



# Town of Yorktown

*Office of the Town Clerk*

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## **FINAL TOWN BOARD AGENDA**

**January 15, 2018**

**Spadaccia Meeting Room, Town Hall  
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):

#### PERSONNEL

Highway Superintendent

#### LITIGATION & NEGOTIATION:

Town Engineer

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. PRESENTATION  
Enbridge Pipeline Project - Christian DePalermo  
Police Department - Robert Noble, Chief of Police
7. COURTESY OF THE FLOOR
8. PUBLIC HEARINGS  
**DECISION REZONING REQUEST BY CELESTIAL ROUTE 6 ASSOCIATES II, LLC FOR PROPERTY LOCATED AT ROUTE 6 AND MOHEGAN AVENUE**

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 Property is located within a previously approved subdivision; 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 “Action”); and

WHEREAS, in conjunction with the Action, 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 (the “Application”); and

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

WHEREAS, on October 16, 2018, the Town Board designated the proposed rezoning as an Unlisted Action under SEQRA, declared its intent to serve as Lead Agency (“Lead Agency”) to conduct a coordinated review with respect to the review of 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 N.Y.C.R.R. Section 617.6(b) and directed the circulation of a coordination letter among Involved and Interested Agencies pursuant to 6 N.Y.C.R.R. Section 617.6(b)(3), and referred the Action to the Planning Board for review and recommendation; and

WHEREAS, on November 2, 2018, the Westchester County Planning Board indicated that it has no objection to the Yorktown Town Board assuming Lead Agency status and found the Action to be a matter for local determination in accordance with the Town of Yorktown’s planning and zoning policies; and

WHEREAS, on November 5, 2018, the Applicant met with the Planning Board and the Planning Board indicated it would make a positive recommendation for the proposed Action; and

WHEREAS, on November 14, 2018, the Town of Yorktown Advisory Board on Architecture and Community Appearance issued a Memorandum indicating it has no objection to the proposed rezoning of the Property; and

WHEREAS, on November 16, 2018, the Conservation Board issued a Memorandum indicating that it has no issue with the proposed rezoning of the Property; and

WHEREAS, a public hearing was held on December 18, 2018, pursuant to notice duly published as required by law, to amend the Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown; and

WHEREAS, after careful review and consideration of the “EAF” and associated materials, including a traffic study, which shows that redevelopment of the Property as a 7,200 square foot retail building or as a 2,000 square foot fast-food restaurant would not have a significant impact on traffic operations, the Town Board finds that the proposed Action will not have a significant impact on the environment and does not require the preparation of an Environmental Impact Statement; and

WHEREAS, the applicant has acknowledged that at such time as a specific development proposal is advanced for the Property, such proposal will be subject to a separate environmental review pursuant to SEQRA.

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Town Board declares itself Lead Agency for the purposes of SEQRA review of the Action.
2. This Action constitutes an Unlisted Action under 6 N.Y.C.R.R. 617.2, which will not have a significant adverse impact on the environment and therefore does not require the preparation of an Environmental Impact Statement.
3. The following lot on the Tax Map of the Town of Yorktown is rezoned from the O Zoning District to the C-2 (Commercial Hamlet Center) Zoning District:

Section 15.16, Block 1, Lot 21 (15.16-1-21) (approximately 0.83 acres)

The Town Clerk is authorized to take all necessary acts to implement this Resolution.

**ADOPT LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF YORKTOWN**

WHEREAS, a public hearing was held on December 18, 2018, pursuant to notice duly published as required by law to amend the Zoning Map of the Town of Yorktown.

Be it enacted by the Town Board of the Town of Yorktown 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:

Section II. The following lot on the Tax Map of the Town of Yorktown is rezoned from O (Office) to C-2 ( Commercial Hamlet Center), as shown on Exhibit “A,” and as further described by metes and bounds in Exhibit “B,” both of which are annexed hereto and incorporated as if set forth in full herein:

Section III. Section 15.16, Block 1, Lot 21 (approximately 0.83 acres) located at corner of Route 6 and Mohegan Avenue, Mohegan Lake, NY 10547

**RECONVENE PUBLIC HEARING FOR PROPOSED PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY ON TOWN-OWNED PROPERTY LOCATED AT 3101 QUINLAN STREET**

Supervisor Ilan Gilbert will reconvene 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.

