



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

May 22, 2018

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

6:00 PM EXECUTIVE SESSION (Closed Session):

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

PERSONNEL

- Police Department

LITIGATION AND NEGOTIATIONS

- Legal Department

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. PRESENTATION
Robert Noble, Chief of Police
8. COURTESY OF THE FLOOR
9. RESOLUTIONS

From the Assessor's Office

Approve Sole Assessor to attend the New York State Assessor's Association Seminar

Whereas, sufficient funds exist in the Assessor Training line to cover the cost of seminar and lodging expenses, now

Therefore Be It Resolved, that Kim Adams Penner, Sole Assessor, has permission to attend the NYSAA Seminar to be held at Cornell, Ithaca, NY from July 16 through July 20, 2018.

From the Town Attorney

Authorize Supervisor to sign a Revocable License with Robert DeRosso for use of power at Jack DeVito Veterans Memorial Field

RESOLVED, that the Supervisor is authorized to sign a Revocable License with Robert DeRosso (Licensee) owner of the Ice Cream Food Truck authorizing Licensee to enter upon a portion of the Town Property near the Gazebo located at the Jack DeVito Veterans Memorial Field, for the purpose of connecting a power cord to the electrical service located at the Gazebo on the Town property to supply electricity to the Licensee's Property for the amount of FIFTY (\$50.00) per month. This Revocable License shall be for a period commencing immediately and ending on April 30, 2019.

Authorize Supervisor to Sign an Encroachment Permit on behalf of Town of Yorktown

BE IT RESOLVED, AT&T hereby allows and permits The Town of Yorktown "Permittee" the non-exclusive use of certain lands for the following purpose, subject to the conditions and stipulations set forth in the Encroachment Permit: To allow for and to accommodate the construction of a walking trail, pedestrian bridges and leveling off a mound of dirt between Marker 542 and Commerce St. and Marker 547 at Baldwin Rd. in the Town of Yorktown along the old railroad corridor, now

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Encroachment Permit on behalf of The Town of Yorktown.

Authorize Comptroller to pay McKee Risk Management, Inc. for liability deductible due to water main break

BE IT RESOLVED, that the Town Comptroller is hereby authorized to pay McKee Risk Management, Inc. \$8,730.00 from account A1420.443 (Legal Settlements) for the liability deductible for damages done to Denise Gavin's property on October 4, 2017 due to a water main break.

From the Town Clerk

Approve Town Clerk to attend the International Institute of Municipal Clerks Association Training Conference

Whereas, sufficient funds exist in the Town Clerk's Training line to cover the cost of conference expenses, now

Therefore Be It Resolved, that the Town Clerk Diana L. Quast is approved to attend the 2018 International Institute of Municipal Clerks Training Conference at the Rockefeller Institute of Government, Albany, New York from July 15 through July 18, 2018.

Advertise Public Hearing for Wetland Permit Application received from Con Edison Gomer Street

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, June 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from Con Edison for work to be done along Gomer Street between Homestead Road and Granite

Springs Road. The proposed work is to replace and upgrade an 8-inch pressure steel gas main with a 16-inch high pressure steel gas and 8-inch polyethylene gas main. Limited work is also planned for local side street. Related ancillary equipment installation will also be included.

Advertise Public Hearing for Wetland Permit Application received from Mohegan Lake Improvement District

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, June 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from the Mohegan Lake Improvement District for work to be done at Mohegan Lake. The request is to perform the following work: to maintain and improve the lake environment for the homes, 7 beaches, and Town parkland. Such work may include fish stocking, aeration, weed harvesting, garbage cleanup, maintenance of aeration sheds/equipment, maintenance of areas to access the lake, removal of invasive species, and chemical treatments to control harmful algal blooms and the toxins they produce.

