

Meeting of the Town Board, Town of Yorktown held on October 25, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Maura Weissleder, Deputy Town Clerk
Michael McDermott, Town Attorney
Margaret Gspurning, Human Resources
Michael Quinn, Town Engineer

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss personnel issues.

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

POLICE DEPARTMENT

Police Chief Noble and Lieutenant Gentner came before the Town Board for a request to advertise a bid for 43 portable radios, 10 tablets for police cars, and license plate readers. They would also like to purchase a Ford Explorer Police Interceptor. Chief Noble stated that the Town is putting too much money into the repair of old equipment, which will be kept as spares. The tablets cost approximately \$6,000 each and the license plate readers are \$18,000 each. Upon the purchase of the Ford Explorer, two cars would be given back to the Town for their fleet. Town Attorney Michael McDermott said all of these requests should be done at the same time and Supervisor Grace would like the Police Department to do a presentation to the public at the November 15, 2016 Town Board meeting to introduce the new technology.

ADVERTISE BID FOR POLICE DEPARTMENT PORTABLE RADIOS AND EQUIPMENT RESOLUTION #477

Upon motion made by Supervisor Grace, seconded by Councilman Diana,

Notice is here given that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on November 21, 2016 at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Police Department Portable Radios and Equipment or Equivalent. Copies of the Bid Documents will be available in the office of the Town of Yorktown Town Clerk located at 363 Underhill Avenue, Yorktown Heights, NY 10598. A completed Bid Proposal Form must be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: Police Department Portable Radios and Equipment or Equivalent."

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

PURCHASE OF FORD EXPLORER POLICE INTERCEPTOR RESOLUTION #478

Upon motion made by Supervisor Grace, seconded by Councilman Diana,

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of a fourth new police vehicle in the Police Department's 2016 budget; and

WHEREAS, the State of New York Office of General Services has published specifications and requested bid for the purchase of Ford Explorer Police Interceptor; and

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

WHEREAS, Van Bortel Ford, Inc., of East Rochester, New York has submitted the lowest bid for Ford Explorer Police Interceptors; and

WHEREAS, the State of New York Office of General Services has awarded contract #PC66688 to the lowest bidder, Van Bortel Ford;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (1) additional Ford Explorer Police Interceptor from the State of New York Office of General Services contract #PC66688 from Van Bortel Ford in the amount of approximately twenty seven thousand five hundred forty four dollars and thirty eight cents (\$27,544.38).

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

LANDMARKS PRESERVATION COMMISSION

Two members of the Landmarks Preservation Commission, Lynn Briggs and Christine Sisler, came to the Board to discuss the section of Yorktown's local preservation law, Section 198-4.D, which puts Yorktown's Certification Local Government (CLG) status in jeopardy. NYS objects to the portion of the section that states: "The Commission shall discuss the designation proposal with the owner(s) and shall obtain written consent from all owners of the subject property or properties to proceed with the designation proposal." The Commission believes that their current program protects property rights while, at the same time, pursuing landmark designations. Safety nets exist for the property owners through the vehicle of public hearings and appeals. They also believe that they can fund almost all of their projects through grant money that is available through the state, but now this possibility is also in jeopardy if the Town loses its CLG status. Supervisor Grace said that the state most likely doesn't want to give grant money that may be wasted if the property owner decides to back out of pursuing landmark status, so they would like to see this section removed. Town Attorney Michael McDermott would prefer to see possibly words such as "irrevocable consent" added instead of removing the section. He said that he would be in touch with the Landmark Commission's Albany contact.

Councilman Diana stated that the Town doesn't want to see something so restrictive that owners have no say or limited choices in the decoration and maintenance of their homes.

SPARC/NORWEST

Nor-West representatives, Christopher Morabito and Wendy Greenfield came before the Board to discuss the program that is offered to Yorktown residents who are developmentally and/or intellectually disabled. Supervisor Grace stated that he feels that Nor-West has not been as active as they could be in the community. The Town pays into their program and he feels that they have not been visible enough. Nor-West spoke about the programs they offer: bowling, special events, school vacation programs, etc., and Yorktown residents get first priority for their programs. Mr. Morabito also mentioned that their prices have not gone up since 2007 and that they use only paid employees; no volunteer workers. Supervisor Grace questioned the financial structure of the organization and how it is tied into other communities, particularly the Town of Cortlandt. This should be examined further; specifically how it shares its tax identification number with Cortlandt. This led Supervisor Grace to state that it seems like Yorktown is paying into Cortlandt's budget.

