



# Town of Yorktown

*Office of the Town Clerk Diana L. Quast*

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## **FINAL TOWN BOARD AGENDA**

**April 6, 2021**

**Spadaccia Meeting Room**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:00 PM EXECUTIVE SESSION (Closed Session):**

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

Police Department

Litigation & Negotiations

Town Attorney

### **7:30 PM TELEVISED TOWN BOARD MEETING (Open Session)**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATION

**National Autism Awareness Month**

WHEREAS, April is Autism Awareness Month and April 2<sup>nd</sup> World Autism Awareness Day; and

WHEREAS, individuals with autism are recognized members of the Yorktown community who contribute to the fabric of our Town; and

WHEREAS, statistics show that more than two percent of American adults have autism as do 1 in every 54 children; and

WHEREAS, there is not one autism, but because it is a spectrum disorder, each person with autism has a distinct set of strengths and challenges; and

WHEREAS, autism can cause challenges with verbal and nonverbal communication, social interaction and repetitive behaviors; and

WHEREAS, autism can affect anyone regardless of age, race, ethnicity, gender or socioeconomic background; and

WHEREAS, early intervention has proven to enhance learning, communication, social skills and underlying brain development; and

WHEREAS, there are many organizations including Autism Speaks and SPARC that provide educational and programmatic services to children and adults with autism; and

WHEREAS, the Town of Yorktown is committed to creating a kinder, more inclusive community for people with autism and other conditions; NOW, THEREFORE;

BE IT RESOLVED, the Town of Yorktown recognizes and celebrates April as Autism Awareness Month; and

BE IT FURTHER RESOVLED, the Town of Yorktown recognizes and celebrates April 2<sup>nd</sup> as World Autism Awareness Day; and

BE IT FUTHER RESOLVED, the Town of Yorktown recommits itself as a leader in creating a kinder and more inclusive community for people of all abilities.

8. PRESENTATION  
SPARC

9. POET LAUREATE  
John McMullen

10. COURTESY OF THE FLOOR

11. PUBLIC HEARING

**Convene a Public Hearing to consider a Petition for Zoning and Site Plan Amendments submitted by Cuddy & Feder on behalf of Kitchawan Barns, LLC for property located at 712 Kitchawan Road**

Supervisor Matthew Slater will convene a public hearing to consider a Petition for Zoning and Site Plan Amendments submitted by Cuddy & Feder on behalf of Kitchawan Barns, LLC for property located at 712 Kitchawan Road, Ossining, NY also known as Section 70.06, Block 1, Lot 4 on the Tax Map of the Town of Yorktown.

The request is to amend the Transitional Zone Schedule of Regulations regarding the bulk and area regulations for the premises in order to construct an addition to the existing office and flex space. The request for an amended site plan approval is for the proposed minor addition that will be located generally in the footprint of the prior storage building/greenhouse on the premises.

**Convene a Public Hearing to consider a Wetlands/Stormwater Permit Application submitted by Christopher & Amanda Collier for the construction of a new house on property located at 2572 Gregory Street**

Supervisor Matthew Slater will convene a public hearing to consider a Wetlands/Stormwater Permit Application submitted by Christopher & Amanda Collier for the construction of a new house on property located at 2572 Gregory Street, Yorktown, NY, also known as Section 27.14, Block 1, Lot 3 on the Tax Map of the Town of Yorktown. The proposed work includes moving wetlands from the proposed house location to wetlands at rear.

12. **RESOLUTIONS**

**Authorize Supervisor to execute all necessary documentation to formally request the enactment of a parkland alienation bill for the construction of a solar facility at Granite Knolls Sports Complex**

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

WHEREAS, the Town Clerk posted and published the required notice that the Resolution was adopted subject to a permissive referendum;

WHEREAS, 30 days have elapsed since said publication and posting of the above-described notice, and the Resolution has not been challenged by permissive referendum;

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;

WHEREAS, the Town Board declares itself as Lead Agency under SEQRA;

WHEREAS, the Town Clerk circulated a Short Form EAF to relevant agencies;

WHEREAS, it is notable that the construction of the solar facility (including a canopy system, ground mount system, and energy storage unit) and four EV charging stations at the Granite Knolls Sports Complex will be subject to Planning Board approval and SEQRA review at that time;

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation request;

RESOLVED, that the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED, that the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all necessary documentation to formally request the enactment of a parkland alienation bill, including the Municipal Information form required by the NYS Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED, that the Town Board upon signature of the Town Supervisor, authorizes the Town Clerk to forward copies of the aforementioned documents to all necessary entities and individuals.

