

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, May 18, 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 Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilwoman Alice Roker led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember our emergency medical service personnel during this Emergency Medical Services Week and to remember all of our front line workers who battle the COVID 19 pandemic and all of our first responders, police officers, firefighters, teachers, doctors, and hospital workers and those serving the United State military overseas.

INTRODUCTIONS

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

REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater reported the latest COVID statistics for the Town of Yorktown. He also announced that beginning tomorrow, May 19, there is going to be a significant shift in the COVID policies by the State of New York and that they will be following CDC recommendations. He emphasized that the Town of Yorktown cannot be less restrictive and that when it comes to the state policies, the Town can be more restrictive. He said that the Town will do its best to stay pace with its partners in the state and county government. Supervisor Slater stated that businesses can still require masks at their discretion. He continued outlining the restrictions that were being lifted and those that can remain in place.

Supervisor Slater reported that residents have been receiving notices from the Water Department every quarter based on water tests, which is the result of a high read test on a specific acid done in May 2020. This result created a violation in the last four quarters. He stated that once we get through the full year, he expects to be back to a normal level. In fact, the Water Department completed their second quarter disinfection by product testing. He stated that according to Water Department Superintendent Ken Rundle the samples they collected in the test results are completed and show all readings are in full compliance with the EPA and NYS Department of Health standards. Residents will no longer receive the notices and the DDP results are at their lowest level for the previous four quarters. Supervisor Slater said they feel that this incident was just an outlier, which is completely inexplicable, but they have taken action related to that by installing a new testing station over by the police station where that water came from. It did not feed any residential areas of the Town and the water main was servicing Refuse and Recycling.

Supervisor Slater thanked Scott Ferreira of the Parks & Recreation Department. The Town recently completed the first phase of its playground safety audit. The last piece is over at Chelsea Park Playground that is scheduled to be removed and the Yorktown Athletic Club will be building a new batting cage and warm up area in its place. Supervisor Slater said that he believed sometime in June there are six parks that will receive repairs and then the rest of the parks will be scheduled.

He thank Scott Ferreira for stepping up to the plate for the Town in order to be trained and certified by the National Parks and Recreation Association to do these audits.

Supervisor Slater said that one of the things the Town learned through COVID and some other natural disasters is that we need to get a better handle as a community and as a government on where our homebound residents live. This really helps us, specifically with these emergencies, to be able to properly advocate for those residents. You can now go onto the Town's website and there is a homebound senior form (but any homebound resident can complete) that is going to help the Town make sure a homebound resident is receiving or being made aware of the services that the Town provides. This was done in conjunction with Rosemarie Panio, Senior Advisory Committee, as well as Noreen O'Driscoll, Director of Senior & Nutrition Center.

On behalf of Highway Superintendent Dave Paganelli, Supervisor Slater reported that a database of best and worst roads in Yorktown has been compiled. He said that this is the first time this inventory has been created and can be found on the Highway Department's webpage under "road ratings." Each road is numbered 1 through 10, with 10 being the worst. Supervisor Slater said that this will help the Town and the residents on the decision-making process when it comes to what roads get paved. It will also help the Town Board when it comes to advocating for Yorktown's infrastructure from the federal, state, and budgetary decisions; it just makes that process much more transparent.

Supervisor Slater reported, as part of Public Service Recognition Week, the New York Office of Public Housing recognized Karren Perez, the Executive Director of Section Eight Housing in Yorktown. He also recognized Ms. Perez and thanked her for her service to Yorktown. She has done a wonderful job running this program for the Town and has helped many people, all while running the office by herself.

Supervisor Slater recognized the Water Department after having received a great note from a constituent regarding a water incident that happened on May 8. He recognized Doug, Adam, and Vinny of the Water Department, who went above and beyond in doing their jobs regarding the incident.

Supervisor Slater thanked the Yorktown Volunteer Ambulance Corps. In 2020, they had their greatest number of service hours in a decade. He recognized 8 individuals who, in the face of COVID, wanted to serve the community so badly that they became certified EMTs. He thanked them, on behalf of the entire community, for their service and standing on the frontlines of the COVID 19 pandemic.

Supervisor Slater, in conjunction with Eugene McGrath, board member of the National Alliance on Mental Illness (NAMI), reminded everyone that May is Mental Health Awareness Month. In recognition of this, NAMI is holding their annual walk this Saturday, 9:30 a.m., at Veterans Field.

