

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
February 7, 2017

PLACE:
TOWN HALL

TIME:
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. UPDATE FROM WESTCHESTER COUNTY LEGISLATOR Michael Kaplowitz
6. PERSONNEL

7. PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 7th day of February, 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider the request from Teddy Ricciardella, LeGrand Group, LLC to amend a previously approved site plan for property located at 714 Saw Mill River Road containing one building with four two-bedroom apartments and a separate stand-alone garage and storage building. The property owner is now proposing to convert a portion of the existing garage/storage building into a one-bedroom apartment. Approval has been obtained to expand the existing septic system to accommodate the additional one bedroom.

8. AWARD BIDS

Auto Body Repair on Town-owned Vehicles (Automobiles and Trucks):

Whereas, Bids were received on Friday, January 13, 2017 for “Town-Owned Vehicles (Automobiles and Trucks) Auto Body Repair” and the results are as follows:

Auto Body Repair on Town owned Automobiles:

<u>Bidder</u>	<u>Hourly Rate</u>	<u>Percentage (%) above bidders cost billed to the Town</u>
Yorktown Auto Body, Inc. 1798 Front Street Yorktown Hts., NY	\$40.00	0%
Tompkins Garage, Inc. 1440 Croton Lake Road Yorktown Hts., NY	\$40.00	0%

Luposello’s Auto Body, Inc. \$40.00 10%
 2030 Albany Post Road
 Croton-on-Hudson, NY

Auto Body Repair on Town owned Trucks:

<u>Bidder</u>	<u>Hourly Rate</u>	<u>Percentage (%) above bidders cost billed to the Town</u>
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Luposello’s Auto Body, Inc. 2030 Albany Post Road Croton-on-Hudson, NY	\$38.00	10%
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Yorktown Auto Body, Inc. 1798 Front Street Yorktown Hts., NY	\$65.00	0%
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Resolved, that upon the recommendation of the Coordinator of Refuse and Recycling the bid for Town-owned Automobiles Auto Body Repair be awarded to Yorktown Auto Body, Inc, and the Town-owned Trucks Auto Body Repair bid be awarded to Luposello’s Auto Body, Inc.

9. RESOLUTIONS

Approve Budget Transfer – Finance Department

Be It Resolved that the Comptroller is hereby authorized to process the following 2016 budget transfers to disburse payment to Bond, Schoeneck & King for November and December 2016 invoices:

From:		
1420.437	Legal – Foreclosure/Sales Expenditures	\$26,000.00
To:		
1420.425.1	Legal – Labor Non Retainer	\$25,000.00
1420.427	Legal – Outside Expenses	\$ 1,000.00

Approve Budget Transfer – Finance Department

Be It Resolved that the Town Board authorizes the Budget Transfers listed below to fund Liability Insurance reserves to 12/31/16:

From:	A9000.811 General Fund Retirement
To:	A9901.901 General Fund Transfer to Liability Insurance
Amount:	\$43,657.94
From:	D9000.811 Highway Retirement
To:	D9901.901 Highway Transfer to Liability
Amount:	\$10,132.33

Approve payment of invoice from DeCarvalho Landscaping Contractors in the amount of \$8,250.00

WHEREAS, the Shrub Oak Memorial was damaged by an automobile accident; and

WHEREAS, the Town received \$8,085 payment from the insurance company for said accident claim; and

WHEREAS, DeCarvalho Landscaping Contractors was hired to repair the memorial as per the specifications of the contract dated April 10, 2016; and therefore

BE IT NOW RESOLVED, the Town Board approves payment of the invoice from DeCarvalho Landscaping Contractors in the amount of \$8,250.00 for the completed repair work.

Approve Renewal of Waste Services, Inc. for a Commercial Garbage License for 2017

RESOLVED, that Waste Services, Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2017.

Approve Renewal of Sani-Pro Disposal Services Corp. d/b/a Suburban Carting Company for a Commercial Garbage License for 2017

RESOLVED, that Sani-Pro Disposal Services Corp. d/b/a Suburban Carting Company be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2017.

Authorize Release of Erosion Control Bond Permit #BSWPPP-T-018-15 – Boniello Equities, LLC

WHEREAS, Boniello Equities, LLC, as applicant posted \$500 which was deposited into the T33 account on March 27, 2015 to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-T-018-15, for work performed at the Crompond Road location.

The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

Now, Therefore Be It Resolved, that the above referenced escrow money be released to Boniello Equities, LLC, 165 Waccabuc Road, Goldens Bridge, NY 10526, Attn: Mr. Gus Boniello.

Authorize Release of Escrow for Stormwater Permit #BSWPPP-T-031-16 PanBar Realty, LLC

Whereas, PanBar Realty, LLC as applicant posted Check #1470 in the amount of \$15,000 which was deposited into the T33 account on June 7, 2016, to serve as the Escrow Account for Stormwater Permit #BSWPPP-T-031-16, for work performed at the Williams Drive location.

