

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
March 17, 2015

PLACE:
TOWN HALL

TIME:
7:30pm

The Town Board's next televised meeting will take place at the John C. Hart Memorial Library on April 7, 2015. It will not be broadcast live, taping begins at 7:30PM

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. SUPERVISOR GRACE'S REPORT TO THE TOWN
4. REPORTS FROM THE TOWN COUNCIL
5. COURTESY OF THE FLOOR
6. PUBLIC HEARINGS

Create Hunterbrook Sewer District Ext. #20

To consider the establishment of the Sewer District Extension in said Town to be known as Hunterbrook Sewer District Extension No. 20, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Request County of Westchester incorporate parcels into Peekskill Sewer District

WHEREAS, the Town of Yorktown Town Board is desirous of including 15 parcels of land adjacent to the existing Hunterbrook Sewer District and into the Peekskill Sanitary Sewer District, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate the lands listed below into the Peekskill Sanitary Sewer District.

Exhibit A

1	John Bauso, Americo Realty, LLC	3332 Old Crompond Road	26.18-1-9
2	Alfio Della Vecchio	3328 Old Crompond Road	26.18-1-10
3	Gilbert Claudio & Elizabeth Martinez	3326 Old Crompond Road	26.18-1-11
4	Barbara & Brian Hoy	3314 Old Crompond Road	26.18-1-12
5	Benjamin Falk and Semantha Falk	3308 Old Crompond Road	26.18-1-13
6	Ann and James Kutter	3302 Old Crompond Road	26.18-1-14
7	Peter Antonaros and Stavros Moutopoulos	3290 Old Crompond Road	26.18-1-15
8	Edmund Chen and Jonas Chan	3258 Old Crompond Road	26.18-1-16
9	Breslin Realty Associates	3220 Old Crompond Road	26.18-1-17
10	3220 Crompond Road LTD	3220 Old Crompond Road	26.18-1-18
11	Rosita A. Mazzola	3275 Old Crompond Road	26.18-1-21
12	Agim and Cyme Mujaj	2561 Old Crompond Road	26.18-1-22
13	Best Rent Properties 202 LLC	3200 Crompond Road	26.18-1-19
14	Best Rent Properties 202 LLC	3216 Crompond Road	26.19-1-1
15	Temple Israel of Northern Westchester	3241 Crompond Road	36.06-2-72

Rezone Property from O to C3 - Torrente

RESOLVED, that notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 17th day of March, 2015 at 7:30 o'clock PM to consider the application for the rezoning of properties known on the Yorktown Tax Rolls as 15.16-1-44 and 15.16-1-31 for a change of zone from O (Office Zone) to C3 (Commercial Limited) Zone.

7. ADVERTISING

Bids:

Baptist Church Road Project

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, for the Baptist Road Culvert Replacement Project, Capital Improvement Project #15-1. Date to be announced.

8. AWARD BIDS/RFPS

(RFP) for Pump Station Upgrade Program

WHEREAS, the Town of Yorktown received and reviewed four proposals from professional engineering firms, and

WHEREAS, the Town Board at its February 24, 2015 Work Session, authorized the Town Supervisor and Town Engineer to negotiate a reduced fee with GHD, Inc., since it has successfully completed design and construction inspection services at the treatment plant and within the Hallocks Mill Sewer District (copy attached), and

WHEREAS, the funds in the amount of \$465,300 are to be transferred from the YS fund balance to YS8130.479 Special Projects, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with GHD, Inc., for the Hallocks Mill Sewer District Pump Station project, in the amount of \$465,300.00.

9. RESOLUTIONS

Request from the Assessor:

Dedicate parcel as Open Space

WHEREAS, the parcel identified on the Town's tax maps as section/block/lot 15.8-3-19 was taken by the town in an In Rem proceeding in 2009 and is owned by the Town; and

NOW THEREFORE, be it resolved that the Town Board determines that parcel 15.8-3-19 should be dedicated as open space.

Requests from the Comptroller

Authorize the Supervisor to sign an agreement with CPI-HR

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement between the Town and CPI-HR for consulting services to remain in compliance with the Affordable Care Act (ACA) for the period of April 1, 2015 to March 31, 2016 in the amount not to exceed \$16,200.

