

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, September 1, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward A. Lachterman, Councilman  
Vishnu V. Patel, Councilman  
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk  
David Paganelli, Highway Superintendent  
Adam Rodriguez, Town Attorney

#### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked all to join in a moment of silence to pray for the victims of Hurricane Laura and the recovery of Jacob Blake, and to remember the actor Chadwick Boseman, as well to pray for the Middletown police officer who was shot in the line of duty. Supervisor Slater asked to pray for patience, compassion, and healing in these troubling times.

#### INTRODUCTIONS

Supervisor Matt Slater introduced the Town Board, Diana Quast, Town Clerk; Adam Rodriguez, Town Attorney; and John Tegeder, Director of Planning.

#### REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater thanked residents and the Highway Department for their incredible response during Hurricane Isaias, which caused lengthy power outages. Supervisor Slater said these intense storms are happening every year and it is time our electrical and telecommunications infrastructure can withstand them. He said he personally called on state regulators to hold Con Edison and NYSEG accountable; he testified on behalf of Yorktown before both the State Senate and State Assembly about the need for improved preparedness, improved response, and improved communication.

Supervisor Slater said that yesterday a petition with over 500 names was submitted to the Public Service Commission in Albany opposing NYSEG's proposed 22% rate hike over the next 3 years.

Supervisor Slater reported that Yorktown was designated by SafeWise.com as one of the top 100 safest communities in the country. He said this validates all of the hard work our police department does on behalf of the community.

Supervisor Slater said the New York State Parks and Recreation Society recognized Yorktown and the New York-New Jersey Trail Conference for our public-private partnership for our joint work in maintaining and protecting the nearly 50 miles of hiking trails in our community. He thanked Walt and Jane Daniels for their terrific work on the trails.

Supervisor Slater announced the Mohegan Avenue Retaining Wall Project has been completed ahead of schedule. The Mohegan Lake Improvement District and the Highway

Superintendent worked to install the first ever stormwater retrofits for Mohegan Lake. He thanked Highway Superintendent Paganelli for overseeing that project.

Supervisor Slater said the Town has signed an agreement with Sustainable Westchester to bring more solar power options to residents and to explore solarizing some of Yorktown's town buildings.

Supervisor Slater announced the recent creation of two new task forces: the Food Security Task Force for our food pantries to tackle food insecurity within the community, and the Arts and Culture Committee. Both task forces are seeking volunteers.

Supervisor Slater said the Town is moving incrementally ahead on the Hallocks Mill Sewer District Extension. He said they are currently working with the county on the Right of Objection Letter, which is an important piece of the puzzle. He has received multiple confirmations from DEP and the County Planning Department that Yorktown has a project that they support. The Legal Department is working with the County Attorney's office to draft the term sheet for Yorktown to obtain East of Hudson's \$10 million that was originally set aside for the Town.

Supervisor Slater reminded everyone that we have one month left to participate in the census, which is critical for the Town for everyone to be counted.

Supervisor Slater announced the County Board of Elections schedule for Early Voting. The Early Voting location for the Town of Yorktown will be the AACCCC. Registration ends on October 9<sup>th</sup>.

Supervisor Slater announced that some of the Town facilities would be reopening to the public in the very near future, with COVID protocols in place. The AACCCC will continue to remain closed until later in the month. The Senior Advisory Board meeting will be cancelled for September 18<sup>th</sup>.

#### REPORTS FROM TOWN COUNCIL

Councilman Patel reminded residents to wear masks, keep yourself and your family safe, and dispose of masks appropriately.

Councilwoman Roker asked what could state legislators do about the utility companies because nothing seems to get done. If they cannot do anything, they should say so, but then no increases should be given to the utilities.

Supervisor Slater said the hearing he attended (via Zoom) began at 11:00 a.m. He was on the seventh of nine panels and his panel did not begin until 11:00 p.m. He said because Yorktown is both Con Edison and NYSEG, we provide a unique perspective and comparison on response, communication, customer service, etc. Supervisor Slater said he felt his panel was able to provide very compelling testimony about what our residents went through.

Councilman Patel said the utility companies have not maintained their utility infrastructures and should not be asking for a 22% rate hike.

