

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, June 2, 2020 held in Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney
John Tegeder, Planning Director
David Paganelli, Superintendent of Highways

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Police Chief Robert Noble led the Pledge of Allegiance

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to pray for George Floyd and to pray for those who are victims of racism, discrimination, and violence, as well as the men and women of law enforcement who put their lives on the line every day to serve our community and to protect our residents. Supervisor Slater asked for prayers to heal those suffering the perils of the coronavirus and the current civil unrest.

Supervisor Slater stated that a resolution to follow would be read condemning the death of George Floyd and rejecting all forms of racism, discrimination, and oppression. He said Chief Noble, as well as some of the Council members would like to say a few words.

Police Chief Robert Noble stated that he condemned the death of George Floyd on May 25, 2020 at the hands of the Minneapolis police who were handling his arrest. He expressed his anger, sadness, and frustration after watching the George Floyd video. He stated that any police officer, who did not feel troubled after seeing the video, should consider another profession. He said the vast majority of law enforcement professionals want to make a positive impression in their communities, which they do. Chief Noble said that, unfortunately, the actions of a few sometimes tarnish the reputation of many.

Chief Noble stated that those who live in Yorktown know the police's position of communication being critical to an effective and empathetic police force and he feels they have demonstrated that over the years.

He thanked the Supervisor and the Town Board for letting him speak this evening to represent his agency and his profession. Chief Noble stated he has always said that Yorktown is a special place to live, work, and raise a family – it is what has and still draws people to Yorktown. The Yorktown Police Department is a source of pride for the community. He said that the police department has achieved the State's Criminal Justice Service Accreditation status, which only approximately 29% of police departments in New York States have attained and maintain that level of professionalism. Yorktown's police department is a professional police department and said that the YPD will remain a law enforcement agency on the right side of justice.

Chief Noble said that de-escalation is spoken of a great deal in law enforcement; in his agency de-escalation is not only a tactic but a goal. He said given the death and destruction that has taken place in the country in the last week, we need to de-escalate; take a step back. He stated: "On behalf of the Town of Yorktown Police Department, we send our profound condolences to the

family of George Floyd.” Chief Noble thanked the Board for having him and thanked all for listening.

Supervisor Slater said he would like to say something, with the Board’s permission.

Supervisor Slater said there were many things that he would like to say, but was not sure his emotions would allow him to articulate them. He said this is the third resolution the Town Board has had to pass condemning racism. He finds the frequency of these resolutions both unacceptable and unfathomable. He talked about the accountability of the police officers involved in the death of Mr. Floyd. He also mentioned the immense pain the country is experiencing, not just by the COVID pandemic but it now feels like the fabric of our nation is being torn apart, causing people to feel hopeless, helpless, and angry. Supervisor Slater said that although we may not be able to change the minds and hearts of evil people all over, but we can do our part in Yorktown. He spoke of the simplicity of the belief in “love thy neighbor,” not just those who look like us, talk like us, or who worship like us. He believes that this occurs that this simplicity takes place in Yorktown by its residents and police department; however, there is always more we can do. He said we must listen and understand – and said the Town Board is always open to listen. Supervisor Slater said this moral challenge cannot be passed on to our children. He said we may not be able to change the world, but we can change our small part in it. He thanked the Town Board and the Police Department for being models for others.

Councilwoman Roker said that, as an African American woman – particularly one with a son – she thinks it important to share her views. She first thanked the Town Board for reaffirming its commitment to civil rights. She said what she saw in the George Floyd video was murder and it was frightening because he could have been her brother, her son, her cousin, or uncle – what happened is inhumane. She said the first question she had was “when will police officers stop killing unarmed black men?” Councilwoman Roker said she is not talking about all police officers – her father was a police officer who had risen to the rank of Captain. She said a lot of people talk about “the talk” they have with their children (she had it with both of her children): if you get stopped by a police officer, if you’re in your car, put your hands out the window; if you’re walking, raise your hands. In addition to this, she said, her father told her that it is not enough to be just good at whatever you do, you have to be the best.

Councilwoman Roker said her hope is that everyone is able to separate protestors from criminals. Protestors want change, criminals who loot, steal, throw rocks at police officers, etc., need to be jailed. She spoke about the history of protest in order to effect change. She said today’s protest is more than about systematic racism in the justice system – it is about healthcare, housing, etc. She said that the criminals involved in the looting and rioting have hijacked the real reasons for protest marches. Councilwoman Roker said she is ready to stand up and be part of the solution.

