



Town of Yorktown

Office of the Town Clerk

FINAL TOWN BOARD AGENDA

July 16, 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

Police Department

Water Department

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. **POET LAUREATE** - John McMullen
8. **COURTESY OF THE FLOOR**
9. **PUBLIC HEARINGS**
Convene Public Hearing to consider amending Chapter 198 of the Code of the Town of Yorktown entitled "Landmark Preservation."
Supervisor Ilan Gilbert will convene a public hearing to consider amending Chapter 198 of the Code of the Town of Yorktown entitled "Landmark Preservation."

Reconvene Public Hearing to consider the request of the Yorktown Landmarks Preservation Committee to landmark the Albert A. Capellini Community and Cultural Center for designation as a historical landmark

Supervisor Ilan Gilbert will reconvene a public hearing to consider the request of the Yorktown Landmarks Preservation Committee to landmark the Albert A. Capellini Community and Cultural Center for designation as a historical landmark.

Convene Public Hearing to allow comment on the Section 8 2020-2024 Housing Choice Voucher Program’s Five Year Agency Plan and revisions to its administrative plan

Supervisor Ilan Gilbert will convene 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.

Convene Public Hearing to consider repealing Chapter 159, Article I of the Code of the Town of Yorktown entitled “Energize NY Benefit Financing Program” and enacting a new Chapter 159, Article I entitled “Energize NY Open C-Pace Financing Program.”

Supervisor Ilan Gilbert will convene a public hearing to consider repealing Chapter 159, Article I of the Code of the Town of Yorktown entitled “Energize NY Benefit Financing Program” and enacting a new Chapter 159, Article I entitled “Energize NY Open C-Pace Financing Program.”

10. **RESOLUTIONS**

From the Town Clerk

Authorize Town Clerk to Refer Special Use Permit for 7-Eleven/Sunoco Station

Resolved, the Town Clerk is hereby authorized to refer the special use permit application for 7-Eleven/Sunoco Station located at 3640 Lee Boulevard, also known on the Tax Map as Section 16.08-1-16, to the appropriate agencies.

From the Town Comptroller

Authorize Comptroller to process the following Budget Transfer for the Railroad Park Rehabilitation Project

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

From:

General Fund – Fund Balance \$476,386.00

To:

Railroad Park Rehabilitation Capital Project (JJ) \$476,386.00

for contract awarded to Clemco Construction and Restoration.

From the Town Receiver of Taxes

Authorize Refund of Duplicate Tax Payments

Resolved, the following refunds for duplicate payment of 2019 Town/County Tax are hereby authorized:

<u>Account No:</u>	<u>Amount</u>	
3262050	\$3,794.06	Ref. Duplicate 2019 Town/County Tax
C662800	\$6,073.39	Ref. Duplicate 2019 Town/County Tax
2241127	\$1,390.36	Ref. Duplicate 2019 Town/County Tax
1923000	\$4,010.38	Ref. Duplicate 2019 Town/County Tax
1260630	\$2,341.49	Ref. Duplicate 2019 Town/County Tax
2414000	\$4,317.49	Ref. Duplicate 2019 Town/County Tax
3125500	\$4,741.25	Ref. Duplicate 2019 Town/County Tax

From the Town Engineer

Authorize the Town to submit a grant application under the New York State Water Quality Improvement Program, Round 16 for a Wastewater Treatment Improvement project

WHEREAS:

- A. The New York State Department of Environmental Conservation recently announced a new funding round for the Water Quality Improvement Program, Round 16, which allocates \$70 million to qualified applicants. Applications must be submitted by the project deadline of July 26, 2019.

- B. Under the same program (but a different project type), the Town is submitting an application for Municipal Separate Storm Sewer Systems (MS4) Mapping. This project will be via the Northern Westchester WQIP Consortium, of which the Town of Yorktown is acting as the lead applicant. The Consortium is being planned to offer a coordinated and comprehensive approach to stormwater mapping within the municipalities of Northern Westchester County, and is anticipated to include the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Villages of Buchanan and Croton-on-Hudson.

- C. The Engineering Department has recently been working on the Hallocks Mill Sewer Extension Project, Phase 1, which will extend sewer service to 315 parcels that are within the HMSD. The total capital cost to install sewers to 315 parcels in Birch Street Sub-Area (220 parcels), Sparkle Lake Sub-Area (69 parcels) and Sunrise Street Sub-Area (26 parcels) is estimated to be \$14,300,000. The Town anticipates receiving \$10,000,000 from NYCDEP Watershed Improvement Fund for this project. Since the project potentially qualifies for WQIP funding, we wish to submit the unfunded portion of the project (\$4.3M) for consideration by NYSDEC under this program.

- D. The project meets all the eligibility requirements of the WQIP grant program. We will be submitting under the project type “Wastewater Treatment Improvement”. The project qualifies as a secondary priority, which requires a 60 percent match by the municipality. If the Town were to receive an award for the full amount being submitted for funding, the project would receive a grant of \$1,720,000. [All unfunded aspects of this project are projected to be paid by the benefitted parcel owners through issuance of bonds.]

- E. Program guidelines require the Town to pass a resolution authorizing submission of an application and authorizing the Town Supervisor to act as Authorized Representative for this application.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town to submit a grant application under the New York State Water Quality Improvement Program, Round 16 for a Wastewater Treatment Improvement project and the Town Supervisor shall act as the Authorized Representative for the application.