Councilman Diana thanked Superintendent Paganelli and Chief Noble for their hard work during the recent storm. He asked that residents take care of the trees on their property so they do not become a hazard during storms.

Councilman Lachterman announced that NY Presbyterian Hospital is doing a series of teaching kitchen classes (via Zoom). He thanked Supervisor Slater for joining the Yorktown Lions the other day at the Yorktown Ambulance Corps where the Lions donated a Chlorax 360 machine for sanitizing the ambulances. He congratulated the businesses that have reopened and encouraged residents to patronize them. He spoke about charitable organizations that are beginning to fundraise again and holding events.

Supervisor Slater mentioned several of the 9-11 ceremonies that are being planned, as well as a video incorporating all parts of our community and the events of that day that is being

done by Town Clerk Diana Quast, Councilwoman Alice Roker, and producer Tom Sciangiula.

#### REPORT FROM HIGHWAY SUPERINTENDENT

Superintendent Paganelli said he is very excited about the Mohegan Retaining Wall Project being done. He said he is equally excited about the first environmental retrofits that will be implemented to keep phosphorous out of Mohegan Lake. He said they are still doing cleanup from the storm. He said hours were temporarily extended and fees waived for the Greenwood Street Station for people to dispose of brush, branches, tree limbs, etc. that came down during the storm. He congratulated Support Connection on the success of their “virtual” gala.

#### RETIREMENT – KIM ANGLISS GAGE – REFUSE & RECYCLING RESOLUTION #270

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

RESOLVED, that the Retirement of Kim Angliss Gage is accepted with thanks for her many years of dedicated service to the Town effective August 31, 2020.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

#### PRESENTATIONS

##### KIM ANGLISS GAGE, 30 YEARS OF SERVICE TO THE TOWN

Supervisor Slater congratulated Ms. Gage on her 30 years of service to the Town. He mentioned her many contributions to the Town. Ms. Gage mentioned how proud she was of the work she and her department accomplished during her years of service. Board members shared their memories of working with Ms. Gage and offered her their thanks and their congratulations on her retirement.

##### ROBERT NOBLE, CHIEF OF POLICE AND ANNETTE KAHRS - “HOPE NOT HANDCUFFS”

Ms. Kahrs said the “Hope Not Handcuffs” program was officially launched today at the Yorktown Police Department. She said this is the first program to be launched in Westchester County. Orange, Rockland, Putnam, and Dutchess counties are already participating. Chief Noble said that when he learned of the program, he felt this was something that Yorktown could do. He said it is a non-arrest pathway for treatment and recovery and a pre-arrest diversion program in which his department can most definitely participate. He said it was very well received by his staff who looks at it as an additional way to serve the community and make a positive difference in someone’s life. It is a way to help those who are struggling and need a helping hand. He said this is a way for those people to be able to reach out to the police in a positive way. It is for those who truly want help.

Supervisor Slater said it should not be surprising to anyone that Yorktown is the first community in Westchester to participate in this program because Yorktown embodies that type of compassion. He said if you are someone who is struggling with addiction, you will have a safe haven at the Yorktown Police Department. He has pledged that he will be one of the programs “angels” and receive training in the program, as has Chief Noble. If you need help, you can go to the police department, who will help you through this program to put you on the right path to recovery.

Ms. Kahrs spoke about the efficacy of the program. She said this program is part of the PARI program – Police Assistance Recovery Initiative – and it is a nationwide program in about 700 police departments. The “Hope Not Handcuffs” model is where they use community members to work from the inside out, not only do the police serve the community, but the community serves the police. It is essentially community mobilization. You are using your own community to address a problem. In the past, the method of dealing with addiction has been arrest and release; this is just a different way, which is to divert. She said they have had great success – approximately 300 plus people in the Hudson Valley have been put into rehab. Ms. Kahrs described how they work with probation officers, criminal charges related to addiction, etc.

Chief Noble said he hopes people take advantage of the program. He said a link is posted on the police department's website. He expressed his confidence in his department in using the program.

Supervisor Slater and the Town Board members offered their support of the "Hope Not Handcuffs" program.