Authorize the Supervisor to sign agreements with Constellation New Energy, Inc. and Blue and Silver Energy Consulting dba Pro-Star Energy Services

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement between the Town of Yorktown and Constellation NewEnergy, Inc. so that the Town may participate in a municipal energy program realizing reduced electric and gas utility costs. The contract will be for a two year period commencing April 1, 2015 ending March 31, 2017.

Be it further resolved that the Supervisor is authorized to sign an agreement with Blue and Silver Energy Consulting dba Pro-Star Energy Services to audit previous utility invoices and provide a Utility Bill Verification (analysis) for discrepancies in billing errors and/or rate changes. This agreement will commence April 1, 2015 for a twelve month period ending March 31, 2016. The Town will share 50% of savings realized during this period with Pro-Star Energy.

Year-end Budget Transfers:

Be it resolved that the Town Board authorizes the following 2014 Year End Budget Transfers

General		From	To
A9000.812	PD Retirement	331,096.63	
A1110.407	Court Electricity		5,582.48
A1110.416	Court Bldg Maint		11,652.82

A1620.407	Town Hall Electric		2,865.09
A1620.407.3	Records Ctr Electric		1,722.65
A1625.407	YCCC Electric		12,811.28
A1640.810	Pub Safety Medical		7,398.18
A3120.407	PD Electric		5,047.18
A5182.407	St Light Electric		11,219.42
A7020.407	Rec Admin Electric		2,989.94
A7110.407	Parks Electric		17,889.11
A7110.407.1	Legacy Electric		2,381.97
A7180.407	Pool Electric		3,409.77
A7215.407	Central Garage Electric		7,179.60
A9000.810	Retiree Medical		54,157.69
A9901.0900	Trans to Worker's comp		184,789.45
		331,096.63	331,096.63

Highway	FUND D	From	To
D5142.105	Snow Overtime		22,962.78
D9000.900	Trans to Worker's Comp		186,749.54
	Street Maintenance		
D5110.101	Salaries	9,630.00	
D5110.105	Overtime	1,170.00	
D5110.106	Longevity	1,400.00	
D5110.403	Supplies	6,050.00	
D5110.407	Electricity	290.00	
D5110.416	Bldg Maint	1,225.00	
D5110.434	Uniforms	950.00	
D5110.467	Insurance	3,170.00	
D5110.470	Gas & Oil	3,925.00	
D5110.470.1	Diesel	3,440.00	
D5110.479	Drainage	525.00	
D5110.810	Medical	16,425.00	
D5110.811	Dental	5,250.00	
D5110.812	Vision	1,175.00	
	Chips		
D5112.210	Paving	7,500.00	
D5112.205	Equipment	13,392.32	
	Machinery		
D5130.101	Salaries	3,125.00	
D5130.220	Tools	2,950.00	
D5130.403	Supplies	5,075.00	
d5130.423	Training	1,000.00	
D5130.425	Outside Svc	1,275.00	
D5130.810	Medical	5,270.00	

D5130.811	Dental	925.00		
	Trees			
D5140.496	Compost	6,250.00		
D5140.810	Medical	2,025.00		
	Snow			
D5142.200	Equipment	2,575.00		
	Benefits			
D9000.108	Lump Sum	4,500.00		
D9000.0800	FICA	18,375.00		
D9000.810	Retiree Med	2,025.00		
D9000.811	State Retire	66,225.00		
D9000.813	Worker's Comp	12,600.00		
			209,712.32	209,712.32

R&R	SR	From	To
SR9901.0900	Trans to Worker's Comp		143,455.57
SR7210.101	Salary	3,950.00	
SR7210.105	Overtime	3,120.00	
SR7210.110	Seasonal	12,840.00	
SR7210.200	Equiment	3,675.00	
SR7210.406.1	Cell	975.00	
SR7210.407	Elec	875.00	
SR7210.416	Bldg Maint	400.00	
SR7210.417	Copier Maint	370.00	
SR7210.418	Equip Maint	1,350.00	
SR7210.420	Veh Main	7,950.00	
SR7210.434	Uniforms	1,475.00	
SR7210.442	Legal Notices	1,345.00	
SR7210.470.1	Diesel	8,670.00	
SR7210.484	Recycle	5,090.00	
SR7210.486	Dumping	2,400.00	
SR7210.496	Compost	8,075.00	
SR7210.810	Medical	20,450.00	
SR7210.811	Dental	3,020.00	
SR8160.450	Dumping	12,125.00	
SR9000.800	FICA	8,050.00	
SR9000.810	Retiree Medical	5,175.00	
SR9000.811	State Retire	5,600.00	
SR9000.813	Workers Comp	3,140.00	
SR.701	A/P	10,909.15	
SR.909	Fund Balance	12,426.42	

