

Meeting of the Town Board, Town of Yorktown held on Tuesday, October 9, 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 Lachterman, Councilman

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

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss litigation and negotiations, and individual personnel issues. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

CELESTIAL ROUTE 6 ASSOCIATES II, LLC

Dan Richmond, Esq., Zarin & Steinmetz, and Diego Villareal, JMC, came before the Town Board to discuss their applicant's petition for an amendment of the zoning map for a previously approved subdivision property at Route 6 and Mohegan Avenue. There is one parcel of the property that is still zoned Office District that they would like changed to conform to the surrounding parcels which are C-2 Zone. Marketing attempts of this property in the Office District have been unsuccessful. They have received interest from retail and fast food businesses for this property that would require the C-2 Zone. Significant traffic improvements have been done on the property in preparation for this use.

Mr. Villareal showed the changes that have taken place on the property. He said the original development, which was approved in 2006-2007, was approved for the three current buildings: the 10,000 square foot Learning Experience building, the 4,000 square foot Credit Union, and a 4,000 square foot bank with a drive through. A traffic study was done at that time and, as a result of that study, many changes took place including a land dedication to allow for a widening of Mohegan Avenue and to realign it with Lakeland, as well as pedestrian crosswalks and traffic signal. They have done another traffic study for this application in order to adjust for possible retail and/or fast food operation in the 4,000 square foot bank space. Their study indicates that this type of business, overall, would present less traffic than that of a bank, especially during AM and PM peak hours. He explained that the current study also showed that everything would operate within acceptable levels within the subdivision and there would be no significant impact to the overall operations along Route 6. Mr. Villareal showed a proposed site plan to demonstrate that all of their plans could be accommodated with no impact to the surrounding roadways. The rezoning would allow for the potential of a 7,200 square foot retail/fast food space; however there is only so much parking this space could accommodate.

A discussion between the Town Board and the Applicants took place regarding the plans for the property, both past approvals and the current petition.

Mr. Richmond requested that this petition be referred out (specifically to the Planning Board) and then scheduled for a public hearing. Councilwoman Roker said that the referral will take thirty days.

Director of Planning John Tegeder said that he feels this petition makes sense for this area. His concerns are more technical: what type of building, the type of architecture (specifically because this is on a very visible corner), landscaping, etc. The proposed use is in the middle of a high retail area, so the request for a C-2 Zone is appropriate.

Councilman Lachterman said the Board will be looking for the trash and delivery aspect of the proposed businesses since the back of the building will face the road. Councilwoman Roker stated that this would be overseen by the Planning Board since they handle the C-2 Zoning.

A resolution will be placed on the next Town Board meeting in order to refer this project out to the appropriate agencies.

HOMELAND TOWERS

Members of Homeland Towers came before the Board to discuss their proposal for the installation of a cell tower on town-owned property at 3101 Quinlan Street (next to the water tanks). They would be replacing the existing cell towers, constructing a 135-foot monopole and relocating the municipal service towers to the top of the pole that would provide for better service. They will also create the ground space for all of the carriers to be able to support co-location in order to avoid the proliferation of other towers in the area. This will allow for dedicated emergency service and wireless infrastructure on town-owned property. A draft lease agreement and drawings were presented to the Town Attorney that included a back-up plan which would allow for them to relocate on the same property, in case the Town ever needed to create another water tank. They also provided a proposed removal bond and an environmental assessment plan.

Supervisor Gilbert asked if they had conversations with Ken Rundle from the Water Department and was told that, yes, they had an onsite meeting with him.

Councilman Patel asked how many square miles would this tower cover and was told that they will submit propagation maps that would demonstrate the coverage. Verizon is already working on this but was not sure if T-Mobile had theirs ready but, generally speaking, an area of about two to three mile radius would be expected, depending on topography and other site locations. It was explained by Homeland that their company allows for major carriers to co-locate their services on a monopole instead of installing separate towers clustered together.

A discussion ensued about the coverage in the area and how this would improve coverage in the area. They are proposing an initial ten-year lease with 9 five-year renewals. It was explained by Homeland that the longer the term, the better for the Town.

Councilwoman Roker asked if the police department would be able to use this tower and was told that a project on Dell Avenue that will offer free service to the police department. They are currently waiting for a building permit to start construction this year.

Homeland Towers is seeking a public hearing to approve the lease. It will be placed on the next Town Board agenda for a resolution for a referral.

PROPOSED SOLAR LAW AND PROPOSED TREE LAW

Supervisor Gilbert said that the proposed solar law and the proposed tree law require much discussion. He said that John Tegeder asked him that there be a special work session scheduled with the various boards and committees to hear all interested parties. Supervisor Gilbert suggested setting the meeting for a full discussion of these proposed laws on October 23rd. Planning Board, Tree Conservation Advisory Committee, Conservation Board, and interested individuals will be invited.

There was a discussion amongst the Town Board as to how solar panels work in residential homes. Councilman Lachterman explained how the panels and billing work with the panels he has on his home.

ACCEPT RESIGNATION OF RICHARD WEBER FROM THE REFUSE AND RECYCLING DEPARTMENT

RESOLUTION #356

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

RESOLVED, that the Town Board accepts the resignation received from Richard Weber from the Refuse and Recycling Department.