#### CPL. TROY PEREZ, NEW YORK ARMY NATIONAL GUARD

Supervisor Slater introduced resident Corporal Troy Perez, a member of the New York Army National Guard, who will soon be competing in a national fitness competition. Supervisor Slater said Cpt. Perez is not only representing New York State but Yorktown as well, and he assured him he has the backing and best wishes of everyone in Town. Cpl. Perez said he wanted to credit all the service men and women and healthcare workers who help them run the competition. He said they face a huge challenge in trying to maintain and sustain stability during the pandemic. He mentioned how these competitions are a morale booster and help to take our minds off the current pandemic situation. Supervisor Slater mentioned that Cpl. Perez is also a trained EMT and thanked him for his service. The Town Board members wished him luck and thanked him for his service.

#### POET LAUREATE

John McMullen, Poet Laureate, read his original poem "If This Were 1970."

#### COURTESY OF THE FLOOR

The following members of the public spoke:

Susan Siegel, resident, said she had questions regarding resolutions for this evening. She asked when the Town Board is ready to vote on the CSEA and PBA contracts, would they tell the public what the salary increases will be and what the dollar impact will be on a yearly basis to the budget, as well as any other provisions in the contracts the public should know (possibly dealing with productivity). Ms. Siegel asked if the Board could explain what grants the Laberge Group is being authorized to apply for in tonight's resolution and what the Town's match will be for the grants. She also asked at what Town Board meeting were the different options discussed as to which programs to apply for under these grants. Ms. Siegel said several months ago the Town filed a foreclosure petition and people had until May 1<sup>st</sup> to pay the bills, but because of COVID that was postponed until August 1<sup>st</sup>. She would like to know the status of that petition and potentially on how many properties the Town could take title.

Linda Miller, resident, said Yorktown's trees and woodlands are valuable cultural, aesthetic, and ecological resources and help to make the Town a pleasant and healthy place to live, but this can turn really ugly as soon as the wind starts to blow. When the hurricanes, nor'easters, and ice storms come, beneficial trees suddenly become dangerous and threatening to power lines, roofs, cars, and potentially even lives. She said that once the damage has been cleared, there are often rumblings that this is the fault of the Tree and Woodlands Preservation Laws. Ms. Miller said this is a misconception because nothing in the law prevents homeowners from removing dangerous, dead, diseased trees or those interfering with overhead power lines. No permit is required for the removal of these trees. In fact, a homeowner is allowed to remove up to nine trees on their property. She discussed when a permit is required and not required. Ms. Miller thanked the Town Board and the Department of Parks & Recreation and everybody who worked to open the Shrub Oak Pool this summer; she said we really needed that touch of normalcy. She thanked the workers at the pool who were very conscientious regarding safety.

Diego Jaramillo, resident and co-chair of Yorktown for Justice, thanked the Board for allowing them to be part of the August 11<sup>th</sup> work session and welcomes the opportunity to continue their discussion. He asked for suggestions as to how to move the conversation along, and Supervisor Slater said questions would be addressed at the end of Courtesy of the Floor.

Maura Gregory, resident, said she wanted to discuss the PBA contract. She said she was speaking on behalf of herself and not any organization of which she is a member. She

said given that the governor has issued an executive order for all municipalities with police forces to review their police forces from top to bottom, it may be prudent to table the resolution to execute the agreement. She said the task force the Town will be creating to address the terms of the executive order could potentially be handcuffed if it turns out there are certain things that they recommend that cannot be done because of the terms of the contract that does not expire until the end of 2024. She also wanted to raise the topic of the safety of the bike path due to the horrible accident that happened in August that resulted in a fatality. She said there is not crosswalk marking at that intersection. She suggested that any intersection that involves a Yorktown road should have crosswalks painted on them. She mentioned different intersections that should have them, as she believes they are effective.

Upon motion made by Councilwoman Roker, seconded by Councilman Patel, Courtesy of the Floor was closed.