			143,455.57	143,455.57
Sewer		YS	From	To
YS8130.407	Electricity Plant			33,177.20
YS8130.407.1	Electric Pump Station			30,979.13
YS8130.407.3	Electric DEP			107,728.26
YS8130.463	Fees			8,068.00
YS8130.470	Gasoline			13,839.31
YS8130.470.1	Diesel			11,591.73
YS9700.0710.1	Capital Interest			421.65
YS8130.459	Infl Contr		150,000.00	
YS8130.460	Maint Repair Plant		22,628.08	
			172,628.08	172,628.08
		GD		
GD.909	Fund Balance		3,000.00	
GD8130.407	Electricity			3,000.00

Approve Pay-out for William Nehmzow

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay William Nehmzow the cash value of unused time as of his retirement date

Rate of Pay: \$34.4133 hourly

Sick	663.75 hours @	50%	=	331.88 hours
	331.88 hours x	\$34.4133	=	
	\$11,421.09			

Vacation	37.50 hours x	\$34.4133	=	\$ 1,290.50
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Compensatory Time	14.00 hours x	\$34.4133	=	\$ 481.79
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Total \$13,193.38

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

YS909.8 Yorktown Sewer Fund Reserve for Employee Accrued Benefits

To:

YS8130.108 Highway Lump Sum Payments

Amount:
\$13,193.38

Request from Court Clerk:
Accept Justice Court Audit for fiscal year 2014

Resolved, that the audit of the Town of Yorktown Justice Court prepared by O'Connor Davies, LLP, for the fiscal year 2014, submitted to the Town on February 25, 2015, be and is hereby accepted by the Town Board. A copy of the audit is filed with the Town Clerk and is available for public inspection.

Requests from Engineering Department:
Baptist Church Road Relining

RESOLVED, the monies requested below are to be funded by A1440.0479, Special Projects, as referenced in attachment A, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with WSP Sells Group, for the Baptist Church Road Pipe Relining project, for full-time construction inspection and support, and BE IT FURTHER

RESOLVED, that the work is not to exceed the total cost of \$29,300.00.

Approve Escrow Permit Releases:

WHEREAS, the work associated with each permit listed has been completed, and WHEREAS, the escrow monies were deposited into the T76 account,

WHEREAS, each permit's accompanying remaining escrow amounts are listed below and can be released back to each permits applicant,

BSWPPP058-12	\$12.50
WP064-12	\$12.50
BSWPPP068-12	\$25.00
WP072-12	\$12.50
BSWPPP078-12	\$12.50
BSWPPP077-12	\$12.50
WP080-12	\$12.50
WP090-12	\$12.50
BSWPPP086-12	\$12.50
BSWPPP091A-12	\$12.50
BSWPPP092-12	\$12.50
WP093-12	\$12.50, Now,

Therefore Be It Resolved, that the above-described monies are hereby released to each applicant that is on record for posting the escrow fees for each permit.

Requests from the Highway Department:

Authorize Budget Transfer

Be it resolved that the Comptroller is hereby authorized to transfer \$125,000 from the General Fund - Fund Balance to D5132.403 Highway Material / Supply line for the purpose of salt / sand purchase and,

Be it further resolved that the Comptroller that the Comptroller is hereby authorized to transfer \$157,000 from the General Fund – Fund Balance to D5142.105 Snow Overtime

Extend the Bid for Asphalt Concrete and Liquid Bituminous Materials

WHEREAS, invitation to bid for the Asphalt Concrete & Liquid Bituminous Materials Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on April 5, 2013.

NOW, THEREFORE BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Asphalt Concrete & Liquid Bituminous Materials Bid be and is hereby extended for one year, per the terms of the Bid to, Peckham Materials, 20 Haarlem Avenue, White Plains, NY 10603, and

BE, IT FURTHER RESOLVED, the dates of the extension will be April 1, 2015 to March 31, 2016.

