



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

November 19, 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):

PERSONNEL

Nutrition/Senior Services

Highway

LITIGATION & NEGOTIATION

Branding RFP

Town Attorney

7:30 PM TELEVISED TOWN BOARD MEETING (Open Session)

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. **POET LAUREATE**
John McMullen
7. **PRESENTATIONS**
Robert Noble, Chief of Police - Yorktown Police Department
Alliance for Safe Kids
8. **DISCUSSION**
Pump Station Rehabilitation Project Update – GHD
Proposed Local Law Chapter 270 “Trees”

9. **COURTESY OF THE FLOOR**

10. **RESOLUTIONS**

From the Albert A. Capellini Community and Cultural Center

Approve reduction in rent fees for use of room(s) at the Albert A. Capellini Community & Cultural Center by SPARC, Inc.

Be It Resolved, that based on a request from SPARC Inc. dated November 15, 2019, to use various rooms at the Albert A Capellini Community & Cultural Center to provide social and recreational programming to teens and young adults with developmental disabilities, the Town Board hereby reduces the room rent fees from \$3,582.00 to \$836.00 for 114 hours of room use beginning on January 3, 2020 through May 29, 2020 as indicated in the schedule below. The requested reduced fee is based on a charge of \$22 per session for 38 sessions (2 sessions per date).

Teen Time and Social Club Friday from 6:30pm-9:15pm (2 rooms)

January 3, 10, 17, 31, 2020

February 7, 14, 21, 28, 2020

March 6, 13, 20, 27, 2020

April 3, 17, 24, 2020

May 1, 8, 15, 29, 2020

Authorize Supervisor to sign a Lease Agreement with Manetoo Dance Ensemble, Inc. for use of room(s) at the Albert A. Capellini Community and Cultural Center

Whereas, Manetoo Dance Ensemble, a for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

Whereas, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

Now Therefore, Be It Resolved, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

Further Resolved, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

Further Resolved, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on

the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

From the Police Department

Authorize the Yorktown Police Department to purchase one (1) Ford Transit Van (\$23,605.75) from the Westchester County contract #RFB-WC-18038

Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) Ford Transit Van (\$23,605.75) from the Westchester County contract #RFB-WC-18038 and 5689BPS to the Vance Country Ford/Vance Country Ford Mercury in the amount of twenty-three thousand six-hundred five dollars and seventy-five cents (\$23,605.75),

Be It Further Resolved, the Town Comptroller is authorized to make a budget transfer of \$22,500 from 3120.0810 Medical Insurance to 3120.0210 Vehicles to cover the vehicle purchase.

From the Town Attorney

Authorize Supervisor to sign a Declaration and Restrictive Covenant Agreement with Seritage SRC Finance, LLC for the Maintenance and Repair of Water Improvements located at the Jefferson Valley Mall

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the Declaration and Restrictive Covenant Agreement with Seritage SRC Finance, LLC, The Mall at Jefferson Valley, LLC and Mall Ground Portfolio, LLC for the maintenance and repair of the Water Improvements located at the Jefferson Valley Mall.

Authorize Supervisor to sign a Municipal Agreement with Energy Improvement Corporation relating to Energize NY Open C-PACE Financing Program

RESOLVED, that the Supervisor is hereby authorized by the Town Board to sign a Municipal Agreement with the Energy Improvement Corporation relating to Energize NY Open C-PACE Financing Program. The Term of this agreement shall be until such time that the Town of Yorktown opts out with 60 days' Notice. There are no fees or costs associated with this Agreement.

Acceptance of Portion of North County Trailway on Town Right-of-Way for Purpose of Public Parkland Dedication

WHEREAS, the North County Trailway is part of an established regional bike and pedestrian network that includes the Putnam Trailway to the north and the South County Trailway to the south and that combined, these three trailways span over 48 miles from Brewster Village in Putnam County the entire length of Westchester County to the New York City border; and WHEREAS, there has been substantial work finished in the construction of a trail that is part of the North County Trailway on Yorktown owned right-of-way that is located from Baldwin Road up to Defoe Court.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown that the Town accepts the trail on its right-of-way for the purpose of dedicating the property as public parkland.

From the Town Engineer

Authorize Comptroller to release Bond #BSWPPP-064-18 – Gershen - Hayes Drive in the amount of \$250.00

WHEREAS:

1. Jacob Gershen as applicants, posted check #305 in the amount of \$250 which was deposited to the T33 account on November 28, 2018 to serve as the Performance Bond for construction of a pool at 1355 Hayes Drive.
2. Jacob Gershen has requested his money 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, that the above referenced \$250 bond be and is hereby released to Mr. Jacob Gershen, 1355 Hayes Drive, Yorktown Heights, NY 10598.