Supervisor Slater said regarding Ms. Siegel's question, he does not have the dollar impact of the PBA agreement. He said that the PBA is currently out of contract and this is a five-year contract. The increases are 1.5%, 1.75%, 2.5%, 2.5%, and 2.5% for the five years. CSEA will receive 0% for this year and 2.5% for the following four years. Supervisor Slater said application details for the Laberge Group are specifically for the recycling program, as well as for the Local Waterfront Revitalization plan, both of which are spelled out in the resolution. The Municipal Waste Reduction Recycling Program is specifically for the purchase of a new "beast" at the organic yard – it takes all of the material and mulches it down. The current machine is 18 years old and is coming to the end of its usefulness, and the Town needs to prepare for the purchase of that piece of equipment. It is a 50% matching grant. The grant under the Local Waterfront Revitalization plan would go towards our lakes and streams, specifically Sparkle, Osceola, and Mohegan lakes. All three were added to the state's inland waterway list, which is the first step toward a local waterfront revitalization program. New programs may be created for each lake. Supervisor Slater said if the resolution passes, the Board would be working with Laberge to decide if they want to put in one town-wide application or tackle them individually. He said that Laberge has said that if there is no CFA process this year, the Town would be credited a rollover into next year. Supervisor Slater asked if the Town Attorney could comment on the foreclosure petition question Ms. Siegel raised. Town Attorney Adam Rodriguez said, obviously, COVID slowed down the proceeding but said the Town has had successes and has collect hundreds of thousands of dollars in back taxes at this point with many more hundreds of thousands of dollars on the horizon through negotiations with property owners.

Councilman Diana said the negotiations for the PBA and CSEA went well and both were happy with what they will be receiving and how the negotiations were conducted.

Supervisor Slater said there will be retirement incentives in the contracts. There will be a one-year retirement incentive for the police, which would save approximately a half a million dollars next year. He said CSEA had an issue with retiree medical coverage that was preventing people from retiring, and they were able to resolve that issue within the contract. He said they anticipate several employees retiring this year and next year. He said this would be able to save the Town money up front. Supervisor Slater said he was in favor of a five-year contract because it gives the Town the ability to financially plan. He said he believes these are fair and equitable contracts.

Supervisor Slater, addressing Diego Jaramillo's question, said the Town is still waiting from the state for the regulations of the executive order to be promulgated. He said the Town Board signed a letter, dated July 27<sup>th</sup>, and sent it to the governor recognizing that Yorktown is a DCJS accredited agency and to make sure that the promulgated regulations reflect the DCJS accreditation because that accreditation puts Yorktown in a completely different tier because we are continuously audited by New York State. He said Yorktown is upholding their standards and if they are going to reverse the DCJS accreditation, that is a whole different conversation. He said it is a very frustrating situation because the Town Board wants to engage in EO203 conversations but they cannot without the rules of engagement, and rather than blindly jumping into the water, they will wait for an acknowledgement and response from the governor's office.

Councilwoman Roker said if Mr. Jaramillo is concerned that the Board will not bring his organization to the table, he should not be. They will be scheduled.

Supervisor Slater said that if the Board would like to move forward with a resolution supporting their July 27<sup>th</sup> letter, he would be happy to do so.

Councilman Diana said he would be in favor of moving forward with a resolution, as was Councilman Lachterman.

Supervisor Slater read a portion of the July 27<sup>th</sup> letter regarding the DCJS accreditation. He said that he wanted to be clear in the resolution that the Town is requesting the promulgated resolutions and the state recognizes the DCJS accreditations and require a separate path for those DCJS accredited police agencies for compliance with EO203.

RESOLUTION IN SUPPORT OF JULY 27<sup>TH</sup> LETTER REGARDING  
PROMULGATED REGULATIONS OF EXECUTIVE ORDER 203  
ACKNOWLEDGING YORKTOWN DCJS ACCREDITATION  
RESOLUTION #271

Upon motion made by Councilman Diana, seconded by Councilman Lachterman,

RESOLVED, the Town Board voted to pass a resolution in support of their July 27, 2020 letter to the State of New York requesting the regulations of Executive Order 203 be promulgated to include the acknowledgement of DCJS accredited police agencies.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

Supervisor Slater addressed the tragic accident on the bike path in August. He said that safety enhancements needed to be addressed. He said the bike path is a county entity that crosses town roads and to access those town roads you have to turn off a state road. He said this is a very complicated issue regarding jurisdiction. He said it would be helpful if a roundtable discussion could take place with local, county, and state stakeholders as well as advocates and our Highway and Planning Departments and police. He said he is hoping this can take place early in October.

