



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

May 15, 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):

LITIGATION AND NEGOTIATIONS

- Legal Department

7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN
5. REPORTS FROM THE TOWN COUNCIL
6. REPORTS FROM THE HIGHWAY SUPERINTENDENT
7. PRESENTATION
Robert Noble, Chief of Police
8. PERSONNEL
9. COURTESY OF THE FLOOR
10. RESOLUTIONS

From the Town Attorney

Authorize Supervisor to sign a Revocable License with Robert DeRosso for use of power at Jack DeVito Veterans Memorial Field

RESOLVED, that the Supervisor is authorized to sign a Revocable License with Robert DeRosso (Licensee) owner of the Ice Cream Food Truck authorizing Licensee to enter

upon a portion of the Town Property near the Gazebo located at the Jack DeVito Veterans Memorial Field, for the purpose of connecting a power cord to the electrical service located at the Gazebo on the Town property to supply electricity to the Licensee's Property for the amount of FIFTY (\$50.00) per month. This Revocable License shall be for a period commencing immediately and ending on April 30, 2019.

Authorize Supervisor to Sign an Encroachment Permit on behalf of Town of Yorktown

BE IT RESOLVED, AT&T hereby allows and permits The Town of Yorktown "Permittee" the non-exclusive use of certain lands for the following purpose, subject to the conditions and stipulations set forth in the Encroachment Permit: To allow for and to accommodate the construction of a walking trail, pedestrian bridges and leveling off a mound of dirt between Marker 542 and Commerce St. and Marker 547 at Baldwin Rd. in the Town of Yorktown along the old railroad corridor, now

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Encroachment Permit on behalf of The Town of Yorktown.

From the Town Clerk

Authorize Town Clerk to attend the International Institute of Municipal Clerks Association Training Conference

Whereas, sufficient funds exist in the Town Clerk's Training line to cover the cost of conference expenses, and

Whereas, the International Institute of Municipal Clerks Annual Training Conference will be held at the Rockefeller Institute of Government in Albany, New York, now

Therefore Be It Resolved, that the Town Clerk Diana L. Quast is approved to attend the 2018 International Institute of Municipal Clerks Training Conference at the Rockefeller Institute of Government, Albany, New York from July 15 through July 18, 2018.

Authorize Enactment of a Parkland Alienation Bill required by the New York State Legislature

WHEREAS, pursuant to Article 11, Title 3 of the Real Property Tax Law on March 15, 2004 title to the parcel bearing Tax Map designation: Sec. 1802, Parcel 3, Lot 2 was transferred to the Town of Yorktown from Robert Killeen ("Parcel") constituting 5.73 acres; and

WHEREAS, in 2005 the Town changed the Tax Map designation of the Parcel to Town of Yorktown Tax Rolls Section 69.08 Block 1 Lot 11;

WHEREAS, by Town Board Resolution 210 on May 19, 2009, the parcel was formally dedicated as public parkland;

WHEREAS, Diana Saunders, a Town resident, wishes to purchase the parcel as is to maintain it in its current condition with no plans for development. Public access to the pre-existing cemetery situated on the parcel will remain in Town ownership and access to the cemetery will remain in perpetuity.

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 an Unlisted 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 RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of May 15, 2018 in support and passage of Assembly Bill 10453 and Senate Bill 7118,

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the Home Rule Counsel of the New York State Senate and Assembly.

Authorize the Town Clerk to Advertise for a Public Hearing for the Wetland Permit Application for the Mohegan Lake Improvement District

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, June 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from the Mohegan Lake Improvement District for work to be done at Mohegan Lake. The request is to perform the following work: to maintain and improve the lake environment for the homes, 7 beaches, and Town parkland. Such work may include fish stocking, aeration, weed harvesting, garbage cleanup, maintenance of aeration sheds/equipment, maintenance of areas to access the lake, removal of invasive species, and chemical treatments to control harmful algal blooms and the toxins they produce.

Authorize the Town Clerk to Advertise for a Public Hearing for the Wetland Permit Application for Con Edison's Work on Gomer Street

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, June 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from Con Edison for work to be done along Gomer Street between Homestead Road and Granite Springs Road. The proposed work is to replace and upgrade an 8-inch pressure steel gas main with a 16-inch high pressure steel gas and 8-inch polyethylene gas main. Limited work is also planned for local side street. Related ancillary equipment installation will also be included.