Supervisor Slater announced a Memorial Day Parade beginning at 11:00 a.m., Monday, May 31 from the Town Hall.

REPORTS FROM TOWN COUNCIL

Councilwoman Roker thanked the people of Yorktown who have received their vaccinations, speaking as an immunocompromised individual. She addressed the homebound senior list and said that the county has a list of seniors in Yorktown. This is important because prior to an emergency, the county sends this list to the Yorktown Police Department. The police contact either the person or the person's relative to check to see how they are doing. She encouraged adult children to sign up their parents.

Councilman Patel stressed how important it is to keep safe distancing during the Memorial Day Parade. He reported on an exhibition held at the Yorktown Museum celebrating the history of volunteerism in Yorktown. He thanked all volunteers for the work they do for the Town.

Councilman Diana reported on the Memorial Day Parade on May 31 starting at 11:00 at Patriot Garden next to Town Hall. He said that this is going to be the last event that will end up at the Legion Hall on Veterans Road. There will also be a small ceremony at 9:30 a.m. at Lakeland High School that will move on to Shrub Oak and the Honor Roll near the library. He reported the disheveled building in the Acme parking lot in Shrub Oak was boarded up. He said he had a conversation with the owner of the building who wants to put up housing in that area. Councilman Diana said the owner is having his architect forward an artist rendering of what he would like to do there. Councilman Diana said the Town is going to try and move it forward to get that building

taken down in Shrub Oak and have some senior accessible buildings put there, similar to Wynwood Oaks but at half the size. He reported that the Building Department is now involved and are going to get the building boarded up completely, repaint, and make it as presentable as possible.

Councilman Lachterman announced the death of Mack Scharmatt, a 102-year-old World War II veteran and resident of Yorktown. Councilman Lachterman gave a brief biography of Mr. Scharmatt and offered his condolences to his family. Councilman Lachterman announced that on June 7, both the Lions and Support Connection in Yorktown are doing their golf outings. Information on both is on their websites. On June 13, My Brother Vinnie is doing their virtual walk, but they will also be doing some ceremonies at the DeVito Field. The Yorktown Lions Summer Concert Series will hold six shows: June 27, July 11, July 18, August 8, August 15, and August 29.

Supervisor Slater said he was reminded that Donna Andrews, who works in the Finance Department, just celebrated her 46th anniversary as a town employee. He also announced that the Arts and Culture Committee is going to be hosting their first event at Sparkle Lake the last weekend of August. They are partnering with a local theater group who will be doing a series of one-act plays.

DECLARING MAY 16TH – 22ND EMERGENCY MEDICAL SERVICES WEEK
RESOLUTION #211

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

WHEREAS, it is fit and proper to recognize the outstanding service to the residents of Yorktown by dedicated individuals whose selfless acts save lives and protect our community; and

WHEREAS, National Emergency Medical Services Week recognizes and allows communities to honor those who stand on the front lines providing lifesaving services; and

WHEREAS, Yorktown's emergency medical services team provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, the Town of Yorktown is served by the Mohegan Volunteer Ambulance Corps, Yorktown Volunteer Ambulance Corps and Empress Ambulance; and

WHEREAS, the challenges and emergencies of 2020, including the COVID-19 pandemic, increased call volumes and responses to record levels; now, therefore, be it,

RESOLVED, that the Town of Yorktown declares the week of May 16th – 22nd as Emergency Medical Services Week; and be it further

RESOLVED, that the Town of Yorktown recognize the countless hours and selfless dedication of the members of the Mohegan Volunteer Ambulance Corps and Yorktown Volunteer Ambulance Corps; and be it further

RESOLVED, that the Town of Yorktown recognize and applaud the commitment displayed by all of the Emergency Medical Service operations who service the Town of Yorktown during the COVID-19 pandemic.

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

APPOINT THE FOLLOWING MEMBERS TO THE LOCAL WATERFRONT
REVITALIZATION COMMITTEE: DINA AVERSANO, CHAIR; MATTHEW TALBERT,
STEWART GLASS, BERNARD MOLLOY, AND KEN BELFER

RESOLUTION #212

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

RESOLVED, that Matthew Talbert, Stewart Glass, Bernard Molloy and Ken Belfer, are hereby appointed as members of the Local Waterfront Revitalization Committee for a term to expire on December 31, 2022;

BE IT FURTHER RESOLVED, that Dina Aversano is hereby appointed as a member and Chairperson of the Local Waterfront Revitalization Committee for a term to expire on December 31, 2022.

