

### Town of Yorktown

Office of the Town Clerk

#### FINAL TOWN BOARD AGENDA

November 12, 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):

#### **LITIGATION & NEGOTIATION**

Town Attorney

#### 8:00 PM WORK SESSION DISCUSSION ITEMS

Economic and Business Revitalization Committee – Branding Pump Station Rehab Project Construction status update NYSERDA – Battery Storage Battery Storage – Planning Director John Tegeder

#### RESOLUTIONS

#### From the Albert A. Capellini Community and Cultural Center

Approve waiving of rent fees for use of room(s) at the Albert A. Capellini Community and Cultural Center by Drug Crisis in our Back Yard

Be It Resolved, that based on a request from Drug Crisis in Our Back Yard, a community-based 501(c)(3) non-profit organization offering education and action-oriented opportunities for families and individuals struggling with addiction, the Town Board hereby waves the rent fees of \$897.00 for 23 one and one half hour sessions in room 26 at the Albert A Capellini Community & Cultural Center beginning in January 2020 through December 2020.

# Authorize Supervisor to sign a Lease Agreement with Corporate Children's Center Consultants, Inc. (Bright Beginnings) for use of room(s) at the Albert A. Capellini Community and Cultural Center

WHEREAS, Corporate Children's Center Consultants Inc., a for profit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

### Authorize Supervisor to sign a Lease Agreement with Yorktown Community Help for use of room(s) at the Albert A. Capellini Community and Cultural Center

WHEREAS, Yorktown Community Help Inc., a nonprofit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

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sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

### Authorize Supervisor to sign a Lease Agreement with Yorktown Teen Center for use of room(s) at the Albert A. Capellini Community and Cultural Center

WHEREAS, The Yorktown Teen Center Inc., a New York nonprofit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

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## Authorize Supervisor to sign a Lease Agreement with Yorktown Stage, Inc. for use of Room 12 at the Albert A. Capellini Community and Cultural Center

WHEREAS, Yorktown Stage Inc., a nonprofit corporation ("Tenant"), wishes to lease from the Town of Yorktown Room 12 within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

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## Authorize Supervisor to sign a Lease Agreement with Westchester Community Opportunity Program, Inc. (Head Start) for use of room(s) at the Albert A. Capellini Community and Cultural Center

WHEREAS, Westchester Community Opportunity Program Inc. (Head Start), a New York not for profit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

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#### From Section 8 Housing Office

## Authorize Comptroller to pay MRI Software, LLC for the Happy Software License and support agreement with Section 8 Office

RESOLVED, that the Town Comptroller is authorized to pay MRI Software, LLC for the Happy Software one year license and support for computer software provided to the Section 8 Office, in the amount of \$6,279.49 for the period from February 1, 2020 through January 31, 2021. The payment amount is \$6,279.49 as shown on the invoice dated November 03, 2019.

#### From the Town Attorney

### Authorize Supervisor to sign a fifth amendment to the Professional Services Agreement with Town Prosecutor Ingrid O'Sullivan

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a fifth amendment to the professional services agreement with Ingrid O'Sullivan dated March 16, 2012, as amended by a First Amendment Agreement dated April 26, 2013, for town prosecutor services, to extend the contract on the same terms for two years, from January 1, 2020 to December 31, 2021.

## Authorize Supervisor to execute a Revocable License Agreement with Shrub Oak International School to allow the Town of Yorktown access to portions of the Shrub Oak International School's premises

RESOLVED, the Town Board authorizes the Supervisor to execute a Revocable License Agreement with Shrub Oak International School to allow the Town of Yorktown to access portions of the Shrub Oak International School's premises for the Purpose of allowing motor vehicles to park in ADA compliant parking spots and access the all-inclusive playground and pavilion area. There are no fees for this revocable license agreement.

#### From the Town Clerk

### Authorization to waive Local Marriage License fees for Active Duty members of the Armed Forces

Whereas, On August 20, 2019 Governor Cuomo passed a law waiving the State Fee on Marriage Licenses for Active Duty members of the Armed Forces,

Whereas, the Town Clerk would like to waive the Local Fee on Marriage Licenses for Active Duty members of the Armed Forces, Now

Therefore, Be It Resolved, that authorization is granted to waive the Town of Yorktown's portion of the Marriage License fee of \$17.50 for Active Duty members of the Armed Forces.

