



# Town of Yorktown

*Office of the Town Clerk*

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## **FINAL TOWN BOARD WORK SESSION AGENDA**

**October 30, 2018**

**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**

Town Comptroller

Human Resources

Environmental Consultant

#### **Litigation and Negotiations**

Town Attorney

### **7:30 PM WORK SESSION (Open Session)**

#### **Personnel**

**Appoint Irving Breitbart to the Senior Advisory Committee**

Resolved, that Irving Breitbart is hereby appointed to the Senior Advisory Committee

#### **Discussion Items**

- Proposed Tree and Solar Law
- Mohegan Highlands Property Owners Association
- RGI Properties, Inc. - Water bills for High Meadow
- Request for Proposals - Wastewater Pump Station Rehabilitation
- Proposed Changes to Town Code and Collection of Sewer O&M Revenue
- RPG Properties Application #FSWPPP - 048-18 - Allan Avenue – MS4 Stormwater Management and Tree Removal
- Application for Change of Zone - Roma Building

#### **Resolutions**

##### **From the Town Attorney's Office**

**Authorize Supervisor to sign a Settlement Agreement, Release, and Covenant not to sue with PMA Management Corp.**

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Settlement Agreement, Release, and Covenant not to sue with PMA Management Corp., the third party

administrator for workers' compensation, for a settlement in the amount of \$27,920.50 to be paid to the Town.

**Approve Lease Agreement with Corporate Children's Center Consultants, Inc. (Bright Beginnings) for use of room(s) at the Albert A. Capellini Community and Cultural Center**

WHEREAS, Corporate Children's Center Consultants Inc., a for profit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

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, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

**Approve Lease Agreement with Yorktown Community Help for use of room(s) at the Albert A. Capellini Community and Cultural Center**

WHEREAS, Yorktown Community Help Inc., a nonprofit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

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, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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**Approve Lease Agreement with Yorktown Teen Center for use of room(s) at the Albert A. Capellini Community and Cultural Center**

WHEREAS, The Yorktown Teen Center Inc., a New York nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

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

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**Approve Lease Agreement with Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center for use of room(s) at the Albert A. Capellini Community and Cultural Center**

WHEREAS, Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center, a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

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

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**Approve Lease Agreement with Yorktown Stage, Inc. for use of Room 12 at the Albert A. Capellini Community and Cultural Center**

WHEREAS, Yorktown Stage Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown Room 12 within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

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, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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**Approve Lease Agreement with Westchester Community Opportunity Program, Inc. (Head Start) for use of room(s) at the Albert A. Capellini Community and Cultural Center**

WHEREAS, Westchester Community Opportunity Program Inc. (Head Start), a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s)

within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

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, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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**From the Town Comptroller's Office**

RESOLVED, the Town Comptroller is authorized to transfer \$34,000 from YS.8130.460.4 Digester Cleaning to YS.8130.460.2 Sludge Removal.

**From the Engineering Department**

**Award Bid for Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant**

WHEREAS:

1. The Town has an agreement for Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant that is expiring on 10/18/16.
2. There was a provision in the current agreement to extend the contract for an additional 2-year period upon mutual consent of the Contractor and the Town. The Contractor, Residuals Management Services, advised the Town in writing on 8/16/18 that they did not wish to extend the agreement.
3. The Town Board passed a resolution on 9/4/18 that authorized the advertisement for bids for this project.
4. Bids were opened on 10/10/18 and summarized below. These unit prices are significantly higher than the previous contract (\$99.50 per ton) and can be attributable to the following: higher costs for trucking, insurance and driver labor, plus higher dump fees at the disposal location.

<u>BIDDER</u>	<u>AMOUNT OF BID</u>
SpectraServ Inc.	\$160.00 / per ton
Residuals Management Services	\$165.00 / per ton
Casella Organics	\$195.85 / per ton

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the bid for Dewatered Sludge Removal & Disposal, Bid #18-2, be awarded to SpectraServ Inc., the low bidder, at a cost of \$160.00 per ton. The contract term for this project shall be for a duration of two (2) years, commencing on or about 10/18/18. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of two (2) years at the same price, terms and conditions.

