

Meeting of the Town Board, Town of Yorktown held on Tuesday, December 3, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
Alice E. Roker, Deputy Supervisor
Vishnu V. Patel, Councilman
Edward Lachterman, Councilman

Tardy: Thomas Diana, Councilman

Also Present: Diana L. Quast, Town Clerk
Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

Supervisor Gilbert made the following statement:

The budget process began in July and August. As we all know, this process begins with the Supervisor's Tentative Budget, which is drafted with input from the heads of the Town's departments. That budget is further refined after meetings with the members of the Town Board, with additional input from the Town Board, and other additional input and updates from the Town's departments. The result is then the Preliminary Budget. That is what we have in front of us tonight. The Town must be able to make adjustments as new information comes to light before the Final Budget is adopted. And I believe new information, which was not available at the start of the process, has come to light which allows for, what I believe, are important and necessary adjustments to the budget.

In summary, I propose to increase the paving budget by \$500,000, and by utilizing \$500,000 from the Fund Balance. As you know, the Fund Balance was not only increased by the funds received by Enbridge but also by almost \$800,000 in additional real estate taxes collected as a result of my initiative to collect back taxes. Accordingly, this will ensure that the Town has a healthy Fund Balance going forward while also continuing my focus on repairing Town infrastructure. I also propose to reduce the general tax levy by increasing the estimated income from the sales tax by an additional \$250,000 over the Preliminary Budget. The total proposed increase's projected sales tax is still less than half of the amount projected by the County to be received by Yorktown as a result of the County's increase in the sales tax. I believe I am being both conservative yet also optimistic. When the Tentative Budget was drawn up, the Town's revenue from the sales tax for the second quarter was down from last year's second quarter. Thereafter, the Town Comptroller did confirm that the Town did receive additional sales tax revenue in the third quarter of this year as compared to last year, which is apparently due to that increase in the sales tax rate and which appears to reflect the estimate by the County. The net results in this increase in the tax levy of less than one-seventh of a percent for the average homeowner with a \$10,000 assessment – this amounts to an increase in your taxes of approximately \$2.20 in total for the general, highway, and library budgets. By the sales tax increase, we are giving relief to the property owner. At the same time, I am proposing to increase the Water District tax by \$425,000, which is a 3.23% increase. This results in an increase for an average homeowner in the Water District with a \$10,000 assessment of approximately \$3.75 for the year. This will build upon what we did last year to allow the Water Department to undertake necessary work. The Water District is faced with aging water tanks that must be refurbished or replaced at substantial cost. Therefore, it is necessary for the Water District to start accumulating the funds necessary to pay for the water tanks, as well as be in a sound fiscal position to be able to deal with other aspects of its aging infrastructure. The net result is that those individuals who belong to the Water District should not see any significant net difference in their tax obligation between the Preliminary Budget and this Proposed Final Budget. The individuals who do not belong in the Water District should see a decrease in their tax obligation as compared to the Preliminary Budget.

Supervisor Gilbert said he felt they were leaving the Town in a sound position. He said there is an enormous amount of revenue that came in last year that is now rolling over into the Fund Balance (i.e., the collection of back taxes). He said as they did during the middle of the year where they reviewed and adjusted based upon where they stood, they are doing the same now.

Councilman Patel asked how many new hires were there in 2019 and Margaret Gspurning, Human Resources, responded that there was one added full-time Laborer in Parks and Recreation and one part-time position that was part of this year's budget. All other new hires were replacement positions.

Supervisor Gilbert said he is also proud of the fact that he raised the salaries of our department heads. The salaries of the department heads were significantly lagging behind many other municipalities. Bringing equity to these salaries began a year or two before he took office, but he was able to make significant strides to this effort.

Councilwoman Roker spoke to the fact that this is so important to retain valuable individuals with valuable experience and not lose them to other towns.

Supervisor Gilbert said that it became patently clear last year that this was a problem, when the Town not only lost a Superintendent of Parks and Recreation, but then lost his replacement, as well.

