



# Town of Yorktown

*Office of the Town Clerk Diana L. Quast*

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## **FINAL TOWN BOARD IN PERSON MEETING AGENDA**

**February 15, 2022**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:30 PM EXECUTIVE SESSION**

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

Parks and Recreation Department

Litigation and Negotiations

Town Attorney

### **7:30 PM TELEVISED TOWN BOARD MEETING**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. POET LAUREATE  
John McMullen
8. PROCLAMATION  
**Resolution Opposing the Con Edison requested Rate Hike**  
WHEREAS, on January 28, 2022 Matthew Ketschke, President of ConEdison, sent a request to the Public Service Commission for an 11.2% rate increase for electric customers and an 18.2% increase for gas customers; and

WHEREAS, in 2020 the New York State Public Service Commission approved rate hikes of 4.2%, 4.7% in 2021 and 4% beginning in January of 2022 for electric customers; and

WHEREAS, in 2020 the New York State Public Service Commission approved rate hikes of 7.5% in 2020, 8.8% in 2021 and 7.2% in 2022 for gas customers; and

WHEREAS, the current economic conditions, including record inflation across the country, is having a direct impact on the daily lives of residents; and

WHEREAS, ConEdison customers received exorbitant bills this month jeopardizing the viability of small businesses and forcing intense strain on local seniors and families; now therefore, be it

Resolved, that the Yorktown Town Board opposes the proposed rate increases for ConEdison electric and gas customers; and

BE IT FURTHER RESOLVED, that the Yorktown Town Board requests the Public Service Commission holds a public hearing on the proposed rate hikes at the Yorktown Town Hall just as it did in 2019 for the proposed NYSEG rate hikes; and

BE IT FURTHER RESOLVED, that the Yorktown Town Board call upon the Public Service Commission to administratively implement the provisions of A.3888/S.4628 to ensure greater transparency and communication to local ratepayers; and

BE IT FURTHER RESOLVED, the Yorktown Town Board requests the Special Counsel for Ratepayer Protection investigate the recent back-breaking utility bills which in some cases grew by more than 200%.

9. COURTESY OF THE FLOOR

10. DISCUSSION

Proposed Guiding Eyes for the Blind Kennel - 3241 Crompond Road

11. PERSONNEL

**Reappoint Tom McLoughlin to the Heritage Preservation Commission**

Resolved, that Tom McLoughlin is reappointed to the Heritage Preservation Commission for a term expiring on October 31, 2024.

12. ADVERTISEMENTS

**Authorize Town Clerk to advertise a public hearing to consider amending Chapter 108 of the Code of the Town of Yorktown entitled, "ALCOHOLIC BEVERAGES"**

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, March 1, 2022, at 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 PM, or as soon thereafter as the same can be heard, to consider amending Chapter 108 of the Code of the Town of Yorktown entitled, "ALCOHOLIC BEVERAGES" as follows:

Section I. replacing Section 108-7(A) of the Code of the Town of Yorktown is hereby amended by "§ 28-9" with "§ 108-9."

Section II. Section 108-8(E) of the Code of the Town of Yorktown is hereby replaced in its entirety with the following language:

Permits shall not be issued for the possession, consumption or sale of alcoholic beverages in public parks in the Town of Yorktown, except such permits may be granted for: (1) the possession, consumption and sale of alcoholic beverages at the Par 3 Golf Course and Railroad Park; and (2) the possession and consumption of alcoholic beverages at the Downing Park Pavilion and the Sparkle Lake Service Building.

**Authorize Town Clerk to advertise rebid for 7 Various Chemicals for the Water Pollution Control Plant**

Resolved, that the Town Clerk is authorized to advertise a rebid for 7 Various Chemicals for the Water Pollution Control Plant.

13. **AWARD BIDS**

**Award RFP for Aquatic Pesticide Treatments to control blue green algae blooms at Mohegan Lake**

WHEREAS, the Town received proposals from two companies to conduct aquatic pesticide treatments to control blue green algae blooms at Mohegan Lake;

WHEREAS, based on anticipated treatments, Limnology Information and Freshwater Ecology Inc.'s proposal is for \$45,250 and Solitude Lake Management LLC's is for \$46,771;

RESOLVED, that upon the recommendation of the Mohegan Lake Improvement District, the Bid be awarded to Limnology Information and Freshwater Ecology Inc.

BE IT FURTHER RESOLVED, that the Supervisor is authorized to enter into an agreement with Limnology Information and Freshwater Ecology Inc. for the provision of aquatic pesticide treatments in an amount not to exceed \$45,250. The term of the agreement shall end on December 31, 2022.