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

COURTESY OF THE FLOOR

The following members of the public spoke:

Susan Siegel, resident, followed up on comments that she made during courtesy at the May 4 meeting about whether the Town was complying with requirements of SEQRA regarding the adoption of the new overlay law. Her question was whether, as required by SEQRA, the Town's environmental assessment form (EAF) actually addresses the combined environmental impacts of the seven proposed development plans within the Yorktown Heights Overlay District – traffic obviously being one of the major impacts. I specifically asked that at the next meeting the Board answer the simple question of whether the Town was following the required SEQRA procedures for the overlay law. Ms. Siegel also spoke of the impact on traffic once Trader Joe's opens on Route 202. She cited a newspaper article that made two interesting points that relate to the SEQRA requirements for the overlay law. One: before the Planning Board approved the Lowe's plan, the developer worked out a very detailed traffic mitigation plan with the DOT. The developer agreed to pay for all the improvements on Route 202. The key words are "before the plan was approved" and that "the developer paid for the required improvements." Two: the article noted that the Town Board had conducted interviews for a traffic consultant. She asked if one of the consultant's first tasks be an accumulative traffic impact study for the seven proposed developments and the likely mitigation measures that will be needed to accommodate the increase traffic in the Yorktown Heights hamlet. Ms. Siegel said SEQRA requirements are very clear. Before creating the Yorktown Heights Overlay District, the combined cumulative impacts of separate actions with the district must be studied. Each of the seven projects cannot be looked at separately as they come one at a time before the Planning Board. She compared this issue to the Town Board requirement of the Weyant and Roma Building developers to work with the DOT on traffic improvements to Route 202 and Route 118 before they would approve the rezoning requests. She asked if a traffic study was needed for this (76 units, 7-8 stores), how can the current Board ignore the cumulative traffic impact of over 300 units in a lot more commercial space if the overlay law is adopted. Ms. Siegel also made a request that the public hearing on the overlay law be held at an open meeting, with proper spacing, but not on Zoom.

Luciana Haughwout, resident, introduced her consciousness and energy-coaching program called Conscious Energy Core Energy Coaching for individuals aged 18-22. She said she uses somatic work, which is a way to move your body to move any traumas so that you can achieve greatness. She said this is the difference between talk therapy and the work that she does.

Councilwoman Roker suggested Ms. Haughwout put her phone number in the chat box for access. She and Ms. Haughwout discussed involvement with the Yorktown Teen Center. Councilwoman Roker thanked her for joining the Board meeting and introducing herself.

Jay Kopstein, resident, read a prepared statement based upon some comments made in previous Town Board and Planning Board meetings. "We are fortunate to live in a country that allows for differing opinions, even if those opinions are different from those of our elected or appointed officials. These opinions may be right or wrong or in between. That does not make those officials corrupt or unethical. Perhaps the reverse is true. However, an opinion is just an opinion. If an opinion then evolves into a perspective, law, or ordinance, that law or ordinance, even if enacted, is not unlawful until a court of competent jurisdiction deems it so. If we disagree with a law or ordinance, then we can vote in officials who can change it. We live in times where some encourage change by means used by the "cancel culture." We should reject the cancel culture method in favor of regular procedure, which is codifying law."

Sergio Esposito, resident and President of the Yorktown Chamber of Commerce, said that the Board of Directors of the Yorktown Chamber of Commerce recently voted to endorse the Town Board's proposed legislation establishing overlay zones. He said they joined the Business Council of Westchester, the Hudson Valley Economic Development Corporation, and many others in support of this important new tool created by Supervisor Matthew Slater to help attract new jobs and businesses to our communities. The Board of Directors also voted to support the inclusion of the former Soundview Preparatory School in the Yorktown Heights overlay zone. Mr. Esposito stated that, as a gateway to Yorktown Heights, this historic property should not be excluded from the benefits that an overlay zone will provide. Nor can it be allowed to further deteriorate and become a blight. He strongly encouraged the Town Board to enact the overlay zone legislation as soon as possible. Prioritizing economic growth and the creation of new jobs and opportunities for

Yorktown residents is critical and of paramount importance. Mr. Esposito also mentioned that it is time to begin the process of easing back the restrictions that go beyond New York State and CDC guidance when the pandemic began. He asked that everyone respect one another's decisions regarding mask wearing and to respect the decisions of local businesses regarding their mask policy.

