

Meeting of the Town Board, Town of Yorktown held on Tuesday, November 12, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
 Alice E. Roker, Deputy Supervisor
 Vishnu V. Patel, Councilman
 Thomas P. Diana, Councilman
 Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
 Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

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

Supervisor Gilbert congratulated Matt Slater upon his win as Town Supervisor and said he would do all he could to help with the transition for the good of the Town. Matt Slater thanked Supervisor Gilbert for his graciousness and courtesy.

NYSERDA – BATTERY STORAGE

Candace Rossi, a member of NYSERDA’s Clean Energy Siting Team, explained to the Board that this team is responsible for working with local governments across the state to help them develop a permitting process, adopt policies on a local level to help manage the clean energy developments (solar power, battery energy storage) that are happening across the state. They have developed a Battery Energy Storage Guidebook, which has a model law as well as a residential permit, and an inspection checklist. They have also worked very closely with the New York Department of State to adopt an emergency ruling, which is now a permanent ruling, to update the fire code from the 2015 to the 2019 Energy Storage Supplement that is now considered the most stringent code for battery energy storage systems across the nation. NYSERDA wants to make sure that since battery energy storage facilities projects are in the near future, they are installed in the safest way possible and up to the highest code possible.

Ms. Rossi, along with Paul Rogers, a contractor who currently works with NYSERDA and who is also a retired NYC firefighter who worked for five years in installation safety within the NYC area and helped with the creation of the International Fire Code 2021 that is currently being used by New York State, answered questions and safety concerns from the Board regarding battery energy storage facilities and addressed possible scenarios.

A representative from IPP Solar who has a proposed battery energy storage project for the Town spoke about the merits of his company and the value of the proposed project. His company installed the solar panels at the Staples Shopping Center approximately 5 years ago. In light of the energy strategy Governor Cuomo has developed to promote alternatives and particularly energy storage, the proposed battery energy storage project is meant to essentially provide energy to the Staples Shopping Center in order to help the landlord to reduce his energy needs; it also comes coupled with the Tesla Superchargers that were installed a few months ago for electric cars. He also said a project such as this has a lot of marketing value. IPP Solar has received approval from Con Edison for the battery storage and the project also benefits from incentives offered by NYSERDA so it must comply with their rules, as well.

Councilwoman Roker raised the concern that the Town’s firefighters need to be trained on handling potential fires from the battery energy and that this needs to be done prior to the installation of any facility. The IPP Solar representative said he understood that this was one of the conditions for them to move forward with their application.

John Tegeder, Director of Planning, said that it would probably be best to make this a condition of the approval prior to the installation/activation of the facility. A discussion of training procedures and the properties of the type of lithium that is used in the battery energy storage took place with the Board.

Supervisor Gilbert asked NYSERDA about insurance requirements within the law that in order to install these types of facilities for the sake of the community. Mr. Rogers stated that the insurance companies that insure the facilities are usually more restrictive than the actual codes.

A representative from IPP Solar said their project will be fully insured and the system, once complete, will be owned by the property owner who will also have insurance.

Jordan Frye, attorney from Snyder & Snyder, who represents Yorktown Energy Storage One (Borego) who has an application for a battery energy storage facility on Gomer Court mentioned to NYSERDA that their application was filed in July and has been before several Town Boards. Supervisor Gilbert said that this application was not on for discussion this evening, IPP Solar's application is being discussed as an accessory use, which is different from Mr. Frye's client that is a primary use. Mr. Frye said that Borego has confirmed that they will comply with NYSERDA's code and has offered to do fire training for Town first responders. He raised the issue of the proposed moratorium and said they are concerned about the delay. Mr. Frye asked the Board to consider not having Borego as part of the moratorium.

Members of the Town Board expressed the necessity of getting this law right, not just for energy conservation but also for residents who live in the area of these facilities.

Mr. Tegeder said he was hoping to get everyone in a similar mindset of where to go so progress can be made in furthering the proposed law. Rich Fon, Chairman of the Planning Board, said the planning board is comfortable with this application (IPP Solar) but wanted the Town Board to understand that the codes that NYSERDA refers to are minimum codes that can be built better and added to under Town Code. Mr. Tegeder said the proposed law is based on the model code from the state and this application (IPP Solar) complies with this code, as is.

