



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

February 19, 2019

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

Police Department

Building Department

LITIGATION & NEGOTIATION:

Town Engineer

Town Attorney

7:45 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. PERSONNEL

Promotion of Jason Swart to Detective – Yorktown Police Department

Resolved, that effective February 25, 2019 Police Officer Jason Swart is hereby assigned, at the discretion of the Chief of Police, as Detective in the Yorktown Police Department at an annual salary of \$121,569.00

Appointment of Aaron Bock to Planning Board

Be It Resolved, that Aaron Bock is appointed as a member of the Planning Board for a five-year term to expire on December 31, 2023.

7. POET LAUREATE - John McMullen

8. COURTESY OF THE FLOOR

9. RESOLUTIONS

From the Finance Department

Authorize Comptroller to payout the Cash Value of unused time as of retirement date – Eileen Spadafino

Be It Resolved that the Town Board hereby authorizes the Town Comptroller to pay Eileen Spadafino the cash value of unused time as of retirement date:

Rate of Pay: \$35.1182

Sick Time	725.50 hours x 50% = 362.75		
	362.75 hours x \$35.1182	=	\$12,739.13
Vacation	147.00 hours x \$35.1182	=	\$ 5,162.38
Personal Days	21.00 hours x \$35.1182	=	\$ 737.48
Floating Holiday	14.00 hours x \$35.1182	=	\$ 491.65

Longevity

\$1,300 / 261 days = \$4.98 per day

7/2/18 to 2/1/19 = 155 days

155 days x 4.98 = \$ 771.90

Total \$19,902.54

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

From:

A909.8	Fund Reserve for Employee Accrued Benefits	\$12,739.13
A3120.101	Police Salary – Non-Uniform	\$ 6,391.51
A3120.106	Police Longevity	\$ 771.90

To:

A3120.108	Police Lump Sum Payments	\$19,902.54
-----------	--------------------------	-------------

Authorize Comptroller to payout the Cash Value of unused time as of retirement date – Bradley Sheppard

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

Rate of Pay: \$40.3367

Sick Time	1024.42 hours x 50% = 512.21		
	512.21 hours x \$40.3367	=	\$20,660.86
Vacation	165.00 hours x \$40.3367	=	\$ 6,655.56
Personal Days	7.5 hours x \$40.3367	=	\$ 302.53

Authorize Comptroller to process the following Budget Transfer – Refuse and Recycling Department

Be It Resolved, that the Comptroller is hereby authorized to process the following budget transfer to process payment to Westchester County Refuse for December Tipping Fees:

From:
SR.8130.425 Outside Contractor \$11,316.61
To:
SR8160.450 Dumping Fees \$11,316.61

From the John C. Hart Memorial Library

Authorize Comptroller to transfer \$28,061.00 from the Library Fund Balance to Library Maintenance Line

Authorize Comptroller to transfer \$ 28,061.00 from the Library Fund Balance to Library Maintenance (L.7410.416) for the installation of a metal wall panel system and additional waterproofing.

From the Justice Court

Authorize Supervisor to sign a NYS Division of Criminal Justice Contract Award/Project No. LG18-1658-D00 to Update Primary Vendor Contact

Resolved, that the Town Supervisor is authorized to sign the forms entitled Update Vendor Default Address and Update or Replace the Primary Vendor Contact with regard to Award Contract/Project No. LG18-1658-D00, and NYS Division of Criminal Justice PO No. T103669.

Authorize the Yorktown Justice Court to spend \$5,000 towards purchase of 75” Display Unit with heavy portable cart

Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Justice Court to spend Five Thousand (\$5,000.00) Dollars towards the purchase of a 75” display unit with heavy duty portable cart, related equipment expenses and installation and configuration expenses to support the Youth Court Program within the Town of Yorktown Justice Court. 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. LG18-1658-D00, and NYS Division of Criminal Justice PO No. T103669.

From the Town Attorney

Authorize Comptroller to pay Nor-West Regional Special Services Program in the amount of \$38,232.00

WHEREAS, the services provided are a collective program of special recreational services for developmentally disabled individuals to be known as the NOR-WEST REGIONAL SPECIAL SERVICES PROGRAM,

RESOLVED, the Town Board authorizes the Town Comptroller to pay NOR-WEST REGIONAL SPECIAL SERVICES for 2019 services provided using the Recreation

and Parks Department 2019 budget line item A7020.049 for special programs in the amount of \$38,232.00.

Authorize Supervisor to sign an Intermunicipal Agreement with the County of Westchester for Organic Yard Waste

IT IS HEREBY RESOLVED that the Town Authorizes the Supervisor to sign an Intermunicipal Agreement with the County of Westchester for the Organic Yard Waste Transfer Program. The term of the Agreement shall commence on April 1, 2018 and terminate on March 31, 2023. In consideration of the services provided by the County, the Municipality shall pay the County \$17.35 per ton for the period from April 1, 2018 through December 31, 2018. Effective January 1st of each year, the Municipality shall pay the County at a rate subject to annual adjustments pursuant to the contract.

