



# Town of Yorktown

*Office of the Town Clerk*

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## **FINAL TOWN BOARD AGENDA**

**June 18, 2019**

**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

Yorktown Police Department  
Senior Services/Nutrition Center

#### LITIGATION & NEGOTIATION

Town Attorney

### **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. **REPORT FROM HIGHWAY SUPERINTENDENT**
7. **PERSONNEL**  
**Resignation received from Todd Orlowski, Superintendent of Parks and Recreation**  
Resolved, the Town Board accepts with regret the resignation of Todd Orlowski,  
Superintendent of Parks and Recreation.
8. **PRESENTATIONS**  
Police Department – Robert Noble, Chief of Police  
Town Employee Keith Kuttruf - Locker Room Project - Police Department

Eagle Scout Michael Ruvo – Emergency Preparedness Guide - Police Department  
Eagle Scout Austin Fritz - Mohansic Trailway Project – Yorktown Trailtown  
Sickle Cell Awareness Day - Jacqueline Baker

9. **POET LAUREATE** - John McMullen

10. **COURTESY OF THE FLOOR**

11. **PUBLIC HEARINGS**

**Wetland/Tree Permit Application received by Con Edison for the removal of “danger trees”**

Supervisor Ilan Gilbert will convene a public hearing to consider the Wetlands/Tree Permit Application received by Con Edison for the removal of “danger trees” threatening 345 kV transmission infrastructure for properties known on the Tax Map of the Town of Yorktown as: Section 16.12, Block 1, Lots 15, 30, & 31; Section 70.14, Block 1, Lot 6; Section 48.18, Block 1, Lot 2; Section 37.05, Block 1, Lots 30 & 34.

**Wetland Permit Application received by Paul and Danielle Kilkenny, 39 Somerston Road, for the purpose of the installation of an above-ground swimming pool**

Supervisor Ilan Gilbert will convene a public hearing to consider the Wetlands Permit Application received by Paul and Danielle Kilkenny for property located at 39 Somerston Road, also known on the Tax Map of the Town of Yorktown as Section 17.11, Block 1, Lot 31 for the purpose of the installation of an above-ground swimming pool.

**Wetland/Tree Permit Application received by Victor Conte for property located at 1550 Journeys End Road for the construction of a single-family residence, driveway, and septic system**

Supervisor Ilan Gilbert will convene a public hearing to consider the Stormwater Management/Tree Permit Application received by Victor Conte, Conte Homes, Inc. for property located at 1550 Journeys End Road, Croton-on-Hudson, NY, also known on the Tax Map of the Town of Yorktown as Section 69.06, Block 1, Lot 10 for the purpose of construction of a single family residence, driveway, and septic system.

12. **RESOLUTIONS**

**From the Attorney’s Office**

**Authorize Supervisor to sign an agreement Empire Consulting for services regarding drug and alcohol testing services**

BE IT RESOLVED, that the Town supervisor is hereby authorized to sign an Agreement between the Town of Yorktown and Empire Consulting for services in compliance with the Federal Department of Transportation regulations regarding drug and alcohol testing services in accordance with the fee schedule on file with the Town Clerk. The Agreement shall be effective from June 15, 2019 until June 14, 2024.

**From the Comptroller**

**Budget Transfer for final payment to Warren Sculpture Studio for Pinesbridge Monument**

RESOLVED, The Comptroller is hereby authorized to process the following budget transfer:

From:

General Fund – Fund Balance \$50,000.00

To:

Special Projects – Pinesbridge Monument (A.8020.479.3) \$50,000.00

For balance due / final payment to Warren Sculpture Studio for the sculpture, delivery and installation of the Pinesbridge Monument.

**From the Engineering Department**

**Authorize Town Comptroller to Issue Check for Right-of-Way Acquisition in the Amount of \$2,000 for the Bridge Replacement - Hill Boulevard over Tributary to Barger Brook in the Town of Yorktown, Westchester County (PIN 8761.66)**

Now, Therefore Be It Resolved, the Comptroller is hereby authorized to issue a check as follows:

\$2,000 to Westchester County

Charged to the Hill Boulevard Culvert Capital Project for right-of-way land acquisitions necessary to proceed with the bridge replacement.

**Authorize Comptroller to release Check #407 in the amount of \$500 which was posted as a Performance Bond for property located at 1695 Baldwin Road, Yorktown Heights, NY 10598.**

WHEREAS:

1. Frederic & Franca Fusco as applicants, posted check #407 in the amount of \$500 which was deposited to the T33 account on July 20, 2018, to serve as the Performance Bond for drainage work at the Baldwin Road residence.
2. Frederic & Franca Fusco has requested the bond be released as the site is now complete.
3. 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, the above referenced \$500 bond be and is hereby released to Mr. and Mrs. Frederic Fusco, 1695 Baldwin Road, Yorktown Heights, NY 10598.