**Award Bid - Fencing for Inclusive Playground**

Whereas, invitation to bid for fencing for inclusive playground for use by the Parks and Recreation Department was duly advertised, and

Whereas, said bids were received until the 4<sup>th</sup> day of February, 2022 and opened on the 7<sup>th</sup> day of February, 2022, due to inclement weather conditions that closed Town Hall with the bid amounts as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
King Fence 48 Grassy Sprain Road Yonkers, NY 10710	\$9,534.00
Spitale Construction Resources 2013 Crompond Road Yorktown Heights, New York 10598	\$11,480.00
Yaboo Fence Company 95 West Nyack Way West Nyack, New York 10994	\$11,551.74
Campanella Fence 289 Route 6 Mahopac, New York 10541	\$18,890.42
WBE Fence Company, Inc. 11 Deer Court Brewster, New York 10509	\$24,472.00

Now Therefore, Be It Resolved, that upon the recommendation of James Martorano, Jr., Superintendent of Parks and Recreation, the bid be and is hereby awarded to King Fence, 48 Grassy Sprain Road, Yonkers, New York 10710, as the lowest responsible bidder.

14. RESOLUTIONS

**Authorize Supervisor to sign an agreement with Yorktown Grange to provide facilities for the Parks and Recreation Department’s full day and extended day summer camp programs in the amount of \$6,500**

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, NY, from June 27, 2022 through July 30, 2022, at a rent of \$6,500.00, to provide facilities for the Parks and Recreation Department's full day and extended day summer camp programs.

**Authorize Comptroller to pay Curtis Doerr the cash value of unused time as of his date of retirement**

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Curtis Doerr the cash value of unused time as of his date of retirement:

Rate of Pay: \$39.0876

Sick	1500.00 hours @ 50% =	750.00 hours		
	750.00 hours	x	\$39.0876	= \$29,315.70

Vacation	262.50 hours	x	\$39.0876	= \$10,260.50
Vacation 1996 hours	127.50 hours	x	\$21.95	= \$ 2,798.71
Personal Days	15.00 hours	x	\$39.0876	= \$ 586.32

Longevity  
 \$1,600 / 261 days = \$6.13 per day

06/08/21 – 12/31/21 = 148 days			
148 days x \$6.13	=	\$	907.24

\$1,750 / 261 days = \$6.71 per day			
01/01/22 – 01/28/22 = 20 days			
20 days x \$6.71	=	\$	134.20

Total Longevity		\$	1,041.44
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Total		\$44,002.67
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Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: SW909.8 Water Fund Reserve Employee Accrued Benefits	\$34,259.59
SW8340.101 Water Salary	\$ 8,701.64
SW8340.106 Water Longevity	\$ 1,041.44

To: T905.1 Medical, Dental, Vision Premium Trust	\$29,315.70
SW8340.108 Water Lump Sum Payments	\$14,686.97

**Authorize Comptroller to pay Anita Hecker the cash value of unused time as of her date of retirement**

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Anita Hecker the cash value of unused time as of her date of retirement:

Rate of Pay: \$36.8960

Sick	341.625 hours @	50%	=170.81 hours		
	170.81 hours	x	\$36.8960	=	\$ 6,302.21
Vacation	294.00 hours	x	\$36.8960	=	\$10,847.43
Longevity					
	\$1,600 / 261 days = \$6.13 per day				
	01/29/21 – 12/31/21 = 239 days				
	239 days x \$6.13			=	\$1,465.07
	\$1,750 / 261 days = \$6.71 per day				
	01/01/22 – 01/28/22 = 20 days				
	20 days x \$6.71			=	\$ 134.20
Total Longevity					\$1,599.27
Total					\$18,748.91

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A909.8	General Fund Reserve Employee Accrued Benefits	\$10,778.60
A7020.101	Recreation Salary	\$ 6,371.04
A7020.106	Recreation Longevity	\$ 1,599.27
To: T905.1	Medical, Dental, Vision Premium Trust	\$ 6,302.21
A7020.108	Recreation Lump Sum Payments	\$12,446.70

**Authorize Comptroller to process the following Budget Transfer:**

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

From: A1990.499.1	General Fund – Capital Contingency	\$75,000.00
To: A1010.201	AV Room Equipment	\$75,000.00

For upgrades to the Audio/Visual room equipment.

**Authorize Comptroller to refund Water Bill Account #207929-0 in the amount of \$1,352.06**

Resolved, that the Comptroller is authorized to refund Water Bill Account#207929-0 in the amount of \$1,352.06 to Thomas Gorman due to overpayments made for nine months consecutively.