The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

Now, Therefore Be It Resolved, that the above referenced escrow money be released to PanBar Realty, LLC, 361 Route 6, Mahopac, NY 10541.

Authorize Supervisor to sign a License Agreement with EK Triangle, LLC for installation of LED sign

BE IT RESOLVED the Town Supervisor is authorized to sign a License Agreement with EK Triangle, LLC for the installation of an LED sign on the brick wall at the Triangle Shopping Center.

Authorize Supervisor to sign a Maintenance Agreement with the Chamber of Commerce for maintenance of LED sign

BE IT RESOLVED the Town Supervisor is authorized to sign a Maintenance Agreement with the Chamber of Commerce for the maintenance of the LED sign on the brick wall at the Triangle Shopping Center

Authorize Supervisor to sign Grant of Conservation Easements and Declaration of Restrictive Covenants between Town and Brian Bonsignore for property at 2483 Hunterbrook Road

BE IT RESOLVED that the Town Supervisor is authorized to sign Grant of Conservation Easements and Declaration of Restrictive Covenants between the Town of Yorktown and, Brian Bonsignore for the property located at 2483 Hunterbrook Road, Yorktown, New York and any documents required to effectuate such documents to be recorded with the Westchester County Clerk.

Authorize Parkland Alienation for Parcel formerly known as Ardizzone – East Main Street, Tax Identification: Section 15.12, Block 2, Lot 52

WHEREAS, June 16, 2015, the Town Board approved a resolution granting an access and use license to Old St. Georges, LLC to construct a parking area on a 6,227.31 square foot area (“Parcel A”) of parkland known as the former Ardizzone parcel (“the park”); and

WHEREAS, as a condition of the license, Old St. Georges, LLC is required to convey to the Town of Yorktown a 6,227.03 square foot parcel (“Parcel B”) which is part of a property listed in the Town of Yorktown Tax Rolls as Section 15.12 Block 2 Lot 53 and which is located adjacent to the park; and

WHEREAS, the construction of the parking area on Parcel A will result in access to the park in compliance with the use and license agreement; and

WHEREAS, the conveyance of Parcel B to the Town of Yorktown will result in no reduction in size of the park; and

WHEREAS, as Parcel B is located adjacent to the Lake Mohegan Outlet and the preservation of the Lake Mohegan Outlet will provide greater preservation of wetlands, riparian corridor habitat and recreational opportunities than what presently exists on Parcel A; and

WHEREAS, as a further condition of the license agreement, Parcel A would be conveyed to Old St. Georges, LLC upon the Town of Yorktown obtaining New York State legislature approval to alienate Parcel A; and

WHEREAS, a public hearing was conducted on June 16, 2015 pertaining to the alienation and public comment was fully considered and the public hearing closed; and

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be a Type I action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLOVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

BE IT FURTHER RESOLVED THAT, the Town Board authorizes the Town Supervisor to execute the Municipal Information form required by the NYS Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED THAT, that the Town Board upon signature of the Town Supervisor, authorizes the Town Clerk to forward copies to; Counsel's Office at the New York State Office of Parks, Recreation and Historic Preservation, State Senator Terrence Murphy and State Legislator Kevin Byrne.

Authorize Supervisor to sign an agreement with the Yorktown Grange Fair Association for 2017 Summer Camp Programs

BE IS RESOLVED that the Town Supervisor is authorized to sign the agreement with Yorktown Grange Fair Association, Inc. for the 2017 summer day camp programs.

Authorize Supervisor to sign an agreement with Constellation NewEnergy, Inc to participate in the municipal energy program to reduce electric and gas utility costs

Resolved that the Town Board authorizes the Supervisor to sign an agreement to renew the contract between the Town of Yorktown and Constellation NewEnergy, Inc. so that the Town continues to participate in the municipal energy program realizing reduced electric and gas utility costs. The contract will be for a two-year period commencing February 1, 2017 ending February 25, 2019

Authorize Supervisor to sign a professional services agreement with World Management Services for Petroleum Bulk Storage Compliance and Inspection

Whereas, The Town Engineer solicited proposals for professional services for the following scope of work: perform an inspection and audit at the following locations: (1) Yorktown Police Department; (2) Refuse & Recycling/Central Garage/Records Center Facility; and (3) Wastewater Treatment Plant. Also includes a report that summarizes the conditions found and any follow-up work that needs to be done.

The work of the agreement will confirm the Town of Yorktown is in current compliance with all rules and regulations of the Westchester County Health Department. Should any remedial work be necessary, the selected firm will assist the Town with defining the work scope to be done and coordinate with inspection personnel from the WCHD.

In accordance with the Town of Yorktown procurement procedures, proposals were solicited from two (2) firms that had the in-house expertise and expressed interest in providing professional services. The firms that provided written proposals were World Management Services and D&B Engineers and Architects P.C.

In the professional opinion of the Town Engineer, World Management Services provided the best overall proposal and the lowest cost to the Town.