**Lead Agency Declaration for the Proposed Project to Extend Town Sewers Project: HMSD Extensions and Crystal Lake Pump Station Improvements**

WHEREAS:

1. The Town of Yorktown proposes to extend sewer service within the Hallocks Mills Sewer District (HMSD) and implement improvements to the Crystal Lake Pump Station within the HMSD (hereafter referred to as, "Proposed Action") including:
  - Extension of sewer service to select unsewered areas within the Hallocks Mills Sewer District (HMSD) using a combination of gravity and low pressure sewer service,
  - The areas to be sewered comprise approximately 660 parcels, designated as (1) Birch Street Sub-Area, 340 parcels; (2) Broadview Sub-Area, 50 parcels; (3) Carolina Road Sub-Area, 25 parcels, (4) Ridge Street Sub-Area, 175 parcels; (5) Sparkle Lake Sub-Area, 69 parcels; and (6) Sunrise Street Sub-Area, 26 parcels. Note: Due to the large coverage area and complexity of the areas to be sewered the Town plans to undertake the construction portion of the project in several phases.
  - Implement improvements to the Crystal Lake Pump Station within the HMSD including replacement of mechanical equipment (i.e., pumps, accessories), emergency generator, process controls, lighting, electrical, HVAC, architectural, and miscellaneous equipment.
2. The Proposed Action requires review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617, and;
3. The Proposed Action is defined as an Unlisted Action under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5.
4. Multiple regulatory agencies have approval or funding authority over the Proposed Action, and;
5. The State Environmental Quality Review Act 6NYCRR Part 617.6(b)(3) calls for coordinated review of Unlisted Actions, and;
6. The State Environmental Quality Review Act 6NYCRR Part 617.6(b)(2)(i) requires that a Lead Agency for a coordinated review be established prior to a determination of significance, and;
7. The State Environmental Quality Review Act 6NYCRR Part 617.2(u) defines "Lead Agency" as, "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required", and;

8. The Town of Yorktown intends to act as Lead Agency in the coordinated review of said Actions as Unlisted Action under SEQRA and further intends to implement and complete all responsibilities of that office,

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Action, as defined in 6NYCRR Part 617.2(u), for the coordinated review of the Proposed Action under SEQRA.

**Negative Declaration for the Proposed Project to Extend Town Sewers Project: HMSD Extensions and Crystal Lake Pump Station Improvements**

WHEREAS:

1. The Town of Yorktown proposes to extend sewer service within the Hallocks Mills Sewer District (HMSD) and implement improvements to the Crystal Lake Pump Station within the HMSD (hereafter referred to as, "Proposed Action") including:
  - Extension of sewer service to select unsewered areas within the Hallocks Mills Sewer District (HMSD) using a combination of gravity and low pressure sewer service,
  - The areas to be sewerred comprise approximately 660 parcels, designated as (1) Birch Street Sub-Area, 340 parcels; (2) Broadview Sub-Area, 50 parcels; (3) Carolina Road Sub-Area, 25 parcels, (4) Ridge Street Sub-Area, 175 parcels; (5) Sparkle Lake Sub-Area, 69 parcels; and (6) Sunrise Street Sub-Area, 26 parcels.
  - **Note: Due to the large coverage area and complexity of the areas to be sewerred the Town plans to undertake the construction portion of the project in several phases.**
  - Implement improvements to the Crystal Lake Pump Station within the HMSD including replacement of mechanical equipment (i.e., pumps, accessories), emergency generator, process controls, lighting, electrical, HVAC, architectural, and miscellaneous equipment,
2. The Proposed Action requires review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617, and;
3. The Proposed Action is defined as an Unlisted Action under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5.
4. The Town of Yorktown having approval authority over the proposed Action, duly declared itself lead agency on 10/30/18 for a coordinated review amongst multiple authorizing agencies per 6NYCRR Part 617.6(b)(2)(i), and has received no objection to this declaration from other agencies within 30 days, and;
5. The Town of Yorktown, as lead agency, must make a determination of significance of the proposed Action per 6NYCRR Part 617.7, and;
6. The Town of Yorktown has considered the proposed Action as defined in 6NYCRR Part 617.2(b) and 617.3(g), and;
7. The Town of Yorktown has reviewed Parts 1, 2, and 3 of a Full Environmental Assessment Form prepared for the proposed Action under criteria outlined in 6NYCRR Part 617.7(c), and;