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

Councilman Lachterman also mentioned the Chamber of Commerce is doing something in the community with their Summerfest scheduled for June 19. He said it is a good place to go out and see some of the vendors and see what is happening.

POET LAUREATE

Poet Laureate John McMullen read an original poem.

OPPOSE THE PROPOSED 9% WATER RATE HIKE BEING DELIBERATED BY THE NYC WATER BOARD

RESOLUTION #213

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

Town of Yorktown opposes the proposed water rate hike by the New York City Water Board; and

WHEREAS, the Town of Yorktown as a member of the Northern Westchester Joint Waterworks purchases its water from New York City; and

WHEREAS, the Town of Yorktown and our residents adhere to strict guidelines to protect the watershed which is a main source of the water we purchase; and

WHEREAS, the New York City Water Board is currently deliberating on increasing rates up to 9%; and

WHEREAS, the proposed rate hike will have a negative impact on the consumers of Yorktown including the operations and planning of capital improvement projects of the Yorktown Water Department and Northern Westchester Joint Waterworks; and

WHEREAS, one of the performance goals of the NYCDEP is to establish rates that are fair and affordable; now, therefore, be it

RESOLVED, the Town of Yorktown opposes the proposed water rate hike by the New York City Water Board; and be it further

RESOLVED, the Town of Yorktown will submit this resolution as part of the official record.

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

AUTHORIZE SUPERVISOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SAM SCHWARTZ ENGINEERING, DPC FOR TRAFFIC AND TRANSPORTATION PLANNING SERVICES

RESOLUTION #214

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

RESOLVED, that the Supervisor is authorized to enter into a professional services agreement with Sam Schwartz Engineering, DPC for traffic and transportation planning services. Any and all services must have a Town Board approving resolution.

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

AUTHORIZE COMPTROLLER TO PAY BRADLEY GOODMAN THE CASH VALUE OF UNUSED TIME AS OF HIS RETIREMENT DATE

RESOLUTION #215

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

BE IT RESOLVED, the Town Board hereby authorizes the Town Comptroller to pay Bradley Goodman the cash value of unused time as of his date of retirement:

Rate of Pay:	\$53.1434		
Sick	242.25 hours	@ 50%	=121.12 hours
	121.12 hours	x \$53.1434	= \$ 6,436.72
Vacation	145.25 hours	x \$53.1434	= \$ 7,719.07
Personal	21.00 hours	x \$53.1434	= \$ 1,116.01
Floating Holiday	14.00 hours	x \$53.1434	= \$ 744.00

Longevity
 $\$1,600 / 261 \text{ days} = \6.13 per day
 $12/28/20-04/29-21 = 89 \text{ days}$
 $89 \text{ days} \times \$6.13 = \$ 545.57$

Total = \$16,561.37

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

From:		
A909.8	General Fund Reserve Employee Accrued Benefits	\$6,436.72
To:		
T905.1	Medical, Dental, Vision Premium Trust	\$6,436.72
From:		
A3620.101	Building Salary	\$9,579.08
A3620.106	Building Longevity	\$ 545.57
To:		
A3620.108	Building Lump Sum Payments	\$10,124.65

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

AUTHORIZE COMPTROLLER TO PAY WILLIAM GORDINEER THE CASH VALUE OF UNUSED TIME AS OF HIS RETIREMENT DATE
RESOLUTION #216

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

BE IT RESOLVED, the Town Board hereby authorizes the Town Comptroller to pay William Gordineer the cash value of unused time as of his date of retirement:

Rate of Pay:	\$60.1303		
Vacation	216.00 hours	x \$60.1303	= \$12,988.14
Personal	24.00 hours	x \$60.1303	= \$ 1,443.12
Compensatory Time	10.90 hours	x \$60.1303	= \$ 655.42
Holiday Pay	36.80 hours	x \$60.1303	= \$ 2,212.79

Longevity
 $\$2,425 / 260 \text{ days} = \9.33 per day
 $04/05/21-04/29/21 = 18 \text{ days}$
 $18 \text{ days} \times \$9.33 = \$ 167.94$