Request from the Parks and Recreation Superintendent

Authorize the Supervisor to sign an agreement with the Yorktown Grange WHEREAS, the Town wishes to obtain space for a period of five (5) weeks in which to operate a full day summer camp program under the Department of Parks and Recreation,

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, that the Supervisor is authorized to execute a lease agreement on behalf of the Town, as tenant, with Yorktown Grange, landlord, at 99 Moseman Road, Yorktown Heights, from June 29, 2015 through July 31, 2015, at a rent of \$4,500.00, to provide facilities for the Parks and Recreation Department’s full day and extended day summer camp programs.

Request from the Planning Director:

Request for funding from the Westchester Community Housing Infrastructure Investment Program

WHEREAS, the County of Westchester has implemented its new Community Housing Infrastructure Investment Program (CHIIP) to substitute for the Community Development Block Grant Program (CDBG); and

WHEREAS, for 2015, projects eligible for the County's CHIIP financial support will be selected from those projects previously submitted by local governments to the County under the CDBG program and subsequently recommended for funding; and
WHEREAS, the Town of Yorktown had identified several projects for submission under the CDBG program that were publicly presented and discussed with the community and staff, and subsequently approved by the Yorktown Town Board for submission to the County under the CDBG program; and
WHEREAS, the Town of Yorktown submitted those projects for CDBG funding and three were selected and recommended for funding under that program by Westchester County staff responsible for administering the CDBG program; and
WHEREAS, the three projects that were previously submitted to the County under the CDBG program that were recommended for funding were not implemented due to the lack of funding from the CDBG program; and
WHEREAS, those three projects are eligible for the County's CHIIP program's requirements, have been reviewed and updated with current cost estimates; and
WHEREAS, the projects are as follows, in order of priority:

- 1) Veterans Road sidewalks and streetscape amenities (between Commerce Street and Downing Avenue); Total Cost \$340,764 – CHIIP request \$170,382; Town match \$170,382
- 2) Commerce Street sidewalks and streetscape amenities (between Firehouse and Kear Street);
Total Cost \$252,000 – CHIIP request \$126,000; Town match \$126,000
- 3) Downing Drive sidewalks and streetscape amenities (between Veterans Road and Commerce Street); Total Cost \$377,000 – CHIIP request \$188,500; Town match \$188,500; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Yorktown authorize the Town supervisor to execute any and all documents to facilitate the submittal of the heretofore identified applications to the County of Westchester Community Housing Infrastructure Investment Program for Fiscal Year 2015; and

BE IT FURTHER RESOLVED this resolution shall take effect immediately.

Requests from the Police Chief:

Approve Purchase of Vehicles

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of three police vehicles in the Police Department's 2015 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Taurus Police Interceptors and Chevrolet Tahoe 4x4 Police Vehicles; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for the Ford Taurus Police Interceptor and Chevrolet Tahoe 4x4 Police Vehicles; and

WHEREAS, Webster Ford Inc *dba Henderson Ford* of Webster New York has submitted the lowest bid for the Ford Taurus Police Interceptor and *Van Bortel Chevrolet* of Macredon New York has submitted the lowest bid for the Chevrolet Tahoe 4x4 Police Vehicle; and

WHEREAS, the State of New York Office of General Services has awarded contract #22737 to the lowest bidder Webster Ford Inc *dba Henderson Ford* and *Van Bortel Chevrolet* ; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase two (2) Ford Taurus Police Interceptors from the State of New York Office of General Services contract #22737 from Webster Ford Inc *dba Henderson Ford* at a total cost not to exceed fifty thousand one hundred dollars and no cents (\$50,100.00); and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) Chevrolet Tahoe 4x4 Police Vehicle from the State of New York Office of General Services contract #22737 from *Van Bortel Chevrolet* at a total cost not to exceed thirty-three thousand dollars and no cents (\$33,000.00).

Extend Bid for Uniform Cleaning Services

WHEREAS, bids for Uniform Cleaning Services for the Police Department were received and opened on April 12, 2013 and

WHEREAS, said bids were awarded to Rite Price Cleaners, the sole bidder; and

WHEREAS, said contract commenced April 12, 2013 and will expire April 16, 2015, and

WHEREAS, the town has the option to extend said bid for three additional years in one-year increments; now

THEREFORE BE IT RESOLVED, that the Uniform Cleaning Services Bid for the Police Department awarded to Rite Price Cleaners is hereby extended for one year, per the terms of the bid; and

FURTHER RESOLVED, the dates of the extension will be April 17, 2015 to April 16, 2016.