From the Town Comptroller

Authorize the Town Comptroller to do Budget Transfer to Mohegan Beach Park District to Disburse Payment for Tree Removal and Sand Purchase

Be it resolved that the Town Board authorizes the following 2018 Budget Transfer for the Mohegan Beach Park District to disburse payment for work to be performed for tree removal and sand purchase.

From:		
MB.909	Fund Balance	\$15,925.00
To:		
MB7180.416	Maintenance & Repair	\$15,925.00

Authorize the Town Comptroller Pay Out Cash Value of Unused Time for Shajan George and to do Budget Transfer for this Pay Out

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Shajan George the cash value of unused time as of his retirement date:

Rate of Pay:	\$27.006		
Sick	67.085 hours @ 50%	=	33.55 hours
	33.55 hours x \$27.006	=	\$ 906.05
Vacation	172.50 hours x \$27.006	=	\$4,658.54
Personal Days	9.25 hours x \$39.4973	=	\$ 249.81
Longevity			
	\$1,600 / 260 days = \$6.15 per day		
	01/07/18 to 04/27/18 = 80 days		
	80 days x \$6.15	=	\$ 492.00
	Total		\$6,306.40

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 for Employee Accrued Benefits	\$ 906.05
SW8340.101	Water Salary	\$ 4,908.35
SW8340.106	Water Longevity	\$ 492.00
To:		
SW8340.108	Water Lump Sum Payments	\$6,306.40

Authorize Town Comptroller to do Budget Transfer for payment to KJM Construction – Engineering Special Projects – Lowe’s

1. Transfer \$78,000 into YS.8130.414 Rental Equipment: for an additional four (4) months of an emergency generator rental from H.O. Penn. During the storm, the emergency generator at the treatment plant/microfiltration plant failed and a standby source of power was needed to prevent a catastrophic failure of the treatment system.
Note #1: The Department is still assessing the damage done to the Town generator and we will need to either perform a major repair or equipment replacement. Since the cost of repair/replacement is not known at this time, we will likely need to request further funding for this work at a later date (once the full scope of work is known).
Note #2: All costs associated with the emergency generator are billable to NYCDEP under our O&M agreement.
2. Transfer \$40,000 into YS.8130.460.2 Sludge Removal: for Fred Cook Inc. to provide standby and sludge hauling services while pump stations lacked power. We have an existing agreement with Fred Cook, however there are insufficient funds available to pay for this work.
3. Transfer \$15,000 into YS.8130.462 Maintenance & Repair Pump Station: we need to restock spare parts that were needed to keep our pumps, controls and related equipment systems operating during the storms.
4. Transfer \$12,000 into YS.8130.408 Fuel Oil: for additional fuel oil needed to run emergency generators at the treatment plant and pump stations continuously throughout the power outages.
5. Transfer \$8,000 into YS.8130.408.2 Fuel Oil DEP/Microfiltration: for additional fuel oil needed to run emergency generators at the treatment plant microfiltration building continuously throughout the power outages. Note: billable to NYCDEP under our O&M agreement
6. Transfer \$3,000 into YS.8130.409 Propane: for additional fuel purchased from Paraco Gas to keep the sludge digesters in continuous operation through the storm.

RESOLVED, the Town Comptroller is authorized to transfer \$156,000 from Sewer Fund-Fund Balance to the below listed accounts for the purpose of paying additional costs incurred as a result of the storms and resulting power outages that occurred during the week of 3/1/18:

- \$78,000 into YS.8130.414 Rental Equipment
- \$40,000 into YS.8130.460.2 Sludge Removal
- \$15,000 into YS.8130.462 Maintenance & Repair Pump Station
- \$12,000 into YS.8130.408 Fuel Oil
- \$8,000 into YS.8130.408.2 Fuel Oil DEP/Microfiltration
- \$3,000 into YS.8130.409 Propane

From the Highway Department

Extend Bid for John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts

WHEREAS, invitation to bid for the John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 22, 2015,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere Construction Equipment OEM Parts and the Cummins

Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be June 22, 2018 to June 21, 2019.

Authorize the Highway Superintendent to Erect Signs on Town Roads Directing People to Town Parks & Trails

RESOLVED, the Highway Superintendent is authorized to erect signs on Town roads that will direct people to the Town's parks and trails.