Councilman Patel said this should be done in all municipalities where the bike path travels through.

Highway Superintendent Paganelli said that every cross street in Yorktown where the bike path crosses has a stop sign on both ends of the trail before they come to our roads. He said, however, countless cyclists ignore the stop signs. He discussed areas where the traffic is particularly problematic.

STORMWATER PERMIT APPLICATION – 1530 JACOB ROAD

Town Engineer Michael Quinn said this application is for an undeveloped lot that the applicant is proposing a new single-family house and there is a significant amount of excavation required; therefore, it is a Town Board action. The house will be on Town water and sewer. He said they reviewed the application when it first came in and put together a review memo, which was given to the Board. He said they had significant comments on the project and there are a few things that have to be resolved. He said he has not yet heard back from the applicant or the engineer.

Supervisor Slater said he felt this should be tabled until all boards have the opportunity to comment.

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the discussion was tabled until a future Town Board meeting.

ESCROW DEPOSIT RELEASE FOR DRIVEWAY PERMIT #DR1234 FOR WORK  
DONE AT 1631 CENTRAL STREET, YORKTOWN HEIGHTS, NY  
RESOLUTION #272

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that upon the recommendation of the Highway Superintendent, the Comptroller is authorized to release the Escrow Deposit for Driveway Permit #DR1234 in the amount of \$500.00 to Louis F. Mastro, 1631 Central Street, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE THE SUPERVISOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH CSEA FOR THE PERIOD JANUARY 1, 2020 THROUGH DECEMBER 31, 2024  
RESOLUTION # 273

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

WHEREAS, the Town of Yorktown and the CSEA, Local 1000, AFSCME, AFL-CIO, Town of Yorktown Unit, Westchester Local 860 (“Union”) are parties to a collective bargaining agreement that expired on December 31, 2019; and

WHEREAS, the negotiating committee for the Town and the Union have agreed, in principle, upon the terms of a Memorandum of Agreement for the period of January 1, 2020 through December 31, 2024; and

WHEREAS, that Memorandum of Agreement is subject to ratification by the Town Board and the Union’s membership; and

WHEREAS, the Union has advised the Town that its membership has voted and has approved the Memorandum of Agreement; and

WHEREAS, the negotiating committee for the Town recommended unanimously that the Memorandum of Agreement be ratified by the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Memorandum of Agreement between the Town and the Union is hereby ratified and approved and the Town Board approves the funding for such Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a collective bargaining agreement for the period from January 1, 2020 through December 31, 2024 that is consistent with the terms of the Memorandum of Agreement.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE THE SUPERVISOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH PBA FOR THE PERIOD JANUARY 1, 2020 THROUGH DECEMBER 31, 2024  
RESOLUTION # 274

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

WHEREAS, the Town of Yorktown and the Town of Yorktown Police Benevolent Association, Inc. (“PBA”) are parties to a collective bargaining agreement that expired on December 31, 2019; and

WHEREAS, the negotiating committees for the Town and the PBA have agreed upon the terms of a proposed agreement, which sets forth the terms of a successor agreement for the period from January 1, 2020 through December 31, 2024 (“Proposed Agreement”); and

WHEREAS, that Proposed Agreement provides that it is subject to ratification by the Town Board and the PBA’s membership; and

WHEREAS, the PBA has advised the Town that its membership has voted and has

approved the Proposed Agreement; and

WHEREAS, the members of the negotiating committee for the Town have recommended unanimously that the Proposed Agreement be ratified by the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Proposed Agreement between the Town and the PBA is hereby ratified and approved and the Town Board approves the funding for such Proposed Agreement; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a collective bargaining agreement for the period from January 1, 2020 through December 31, 2024 that is consistent with the terms of the Proposed Agreement.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH LABERGE GROUP FOR GRANT DEVELOPMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$10,500

RESOLUTION # 275

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Town Supervisor is authorized to sign an agreement with Laberge Group for grant development services in connection with the NYS DOS Environmental Protection Fund (EPF) Local Waterfront Revitalization Program (LWRP) and the NYS DEC Municipal Waste Reduction and Recycling Program (MWRR), in an amount not to exceed \$10,500.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

