

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, March 2, 2021 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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked all to join the Town Board in a moment of silence to remember the one year anniversary of the COVID-19 pandemic and to keep in our thoughts and prayers those who have been lost to the pandemic, as well as remembering all of the emergency and frontline workers, and our military.

INTRODUCTIONS

Supervisor Slater introduced himself and the Town Board members, as well as Town Clerk Diana Quast and Highway Superintendent Dave Paganelli. Supervisor Slater also introduced County Legislator Vedat Gashi (District No. 4) and County Legislator Colin Smith (District No. 1).

DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater reported the following infrastructure projects:

- The culvert along Hill Boulevard will be replaced, after receiving Westchester County Department of Health approval last week. Hill Boulevard will be closed from Village Road to Route 6 beginning March 8 for an estimated 12-week period.
- The culvert replacement on Veterans Road is nearing an end and they are anticipating having the road reopened and repaved by mid-March.
- Greenwood Street culvert replacement is nearly finished. This was an emergency replacement due to a collapsed culvert.
- The Roma Building is making improvements to the lower parking lot. This was due to the Building Department finding them noncompliant with their 2016 settlement. The lower lot should be fully paved and lined by the end of April. In the meantime, they are working on making the curb ADA accessible and filling the potholes in the lower parking lot.

Supervisor Slater made the following announcements:

- The bulk pickup schedule is continuing. He announced the different sections' schedules.
- Granite Knolls Sports Complex is closed due to the parking lot being unable to be plowed, as a result of the recent snowfall.
- The Finance Department is preparing for the annual audit that should begin in about two weeks.
- Northern Westchester Joint Waterworks has accepted 16" and 20" water mains – this is something the Town Board passed by resolution recently. The accounts associated with these pipes are located in Somers.

- Water Department is preparing for the Annual Water Quality Report that is due in May. The Department of Health recently inspected both the tanks at French Hill and Mohegan Avenue and there were no major deficiencies found.
- He thanked the Department of Parks and Recreation and the Yorktown Chamber of Commerce for hosting the recent Snowman Contest. There were 22 participants and very creative snowmen.
- The Town and the Refuse & Recycling Department str working diligently with Westchester County to participate in their organic food scraps program.
- The Town and the Senior Services and Nutrition Director, Noreen O’Driscoll, have been working diligently on an internship program that would connect students with our seniors.

Supervisor Slater read a quote from Dr. Seuss in honor of his birthday.

REPORTS FROM TOWN COUNCIL

Councilman Patel spoke about the littering of masks in various locations throughout Town. He asked for everyone to wear masks, maintain the proper social distance, so that everyone can remain safe.

Councilwoman Roker thanked Councilman Patel for providing good information about the virus. She also asked to remember the men and women who created the vaccine. She said that hopefully at some point we will be able to take advantage of some of the programs that the Town offers, particularly from the Arts and Cultural Committee. She is looking forward to being able to seeing each other face to face.

Councilman Lachterman said that over a 24-hour period the police department had three calls regarding residents with emotional distress (a problem during COVID). He said in all three calls, everyone was able to remain safe and sound and he congratulated them on their successful resolutions to the problems. He announced the names of the officers involved in all three calls. Councilman Lachterman said the American Legion was astounded by the GoFundMe response they received from Town residents for their new boiler. They essentially have raised enough money for the purchase. They also have a fundraiser for a “Dine Out & Donate” with Chef Rob coming up – 10% of purchases will be donated to the American Legion. Sunday, March 14th will be a corned beef & cabbage dinner, with proceeds going to the American Legion and other veterans services they support throughout the Town.

Councilman Diana thanked everyone for their help with the American Legion. Councilman Diana also mentioned the littering of the masks and gloves and reminded that there is a littering fine. He thanked the residents for abiding by the new stops at Stoney Street & East Main and East Main Street and Route 132. He said that most people agreed that the signs were needed. Councilman Diana cautioned drivers of ice on the roadways and to take care while driving.

Councilman Patel displayed a photo of the inventor of the polio vaccine. He said these are the types of selfless people who are working today to provide assistance during the COVID pandemic.

