

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, March 23, 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  
David Paganelli, Superintendent of Highways  
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. 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

Councilman Lachterman led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember and pray for healing for our nation, particularly following the violent episode in Boulder, CO and Atlanta, GA. He asked to remember those who are battling COVID, as well as those who have lost their battle. Supervisor Slater asked to remember our front line heroes (teachers, pharmacists, grocery store workers, medical personnel, first responders, police, firefighters, EMS). He asked for a special prayer for those serving overseas in the US military.

#### INTRODUCTIONS

Supervisor Slater introduced members of the Town Board, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

#### REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater gave a COVID update on active cases in the Town. He asked everyone to remain vigilant on mask wearing, hand washing, social distancing, and making responsible decisions.

#### REPORT FROM POLICE CHIEF ROBERT NOBLE

Chief Noble addressed the violent incidents that have recently occurred in the nation. He said we live in a safe community and one that rallies around each other; however, these incidents can happen anywhere. He encouraged residents to sign up for the NIXEL system for emergency alerts and gave instructions to do so. NIXEL also can accommodate several zip codes for alerts. Chief Noble said it is also helpful to have a personal plan in mind, as simple as having your car keys in hand when walking in a parking lot to be able to hit a car alarm button. He said keeping exits in mind and paying attention to your surroundings is also helpful. He also reminded residents "if you know something, say something." This can apply to family members, schools, businesses, etc. who feel there is concern regarding an individual. He also spoke about the Citizen Response to Active Shooter training that the Police Department makes available to the community and hopes to have that running again in person.

The following resolution was amended to include the loss of Police Officer Eric Talley in Boulder, CO.

#### CONDEMNATION OF ACTS OF VIOLENCE, REJECTION OF RACISM, DISCRIMINATION, AND OPPRESSION

#### RESOLUTION #129

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

WHEREAS, on March 16, 2021 eight innocent people were killed in a series of shootings at massage parlors located in Atlanta, Georgia; and

WHEREAS, a week later on March 23, 2021, 10 innocent people were killed at King Soopers grocery stores; and

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

WHEREAS, the Town of Yorktown and this Town Board have previously condemned all acts of violence, especially those that have been inspired by hatred; 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; now therefore,

BE IT RESOLVED, that the Town of Yorktown wholeheartedly condemns the heinous and violent acts in Georgia and Colorado that cost 18 innocent people their lives; and

BE IT FURTHER RESOLVED, that the Town of Yorktown mourns the loss of Police Officer Eric Talley, who was killed at the King Soopers grocery store shooting while trying to save other potential victims; 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 and vandalism; and

BE IT FURTHER RESOLVED, that the Town Board pauses in its deliberation to remember the lives lost, the first responders and police officers who responded to the call for help.

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

#### NORTHERN WESTCHESTER COMMUNITY WIRELESS MASTER PLAN

Supervisor Slater introduced Susan Rabold and Elizabeth Smith from CityScape Consultants, Inc. to discuss the wireless master plan for Yorktown. Ms. Rabold said they were hired by Westchester County to do this master plan, which was brought to the county by the communities that make up the study areas as a joint project and was funded by the county. Ms. Rabold shared her screen to do her presentation of the project.

- Task 1 – Preliminary Research and Project Initiation Meetings (community data collection of known antenna locations)
- Task 2 – Infrastructure Assessments (site visits to all commercial wireless facilities)
- Task 3 – Inventory Catalog (data from site assessments)
- Task 4 – Engineering Mapping Analysis (inventory mapping)
- Task 5 – Regulatory Review and Recommendations
- Tasks 6 and 7 – Draft and Final Wireless Master Plan

Ms. Rabold gave a brief history of wireless telecommunications from 1G service through 4G service, the types of non-concealed and concealed macro towers and what they look like.

Councilman Patel raised security issues regarding wireless service and Ms. Rabold said she would make sure they address that in their slides. Ms. Smith said this technology will be more and more in demand as new devices rely on wireless infrastructure. She said their plan will set Yorktown up for their projections for the future.

#### WATER DEPARTMENT UPDATE

Supervisor Slater introduced Water Superintendent Kenny Rundle and Jeff Dahlke, Water Department (Testing), to discuss the first quarter lab report for 2021 that the Town received, as well as how the Town is doing regarding the violation the Town received May of last year.

