



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

December 10, 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):

INTERVIEWS

Volunteer Boards

PERSONNEL

Compensation/out of title pay

Town Comptroller

LITIGATION & NEGOTIATION

Town Attorney

7:30 PM WORK SESSION

PERSONNEL

Accept Retirement of Sophie James from the Building Department.

Reappoint Lynette Waterhouse to the Ethics Board

Be It Resolved, that Lynette Waterhouse is reappointed to the Ethics Board for a term expiring on December 31, 2021.

Reappoint James Martorano to the Ethics Board

Be It Resolved, that James Martorano is reappointed to the Ethics Board for a term expiring on December 31, 2021.

Reappoint Sergio Esposito to the Ethics Board

Be It Resolved, that Sergio Esposito is reappointed to the Ethics Board for a term expiring on December 31, 2021.

Appoint Robert Giordano to the Ethics Board

Be It Resolved, that Robert Giordano is appointed to the Ethics Board for a term expiring on December 31, 2021.

PUBLIC HEARING

Decision – Preliminary Budget

Adopt Preliminary Budget with modifications to the fund balance and other revenue sources for the fiscal year commencing January 1, 2020 as the Adopted Budget

WHEREAS, Supervisor Ilan D. Gilbert, acting as Budget Officer, did on the 30th day of October, 2019 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2020, and

WHEREAS, a public hearing was called and duly held on the 3rd day of December, 2019, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget with modifications to the fund balance and other revenue sources, be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2020, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$102,680.00
Superintendent of Highways -	\$126,181.00
Town Justice (2) -	\$ 33,126.00

DISCUSSION ITEMS

Hallocks Mill Sewer District Extension, Phase 1- Sewer Petitions

Request by GHD for contract amendment to cover additional construction design services & inspection

PanBar Realty - #FSWPPP-T-32-18, 1285 Aspen Road

McTaggart/Edson Development- #FSWPPP-60-17, 2241 Saw Mill River Road

Reconvene Public Hearing to consider repealing and enacting a new Chapter 270 entitled Preservation of Yorktown's Trees and Woodlands

Supervisor Ilan Gilbert will reconvene a public hearing to consider repealing Chapter 270 of the Code of the Town of Yorktown entitled "Preservation of Yorktown's Forested Environment" and enacting a new Chapter 270 entitled "Preservation of Yorktown's Trees and Woodlands."

RESOLUTIONS

From the Town Attorney

Authorize Supervisor to sign an Agreement with PMA Management Corp for TPA and Risk Services for Workers' Compensation

RESOLVED, that the Supervisor is authorized to sign an Agreement with PMA Management Corp for TPA and Risk Services for Workers' Compensation. The term of the agreement shall commence on January 15, 2020 through January 14, 2021.

Authorize Supervisor to sign an Agreement with CVR Associates, Inc. for housing quality standards for the Section 8 Housing Choice Voucher Program

RESOLVED, that the Supervisor is authorized to sign an Agreement with CVR Associates, Inc. for housing quality standards for the Section 8 Housing Choice Voucher Program. The term of the agreement shall commence on January 1, 2020 and shall be for a two year term with an option to renew for three additional one-year periods at the sole discretion of the Town of Yorktown. These fees will be funded by the Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development ("HUD") and is at no cost to the Town of Yorktown.

From the Town Clerk

Authorize Town Clerk to advertise bid to supply Printing of the Town of Yorktown Parks and Recreation Department Semi-Annual Program Brochures

Authorize Town Clerk to advertise bid to supply Printing of the Town of Yorktown Parks and Recreation Department Semi-Annual Program Brochures. Bids will be received by Diana Quast, Town Clerk of the Town of Yorktown, Westchester County, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 10598, until Tuesday, January 7, 2020 at 11:00 am for furnishing and delivering the Program Brochures for the Yorktown Department of Parks and Recreation.

From the Town Comptroller

Authorize Town Comptroller to process the following Budget Transfer:

The Comptroller is hereby authorized to process the following budget transfers,

From:
D9000.811 Highway – State Retirement \$80,000.00

To:
D5142.105 Highway – Snow Overtime \$80,000.00

to cover costs of snow plowing overtime.

Authorize Town Comptroller to process the following Budget Transfer:

The Comptroller is hereby authorized to process the following budget transfers,

From:
7180.453 pool maintenance \$20,000.00
7310.110 camp temp help \$22,250.00

To:
7110.201 Equipment \$42,250.00

to cover costs of one vehicle and cameras.

Authorize Town Comptroller to process the following Budget Transfer;

The Comptroller is hereby authorized to process the following budget transfers,

From:
7110.425 Parks contractual \$12,000.00

To:
7110.201 Equipment \$12,000.00

to cover costs of an enclosed trailer, weed wackers and Hot Water Power Washer.