ECONOMIC AND BUSINESS REVITALIZATION COMMITTEE – BRANDING

Renee Fogerty and Kathy Quinn from the Economic and Business Revitalization Committee came before the Board in order to proceed with choosing a final firm for the branding campaign. She asked the Board if they were ready to pick a vendor for the project. Supervisor Gilbert said that approximately \$50,000 has been set aside in the 2020 budget for the campaign. He said there were questions regarding the range of the costs between the two finalists. Ms. Quinn said the implementation costs of the two finalists were in the range of \$30,000 to \$50,000 per year depending upon the focus. The first year, for either of the candidates, would be a \$30,000 fee to do the actual branding. Another recommendation was for the Town to select an Economic and Business Coordinator who would then be responsible for doing the implementation, marketing, etc. Councilman Lachterman said he was not in favor of the Town creating a position and hiring a consultant. Ms. Quinn clarified that the branding could be done by the consulting company and the implementation could be done by a newly created Town position – the use of both simultaneously. Ms. Quinn asked if the Board could take a vote on the two finalists. Councilman Lachterman said he was not ready to vote yet.

Director of Planning John Tegeder said regardless of the implementation, the most important piece on which to spend money in his view is the initial branding process. Those are the items that grab people's attention and stick in their memory. Ms. Fogerty said the strategic plan is also very important to understand where the money is best spent.

Ms. Quinn said the ERBC felt an economic and business coordinator position could be looked at for the future but settling on the branding piece is most important.

PUMP STATION REHAB PROJECT CONSTRUCTION STATUS UPDATE

Town Engineer Michael Quinn gave an update on the pump station jobs being done: Walden Woods, Jefferson Park, and Jefferson Valley. He said the contract for the project was awarded in two parts: one contract to a general contractor and one to an electrical contractor. The contract end date was supposed to be in August; however, there have been delays and currently the Walden Woods Pump Station's equipment has been installed and tested and they are ready to officially

turn it on and run it in the next couple of days. Once the new station has been up and running for about a week, they will get back to removing the old station.

Mr. Quinn said the new equipment is installed at the Jefferson Valley Pump Station and they expect to start their testing in about a week. He projected that this station will be completed by mid-December.

Mr. Quinn said Jefferson Park was delayed the longest because of contaminated material that had to be excavated. The new station was brought in a few weeks ago and testing will be done over the next month. The physical construction of the stations will be done by the end of the year. Mr. Quinn said GHD, the consultant the Town is using, originally signed an agreement in March of 2015 to do all of the engineering design and the construction oversight. At this time, their budget is used up and they are asking for additional funds to have sight supervision and office work in the amount of \$21,850 per month and are recommending the Town increase the value of the agreement (i.e., an amendment) for \$87,000. Councilwoman Roker said she would like to hear from GHD directly for an explanation of the delays that have occurred during the project. Councilman Diana asked if any of the inspections can be done in-house. Ed Mahoney, Assistant Superintendent – Wastewater Treatment Plant, said at this point this not be a good idea since the Town has had KJM Management out there since day one and knows exactly what needs to be done. The nature of the delays was discussed with the Board. Mr. Quinn said he believed that GHD has done a good job on the project, especially since this was awarded in 2015 and was budgeted for nine months of construction that would have ended in July 2019. The job is running longer than anticipated.

Supervisor Gilbert asked Mr. Quinn to set up a presentation with a GHD representative to discuss the project.

Mr. Quinn proceeded to review two resolutions on the agenda. He said the first resolution is for the Featherbed Subdivision (1805 Jacob Road). Mr. Quinn said the developers are extending water and sewer service to get to the property lines of the six new lots and this will require Department of Health approval. The second resolution is for a budget transfer of 2019 funds regarding a chemical purchase.

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

RESOLUTION #403

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

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.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye

Resolution adopted.

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

RESOLUTION #404

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

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.

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

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
RESOLUTION #405

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

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

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.

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

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
RESOLUTION #406

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

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

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.