From the Town Clerk

Approve Garbage License for Oak Ridge Hauling, LLC to service commercial properties in the Town of Yorktown for the year 2019

RESOLVED, that Oak Ridge Hauling, LLC be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2019.

From the Town Engineer

Approve Acceptance of Bond for Fieldstone Subdivision – Strawberry Road Fieldstone Subdivision (aka: Lake Mohegan Mansion) - Catucci - Strawberry Road

WHEREAS:

1. Lake Mohegan Mansion, LLC, as applicant, provided the Town with NGM Insurance Company Bond #S319965 in the amount of \$387,226.00, to serve as the Performance Bond for Site Work at the Fieldstone Subdivision site located on Strawberry Road, and
2. Lake Mohegan Mansion, LLC, as applicant, provided the Town with NGM Insurance Company Bond #S319967 in the amount of \$5,000.00, to serve as the Wetland Bond for permit #WP-FSWPPP-085-13, and
3. Lake Mohegan Mansion, LLC, as applicant, provided the Town with NGM Insurance Company Bond #S31966 in the amount of \$20,000.00, to serve as the Erosion Control Bond for permit #WP-FSWPPP-085-13, and
4. Lake Mohegan Mansion, LLC, as applicant, provided the Town with check #000362 in the amount of \$30,978.00, to serve as the required 8% Inspection Fee, and
5. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

NOW THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Town permits, i.e. payment of non-refundable Engineering Department inspection fees and delivery of the required project performance bond have been satisfied and that the Town Comptroller is authorized to accept the above referenced project bonds and fee.

Approve Release of Bond for 517 Giordano Drive in the amount of \$500 - Vasile.

WHEREAS:

1. Leonardo & Lisa Vasile as applicant posted check #4456 in the amount of \$500 which was deposited to the T33 account on February 28, 2018, to serve as the Performance Bond for construction of a patio at 517 Giordano Drive.
2. Leonardo & Lisa Vasile have requested the 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, the above referenced \$500 bond be and is hereby released to Leonardo & Lisa Vasile, 517 Giordano Drive, Yorktown Heights, NY 10598.

Real Property Acquisition for Hill Boulevard Bridge Replacement Project

WHEREAS,

1. The Town of Yorktown is proposing to remove and replace the Hill Boulevard Bridge (BIN 2265539) located in the Town of Yorktown, Westchester County, NY; and
2. The proposed project is a Locally Administered Federal Aid Transportation Project administered by the Town of Yorktown; and
3. As a federally funded project, the project is subject to the provisions of 23 U.S.C.A. §128, which requires, among other things, that prior to the acquisition of real property rights, a public hearing be held, or the opportunity for such be afforded, at which public hearing there is considered factors similar to those enumerated in subdivision (B) of Eminent Domain Procedure Law §204.
4. The proposed project is being progressed by the Town of Yorktown, Through the Highway and Engineering Departments, with oversight by the NYSDOT Region 8, in accordance with the requirements of the NYSDOT "Procedures for Locally Administered Federal Aid Projects" manual and other applicable NYSDOT documents; and
5. The Hill Boulevard over Tributary to Barger Brook Project will replace the deteriorated two span CMP culvert with a precast, single span, three-sided concrete frame that spans at least bank-full width of a tributary to Barger Creek; and
6. The Project will improve the structural rating of the bridge, improve its hydraulic capacity, reduce maintenance costs, and extend the life expectancy of the structure; and
7. The proposed project is located at the approximately 250 ± feet south of the intersection of Hill Boulevard and US Route 6 within the Town of Yorktown, Westchester County, New York; and
8. The Town of Yorktown approved the Design Approval Memo for the proposed project in June 11, 2017; and

9. The NYS DOT Region 8 completed a review of the Final Design Report on July 5, 2017, and provided notice to the Town of Yorktown to proceed to detailed design; and
10. The preferred alternative as described in the Final Design Report was approved by the Town of Yorktown on June 11, 2017 and by the NYSDOT on July 5, 2017; and
11. The proposed public project is being progressed as a National Environmental Policy Act (NEPA) Class II action in accordance with 23 CFR 771.117 (c); and
12. The Town of Yorktown is designated as the lead agency for purposes of the New York State Environmental Quality Review Act (hereinafter “SEQR”); and
13. The Town of Yorktown classified the proposed Project as a Type II Action as defined in NYCRR Part 617; and
14. The Town of Yorktown has considered the general effect of the proposed project on the residents of the locality in which the proposed project is to be undertaken; and
15. The Project is subject to compliance with the New York State Eminent Domain Procedure Law (EDPL); and
16. EDPL Article 2 requires the Town of Yorktown to conduct a public hearing to inform the public and to review the public use to be served by the proposed project and the impact on the environment and residents of the locality where the proposed project will be constructed unless such project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL §206; and
17. EDPL §206 (A) provides that the Town will be exempt from compliance the provisions of Article 2 when pursuant to other state, federal, or local law or regulation it considers and submits factors similar to those enumerated in Article 2, subdivision (B) of section 204, to a state, federal, or local government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience of necessity, or other similar approval from such agency, board, or commission; and
18. In order to progress to the project through design and acquisition phases, it is necessary for the Town to obtain from the New York State Department of Transportation and FHWA approval that the Town has satisfied the requirements of the NYSDOT “Procedures for Locally Administered Federal Aid Projects” manual and other applicable NYSDOT documents;
19. EDPL §206 (C) provides that the Town will be exempt from compliance with the hearing and determination and findings requirements of EDPL Article 2 when, “pursuant to other law or regulation it undergoes or conducts or offers to conduct prior to an acquisition one or more public hearings upon notice to the public and owners of property to be acquired, and provided further that factors similar to those enumerated in subdivision (B) of section two hundred four herein may be considered at such public hearings”; and
20. In accordance with the requirements of the NYSDOT, the Town of Yorktown conducted a public informational meeting on October 17, 2017, to present information regarding the proposed Project, including the use, benefit and purpose of the project, the approximate location of the project and the reasons for selecting the location, and the general effect of the project on the environment and residents

