



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

April 16, 2019

Spadaccia Meeting Room

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):

LITIGATION & NEGOTIATION

Assessor

Planning Board

Highway and Engineering Departments

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. **REPORT FROM THE HIGHWAY SUPERINTENDENT**

7. **PRESENTATION**

“Safe Sleep” for Infants Initiative – New York-Presbyterian Hudson Valley Hospital
Alliance for Save Kids – Save-A-Life Recap – “No Letting Go” Event - April 29, 2019
Cornell Cooperative Extension – Energy Solutions for New Yorkers

8. **POET LAUREATE** - John McMullen

9. **COURTESY OF THE FLOOR**

10. WORK SESSION
Recreation Commission
Weyant Property Update

11. RESOLUTIONS

From the Finance Department

Authorize Comptroller to process the following Budget Transfer

Be It Resolved, that the Comptroller is hereby authorized to process the following transfer:

From

\$11,316.61

Refuse & Recycling - Fund Balance

To

\$11,316.61

SR8160.450 Refuse & Recycling – Dumping Fees

For the December 2018 payment to Westchester County for solid waste disposal processed in 2019 in error.

From the John C. Hart Memorial Library

Approve Upgrade to the Position of Staff Assistant Library from Grade 10, Step 5 to Grade 14, Step 1.

Be It Resolved that at the request of the Board of Trustees of the John C, Hart Memorial Library the position of Staff Assistant Library be upgraded from grade 10 step 5 to grade 14 step 1 in the CSEA pay scale contained in the Agreement by and between the Town of Yorktown and CSEA, Local 1000 AFSCME, AFL-CIO January 1, 2016 – December 31, 2019. This rate of pay shall be effective as of pay period 8 which began on April 6, 2019.

From the Town Attorney

Authorize Supervisor to sign a revocable license agreement with Deena Goldsmith and Preston Goldsmith authorizing entry upon a portion of the Town’s Right-of-Way

RESOLVED, the Town Supervisor is authorized to sign a revocable license agreement with Deena Goldsmith and Preston Goldsmith, authorizing entry upon, improvement of, and use of, a portion of the Town’s right-of-way adjacent to the parcel owned by Deena Goldsmith and Preston Goldsmith, located at 1263 Aspen Road (Section 5.17 Block 1 Lot 12) (the “Goldsmith Property”) for the purposes of obtaining a Certificate of Occupancy for an existing pavilion structure which is located partially on the Goldsmith Property and partially on the Town’s right-of-way.

Authorize Supervisor to sign an agreement with the Yorktown Jewish Center for the use of 75 folding chairs

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement with the Yorktown Jewish Center for the use of 75 folding chairs to be used at the Town of

Yorktown Landmark Preservation Commission symposium to be held on May 8, 2019 at Hanover Hilltop Farm. There is no fee for the use of the chairs.

Approve the following Cell Phone Use Policy for all Town Employees

Objective

This policy outlines the use of cellphones at work and the safe use of cellphones by employees while driving.

Policy

Cellphones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive.

Personal cellphones

While at work, employees are expected to exercise discretion in using personal cellphones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during nonwork time when possible and to ensure that friends and family members are aware of the Town of Yorktown's policy.

The Town of Yorktown will not be liable for the loss of personal cellphones brought into the workplace.

Company-provided cellphones

When job duties or business needs demand, the company may issue a business cellphone to an employee for work-related communications. Personal use of company-owned cellphones should be kept to a minimum.

Employees in possession of company-owned cellphones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection.

Safety issues for cellphone use

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times.

Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving; use of a cellphone while driving is not required by the company. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.

An employee may use a cell while driving without a hands-free device when the purpose of the phone call is to communicate an emergency to police or fire department, a hospital or physician's office, or an ambulance corps or when operating an authorized emergency vehicle in the performance of official duties.

Reading or sending text messages while driving is strictly prohibited.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Video or audio recording devices

The use of camera or other video or audio recording-capable devices in restrooms and/or locker rooms is strictly prohibited.

Consequences for Violators

Employees violating this policy will be subject to discipline, up to and including termination of employment.

RESOLVED, that the Town Board adopts a Cell Phone Use Policy for all Town Employees.

Authorize Supervisor to sign an Amendment to the Agreement for Towing Service with Yorktown Autobody, Inc.

RESOLVED that the Town Board authorizes the Supervisor to sign an Amendment to the Agreement for Towing Service with Yorktown Auto Body, Inc. extending the Agreement for a period of one year.

From the Highway Superintendent

Authorize and Direct Highway Department to Move a Millstone from Yorktown Central School District

RESOLVED, the Town Board directs and authorizes the Highway Department to move a millstone from Yorktown Central School District property and place it in Patriot Garden.

From the Town Engineer

Approve Conditions for Stormwater Management Permit and Tree Removal Permit for Allan Avenue - RPG Properties, Permit #FSWPPP-048-18

Conditions that must be met prior to the commencement of work:

1. A Performance Bond shall be established in the amount of \$500 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that at least 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing removed, all post-construction controls satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. The Performance Bond is taken for a period of no more than twelve (12) months, unless an extension is granted in writing by the Town Engineer prior to the permit expiration date. If the stabilization and re-vegetation has not been completed during this period, the Town will declare the bond in default and monies shall be forfeited to the Town.
3. A Yorktown Building Permit must be obtained from the Building Department.
4. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the entire land disturbance area.
5. The property lines must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.

6. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. Only those trees specifically shown on the plans may be removed, a new permit shall be obtained from Engineering should the removal of any other trees be required.
4. No soil storage outside the limit of disturbance line is permitted. Road in front of property must be kept broom clean at all times.
5. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve in writing prior to the work occurring.
6. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

Accept Performance Bond & Fees from Mohegan Lake Motors d/b/a Mohegan Lake Audi for Site work

WHEREAS:

1. Mohegan Lake Motors dba Mohegan Lake Audi as applicant, provided the Town with Philadelphia Insurance Companies Bond #PB00002700043 in the amount of \$100,000.00, to serve as the Performance Bond for Permit #WP-FSWPPP-003-19 at the located at the Route 6 location, and
2. Mohegan Lake Motors dba Mohegan Lake Motors, LLC, as applicant, provided the Town with check #116646 in the amount of \$33,600.00, to serve as the required 8% Inspection Fee for permit #WP-FSWPPP-003-19, and
3. 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.

Authorize Supervisor to sign a Professional Services Agreement with Environmental Design & Research, D.P.C. to assist Town in resolving NYSDEC Violation

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 were also having strong working relationships with the officials from NYSDEC and the Westchester County Health Department.
6. This work will be assigned to Budget Code YS8130.490 Professional Services and will require a transfer from the Sewer Fund Balance in the amount of \$16,500.

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. And the Town Comptroller is authorized to transfer \$16,500 from Sewer Fund Balance into Budget Code YS8130.490 Professional Services.

12. EXECUTIVE SESSION (Closed Session):

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

LITIGATION & NEGOTIATION

Environmental Consultant

Town Attorney

13. ADJOURN MEETING

Dated: April 16, 2019

DIANA L. QUAST
TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK

AGENDAS ARE SUBJECT TO CHANGE

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