Supervisor Slater wanted to remind everyone that there would be a joint meeting this Thursday at 7:00 p.m. between the Town Board and the CCSE, as part of the Executive Order 203 and the required report.

Supervisor Slater said tomorrow at noon a tutorial will be provided as to how to sign up for the vaccine through the state portal. It will be played on the government channel. Supervisor Slater gave a COVID update and the latest numbers in the Town and new state guidelines.

REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said it has been a busy March so far regarding weather-related highway issues. Last evening they were out due to downed trees, 50 M.P.H. wind gusts and an incredible amount of icing issues. They are currently fixing multiple pothole issues. He said they noticed some of the issues last evening were created by residents diverting water onto Town roads. He said that he is hoping the worst of winter is over. He cautioned drivers of the icing conditions. Superintendent Paganelli thanks all Town workers who assist his department in keeping the roads safe.

REPORTS FROM WESTCHESTER COUNTY LEGISLATORS

Westchester County Legislator Vedat Gashi thanked the Town Board for the opportunity to present. He reported that much of the work he is currently doing has to do with COVID and vaccine distributions. He said that much of their work is done through committees. He chairs the Public Works and Transportation Committee and is vice-chair for the Budget Committee. He said the budget that was passed at the end of the year resulted in a \$1 million increase, which he said sounds like a lot, but is actually a modest decrease; however, given the economic situation this is commendable. He said they were able to get this decrease while trying to maintain the current level of services provided and keep them stable. Legislator Gashi spoke about shared services and ways to work smart at saving money without reducing services. He said they were able to allocate extra money for childcare assistance after hearing from essential workers who are struggling with childcare issues during the pandemic. He said he and Legislator Smith were able to bring some money back to Yorktown for programs such as Alliance for Safe Kids, Hilltop Hanover Farm, Yorktown Heritage Preservation Commission, Yorktown 250, My Brother Vinny, and Support Connection. Legislator Gashi said the Committee on Public Works and Transportation deals with sewers, county roads, etc. and mentioned the money that is allocable to Yorktown from the East of Hudson funds to help work on the Hallocks Mill Sewer District, which is now in the hands of the legal department at the County.

Legislator Gashi and Councilman Lachterman spoke about My Brother Vinny and the incredible work they do and some of the events they attended for the organization. Councilman Lachterman spoke of how Paula Miritello from My Brother Vinny actually self-funded the organization when they did not have enough money.

Supervisor Slater said one of the things the Legislature did pass, with Legislator Gashi's help, was for the sewer programs. He said there will be county funds for individual homeowners to help them hook up to the sewers. Legislator Gashi said the Legislature passed the Septic Rehabilitation & Remediation Program that would allow money for people who want to be hooked up to the sewer system to do so, as well as assistance for people who are in the watershed. He said there are going to be hoops to jump through first to ensure money is being distributed appropriately. Supervisor Slater thanked both legislators for helping to move this program forward.

Westchester County Legislator Colin Smith thanked the Town Board for the invitation to present. He said that throughout the pandemic one of the many lessons they learned is how vital community based organizations are to the communities they serve. He is the chair of the Public Safety Committee, which is in the process of reviewing the recommendations from the County Police Reform & Reimagining Taskforce that will conclude at the end of this month. Legislator Smith took a moment to remember retired Westchester County Police Sergeant Bruce Belham, who passed away recently due to COVID. Legislator Smith said (per a discussion he had with Councilwoman Roker) that they would be discussing mental health, as it pertains to policing, during his committee meetings. He also spoke about supporting the push for vaccination sites in Northern Westchester.

Legislator Smith spoke about the report released by the Housing Monitor with respect to the consent entered into with the County years ago. He said it was a favorable report that essentially stated that Westchester has complied with the settlement for affordable housing. He said the Monitor did say that there is still work to be done. Legislator Smith said the shortage of affordable housing was at a crisis level before COVID-19; he said that we are now well beyond "crisis" in terms of housing. He said that housing is going to continue to be a problem in many parts of Westchester. They are continuing to work on ways to alleviate this in the near future.