Dave Paganelli, Superintendent of Highways, stated that Supervisor Gilbert has taken a prudent and judicious approach to paving Yorktown's roads. Last year the budget was raised \$50,000 from \$500,000 to \$550,000 and then added an additional \$250,000. He spoke about the importance of scheduling road paving and doing it correctly. He said the additional \$500,000 would allow his department to pave approximately 3.25 miles of road. One mile costs approximately \$156,000-\$158,000 to pave.

2020 PRELIMINARY BUDGET PUBLIC HEARING

Supervisor Gilbert convened a public hearing to consider the adoption of the Preliminary Budget for the Town of Yorktown for the fiscal year beginning January 1, 2020.

The 2020 Preliminary Proposed General Budget totals \$59,808,696^[MW1] representing an increase of \$1,244,516.00 from the 2019 Adopted Budget with the following salaries of the elected officials:

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

The following members of the public spoke:

Mr. Carl Tegtmeier, resident, spoke of the importance of moving ahead and funding the fluoridation project. He spoke of how detrimental it is, both financially and medically, to not have fluoride in the water. He hoped that the Board would find the funding to make up the difference between the money they have and the cost of the bids.

Mrs. Susan Siegel, resident, requested that next year the Board move the Budget Hearing to 7:30 p.m. in consideration of working families. She spoke of the importance of how this budget will affect budgets in the future, especially the steady increase in total expenses and the constraints of the state tax cap. She cited various items in the proposed budget as examples. She also cited revenue we are losing year after year (i.e., not collecting collection bin fees of \$300 per bin per year, \$1000 for legal reviews of variances, site plans, subdivisions, etc.). Ms. Siegel echoed Mr. Tegtmeier's statements regarding the fluoridation project. She gave suggestions as to how the shortfall of \$157,000 could be met to move the project forward. Ms. Siegel also raised the issue of commercial water meters and the required testing of once every three years. She said there is no record of these meters ever being tested and the Town does not know how much money is being lost every year.

Councilwoman Roker asked Water Distribution Superintendent Ken Rundle to explain the situation regarding commercial users. He said that Ms. Siegel is correct; however, he urged the Town Board to change the code and add a penalty to those who do not comply. The Town has about 300 commercial meters in Town and services about 10,000 accounts; he stated that the Town is losing about 20% on commercial meters, as well as all meters if they are running slowly. Councilwoman Roker said that if a code change is needed, this is a simple fix. She directed Mr. Rundle to give the information to the Town Attorney so he could draft a change.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilman Diana, seconded by Councilman Lachterman and carried.

APPROVE TAX CERTIORARI PROCEEDINGS AFFECTING TAX PARCELS 35.08-1-7 & 8 ACCOUNT NUMBERS 038000 AND 0379500, OWNED BY TACONIC 202 PROPERTIES LLC RESOLUTION #466

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

Whereas, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 35.08 Block 1 Lots 7 & 8, located at 3823 - 3827 Crompond Road, located on the Tax Map of the Town of Yorktown, now therefore be it

Resolved, that the tax certiorari proceedings affecting tax parcels 35.08-1-7 & 8 Account Numbers 038000 and 0379500, owned by Taconic 202 Properties LLC f/k/a Tomnick Realty Corp. for assessment roll years 2014, 2015, 2016, 2017, 2018 and 2019 be settled as set forth in the proposed stipulation as follows:

Section 35.08 Block 1 Lot 7

<u>Roll Year</u>	<u>Assessment From</u>	<u>Assessment To</u>	<u>Assessment Reduction</u>
2014	2,300	2,300	-0-
2015	2,300	2,300	-0-
2016	2,300	2,300	-0-
2017	2,300	2,300	-0-
2018	2,300	2,300	-0-
2019	2,300	2,300	-0-

Section 35.08 Block 1 Lot 8

<u>Roll Year</u>	<u>Assessment From</u>	<u>Assessment To</u>	<u>Assessment Reduction</u>
2014	35,200	27,334	7,866
2015	35,200	28,540	6,660
2016	35,200	27,940	7,260
2017	35,200	27,545	7,655
2018	35,200	27,780	7,420
2019	35,200	27,200	8,000

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

WAIVE RENT FEES FOR AARP FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER RESOLUTION #467

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

Be It Resolved, that based on a request from AARP dated November 21, 2019, to use rooms 26 and 104 at the Albert A Capellini Community & Cultural Center to provide free tax preparation assistance, the Town Board hereby waives the room rent fees of \$2,898.00 for 126 hours of room use (21 sessions) beginning on February 4, 2020 to April 14, 2020 as indicated in the schedule below.