Superintendent Rundle gave an overview of the conditions under which the Town received the violation, which happened at a Town facility and not in a residential area. The sample failed because it happened during COVID when the Town facility was not fully staffed and not a lot of water being used. The sample was not a fair comparison to what residents get in the distribution system. A new water tap was installed at the location from which samples are now being taken. All of the current samples are fine and well below accepted levels, and in some cases non-detectable. Superintendent Rundle said this is an annual running average so the Town's May 2020 reading is causing our numbers to be escalated. He said, thankfully, this is the last quarter and this will drop off and the Town will be fine moving forward.

Mr. Dahlke explained his role in the testing of the water samples. He explained the possible disinfection byproducts/acids that can result. He said the average of one of the five they tested remains high because of the situation from last year; every other test they have had for this acid has been undetectable. He said notifications that are sent are mandatory and explained the meaning of the levels in the notifications.

Supervisor Slater said he wanted to educate the Town Board and the public about the situation. He said the public would receive the notification again, which is required by the Department of Health. He stated that there is no contaminated water in Yorktown; this was due to an "outlier" test that was done at a Town facility.

Superintendent Rundle said these mailings costs the district \$5,000 per mailing and has now cost about \$20,000 that was not budgeted. He spoke about the difference between the water lines used at the Town facility (6 inch) versus residential water lines (3/4 inch). The water in the service line for a home travels more quickly than sitting in a larger pipe.

#### BATTLE OF YORKTOWN

Supervisor Slater introduced Kristin Scherrer from the Refuse & Recycling Department to discuss the Battle of Yorktown for this year. Ms. Scherrer said this is an annual event held in recognition of Earth Day (the 31<sup>st</sup> Anniversary of the Battle of Yorktown). She said in 2019 the approximate 1,000 bags of trash that were picked up utilizing 98 groups of 656 volunteers resulted in 9 tons of trash. She asked for volunteers to register for the event being held on April 24<sup>th</sup> and receive their trash bags and vests.

Supervisor Slater mentioned that letters were sent to commercial property owners reminding them of their responsibilities to the Town Code and keeping their parking lots clean. He encouraged participation in this year's Battle of Yorktown.

#### OUTDOOR DINING AND SIDEWALK/TENT PERMITS

Supervisor Slater introduced John Landi, Building Inspector, to discuss a proposed suspension of the 2021 fees for Sidewalk Café Permits. Supervisor Slater said that last year the Town suspended the permitting fees for outdoor dining and sidewalk cafes to allow retailers to put tables outside to sell their merchandise. The Town Board was in agreement to continue the suspension.

#### TEMPORARY SIDEWALK PERMITS

##### RESOLUTION #130

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, **RESOLVED**, that notwithstanding anything in §300-80(B) to the contrary, the Building Inspector is authorized to issue temporary permits for the operation of sidewalk cafes or outdoor dining areas in non-residential zoning districts, regardless of the quantity of seating.

FURTHER RESOLVED, these temporary permits issued under § 300-80(D)(1) shall be upon the terms and conditions set forth in § 300-80(C), except that the fees referenced in § 300-80(C)(12) shall not be required for such temporary permits.

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

Mr. Landi said this also applies to tents. He said the Building Department has a special application for these permits. He said he will revisit everyone who had a permit last year to ensure that everything has remained the same and no changes were made to their spots.

#### XTRA FUELS – 1917 COMMERCE STREET (AMENDED SPECIAL USE PERMIT)

Supervisor Slater introduced Al Whiting, Ready Imaging, to discuss the amended special use permit for Xtra Fuels located at 1917 Commerce Street. Mr. Whiting was previously before the Town Board to discuss the monument sign. Mr. Whiting said this was a BP station that is being converted to Xtra Fuels and they proposed replacing the BP cabinet and use the existing single pole for the new signage. The Town Board did not care for this option and asked for the applicant to return with another idea, which Mr. Whiting is presenting. Mr. Whiting said, after going back and forth with the Planning Board, they have settled on a design.

Director of Planning John Tegeder shared his screen so the Town Board could view the new design. He reviewed the sign's dimension and placement on the site. Supervisor Slater asked if the applicant is within the parameters of the Town Code and this is 12' over the maximum, but given the modifications that have been made, is acceptable, as well as the placement of the sign on the property. Mr. Tegeder proposed to move forward with this sign but asked the applicant to be more in line with the other signs on the property, which currently appears very busy. Mr. Whiting agreed that this would be fine.