From the Northern Westchester Joint Water Works
Authorize Comptroller to refund an overpayment to Water Account Number 43-10300144

Resolved, that the Comptroller is authorized to refund an overpayment in the amount of \$475.00 to Account Number 43-10300144.

From Parks & Recreation Department
Authorize Supervisor to sign a First Amendment agreement for Concession License – Valley Field Golf Course

Resolved, the Supervisor is authorized to sign a First Amendment agreement with the RC Corporation for the Concession License at the Valley Field Golf Course.

From the Planning Department
Authorize Supervisor to sign an agreement with the County of Westchester for the purpose of Undertaking a Community Development Program

RESOLVED, that Town Supervisor be and hereby is authorized to execute a Cooperation Agreement between the Town of Yorktown and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community development Act of 1974 as amended and Title II of the National Affordable Housing Act of 1990, as amended.

From the Police Department
Authorize Police Department to purchase one 2018 Ford Sedan Police Interceptor

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of a third new police vehicle in the Police Department's 2018 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bid for the purchase of a 2018 Ford Sedan Police Interceptor; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for the 2018 Ford Sedan Police Interceptor; and

WHEREAS, NYE Automotive Group, Inc., of Oneida, New York has submitted the lowest bid for the 2018 Ford Sedan Police Interceptor; and

WHEREAS, the State of New York Office of General Services has awarded contract #PC67318 to the lowest bidder, NYE Automotive Group, Inc; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (1) 2018 Ford Sedan Police Interceptor from the State of New York Office of General Services contract #PC67318 from NYE Automotive Group, Inc. in the amount of approximately twenty five thousand nine hundred and forty seven dollars (\$25,947.00).

From the Receiver of Taxes

Authorize the Town Comptroller to Refund Duplicate Tax Payments:

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account #	Amount
1923000	\$3,929.82
1421065	\$1,652.89
2035000	\$3,040.59
0785520	\$4,728.63
3814000	\$3,506.43
2683565	\$5,217.30

From the Supervisor's Office

Authorize Supervisor to sign a Letter of Authorization for the Kear/Underhill Retail-Office Development project

WHEREAS:

1. The Kear/Underhill Retail-Office Development Project received approvals from the Yorktown Planning Board on 12/18/17 as follows:
 1. Approval Resolution 12-19 for Subdivision approval
 2. Approval Resolution 12-20 for Site Plan Approval
2. At the time of project approval, the Applicant had not worked out technical details regarding sewer service to the project site. The Engineering Department has been working with the Applicant and the Project Engineer (Dan Ciarcia, P.E.) on the new sewer service connections and tie-ins to Town sewer. Applicant is requesting the ability to extend Town sewer across Underhill Avenue and install a new sewer manhole within the Town right-of-way.
3. The new infrastructure will be installed at developer expense with inspection oversight provided by the Town. All work as currently planned will occur within the Town right-of-way so no easements are proposed or required. Once constructed, the infrastructure would be dedicated to the Town and the Sewer Department would be responsible for long term operation and maintenance.
4. The development site will be constructed with three (3) sewer laterals extending from the three (3) structures on the site [2 existing buildings and 1 newly constructed building] to the public sewer as described above. In accordance with Town policy, all of the sewer laterals will be privately owned, all construction and operational responsibility will be by the site owner.

5. The Department has reviewed the submitted plans and the engineering report dated 5/3/18. We concur that the work as currently shown is ready for submission to the appropriate regulatory authorities for final approval, subject to the Town Board accepting the additional sewer infrastructure.

6. In order to submit the Town sewer extension for approval by the Westchester County Health Department, the New York State Department of Environmental Conservation and/or the New York City Department of Environmental Protection, a Letter of Authorization from the Town is required.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Letter of Authorization for the Kear/Underhill Retail-Office Development project that will authorize the Applicant's Project Engineer Dan Ciarcia to submit engineering plans and associated application documents for a Town sewer extension to the appropriate regulatory authorities.

From the Water Department

Authorize Comptroller to make the following Budget Transfer

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$20,000 from the Water Department GIS line (SW.8340.0483.0004) to the Water Department Computer Support/Software (SW.8340.0421.0001) for professional engineering services to be provided by Woodard & Curran for the development and implementation of a computerized (web-based) work order management system.

11. **ADJOURN MEETING**

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

Dated: May 15, 2018

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN

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.