SPARC's director, Rose Roth, presented the services of her organization which provides services to the same population as Nor-West, but serves all of Westchester. She enumerated the many clubs, services, and programs that SPARC offers. SPARC does not receive funding from Yorktown, however, the Town does allow them to use rooms at the Yorktown Community and Cultural Center.

WATER DEPARTMENT

Water Department Superintendent Ken Rundle came before the board to inform them of an upcoming large transfer for \$365,000 for water purchase. This has been building up over time; over ten years the cost has doubled but the Town did not pass increases on to the residents.

Supervisor Grace said that moving forward, charges should be done on an annual basis so that it won't be one large increase all at once. It was noted that Yorktown's water consumption is down according to the Northern Westchester Joint Water Works.

FEATHERBED PROPERTIES, INC. – JACOB ROAD

Al Capellini, attorney for Featherbed Properties, Inc., presented their request for flexibility authorization for six lots on Jacob Road. The property has been in the current family's possession for 34 years and, historically, had been farmed back to the 1920's. The front of the property is currently zoned R140 and the rest is R160. Two plans were proposed. One is a residential subdivision with a conventional layout for an R160 zone, including a town road. The other plan (the preferred plan) would have a much smaller footprint, be a "greener" plan, with modest-sized houses with a private road on 5 lots. The 6th lot would include the private roadway. Although the owners want to concentrate on the subdivision first, they discussed potential future use for the remaining 46 acres as a farm for organic produce, a farm stand with parking, public access with trail connections, possible dog park, and a future barn. This would all have the least impact on the land. Not all of this will be requested of the Planning Board at this point; right now they are interested in only beginning the subdivision. Bruce Donohue, environmental consultant, weighed in on how this plan versus the more convention plan, would be less of a disturbance to the land overall and a smaller footprint. Joe Riina, the engineer for the applicants, stated that the sewer district would need to be expanded for the subdivision.

PUBLIC HEARING FOR FLEXIBILITY STANDARDS – FEATHERBED PROPERTIES, INC./JACOB ROAD
RESOLUTION #479

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York on November 15, 2016, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard to consider the application received from Featherbed Properties, Inc. Jacob Road, 53.5 acre site - Section 35.16, Block 1, Lot 4 to authorize the Planning Board to process subdivision utilizing flexibility Standards.

A copy of said application is on file in the Office of the Town Clerk, at the said Town Hall, 363 Underhill Avenue, Yorktown Heights, NY where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

PAVAN – BROOKDALE AVENUE WETLANDS PERMIT REQUEST

Joe Riina, the engineer for the applicant, presented plans for the construction of a house on Brookdale Avenue which will intrude into the wetlands on the property. The property is less than one acre; just shy of three lots. Bruce Donohue said the wetlands go right through to the river and the wetlands themselves store a certain amount of the runoff. Town Engineer Michael Quinn said that these plans need revisions and the applicant should come back with another set of plans to present to the Board. He said the house is in a good location but other issues need to be fixed and these plans are not ready to be referred out to other departments. The applicant has an appointment to go before the Planning Board on November 7, 2016.

PUBLIC HEARING FOR PAVAN/BROOKDALE AVENUE - WETLANDS PERMIT
RESOLUTION #480

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 15th day of November, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application for property located at 1875 Brookdale Street in the Town of Yorktown, also known

as Section 37.19, Block 2, Lot 22,23,24. The request is to perform the following activity:
Construction of a single family residence, driveway and landscaped yard areas.

A copy of said application is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

CROTON OVERLOOK

There is a zoning deadline coming up in December in which conditions were not met on the Croton Overlook property, nor was the site plan ever initiated. Supervisor Grace said he has no interest in extending the zoning deadline and the rest of the Board agreed. It was decided to let it expire and if the current owner wants to renew, he can come back to the Town Board.

ATLANTIC BRIDGE PROJECT

Supervisor Grace asked if the Town Board had any objection to him signing a letter to Steven Meersma of TRC regarding the Algonquin Gas Transmission Atlantic Bridge Project SWPPP and the inclusion of listed comments that the Town would like to see included in the Notice-of-Intent that the Town Engineer will sign. The Town Board had no objection.

EMERGENCY GENERATOR BID – DRAFT RESOLUTION TO REJECT ALL BIDS AND RE-ADVERTISE FOR NEW BIDS

Town Engineer Michael Quinn came before the Town Board to discuss the rejection of the Emergency Generator Bid, and subsequent rebid, due to some confusion in the original documents that caused a misunderstanding of the submissions from bidders.

