



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

December 17, 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

Highway Department

Water Department

LITIGATION & NEGOTIATION

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. **PRESENTATIONS**
 - Water, Sewer and Land – Impacts on Environment by High School Students
 - Westchester County Legislators Michael Kaplowitz and John Testa
7. **POET LAUREATE**

John McMullen

8. **PERSONNEL**

Reappoint Diana L. Quast to the Parks and Recreation Commission

Be It Resolved, that Diana L. Quast is reappointed to the Parks and Recreation Commission for a term expiring on December 31, 2026.

Reappoint Patricia Caporale to the Parks and Recreation Commission

Be It Resolved, that Patricia Caporale is reappointed to the Parks and Recreation Commission for a term expiring on December 31, 2025.

Appoint David Paganelli to the Parks and Recreation Commission

Be It Resolved, that David Paganelli is appointed to the Parks and Recreation Commission for a term expiring on December 31, 2021 to fulfill the unexpired term of James Martorano, Jr.

9. **COURTESY OF THE FLOOR**

10. **PUBLIC HEARINGS:**

Public Hearing to consider a Special Use Permit for a gas station located at 3700 Barger Street, Yorktown, NY, also known as Section 16.07, Parcel 1, Lot 43 to demolish the existing Getty Automotive Service Station and replace it with a new gas station and convenience store with a 2,200 square foot canopy and associated appurtenances

Supervisor Gilbert will convene a public hearing to consider the application filed by Danny Porco, NY Fuel Distributors, LLC for a Special Use Permit for a gas station located at 3700 Barger Street, Yorktown, NY, also known as Section 16.07, Parcel 1, Lot 43. The request is to demolish the existing Getty Automotive Service Station and replace it with a new gas station and convenience store with a 2,200 square foot canopy and associated appurtenances.

Public Hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning” by adding a new Article VII, Section 300-81.5 “Battery Energy Storage Systems.”

Supervisor Ilan Gilbert will convene a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning” by adding a new Article VII, Section 300-81.5 “Battery Energy Storage Systems.”

Public Hearing to consider a proposed local law known as the “Moratorium and Prohibition of Large Scale Battery Energy Storage Systems Installations within the Town of Yorktown.”

Supervisor Ilan Gilbert will convene a public hearing to consider a proposed local law known as the “Moratorium and Prohibition of Large Scale Battery Energy Storage Systems Installations within the Town of Yorktown.”

11. **RESOLUTIONS**

From the Town Attorney

Authorize the Supervisor to sign an Agreement with LiRo GIS and Survey, PC for services to be rendered to complete updates to the Town’s Tax Map on an as-needed basis

RESOLVED, that the Town Board Authorizes the Supervisor to sign an Agreement with LiRo GIS and Survey, PC for services to be rendered to complete updates to the Town's Tax Map on an as-needed basis. The term of the agreement shall be for 2 years from January 1, 2020. The cost shall be \$20,140.00.

From the Finance Department

Authorize Comptroller to process the following budget transfer

Resolved, Comptroller is authorized to process the following budget transfer:

From: A1990.499.1 General Fund – Contingency Capital \$11,262.32

To:

A5182.200 Street Lighting - Equipment \$11,262.32

For the additional purchase of generators, chains and locks on twenty-six (26) traffic light poles to keep lights operable in the event of emergencies and power failures to comply with New York State Department of Transportation guidelines.

Authorize Comptroller to process the following Budget Transfer

Resolved, the Comptroller is hereby authorized to process the following budget transfer:

From:

A.1220.110 Supervisor - Part Time Salary \$7,116.84

To:

A1345.201 Town - Equipment \$7,116.84

For the purchase of an HP DesignJet T1600 PostScript Color Inkjet Large Format 36" Print Width Printer (Plotter) from Sullivan Data (NYS Contract UB8P2E) including configuration and installation.

Authorize Highway Department to purchase a 2020 Henderson Dump Body for 2020 Freightliner 114SD six wheel cab and chassis for a slide in salter in the amount of \$78,946.00

Whereas, it is the intention of the Superintendent of Highways to purchase a 2020 Henderson Dump Body for 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 Henderson Dump Body for 2020 Freightliner 114SD six wheel cab and chassis for a slide in salter, will be purchased from Henderson Products Inc located at 22686 Fisher Road, Watertown, NY 13601 which is a sole source provider of Henderson products in Westchester County, New York

Therefore Be It Resolved, the Town Board authorizes the Town of Yorktown Highway Department to purchase a 2020 Henderson Dump Body for 2020 Freightliner 114SD six

wheel cab and chassis for a slide in salter, from Henderson Products Inc, 22686 Fisher Road, Watertown, NY 13601 for a total amount of \$78,946.00.