Authorize Town Clerk to advertise Preliminary Budget Public Hearing for the Year 2020 NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1<sup>st</sup>, 2020 has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue in Yorktown Heights, in the said Town where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning November 20, 2019, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 3<sup>rd</sup> day of December, 2019 at 6:30 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person shall be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and The 2020 Preliminary Proposed General Budget totals \$59,808,696 representing an increase of \$1,244,516.00 from the 2019 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$102,680.00
Superintendent of Highways -	\$126,181.00
Town Justice (2) -	\$ 33,126.00

#### From the Town Comptroller

Authorize the Comptroller to process the following budget transfers – Legal Department Resolved, the Comptroller is hereby authorized to process the following budget transfers:

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A1420.425	Legal Labor Counsel Retainer	\$28,800.00
A1420.426.2	Legal Planning/Zoning Retainer	\$21,600.00
A1420.439	Legal Outside Counsel Fees	\$ 6,832.00

To:		
A1420.490	Legal Professional Services	\$57,222.00

for the payment to Oxman Tulis Kirkpatrick Whyatt & Geiger LLP for legal services from September through December 2019.

**Authorize the Comptroller to process the following budget transfers – Sewer Department** Resolved, the Comptroller to process the following budget transfers:

From:

YS8130.456.1 \$7,000 Chemical Supply Plant DEP

YS8130.402 \$6,000 Department Supplies

TO:

YS8130.456 \$13,000 Chemical Supply Plant

#### From Town Engineer

Authorize Comptroller to process the following Budget Transfer - Water Pollution **Control Plant UV System Microfiltration Building** WHEREAS,

1. The Sewer Department wishes to purchase additional spare parts, i.e. ultraviolet lamps and parts to operate the Trojan 3000 Plus UV system in the Microfiltration Building using available funds in the Sewer Fund.

- 2. The Sewer Department also wishes to order year-end chemical deliveries using available funds in the Sewer Fund.
- 3. In order to proceed with the above purchases, we need the Comptroller to perform the following budget transfers:
  - \$15,500 from YS.8130.408.2 Fuel Oil/DEP into YS.8130.418.2 Equipment Maintenance DEP
  - \$27,500 from YS.8130.456.1 Chemical Supply Plant DEP into YS.8130.456 Chemical Supply Plant
  - \$12,500 from YS.8130.101 Salaries into YS.8130.456 Chemical Supply Plant
- 4. The Town Engineer confirmed with the Comptroller that there are adequate funds available to make the requested transfers.

RESOLVED, the Town Board authorizes the Comptroller to make the following budget transfers:

- \$15,500 from YS.8130.408.2 Fuel Oil/DEP into YS.8130.418.2 Equipment Maintenance DEP
- \$27,500 from YS.8130.456.1 Chemical Supply Plant DEP into YS.8130.456 Chemical Supply Plant
- \$12,500 from YS.8130.101 Salaries into YS.8130.456 Chemical Supply Plant

## Authorize Town Supervisor to Sign letter for the Featherbed Subdivision, 1805 Jacob Road for Town Water & Sewer Extension Applications to Regulatory Agencies WHEREAS.

- 1. The Featherbed Subdivision, 1805 Jacob Road, received final approval for a 6-lot subdivision from the Yorktown Planning Board on 11/19/18, Resolution #18-23.
- 2. This project will require extension of the Town water main that runs along Jacob Road/intersection with Catherine Street. The Developer will install a new water main along the private roadway and extend a service connection to the property line of each of the newly created building lots.
- 3. As part of the project the Developer will also install approximately 1,400 linear feet of low pressure sewer force main along the private roadway and extending along Catherine Street to connect to an existing sanitary manhole. We note this parcel was the subject of a recent extension of the Hunterbrook Sewer District and wastewater treatment will be provided at the County-owned Peekskill plant.
- 4. The new water and sewer infrastructure will be installed at developer expense with inspection oversight provided by the Town. For the work occurring along the private roadway, the Developer will provide the Town with utility easements, which shall be subject to review and approval by the Town Attorney.
- 5. Once constructed, the new water and sewer infrastructure would be dedicated to the Town and the Town will be responsible for long-term operation and maintenance.

6. In order to submit the Town water and sewer extensions for approval by the Westchester County Health Department, the New York State Department of Environmental Conservation and/or the New York City Department of Environmental Protection, a Letter of Authorization from the Town is required.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Letter of Authorization for the Featherbed Subdivision, 1805 Jacob Road that will authorize the Applicant's Project Engineer to submit engineering plans and associated application documents for Town water and sewer extensions to the appropriate regulatory authorities.