Authorize Supervisor to Sign Professional Services Agreement with Tighe & Bond for Wastewater Treatment Facility Compliance Support

WHEREAS,

1. Over the past several months the Town has experienced much higher than normal flows within the Hallocks Mill Sewer District and Yorktown Heights Wastewater Treatment Plant. In April 2019 the Town received a communication from NYSDEC indicating that the wastewater flow into the facility was more than 95 percent of the permitted flow. As a result, the Town is required to prepare a Flow Management Plan for submission to NYSDEC by 8/1/19.
2. The Town Engineer has been working with the Town Supervisor on the wastewater flow issue and we recently met with representatives of NYCDEP to inquire about an increase in our SPDES permit that would allow an increase from our current flow of 1.5 mgd to 2.5 mgd.
3. In order to apply for a flow variance, the Town needs to develop a work plan that will identify all steps the Town is undertaking in support of our application, i.e. an infiltration inflow study. [We will also note the numerous tasks undertaken over the past two years to improve operations and maintenance of the collection system, including video inspection, heavy cleaning, more frequent flushing and smoke testing of the pipelines where problems have occurred.]
4. The Town also has to develop a compliance plan that will address how we will meet the new discharge limit for Phosphorus (which will decrease from the current limit of 0.2 mg/L down to 0.1 mg/L) and how we can handle the temperature action limit of 70 degrees (which the Town exceeds in the summer months).
5. The Town Engineer is requesting the services of an engineering consultant to assist in developing the work plan and compliance plan.
6. The scope of work will be as follows: (1) review performance data from the treatment plant to assist the Town in developing a compliance plan; (2) assist the Town with a plan to meet the phosphorus and temperature limits in the new SPDES permit; and (3) attend meetings with representatives of NYSDEC; and (4) prepare a technical memorandum summarizing how the Town can achieve SPDES permit compliance once a flow variance is issued.
7. The professional engineering services to be provided by Tighe & Bond will be in the not-to-exceed amount of \$14,300.
8. In the professional opinion of the Town Engineer, Tighe & Bond provided a fair and reasonable proposal for professional services. We note the firm has previously performed work for the Town and have professionals with extensive experience working on smaller treatment plants like the Town-owned facility.

9. This work will be assigned to Budget Code YS.1440.490 Professional Services and will require a transfer from the Sewer Fund- Fund Balance in the amount of \$14,300.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Tighe & Bond for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$14,300. And the Town Comptroller is authorized to transfer \$14,300 from Sewer Fund- Fund Balance into Cost Code YS.1440.490 Professional Services.

Authorize Comptroller to process the following Budget Transfer - Pump Station Project - Remediation of leaking underground fuel tanks at two pump stations

WHEREAS,

1. While construction work was progressing at the Jefferson Park PS located on Juniper Drive, a leaking underground fuel tank was uncovered. As required by state regulations, a spill report was made to NYSDEC.
2. Another leaking underground fuel tank was uncovered at the Jefferson Valley PS, while work was proceeding at that location. This station is located at the intersection of Poplar Court and Forest Drive. As required by state regulations, a spill report was made to NYSDEC.
3. The estimated cost to remove the tanks and all contaminated material from both locations is \$45,000. Note: The Department is currently working with the Town Attorney to see if any of the removal and remediation expenses are covered under the Town insurance policy.
4. The Department intends to work with World Management Services to perform the work and will need the following budget transfer to issue a purchase order:
 - Transfer \$45,000 from the Sewer Reserve Fund into YS.8130.460 Pump Station Maintenance & Repair

RESOLVED, the Town Comptroller is authorized to transfer \$45,000 from Sewer Fund-Fund Balance to YS.8130.460 Pump Station Maintenance & Repair for the purpose of paying for remediation of leaking underground fuel tanks at two pump stations.

Resolved, the Comptroller is authorized to release Performance Bond No. FSWPPP-T-070-17

WHEREAS,

1. JAB Builders, Inc., as applicant, posted check #1714 in the amount of \$500 to serve as the Performance Bond which was deposited to the T33 account on February 5, 2018.
2. JAB Builders, Inc., as applicant, posted check #1795 in the amount of \$20,000 to serve as the Project Completion Performance Bond which was deposited into the T33 account on December 10, 2018.
3. The applicant has requested his money be released as the site is now complete.

4. 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 \$20,000 bond and the \$500 bond, totaling \$20,500, be and is hereby released to JAB Builders, Inc., 361 Route 6, Mahopac, NY 10541, Attn: Mr. John Barile.

Approve preparatory review class and reimbursement to William Batista Engineering Department per the CSEA Contract

RESOLVED, that William Batista, a Town employee in the Engineering Department, has approval to take a preparatory review class for the Fundamentals of Engineering exam. The total cost of the class is \$990 and will be reimbursed according to the CSEA contract guidelines, Article 39 Payment for Education Credits or Courses.

From the Water Department

Authorize refund of Water Bill overpayment for Account No. 200421-0

Whereas, an overpayment of \$262.28 was made on Account #200421-0 resulting in a credit balance;

Now Therefore Be It Resolved, upon recommendation of Cliff Kummer, NWJWW, a refund in the amount of \$262.28 is hereby refunded to Account #200421-0.

11. **ADJOURN MEETING**

Dated: July 16, 2019

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

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.