Councilman Patel said that he has told Chief Noble that his good name will shine forever. He quoted Ghandi: “The future depends on what we do in the present.” This is the message Councilman Patel wished to direct to Chief Noble and all those he trains and oversees at the police department.

Councilman Diana thanked Chief Noble and the Board members for their comments. He said, as a former police officer, he found the act against Mr. Floyd disgusting. He said this would never have occurred in the Yorktown Police Department, or the Cortlandt Police Department, or the Westchester County Police. He echoed a resolution he read in January 2020 rejecting racism in the Town of Yorktown. Councilman Diana said the senseless acts of violence, injury, and destruction only serve to diminish the death of George Floyd. People are focusing on the violence and not on Mr. Floyd’s death and this is something that has to stop. Councilman Diana asked for people to remain calm – people have the right to express their opinion, but to do it calmly. He asked for the violence to end because it will not lead to anything good.

Councilman Lachterman stated that, as Chief Noble said earlier, when he watched the tape, he was horrified. The disregard for Mr. Floyd’s life, as well as those pleading for help around him, only demonstrated the lack of humanity in the offending officer. He said this was not someone who was protecting law and order. He spoke about prejudice he experienced being Jewish. He also spoke about how that prejudice seemed to be more generational. Something like this sets back all of the good that police officers do, as well as those who protested and fought against prejudice and racism. Councilman Lachterman paraphrased Dr. Martin Luther King, Jr.: You measure a person

during a time of controversy, not when things are going well. He said we are at a time right now where we get a chance to measure our humanity; we get a chance to be able to stand together against the hate, and we need to be able to convince those we know whether its children, friends, relatives, that violence is not the answer – it is only a diversion to keep us away from the strides to put this all behind us. Councilman Lachterman said that as the supervisor stated, we do not want to leave this to our children. He said he prays for our country, for our Town, for the families that have been affected by this that we can move forward and that God will bring comfort to the Floyd family and that we will overcome this and become a stronger nation. Councilman Lachterman said he is very positive about the work of our police force, as well as the majority of police in which he comes in contact. He sees more and more community outreach programs, as well as communication and education. He feels Yorktown does a great job at this and gave credit to Chief Noble and the Yorktown Police Department.

Councilwoman Roker said she has always believed it will be her daughter’s generation who will put an end to this and if you look at our police department, they are that generation. She thanked Chief Noble for his leadership of a wonderful force. She said she prays that this generation will not have to do all of these resolutions and have to have “the talk” because everyone will be treated with the dignity they deserve.

Chief Noble said that every police officer he hires has to have the Town Board’s approval and is proud of the caliber and content of the character of these new hires. He spoke of the diversity of the last round of hires and how it has brought much to the force.

Supervisor Slater read the following resolution:

CONDEMNING THE DEATH OF GEORGE FLOYD AND REJECTING ALL FORMS OF RACISM, DISCRIMINATION, AND OPPRESSION
RESOLUTION #175

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

WHEREAS, on May 25, 2020 George Floyd died while being detained by officers from the Minneapolis Police Department; and

WHEREAS, Minneapolis police officer Derek Chauvin was charged with the murder of George Floyd because of his role in the arrest and detention of Mr. Floyd; and

WHEREAS, slavery, racism and racial discord have stained American history from its earliest days and the progeny of this legacy continues to manifest today in mistrust between minority communities and law enforcement; and

WHEREAS, citizens of Yorktown have long embraced the basic premise of American society that all people are created equal; and

WHEREAS, this community’s inclusionary recognition has included the iconic Pines Bridge Memorial which celebrates the Rhode Island Regiment’s role at the Battle of Pines Bridge during the American Revolution; and

WHEREAS, the Town of Yorktown recognizes the historic Rhode Island Regiment, which was a mixed fighting unit made up of men of European, African and Native American descent, as embodying the racial and ethnic melting pot that represents America’s greatest strength and her greatest trials; and

WHEREAS, many great civil rights leaders from Harriet Tubman and Frederick Douglas, to Rosa Parks and Dr. Martin Luther King Jr. dedicated, and in some instances, sacrificed their lives in the name of social justice and equality; and

WHEREAS, the vast majority of those who have exercised their constitutional rights following the death of George Floyd have done so peacefully in the spirit of America’s great civil rights leaders, while a virulent minority have engaged in violence, larceny, arson and other serious crimes; and