Supervisor Slater said Yorktown's CCSE has a mental health professional on the taskforce and includes a mental health component. He offered assistance and information sharing to Legislator Smith as he works on this issue with his committee.

Councilman Diana asked for a list of municipalities' affordable housing statistics.

Councilwoman Roker read the following proclamation:

PROCLAMATION - WOMEN'S HISTORY MONTH

Upon motion made by Councilwoman Roker, seconded by Supervisor Slater,

WHEREAS, March stands as Women's History Month and March 8th is recognized as International Women's Day;

WHEREAS, the Town of Yorktown recognizes and acknowledges the countless women who have contributed to the advancement of our culture through a multitude of roles within society; and

WHEREAS, Women's History Month gives our community time to reflect on the struggles and triumphs of women throughout our national society; and

WHEREAS, New York State and its citizens have a long and proven history of embracing the unlimited potential of women in our society including holding the first women's rights convention in 1848 at Seneca Falls, guaranteeing women the right to vote in 1917 which was three years before the ratification of the 19th amendment; electing the first African-American woman to Congress in 1968, through the appointment of the first Hispanic Justice to the United States Supreme Court in 2009 and through the appointment of the first woman to serve as Attorney General of the State of New York in 2015 who was then succeeded by the first African-American woman elected to the office of New York State Attorney General in 2018; and

NOW THEREFORE BE IT RESOLVED, that the Town of Yorktown recognizes March as Women's History Month;

BE IT FURTHER RESOLVED, the Town of Yorktown reaffirms itself as a community of hope, generosity and acceptance to everyone, regardless of gender, religion, race, national origin, ethnicity, culture or orientation.

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

POET LAUREATE

John McMullen, Poet Laureate, read his original poem, "Just Over a Year Ago."

COURTESY OF THE FLOOR

The following members of the public spoke:

Elise Graham, resident, asked why the Town Board thinks Unicorn Contracting qualifies to be subject to the much less demanding criteria of the overlay zone. She said that she has asked this question before and would appreciate an answer.

Gerry LaBarbera, resident, spoke about riding off-road vehicles in Yorktown. He spoke about the positives of the sport and felt that people only hear the negatives. He said the trails in Yorktown do not really allow for speeding. He said responsible riders are always safety conscious. Mr. LaBarbera said another misconception is that off-road vehicles are noisy. He said that was true many years ago and today they are built to be quieter. Mr. LaBarbera said that he feels lies have been spread about off-road vehicles and wanted to set the record straight. He feels that the trails could be shared safely.

Diego Jaramillo, resident, spoke about the Underhill property and the "fast-tracking" of the project and that building this project is more important than the health and welfare of his family and residents. He said that community outreach and impact mitigation is part of any good development program and he does not think that any developer should be putting a burden on Yorktown residents to do all of the communicating and planning. He said that, based on recent comments by Unicorn published in the newspaper regarding traffic, Unicorn does not understand Yorktown roads and does not care to. He said it is up to the Town Board to advocate for the safety and welfare of Yorktown residents.

Lanny Gilbert, resident, thanked Supervisor Slater for following through on an issue he had been working on when he was supervisor – getting the fair treatment by the Joint Waterworks on the Route 35 pipe. Mr. Gilbert spoke about the history of the issue.

Scott Samoyedny, resident, also spoke about ATV riding in the community. He said that it provides an activity for teenagers and families and the claimed damage to the trails is damage that would be there regardless of the ATVs. He agrees that the vehicles should be registered and

insured. He asked the Town Board to think about whatever law they are considering and who it will affect.

Jane Daniels, Volunteer Supervisor for trails in Yorktown for the NY-NJ Trail Conference, listed her responsibilities and background regarding the trails. She said that the delegate to the State Trails Council represents a user group and motorized users are included in that group. She said that New York State law says you cannot operate motorized vehicles in parks and the Town cannot undercut what the state law is. She said there are irresponsible users in every user group. She said speed is an issue, regardless of what is said. Ms. Daniels said public lands are not areas where ATVs can be ridden.