From the John C. Hart Memorial Library

Authorize Comptroller to release retainage to NIKA Contracting Corp. in the amount of \$6,532.88 for final payment of Bathroom Renovations

Resolved, the comptroller is authorized to release retainage to NIKA Contracting Group Corp. in the amount of \$6,532.88 from budget line HH605, representing final payment for work done on the John C. Hart Memorial Library bathrooms.

From the Human Resources Department

Approve Vacation time carry over for the following Town Employees

Whereas, the following employees have requested and received permission from their applicable department heads to carry accrued 2019 vacation time for use in 2020 and

Whereas, the Comptroller has confirmed the available balances as of 2019 Payroll 23, for pay period ending November 21, 2019, now

Therefore, Be It Resolved, the following employees may carry over remaining vacation time balances as follows, unless the employee takes vacation time after 2019 Payroll 23, which would reduce the time listed below:

Name	# hours	Name	# hours
Patty DeMarsh	87.500	Ken Rundle	56.000
Maureen Connelly	34.500	John Van Debrook	45.000
Allison Egan	29.660	James Waterhouse	75.000
Thomas Gallelo	50.000	Joe Venitucci	137.000
Irena Goss	39.000	John Landi	183.500
Margaret Groccia	30.000	Margaret Gspurning	154.000
Christine Julian	21.000	Robert Alfano	30.000
Marca McClenon	48.000	Andrew Cerrato	90.500
Shirley McCord	92.000	Scott Ferreira	7.540
Jennifer O'Neill	98.000	Barry Gelbman	63.750
Margaret O'Reilly	23.000	Michael Hoek	69.570
Reva Queler	56.000	Eric Hollberg	22.500
Debbie Sarno	12.000	Dominic Monopoli	152.500
Maria Stolfi	116.000	Bryan O'Keefe	21.000
Ellen Tannenbaum	25.000	Guido Parks	113.000
Patricia Caporale	245.000	Richard Williams	15.000
Gennelle MacNeil	109.750	Jessica Bambach	115.500
Donna Polito	14.000	Anita Hecker	84.000
Peggiann Thorp	79.500	James Martorano	63.000
Anne Anderson	148.500	Kyle Thornton	163.000
Mike Battista	2.370	Isabel Klein	139.750
Nick Bernard	41.350	Michael Quinn	126.000
Kieran Carney	86.250	Louise Kobiliak	157.500
Angela Cavallo	71.000	Edward Mahoney	93.500
Ted Devlin	37.500	Anthony Cuccovia	105.500
Peter Goldberg	57.750	Martin McGannon	236.250
Mike Grasso	123.750	Curt Chase	64.750
Kevin Harrigan	45.000	Elena Panagi	63.000
Bob Ireland	176.250	Tom Travis	34.280
Tom McNulty	60.000	Lori Rotunno	41.500
Scott Mills	37.500	Barbara Korsak	245.000

Dan Moran	48.750	John Tegeder	245.000
Dave Nikisher	105.000	Maria Ricci	147.000
Nick Titka	37.500	Yolanda Vazquez	21.000
Charlie Vilarino	288.750	Michael Mill	115.500
Noreen O'Driscoll	245.000	Kathleen Nicholson	63.000
Terri Campanaro	36.000	Kim Penner	245.000
Le Artis El	54.500	Joseph Dellolio	39.000
Franz Rom	21.500	Donna Andrews	14.400
Salvador Rivera	66.000	Michael Hoy	15.000
David Humphrey	39.000	Al Pisano	86.250
Vincent Calicchia	80.000	Paul Colarusso	68.200
Curtis Doerr	202.500	Steve Vitulli	55.550
Carl Laduca	137.500	Danny Cruz	24.500
James Morgan	109.800	Chris Moran	28.000
Cathleen Romanych	211.500	Maura Weissleder	49.000
John Winter Jr.	53.750	Dawn Irving	66.500
Shane Enea	4.790	Michael Echeverria	96.000
Karren Perez	161.000		

From the Parks and Recreation Department

Authorize Parks and Recreation Department to purchase one (1) 2020 Ford Super Duty F-350 Pick-Up Truck in the amount of \$35,791.50 off Westchester County contract #RFB-WC-19108

Resolved, that the Town Board authorizes the Parks and Recreation Department to purchase one (1) 2020 Ford Super Duty F-350 Pick-Up Truck in the amount of \$35,791.50 off Westchester County contract #RFB-WC-19108 from Beyer Ford.