Authorize Enactment of a Parkland Alienation Bill required by the New York State Legislature

WHEREAS, pursuant to Article 11, Title 3 of the Real Property Tax Law on March 15, 2004 title to the parcel bearing Tax Map designation: Sec. 1802, Parcel 3, Lot 2 was transferred to the Town of Yorktown from Robert Killeen ("Parcel") constituting 5.73 acres; and

WHEREAS, in 2005 the Town changed the Tax Map designation of the Parcel to Town of Yorktown Tax Rolls Section 69.08 Block 1 Lot 11;

WHEREAS, by Town Board Resolution 210 on May 19, 2009, the parcel was formally dedicated as public parkland;

WHEREAS, Diana Saunders, a Town resident, wishes to purchase the parcel as is to maintain it in its current condition with no plans for development. Public access to the pre-existing cemetery situated on the parcel will remain in Town ownership and access to the cemetery will remain in perpetuity.

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be an Unlisted action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of May 15, 2018 in support and passage of Assembly Bill 10453 and Senate Bill 7118,

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the Home Rule Counsel of the New York State Senate and Assembly.

Authorize Supervisor to sign a First Amendment Agreement for live-streaming Town Board meetings

Resolved, the Supervisor is authorized to sign a First Amendment agreement with Granicus, Inc. and the Town of Yorktown for live-streaming Town Board meetings which amends the expiration date of the contract to March 31, 2019.

From the Town Comptroller

Authorize the Town Comptroller to do Budget Transfer to Mohegan Beach Park District to Disburse Payment for Tree Removal and Sand Purchase

Be it resolved that the Town Board authorizes the following 2018 Budget Transfer for the Mohegan Beach Park District to disburse payment for work to be performed for tree removal and sand purchase.

From:		
MB.909	Fund Balance	\$15,925.00
To:		
MB7180.416	Maintenance & Repair	\$15,925.00

Authorize the Town Comptroller to do Budget Transfer to Amazon Beach Park District to pay for tree removal services

Be it resolved that the Town Board authorizes the following 2018 Budget Transfer for the Amazon Beach Park District to disburse payment for tree removal:

From:		
AP.909	Fund Balance	\$2,800.00
To:		
AP7180.416	Property Maintenance	\$2,800.00

Authorize the Town Comptroller Pay out Cash Value of Unused Time for Shajan George and to do Budget Transfer for this Payout

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

Rate of Pay:	\$27.006		
Sick	67.085 hours @ 50%	=	33.55 hours

	33.55 hours x \$27.006	=	\$ 906.05
Vacation	172.50 hours x \$27.006	=	\$4,658.54
Personal Days	9.25 hours x \$39.4973	=	\$ 249.81
Longevity			
	\$1,600 / 260 days = \$6.15 per day		
	01/07/18 to 04/27/18 = 80 days		
	80 days x	\$6.15 =	\$ 492.00
	Total		\$6,306.40

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

From:

SW909.8	Water Fund Reserve for Employee Accrued Benefits	\$ 906.05
SW8340.101	Water Salary	\$ 4,908.35
SW8340.106	Water Longevity	\$ 492.00

To:

SW8340.108	Water Lump Sum Payments	\$6,306.40
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Authorize Town Comptroller to do Budget Transfer for payment to KJM Construction Engineering Special Projects – Lowe’s

Be It Resolved, that the Comptroller is hereby authorized to process the following budget transfer to process payments to the KJM Construction for field inspection services to be performed at 3200 Crompond Road, Yorktown Heights the site of the Lowe’s Project:

From:

A1990.490	Contingency	\$5,000.00
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To:

A1440.479.2	Engineering Special Projects – Lowe’s	\$5,000.00
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From the Town Engineer

Authorize Town Comptroller to make Budget Transfer for Emergency Generator Rental from H.O. Penn

Be It Resolved, that the Town Comptroller is hereby authorized to make the following budget transfer:

1. Transfer \$78,000 into YS.8130.414 Rental Equipment: for an additional four (4) months of an emergency generator rental from H.O. Penn. During the storm, the emergency generator at the treatment plant/microfiltration plant failed and a standby source of power was needed to prevent a catastrophic failure of the treatment system.
Note #1: The Department is still assessing the damage done to the Town generator and we will need to either perform a major repair or equipment replacement. Since the cost of repair/replacement is not known at this time, we will likely need to request further funding for this work at a later date (once the full scope of work is known).
Note #2: All costs associated with the emergency generator are billable to NYCDEP under our O&M agreement.
2. Transfer \$40,000 into YS.8130.460.2 Sludge Removal: for Fred Cook Inc. to provide

standby and sludge hauling services while pump stations lacked power. We have an existing agreement with Fred Cook, however there are insufficient funds available to pay for this work.