**Authorize Supervisor to sign an engagement letter with O’Connor Davies, LLP**

Resolved, that the Town Supervisor is authorized to sign an engagement letter with O’Connor Davies, LLP, 500 Mamaroneck Avenue, Suite 301, Harrison, NY 10528 to serve as the Town’s outside auditors for fiscal years, 2021, 2022, 2023, 2024 and 2025 at the following annual rates:

Year	Audit Fee	NYS DOT Certification of Rules & Regulations
2021	\$62,600	\$2,500
2022	\$63,750	\$2,500
2023	\$63,750	\$2,500
2024	\$63,750	\$2,500
2025	\$65,000	\$2,500

**Authorize Tax Certiorari Proceedings settlement for 345 Kear Street, parcel known as Section 37.18 Block 2 Lot 84 on the Tax Map**

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.18 Block 2 Lot 84, 345 Kear Street on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel Section 37.18 Block 2 Lot 84, Account Number 3655560 owned by F.I.I.K. Realty LLC for the assessment roll years 2017 thru 2021 is settled as set forth in the proposed stipulation as follows: 345 Kear Street Tax ID: 37.18-2-84

Roll Year	Assessed Value	Assessed Value From	Reduction To
2017	89,350	70,210	19,140
2018	89,350	74,025	15,325
2019	89,350	72,800	16,550
2020	89,350	74,800	14,550
2021	89,350	72,080	17,270

**Authorize Renewal of a Commercial Garbage License for Oak Ridge Hauling, LLC for the Year 2022**

RESOLVED, that Oak Ridge Hauling LLC be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2022.

**Authorize Section 8 Program Director to proceed with opening its waiting list electronically**

WHEREAS, the Section 8 Housing Choice Voucher Program (HCVP) waiting list has been closed and unable to accept pre-applications to its list since January 9, 2020. At this time, The Town of Yorktown (PHA) has exhausted three fourth of the applicants from its most recent waiting list.

WHEREAS, if a waiting list has been closed, it cannot be reopened until the PHA publishes a notice in local newspapers of general circulation, minority media and other suitable outlets. A list of those outlets is included in, but not limited to, the PHA administrative plan.

WHEREAS, the Section 8 Housing Choice Voucher Program is fully federally funded, there is no financial consequence to the Town or any current or future HCVP participants.

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby directs the Program Director to proceed to open its waiting list electronically, utilizing <https://www.waitlistcheck.com/NY1819-3766> (link is external) commencing April 28, 2022 at 12:01am through April 29, 2022 at 11:59pm.

Further, public notices in media outlets, written and e-mail notification to other local Westchester and Putnam PHAs and written notification to community based organizations will be placed/distributed no earlier than February 27, 2022 and no later than March 29, 2022.

**Authorize Barton & Loguidice, D.P.C. to perform an Environmental Review for the Yorktown Rehab & Nursing Solar Projects**

WHEREAS, the Planning Board of the Town of Yorktown desires to study the environmental impacts of the proposed solar farm outlined in their New Project Task Order Summary for the Yorktown Rehab & Nursing Solar Projects located at 2300 Catherine Street, Cortlandt Manor, NY 10567, also known as Section 35.12, Block 1, Lots 3 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$5,500.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of reviewing the proposed Yorktown Rehab & Nursing Solar Projects located at 2300 Catherine Street, in an amount not to exceed \$5,500.00 for the environmental review, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

**Authorize Comptroller to refund the following Duplicate Tax Payments**

<u>Account No:</u>	<u>Amount</u>	<u>Refund Second Half of School Tax</u>
0181000	\$4,408.17	Refund Duplicate Second Half School Tax
3562040	\$2,668.58	Refund Duplicate Second Half School Tax
4771060	\$8,234.49	Refund Duplicate Second Half School Tax
3169500	\$4,980.74	Refund Duplicate Second Half School Tax
3437500	\$3,579.12	Refund Duplicate Second Half School Tax
2340000	\$5,920.28	Refund Duplicate Second Half School Tax
1869000	\$4,449.69	Refund Duplicate Second Half School Tax
4452076	\$3,253.75	Refund Duplicate Second Half School Tax
2823500	\$5,433.33	Refund Duplicate Second Half School Tax
1006542	\$4,020.13	Refund Duplicate Second Half School Tax
1756764	\$8,484.78	Refund Duplicate Second Half School Tax
0325000	\$615.09	Refund Duplicate Second Half School Tax
0110000	\$4,280.03	Refund Duplicate Second Half School Tax

15. ADJOURN

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

**\*\*\*AGENDAS ARE SUBJECT TO CHANGE\*\*\***

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