Mr. Tegeder said he would have a resolution ready for the next meeting.

#### PARKS AND RECREATION 2021 SUMMPER CAMPS

Supervisor Slater introduced Parks and Recreation Superintendent James Martorano and Parks and Recreation Matt Talbert to give a program update on the 2021 Summer Camp season.

Superintendent Martorano said they are very excited to be able to run their full and half-day summer camps this year since last year's camps were closed due to COVID. He said, however, the travel camps would not run this year due to the Health Department's COVID restrictions that are in place. The full day programs will run at the Benjamin Franklin School and the Mohansic School and they are still looking at options for the half-day program. The sign up will be on April 1 starting at 9:30 a.m. He urged parents to use the Community Pass online portal system to register that can be found on the Parks & Recreation webpage (step-by-step instructions are on the registration page). The amount of children accepted into the camps is limited this year (groups of 12 children) and a 12:3 ratio for children to counselors. He said they are going to be hiring more counselors this year as a result.

Councilwoman Roker asked what COVID safety measures would be taken and Superintendent Martorano said children will be wearing masks at all times, with masks breaks. He said that the groups would be kept separate throughout the day with activities occurring only within each group. Much of the programming will be held outdoors, so large tents will be set up with the gym reserved for rainy days. He said severe thunderstorms would cause a cancellation for the day. Superintendent Martorano said pool use would also be restricted to one group at a time, which would limit swim time to one day a week instead of five. He said they have not yet made a decision whether to include pool time this year. He spoke of the logistics of balancing the groups and the wishes of the parents.

#### CLIMATE SMART COMMUNITIES TASK FORCE

Supervisor Slater introduced Rob DeAngelis, Sarah Wilson, and Swarnov Pujari (Chair) – CSC Task Force members. Supervisor Slater said the committee is working towards meeting the April 1<sup>st</sup> deadline for certification.

Mr. DeAngelis shared his screen for his presentation on the CSC Task Force, and what the Town is doing and what residents can do to reduce their carbon footprint. He presented the agenda for the presentation:

- CSC Task Force Introductions
- Indicators of Climate Change (ice melt, reducing sea levels, rising ocean heat, rising land temperatures)
- What is our Town doing (accomplishments, what's next)
- What can Yorktown residents do (to reduce their GHG emissions and to save money)?
- Questions

Mr. DeAngelis said the Climate Smart Community is one of the frameworks developed by New York State for municipalities. The program has a number of facets and is quite extensive. He spoke about the responsibilities of the task force, and what the Town has done and can continue doing to provide opportunities to residents and business to reduce their carbon footprint. He spoke of upcoming seminars the CSC would be hold on topics such as Community Solar (Sustainable Westchester), Sustainable Home Heating and Air Conditioning, Clean Electric Power, Vehicles and Travel – Sustainable Choices.

Supervisor Slater said there would be a Community Solar conversation with Sustainable Westchester scheduled for March 29<sup>th</sup> at 6:00 p.m. People would be able to sign up and join the conversation via the Town's website.

AUTHORIZE THE TOWN BOARD TO APPOINT DIEGO JARAMILLO AS AN ALTERNATE MEMBER OF THE PARKS AND RECREATION COMMISSION  
RESOLUTION #131

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

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

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

AUTHORIZE THE TOWN BOARD TO APPOINT ROXANNE VISCONTI AS AN ALTERNATE MEMBER OF THE PLANNING BOARD  
RESOLUTION #132

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

RESOLVED, that Roxanne Visconti is hereby appointed as an alternate member of the Planning Board for a term expiring on December 31, 2022.

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

AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AMENDMENT OF THE CONTRACT WITH THOMPSON AND BENDER IN AN AMOUNT NOT TO EXCEED \$30,000.00  
RESOLUTION #133

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

RESOLVED, that the Supervisor is authorized to enter into an amendment of the contract with Thompson and Bender in an amount not to exceed \$30,000. The term of the agreement shall terminate on December 31, 2021. The Comptroller is authorized to transfer \$30,000 from Contingency to 1220.0442.1 supervisor communication.

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

AUTHORIZATION TO ADVERTISE T-SHIRTS AND UNIFORMS BID – PARKS & RECREATION DEPARTMENT  
RESOLUTION #134

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

RESOLVED, sealed bids will be received by the Town Clerk, Town of Yorktown, Yorktown, NY until 11:00 A.M. on Friday, April 16, 2021 at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for T-Shirts and Uniforms.