**Authorize the Supervisor to sign a Professional Services Agreement with GHD Consulting Engineers to prepare a Spill Prevention Report for the Yorktown Wastewater Treatment Plant in an amount not to exceed \$2,500.**

WHEREAS,

1. GHD Consulting Engineers previously prepared a Spill Prevention Report for the Yorktown Wastewater Treatment Plant in 2011. As per New York State regulations for Chemical Bulk Storage, the Town is required to submit an updated spill prevention report with its 2019 chemical tank registration.
2. There are five (5) chemical tanks in use at the treatment plant: 2 tanks sized @ 4,700 gallons for ferric chloride and 3 tanks sized @ 1,500 gallons for sodium hydroxide.
3. As part of the update to the spill prevention report, the Consultant will inspect the tanks and perform a tightness test to ensure the tanks are performing as designed.
4. The work will be performed using available funds, however we need the Comptroller to make the following budget transfer: \$2,500 from YS.8130.460.4 Digester Cleaning to YS.8130.490 Professional Services.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with GHD Consulting Engineers for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$2,500. Additionally, the Town Comptroller is authorized to transfer \$2,500 from YS.8130.460.4 Digester Cleaning to YS.8130.490 Professional Services.

**Authorize Supervisor to sign a Professional Services Agreement with Ingersoll Rand Company to perform preventative maintenance and diagnostics on the compressors at the Yorktown Wastewater Treatment Plant**

WHEREAS,

1. The Ingersoll Rand Company previously had an agreement with the Town to perform preventative maintenance and diagnostics on the compressors at the Yorktown Wastewater Treatment Plant. These compressors are located in the Microfiltration Building and were installed as part of the NYCDEP facility upgrade.
2. These services are intended to ensure this critical equipment system is maintained and serviced by an authorized representative of the manufacturer. As part of the O&M agreement with NYCDEP, the cost is 100% payable by the NYCDEP.
3. As in the prior agreement, Ingersoll Rand Company will perform 4 site visits per year and the agreement will be in effect for five (5) years. The cost will be as follows: Year 1: \$8,264.16; Year 2: \$8,512.55; Year 3: \$8,767.92; Year 4: \$9,030.96; Year 5: \$9,301.89.
4. The work will be performed using available funds from Cost Code YS.8130.418.2 Equipment Maintenance NYCDEP.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Ingersoll Rand Company for the scope of work and cost as described in the preceding section.

**Authorize Supervisor to Sign a Professional Services Agreement with Tighe & Bond for a Structural Evaluation to be performed at the Yorktown Wastewater Treatment Plant in an amount not to exceed \$3,500.**

WHEREAS,

1. A representative of the Westchester County Health Department performed a regulatory inspection of the Yorktown Wastewater Treatment Plant on 3/27/19, see attached Inspection Report findings.
2. All of the listed items in the inspection report are being followed up by the Town Engineer and Asst. Plant Superintendent. Two of the items will require assistance outside of our in-house capability:
  - a. The first bullet stated, *“Deteriorating concrete was observed in numerous locations including...the outer concrete wall to both secondary clarifier structures, walls of the west secondary clarifier. The concrete must be inspected by a professional engineer with a report submitted to this Department by July 31, 2019”*
  - b. The second bullet stated, *“there is rust evident of the weirs of the secondary clarifier, loose grout or sealing material was observed on east and west clarifier weirs.”*
3. The Town Engineer and Asst. Plant Superintendent are requesting the services of an engineering consultant to perform soundings of the concrete walls and identify if there are any structural issues that need to be addressed at the secondary clarifiers (first bullet). The consultant will also perform mill thickness readings of steel to determine if any remedial work of the weirs is necessary at the secondary clarifiers.

**From the Highway Department**

**Award Bid for Street Light Maintenance – Highway Department**

WHEREAS, invitation to bid for the Street Light Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 17, 2019, with the bid amounts for the above-referenced project summarized as follows:

Hanover Electric	
Hourly Rate:	
Regular	\$105.00
Overtime	\$150.00
Sunday/Holiday	\$210.00

The NY-CONN Corporation	
Hourly Rate:	
Regular	\$150.00



Overtime	\$225.00
Sunday/Holidays	\$300.00

Verde Electric Maintenance Corp.	
Hourly Rate:	
Regular	\$275.00
Overtime	\$344.00
Sunday/Holidays	\$386.00

RESOLVED, that upon the recommendation of the Highway Superintendent Dave Paganelli, the bid for Street Light Maintenance be and is hereby awarded to Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598.

**Award Bid for Asphalt Concrete Laid-In-Place – Highway Department**

WHEREAS, invitation to bid for the Asphaltic Concrete Laid-in-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 6, 2019, with the bid amounts for the above-referenced project summarized on the attached sheet.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place be and is hereby awarded to Kect Construction Corp, PO Box 201, Patterson, NY 12563, Inc., the lowest responsive bidder.

**From the Northern Westchester Joint Water Works  
Refund of Overpayment for Jefferson Village Condo 9**

WHEREAS, an overpayment of \$1,063.52 was made by Account #208459-0 and a credit balance of same is currently open.