WHEREAS, the strength of racial, religious and cultural diversity is recognized and respected by all agencies and departments of the Town of Yorktown including the Yorktown Police Department; and

WHEREAS, the Yorktown Police Department stands as a cornerstone of our community and has been recognized for its high level of professionalism as an accredited police agency by the New York State Division of Criminal Justice Services, a status only 29% of New York State's 540 law enforcement agencies have achieved; now therefore,

BE IT RESOLVED, that the Town of Yorktown wholeheartedly condemns the heinous acts which caused the death of George Floyd; and

BE IT FURTHER RESOLVED, that the Town of Yorktown once again reaffirms its commitment to achieving a free and equal society; and

BE IT FURTHER RESOLVED, that the Town of Yorktown once again rejects hate-motivated crime as an attack on the fabric of the American society and the ideals of pluralism and diversity; and

BE IT FURTHER RESOLVED, that the Town of Yorktown rejects violence and the destruction of property and is committed to the protection and safety of all its residents; and

BE IT FURTHER RESOLVED, that the Town of Yorktown wholeheartedly rejects all forms of hatred, racism, oppression, religious or ethnic bias, discrimination, incitement of violence, vandalism or animus.

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

INTRODUCTIONS

Supervisor Slater introduced the Town Board, Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Highway Superintendent Dave Paganelli.

REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater reported that there are 39 active COVID-19 cases in the Town of Yorktown and that number continues to climb. He said we have had 637 confirmed total cases in our community; six new cases since yesterday.

Supervisor Slater reported that the Building Inspector reports that they are performing approximately 10 inspections each day; we have received four outdoor seating permits that have been filed as part of the Reboot Yorktown initiative.

Supervisor Slater reported that the Senior Services & Nutrition Center reports meals to 137 clients who are homebound. He thanked the Girl Scouts for the greeting cards they sent to our seniors, as well as Artists Senior Living in Briarcliff who donated puzzle books, which were included in last Friday's packages.

Supervisor Slater reported that we are short in our anticipated tax collection and, as a reminder, the waiver is still available online through the Tax Receiver's office. By filling out the waiver, you have until July 15 to make payments; otherwise, it is an abbreviated penalty and late fee schedule. He reminded that there is a vote for the school budget and school trustees on June 9. All qualified voters will receive a ballot in the mail.

Supervisor Slater reported from the Finance Department that both the State and internal audits would have presentations at a Board meeting in the very near future.

Supervisor Slater announced the updated Refuse and Recycling bulk trash pickup schedule and reminded residents not to put anything out unless they are scheduled for pick up – it is both an eyesore and a hazard. He encouraged residents to sign up for email notifications. He also announced E-Waste Day on July 1, 2020.

Supervisor Slater announced the tentative 2020 Assessment Roll has been filed and may be found on the Town's website, along with instructions for filing grievances.

Supervisor Slater reminded residents that tomorrow the Yorktown Girl Scouts would be collecting food donations for the Community Center of Northern Westchester at the United Methodist Church. Their flyer will be shared on the Town's Facebook page.

Supervisor Slater announced the Fishing Derby sponsored by the Parks and Recreation Department will be held on June 20 at Sparkle Lake. This will also be announced on the Town's website.

REPORTS FROM TOWN COUNCIL

Councilman Patel congratulated Yorktown High School seniors who had won awards this year. He spoke about the coronavirus and how important it is to wear a mask. He also asked residents to dispose of masks and/or gloves responsibly.

Councilwoman Roker thanked the people of Yorktown who have supported the decisions of government to shut most things down – she knows it is difficult and appreciates residents' participation. She spoke of how two members of the Yorktown Rotary (one being the president) have died from COVID this year. She announced that the Yorktown Rotary would be awarding scholarships to local high school seniors. Councilwoman Roker said she wanted to thank the high school seniors and to send a message to “hang in there – it will get better,” since they look forward to their senior years so much. She then offered her congratulations.

Councilman Diana congratulated the Lakeland, Walter Panas, and Yorktown high school graduates. He announced that a graduation parade would be held on Saturday, June 6 from 1:00 to 3:00 p.m. at the Jefferson Valley Mall. He also raised the same issue as Councilman Patel in that masks and gloves are being disposed of inappropriately; they are finding them in the grass, by the shopping centers, etc. He asked that they be disposed of in the proper receptacles.

