loosen up on the State and Federal levels, we will be ready to apply for funding by having identified and designed the areas for improvement.

Councilman Patel stated that the Albert A. Capellini Community and Cultural Center has a thrift store staffed by volunteers who collect small gifts that can be purchased with proceeds going to those in need. If you have anything they can resell, it would be much appreciated. Open on Monday and Wednesday.

Councilman Lachterman stated that Veterans Day is a very special day and he thanked the Sons of the American Legion, United for the Troops, etc. He spoke about the various functions he attended and the Veterans Day celebration at Jefferson Village, as well. The parade was spectacular as well as the Patriot Park Memorial. He, too, mentioned the Thrift store and their contribution to the Yorktown Help Food Pantry. He thanked Senator Murphy for all of his work as our senator. This coming Thursday is his sponsored turkey trot and all the money goes to charitable organizations relating to substance abuse. December 1, 2018 is the Holiday Electric Lights Parade; December 2 is the first night of Chanukah and the Menorah Lighting at the Jack DeVito Veterans Memorial Field. The Lions will be holding a holiday party, and December 8, 2018 is the tree lighting sponsored by the Yorktown Funeral Home, the public is invited to place an ornament in honor of a loved one who has passed away. He thanked Water Distribution Superintendent Ken Rundle for their response to Jefferson's village water main break. Yorktown Police Department participated in the "no shave" November to raise funds for a local family in need. He also thanked two police officers for their assistance to a resident who suffers from Parkinson's disease. He mentioned all of the food banks that operate in Town and serve the area.

Councilman Patel said he would like to partner with Enbridge to talk to them about the remediation that takes place after they have finished their work.

REPORTS FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Paganelli spoke about a recent snow storm that took place in the area. The Highway Department was out salting and plowing early but when the Taconic State Parkway was closed at Underhill Avenue, everything became extraordinarily difficult. It will be very cold on Thanksgiving and he said they have been able to eliminate three areas with icing issues. They used over \$100,000 in salt last Thursday and \$60,000 in overtime. The Highway Department will be out there to ensure residents' safety this holiday weekend. He cautioned about black ice. He stated that the area of Route 202 between Strang and the Taconic will hopefully be paved in the next couple of weeks. It is not a town road but he is concerned because our residents use it.

Councilman Patel asked how much of that area do we maintain.

Highway Superintendent Paganelli stated that the town used to maintain state roads which also created a revenue stream. That no longer happens. Anything with a number associated with it is not a town road. We cannot use taxpayer money to maintain them.

DURING COURTESY OF THE FLOOR, the following members of the public spoke:

Mr. John McMullen, Poet Laureate mentioned that Saint Mary's Church is a non-sectarian food pantry and they gave out many turkeys last week; there is obviously a need. Mr. McMullen read two original poems relating to veterans that he read at a Veterans Day Celebration in Brewster.

Mr. Ken Belfer, stated that Saint John's pantry in Mahopac and Saint Mary's pantry in Mohegan lake are the recipients of Senator Murphy's turkey trot. He read some more information regarding the 5K race from the website. He updated the Town Board on the NYS DEC pilot project treating phosphorous in Mohegan Lake. They have not been able to get their permits in place so it will be late March or early April which they actually prefer since its closer to their active season, they are looking forward to seeing the impact the treatment will have on the lake.

Ms. Mara Ziedins stated that she lives on Hallocks Mill Road and talked about the traffic on the road. She referred to the article in the paper which kept referring to the Hamlet which she doesn't know what they were referring to. She corrected the fact that there is a residential neighborhood next to the Roma building. She does not like the idea of the project the Roma building is proposing. She said the noise from trailer trucks is off putting. This development for residential use is totally wrong, although she agrees with the plans for the Weyant property. She does not feel this will make a walkable community and feels these plans are "pipe dreams" for something that will not happen. She objected to the four stories of the Roma building. She asked about the oil spill that happened at the location and if it has been cleaned up. She also objected to the work being done at the site of the demolished Murphy's Restaurant. Hallocks Mill Road should be

included in the Master Plan involving the Weyant and the Roma building. She thanked Mr. Paganelli for removing a tree that fell onto her property during the storm.

Mr. Marc Lieberman, resident, thanked the Town Board for its openness in discussing the tree and solar laws. The decision to have a joint committee is very practical. He said there are many cases of flooding and wildfires where development and tree removal took place. He talked about the Mohegan auto that still has not put up a tree barrier as required. A follow up list should be made or a tree and solar law will never work.