From the Planning Department

Authorize Comptroller to transfer \$806.00 from Capital Contingency A1990.499.1 to the Railroad Rehabilitation Capital Project JJ7110.0200

WHEREAS the Town Board of the Town of Yorktown on July 2, 2019 awarded Clemco Construction & Restoration, Inc. for restoration of the Yorktown Heights Railroad Station Building in Railroad Park; and

WHEREAS said contract was awarded for a maximum amount of \$476,386.00; and
 WHEREAS the Town board authorized a change order in the amount of \$12,431.00 for the Performance Bond and Labor and Materials Payment Bond; and

WHEREAS the amount covering the Performance Bond and Labor and Materials Payment Bond included in the bid, is corrected to \$13,237.00, an increase of \$806.00; and

THEREFORE BE IT RESOLVED the Town of Yorktown hereby authorizes an additional \$806.00 for the bond as cited herein and authorizes the maximum amount of \$489,623.00 for this contract; and

BE IT FURTHER RESOLVED that the Comptroller is authorized to transfer \$806.00 from Capital Contingency A1990.499.1 to the Railroad Rehabilitation Capital Project JJ7110.0200.

From the Police Department

Authorize Police Department to trade in two used and purchase two new Harley Davidson Motorcycles

WHEREAS, invitation to bid for (2) Police Department Police Motorcycles trade in and purchases was duly advertised, and

WHEREAS, said bid was received and opened on the 16th day of December 2019, and now therefore be it,

RESOLVED, that upon the recommendation of the Chief of Police, the bid be and is hereby awarded to Jim Moroney's Inc., located at 833 Union Avenue, New Windsor, NY 12553..

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Yorktown Police Department to Trade In (2) used 2010 Harley Davidson Police Road King model FLHP as is with all police equipment and lighting removed on trade in, at fair market value or more and Purchase (2) New 2020 New Birch White Harley Davidson Police Road Kings model FLHP, equipped with a Milwaukee-Eight 114 engine, Saddle Bag Guards (part 90200561) and with all standard factory equipment, for a total amount of Twenty Five Thousand Four Hundred Eighty Six dollars (\$25,486.00).

RESOLVED, that the Town Comptroller is authorized to process the following Budget Transfer to cover this purchase:

From 3120.101 - \$7,486.00, and From 3120.210.01 - \$18,000.00

To 3120.210

From the Town Engineer

Authorize Supervisor to sign an amended NYCDEP Land Use Permit Application and associated application materials for the Catskill Water Supply Fluoridation Project

WHEREAS,

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. In a prior resolution, the Town Board awarded bids as follows: General Construction Contract to ELQ Industries Inc., and Electrical Contact to Acorn Electrical.

WHEREAS, as part of the project, the Town obtained approval from the NYCDEP for work to be performed at the Town-owned Catherine Street facility, which is located on land owned by the NYCDEP. The NYCDEP is issuing an amended land use permit, which will obligate the Town to pay land use fees in accordance with the current billing rates of the NYCDEP.

WHEREAS, in order to finalize the permit, an authorized signatory of the Town is required. NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign an amended NYCDEP Land Use Permit Application and associated application materials for the Catskill Water Supply Fluoridation Project.

Authorize Supervisor to sign Contract Amendment No. 2 in the amount of \$11,428.02 for the Pump Station Upgrade, Walden Woods, Jefferson Valley and Jefferson Park Pump Stations

WHEREAS, 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.

WHEREAS, for Contract No. 2, Electrical Work, the bid was awarded to Acorn Electric in the amount of \$350,000.

WHEREAS, the Town Board previously approved Contract Amendment #1 for this project, in the amount of \$79,700, 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

WHEREAS, in Contract Amendment #2, Acorn Electric proposes to perform the following additional work items:

- Furnish and install horn & strobe light at each of the three (3) pump stations as per requirement of the Westchester County Health Department.
- 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.

WHEREAS, as per the attached itemized cost breakdown, Acorn Electric will perform the additional work for the lump sum amount of \$11,428.02. 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.

WHEREAS, GHD reviewed the submitted cost proposal, met with representatives of Town and Acorn Electric to review each additional work scope item and recommends approval.

WHEREAS, this work would be charged to Cost Code HP.8130.200 Equipment/Capital Outlay. We are requesting a transfer from the 2019 Sewer budget, using funds from YS.8130.460.4 Digester Cleaning, therefore we need the Town Comptroller to make the following budget transfer:

- \$11,428.02 from YS.8130.460.4 Digester Cleaning to HP.8130.200 Equipment/Capital Outlay

NOW, THERFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 2 in the amount of \$11,428.02 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 \$11,428.02 from YS.8130.460.4 Digester Cleaning to HP.8130.200 Equipment/Capital Outlay.

12. **ADJOURN MEETING**

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

Dated: December 17, 2019

AGENDAS ARE SUBJECT TO CHANGE

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