Councilman Lachterman said he has noticed that the mask and glove littering has gotten better with the increase of receptacles in parking lots but we still need to keep on top of the problem. He announced that on Flag Day, June 14th, My Brother Vinny is going to be holding a virtual walk. My Brother Vinny is an organization that does good deeds in our community, but their main focus has been on veterans and veteran services. They help veterans get furniture and small wares when they move into an apartment. They also have other veterans help other veterans. It is totally volunteer based. They have helped over 1,000 veterans in our area, to date. Their website is mybrothervinny.org, if you wish to help or get information.

REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said they are still waiting for word from the governor regarding the \$464,000 for paving. They have not yet received a commitment letter. He complimented his department's staff for the volume of work they have been performing. He said they are experiencing a 2.5% call volume from residents due to them being at home more, walking more, and noticing things that need repair (pot holes, dead trees, oil stains, catch basin issues, etc.), which he said he is grateful for the information.

POET LAUREATE

John McMullen read two of his original poems, both dealing with current issues: the pandemic and the death of George Floyd.

APPOINT YOLANDA VASQUEZ TO THE POSITION OF DEPUTY COURT CLERK RESOLUTION #176

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

BE IT RESOLVED, Yolanda Vazquez, is appointed to the full time position of Deputy Court Clerk, civil service job class code 0046-03, to serve at the pleasure of the Town Justices, effective June 8th, 2020, to be paid annually in the amount of \$79,739.00.

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

APPOINT THOMAS DUNN AS A MEMBER OF THE PARKS AND RECREATION COMMISSION RESOLUTION #177

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

RESOLVED, that Thomas Dunn is hereby appointed to the Parks and Recreation Commission for a term expiring on December 31, 2021.

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

APPOINT CHRISTINE DUNNE AS AN ALTERNATE MEMBER OF THE PARKS AND RECREATION COMMISSION

RESOLUTION #178

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

RESOLVED, that Christine Dunne is hereby appointed as an alternate member of the Parks and Recreation Commission for a term expiring on December 31, 2023.

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

APPOINT DAVID PAGANELLI AS THE LIAISON TO THE PARKS AND RECREATION COMMISSION

RESOLUTION #179

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

RESOLVED, that David Paganelli is hereby appointed as Liaison to the Parks & Recreation Commission.

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

COURTESY OF THE FLOOR

There were no comments from the public.

PUBLIC HEARING DECISION-DECLARE LEAD AGENCY, NEGATIVE DECLARATION AND APPROVING RESOLUTION FOR STORMWATER POLLUTION PREVENTION PLAN/WETLAND PERMIT FOR PANBAR REALTY RECONSTRUCTION OF A SINGLE FAMILY HOME AT 3617 BUCKHORN

RESOLUTION #180

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

WHEREAS,

1. The Applicant submitted an application to the Engineering Department for a Wetland, MS4 Storm Water Management & Tree Removal permit for construction of a single-family residence along with associated site and driveway improvements (Proposed Action).
2. The Approval Authority for this permit application is the Town Board, as the proposed work will involve a disturbance to the 100-foot buffer area of a NYSDEC-regulated wetland.
3. The application fee of \$3,300 was paid by the Applicant.
4. The Applicant submitted engineering plans for the subject property, entitled:
 - a. Site Plan for PanBar Realty, LLC, prepared by John Karell, Jr., P.E., dated and revised 10/28/19, 1 sheet.
 - b. Survey prepared by John Karell, Jr., P.E, dated and revise 7/19/19, 1 sheet.
 - c. House Plans prepared by Roy A. Fredriksen, P.E., dated 4/19/19, 7 sheets.
5. The property site is predominantly a landscaped lawn area that previously housed a single-family residence. There was a former single house on the property, which was destroyed due to a fire approximately four (4) years ago. An asphalt driveway that was previously part of the residential use is still in place.
6. As part of the proposed site development, six (6) trees will be removed.
7. The Engineering Department performed a review of the submitted documentation and all technical review comments were addressed in the resubmittal referenced above.
8. The Board received a technical review memo from the Conservation Board dated 5/18/20 with the following comments and recommendations:
 - a. The entire development is in the wetland buffer. Mitigation is required and should be detailed on the plans.