Total \$17,467.91

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

From:
 A3120.102 Police Salary \$17,299.97
 A3120.106 Police Longevity \$167.94

To:
 A3120.108 Police Lump Sum Payments \$17,467.91

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

AUTHORIZE COMPTROLLER TO PAY LAWRENCE PANICCIA THE CASH VALUE OF UNUSED TIME AS OF HIS RETIREMENT DATE
RESOLUTION #217

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

BE IT RESOLVED, the Town Board hereby authorizes the Town Comptroller to pay Lawrence Paniccia the cash value of unused time as of his date of retirement:

Rate of Pay: \$54.1686

Vacation	144.00 hours	x	\$54.1686	= \$ 7,800.27
Personal	24.00 hours	x	\$54.1686	= \$ 1,300.04
Compensatory Time	14.43 hours	x	\$54.1686	= \$ 781.65
Holiday Pay	36.80 hours	x	\$54.1686	= \$ 1,993.40
Longevity				
\$2,225 / 261 days = \$8.56 per day				
	04/01/20-04/01/21			\$ 2,225.00
	04/01/21-04/30/21 = 21 days			
	21 days	x	\$8.56	= \$ 179.76
			Total	= \$14,280.12

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

From:
 A3120.102 Police Salary \$11,875.36
 A3120.106 Police Longevity \$ 2,404.76

To:
 A3120.108 Police Lump Sum Payments \$14,280.12

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE WATER DEPARTMENT
RESOLUTION #218

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$35,900 from the Water Department Cement Lining line (SW.8340.0483.0001) to the Water Department Professional Services line (SW.8340.0490) to cover the cost for engineering services from Weston & Sampson, PE, LS, LA PC relating to the bidding and construction of the cleaning and cement relining project.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT

RESOLUTION #219

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

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

From:

D.1002 Highway – Fund Balance \$483,924.00

To:

D5110.201 Highway – Equipment \$483,924.00

For the purchase of a Caterpillar Loader from HO Penn in the amount of \$226,500 under New York State contract #PC66988, a Tree Truck with 70' boom and forestry body from Altec in the amount of \$216,424 under New York State contract #PGB-22792/PC68526 and a Ford F350 under New York State mini bid for the approximate price of \$41,000.

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

AUTHORIZE GRANT PROGRAM TO PROVIDE REIMBURSEMENT COSTS UP TO \$5,000 FOR REMOVAL OF UNDERGROUND STORAGE FUEL OIL TANKS IN THE YORKTOWN AFFORDABLE HOMEOWNERSHIP PROGRAM

RESOLUTION #220

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

WHEREAS, the Yorktown Community Housing Board came upon information that two affordable homes in the Bridle Ridge Development have underground fuel oil storage tanks, which are approximately 12 feet apart between the homes, and

WHEREAS, all of the homeownership units in the Yorktown Affordable Homeownership Program are between 25 and 30 years old, and

WHEREAS, there is a risk of leakage as underground fuel tanks age, and

WHEREAS, it would be beneficial to the environment and to the affordability of the homes if the existing underground fuel oil storage tanks were removed and replaced, preferably with above ground storage tanks, and

WHEREAS, there is a fund for affordable housing in the Town of Yorktown, otherwise known as the Affordable Housing Trust Fund or T75, and that fund has a balance that would be more than sufficient to cover all or a portion of the expense for removal and replacement of the aged underground fuel oil storage tanks, and

WHEREAS, getting this accomplished will improve Yorktown's affordable homes and help ensure continued affordability, while also protecting the environment, now

THEREFORE BE IT RESOLVED, the Yorktown Community Housing Board recommends to the Town Board that Yorktown establish a grant program for the existing homes in Yorktown's Affordable Homeownership Program that would provide cost reimbursement up to \$5,000 towards the owners' actual reasonable and necessary costs per home for removal and replacement of any existing underground fuel oil storage tanks at these properties in accordance with all applicable Town, County and State codes and requirements.