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

ADOPT SEXUAL HARASSMENT POLICY

RESOLUTION #357

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

BE IT RESOLVED, that the Town Board adopt the attached Sexual Harassment Policy, to be signed by all Town of Yorktown employees.

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

FROM THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #358

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

BE IT RESOLVED, the Town Board authorizes the hourly rent schedule for rooms located at the Albert A. Capellini Community and Cultural Center effective January 1, 2019 through December 31, 2019, as follows:

	Non Profit Hourly Rates	Standard Hourly Rate
Room 26	\$22.00	\$38.00
Room 209	\$22.00	\$38.00
Senior/ Nutrition Center	\$38.00	\$65.00
Room 16	\$38.00	\$65.00
Gym	\$38.00	\$65.00

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

Town Engineer Michael Quinn discussed the resolutions from the Engineering Department with the Town Board to give them the background to the requests and the source of funding.

AUTHORIZE COMPTROLLER TO DO THE FOLLOWING BUDGET TRANSFER – SEWER DEPARTMENT
RESOLUTION #359

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

WHEREAS;

1. During the storm events of March 2018, the emergency generator at the Yorktown Heights Water Pollution Control Facility that serves the Microfiltration Building failed. The Town Engineer and Assistant Plant Superintendent have been working with representatives of the NYCDEP on various repair and replacement options. In a written communication dated 9/19/18 the NYCDEP directed the Town to proceed with repair of the damaged unit.
2. All costs associated with the repair of the emergency generator are billable to NYCDEP under our O&M agreement and reimbursable at 100 percent of our cost.
3. The Department intends to work with the generator manufacturer to perform work and will need the following budget transfer to issue a purchase order:
 - Transfer \$215,000 from the Sewer Reserve Fund into YS.8130.460.3 Maintenance & Repair NYCDEP

RESOLVED, the Town Comptroller is authorized to transfer \$215,000 from Sewer Fund- Fund Balance to YS.8130.460.3 Maintenance & Repair NYCDEP for the purpose of paying for emergency generator repair costs as a result of the storms and resulting power outages that occurred during the week of 3/1/18.

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT – FRED COOK INC. – TV INSPECTION OF SEWER PIPELINES
RESOLUTION #360

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

WHEREAS,

1. The Town sewer infrastructure is approaching 50 years old in many locations and a program of regular inspections is needed to assess current pipeline conditions and to identify areas that will need rehabilitation or replacement in future years. In addition, as a public-owned treatment works with a SPDES permit, the Town has in place a Capacity, Management, Operation and Maintenance Plan (CMOM) that obligates us to regularly assess the sewer piping system and to prioritize short term and long term repair/replacement projects.
2. The Town started the inspection program in 2017 along Hill and Lee Boulevard. Through last year's efforts, the Sewer Department has not encountered any sewage blockages or overflows in these areas. We plan to continue our inspection program at Somerston Road and Sheila Court to address any deficiencies and have similar results.
3. The Town Engineer solicited proposals for inspection services for the following scope of work: (1) perform up to 3,000 linear feet of light cleaning in sewer pipelines; (2) perform up to 3,000 linear feet of heavy cleaning in sewer pipelines; and (3) perform up to 6,000 linear feet of television video inspection. Also includes a report that summarizes the conditions found and any follow-up work that needs to be done.
4. Since the nature of pipeline cleaning will not be known until the actual work begins, i.e. whether light cleaning will be enough to clear debris and sediment for the camera to pass through (or if heavy cleaning and root cutting will be needed), the project was bid with unit prices. Each contractor provided a bid proposal for all three (3) tasks noted above.
5. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from five (5) firms that have the in-house expertise, specialized equipment and expressed interest in providing inspection services. The firms that provided written proposals were Fred Cook Inc., National Water Main Cleaning Co., Green Mountain Pipeline Services, Tam Enterprises and Diversified Infrastructure Services, Inc.
6. It is the professional opinion of Town Engineer, Fred Cook Inc. provided the best overall proposal and the lowest cost to the Town. The prices bid by Fred Cook Inc. were as follows: (1) Light cleaning 3,000 linear feet @ \$1.00 per linear foot; (2) Heavy cleaning including root cutting 3,000 linear feet @ \$1.00 per linear foot; (3) Video inspection, DVD and final report 6,000 linear feet @ \$1.25 per linear foot.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Fred Cook Inc., for the scope of work as described in preceding section in the not-to-exceed amount of \$13,500.

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

AUTHORIZE COMPTROLLER TO DO THE FOLLOWING BUDGET TRANSFER – WATER DEPARTMENT
RESOLUTION #361

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

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

Transfer \$30,000 from the Water Department Equipment Vehicles line (SW.8340.0201.0002) to the Water Department Overtime line (SW.8340.0105) to cover the unexpected overtime due to the numerous water main breaks that occurred in the past couple of weeks and for the rest of the year.

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

AUTHORIZE COMPTROLLER TO DO THE FOLLOWING BUDGET TRANSFER – WATER DEPARTMENT
RESOLUTION #362

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

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

Transfer \$20,000 from the Water Department Equipment Hydrants line (SW.8340.0201.0001) to the Water Department Meters line (SW.8340.0210) for the purchase of meters.

Gilbert, Roker, Patel, Diana, Lachterman voting aye.
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and the Town Board Meeting was adjourned.

ADJOURN

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

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