Mr. Dan Strauss, resident, supported Ms. Ziedins remarks. He spoke about how the town should have listened and should listen to Ms. Linda Miller regarding the Tree Law. He also brought a sample of a sign that he would like placed in town regarding no littering. His partnership with Kim Angliss-Gage to clean up the Heights area is working. This area will not need these signs.

Upon motion by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor was closed.

PUBLIC HEARING TO CONSIDER THE REQUEST TO LEASE TOWN-OWNED PROPERTY LOCATED AT 3101 QUINLAN STREET FOR A PROPOSED PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY

Supervisor Ilan Gilbert convened a public hearing to consider a proposed lease of town-owned property located at 3101 Quinlan Street, Yorktown Heights, NY, also known on the Yorktown Tax Rolls as Section 27.05, Block 1, Lot 16 for a proposed public utility wireless telecommunication facility. The facility is designed to replace two existing towers at the property and support the co-location of the Town emergency services facilities and wire carriers. The proposed action consists of a 135-foot monopole with antennas, access driveway, together with related equipment within an approximate 2,560 square foot compound. This application is subject to Permissive Referendum.

Supervisor Gilbert stated that in all likelihood this public hearing will be adjourned.

Mr. Gaudioso presented the site plan. He explained that the monopole and ground space will replace some of the existing towers. They provided an Environmental Assessment Form and a draft lease agreement. He talked about the studies they provided. Highway Superintendent Paganelli asked about the highway radios and having an antenna on the monopole also. Mr. Gaudioso said he would be able to work with him on that. They did a third party report regarding radiation from the transmitters which would be twenty-four times below the FCC limits.

Supervisor Gilbert said he had a meeting with Matt Kehoe from the Northern Westchester Joint Waterworks and when he heard about the tower near the tank facility, he was concerned about frequency issues but has now been satisfied by Homeland's response. They make their towers free of charge to emergency services. Supervisor Gilbert read comments from the Conservation Board and Planning Board. The Planning Board asked for a landscaping plan for the location for screening and buffering of the tanks and proposed tower. Particular attention should be paid to screening and buffering for nearby residents to lessen the visual impact of the monopole.

Ken Rundle, Distribution Superintendent, said they do not foresee needing the additional space that had initially been provided for future use. He would like to make sure that the area is maintained. He would like to see the area paved; the access road is basically a dirt road. Maintenance of the property needs to be provided; the area is very critical to the Town and our neighboring communities. Some field work needs to be done, tree removal, etc. Mr. Rundle submitted a list to the Town Attorney. All of the water district's lines will be placed on this tower.

Town Attorney Richard Abbate said a provision can be placed in the lease addressing our future need of having to install another tank. Mr. Gaudioso said that they have provided that as a provision in the draft lease and with plans to relocate the monopole. They are agreeable to gravel the road since gravel is better for drainage.

Councilwoman Roker asked when you leave it decommissioned she would like to know why construction debris is left from previous leases. Town Attorney Abbate stated that they have provided a removal bond as part of the lease. Mr. Rundle asked where this tower is going to be placed and if a site visit can be done to stake out the area. So they can get in there when it is time to repaint the tanks and do work. It was stated that each carrier is working with them as a carrier on

the site they traditionally have a generator; some have battery backup power, in case of a power outage. Homeland focuses on the facility so that it is planned properly for the future, that it satisfies the needs of the Town and emergency services. He said they take pride in their sites and will provide landscaping that is practical and effective. Maintenance of carrier activity on the site – it is their responsibility to maintain the site in good condition.

Councilman Lachterman asked if the Yorktown Fire Department was contacted about using the monopole and if there will be an emergency power supply for their equipment that is there. Mr. Gaudioso stated that they have been in contact with them and a shared generator has been discussed. They are willing to do this but there are four or five different parties to work with so it may take a little time to work out their needs. They have been in contact with all of Yorktown's emergency service personnel.

Councilwoman Roker asked why 5G was not being used. It was explained that it is an upgrade that is not available now but a facility like this will help accommodate 5G when it becomes available.

The following members of the public spoke:

Mr. Jay Kopstein, resident, said the new county system will be upgraded and as we stand right now he is opposed to a resolution being passed because we have no specificity. Where are the details? There is significant information lacking. How many properties are in a fall or collapse zone? Who would have liability for the damages? Who is responsible for water tank damage due to the construction for the monopole? How much will the town receive as carriers co-locate on this tower? How will the fees work? How will it connect – microwave, copper, etc. how will co-locators connect. What frequency spectrum do they cover? How will generators be fueled? What about the noise they will make in a residential neighborhood. He raised the issue of the terrain and effective communication distances. He suggested an attorney to represent the town that specializes in these types of contracts.