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

ADOPT THE NEW YORK STATE UNIFIED SOLAR PERMIT APPLICATION FORM AND PROCEDURES FOR THE INSTALLATION OF SMALL SCALE ENERGY SYSTEMS

RESOLUTION #221

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

WHEREAS, The Town of Yorktown duly adopted the NYS Fire Prevention and Building Code to provide minimum requirements to safeguard the public safety; and

WHEREAS, The Town of Yorktown Code Enforcement Officer administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town of Yorktown Code; and

WHEREAS, The Town of Yorktown requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

WHEREAS, the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, the New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes and

WHEREAS, the Town of Yorktown desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size (“Small Scale Energy Systems”) by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

NOW THEREFORE, BE IT RESOLVED, the Town of Yorktown hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of Small Scale Energy Systems; and it is further

RESOLVED, the Town of Yorktown Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of Small Scale Energy Systems; and it is further

RESOLVED, any further actions required of the Town of Yorktown to effect the foregoing are hereby authorized and the Supervisor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

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

AUTHORIZE COMPTROLLER TO REFUND THE FOLLOWING DUPLICATE TAX PAYMENTS
RESOLUTION #222

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

RESOLVED, the Comptroller is authorized to refund the following duplicate 2021 Town/County Tax Payments:

<u>Account No:</u>	<u>Amount</u>	
4138500	\$2,888.32	Refund Duplicate 2021 Town/County Tax
1659500	\$4,946.05	Refund Duplicate 2021 Town/County Tax
4399000	\$3,205.32	Refund Duplicate 2021 Town/County Tax
1862000	\$7,091.79	Refund Duplicate 2021 Town/County Tax
4213000	\$4,421.19	Refund Duplicate 2021 Town/County Tax
1518500	\$4,821.72	Refund Duplicate 2021 Town/County Tax
2948500	\$4,849.95	Refund Duplicate 2021 Town/County Tax
1753500	\$3,742.52	Refund Duplicate 2021 Town/County Tax
2387000	\$4,629.87	Refund Duplicate 2021 Town/County Tax
2570000	\$4,122.40	Refund Duplicate 2021 Town/County Tax
0585500	\$2,745.10	Refund Duplicate 2021 Town/County Tax
2494290	\$3,601.60	Refund Duplicate 2021 Town/County Tax
0279641	\$2,101.55	Refund Duplicate 2021 Town/County Tax
1395000	\$3,297.68	Refund Duplicate 2021 Town/County Tax

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

AUTHORIZE REDUCTION IN EROSION & SEDIMENT CONTROL BOND,
PERFORMANCE BOND, AND WETLAND PLANTING BOND FOR THE LOWE'S SITE
DEVELOPMENT PLAN
RESOLUTION #223

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

WHEREAS, Planning Board Approval Resolution #16-22 referenced bonds to be posted for Erosion & Sediment Control, Performance and Wetland Planting Bond. In lieu of providing individual bond amounts, the Town agreed that the Applicant could provide one Project Performance Bond in the aggregate amount of \$1,000,000; and

WHEREAS, Yorktown Jaz, LLC, as Applicant, provided the Town with The Guarantee Company of North America's Site Improvement Bond #76154779, in the amount of \$1,000,000 to serve as the Erosion & Sediment Control bond, Performance Bond, and Wetland Planting Bond for permit #WP-E-028-10, for the Lowe's Site Development Plan located on Route 202; and

WHEREAS, in a prior resolution dated 2/2/21, the Town Board approved a reduction in the Project Performance Bond to \$100,000. Yorktown Jaz, LLC has requested the Performance Bond be further reduced, from \$100,000 to \$5,000; and

WHEREAS, the infrastructure improvements associated with the project are substantially complete, and a bond in the amount of \$5,000 should remain in place to serve as the erosion control bond; now

THEREFORE BE IT RESOLVED, the Performance Bond is hereby reduced to \$5,000 (\$100,000 - \$95,000 = \$5,000). The remaining funds (\$5,000) will be held until all remaining project work has been completed and the site completely stabilized.

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

AUTHORIZE THE BELOW LISTED VEHICLES TO BE DEEMED OBSOLETE AND
EITHER SCRAPPED AT BROOKFIELD METAL OR SOLD AT AUCTION BY ABSOLUTE
AUCTIONS & REALTY, INC.
RESOLUTION #224

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

WHEREAS, the Town of Yorktown has found that certain vehicles are obsolete and no longer needed for public use by the Town of Yorktown, and

WHEREAS, the Central Garage recommends to the Town Board that the listed vehicles be deemed obsolete and either scrapped at Brookfield Metal or sold at auction by Absolute Auctions & Realty, Inc:

2005 Crown Vic	Vin# 2FAFP71W65X177376
2005 Crown Vic	Vin# 2FAFP71W05X177373
2005 Crown Vic	Vin# 2FAFP71W45X177375
2005 Crown Vic	Vin# 2FAFP71W25X177374
2003 Crown Vic	Vin# 2FAFP71W53X118266
2002 Crown Vic	Vin# 2FAFP71W93X122207
2003 Crown Vic	Vin# 2FAFP71W13X118264
2006 Crown Vic	Vin# 2FAFP71W46X165454
2011 Crown Vic	Vin# 2FABP7BV1BX169976
2004 Crown Vic	Vin# 2FAFP71WX4X102100
2001 Chevy Tahoe	Vin# 1GNEK13VX1J257487
1999 Chevy Dump	Vin# 1GBHK33J3XF076777

NOW, THEREFORE, BE IT RESOLVED, that the above listed vehicles are deemed obsolete and will be scrapped at Brookfield Metal or sold at auction by Absolute Auctions & Realty, Inc.

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

RELEASE OF STREET OPENING PERMIT #020-007
RESOLUTION #225

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

RESOLVED, that the Comptroller is authorized to release Street Opening Permit #020-007 in the amount of \$4,000 to Tapsexpress, P.O. Box 329, Katonah, NY 10536, as per the recommendation of the Highway Superintendent.

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

PROMOTIONAL APPOINTMENT OF VINCENT CALICCHIA TO WATER
MAINTENANCE WORKER GRADE II
RESOLUTION #226

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

BE IT RESOLVED, that Vincent G. Calicchia, is hereby appointed promotionally to the civil service title, Water Maintenance Worker Grade II, job class code 0621-01, from Eligible List No. 66-831, within the Water Department, effective May 24, 2021, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 10, Step 3 which is \$60,431.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on May 24, 2021.

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

AUTHORIZATION FOR TOWN ATTORNEY TO ENTER INTO AGREEMENT WITH
NATIONAL ARBITRATION & MEDIATION
RESOLUTION #227

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

RESOLVED, that the Town Attorney is authorized to enter into an agreement with National Arbitration & Mediation for the provision of alternate dispute resolution services in an amount not-to-exceed \$5,000.

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

DISCUSSION ON OVERLAY DISTRICT

Yorktown Planning Director John Tegeder and Yorktown Planner Robyn Steinberg came before the Board to discuss the Overlay District Zoning and shared a PowerPoint presentation. Mr. Tegeder said he was asked to talk further about the Planned Design District Overlay Zone so that it gets out into the public with as much clarity and knowledge about the proposed law as possible. He proceeded with his presentation covering the following points: a description and definition of the overlay zone, a description of the intent and purpose in adopting such a zone, the law as a potential solution to the issues the Town is facing, and a detailed description of how the law works as written.

Mr. Tegeder spoke about the Comprehensive Plan as the Town's most important planning document. It sets forth guiding principles for development, among many other things. He emphasized the word "guiding" as it is designed to be relevant to varied situations through time. He said it is important to understand how the Comprehensive Plan works – that it is not a plan in the most usual sense. It is not a plan of a house that shows you a living room of a certain size, the thickness of walls with certain materials, and connected to other rooms in certain ways. The starting point is the land use chapter. He quoted "Yorktown's five hamlet business centers should be vital centers of community life, with a mix of retail, office, civic, and a diversity of residential uses." Further "Yorktown's five hamlet business centers already serve as centers of community, and provide shopping and conveniences. However, in varying degrees, each of the hamlet centers lacks the mixed use oriented character that distinguishes more vibrant business districts." That was written in 2003, first adopted in 2005, again in 2010, and it still holds true today.

Mr. Tegeder ended by using the example of Mitchell Hardware's demise as evidence of the changing world we are living in. He stated that the evidence is right in front of us in Town and that we should stand up and meet the challenges that are coming.