Jane Schneider, resident, said she signed the petition to remove the Soundview property from the overlay district. She read some of the comments made by those who oppose the inclusion of the property.

Walt Daniels, resident, said he and his wife have been working with the Parks & Recreation Commission in reducing the damage being done to the parks regarding ATVs. He said that Yorktown's Town Code must be modified to conform to NYS law; it cannot be less stringent than state law but can have additional requirements (i.e., penalties). Any claims that ATVs can be ridden on town property are false. Mr. Daniels quoted salient points from the state law regarding the vehicles.

John Flynn, resident, spoke about the overlay zoning issue. He said this has an effect all over Yorktown. He said he thinks that overlay zones will make zoning less predictable for people in neighborhoods that surround the overlay districts. Predictability is important so you know what can be built on your property and surrounding areas. A balance needs to be struck between predictability and flexibility. He cautioned that the proposed overlay district is throwing this balance off and taking away the predictability for homeowners.

Patricia Sullivan-Rothberg, resident, said it seems the by-product of last week's Town Board work session is that the Town Board is insisting on pushing through the district overlay using a resolution to potentially avoid a public hearing to rezone the Soundview property. She said many residents want their voices to be heard and expect a public hearing and hopes the Town Board does not shut out residents by pursuing a resolution in lieu of a public hearing. She once again asked how a project of this magnitude and density on a prominent property does not illicit one critical question from the Town Board, the Town Supervisor, or the Town Planner. She asked for an explanation as to how the Underhill Farm project will benefit the residents who are concerned that this overlay puts the developer in the front seat and the Town in the back seat. She asked that the Town Board ask Unicorn to provide publicly accessible, written proof of Mr. Guillaro's claim that the Underhill Farm development will offset the tax base by \$1 million.

Susan Siegel, resident, said this is the fourth time she has spoken about the Soundview project and the fourth time the Town Board has not answered her question: why is the Town Board resisting taking Soundview out of the overlay district and why is the Unicorn plan not being treated for what it is – a rezoning? She repeated her question and asked not be given the reason that the project is necessary for the revitalization of the Yorktown Heights business hamlet. She asked that with so many existing vacancies, does the Board really think the area needs more commercial space. She said the Comprehensive Plan never suggested that Yorktown Heights be considered for an overlay district and/or considered the Soundview property as part of the Yorktown Heights downtown district. She said by continuing with the same answers insults the intelligence of the residents. Ms. Siegel asked who is the Town Board representing – the residents or the developer. She also asked the status of the Planning Board's request to be able to tape its work sessions and to put the information of their meeting packets online.

Sarah Wilson, resident, said she still does not understand why the Soundview property is included in the Yorktown Heights overlay district. She spoke of the reasons why it does not need to be included and the determination of how it should be developed should be in the hands of the Town Board.

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, Courtesy of the Floor was closed.

Councilperson Lachterman addressed several of the comments made during Courtesy of the Floor. He said there is a lot of misinformation about the overlay district – approving the district is not approving a particular plan. Any proposal that comes in must go through the entire process – nothing is bypassed.

Councilwoman Roker said she is in favor of the proposed local law regarding overlay districts. She said what the Town Board did last week, while not a resolution, is part of the law – the law says the developer must come before the Town Board and there are certain things they have to guarantee the Town Board: A) it will not change the character of the neighborhood; B) the developer can talk to the Town Board on where they are on the Town’s infrastructure schedule. She said she is not resisting taking the property out of the overlay district. She said the law that was passed last week says the Town Board can have a public hearing. It says the Town Board can make the developer provide different studies, like a traffic study. She said the Town Board is listening to the neighborhood but what we are also seeing is our crumbling infrastructure. She said that there will be a time when a community will have serious water and sewer issues (she previously mentioned Jackson, MI lack of water for two weeks). Councilwoman Roker asked that everyone not put the cart before the horse, and not say the Town Board is putting the developer first. However, she said that successful people make the Town successful. She said she has to look at from the point of view of how does this fit into our town and will it be good for the town in the long run.