The proposal for services to be provided by World Management Services as described above will be for a lump sum contract amount of \$2,500.

Now, Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with World Management Services for the scope of work as described in preceding section and the not-to-exceed amount of \$2,500.

Authorize the Supervisor to sign the Utility and Conservation Easements with Lake Mohegan Mansion, LLC

Be It Resolved that the Town Supervisor is authorized to sign a Utility Easement Agreement, and Conservation Easement, between the Town of Yorktown and Lake Mohegan Mansion, LLC for the subdivision known as Fieldstone Manor and any documents required to effectuate such documents to be recorded with the Westchester County Clerk.

Authorize the Supervisor to sign a contract amendment to the contract agreement with ELQ Industries, Inc. – Emergency Repair/Rehabilitation of the Croton Heights Road Culvert

Whereas:

1. On 4/28/15, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with ELQ Industries Inc., for emergency repair work of the culvert on Croton Heights Road near the intersection of Route 118. The resolution dictated the work be performed on a time and material basis and covered expenditures of up to \$300,000. ELQ Industries 2015 bill rates were attached to the contract for labor rates/building trade professionals and for equipment rates.

2. The work was done by ELQ from September through December 2015. During the actual course of construction several items of work were uncovered or added to the project and resulted in additional construction cost:

- Approximately 50 linear feet of extra guardrail provided in order to provide a smooth transition and connection to the existing guard rail;
- An extra 2,000 square feet of paving was included to replace some adjacent asphalt surfaces that were degraded;
- The work scope required the contractor to stockpile and re-use stone from the embankment; after the culvert was replaced another 60 cubic yards of stone was needed to complete the embankment restoration;
- A historic stone wall that was in place during the original design was required to be replaced in-kind; an additional 200 cubic feet of stone for the rebuilt wall was needed beyond the base contract work;
- A bypass pump was utilized to route the stream flow around the construction area while the culvert was being replaced; the work occurred during some wet weather months and required extra pump-outs and dewatering.

3. The construction work was supervised by a representative of the design engineer, Sells/Parsons Brinckerhoff. All of the daily worksheets were reviewed and approved by the firm and they also confirmed the unit prices were as per the contract rate schedules for labor and equipment. Certified payrolls were also provided for all work performed on site by ELQ. For the work performed by subcontractors, ELQ agreed to reduce their mark-up to 5 percent. When all the costs were tallied, there is a balance due ELQ of \$94,479.47.

4. In the professional opinion of the Town Engineer, ELQ Industries Inc., provided the extra services described herein and we recommend the Town Board approve the contract amendment as described herein.

5. The amount of this contract amendment, \$94,479.47, should be charged to cost code HC5110.200 (Capital Projects – Various Roads).

Now, Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign a Contract Amendment to the Contract Agreement with ELQ Industries Inc., for Extra

Work Related to the Emergency Repair/Rehabilitation of the Croton Heights Road Culvert.

Authorize Bond Release for Permit #FSWPPP-T-078-13 Jefferson Valley Mall Site Plan

Whereas, Jefferson Valley Mall LTD as applicant, posted check #38113799 in the amount of \$5,000 to serve as the Stormwater Bond which was deposited into the T33 account on February 18, 2014 for permit #FSWPPP-T-078-13.

Jefferson Valley Mall LTD as applicant, posted check #38113801 in the amount of \$2,500 to serve as the Tree Bond which was deposited into the T33 account on February 18, 2014 for permit #FSWPPP-T-078-13.

Jefferson Valley Mall LTD as applicant, posted check #38113800 in the amount of \$2,000 to serve as Inspection Fees was deposited into the T76 account on February 18, 2014 for permit #FSWPPP-T-078-13, with a reimbursable remaining balance of \$12.50.

EDC as applicant, posted check #18126 in the amount of \$22,126 to serve as the Performance Bond for the site work, which was deposited into the T33 account on September 11, 2015.

EDC, as applicant, posted check #18125 in the amount of \$10,000 to serve as the Erosion Control Bond for the site work, which was deposited into the T33 account on September 11, 2015, and currently are reimbursing \$7,500 of the Erosion Control money leaving a remaining balance of \$2,500.

A request has been made for monies to be released as the site is now complete.

The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released with the remaining \$2,500 held.

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies totaling \$37,138.50 be released as follows: \$7,512.50 be released to Jefferson Valley Mall LTD, P.O. Box 7033, Indianapolis, IN 46207, and \$29,626 be released to EDC, 1660 Huguenot Road, Midlothian, VA 23113.

- 10. MONTHLY REPORTS
Building Department Cost of Construction Report January 2017

- 11. ADJOURN

Dated: February 7, 2017

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN

*** Agendas are Subject to Change ***

Courtesy of the Floor Policy

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk (townclerk@yorktownny.org) or Town Supervisor (supervisor@yorktownny.org), 363 Underhill Avenue, Yorktown Heights, NY 10598.