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

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
RESOLUTION #407

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

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

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.

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

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
RESOLUTION #408

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

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

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.

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

AUTHORIZE COMPTROLLER TO PAY MRI SOFTWARE, LLC FOR THE HAPPY SOFTWARE LICENSE AND SUPPORT AGREEMENT WITH SECTION 8 OFFICE
RESOLUTION #409

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

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.

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

AUTHORIZE SUPERVISOR TO SIGN A FIFTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TOWN PROSECUTOR INGRID O’SULLIVAN
RESOLUTION #410

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

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.

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

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 RESOLUTION #411

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

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.

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

AUTHORIZATION TO WAIVE LOCAL MARRIAGE LICENSE FEES FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES RESOLUTION #412

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

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.

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

AUTHORIZE TOWN CLERK TO ADVERTISE PRELIMINARY BUDGET PUBLIC HEARING FOR THE YEAR 2020 RESOLUTION #413

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

Notice Is Hereby Given, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1st, 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 3rd 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

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS – LEGAL DEPARTMENT
RESOLUTION #414

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

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

From:

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

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS – SEWER DEPARTMENT
RESOLUTION #415

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

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER – WATER POLLUTION CONTROL PLANT UV SYSTEM MICROFILTRATION BUILDING
RESOLUTION #416

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

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
 - \$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

- \$12,500 from YS.8130.101 Salaries into YS.8130.456 Chemical Supply Plant

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

AUTHORIZE TOWN SUPERVISOR TO SIGN LETTER FOR THE FEATHERBED
SUBDIVISION, 1805 JACOB ROAD FOR TOWN WATER & SEWER EXTENSION
APPLICATIONS TO REGULATORY AGENCIES
RESOLUTION #417

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

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.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-078-12 – ANDERSON -
CROTON LAKE ROAD
RESOLUTION #418

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

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.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A BID FOR STONE, GRAVEL AND CONCRETE MATERIALS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #419

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

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.

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

AUTHORIZE ADDITIONAL EMERGENCY EXPENDITURE OF \$2,250.00 FOR REPAVING A PORTION OF ROUTE 35 DUE TO A WATER MAIN BREAK
RESOLUTION #420

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

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.

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH BOND, SCHOENECK & KING, PLLC FOR CONDUCTING WORKPLACE VIOLENCE PREVENTION TRAINING SESSIONS
RESOLUTION #421

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

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.

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

AWARD THE BID FOR WATER MAINTENANCE MATERIALS FOR THE WATER DEPARTMENT
RESOLUTION #422

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

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:

<u>4 ½” 5 ft.</u>	<u>4 ½” 6 ft.</u>	<u>5 ¼” 5 ft.</u>	<u>5 ¼” 6 ft.</u>
\$2,800.31	\$2,941.64	\$2,884.43	\$3,030.81

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

<u>4 ½” 5 ft.</u>	<u>4 ½” 6 ft.</u>	<u>5 ¼” 5 ft.</u>	<u>5 ¼” 6 ft.</u>
\$2,307.31	\$2,390.74	\$2,437.90	\$2,539.20

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

<u>6”</u>	<u>8”</u>	<u>10”</u>	<u>12”</u>	<u>16”</u>	<u>24”</u>
\$673.05	\$1,060.95	\$1,646.65	\$2,094.00	\$6,931.20	\$19,244.90

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

<u>4”</u>	<u>6”</u>	<u>8”</u>	<u>10”</u>	<u>12”</u>
\$164.00	\$288.20	\$310.40	\$454.03	\$452.67

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):	<u>2”x8”</u>	<u>2”x10”</u>
	\$36.73	\$49.96

Schmidt’s Wholesale:	<u>2”x12”</u>	<u>6”x8”</u>	<u>6”x10”</u>	<u>6”x12”</u>
	\$55.65	\$48.96	\$66.70	\$71.74

<u>8”x8”</u>	<u>8”x12”</u>	<u>10”x12”</u>	<u>12”x12”</u>	<u>16”x16”</u>	<u>24”x16”</u>
\$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

