



Town of Yorktown

Office of the Deputy Supervisor Edward Lachterman

FINAL TOWN BOARD WORK SESSION

MEETING AGENDA

February 13, 2024

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

6:30PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following items(s):

Personnel

Litigation/Negotiations

7:30PM OPEN SESSION

7:30 p.m. Water Department Updates

Contact: Paul Vasillo

Discussion: Creating Non-Compliance line on the Master Fee Schedule for meters and backflow, French Hill Tank Repainting

8:00 p.m. Willow Park Tree Nursery

Contact: Keith Schephart

Discussion: Second Watering Zone

8:15 p.m. Hunterbrook Sewer District Extension

Contact: Vito DiMatteo, Gino LaVerghetta, and Adam Wekstien

Discussion: Petition for Extension - Garden Lane Apartments

8:30 p.m. Petition for Zoning Map Amendment – Toll Brothers, Inc.

Contact: David Cooper, Zarin & Steinmetz

Discussion: 2302 Catherine Street and 2448 Catherine Street

8:45 p.m. 3000 Navajo Road

Contact: Michael Grace

Discussion: Change of Zone Application

9:00 p.m. Farmwalk Pump Station Upgrade

Contact: Dan Ciarcia, Town Engineer

Discussion: Grant - New York State Environmental Facilities

PERSONNEL RESOLUTIONS

From the Human Resources Department

Appoint Gary Link to the position of Assessor effective March 25, 2024

BE IT RESOLVED, that the Town Board of Yorktown appoints Gary Link, to the title Sole Assessor, job class code 0062-02, and shall have all the powers and perform all of the duties of the Sole Assessor not inconsistent with the law, at the pleasure of the Town Board effective March 25, 2024, to be paid \$155,000, annually

BE IT RESOLVED, with 14 days of annual vacation, and for other benefits, sick days, personal days, and floating holidays to follow the CSEA agreement;

BE IT RESOLVED, contingent upon successful completion of a drug test,

BE IT FURTHER RESOLVED, that this appointment is for a six year term expiring on October 1, 2030.

Authorize Stock Clerk, Job Class Code 0198-01 be modified to Group 11 in the Yorktown CSEA Salary Schedule A1

BE IT RESOLVED, that Stock Clerk, job class code 0198-01, is being modified to Group 11, effective January 1, 2024 to be paid from Yorktown CSEA Salary Schedule A1,

BE IT FURTHER RESOLVED, that Angela Cavallo, who is permanent as Stock Clerk be moved to Group 11, Step 5 which is \$82,297.00 annually.

RESOLUTIONS

From the Deputy Supervisor's Office

Approve two signs for the Taconic Bridge kiosks, one for the east side and one for the west side

Resolved, that the Town Board approves two signs for the Taconic Bridge kiosks that have been approved by the Parks and Recreation Department and the YTTC to be created and placed on the east and west side of the bridge, The "east" sign explains how the bridge came into being and the "west" sign illustrates how the bridge links the town's three major town parks and makes it possible for the trail to stretch from Strang Boulevard to Lexington Avenue.

Amended Public Hearing Decision for Underhill Farm Landmark Application submitted by the Yorktown Heritage Preservation Commission

WHEREAS, the Heritage Preservation Commission ("HPC") has recommended that the Town Board designate the ±13.8 acre property located at 370 Underhill Avenue Yorktown Heights, New York, Tax Map of the Town of Yorktown as Section: 48.06 Parcel: 1 Lot: 30 ("Property") as a historic landmark pursuant to Chapter 198 of the Town Code: and

WHEREAS, the Property includes a vernacular farmhouse and an Italianate-style main building which comprise the main building ("Main Building"), seven contributing outbuildings and certain landscape features, i.e., parklike lawns, mature trees and vegetation, a small pond, stone walls, and an iron entry gate; and

WHEREAS, on July 17, 2023, the Planning Board passed Resolution #23-13 approving site plan, special use permit, stormwater pollution prevention plan, wetland permit and tree permit for the Underhill Farm Site Plan dated July 17, 2023 (“Site Plan”), which is incorporated herein by reference; and