Now Therefore Be It Resolved, upon the recommendation of Cliff Kummer, NWJWW, a refund in the amount of \$1,063.52 is hereby refunded to Account #208459-0.

**From Section 8 Rental Assistance Program  
Advertise Public Hearing for Section 8 2020-2024 Housing Choice Voucher Program’s Five Year Agency Plan and revisions to its administrative plan**

Notice Is Hereby Given, the Town of Yorktown will hold a public hearing to allow comment on the 2020-2024 Housing Choice Voucher Program’s Five Year Agency Plan and revisions to its administrative plan.

A copy of the proposed revisions is on file in the Office of the Town Clerk as well as the Yorktown Section 8 Office where it may be inspected during regular business hours. It may also be seen on the Town's website at [www.yorktownny.org](http://www.yorktownny.org).

The public hearing has been placed on the agenda and will be held during the regular scheduled Town Board Meeting on July 16, 2019, in the Town Board Room, Yorktown Town Hall, located at 363 Underhill Avenue, Yorktown Heights, NY 10598. Directions can be found on the Town's website at [www.yorktownny.org](http://www.yorktownny.org).

The Town of Yorktown is committed to equal housing opportunity. The Yorktown Section 8 housing voucher program does not discriminate on the basis of race, color, national origin, religion, creed, disability, familial status, sex, marital status, age, military status, sexual orientation, citizenship or alienage status, or against victims of domestic violence, sexual abuse or stalking.

13. **WORK SESSION**

Proposed changes to Chapter 248, Stormwater Management, Erosion & Sediment Control

Proposed changes to Chapter 178, Freshwater Wetlands

Proposed changes to the Solar Law

Proposed changes to the Tree Law

14. **ADJOURN MEETING**

Dated: June 18, 2019

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

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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.

**ASPHALT LAID-IN-PLACE**  
**JUNE 6, 2019**

	MONTESANO BROS.	MORANO BROS.	CLOVE EXCAVATORS	KECT CONSTRUCTION
<b>ASPHALT CONTCRETE (MATERIAL ONLY)</b>				
Tack Coat (NYS DOT #407.01) - delivered	No Bid	No Bid	No Bid	No Bid
Tack Coat (NYS DOT #407.01) - without delivery	No Bid	No Bid	No Bid	No Bid
<b>ASPHALT CONCRETE LAID IN PLACE (MATERIAL, DELIVERY, LABOR)</b>				
<b>1. TYPE 3 BINDER COURSE:</b>				
(a) in place	/GAL	/GAL	/GAL	/GAL
(b) in place with keys	\$111.00	\$104.00	\$98.00	\$96.20
(c) in place with tack coat	\$115.80	\$107.00	\$102.35	\$99.30
(d) in place with tack coat and keys	\$114.35	\$109.00	\$102.00	\$99.30
	\$119.15	\$113.00	\$106.00	\$102.60
<b>2. TYPE 6F3 TOP COURSE (NYS DOT #403-178302)</b>				
(a) in place	/TON	/TON	/TON	/TON
(b) in place with keys	\$112.05	\$104.00	\$95.87	\$95.60
(c) in place with tack coat	\$116.85	\$107.00	\$100.45	\$98.70
(d) in place with tack coat and keys	\$115.40	\$109.00	\$100.45	\$98.80
	\$120.25	\$113.00	\$103.00	\$102.60
<b>3. TYPE 7F3 TOP COURSE (NYS DOT #403-198302)</b>				
(a) in place	/TON	/TON	/TON	/TON
(b) in place with keys	\$119.55	\$112.00	\$105.50	\$104.20
(c) in place with tack coat	\$124.35	\$115.00	\$109.00	\$107.30
(d) in place with tack coat and keys	\$122.90	\$117.00	\$109.00	\$108.00
	\$127.70	\$121.00	\$113.00	\$111.30
<b>4. TYPE 1 BASE (NYS DOT #403-118902)</b>				
(a) in place	/TON	/TON	/TON	/TON
(b) in place with keys	\$109.90	\$104.00	\$97.00	\$96.20
(c) in place with tack coat	\$114.75	\$107.00	\$101.00	\$99.30
(d) in place with tack coat and keys	\$113.25	\$109.00	\$101.00	\$99.30
	\$118.10	\$113.00	\$105.00	\$103.60
<b>MILLING</b>				
0 - 5,000 square yards	\$8.15	\$6.25	\$8.90	\$5.00
5,001 - 10,000 square yards	\$4.40	\$6.25	\$5.10	\$3.50
10,001 - 15,000 square yards	\$4.30	\$6.25	\$4.50	\$3.00
15,001 plus square yards	\$4.25	\$6.25	\$4.00	\$3.00
Trucking (per day per 8 hour day)	\$1,436.00	\$1,600.00	\$1,000.00	\$1,275.00
Disposal cubic yards	\$30.25	\$36.00	\$14.00	\$13.75
	(Disposal SqYd 2" \$1.70			