- February 4, 7, 11, 14, 18, 21, 25, 28, 2020
- March 3, 6, 10, 13, 17, 20, 24, 27, 31, 2020
- April 3, 7, 10, 14, 2020

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE NEW YORK STATE INDUSTRIES FOR THE DISABLED IN AN AMOUNT NOT TO EXCEED \$14,243.20 RESOLUTION #468

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

Resolved the Supervisor is authorized to sign an agreement with New York State Industries for the Disabled in the amount of \$14,243.20 for Microfilm Conversion Services at the Police Department.
Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE PURCHASE OF GENERATORS, CHAINS AND LOCKS FOR 26 TRAFFIC LIGHT POLES RESOLUTION #469

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

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

From:

A1990.499.1 General Fund – Contingency Capital \$16,750.00

To:

A5182.200 Street Lighting - Equipment \$16,750.00

for the 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

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

*AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL DESIGN & RESEARCH, D.P.C. FOR THE NOT-TO-EXCEED AMOUNT OF \$363,616.00

RESOLUTION #470

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

Whereas,

1. The four (4) pump stations to be rehabilitated under this project service parcels in the Hallocks Mill Sewer District. Each of the stations (Crystal Lake, Hanover East, Mohansic & Salem) are nearing the end of their useful life and will be upgraded to meet current Town and regulatory standards.
2. The scope of work shall be as indicated in the Request for Proposal (RFP) dated November 2018 and shall include the following tasks:

Crystal Lake, Hanover East, Mohansic and Salem Pump Stations

- Full rehabilitation of each pump station; new pumps, controls, level control, piping, valves, mixer, etc. and all associated electrical, HVAC and plumbing work
- Perform a boundary survey and geotechnical evaluation of each facility
- Perform an assessment of existing facilities to determine if any hazardous materials are existing. If required, develop a plan for handling hazardous materials, i.e. mercury, lead, asbestos, etc.
- Perform flagging of any wetlands and confirm if the work will be done in wetland buffer areas, which will require permitting
- Identify if any locations are within the 100-year flood plain and make recommendations for locating equipment systems above the base flood elevation if required.
- Confirm wet wells are correctly sized and up to current code standards for capacity
- All new equipment for each pump station shall be integrated into the Town SCADA system for monitoring and control.

Farmwalk Pump Station

The Town has experienced issues at the Farmwalk Pump Station in recent years and the scope of work will include a detailed evaluation and recommendation for how to address the problems that lead to the Town receiving a Notice of Violation from the NYSDEC in December 2016.

3. The scope of work includes an optional task for construction inspection services; whereby the Consultant will provide a field construction representative to observe and document daily construction activities. Authorization under this task will be directed by the Town in writing.

4. The Town received responses from eight (8) firms, summarized in the following table.

Pump Station Rehab: Crystal Lake, Hanover East, Mohansic, & Salem					
RFP for Professional Services					
List of Consultants	Responsive?	Any exceptions?	Bid Price	Adjusted Bid Price	Final Bid Price
Environmental Design & Reseach	YES	NO	\$399,500	\$399,500	\$363,616
H2M Architects & Engineers	YES	NO	\$295,000	\$409,000	\$366,100
Barton & Loguidice	YES	NO	\$376,000	\$397,000	\$367,000
Woodard & Curran	YES	NO	\$498,200	\$540,200	
Macan Deve Engineers	YES	NO	\$273,390	\$323,390	
Ciarcia Engineering	YES	NO	\$298,000	\$397,000	
Pitangaro & Doetsch	YES	NO	\$224,000	\$344,000	
C.T. Male Associates	YES	NO	\$238,500	\$346,000	

5. The Town Board selected the top three (3) firms for an in-person presentation to the Board.
6. Following discussions at the 11/26/19 Town Board Work Session, the Board selected EDR to perform the work.
7. The professional engineering services to be provided by EDR will be in the not-to-exceed amount of \$363,616.
8. 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.
9. This work will be assigned to Budget Code YS.8130.490 Professional Services and will require a transfer from the Sewer Fund Balance in the amount of \$363,616.