3. Transfer \$15,000 into YS.8130.462 Maintenance & Repair Pump Station: we need to restock spare parts that were needed to keep our pumps, controls and related equipment systems operating during the storms.
4. Transfer \$12,000 into YS.8130.408 Fuel Oil: for additional fuel oil needed to run emergency generators at the treatment plant and pump stations continuously throughout the power outages.
5. Transfer \$8,000 into YS.8130.408.2 Fuel Oil DEP/Microfiltration: for additional fuel oil needed to run emergency generators at the treatment plant microfiltration building continuously throughout the power outages. Note: billable to NYCDEP under our O&M agreement
6. Transfer \$3,000 into YS.8130.409 Propane: for additional fuel purchased from Paraco Gas to keep the sludge digesters in continuous operation through the storm.

Resolved, the Town Comptroller is authorized to transfer \$156,000 from Sewer Fund- Fund Balance to the below listed accounts for the purpose of paying additional costs incurred as a result of the storms and resulting power outages that occurred during the week of 3/1/18:

- \$78,000 into YS.8130.414 Rental Equipment
- \$40,000 into YS.8130.460.2 Sludge Removal
- \$15,000 into YS.8130.462 Maintenance & Repair Pump Station
- \$12,000 into YS.8130.408 Fuel Oil
- \$8,000 into YS.8130.408.2 Fuel Oil DEP/Microfiltration
- \$3,000 into YS.8130.409 Propane

Award Bid for the Pump Station Upgrade Program - Walden Woods, Jefferson Valley and Jefferson Park Pump Stations

Whereas, an invitation to bid for the Pump Station Upgrade Program - Walden Woods, Jefferson Valley and Jefferson Park Pump Stations was duly advertised, and

Whereas, said bids were received and opened on March 6, 2018, with the total bid amounts outlined below:

For Contract No. 1, General Construction Contract, bids were received from five (5) firms:

Bidder	Schedule A: Lump Sum	Schedule E: Jefferson Park	Schedule F: Allowances	Total Bid Amount
Kings Capital Construction, Inc	\$1,520,000	\$445,000	\$30,000	\$1,995,000
Eventus Construction Co.	\$1,764,500	\$493,500	\$30,000	\$2,288,000
ELQ Industries, Inc.	\$1,845,000	\$530,000	\$30,000	\$2,405,000
Arben Group, Inc.	\$2,043,000	\$575,000	\$30,000	\$2,648,000
Mace Contracting Corporation	\$1,891,000	\$737,000	\$30,000	\$2,658,000

For Contract No. 2, Electrical Contract, bids were received from two (2) firms:

Bidder	Schedule A: Lump Sum	Schedule E: Jefferson Park	Schedule F: Allowances	Total Bid Amount
Acorn Electrical Contracting	\$308,026	\$41,974	0	\$350,000
RLJ Electrical Corporation	\$459,000	\$60,000	0	\$519,000

Now, Therefore Be It Resolved, that upon the recommendation of the Town Engineer and the Town’s Engineering Consultant that prepared the contract documents, GHD Consulting Services Inc., the bid for Pump Station Upgrade Program—Walden Woods, Jefferson Valley and Jefferson Park Pump Stations be awarded as follows: General Construction Contract No. 1 be awarded to Kings Capital Construction, Inc, the low bidder at a total bid price of \$1,995,000 and the Electrical Contract No. 2 be awarded to Acorn Electrical Contracting, the low bidder at a total bid price of \$350,000.