of the locality, and to obtain comments from individuals, groups, officials, and local agencies; and

21. EDPL §206 (D) provides that the Town will be exempt from compliance with the hearing and determination and findings requirements of EDPL Article 2 “when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project or because of an emergency situation the public interest will be endangered by any delay caused by the public hearing requirement in this article”; and
22. It is anticipated that it will be necessary for the Town of Yorktown to acquire real property right of way interests from one (1) landowner in order to accomplish the Project; and
23. The Project and the nature and extent of such acquisitions of real property rights is such that the public interest will not be prejudiced by the construction of the project;

NOW, THEREFORE BE IT RESOLVED, the Yorktown Town Board has considered all relevant information pertaining to the proposed Project and has determined the project development process implemented by the Town satisfies the requirements of Article 2 of the EDPL, and the proposed project qualifies for exemption from hearing and determination and findings requirements of EDPL Article 2 pursuant to EDPL Section 206 (A), (C) and (D); and it is FURTHER

RESOLVED, the Town Board hereby authorizes and directs the Town Supervisor to take such steps and perform such acts as are necessary for the Town of Yorktown to acquire the real property for the right-of-way acquisition for the Hill Boulevard of Tributary to Barger Creek Project, including acquisition by the right of eminent domain in accordance with the provisions of the New York State Eminent Domain Procedure Law.

Authorize Funding for Hill Boulevard Bridge Replacement Project

WHEREAS, a project for the Replacement of Hill Boulevard over Tributary to Barger Brook (BIN 2265539) in the Town of Yorktown, Westchester County, PIN. 8761.66 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Town of Yorktown will design, let and construct the Project: and

WHEREAS, the Town of Yorktown desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Yorktown Town Board, duly convened does hereby

RESOLVED, that the Yorktown Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Yorktown Town Board hereby authorizes the Town of Yorktown to pay 100% of the cost of construction work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$2,401,000 has been appropriated from available Town funds and will be made available to cover the cost of participation in the above phase(s) of the Project and it is further

RESOLVED, that the Yorktown Town Board hereby agrees that the Town of Yorktown shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Yorktown and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town Board of Yorktown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof; and it is further

RESOLVED, that the Town of Yorktown hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award plus extensions granted to NYSDOT and the construction phase of the Project shall be completed within thirty-six (36) months; and it is further

RESOLVED, that the Supervisor of the Town of Yorktown be and is hereby authorized to execute on behalf of the Town of Yorktown all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Yorktown's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the Supervisor the following municipal titles: Town Attorney, Town Engineer and/or Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Authorize Supervisor to sign an amended Professional Services Agreement with WSP for the Hill Blvd Replacement Bridge Replacement Project in an amount not to exceed \$18,591

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign Amendment No. 2 with WSP in the amount not to exceed \$18,591 as an expenditure of capital project HD Hill Blvd Bridge Replacement for legal research and opinion to confirm ownership of the Jefferson Village parcel and complete legal documentation necessary for acquisition of parcel through eminent domain.

Authorize Comptroller to issue checks for Right-of-Way Land Acquisitions for Veterans Road Culvert Replacement

NOW, THEREFORE BE IT RESOLVED, the Comptroller is hereby authorized to issue checks as follows:

\$5,700 to Yorktown Indoor Tennis Club Inc
\$2,100 to Grace Goldberg, Yorktown Heights Land, LLC

Charged to the Veterans Road Culvert Capital Project for right-of-way land acquisitions necessary to proceed with the culvert replacement.

Authorize Comptroller to process the following Budget Transfer - Temporary Generator Rental for Wastewater Treatment Facility

RESOLVED, that the Comptroller is hereby authorized to transfer \$75,000.00 from the Sewer Department (YS) Fund Balance to Sewer Department Rental Equipment (YS.8130.414) for a four (4) month rental of a temporary emergency generator to power the Waste Water Treatment facility.

10. **WORK SESSION**

Discussion Items

Seritage Jefferson Valley Mall – Water Line
Brennan – Saw Mill River Road – #WP-FSWPPP-069-18
Proposed Legislation regarding Marijuana
Reproductive Healthcare Act

11. **ADJOURN MEETING**

Dated: February 19, 2019

DIANA L. QUAST, RMC, CMC
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.