From the Town Engineer

Award Bid for Drinking Water Fluoridation Project

WHEREAS:

1. The Town received a \$901,050 grant award from the New York State Department of Health for construction of a facility for fluoride addition to the Yorktown drinking water supply.
2. The contract documents were prepared by Arcadis of New York and the Town Board authorized advertising of bids in September 2019. An invitation to bid for the Drinking Water Fluoridation Project was duly advertised and said bids were received and opened by the Town Clerk on November 1, 2019.
3. Summary of bids received:

		Base Bid	MAW	Addl Excav	Subtotal	Alt A	Alt B	Alt C	Grand Total
General Contract									
1	ELQ	\$654,800	\$30,000	\$2,355	\$687,155	\$268,000	\$7,400	\$19,500	\$982,055
2	OCS Industries	\$668,465	\$30,000	\$1,275	\$699,740	\$173,017	\$29,846	\$24,849	\$927,452
Electrical Contract									
1	Acorn Electric	\$154,815	\$8,000		\$162,815	\$18,500			\$181,315
2	OCS Industries	\$325,000	\$8,000		\$333,000	\$75,000			\$408,000

4. After review of the submitted bids and a follow-up meeting held with representatives of Arcadis and the Westchester County Health Department, the Town Engineer and Water Superintendent recommend award of the bids without the bid alternates. We recommend award to the low bidders as follows:
5. For the General Construction Contract, we recommend award to ELQ Industries Inc. for the Base Bid, Miscellaneous Additional Work (MAW) allowance and Additional Excavation at a total cost of \$687,155.
6. For the Electrical Contract, we recommend award to Acorn Electric for the Base Bid and Miscellaneous Additional Work (MAW) allowance at a total cost of \$162,815.
7. The total cost for both bid awards (ELQ Industries + Acorn Electric) is \$849,970.
8. As noted, the Town received a grant from the New York State Department of Health in the amount of \$901,050. Of this amount, \$209,000 was previously allocated to Arcadis of New York for the engineering design, construction administration and field inspection services. The amount remaining, \$692,050 can be applied to the bid awards; however, there will be a shortfall of \$157,920.
9. We recommend use of the Water Reserve Fund – Fund Balance to utilize water district funds to pay for the cost above the grant amount.

RESOLVED, the bid for the Drinking Water Fluoridation Project is hereby awarded as follows: General Construction Contract to ELQ Industries Inc., for the Base Bid, Miscellaneous Additional Work (MAW) allowance and Additional Excavation at a cost of \$687,155 AND Electrical Contract to Acorn Electrical, the low bidder for the Base Bid and Miscellaneous Additional Work (MAW) allowance at a cost of \$162,815.

The Town Comptroller is authorized to transfer \$700,000.00 from Water Fund- Special Projects (SW8340.483) and \$149,970.00 from Water Fund Balance to Fluoride Capital Project Professional Services (HI.8340.0490)

BE IT FURTHER RESOLVED, the contract is to commence when the Town issues a Notice of Proceed on or about December 23, 2019 and the contract completion date shall be 270 calendar days from the Notice of Award date.

Authorize Supervisor to Sign Contract Amendment No. 2 in the Amount of 12,498.00 for the Pump Station Upgrade Project - Walden Woods, Jefferson Valley and Jefferson Park Pump Stations Contract No. 2 Electrical Contract – Acorn Electric

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 Town Board previously approved Contract Amendment #1 for this project, in the amount of \$80,000, which covered the following additional work items:
 - New underground electric feeder cable from the property line to the new transformer (furnished by NYSEG),
 - New 2-inch conduit from the property line to the pump station for telecommunications,
 - Work includes excavation, backfill and compaction associated with above work,
 - New utility pole at the site entrance to receive the line power from NYSEG,
 - New concrete bases for the transformer and electrical disconnects,
 - Removal of the existing utility poles and overhead electric service
4. In Contract Amendment #2, Acorn Electric proposes to perform the following additional work items:
5. Furnish and install horn & strobe light at each of the three (3) pump stations as per requirement of the Westchester County Health Department.
6. Furnish and install conduit and wiring from the emergency generator to the PLC control panel. Also furnish and install control wiring from the generator automatic transfer switch to the PLC control panel. Includes wire pulls and terminations at the landing wire strips.
7. As per the attached itemized cost breakdown, Acorn Electric will perform the additional work for the lump sum amount of \$12,498. GHD accepted the contractor's extra cost proposal as fair and reasonable. They noted the extra work item associated with the horn/strobe light was an extra requirement imposed upon the Town by the health department, which has the regulatory jurisdiction to dictate this work be done. The extra work associated with PLC control panel conduit, wiring and terminations was not shown on the contract documents, however it is required for the pump station to function as per the system electrical design.
8. GHD reviewed the submitted cost proposal, met with representatives of Town and Acorn Electric to review each additional work scope item and recommends approval.