ADVERTISE TO BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT BID #20-2

RESOLUTION # 276

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Town Clerk is hereby authorized to advertise a bid for Various Chemicals for the Water Pollution Control Plant, Bid #20-2.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

Supervisor Slater asked Town Engineer Michael Quinn to provide an overview of the next resolution for the BridgeNY projects at Hill Boulevard and Veterans Road. Mr. Quinn said the bids were open in June and he came to the Board in July to review the results. The low bidder came in at \$2,995,000. The bids were reviewed with the Highway Superintendent and WSP. They also worked with the Department of Transportation (DOT) to get their sign off on a potential award. There are two different grants that the Town is receiving. The grant for Veterans Road is for \$820,000 – no match from the Town. The grant for Hill Boulevard is for \$2.6 million and that requires \$130,000 from the Town, so it is \$2.47 million funded by the state. Mr. Quinn said they bid as one project, but costs were tracked separately, and are a little bit short to make the award using only state funding. This resolution that he prepared includes additional Town money to make up the shortfall - \$45,000 for the Hill Boulevard project and \$218,000 for the Veterans Road project.

Supervisor Slater said essentially the Town will be spending approximately \$250,000 and getting roughly \$2.9 million.

Mr. Quinn said the Town has to meet their program deadlines. This program has a nine-month duration. He would like to do a public presentation in the next couple of weeks to

explain the projects to the residents since they will both be full road closures. Supervisor Slater agreed.

Councilwoman Roker asked Mr. Quinn that when the Board approves doing a project, does he work with the Comptroller to set aside the money the Town has to pay and Mr. Quinn said yes. She asked if our original contribution to the project was not enough to cover the first phase of the project and Mr. Quinn said that originally the Comptroller put aside \$3.4 million. The total project cost will be \$3.6 million because the bids came in slightly higher than the originally grant estimate. He said he worked with the Comptroller to make up the difference. Councilwoman Roker asked if there is a contingency in the bids and he said there is an extra work allowance in the bids. Mr. Quinn explained how the bids are broken down into line items and there is an extra work line item for \$120,000. He said we cannot proceed with the projects if the Town does not pay the extra money.

Mr. Quinn said the grant expires in December of 2021.

Councilman Patel asked Mr. Quinn if, by bidding the two projects as one, he was able to save money and Mr. Quinn said this was correct.

A discussion ensued regarding previous bids on these projects.

AWARD BID FOR BRIDGENY PROJECTS, HILL BLVD BRIDGE REPLACEMENT & VETERANS ROAD CULVERT REPLACEMENT  
RESOLUTION #277

Upon motion made by Councilman Diana, seconded by Councilman Patel,

WHEREAS,

1. The Town was awarded two (2) grants by the New York State Department of Transportation under the BridgeNY program.
2. A grant up to \$820,000 for the Veterans Road Culvert Replacement over Hallocks Mill Brook, which is 100 percent reimbursable by NYSDOT.
3. A grant up to \$2,600,000 for the Hill Boulevard Bridge Replacement over the Tributary to Barger Brook, which is 95 percent reimbursable by NYSDOT. This grant breaks down as follows: NYSDOT: \$2,470,000 & Town of Yorktown: \$130,000
4. As part of this project, the Town retained the services of WSP USA for engineering services, right-of-way acquisition and construction inspection of the two projects. During the design phase of work, the Town elected to combine both of the projects into one (1) set of bid documents.
5. The NYSDOT and Town Board authorized advertising of bids in November 2019. An invitation to bid was duly advertised and said bids were received and opened by the Town Clerk on June 18, 2020.
6. A total of nine (9) bids were received, summarized in the following table:

Company	Total Bid Price	Ranking
TRANSIT CONSTRUCTION CORP.	\$2,995,000.00	1
MONTESANO BROTHERS	\$3,444,754.40	2
MICHELS CONSTRUCTION	\$3,599,500.00	3
MCNAMEE CONSTRUCTION	\$3,625,000.00	4
GIANFIA CORP.	\$3,692,113.55	5
BRENNAN CONSTRUCTION	\$4,200,905.00	6

ELQ INDUSTRIES	\$4,281,746.50	7
R. PUGNI & SONS	\$4,629,857.00	8
JR CRUZ	\$5,582,759.52	9

7. After review of the submitted bids with WSP, the Town Engineer recommends award to the low bidder, Transit Construction Corp. The breakdown of Transit Construction total bid price per project is as follows:

- Hill Blvd: \$2,176,166.35
- Veterans Road: \$818,833.65
- Total Bid Brice: \$2,995,000

8. The NYSDOT grant will cover most, but not all of the project costs. The Town is responsible for all costs of the Project that exceed the amount of funding awarded to the Town. The Department is therefore requesting the Comptroller make the following budget transfers:

- \$45,687.35 from General Fund Balance to Capital Project  
HD.8130 Hill Blvd
- \$218,184.65 from General Fund Balance to Capital Project  
HE.8020 Veterans Rd

NOW, THEREFORE BE IT RESOLVED,

1. The bid for the BridgeNY Projects, Bridge Replacement Hill Blvd over the Tributary to Barger Brook (PIN 8761.66) & Veterans Road Culvert Replacement over Hallocks Mill Brook (PIN 8761.71), is hereby awarded to Transit Construction Corp, Yonkers, NY at the unit prices and estimated quantities included on the bid proposal pages, in the not-to-exceed amount of \$2,995,000.

2. The bid award is subject to signing and execution of the Contract Agreement that was included in the Bid Specifications and subject to the final review and approval of the Town Attorney.

3. The Comptroller is authorized to make the following budget transfers:

- \$45,687.35 from General Fund Balance to Capital Project  
HD.8130 Hill Blvd
- \$218,184.65 from General Fund Balance to Capital Project  
HE.8020 Veterans Rd

4. The contract is to commence when the Town issues a Notice to Proceed on or about September 15, 2020 and the contract completion date shall be 240 calendar days from the Notice of Award date.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE BOND #E-022-10 IN THE AMOUNT OF \$300.00 FOR WORK DONE ON 1346 HAYES DRIVE  
RESOLUTION # 278

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS,

1. Gjekote Curanovic as applicant, posted \$300 which was deposited to the T33 account on August 20, 2010.

2. Gjekote Curanovic has requested his money 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 \$300 bond be and is hereby released to Mr. Gjekote Curanovic, 1346 Hayes Drive, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-048-19 IN THE AMOUNT OF \$500.00 FOR WORK DONE AT 1455 HIAWATHA ROAD RESOLUTION # 279

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS,

1. JDG Builders, Inc./ John Gilmore, as applicant, posted \$500 which was deposited to the T33 account on April 9, 2018.
2. John Gilmore has requested his money 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 JDG Builders, Inc., / John Gilmore, 40 Shallow Stream Road., Carmel, NY 10512-4314.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-007-18 & #BSWPPP-022-17 IN THE AMOUNT OF \$500.00 FOR WORK DONE AT 1145 & 1155 BALDWIN ROAD RESOLUTION #280

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS,

1. Robert & Heather Lenseth as applicants, posted check #106 in the amount of \$250 which was deposited to the T33 account on June 14, 2017 to serve as the Erosion Control Bond for permit #BSWPPP-022-17 and;
2. Robert & Heather Lenseth as applicants, posted check #146 in the amount of \$250 which was deposited into the T33 account on March 19, 2018 to serve as the Performance Bond for permit #BSWPPP-007-18 and;
3. Robert & Heather Lenseth have requested their 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 bonds totaling \$500 be and is hereby released to Mr. & Mrs. Robert Lenseth, 1145 Baldwin Road, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-048-19 IN THE AMOUNT OF \$250.00 FOR WORK DONE AT 1946 GLEN ROCK STREET RESOLUTION #281

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS,

1. Dominic & Michele Monaco as applicants, posted \$250 which was deposited to the T33 account on September 5, 2019.
2. Dominic & Michele Monaco have requested their money 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 \$250 bond be and is hereby released to Mr. & Mrs. Dominic Monaco, 1946 Glen Rock Street, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO REFUND AN OVERPAYMENT TO WATER BILL ACCOUNT NO. 200546-0 IN THE AMOUNT OF \$201.47 RESOLUTION #282

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

RESOLVED, the Comptroller is authorized to issue a refund in the amount of \$201.47 representing an overpayment to Water Bill Account No. 200546-0.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board meeting was adjourned.

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