WHEREAS, prior to approving the Site Plan, the Planning Board referred the application to all appropriate boards and agencies, including the HPC, which issued several reports that were considered by Planning Board, including reports dated 05/26/22, 06/14/22, 06/30/22, 07/06/22, 07/08/22, 07/15/22, 07/22/22, 07/27/22, 08/12/22, 08/15/22, 08/23/22, 09/08/22, 09/15/22, 02/06/23, 02/08/23, 02/20/23, 03/24/23, 04/24/23, 04/26/23, 06/08/23, 06/19/23, 06/28/23, 07/10/23 and 07/17/23, and provided the HPC several opportunities to provide verbal input, which was also considered; and

WHEREAS, prior to approving the Site Plan, the Planning Board held a public informational hearing, several work sessions, and a public hearing to discuss the application; and

WHEREAS, the Site Plan authorizes the owner of the Property to construct a mixed-use development consisting of 80 condominium units including: 48 townhouses, a 32-unit 55+ senior restricted condominium building, and a mixed-use building consisting of 68 apartments and 15,600 square feet of retail/office space that includes 8,100 square foot of new retail space in addition to the reuse and preservation of the existing Main Building.

WHEREAS, the Site Plan requires the Property owner to: (1) share 30 parking spaces adjacent to the Beaveridge Apartments property to be used by those visiting a new proposed Senior Center and Town Recreation Department office to be built on the Beaveridge property; (2) complete all traffic improvements on Underhill Avenue and at the Underhill Avenue and Route 118 (Saw Mill River Road) Intersection; (3) complete the emergency access connection to the Beaveridge Apartments site to operational status; and (4) provide a \$225,000 payment in lieu of recreation space; and

WHEREAS, the Site Plan also requires the Property owner to engage in several steps to address the historic-related elements of the Property, including: (1) submit plan to evaluate the structural integrity of all existing accessory outbuildings; (2) submit plans for the dismantling, salvage, movement or demolition of each accessory outbuilding to be removed including a plan for documenting the buildings including basic historical data collection and the documentation of the structures as recommended by New York State Office of Parks, Recreation and Historic Preservation (“NYS OPRHP”); (3) submit a plan for monitoring excavation by a qualified historic consultant for the identification of artifacts during the excavation phase of construction; (4) final execution of the Letter of Resolution (“LOR”) with the NYS OPRHP; (5) submit plans for stone wall repair and restoration and detail at entry drive and necessary modification to gates, walls or pillars; (6) submit plans for rehabilitation of the Main Building for review and approval by the Planning Board prior to any construction on the building; (7) provide a procedure for dispersal and/or donation of any salvageable buildings or architectural elements that includes public input on this process; and (8) create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible location--the design of this exhibit and location shall be submitted to the Planning Board for their review and approval; and

WHEREAS, the HPC submitted its recommendation to landmark the Property on December 5, 2023; and

WHEREAS, the owner of the Property refused to consent to the designation of the Property as a landmark under Chapter 198 of the Town Code; and

WHEREAS, the Town Board held a duly noticed public hearing on January 30, 2024, where the HPC's recommendation was discussed;

WHEREAS, the HPC presented its rationale for declaring the Property a landmark, including the Main Building, both exterior and interior, seven contributing outbuildings and certain landscape features—parklike lawns, mature trees and vegetation, small pond, stone walls, and iron entry gate; and

WHEREAS, the Town's Building Inspector informed the Board that, based upon inspection, several of the outbuilding on the property were unsafe, and should be condemned and demolished as soon as possible; and

WHEREAS, The Town's Planning Director provided the Town Board with documents detailing the New York State Historic Preservation Office actions conducting the Section 106 proceeding which concluded there were no feasible alternatives to the proposed project and subsequently determined that a Letter of Resolution be adopted and executed which provided for mitigative measures responding to the loss of the outbuildings and other adverse impacts;

WHEREAS, the Town Board closed the public hearing on January 30, 2024, but allowed an extended period for written comment; and

WHEREAS, the Town Board received and reviewed the written comments that were received; and

WHEREAS, the Planning Board submitted a written comment memorandum to the Town Board, which is incorporated herein by reference;