Authorize extension of bid for Grit & Screenings Removal at the Yorktown Heights Water Pollution Control

WHEREAS:

- A. The Town currently has a 2-year agreement in place with Fred Cook Inc. for grit and screenings removal services at the Yorktown Heights Water Pollution Control Facility. The agreement was effective on 1/1/2018 and will expire on 12/31/19.
- B. The Agreement may be extended upon mutual consent of the Town and the contractor, with the same price, terms and conditions as the original agreement.
- C. Fred Cook Inc. has notified the Town they wish to extend the agreement. The Town has been satisfied with the work being performed by Fred Cook Inc. and we recommend the Town accept the bid extension.
- D. The scope of work will include the following:
 1. Grit and screenings waste to be placed into Town-owned waste containers by the plant staff. When requested the vendor will pick up full dumpsters, haul away to a licensed disposal facility and then return the empty dumpster.
 2. Payment will be made on a unit price basis, at the bid price of \$185 per ton.
- E. The Department will use available funds for the purchase order under cost code YS.8130.460.2 Sludge Removal.

NOW, THEREFORE BE IT RESOLVED, the bid for Grit & Screenings Removal at the Yorktown Heights Water Pollution Control be extended with Fred Cook, Jr., Inc., in the amount of \$185 per ton. The contract shall commence on 1/1/2020 and be in effect for a two (2) year term, expiring on 12/31/21.

Authorize Performance Bond Reduction – Yorktown Jaz, LLC (Lowes Site)

WHEREAS:

1. Planning Board Approval Resolution #16-22 referenced bonds to be posted for Erosion & Sediment Control, Performance, and Wetland Planting Bond. In lieu of the providing individual bond amounts, the Town agreed that the Applicant could provide one Project Performance Bond in the aggregate amount of \$1,000,000.
2. Yorktown Jaz, LLC, as Applicant, provided the Town with The Guarantee Company of North America’s Site Improvement Bond #76154779, in the amount of \$1,000,000, to serve as the Erosion & Sediment Control bond, Performance Bond, and Wetland Planting Bond for permit #WP-E-028-10, for the Lowe’s Site Development Plan located on Route 202.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.
4. Yorktown Jaz, LLC, as Applicant, previously provided the Town with the 8% Inspection Fee, in the amount of \$357,490 (The check was delivered to the Town Comptroller December 20, 2017) for permit #WP-E-028-10, for the Lowe’s Site Development Plan, and
5. Yorktown Jaz, LLC has requested the Performance Bond be reduced.
6. The Engineering Department has inspected the property and determined that the improvements for the site have been mostly completed; therefore, a reduction in the Performance Bond reduction is warranted.

NOW, THEREFORE BE IT RESOLVED, the Performance Bond is hereby reduced to \$250,000 ($\$1,000,000 - \$250,000 = \$750,000$ back to developer). The remaining funds (\$250,000) will be held until all remaining project work has been completed and the warranty period has elapsed.

Town Acceptance of Water & Sewer Infrastructure – Yorktown Jaz, LLC (Lowes Site)

WHEREAS:

1. Planning Board Approval Resolution #16-22 was based on an approved set of engineering drawings prepared by the Applicant’s representative Provident Engineering that required the furnishing and installation of Town-owned water and sewer infrastructure within the site. Prior to starting any of the construction activity, the Applicant and their engineering consultant worked to obtain approval for a Town water main extension and Town sewer extension from the Westchester County Health Department, which included issuance of a permit to construct.
2. The Engineering Department supervised the construction activities with assistance from a Town consultant, KJM Construction Management. The work was substantially completed according to the approved plans in March 2019. Following completion of the work, the Applicant filed for and received the following WCHD documentation:
 - Approval of Completed Works for Water Main Extension, Route 202/35, see Attachment #1
 - Approval of Completed Works for Sanitary Sewer Main Extension at Old Crompond Road, Attachment #2
 - Approval of Completed Works for Water Main Relocation, Route 202/35

Transmission Main, Attachment #3

3. Yorktown Jaz, LLC, as Applicant, herein delivers to the Town the water main lines and the sanitary sewer main lines as further shown and described on as-built plans prepared by Provident Engineering, Utilities Plan (7 sheets). The conveyance includes utility easements filed at Westchester County by the Applicant.
4. The said delivery constitutes a formal Offer of Irrevocable Dedication to the Town, to be held by the Town until the acceptance or rejection of such Offer of Irrevocable Dedication by the Town.
5. Yorktown Jaz, LLC agrees that such formal Offer of Irrevocable Dedication to the Town is irrevocable and can be accepted by the Town at any time.
6. The execution and delivery of this Offer of Irrevocable Dedication shall impose no obligation by the Town to accept such Offer of Irrevocable Dedication.
7. This Offer of Irrevocable Dedication shall run with the land and be binding upon Yorktown Jaz, LLC and the Town and their respective successors and assigns.
8. The documentation included herein was referred to the Town Attorney for review and acceptance as to form.

NOW, THEREFORE BE IT RESOLVED, the Town Board hereby accepts this Offer of Irrevocable Dedication for conveyance of water mains and sanitary sewer mains constructed as part of the Lowes Site Development Project and previously recorded in utility easements on behalf of the Town, such easements being filed at the County Clerk.

11. **ADJOURN MEETING**

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

Dated: November 19, 2019

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.