<u>8”x8”</u>	<u>8”x12”</u>	<u>10”x12”</u>	<u>12”x12”</u>	<u>16”x16”</u>	<u>24”x16”</u>
\$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:

<u>¾”</u>	<u>1”</u>	<u>1 ¼”</u>	<u>1 ½”</u>	<u>2”</u>
\$4.90	\$6.50	\$7.65	\$10.65	\$16.55

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

<u>¾”</u>	<u>1”</u>	<u>1 ¼”</u>	<u>1 ½”</u>	<u>2”</u>
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\$63.40 \$104.75 \$161.65 \$229.30 \$373.10

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

3/4" 1" 1 1/4" 1 1/2" 2"
\$30.05 \$45.90 \$138.10 \$131.70 \$241.60

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

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

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

3/4" 1"
\$32.25 \$48.85

Item 7D: Mueller Corporations Mueller (H15013N) –

Core & Main LP: 1 1/2"
\$142.95

Schmidt's Wholesale: 2"
\$238.63

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

Core & Main LP: 3/4" 1" 1 1/4" 1 1/2"
\$15.95 \$29.05 \$60.00 \$87.75

Schmidt's Wholesale: 2"
\$97.24

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

3/4" 1" 1 1/4" 1 1/2" 2"
\$18.00 \$19.65 \$56.25 \$69.30 \$93.55

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

H10386 H10314
\$36.00 \$24.60

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 1/4" – Carmel Winwater & Core & Main LP: \$8.50

Item 10: Fixed Valve Box Riser or Rite Heights –

Carmel Winwater: 1" 1 1/2"
\$4.75 \$6.49

Schmidt's Wholesale: 2"
\$7.82

Core & Main LP: 3"
\$11.40

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

<u>2"</u>	<u>4"</u>	<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>	<u>16"</u>	<u>24"</u>
\$86.50	\$146.25	\$193.70	\$218.65	\$281.30	\$332.05	\$909.25	\$1,230.15

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

<u>(Hydrant Repair Parts Inc. brand)</u>	
<u>A300 4 ½ MVO</u>	<u>A301 5 ¼ MVO</u>
\$115.00	\$122.00

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

<u>(Hydrant Repair Parts Inc. brand)</u>	
<u>4 ½ MVO</u>	<u>5 ¼ MVO</u>
\$119.00	\$119.00

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

<u>(Hydrant Repair Parts Inc. brand)</u>		
<u>A319 4 ½ MVO</u>		
<u>6"</u>	<u>12"</u>	<u>18"</u>
\$238.00	\$278.00	\$310.00

<u>(Hydrant Repair Parts Inc. brand)</u>		
<u>A320 5 1/4 MVO</u>		
<u>6"</u>	<u>12"</u>	<u>18"</u>
\$274.00	\$313.00	\$364.00

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 -

Core & Main LP:	<u>3"</u>	<u>6"</u>
	\$5.00	\$6.45

Carmel Winwater:	<u>9"</u>	<u>12"</u>
	\$7.35	\$7.95

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:

<u>4"</u>	<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>
\$62.70	\$79.75	\$118.05	\$175.50	\$180.80

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

<u>5/8"x3/4"</u>		<u>1"</u>	
<u>Indoor Set</u>	<u>Outdoor Set</u>	<u>Indoor Set</u>	<u>Outdoor Set</u>
<u>MXU M2 sp/tc</u>	<u>MXU M2 pit sp/tc</u>	<u>MXU M2 sp/tc</u>	<u>MXU M2 pit sp/tc</u>
<u>hr/leak det. 510</u>	<u>hr/leak det. 520</u>	<u>hr/leak det. 510</u>	<u>hr/leak det. 520</u>
\$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:

<u>5/8"x3/4"</u>	<u>1"</u>
\$165.15	\$237.95

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:

<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>
\$31.10	\$42.40	\$60.30	\$81.05

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

<u>3/4" x 4"</u>	<u>3/4" x 6"</u>
\$5.50	\$8.50

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

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
FOR THE WATER DEPARTMENT
RESOLUTION #423

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

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.

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

ADJOURN MEETING

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board meeting was adjourned.

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