NOW THEREFORE, BE IT RESOLVED, for the reasons discussed herein, at the January 30, 2024 public hearing, and on the record on February 6, 2024, that the Town Board of the Town of Yorktown hereby rejects the HPC's recommendation, subject to the owner of the Property executing, within seven days of the date of this resolution, an agreement with the Town where the owner promises that: (1) Town Board consent will be required before the Main Building may be demolished; (2) except as set forth in the Site Plan (as may be amended from time to time by the Planning Board), the Property's stone wall on Underhill Avenue and N.Y.S. Route 118 (and its associated gates and pillars), entry drive and pond, shall not be materially modified or demolished without the written approval of the Town Board; and (3) any rehabilitation of the Main Building shall be subject to written approval of the Planning Board of the Town of Yorktown.

From the Engineering Department

Authorize Deputy Supervisor to sign an agreement to add a 5th pump station with EDR for Electrical Design Services in the amount of \$45,000.00

WHEREAS, the Town Board originally adopted a resolution on December 3, 2019 authorizing the Town Supervisor to sign a Professional Service Agreement with Environmental Design & Research, D.P.C for the rehabilitation of four (4) wastewater pump stations (Crystal Lake, Hanover East, Mohansic & Salem) to reduce sanitary sewer overflows and the amount of phosphorus entering Hallock's Mill Brook and a Grant was awarded with a 25% applicant match; and

WHEREAS, now it is the wish of the Town Engineer to add Farmwalk Pump Station to the list as it is included in an order on consent that the Town has with the NYSDEC and to which New York State Environmental Facilities Corporation was agreeable to; and

THEREFORE, BE IT RESOLVED upon the recommendation of the Town Engineer Dan Ciarcia, the Deputy Supervisor is authorized to sign an agreement to add a 5th pump station with EDR for Electrical Design Services in the amount of \$45,000.00 and

BE IT FUTHER RESOLVED, the Town Comptroller is hereby authorized to process the following budget transfer to fund the Engineering Services at Farmwalk Pump Station:

From: OS.1002	Osceola Sewer – Fund Balance	\$45,000.00
To: YS.8130.490	Sewer District – Professional Services	\$45,000.00

Authorize release of retainage withheld for the fluoridation project in the amount of \$38,364.86 to ELQ Industries, Inc.

RESOLVED, that upon the recommendation of the Town Engineer, the Town Comptroller is authorized to release the retainage withheld for the fluoridation project in the amount of \$38,364.86 to ELQ Industries, Inc.

From the Highway Department

Extend Bid for Asphaltic Concrete Laid In-Place

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 July 7, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Kect Construction Corporation, PO Box 201, Patterson, NY 12563, now

BE IT FURTHER RESOLOVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place "MILLING" Section of the bid be and is hereby awarded to Intercounty Paving Company, Inc., PO Box 360, Carmel, NY 10512, now

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2024 to July 31, 2025.

Extend Bid for Street Light Maintenance and Repair Services

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

WHEREAS, said bids were received and opened on June 7, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid. To Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2024 to August 14, 2025.

Extend Bid for Cummins Engine OEM Parts

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

WHEREAS, said bids were received and opened on June 2nd, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Cummins Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Diehl & Sons, d/b/a New York Freightliner, 129-01 Atlantic Ave., Richmond Hill, NY 11418.

BE IT FURTHER RESOLVED, the dates of the extension will be June 16, 2024 to June 16, 2025.

Extend Bid for Traffic Light Maintenance and Repair Services

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

WHEREAS, said bids were received and opened on June 7, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Light Maintenance and Repair for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to NY-Conn Corporation, 5 Shelter Rock Road, Suite 8, Danbury, CT 06810

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2024 to August 14, 2025.

Extend Bid for John Deere Construction Equipment OEM Parts

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

WHEREAS, said bids were received and opened on June 9th, 2022,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere Construction Equipment OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Jesco, Inc., 497 Fishkill Avenue, Beacon, NY 12508.

BE IT FURTHER RESOLVED, the dates of the extension will be June 22, 2024 to June 21, 2025.

Extend Bid with Yorktown Autobody for Towing and Emergency Repair Services to Vehicles for an additional twelve (12) months

Resolved, that the Town Board extends bid with Yorktown Autobody for Towing and Emergency Repair Services to Vehicles for an additional period of twelve months (12) months each upon the same terms and conditions as are contained in the License at the said time option is exercised. Extension of License will commence on June 1, 2024 and terminate on May 31, 2025.