Mr. Gaudioso responded to Mr. Kopstein's comments. Homeland has full indemnification. No homes are in the fall zone. The more money they make on co-locations, the more money the Town makes. Generators can be muffled and will meet the Town Code.

Mr. Martin McGannon, Yorktown Fire Commissioner, said they would like them to emulate what they have at the Darby Street site. The County bans will be 400 mgh not 800 megahertz. He spoke about what the fire department uses and how they need high elevations for the UHF and they are in favor of this project on Quinlan Street.

Mr. Paul Moskowitz, resident, suggested the chart be turned around so the members of the audience can see it. He said a presentation should have been made on the Board Room's video monitors.

Mr. Tony Grasso, resident, said the first towers were placed in Yorktown in 1989. He said the Town made very good money, as well as cell phones for the police department, etc. He wants to make sure the Town is not going to lose money on this deal.

Highway Superintendent Paganelli asked how many residents were notified and was told they followed the Town Code.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was adjourned. Upon motion made by Councilwoman Lachterman, seconded by Councilman Patel.

AUTHORIZATION AARP'S USE OF ROOM 26 FOR THE AARP TAX AIDE PROGRAM
RESOLUTION #409

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, that at the request of AARP, the Town Board hereby authorizes the use of Room 26 at the Albert A. Capellini Community and Cultural Center, on Tuesdays and Fridays from February 1, 2019 to April 12, 2019 - 21 sessions beginning at 9:00am and concluding at 3:00pm equaling 126 hours, during which time AARP Tax Aide Program will provide free federal and state tax preparation services and e-filings for seniors and lower income residents in our communities. Furthermore the Town Board waives the standard non-profit rental fee of \$22 per hour or \$2,772 for all 21 sessions.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye
Resolution adopted.

AUTHORIZE PURCHASE OF BOUNCE IMAGING UNIT AND RELATED EXPENSES TO BE REIMBURSED THROUGH NYS CRIMINAL JUSTICE GRANT
RESOLUTION #410

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to spend seven thousand, five hundred dollars (\$7,500.00) towards the purchase of a bounce imaging unit and related equipment expenses. When all appropriate fiscal cost reports, receipts and forms are completed and approved this amount will be reimbursed through the Grant Award Information Sheet, Award Contract/Project No LG18-1489-D00, and NYS Division of Criminal Justice PO#T103489.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye
Resolution adopted.

ADVERTISE PUBLIC HEARING FOR 2019 PRELIMINARY BUDGET
RESOLUTION #411

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1st, 2019 has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue in Yorktown Heights, in the said Town where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning November 28, 2018, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 4th day of December, 2018 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person shall be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and

The 2019 Preliminary Proposed General Budget totals \$58,564,180.00 representing an increase of \$1,173,470.00 from the 2018 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$ 98,731.00
Superintendent of Highways -	\$121,328.00
Town Justice (2) -	\$ 33,126.00

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH LYNSTAAR FOR ENGINEERING SERVICES RELATED TO EMERGENCY GENERATOR RESILIENCY AT THE WATER POLLUTION CONTROL PLANT
RESOLUTION #412

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS,

1. The emergency generator that powers the Microfiltration Building failed during the storm events that occurred March 2-5, 2018 and the Sewer Department has been utilizing a rental generator to provide the necessary back-up power.
2. The Town investigated options for repair or replacement of the damaged emergency generator, which is rated for 1500 KW and was manufactured by Cummins. Although the Town originally planned to replace the emergency generator, officials of NYCDEP directed the Town to have repairs done to the damaged unit. All costs associated with the emergency generator repair are being tracked so that it can be charged to the NYCDEP in accordance with the operations and maintenance agreement with the Town.

3. The Town Engineer and Asst. Plant Superintendent are requesting the services of an engineering consultant to prepare bid plans and specifications for a modification to the generator system that would allow Sewer personnel to utilize a second standby source of power. The engineering consultant will design an interconnection that will allow the utilization of the main plant emergency generator to function if a similar generator failure event were to occur in the future.
4. Having a second source of standby power will increase the resiliency of the treatment plant since the Town will have use of another emergency generator that is already existing at the treatment plant site.
5. 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 engineering services. The three firms that provided written proposals were Lynstaar Engineering, P.C., Arcadis of New York, and Environmental Design & Research (EDR).
6. In the professional opinion of the Town Engineer and Asst. Plant Superintendent, Lynstaar Engineering, P.C., provided the best overall proposal and the lowest cost to the Town.
7. This work would be charged to Cost Code YS.8130.490.1 Professional Services - DEP. Currently there is an available balance of \$6,000 in that line item. We are requesting a transfer from the Sewer fund balance to pay for the balance; therefore we need the Town Comptroller to make the following budget transfer: \$33,750 from Sewer Fund Balance to YS.8130.490.1 Professional Services - DEP.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Lynstaar Engineering, P.C for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$39,750. Additionally, the Town Comptroller is authorized to transfer \$33,750 from the Sewer Fund Balance to YS.8130.490.1 Professional Services - DEP.