**Authorize Supervisor to execute an agreement with NCI Emergency Response Answering Service for the year 2021 at a yearly cost of \$1,629.46**

RESOLVED, the Town Board authorizes the Town Supervisor to execute an agreement with NCI Emergency Response Answering Service for the year 2021 at the yearly amount of \$1,629.46 for the Yorktown Consolidated Water District.

**Authorize Supervisor to execute a one-year extension to the Town's Towing Contract with Yorktown Autobody**

RESOLVED, the Supervisor is authorized to execute a one-year extension to the Town's towing contract with Yorktown Autobody, Inc., upon the terms and conditions set forth in the towing contract, retroactive to January 1, 2021 through December 31, 2021.

**Authorize Supervisor to enter into an Inter-Municipal Agreement with County of Westchester for a Positive Youth Development Program in an amount not to exceed \$5,000.00**

RESOLVED, the Supervisor is authorized to enter into an Inter-Municipal Agreement with the County of Westchester for a Positive Youth Development

Program, where the County will reimburse the Town in an amount not to exceed \$5,000, retroactive for the Yorktown Recreation Project Program conducted during the 2020 calendar year.

**Authorize Comptroller to process the following Budget Transfer for the Engineering Department**

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

From:  
 A1440.101                      Engineering – Salary    \$32,000.00

To:  
 A1440.490                      Engineering – Professional Services    \$32,000.00

For payments to Ciarcia Engineering PC and Lyn Staar Engineering PC as per March 2, 2021 Town Board Resolutions.

**Authorize Comptroller to process the following Budget Transfer and pay the cash value of unused time for Michael Quinn as of his separation date**

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Michael Quinn the cash value of unused time as of his date of separation:

Rate of Pay:	\$87.5205				
Vacation	238 hours	x	\$87.5205	=	\$20,829.87
Personal	21 hours	x	\$87.5205	=	\$ 1,837.93
Float	14 hours	x	\$87.5205	=	\$ 1,225.28
Total					\$23,893.08

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout from date of separation as follows:

From:  
 A1440.101      Engineering Salary    \$23,893.08  
 To:  
 A1440.108      Engineering Lump Sum Payments                      \$23,893.08

**Authorize Comptroller to process the following Budget Transfer and pay Timothy Tausz the cash value of unused time as of his retirement date**

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Timothy Tausz the cash value of unused time as of his date of retirement:

Rate of Pay:	\$60.1303				
Vacation	224.00 hours	x	\$60.1303	=	\$13,469.12
Personal	32.00 hours	x	\$60.1303	=	\$ 1,924.16

Compensatory Time	63.78 hours	x	\$60.1303	=	\$ 3,835.11
Holiday Pay	25.60 hours	x	\$60.1303	=	\$ 1,539.33
Longevity	\$2,425 / 261 days = \$9.29 per day				
	09/28/20 to 03/29/21 = 128 days				
	128 days	x	\$9.29	=	\$ 1,189.27
Total					\$21,956.99

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
A909.8	General Fund Reserve for Employee Accrued Benefits	\$ 3,769.16
A3120.102	Police Salary	\$16,998.56
A3120.106	Police Longevity	\$ 1,189.27
To:		
A3120.108	Police Lump Sum Payments	\$21,956.99

**Authorize Comptroller to process the following Budget Transfer and pay Elizabeth Proctor the cash value of unused time as of her retirement date**

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Elizabeth Proctor the cash value of unused time as of her date of retirement:

Rate of Pay:	\$41.8285				
Sick	64.375 hours	@	50%	=	32.18 hours
	32.18 hours		x	\$41.8285	= \$1,346.04
Vacation	19.25 hours		x	\$41.8285	= \$ 805.19
Personal	11.50 hours		x	\$41.8285	= \$ 481.02
Floating Holiday	13.00 hours		x	\$41.8285	= \$ 543.77
Longevity	\$1,600 / 261 days = \$6.13 per day				
	11/24/20 to 03/17/21 = 87 days				
	87 days		x	\$6.13	= \$ 533.31
Total					\$3,709.33

Be It Further, Resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
A909.8	General Fund Reserve for Employee Accrued Benefits	\$ 820.00
A1355.101	Assessor Salary	\$2,356.02
A1355.106	Assessor Longevity	\$ 533.31
To:		
A1355.108	Assessor Lump Sum Payments	\$3,709.33

**Authorize Supervisor to sign a Retainer Agreement with Emminger, Newton, Pigeon, Magyar, Inc., for Appraisal Services in an amount not to exceed \$2,500**

Resolved, that the Supervisor is authorized to sign a Retainer Agreement with Emminger, Newton, Pigeon, Magyar, Inc., for Appraisal Services for Borrego Battery Storage located at 3901 Gomer Court for a cost not to exceed \$2,500.

**Authorize extension of bid for Street & Traffic Signs for the Town of Yorktown**

WHEREAS, invitation to bid for the Street & Traffic Signs for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2<sup>nd</sup>, 2020

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street & Traffic Signs for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, part to Glenco Supply Inc., POB 638, Oakhurst, NJ 07755 and Traffic Lane Closures, LLC, 1214 Rt. 52, Brewster, NY 10512.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2020 to July 31, 2022.

**Authorize extension of bid for Cummins Engine OEM Parts for the Town of Yorktown**

WHEREAS, invitation to bid for the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2<sup>nd</sup>, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Cummins Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Diehl & Sons, d/b/a New York Freightliner, 129-01 Atlantic Ave., Richmond Hill, NY 11418.

BE IT FURTHER RESOLVED, the dates of the extension will be June 16, 2021 to June 16, 2022.

**Authorize Town Clerk to advertise bid for John Deere OEM Parts for the Town of Yorktown**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on May 11, 2021 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for John Deere OEM Parts.

**Authorize purchase of 2022 Ford F350 Truck for the Building Maintenance Department and Budget Transfer in the amount of \$42,540.00**

WHEREAS,

1. Westchester County Department of Purchase & Supplies has awarded contract #RFB-WC-20395 to be utilized by municipalities for vehicle purchases for the 2022 model year.
2. The Building Maintenance Department will be purchasing a 2022 Ford F350 pick-up in the amount of \$42,540.00, from Hempstead Ford Lincoln in Hempstead, NY as they are an approved vendor from the Westchester County bid.
3. In order to purchase this truck, the Comptroller is authorized to transfer \$42,540.00 from Fuel Oil (A1625.408) to Building Maintenance Equipment (A1630.201).

NOW, THEREFORE BE IT RESOLVED, the Town Board hereby approves the purchase and the budget transfer for the 2022 Ford F350 from the Building Maintenance Department and from the Westchester County bid.

13. **MONTHLY REPORTS**

Building Department – March 2021

Finance Department – March 2021

Receiver of Taxes – March 2021

Town Clerk – March 2021

14. **ADJOURN**

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

Dated: April 6, 2021

**Instructions for the Public to participate in Town Board Meetings Remotely:**

The Town Board of the Town of Yorktown will not be meeting in person. Until further notice, meetings will be held via video conferencing. The Town of Yorktown will televise a video conference Town Board meeting on Tuesday, April 6, 2021 beginning at 7:30 p.m.

**Please make sure to register in advance if you would like to speak at Courtesy of the Floor for this meeting at [dquast@yorktownny.org](mailto:dquast@yorktownny.org)**

You will need to provide your name, phone number and email address when registering so we can send a confirmation on how to join the meeting. You will have an opportunity to see and hear the meeting live on Channel 20 (Cable) or Channel 33 (Fios). You can also watch the meeting while it is occurring on the Town's website at [yorktownny.org](http://yorktownny.org).

**AGENDAS ARE SUBJECT TO CHANGE**