Be it Further Resolved, that the contract is to commence when the Town issues a Notice of Award and the contract completion date shall be 365 calendar days from the Notice of Award date.

From the Highway Department

Approve Highway Superintendent to attend Highway School Training Conference

Whereas, sufficient funds exist in the Highway Fund to cover the cost of Highway School and lodging expenses, now

Therefore Be It Resolved, that Dave Paganelli, Highway Superintendent, has permission to attend the New York State Highway School Training Conference to be held at Cornell University, Ithaca, NY from June 2, through June 5, 2018.

Extend Bid for John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts

WHEREAS, invitation to bid for the John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 22, 2015,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts 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 June 22, 2018 to June 21, 2019.

Authorize the Highway Superintendent to Erect Signs on Town Roads Directing People to Town Parks & Trails

RESOLVED, the Highway Superintendent is authorized to erect signs on Town roads that will direct people to the Town’s parks and trails.

From the Northern Westchester Joint Water Works

Authorize Comptroller to refund an overpayment to Water Account Number 43-10300144

Resolved, that the Comptroller is authorized to refund an overpayment in the amount of \$475.00 to Account Number 43-10300144.

From Parks & Recreation Department

Authorize Supervisor to sign a First Amendment Agreement for Concession License – Valley Field Golf Course

Resolved, the Supervisor is authorized to sign a First Amendment agreement with the RC Corporation for the Concession License for the Valley Field Golf Course.

Authorize Supervisor to sign a Concession License Agreement with O’Neill’s Concessions to provide Food and Refreshment Services at the Yorktown Pools

Resolved, that the Supervisor is authorized to sign a Concession License Agreement with O’Neill’s Concessions to provide food and refreshment services at the Town of Yorktown’s pools located on Edgewater Street, Yorktown Heights (Junior Lake Pool) and Sunnyside Street, Shrub Oak (Brian J. Slavin Aquatic Center).

From the Planning Department

Authorize Supervisor to sign an agreement with the County of Westchester for the purpose of undertaking a Community Development Program

RESOLVED, that Town Supervisor be and hereby is authorized to execute a 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.

From the Police Department

Authorize Police Department to purchase one 2018 Ford Sedan Police Interceptor

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of a third new police vehicle in the Police Department’s 2018 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bid for the purchase of a 2018 Ford Sedan Police Interceptor; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for the 2018 Ford Sedan Police Interceptor; and

WHEREAS, NYE Automotive Group, Inc., of Oneida, New York has submitted the lowest bid for the 2018 Ford Sedan Police Interceptor; and

WHEREAS, the State of New York Office of General Services has awarded contract #PC67318 to the lowest bidder, NYE Automotive Group, Inc; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (1) 2018 Ford Sedan Police Interceptor from the State of New York Office of General Services contract #PC67318 from NYE Automotive Group, Inc. in the amount of approximately twenty five thousand nine hundred and forty seven dollars (\$25,947.00).

From the Receiver of Taxes

Authorize the Town Comptroller to Refund Duplicate Tax Payments:

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

<u>Account #</u>	<u>Amount</u>
1923000	\$3,929.82
1421065	\$1,652.89
2035000	\$3,040.59
0785520	\$4,728.63
3814000	\$3,506.43
2683565	\$5,217.30

From the Water Department

Authorize Comptroller to make the following Budget Transfer

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$20,000 from the Water Department GIS line (SW.8340.0483.0004) to the Water Department Computer Support/Software (SW.8340.0421.0001) for professional engineering services to be provided by Woodard & Curran for the development and implementation of a computerized (web-based) work order management system.

10. **WORK SESSION DISCUSSION ITEMS**

Seritage – Jefferson Valley Mall

Proposed Local Law to amend Chapter 270, entitled “TREES”

Kear Street/Underhill Ave. Development Project Sewer Extension Request

Budget Transfer Request from Engineering

11. **ADJOURN MEETING**

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

Dated: May 22, 2018

DIANA L. QUAST, RMC
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.