Councilwoman Roker addressed the ATV riders by saying “we hear you” and hates the fact that now there are now two camps of people: hikers and ATV riders. She referred this to Supervisor Slater to address.

Supervisor Slater first addressed Ms. Siegel’s question about the Planning Board. He said the Planning Board work sessions would begin being televised this month. He said that his understanding was that the packets had begun being uploaded as of the last meeting. Supervisor Slater said he called the state to see if there is a chance to have a conversation regarding ATVs. He said ATV riding in parks is prohibited. He said this conversation did lead to other conversations about potential possibilities that are going to be investigated. He said that he feels solutions could be worked out for both the hikers and ATV riders.

Supervisor Slater said every application under the overlay zone would be put through the same approval process the Town has. He said there seems to be a co-mingling of the approval of the overlay district legislation equating to the approval of a specific project and it does not. The law was amended based on different factors including public comment. He said that the Town Board is listening and is committed to hearing the concerns of the residents. Supervisor Slater said this is a multi-step process; the first of which is to establish the individual overlay districts then it goes to the individual projects. He said there would be a fully public and transparent process for each project that wants to petition the Town Board if they want to be considered under the overlay parameters.

Councilman Diana also addressed the Courtesy of the Floor comments about the overlay zone. He said left as it is, single-family zoning would allow for the Soundview house to be knocked down. He said that at least now, the Town Board has some control on what they will and will not allow to happen. He said a traffic study would be done. He assured that the Town Board would do the right thing for the Town. He also addressed the ATV issue and hoped that a solution could be achieved.

Councilwoman Roker said she also wondered why the Soundview property could be turned into multi-family residences when it does not have that designation. She said she found out that in 1982 the Town Board received an application to rezone that property to allow the developer to put 130 affordable senior units on it. She said since 1982 this site has been looked at for multi-family development. She said if you just throw a zone on a piece of property because it is already occupied, you do a disservice to people.

Councilman Patel said if you own land you have a right to build according to the law. He said his concern is if the Town’s services (water, sewer, etc.) can withstand some of the proposed development. He also raised the issue of affordable housing units, units for the disabled, and units for service workers (police, fire, teachers, etc.)

ACCEPT THE RETIREMENT RECEIVED FROM DAWN IRVING FROM THE ENGINEERING DEPARTMENT EFFECTIVE JUNE 30, 2021
RESOLUTION #86

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

RESOLVED, that the Town Board accepts the Retirement received from Dawn Irving effective June 30, 2021 with thanks for her 21 years of service to the Town.

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

ACCEPT THE RETIREMENT RECEIVED FROM MARGARET O'REILLY FROM THE JOHN C. HART MEMORIAL LIBRARY EFFECTIVE MAY 28, 2021
RESOLUTION #87

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

RESOLVED, that the Town Board accepts the Retirement received from Margaret O'Reilly effective May 28, 2021 with thanks for her 23 years of service to the Town.

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

ACCEPT THE RETIREMENT RECEIVED FROM ELIZABETH PROCTOR FROM THE ASSESSOR'S OFFICE EFFECTIVE MARCH 18, 2021
RESOLUTION #88

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

RESOLVED, that the Town Board accepts the Retirement received from Elizabeth Proctor effective March 18, 2021 with thanks for her 35 years of service to the Town

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

ACCEPT THE RETIREMENT RECEIVED FROM BRAD GOODMAN FROM THE BUILDING DEPARTMENT EFFECTIVE APRIL 30, 2021
RESOLUTION #89

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

RESOLVED, that the Town Board accepts the Retirement received from Brad Goodman Effective April 30, 2021 with thanks for his many years of service to the Town.

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

ACCEPT THE RESIGNATION RECEIVED FROM PATRICIA DEMARSH FROM THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER EFFECTIVE MARCH 12, 2021
RESOLUTION #90

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

RESOLVED, that the Town Board accepts the Resignation received from Patricia DeMarsh effective March 12, 2021.

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

ACCEPT THE RESIGNATION RECEIVED FROM JOSEPH DELLOLIO FROM THE HIGHWAY DEPARTMENT EFFECTIVE FEBRUARY 22, 2021
RESOLUTION #91

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

RESOLVED, that the Town Board accepts the Resignation received from Joseph Dellolio Effective February 22, 2021.