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH EDR FOR ENGINEERING SERVICES RELATED TO NYSDEC MEETINGS & NEGOTIATIONS
RESOLUTION #413

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS,

1. The Town Engineer and the Town Attorney have been working with representatives from NYSDEC to resolve a violation received in regards to the wastewater treatment plant and sewer collection system. The violation issued in December 2016 related to sanitary sewer overflows in the vicinity of Hill & Lee Blvd and the Farmwalk Pump Station. The Town was also cited for various issues at the treatment plant in August 2018.
2. Sewer department personnel have performed numerous tasks over the past two years to improve operations and maintenance of the collection system, including video inspection, heavy cleaning, more frequent flushing and smoke testing of the pipelines where problems have occurred. We would like to work with engineers from Environmental Design & Research (EDR) to assist us in resolving the matter with NYSDEC. The staff we will be working with from EDR were formally employed with Stearns & Wheler/GHD and have institutional knowledge of the Yorktown sewer system as well as experience working with NYSDEC to resolve violation notices.
3. The scope of work will be as follows: (1) attend meetings and communicate with representatives of NYSDEC; (2) assist the Town in developing computerized work orders for documentation of various tasks cited by the NYSDEC at the wastewater treatment plant; and (3) prepare a technical memorandum summarizing the current operating conditions of the odor control system and recommending repair and/or replacement options.
4. The professional engineering services to be provided by EDR will be on an hourly rate basis in the not-to-exceed amount of \$16,500.
5. In the professional opinion of the Town Engineer, EDR provided a fair and reasonable proposal for professional services. We note the firm is uniquely qualified in that they have professionals that have already worked on Town sewer evaluations and studies and have institutional knowledge of the Town's sewer infrastructure having successfully completed many previous Town projects. They also have strong working relationships with the officials from NYSDEC and the Westchester County Health Department.

6. The Department will use available funds for the purchase under cost code A.1440.490 Professional Services.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Environmental Design & Research, D.P.C. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$16,500.00.

BOND RELEASE - MJD CONTRACTING - #BSWPPP-057-17 – TACONIC WOODS ROAD RESOLUTION #414

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS:

1. MJD Contracting as applicants, posted check #2479 in the amount of \$500 which was deposited to the T33 account on September 26, 2017 to serve as the Performance Bond for construction of a new single-family residence at 872 Taconic Woods Road.
2. MJD Contracting has 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 \$500 bond be and is hereby released to MJD Contracting, P.O. Box 627, Jefferson Valley, NY 10535, Attn: Lisa Cozzi.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye
Resolution adopted.

BOND RELEASE FOR CANE - #BSWPPP-067-17 – EASTERN CLOSE RESOLUTION #415

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS:

1. David & Andrea Cane as applicants, posted check #2287 in the amount of \$250 which was deposited to the T33 account on October 27, 2017 to serve as the Performance Bond for installation of an in ground pool at 334 Eastern Close.
2. David & Andrea Cane 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 \$250 bond be and is hereby released to Mr. & Mrs. David Cane, 334 Eastern Close, Yorktown Heights, NY 10598.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye
Resolution adopted.

BOND RELEASE FOR RICHARDS - #BSWPPP-010-17 – CLOVERHILL LANE RESOLUTION #416

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

WHEREAS:

1. Kevin & Ingrid Richards as applicants, posted check #2880 in the amount of \$250 which was deposited to the T33 account on May 4, 2017 to serve as the Erosion Control Bond for construction of an in ground pool at 42 Cloverhill Lane.
2. Kevin & Ingrid Richards 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 \$250 bond be and is hereby released to Kevin & Ingrid Richards, 42 Cloverhill Lane, Yorktown Heights, NY 10598.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye
Resolution adopted.

MONTHLY REPORTS

The Town Board accepted the monthly reports filed with the Town Clerk by the Receiver of Taxes for October 2018.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss contractual negotiations. Upon motion made by Councilwoman Roker seconded by Councilman Diana, the Town Board moved out of Executive Session and adjourned the meeting.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board meeting was adjourned.

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