- b. The area of disturbance is not clearly marked on the plans.
- c. Detailed plans for treatment of water from the house drain should be indicated. As shown the house drain is emptying directly into the wetland, which is not acceptable.
- d. The removal of trees of significant size warrants mitigation under the Tree Ordinance. No mitigation is shown.
- e. The stream bordering the back edge of the property should be protected. Planting native shrubs and perennials as a buffer along the riparian corridor would be beneficial.

NOW THEREFORE BE IT RESOLVED that

1. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
2. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
3. The development of this site will require the removal of six (6) trees. A tree removal permit is not required because none of the activities listed in section 270-6(B) will be conducted on the project and therefore no tree mitigation is required under Chapter 270.
4. In order to address Conservation Board comments, the Applicant will incorporate a rain garden at the point discharge of roof leaders. In addition, Applicant will undertake removal of invasive species from the property site and add plantings that are appropriate for a wetland buffer area.
5. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.
6. The Town Engineer shall issue the permit in accordance with the terms of this resolution. The following conditions are included as part of the Action: (1) A rain garden and wetland mitigation will be incorporated into the project as indicated in the Applicant's submission on 2/24/20 and (2) All draft conditions as listed in the Town Engineer's memo dated 3/2/20 are adopted in the Engineering permit.
7. The sections of the existing driveway that will not be repaved shall be shown to be removed to the satisfaction of the Town Engineer. The limit of disturbance line shall be expanded to include the area of driveway that exists in the Town right-of-way including the existing sections to be removed.

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

RECONVENE PUBLIC HEARING TO CONSIDER STORMWATER POLLUTION PREVENTION PLAN/TREE PERMIT APPLICATION RECEIVED FROM WESTCHESTER MODULAR HOMES CORP. – CONSTRUCTION OF SINGLE FAMILY HOME ON MADISON COURT

Supervisor Matt Slater will reconvene a public hearing to consider the Stormwater Pollution Prevention Plan/Tree Permit Application received from Westchester Modular Homes Corp., on behalf of Katie & Damian Carparelli, for property located at Madison Court, Yorktown, New York, also known as Section 37.09, Block 1, Lot 10 on the Tax Map of the Town of Yorktown for the construction of a single-family dwelling.

Town Clerk Diana Quast stated that there were no additional members of the public to speak on this application. The applicant was present.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Supervisor Slater, seconded by Councilman Diana, and carried.

MS-4 STORM WATER MANAGEMENT PERMIT/WETLAND-TREE PERMIT FOR SINGLE FAMILY HOME ON MADISON COURT (WESTCHESTER MODULAR HOMES CORP. RESOLUTION #181

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

WHEREAS,

1. The Applicant submitted an application to the Engineering Department for a MS4 Storm Water Management & Tree Removal permit for construction of a single-family residence along with associated site and driveway improvements (Proposed Action).
2. The Approval Authority for this permit application is the Town Board as the proposed work will involve a land disturbance in excess of 200 cubic yards.
3. The application fee of \$1,500 was paid by the Applicant.
4. The Applicant submitted engineering plans for the subject property, entitled:
 - Proposed Site Plan for Carparelli – Madison Court, prepared by Anthony S. Pisarri, P.E., P.C., dated and revised 1/10/20 – 1 sheet.
 - Topographical Survey prepared by Summit Land Surveying, P.C., dated 6/29/19.
5. The Engineering Department performed a review of the submitted documentation and all technical review comments were addressed in the resubmittal referenced above.
6. In regards to the Town Code, Chapter 270 Trees, the Applicant proposed to preserve trees to the maximum extent practicable. In order to construct the new residence, a total of eleven (11) trees must be removed. Since the trees being removed are within the footprint of the new structure, Applicant proposed to pay \$1,700 to the Tree Bank Fund as a fee in lieu of tree replacement: 11 trees @ \$100/tree + \$600 for 9,500 sf land disturbance = \$1,700
7. The Board received a technical review memo from the Conservation Board dated 3/2/20 with the following comments and recommendations:
 - Stormwater runoff treatment from the building and driveway pavement is required. Consider raingardens with native plants. Submit treatment for review.
 - Tree permit is required. Provide mitigation for tree removal for review.
 - Two additional 14” diameter trees will require removal due to grading on the side yard. These trees should be added to the removal plan and quantified for mitigation.
 - Protect existing trees to remain adjacent to the driveway during construction with 3” thick wood chips in the critical root zone. Wood chips will prevent damage to the roots from vehicular traffic.
 - Provide for review measures to be taken to stabilize the disturbed area during and after construction.
 - Minimize disturbance to all existing vegetation.