Authorize Supervisor to Sign agreement with Taser International, Inc.

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with Taser International, Inc. for the purchase of (100) Taser smart cartridges for the Yorktown Police Department, in accordance with the terms of their quote, dated February 26, 2015, for \$3,194.10.

Request from the Town Attorney

Authorize the Supervisor to sign an amendment to the contract with ELQ

Industries

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an amendment to the August 31, 2014 Agreement with ELQ Industries Inc., pertaining to emergency construction on Lexington Avenue, to provide for payment of materials

Request from Town Clerk:

Authorize Sale of Town-owned property – 441 East Main Street

WHEREAS, The Town of Yorktown is the owner of a property located 441 East Main Street, having tax map number 17.05-1-2 (the Parcel) which was acquired by tax lien foreclosure, and the Town has determined that the Parcel is not needed for Town use, and should therefore be sold; and

WHEREAS, a public auction was held on November 8, 2014 in Town Hall, 363 Underhill Avenue, Yorktown Heights, New York; and

WHEREAS, a bid of \$100 was received at the auction for the Parcel from the sole bidder, and the Town Board accepted the bid; and

WHEREAS, the sole bidder decided not to consummate the transaction; and

WHEREAS, Andrew M. Duquet, 130 Colonial Hill Rd., Mount Kisco, NY 10549, subsequently submitted an offer to the Town Clerk to purchase the Parcel and tendered a deposit of \$50.00;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby determines that the 100% deposit paid by the first bidder, \$100.00, shall be and is forfeited to the Town pursuant to the terms and conditions of the auction; and be it further

RESOLVED, the Town Board does hereby accept the bid of \$100.00 of Andrew M. Duquet; and be it further

RESOLVED, that the Town attorney is hereby authorized to prepare and have executed all documents necessary to effectuate the sale of the Parcel, subject to the following conditions:

The Town will convey the Parcel by Quit-Claim Deed, subject to any and all conditions, restrictions, zoning, actions of Town and/or building inspectors, etc. affecting the Parcel or premises and to such facts as would be disclosed by a survey and inspection; the Town further will make no warranty or representation as to the condition, dimensions, location or physical existence of the property described therein, or to the marketability of its title, and the purchaser will assume all risk thereof.

Request from Water Department:

Authorize Supervisor to Sign a Certificate of Acknowledgement – NYC DEP

WHEREAS, the NYCDEP has requested the decommissioning and dismantling of the Catskill Aqueduct building located on Old Crompond Road, and

WHEREAS, the NYCDEP has issued a Land Use Permit to move forward with this project, and

WHEREAS, the NYCDEP is requesting a signature from a Town officer acknowledging the conditions set forth in the Land Use Permit.

THEREFORE BE IT RESOLVED, the Water Distribution Superintendent is requesting Town Board authorization for the Supervisor to sign the Certificate of Acknowledgment.

10. PERSONNEL

Retirement

Thomas Federmack – Building and Grounds

Michael Androsko – Police Department

11. REFUNDS

Approve refunds for duplicate tax payments

Be It Resolved, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account # 1700000 in the amount of \$2,963.78

Account # 0656000 in the amount of \$4,633.46

Account # 1756814 in the amount of \$8,636.89

Account # 3844500 in the amount of \$2,769.83

Account # 3402500 in the amount of \$4,751.83

Account # 2180060 in the amount of \$ 319.20

Account # 3179500 in the amount of \$4,612.37

Account # 3794500 in the amount of \$3,836.56

Account # 1092500 in the amount of \$ 127.29

Account # 4814500 in the amount of \$8,661.13

Account # 0279507 in the amount of \$1,789.74

Account # 2225550 in the amount of \$ 381.88

Account # 0365500 in the amount of \$5,091.71

Account # 2575000 in the amount of \$4,404.33

Account # 2775000 in the amount of \$3,594.12

Account # 3853500 in the amount of \$2,697.09

Account # 0076500 in the amount of \$3,227.08

Account # 4898000 in the amount of \$7,530.19

Account # 1278000 in the amount of \$4,151.74

Account # 4520500 in the amount of \$2,818.31

12. MONTHLY REPORTS

Building Department – Construction Cost Report - February 2015

Receiver of Taxes – Summary Report - February 2015

13. ADJOURN

Alice E. Roker, Town Clerk
Town of Yorktown

Dated: March 17, 2015