Specifications and standard proposals for the bid may be obtained at the office of the Town of Yorktown Town Clerk located at 363 Underhill Avenue, Yorktown Heights, NY 10598, as well as the Town’s website, www.yorktownny.org, or on BidNet Direct, www.bidnetdirect.com. Bids should be submitted in a sealed envelope designated “Bid for T-Shirts and Uniforms.”

AUTHORIZATION TO ADVERTISE BID FOR ASPHALT REPAIR  
RESOLUTION #135

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

RESOLVED, sealed bids will be received by the Town Clerk, Town of Yorktown, Yorktown, NY until 1:00 P.M. on Friday, April 16, 2021 at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Asphalt Repair.

Specifications and standard proposals for the bid may be obtained at the office of the Town of Yorktown Town Clerk located at 363 Underhill Avenue, Yorktown Heights, NY 10598, as well as the Town’s website, www.yorktownny.org, or on BidNet Direct, www.bidnetdirect.com. Bids should be submitted in a sealed envelope designated “Bid for Asphalt Repair.”

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

AUTHORIZE THE COMPTROLLER TO PAY THE CASH VALUE OF UNUSED TIME FOR PATRICIA DEMARSH AT HER DATE OF SEPARATION  
RESOLUTION #136

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

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Patricia DeMarsh the cash value of unused time as of her date of separation

Rate of Pay: \$35.1440

Vacation	238	hours	x	\$35.1440	=	\$8,364.27
Total				\$8,364.27		

BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:						
A1630.1018	Building Maintenance Salary					\$8,364.27
To:						
A1630.108	Building Maintenance Lump Sum Payments					\$8,364.27

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

AWARD BID FOR ASPHALTIC CONCRETE & LIQUID BITUMINOUS MATERIALS  
RESOLUTION #137

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

WHEREAS, invitation to bid for the Asphaltic Concrete & Liquid Bituminous Materials for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on March 19<sup>th</sup>, 2021 with the bid amounts for the above-referenced Bid summarized as attached, and

WHEREAS, The Town may award the bid based on either Lowest Responsible Bid or Best Value, in accordance with the 2012 amendments to General Municipal Law, Section 103, as implemented by Chapter 78 of the Code of the Town of Yorktown, now

THEREFORE, BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete & Liquid Bituminous Materials be and is hereby awarded to Peckham Materials, 20 Haarlem Avenue, White Plains, NY 10603, based on the best value.

BE IT FURTHER RESOLVED, the contract is to begin on April 10, 2021 and terminate on April 9, 2024.

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

BID AWARD FOR THE REMOVAL OF TREE STUMPS  
RESOLUTION #138

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

WHEREAS, invitation to bid for the Removal of Tree Stumps and Logs for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on March 22<sup>nd</sup>, 2021 with the bid amounts for the above-referenced Bid summarized below, and

<u>Bidder</u>	<u>Bid Amount</u>
Mulch Inc.	\$40,000.00
Casa Verde/dba Amodio	\$78,950.00
Westwood Organic Recycling	\$26,500.00

WHEREAS, the Town may award the bid based on either Lowest Responsible Bid or Best Value, in accordance with the 2012 amendments to General Municipal Law, Section 103, as implemented by Chapter 78 of the Code of the Town of Yorktown, now

THEREFORE, BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for Removal of Tree Stumps and Logs for the Highway Department be awarded to Westwood Organic Recycling, PO box 139, Purchase, NY 10577, the Lowest Responsible Bidder.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to transfer from the Highway Fund Balance to the Highway Outside Service line D5130.0425 the amount of \$26,500.00. The Bid Amount of \$26,500.00 will be submitted to FEMA for reimbursement as a result of Hurricane Isaias.

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

CIVIL SERVICE STATUS CHANGE – PETERSON  
RESOLUTION #139

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

BE IT RESOLVED, that Deanna M. Peterson, Recreation Assistant, will have her Civil Service status change from probationary to permanent effective March 24, 2021.

ACCEPT RETIREMENT OF DETECTIVE TIMOTHY TAUSZ – YORKTOWN POLICE  
DEPARTMENT  
RESOLUTION #140

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

RESOLVED, that the Town Board accepts the Retirement received from Detective Timothy Tausz with special thanks for his 40 years of exemplary police work to the Town of Yorktown.

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

ADJOURN MEETING

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

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