ADVERTISE TO REBID FOR EMERGENCY GENERATOR MAINTENANCE RESOLUTION #481

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

WHEREAS, the Town has fifteen (15) locations with emergency generators in place to provide back-up power in the event of an electrical service outage. The generators need regular preventative maintenance services to ensure they are ready for operation at any time.

The Town had a previous contract in place for the furnishing of preventative maintenance services, which expired on 6/30/16. Under the new contract we will be seeking a Contractor with the in-house resources to perform preventative maintenance, repair work and on-call services. The bid documents will be for a 2-year contract duration. Upon mutual consent of the contractor and the Town, the Agreement may be extended for one (1) additional 2-year term. We will include a bid item for labor rates (regular working hours and overtime hours) and an additional work allowance that can be used for on-call services that will ensure the Town can receive emergency repairs or additional parts if needed on a timely basis.

The previous bid documents attracted multiple bid prices, however, the proposal pages did not define the scope of work clearly enough and the Department cannot make an award recommendation at this time. Revised proposal pages have now been prepared.

RESOLVED, that the Town Board authorizes the Town Clerk to re-advertise the bid for the Preventative Maintenance & On-Call Services of Emergency Generators.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

EAST OF HUDSON STORMWATER RETROFIT PROJECT AT RAILROAD PARK – DRAFT RESOLUTION TO AWARD A CONTRACT FOR PERIMETER FENCE

Town Engineer Michael Quinn stated that the East of Hudson Stormwater Retrofit Project at Railroad Park requires fencing to be installed around the perimeter of the detention pond at Railroad Avenue Park according to the Town Code. Yorktown will be reimbursed 100 percent for all costs and a request was made to adopt a resolution at the next Town Board meeting to

allow work to begin by the lowest of three bidders. Then the decision was made to put this off until more information regarding the bid process and local procurement law is obtained.

REPLACEMENT OF CROTON HEIGHTS ROAD CULVERT PROJECT – REQUEST FOR CONTRACT CHANGE ORDER FOR ELQ INDUSTRIES

Town Engineer Michael Quinn brought a request for a contract change order from ELQ Industries regarding the replacement of Croton Heights Road Culvert Project. This project was originally begun as an emergency repair and ELQ signed a contract with the Town for \$300,000, firm. Sells was hired to oversee the job. Due to weather issues, the job ran over the \$300,000 cap and ELQ is now seeking an additional \$90,000. Highway Superintendent Dave Paganelli said they did perform all work satisfactorily. Town Attorney Michael McDermott said that he feels this is the burden of Sells and ELQ.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss litigation issues. Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

AUTHORIZATION FOR GRANT APPLICATION TO PURCHASE VAC-ALL FOR HIGHWAY DEPARTMENT RESOLUTION #482

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman,

RESOLVED, that the Supervisor is authorized to request funds from the East of Hudson Water Quality Investment Program for the purchase of a VacAll, Model AS-13D Vehicle for use by the Highway Department to undertake a program to continuously remove accumulated sediment from catch basins throughout the Town. The Town requests an allocation of \$175,000.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

ENGINEERING OFFICE RENOVATION/BUDGET DISCUSSION

Town Engineer Michael Quinn presented his budget for office renovations which total \$14,000. Town Comptroller Pat Caporale said that it would not come from the General Fund. It was suggested that he come to the board at the end of the year for unused funds or find it in his own budget.

AUTHORIZATION FOR SUPERVISOR TO EXECUTE AN AGREEMENT WITH SOFTWARE CONSULTING ASSOCIATES RESOLUTION #483

Upon motion made by Supervisor Grace, seconded by Councilman Patel,

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Supervisor to execute an agreement with Software Consulting Associates in Connection with the Muncity/Laserfiche Integration Project.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

AUTHORIZATION FOR SUPERVISOR TO EXECUTE AN AGREEMENT WITH N.C.I. EMERGENCY RESPONSE ANSWERING SERVICE RESOLUTION #484

Upon motion made by Supervisor Grace, seconded by Councilman Diana

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Supervisor to execute an agreement with N.C.I. Emergency Response Answering Service for the Town of Yorktown Water Department.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

AUTHORIZATION TO TRANSFER FUNDS – WATER DEPARTMENT
RESOLUTION #485

Upon motion made by Supervisor Grace, seconded by Councilman Diana,

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

Transfer \$365,000 from the Water Department Cement Lining line (SW8340.483.0001) to the Water Department Water Purchase line (SW.8320.0450) for water purchase charges from Northern Westchester Joint Waterworks for the remainder of 2016.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss personnel issues and will adjourn immediately thereafter.

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board meeting was adjourned.

MAURA WEISSLEDER
Deputy Town Clerk
Town of Yorktown