8. The Town of Yorktown finds that the proposed Action will not result in significant adverse environmental impacts to:
  - Land
  - Water
  - Air
  - Plants and Animals
  - Agricultural Resources
  - Aesthetic Resource
  - Cultural or Archeological Resources
  - Open Space
  - Critical Environmental Areas
  - Transportation
  - Energy
  - Noise or Odor
  - Public Health
  - Community Character
  
9. The Town of Yorktown finds, based on the criteria outlined in 6NYCRR Part 617.7(c), that the proposed Action will not have a significant adverse impact on the environment.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. that the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Full Environmental Assessment Form attached hereto has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts, and that an Environmental Impact Statement need not be prepared.

**Bid Extension for Preventative Maintenance & On Call Services for Emergency Generators for the Water Pollution Control Plant – Bid #16-4 Rev.**

**WHEREAS:**

1. The Town Board at its meeting of December 6, 2016, awarded the bid for Preventative Maintenance & On-Call Services of Emergency Generators for the Water Pollution Control Plant to Gentech, Ltd.
  
2. The contract term for this project was for a contractual duration of two (2) years, commencing on 12/1/16.
  
3. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional and final term of two (2) years at the same price, terms and conditions.

RESOLVED, that the Town Board extends the contract with Gentech, Ltd., for Preventative Maintenance of Emergency Generators for the Water Pollution Control Plant, Bid #16-4 Rev. Contract term: 12/1/18-11/30/20.

**From the Highway Department**

**Authorize Comptroller to release the following Escrow Deposits – Highway Department**

Authorize Comptroller to release Escrow Deposits for Driveway Permit #1209 in the amount of \$500.00 and Street Opening Permit #017-004 in the amount of \$1,000.00 for work done at 3017 Clearview to Mr. Joseph M. Tresca.



**Authorize Highway Department to purchase two (2) F550s as specified in the NYS OGS competitive Mini-Bid award #22904**

Whereas, it is the intention of the Superintendent of Highways to purchase two (2) 2019 Ford F550 trucks, and

Whereas, monies have been allocated in the 2018 Highway budget line D5110.201 (Equipment), and

Whereas, Ford F550s were listed as part of the New York State Office of General Services mini bid #T18090027 / Award #22904 / Contract #PC67927 award, and

Whereas, the lowest price bidder was Genesee Valley Ford LLC located in Avon, NY; now

Therefore Be It Resolved, the Town Board authorizes the Town of Yorktown Highway Department to purchase two (2) F550s as specified in the NYS OGS competitive Mini-Bid award #22904 awarded to Genesee Valley Ford LLC for a total amount of \$173,315.54.

**From the Parks and Recreation Department**

**Authorize Comptroller to pay Nor-West Regional Special Services for 2018**

WHEREAS, the services provided are a collective program of special recreational services for developmentally disabled individuals to be known as the NOR-WEST REGIONAL SPECIAL SERVICES PROGRAM

Resolved, the Town Board authorizes the Comptroller to pay NOR-WEST REGIONAL SPECIAL SERVICES for 2018 services provided using the Recreation and Parks Department 2018 budget line item A7020.049 for special programs in the amount of \$38,232.00.

**From the Receiver of Taxes**

**Resolved, that the Comptroller is authorized to refund the following duplicate tax payments:**

<u>Account No.</u>	<u>Amount</u>	
1184500	\$4,061.62	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1923000	\$2,729.67	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0600500	\$5,837.57	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1328000	\$3,490.06	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2487150	\$6,751.65	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
3929500	\$4,478.17	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1231000	\$2,442.38	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2493670	\$3,748.22	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2662500	\$4,259.13	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2393500	\$2,192.54	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2392500	\$3,918.40	REF DUP FIRST 1/2 2018/19 SCHOOL TAX

2071527	\$4,624.20	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0700000	\$1,763.35	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
1766545	\$1,567.01	REF DUP FIRST 1/2 2018/19 SCHOOL TAX

**ADJOURN MEETING**

A motion will be made to adjourn the Town Board meeting.

Dated: October 30, 2018

DIANA L. QUAST, RMC, CMC  
TOWN CLERK  
TOWN OF YORKTOWN

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**AGENDAS ARE SUBJECT TO CHANGE**

**Americans with Disabilities Act:** If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.