NOW THEREFORE BE IT RESOLVED that

1. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
2. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
3. As mitigation for the trees to be removed, the Board accepts a fee payable to the Tree Bank Fund in lieu of tree replacement due to the limited opportunity to provide adequate on-site or off-site mitigation. The fee shall be \$1,700 as defined herein.
4. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.
5. The Town Engineer shall issue the permit in accordance with the terms of this resolution. The following conditions are included as part of the Action: (1) Applicant shall submit payment to the Tree Bank Fund in the amount of \$1,700, (2) All open comments from the Conservation Board memo dated 3/2/20; (3) All draft conditions as listed in the Town Engineer’s memo dated 2/13/20. (4) Applicant shall incorporate comment from Planning Department; Correct survey to indicate the actual lot size.

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

CONVENE PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 90 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “SMOKING”

Supervisor Matt Slater convened a public hearing to consider a Proposed Local Law amending Chapter 90 of the Code of the Town of Yorktown entitled “SMOKING” by deleting the existing sections 90-1 and 90-2, and enacting new sections 90-1, 90-2, 90-3, 90-4, 90-5 and 90-6.

Town Clerk Diana Quast verified that the public hearing was properly noticed.

Town Attorney Adam Rodriguez gave a synopsis of the proposed amendment and the new 50-foot perimeter.

Councilwoman Roker said we are now doing what most other municipalities are currently doing. Supervisor Slater agreed that we are now keeping pace with other communities.

The following members of the public spoke:

Parks and Recreation Commissioner Pat Cumiskey said he has been pushing for this close to 5 years and agrees with the proposed legislation.

Kyra Brunner, Alliance for Safe Kids, said that ASK’s mission is to support a healthy lifestyle and they are in support of the proposed legislation. She spoke of some of the negative effects of tobacco and vaping on the development of teens’ brains. Ms. Brunner said ASK is planning to add a webinar on vaping cessation to the Save A Life series. She said it is important that safety measures need to be taken to prevent the negative effects.

Madonna Townes, Community Engagement Coordinator for Power Against Tobacco (part of the American Lung Association funded through New York State Department of Health Bureau for Tobacco Control). They partner with local municipalities, businesses, organizations, and non-profits to engage and education communities to promote change in order to reduce the use of tobacco. Currently, their focus areas are Westchester, Orange, and Rockland counties. Ms. Townes said everyone deserves to breathe clean air, even outdoors, and there is no safe level of exposure to second-hand smoke. Tobacco use also contributes to litter. Tobacco-free environments prevent children and animals from ingesting tobacco waste. Ms. Townes stated that Power Against Tobacco supports the Town of Yorktown in their proposal to adopt a policy that will positively affect the health of its residents.

Jim Martorano, Superintendent of Parks & Recreation, thanked Power Against Tobacco and Alliance for Safe Kids for their support and encouragement in promoting this proposed change. He also thanked the Town Board for listening to him when he brought up the outdated provisions of Chapter 90 and supporting the change.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilwoman Roker, seconded by Councilman Diana, and carried.

ADOPT LOCAL LAW NO. 3 OF 2020 “AMENDING CHAPTER 90 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “SMOKING” RESOLUTION #182

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

Whereas, a public hearing was held on the 2nd day of June, 2020 pursuant to notice duly published as required by law to consider amending Chapter 90 of the Code of the Town of Yorktown entitled “SMOKING” by deleting the existing sections 90-1 and 90-2, and enacting new sections 90-1, 90-2, 90-3, 90-4, 90-5, and 90-6.

Resolved that Local Law No. 3 of 2020, as annexed hereto, be and is hereby adopted.

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

Local Law No. 3 of 2020 was thereupon declared adopted.

PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO CONSIDER AMENDING CHAPTER 280 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “WATER”

Supervisor Matt Slater convened a public hearing to consider amending Chapter 280 of the Code of the Town of Yorktown entitled “WATER,” by deleting the existing section 280-15(D)(5)(d), and enacting a new section 280-15(D)(5)(d).

Town Attorney Adam Rodriguez said that, as the law currently stands, certain commercial water meters had to be tested every three years but the law had “no teeth” so it has been amended to include certain penalties for failure to get tests performed and to provide results to the Town and perform any maintenance or repairs that are necessary to ensure that the meters are running effectively.