9. RESOLUTIONS

**From Building Maintenance**

**Extension of Contract for the Annual Maintenance and Emergency On-Call Services for Boiler, Burner, and Furnace at the Albert A. Capellini Community Cultural Center**

WHEREAS, on January 17, 2017 the bid for the Annual Maintenance and Emergency On-Call Services for Boiler, Burner, and Furnace located at the Albert A. Capellini Community Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598 was awarded to Peak Performance & Service, Inc., and

WHEREAS, the bids provided that the Town has the option to extend said bids for two (2) additional one-year terms upon the same terms and conditions as set forth in the original contracts,

BE IT RESOLVED, the Town Board authorizes the Supervisor to exercise the option to extend the contract for one additional year. The date of the extension will run from January 18, 2019 through to January 17, 2020.

**Extension of Contract for the Annual Maintenance and Emergency On-Call Services for Boilers, Burners, and Furnaces in the Town of Yorktown**

WHEREAS, on January 17, 2017 the bid for the Town of Yorktown Annual Maintenance and Emergency On-Call Services for Boilers, Burners, and Furnaces located in the Town of Yorktown was awarded to Peak Performance & Service, Inc., and

WHEREAS, the bids provided that the Town has the option to extend said bids for two (2) additional one-year terms upon the same terms and conditions as set forth in the original contracts,

BE IT RESOLVED, the Town Board authorizes the Supervisor to exercise the option to extend the contract for one additional year. The date of the extension will run from January 18, 2019 through to January 17, 2020.

**From the Central Garage**

**Extension of Contract for Bodywork on Town of Yorktown Cars and Contract for Bodywork on Town of Yorktown Trucks**

WHEREAS, on February 7, 2017 the bid for “Bodywork on Town of Yorktown Cars” was awarded to Yorktown Auto Body Inc., 1798 Front Street, Yorktown Heights, NY and the bid for “Bodywork on Town of Yorktown Trucks” was awarded to Luposello’s Auto Body Inc., 2030 Albany Post Road, Croton-On-Hudson, NY, and

WHEREAS, the bids provided that the Town has the option to extend said bids for two (2) additional one-year terms upon the same terms and conditions as set forth in the original contracts,

BE IT RESOLVED, the Town Board authorizes the Supervisor to exercise the option to extend the contracts for one additional year. The date of the extension will run from February 12, 2019 through to February 11, 2020.

**From the Comptroller’s Office**

**Permission to Attend 2019 New York State Government Finance Officers Association Annual Conference/Training**

WHEREAS, sufficient funds exist in the Comptroller Training line to cover the cost of expenses, including lodging and conference.

BE IT RESOLVED that Patricia Caporale, Gennelle MacNeil and Sandra Serrano have permission to attend the 2019 New York State Government Finance Officers Association annual conference / training to be held in Albany, New York March 25, 2019 through March 29, 2019

**From the Engineering Department**

**Authorize Supervisor to Sign a Contract Amendment for Pump Station Upgrade Program**

WHEREAS:

1. In April 2018, the Town Board passed a resolution that authorized the award of bids for the Pump Station Upgrade Program - Walden Woods, Jefferson Valley and Jefferson Park Pump Stations.
2. For Contract No. 2, Electrical Work, the bid was awarded to Acorn Electric in the amount of \$350,000.
3. The existing electrical service to the Jefferson Valley pump station is 240-volt, 3-phase, 60-hertz and is conveyed via overhead wires on poles that run along the pump station access road, ending with a pole adjacent to the pump station. During design, it was determined by GHD Consulting Engineers that an additional power feed (utility wire) would be necessary in order to provide 480 volt, 3-phase, 60 hertz electrical service to the pump station, however this work task was not included in the bid plans.
4. Acorn Electric provided an extra cost proposal to furnish and install the following:
  - a. New underground electric feeder cable from the property line to the new