### Authorize Comptroller to release Bond #BSWPPP-078-12 - Anderson - Croton Lake Road

#### WHEREAS,

- 1. Gregg Anderson as applicant, posted \$300 cash to serve as the Erosion Control Bond which was deposited to the T33 account on October 26, 2012 for installation of a pool at 1695 Croton Lake Road.
- 2. Gregg Anderson as applicant has requested monies be released as the project work 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, that the above referenced monies totaling \$300 be and are hereby released to Mr. & Mrs. Gregg Anderson, 8 Van Wyck Street, Croton on Hudson NY 10520.

#### **From the Highway Department**

#### Authorize Town Clerk to advertise a bid for Stone, Gravel and Concrete Materials for the Highway Department

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on December 9, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Stone, Gravel and Concrete Materials Bid – Year 2020 - Highway Department. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

### Authorize additional emergency expenditure of \$2,250.00 for repaving a portion of Route 35 due to a water main break

Whereas, the Yorktown Highway Department solicited a quote from Intercounty Paving Company in the amount of \$14,750.00 for the milling and paving of a section of Route 35 to repair damage caused by a water main break. While onsite at the time of remediation, the New York State Department of Transportation required an additional 4" of top coat (asphalt) causing the total cost of this project to increase to \$17,000.

Now, Therefore Be It Resolved, the Town Board authorizes the additional emergency expenditure of \$2,250.00 required by the New York State Department of Transportation for a total payment of \$17,000.00 to Intercounty Paving Company.

#### From the Human Resources Department

Authorize Supervisor to sign a Professional Services Agreement with Bond, Schoeneck & King, PLLC for conducting Workplace Violence Prevention Training Sessions

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign a Professional Services Agreement between the Town of Yorktown and Bond, Schoeneck & King, PLLC, located at 1010 Franklin Avenue, Garden City, New York for the purpose of conducting Workplace Violence Prevention Training Sessions in the Town of Yorktown.

#### **From the Water Department**

Award the Bid for Water Maintenance Materials for the Water Department

WHEREAS, invitation to bid for the Water Maintenance Materials was duly advertised, and

WHEREAS, said bids were received and opened on October 11, 2019, and

RESOLVED, that upon the recommendation of the Distribution Superintendent, Ken Rundle, the bid for the Water Maintenance Materials be hereby awarded to:

Item 1: Kennedy K81 AW Screw-in Hydrants – Schmidt's Wholesale:

4 ½" 5 ft.	4 ½" 6 ft.	5 1/4" 5 ft.	5 ¼" 6 ft.
\$2,800,31	\$2,941,64	\$2,884,43	\$3,030,81

Item 1A: Mueller A421 & A423 Hydrants Ductile Iron – Schmidt's Wholesale:

Item 2: Mueller/Kennedy Resilient Wedge MJ DI Gate Valve – Core & Main LP:

Item 2A: Powerseal Cut-In Sleeve Model #3520 w/kit - Schmidt's Wholesale:

Item 3: Smith Blair Style 441 Malleable Iron Couplings – Carmel Winwater:

<u>6"</u>	<u>8''</u>	<u>10"</u>	<u>12"</u>	<u>16"</u>	<u>24"</u>
\$72.69	\$99.83	\$131.94	\$159.98	\$294.58	No Bid

#### Item 4: Powerseal Repair Couplings (3121AS) -

Carmel Winwater (Smith Blair 261 SS clamps):  $\frac{2"x8"}{$36.73}$   $\frac{2"x10"}{$49.96}$ 

Schmidt's Wholesale: 2"x12" 6"x8" 6"x10" 6"x12" \$55.65 \$48.96 \$66.70 \$71.74

8"x8" 8"x12" 10"x12" 12"x12" 16"x16" 24"x16" \$57.23 \$80.76 \$92.74 \$96.41 \$245.30 \$389.60

Item 4A: Powerseal Repair Couplings (3131AS w/1"cc) - Schmidt's Wholesale:

<u>2"x8"</u> <u>2"x10"</u> <u>2"x12"</u> <u>6"x8"</u> <u>6"x10"</u> <u>6"x12"</u> \$51.00 \$64.04 \$68.42 \$61.74 \$79.48 \$84.52

8"x8" 8"x12" 10"x12" 12"x12" 16"x16" 24"x16" \$69.99 \$93.54 \$105.52 \$109.19 \$258.07 \$402.36

Item 5: Cement Lined Ductile Pipe Push-on Joint (price per foot) – Core & Main LP:

<u>6"</u> <u>8"</u> <u>10"</u> <u>12"</u> <u>16"</u> <u>24"</u> \$16.70 \$23.50 \$30.70 \$38.85 \$55.95 \$92.00