Town Clerk Diana Quast verified that the public hearing was properly noticed.

Water Distribution Superintendent Ken Rundle stated that this legislation has been in the Town Code but needed some revision in order to give it more “bite.” The Code states that the Water Department would inspect these meters if the property owners didn’t and Mr. Rundle said that we (the Water Department) cannot be in that business because we do not have the personnel and it is not efficient. He said this is important because commercial water meters (1.5” or larger) make up about 3 percent of our accounts but make up about 30 percent of our revenue. The older meters typically slow down and do not register as they age. He said these meters need to be accurate or the Town may have to raise the rates because eventually someone else is subsidizing that meter for not working correctly and he wants to make sure we are billing everybody fairly.

Councilman Patel talked about the sense of making sure these meters are accurate. He also encouraged residents to use less water and monitor their water usage.

The following members of the public spoke:

Susan Siegel, resident, thanked the Board for addressing this and thanked Mr. Rundle for bringing it to the Board’s attention. She said the Water District is funded, for the most part, by the usage fees and that’s determined by the meters, which are the key to this. She said homeowners have seen their rates increased twice over the last few years because the district is desperate for money. Ms. Siegel said she hopes the Board will pass this tonight so the Water Department can get letters out to the commercial users as quickly as possible.

Councilwoman Roker said that what is important about this legislation is that the billing will now be fair. The larger commercial enterprises will be paying their fair share – homeowners have been paying their fair share; now it’s time for the business community to pay theirs, as well.

Mr. Rundle said it is his intention that everyone pays his or her fair share. The Water District certainly has to pay for the water they are using. He said they have a lot of projects that need to be funded which are very expensive and it is important to keep our infrastructure and clean water sound.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Diana, seconded by Councilwoman Roker, and carried.

ADOPT LOCAL LAW NO. 4 OF 2020 AMENDING CHAPTER 280 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “WATER”
RESOLUTION #183

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

Whereas, a public hearing was held on the 2nd day of June, 2020 pursuant to notice duly published as required by law to consider amending Chapter 280 of the Code of the Town of Yorktown entitled “WATER” by deleting the existing sections 280-15(D)(5)(d), and enacting a new section 280-15(D)(5)(d).

Resolved that Local Law No. 4 of 2020, as annexed hereto, be and is hereby adopted.

Matthew J. Slater, Supervisor	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye

Vishnu V. Patel, Councilman
Alice E. Roker, Councilwoman

Voting Aye
Voting Aye

Local Law No. 4 of 2020 was thereupon declared adopted.

AUTHORIZE TOWN CLERK TO REFER TWO ITEMS TO THE APPROPRIATE AGENCIES
RESOLUTION #184

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

Resolved, that the Town Clerk is authorized to refer out the Con Edison Wetlands Permit Application for work to be done on Granite Springs Road to the appropriate departments and outside agencies.

Be It Further Resolved, that the Town Clerk is authorized to refer out the proposed Local Law amending Chapter 198, entitled "Landmark Preservation."

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH NEW YORK STATE
ELECTRIC & GAS CORPORATION TO REPLACE NON-LED FIXTURES WITH LED
FIXTURES AT A COST OF \$19,826.49
RESOLUTION #185

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

RESOLVED, that the Supervisor is authorized to sign an agreement with the New York State Electric & Gas Corporation ("NYSEG") to replace the existing Company owned Cobra Head style street light ("Non-LED") fixtures in the Town of Yorktown with Light Emitting Diode Cobra Head street lights ("LED") fixtures. The costs associated with this agreement is \$19,826.49.

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

ACCEPT BONDS FOR NESTLE WATERS NORTH AMERICA SITE PLAN
RESOLUTION #186

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

WHEREAS, Construction Services, LLC, contractor for Nestle Waters North America, Inc., provided the Town with Check No. 18238 in the amount of \$3,500 to serve as the cash bond for plantings to be installed in the Route 202 right-of-way as shown on the approved site plan, and

WHEREAS, Construction Services, LLC, contractor for Nestle Waters North America, Inc., provided the Town with Check No. 18239 in the amount of \$20,000 to serve as the cash bond to ensure installation of a fence as shown on the approved site plan along the front of the property on Route 202 within 45 days of issuance of the certificate of occupancy, and

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds for the above referenced site plan.

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

ADJOURN

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