- b. Transformer (furnished by NYSEG),
  - c. New 2-inch conduit from the property line to the pump station for telecommunications,
  - d. Work includes excavation, backfill and compaction associated with above work,
  - e. New utility pole at the site entrance to receive the line power from NYSEG,
  - f. New concrete bases for the transformer and electrical disconnects,
  - g. Removal of the existing utility poles and overhead electric service.
5. As per the attached communication, GHD accepted the contractor's extra cost proposal as fair and reasonable.
  6. The Town Engineer and Plant Superintendent have also reviewed the submitted cost proposal, met with representatives of GHD and Acorn Electric to review the particulars and recommend approval.
  7. This work would be charged to Cost Code HP.8130.200 Equipment/Capital Outlay. We are requesting a transfer from the Sewer fund balance to pay for this work; therefore we need the Town Comptroller to make the following budget transfer: \$80,000 from Sewer Fund Balance to HP.8130.200 Equipment/Capital Outlay.
  8. NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 1 in the amount of \$80,000 for the Pump Station Upgrade, Walden Woods, Jefferson Valley and Jefferson Park Pump Stations, Contract No. 2 Electrical Contract/Acorn Electric. Additionally, the Town Comptroller is authorized to transfer \$80,000 from the Sewer Fund Balance to HP.8130.200 Equipment/Capital Outlay.

**From the Justice Court**

**Authorize Supervisor to sign Chase Connect System Administrator Designation and Linking Form**

RESOLVED, that the Town Supervisor is authorized to sign the Chase Connect System Administrator Designation and Linking Form changing the security administrator to Maria Ricci.

**From the John C. Hart Memorial Library**

**Authorize Supervisor to sign a Service Maintenance Agreement with D.P. Wolff, Inc. for preventive maintenance of the air conditioning system at the Library**

Authorize the Town Supervisor to sign a service and maintenance agreement with D.P. Wolff, Inc. for comprehensive preventive maintenance of the John C. Hart Memorial Library air conditioning units, air handlers and air fans for a two year from February 1, 2019 to January 31, 2021 for the sum of \$ 9,847.53. This amount shall be paid in 8 quarterly payments at the sum of \$ 1,230.95 per payment. The rates of service shall be:

<u>Year 1</u>	<u>Year 2</u>	
\$136.00/hr.	\$140.00/hr.	- <u>Straight Time:</u> (Monday through Friday, 8:00 a.m. – 4:30 p.m.)
\$204.00/hr.	\$210.00/hr.	- <u>Overtime:</u> (Monday through Friday, 4:30 p.m. – 12:00 midnight, and Saturday)**
\$272.00/hr.	\$280.00/hr.	- <u>Double-time:</u> (Sunday, Holidays and Monday – Friday, 12:00 a.m. to 8:00 a.m.)**

**Authorize Supervisor to sign a service contract with Automated Control Logic for Alarm Monitoring of the HVAC system at the Library**

Authorize the Town Supervisor to sign a service a contract with Automated Control Logic for alarm monitoring of the HVAC systems at the John C. Hart Memorial Library for a two year from April 14, 2019 to April 13, 2020 at the rate of \$ 185.50 per month. Rates for remote and on-site technical support for the first year are as follows:

\$ 130 per hour for straight time ( Monday through Friday 7 am to 3:30 pm.)

\$ 195. per hour for overtime

\$ 260. per hour Holiday time for legal holidays

**From the Nutrition Center**

**Transportation for Seniors for Yorktown Teen Event**

RESOLVED, that the Town Board authorizes the Yorktown Nutrition Center to provide transportation to seniors to and from the Yorktown Teen Event scheduled to occur on May 3, 2019 from 5:45 PM to 9:15 PM.

**From the Planning Department**

**Authorize Supervisor to Sign an Agreement with AHA Consulting to Provide Web Hosting Maintenance and Support Services**

BE IT RESOLVED that the Town Supervisor is authorized to sign an agreement with Municode Code Corporation to provide web hosting, maintenance, and support services for the Town's website for 2019 and 2020 in the amount of \$3,000.00 per year.

**From the Police Department**

**IMA with Town of Cortlandt for DARE Officer**

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an Intermunicipal Agreement with the Town of Cortlandt, for payment to the Town of Yorktown in the amount of \$62,000.00 per year for the DARE Officer located at the Copper Beach Middle School. This agreement is for the 2019/2020 and 2020/2021 School Year.

**From the Town Clerk's Office**

**Approve Garbage License for Sani-Pro Disposal Services d/b/a Suburban Carting Co. to service commercial properties in the Town of Yorktown for the year 2019**

RESOLVED, that Sani-Pro Disposal Services Corp, d/b/a Suburban Carting Co., be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2019.

10. **MONTHLY REPORTS**

Receiver of Taxes – December 2018

11. ADJOURN MEETING

Dated: January 15, 2018

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

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**AGENDAS ARE SUBJECT TO CHANGE**

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