9. 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: \$12,498 from Sewer Fund Balance to HP.8130.200 Equipment/Capital Outlay.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 2 in the amount of \$12,498 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 \$12,498 from the Sewer Fund Balance to HP.8130.200 Equipment/Capital Outlay.

From the Albert A. Capellini Community and Cultural Center

Waive the rent fees of \$1,482.00 for use of the gymnasium at the Albert A. Capellini Community and Cultural Center by Nor-West Regional Special Services Program

Be It Resolved, based on a request from Nor-West Regional Special Services Program, the Town Board hereby waives the rent fees of \$1,482.00 for use of the gymnasium at the Albert A. Capellini Community and Cultural Center for 19 two-hour sessions (4:00pm to 6:00pm on Tuesday evenings), beginning on January 14, 2020 and running through May 26, 2020.

From the Highway Department

Authorize Highway Department to purchase a 2020 Freightliner 114SD six wheel cab and chassis for a slide in salter

Whereas, it is the intention of the Superintendent of Highways to purchase a 2020 Freightliner 114SD six wheel cab and chassis for a slide in salter,

Whereas, monies have been allocated in the 2019 Highway budget D5110.201 (Equipment) and,

Whereas, the 2020 Freightliner was listed as part of the Oneida County Department of Public Works Contract Award Notification Bid ref #2025 and

Whereas the lowest price bidder was Diehl & Sons Inc located in Richmond Hills, NY, now

Therefore Be It Resolved, the Town Board authorizes the Town of Yorktown Highway Department to purchase a 2020 Freightliner 114SD six wheel cab and chassis for a slide in salter as specified in the NYS OGS Oneida County Department of Public Works Contract Award Notification #2025 awarded to Diehl & Sons for a total amount of \$102,692.83.

Award Bid for the Stone, Gravel, Concrete Materials to the lowest bidder for each item

WHEREAS, invitation to bid for the Stone, Gravel, Concrete Materials Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on December 9, 2019, with the bid amounts for the above-referenced project summarized are attached.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Stone, Gravel, Concrete Materials Bid for the Town of Yorktown be and is hereby awarded to the lowest bidder for each item.

BE IT FURTHER RESOLVED, the contract is to begin on January 1, 2020 and terminate on December 31, 2020. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

From the Planning Department

Authorize creation of an account for the purpose of providing electricity to the streetlights and authorize Supervisor to execute any documents related to the creation of same

WHEREAS, the Marathon Development Group as developer and owner of the project known as 322 Kear Street, a mixed retail and residential project located at 322 Kear Street, Yorktown Heights was approved by the Planning Board and completed in 2018; and WHEREAS, the developer, as condition of approval was required to furnish and install certain street improvements within the Town Right-of-Way, among which is 7 streetlights that are installed in front of the project to the corner of Kear Street and then northerly on the west side of Commerce Street to a point near 1825 Commerce Street, formerly occupied by Caremount Medical Group; and

WHEREAS, the Town Board desires to provide adequate lighting along this public thoroughfare in the interest of the public health, safety, and welfare; and

THEREFORE BE IT NOW RESOLVED, the Town Board hereby authorizes the creation of an account for the purpose of providing electricity to the streetlights referenced herein and that the Supervisor is authorized to execute any documents related to the creation of same.

From the Receiver of Taxes

Authorize Refund for First Half of School Penalty for Account #2708000

Resolved, that the Comptroller is authorize to refund the First Half of School Tax Penalty for Account #2708000 in the amount of \$92.82.

From the Water Department

Authorize Supervisor to sign a Professional Services Agreement with Weston & Sampson for on-call engineering consulting services relative to its water infrastructure

WHEREAS,

1. The Yorktown Consolidated Water District has been working to address various upgrades along Town-owned water mains and tank sites.
2. The Water District ensures to continue to provide high quality services to its residents and meet its regulatory obligations.
3. The Distribution Superintendent requires the ability to work with Weston & Sampson to perform on-call services as needed.
4. The Town will only incur cost when services are performed. All work will be as directed by the Distribution Superintendent.

5. Weston & Sampson would be paid at the firm's normal hourly rate schedule that is part of the Agreement.
6. This work will be assigned to Budget Code SW.8340.0490 Professional Services and will require transfers from various budget codes totaling \$10,000.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Weston & Sampson and the Town Comptroller to transfer \$4,000 from Budget Code SW.8340.0483.0003 (Telemetry), \$3,500 from Budget Code SW.8340.0201 (Equipment) and \$2,500 from Budget Code SW.8320.0416 (Maint./Real Prop) to Budget Code SW.8340.0490.

ADJOURN MEETING

Dated: December 10, 2019

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

AGENDAS ARE SUBJECT TO CHANGE

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