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

REAPPOINT DOUGLAS MCGOWAN AS A MEMBER OF THE BOARD OF ASSESSMENT REVIEW
RESOLUTION #92

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

BE IT RESOLVED, that Douglas McGowan is hereby reappointed as a member of the Board of Assessment Review for a five-year term expiring September 30, 2025.

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

ADOPT LEAD AGENCY, NEGATIVE DECLARATION AND SEQRA FOR LOCAL LAW AMENDING CHAPTER 135 OF THE TOWN CODE ENTITLED "BUILDINGS, UNSAFE" BY ADDING A NEW SECTION 135-13 "YORKTOWN ZOMBIE PROPERTIES"
RESOLUTION #93

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

RESOLVED, the Town Board does hereby declare itself lead agency for the purpose of reviewing the environmental impact of the proposed local law pursuant to the State Environmental Quality Review Act, and

BE IT FURTHER RESOLVED, that the Town Board finds that the action has no identifiable adverse impacts and the Town Board hereby adopts a negative declaration pursuant to the State Environmental Quality Review Act, 6NYCRR, part 617, et. seq.

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

There was a brief discussion as to the value of the law

ADOPT LOCAL LAW NO. 4 OF 2021 AMENDING CHAPTER 135 OF THE TOWN CODE ENTITLED "BUILDINGS, UNSAFE" BY ADDING A NEW SECTION 135-13 "YORKTOWN ZOMBIE PROPERTIES"
RESOLUTION #94

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

WHEREAS, a public hearing was held on the February 2, 2021 and reconvened on February 16, 2021 pursuant to notice duly published as required by law to consider a proposed Local Law amending Chapter 135 of the Town Code entitled "BUILDINGS, UNSAFE" by adding a new section 135-13 "Yorktown Zombie Properties Law.

RESOLVED, that Local Law 4 of 2021, amended and annexed hereto, be and is hereby adopted.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Local Law 3 of 2021 was thereupon declared adopted.

The following resolution was already passed by the Town Board on February 23, 2021
AUTHORIZE SUPERVISOR TO SIGN A TWENTY-FIVE YEAR AGREEMENT WITH HESP SOLAR, LLC FOR THE CONSTRUCTION OF A SOLAR FACILITY AND FOUR EV CHARGING STATIONS AT THE GRANITE KNOLLS SPORTS COMPLEX SUBJECT TO PERMISSIVE REFERENDUM
RESOLUTION #95

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

WHEREAS, the Town seeks to enter into a twenty-five-year agreement with HESP Solar LLC for the construction of a solar facility (including a canopy system, ground mount system, and energy storage unit) and four EV charging stations at the Granite Knolls Sports Complex; 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.

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the resolution shall take effect.

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

The following resolution was already passed by the Town Board on February 23, 2021
AUTHORIZE SEQRA FOR ALIENATION OF PARKLAND TO ENTER INTO A TWENTY-FIVE-YEAR AGREEMENT WITH HESP SOLAR LLC FOR THE CONSTRUCTION OF A SOLAR FACILITY AND FOUR EV CHARGING STATIONS AT THE GRANITE KNOLLS SPORTS COMPLEX WHICH REQUIRES THE N.Y. STATE LEGISLATURE'S PERMISSION
RESOLUTION #96

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

WHEREAS, the Town seeks to enter into a twenty-five-year agreement with HESP Solar LLC for the construction of a solar facility (including a canopy system, ground mount system, and energy storage unit) and four EV charging stations at the Granite Knolls Sports Complex; and

WHEREAS, the agreement would constitute alienation of parkland and requires the N.Y. State Legislature's permission;

WHEREAS, the request for alienation would constitute an Unlisted Action under SEQRA;

NOW THEREFORE, BE IT RESOLVED, that the Town Board intends to act as Lead Agency under SEQRA, and that the Town Clerk will circulate the Short Form EAF to relevant agencies.