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 \$363,616. And the Town Comptroller is authorized to transfer \$363,616 from Sewer Fund Balance into Budget Code YS.8130.490 Professional Services.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
 Resolution adopted.

*Resolution #470 was rescinded by the Town Board on December 10, 2019.

*AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL DESIGN & RESEARCH, D.P.C. FOR THE NOT-TO-EXCEED AMOUNT OF \$119,900.00

RESOLUTION #471

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

Whereas,

1. The work of this project relates to the Consent Order that the Town executed with the NYSDEC in May 2019. As per our Work Plan:
 - The Town of Yorktown will undertake an inflow and infiltration flow study of the sanitary sewage collection system tributary to the County’s trunk sewer system within the Peekskill Sanitary Sewer District. The purpose of the evaluation is to identify major sources of inflow and

infiltration (I/I) that are occurring within the collection system.

- The Town is required to report the results of the study to NYSDEC by June 2020 and also must identify any sub-areas that will need further evaluation as part of a Sanitary Sewer Evaluation Survey (SSES).

2. The scope of work shall be as indicated in the Request for Proposal (RFP) dated June 2019 and shall include the following tasks:

- Task 1: Inventory of Existing Conditions
- Task 2: Mapping Development
- Task 3: Flow Monitoring
- Task 4: Rainfall Monitoring
- Task 5: Groundwater Monitoring
- Task 6: Data Evaluation
- Task 7: Draft Report
- Task 8: Workshop
- Task 9: Final Report

3. The scope of work includes two (2) optional tasks to be undertaken when directed by the Town for the following: The Town may require additional assistance from the Consultant that cannot be defined at this time. It is anticipated that the Town will try to obtain funding for the flow study and/or the sanitary sewer evaluation should any program funding become available from New York State, Environmental Facilities Corp, etc. The Town may also need assistance from time-to-time with meeting support or responding to inquiries from NYSDEC personnel. Under this task, payment will be made at the normal hourly billing rate scheduled of the Consultant. Authorization under this task will be when and as directed by the Town in writing.

4. The Town received responses from ten (10) firms, summarized in the following table.

Inflow & Infiltration Flow Study RFP for Professional Services						
Summary of Proposals Received						
List of Consultants	Responsive?	Any exceptions?	Bid Price	# of Flow Monitors	# of Groundwater Monitors	# of Manhole Inspections
Weston & Sampson	YES	NO	\$120,000	12	12	170
Barton & Loguidice	YES	NO	\$150,000	11	3	150?
Environmental Design & Research	YES	NO	\$119,900	12	12	175
GHD Consulting Services	YES	NO	\$145,508	16	4	147
H2M Architects + Engineers	YES	NO	\$174,470	15	15	165
Arcadis of New York	YES	NO	\$209,086	13	13	177
Tighe & Bond	YES	NO	\$214,800	17	17	150
D&B Engineers & Architects	YES	NO	\$215,000	12	6	160
Wright-Pierce Engineering Consultants	YES	NO	\$215,913	15	15	160
Pittingaro & Doetsch Consulting Engineers	YES	YES	\$73,000	3	3	N/A

5. The Town Board selected the top four (4) firms for an in-person presentation to the Board.

6. Following discussions at the 11/26/19 Town Board Work Session, the Board selected EDR to perform the work.

7. The professional engineering services to be provided by EDR will be in the not-to-exceed amount of \$119,900.

8. 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.

9. This work will be assigned to Budget Code YS.8130.490 Professional Services and will require a transfer from the Sewer Fund Balance in the amount of \$119,900.

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 \$119,900. And the Town Comptroller is authorized to transfer \$119,900 from Sewer Fund Balance into Budget Code YS.8130.490 Professional Services.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

*Resolution #471 was rescinded by the Town Board on December 10, 2019.

EXECUTIVE SESSION (Closed Session)

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews for volunteer boards and adjourned thereafter.

ADJOURN MEETING

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board meeting was adjourned.

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