Item 6: Type K Copper Water Tube (price per foot) – Core & Main LP:

34" 1" 114 112" 2" \$4 90 \$6 50 \$7 65 \$10 65 \$16 55

Item 7: Mueller Curb Stops (H15214N) – Core & Main LP:

3<u>4"</u> 1" 1 1 1 1 2 2" 663.40 \$104.75 \$161.65 \$229.30 \$373.10

Item 7A: Mueller Corporations Mueller (H15000N) – Core & Main LP:

34" 1" 1 14" 1 12" 2" 2" \$30.05 \$45.90 \$138.10 \$131.70 \$241.60

Item 7B: Mueller Curb Stop Mueller (H15219N) – Core & Main LP:

3<u>4"</u> 1" 1 1 1 2 2" \$69.15 \$112.20 \$228.45 \$339.45

Item 7C: Mueller Corporations Mueller (H15008N) – Core & Main LP:

Item 7D: Mueller Corporations Mueller (H15013N) -

Item 7E: Mueller 3 Pt Flare/Flare (H15400N) –

Core & Main LP: 
$$\frac{34"}{\$15.95}$$
  $\frac{1"}{\$29.05}$   $\frac{1 \frac{14}{4}"}{\$60.00}$   $\frac{1 \frac{1}{2}"}{\$87.75}$ 

Item 7F: Mueller Comp Union (H15403N) – Core & Main LP:

Item 8: Mueller Curb/bx Ext. Type w/Rods - Carmel Winwater (General Foundry):

Item 9: 5' Main Valve/Bx Slide/Lid Mark/Water - Schmidt's Wholesale: \$61.45

Item 9A: Main Valve Box Tops 2' – Schmidt's Wholesale: \$25.70

Item 9B: Main Valve Box Lids/Marked Water 5 ¼" – Carmel Winwater & Core & Main LP: \$8.50

Item 10: Fixed Valve Box Riser or Rite Heights –

Carmel Winwater: 
$$\frac{1"}{$4.75}$$
  $\frac{1\frac{1}{2}"}{$6.49}$ 

Item 11: Hymax Couplings (Series 2000) - Core & Main LP:

Item 12: Mueller (or approved equal) Safety Flange Repair Kit – Carmel Winwater:

Item 13: Kennedy (or approved equal) Collision Repair Kit (#K8149) – Carmel Winwater:

Item 13A: Mueller (or approved equal) Super Centurion Fire Hydrant Extension Kit - Carmel Winwater:

Item 13B: Heavy Duty Fiberglass Hydrant Markers 5 ft. Standard Marker Flat Bracket w/spring – Schmidt's Wholesale: \$21.94

Item 14: Curb Box Extension w/Set Screw 1" Box -

Item 14A: Mueller Curb Box Lids Two-hole H10310-89982 – Carmel Winwater (General Foundry): \$6.25

Item 15: Foster Adaptor (Mechanical Joint Adaptors) - Core & Main LP:

Item 16: Positive Displacement Meters – Core & Main LP:

Indoor Set	Outdoor Set	Indoor Set	Outdoor Set
MXU M2 sp/tc	MXU M2 pit sp/tc	MXU M2 sp/tc	MXU M2 pit sp/tc
hr/leak det. 510	hr/leak det. 520	hr/leak det. 510	hr/leak det. 520
\$349.90	\$358.90	\$466.20	\$474.30

Item 17: 510M Smartpoint M2 TC SP Single Port Touch Coupler (House MXU only) - Core & Main LP: \$180.30

Item 18: 5250M Smartpoint M2 Pit Ver. Single Port Touch Coupler (Meter Pit MXU only) - Core & Main LP: \$189.30

Item 19: IPERL Smart Water Meter (Electromagnetic Flow Measure System) – Core & Main LP:

Item 20: 20" Round Meter Pit Covers with Remote Hole: - Core & Main LP: \$140.00

Item 21: 2" Extension Ring - Core & Main LP: \$89.45

Item 22: Stargrip Series 3000 Mechanical Joint Wedge Action Restraining Glands with Accessory Pack - Core & Main LP:

Item 23: Anti Rotation T-Bolts – Core & Main LP:

Authorize Comptroller to process the following Budget Transfer for the Water Department

FURTHER RESOLVED, said bid shall remain in effect with a fixed price for a binding period of one (1) year after November 12, 2019

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

Transfer \$20,000 from the Water Department Salaries line (SW.8340.0101) to the Water Department Overtime line (SW.8340.0105) to cover overtime for leak detection and emergencies for the remainder of the year.

#### **ADJOURN MEETING**

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.