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

AUTHORIZE EXTENSION OF BID FOR ANNUAL ELECTRIC WORK ON TOWN BUILDINGS
RESOLUTION #97

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

WHEREAS:

1. The Annual Electric Work on Town Buildings for Maintenance Bid was awarded to Hanover Electric on February 6, 2019.
2. The bid was extended as per the contractual three additional one-year extensions from February 7, 2020 through February 6, 2021.
3. The bid has lapsed and the Town is going to exercise its next one-year extension from February 7, 2021 to February 6, 2022.

NOW, THEREFORE BE IT RESOLVED, the Town Board hereby approves the one-year extension of the electric bid to Hanover Electric, 251 G, Yorktown Heights, NY 10598, Attn: Mr. Michael Dubovsky.

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

REJECT AND REBID THE PREVENTIVE MAINTENANCE AND ON-CALL SERVICES OF EMERGENCY GENERATORS #20-1 BID
RESOLUTION #98

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

RESOLVED, the Town Board rejects and rebids the Preventive Maintenance and On-Call Services of Emergency Generators #20-1 Bid.

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Monday, March 22, 2021, for the Rebid for Preventive Maintenance and On-Call Services of Emergency Generators #20-1 Bid.

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

AUTHORIZE COMPTROLLER TO REFUND DUPLICATE SECOND HALF SCHOOL TAX PAYMENTS
RESOLUTION #99

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

RESOLVED, the Comptroller is authorized to refund the following Duplicate Second Half School Tax Payments:

<u>Account No:</u>	<u>Amount</u>	
0513500	\$1,224.81	Refund Duplicate 2020/21 Second Half School Tax
0008000	\$1,808.03	Refund Duplicate 2020/21 Second Half School Tax
0141500	\$2,258.41	Refund Duplicate 2020/21 Second Half School Tax
0688500	\$2,945.75	Refund Duplicate 2020/21 Second Half School Tax
1450500	\$3,098.04	Refund Duplicate 2020/21 Second Half School Tax
3480000	\$4,684.24	Refund Duplicate 2020/21 Second Half School Tax
0590500	\$4,180.90	Refund Duplicate 2020/21 Second Half School Tax
2028000	\$2,686.62	Refund Duplicate 2020/21 Second Half School Tax
0943500	\$3,824.31	Refund Duplicate 2020/21 Second Half School Tax
1441500	\$4,163.77	Refund Duplicate 2020/21 Second Half School Tax
3828000	\$3,529.29	Refund Duplicate 2020/21 Second Half School Tax
4314322	\$1,417.66	Refund Duplicate 2020/21 Second Half School Tax and penalty.

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

AUTHORIZE SUPERVISOR TO ENTER AGREEMENT WITH CIARCIA ENGINEERING FOR ON-CALL ENGINEERING SERVICES
RESOLUTION #100

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

RESOLVED, the Supervisor is authorized to enter into an agreement with Ciarcia Engineering, P.C. for on-call engineering services in an amount not to exceed \$22,000 for a two-month term, according to the rates set forth in the proposal dated March 1, 2021.

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

AUTHORIZE SUPERVISOR TO ENTER AGREEMENT WITH LYNSTAAR ENGINEERING,
P.C. FOR ON-CALL ENGINEERING SERVICES
RESOLUTION #101

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

RESOLVED, the Supervisor is authorized to enter into an agreement with LynStaar Engineering, P.C. for on-call engineering services in an amount not to exceed \$10,000 for a two-month term, according to the rates set forth in the proposal dated February 26, 2021.

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

MONTHLY REPORTS

The Town Board accepted the following monthly reports:

Building Department – February 2021
Finance Department – February 2021
Receiver of Taxes – February 2021
Town Clerk – February 2021

Councilman Patel asked to have electronic versions of the reports emailed prior to the meetings.

Supervisor Slater asked the Town Clerk about this and Town Clerk Quast said all monthly reports would be emailed.

Town Clerk Quast asked Supervisor Slater for clarification on the resolution regarding authorizing SEQRA for the alienation of the parkland. Supervisor Slater said it was read and the resolution was passed.

ADJOURN

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

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