Advertise bid for Asphalt Concrete/Liquid Bituminous Materials

RESOLVED, that the Town Clerk is authorized to advertise Bid for Asphalt Concrete/Liquid Bituminous Materials.

Advertise bid for Monthly Rental of Two Horizon Signal Temporary Traffic Lights

RESOLVED, that the Town Clerk is authorized to advertise Bid for Monthly Rental of Two Horizon Signal Temporary Traffic Lights.

From the John C. Hart Memorial Library

Authorize Library Director to execute an annual agreement with Automated Control Logic, for 24-hour on-call computer monitoring of the HVAC equipment, in an amount not to exceed \$5,000.00

RESOLVED, that the Library Director is authorized to execute a two-year agreement with Automated Control Logic, for 24-hour on-call computer monitoring of the library's mission-critical HVAC equipment, in an amount not to exceed \$5,000. The term of the contract will be retroactive from January 2024 through December 2025.

Authorize Library Director to execute an agreement with LibraryMarket for the implementation of an online calendar program

RESOLVED, that the Library Director is authorized to execute an agreement with LibraryMarket for the implementation of an online calendar program called LibraryCalendar which will integrate with our website and replace our existing calendar program which will cease to exist in June 2024. The agreement cost for LibraryCalendar is \$4,000 which includes \$2,000 for implementation and an annual subscription fee of \$2,000. The term of the subscription will be one year from the effective date of implementation.

From the Parks and Recreation Department

Advertise bid for the Pool Pump and Motor Rebuild at the Brian J. Slavin Aquatic Facility at Shrub Oak Park

RESOLVED, that the Town Clerk is authorized to advertise Bid for the Pool Pump and Motor Rebuild at the Brian J. Slavin Aquatic Facility at Shrub Oak Park.

Authorize Deputy Supervisor to sign agreements with the Senior Clubs

Resolved, that the Deputy Supervisor is authorized to sign agreements with the following Senior Clubs:

Jefferson Owners Foundation
AARP Chapter 3297
Shrub Oak Senior Citizens Club
St. Patrick's Seniors
Friends of Jefferson

From the Water Department

Authorized Deputy Supervisor to sign an agreement with Woodard & Curran Engineering and Geological Services, P.A. P.C to assist the Water District in provide engineering services to the Water Department for a total cost of \$115,000.00

WHEREAS, the Yorktown Consolidated Water District's French Hill water tank is a 3.0-million-gallon steel potable water storage tank located at 1700 Darby Street in Yorktown; and

WHEREAS, in January 2021 the tank exterior and interior were inspected by CorrTech and a subsequent inspection report was drafted that identified deficiencies which included coating delamination and corrosion on the shell and roof of the tank; minor surface corrosion along the roof lap seams and submerged shell plates on the exterior of the tank; accumulated 1.5" layer of sediment across the floor of the tank; no stainless steel 24 mesh bug screen installed on the overflow and vent; no self-closing swing gates on railing openings and platform pass through openings; and no cathodic protection system installed; and

WHEREAS, within a November 22, 2022 letter from the Westchester County Department of Health (WCDOH), a schedule of rehabilitation was requested; and

WHEREAS, to remedy these items of concern, the Town of Yorktown would like to solicit bids to recoat the exterior and interior of the French Hill tank and perform various other improvements as per the inspection report; and

WHEREAS, Northern Westchester Joint Water Works (NWJWW) and the Town of Somers also need to have their water tanks rehabbed and would like to solicit bids together with the Town of Yorktown as a joint project; and

WHEREAS, in accordance with the Town of Yorktown procurement procedures, the Yorktown Water District received proposals from three (3) engineering firms to develop design plans and specifications to address the deficiencies and provide permitting, bid, and construction phase engineering services to assist the Water District in rehabilitating the tank to stay in compliance with the WCDOH; and

WHEREAS, the following firms provided written proposals to the Yorktown Water District:

Weston & Sampson, PE, LS, LA, Architects, PC	\$101,400.00
1 Winners Circle, Suite 130	
Albany, NY 12205	