Councilwoman Roker asked to go back to 2C of the Comprehensive Plan and requested that it be read. Mr. Tegeder read: “Ensure that land uses and development patterns are compatible with the goals and policies in this comprehensive plan which have been established to protect wetlands, water bodies, habitat areas, steep slopes, and other sensitive areas from encroachment, protect drinking water supplies, including reservoirs and aquifers, protect historic resources, including archaeological sites.” Councilwoman Roker stated that this is a lot of what the goals of the overlay district will do. She said she didn’t think it was meant to negatively impact any of the neighborhoods that are near the districts. She proceeded to discuss the housing development in Yorktown. If you go through neighborhoods, you can see which areas were probably designed first with single-family homes, then condos and co-ops and that this would be the third iteration of things to come. She referred to Councilman Diana’s comment about the developer who came in regarding the KMart Shopping Center who spoke about the fact that you are not going to see shopping centers like that anymore. Councilwoman Roker said another thing important to talk about is demographics. If you talk to businesses, they are trying to sell to the age group of 25 and 40. The only way they will be successful is to meet their needs, wants, and desires. She cited the example of a young person who doesn’t want to live in a house where weekends are taken up by mowing the lawn, etc.

Supervisor Slater said he couldn’t agree more with Councilwoman Roker’s comments. He spoke about the Jefferson Valley Mall and how they work with demographics; traditionally, they work within a five-mile radius to gather information. They have now had to expand that radius to fifteen miles to get them into the demographic context retailers are attracted to. Supervisor Slater said that we need to recognize the fact that these retailers need help – first and most of all, customers – and that we also need to be forward thinking on future issues.

Councilwoman Roker spoke about the criteria used when the Board was interviewing traffic consultants. Did they have a relationship with the DOT? She spoke about the need to investigate the traffic on Route 202 – where was it coming from; where was it going? She asked Mr. Tegeder about SEQRA.

Mr. Tegeder said that SEQRA is in full force and effect and that the Town does not get out of it in any way, shape, or form. He said you have to remember what this action is – an adoption of a law. It does not make development happen on its own, just by enactment. Councilwoman Roker said she understood that but it rezones property and when you rezone property, you have to do SEQRA. Mr. Tegeder agreed and said that Ms. Siegel brought up some appropriate comments. He said he thinks we have to, in our documents and the record of this decision, put in there some discussion and data collection for some of those issues. He said he does not know the extent to which they will go; a number of laws just like this go along with what would be called an expanded EAF. He said there is a choice to be made in terms of what the effects are.

Councilwoman Roker stated that there will be a traffic impact. Mr. Tegeder agreed and said it is something that should be looked at. He said if you are going to look at it generically, you are going to total up some potential development and subtract out the traffic that is there that would be demanded if all of these things were full, which at one time they were. He said that it is possible that there may actually be less traffic demand at certain times and days that you do in a full commercial zone. A discussion ensued regarding commercial traffic vs. residential traffic and the studies that may be required.

Supervisor Slater said that knowing the Board was going to approve the resolution today for the traffic consultant, he reached out to the DOT requesting a meeting to discuss several items and also the fact that we do have potentially proposed development along state roads.

Councilman Patel questioned the services that new developments would require of the Town – parking, utilities, sewer & water, etc. He also raised the issue of the pricing of housing units.

Councilman Lachterman discussed the Roma Building with Mr. Tegeder and proposed road changes.

Councilwoman Roker spoke about the affordable housing law and that we cannot have requirements for developers until we have a law. She mentioned the Community Housing Board’s letter that they sent where they make a great argument for doing something now, but the courts have smacked down the making of requirement of affordable housing on a developer.

Supervisor Slater said they still have some questions whether the Town is going to do the expanded EAF for the DGIS and will have to get together with the Town Attorney and the Planning Director to discuss.

Councilwoman Roker said a resident suggested that the Town Board bifurcates the plan from the property and that would make the process possibly go quicker. She explained that if you take the displayed map away and make the remaining areas the overly zone, the developer comes in and does his own SEQRA. She said she would prefer the developer do their own SEQRA, not the Town. Supervisor Slater agreed that there should be more discussion to understand what else needs to be done from the Town's standpoint before bringing it to the next step.

SECURITY CAMERAS IN PARKS AND OTHER TOWN LOCATIONS

Supervisor Slater reported there was an incident at Railroad Park – the second episode this year where the station was vandalized. He asked Parks & Recreation Superintendent Jim Martorano to discuss these episodes. Superintendent Martorano reported that on two separate occasions he was alerted that the motion sensors were triggered at the railroad station. In both cases, rocks had been thrown through the windows. He said that without cameras at that location it is going to be hard to find the necessary evidence to prosecute if the perpetrators are found. He brought with him to this meeting a representative from Signal Intel who installed the security cameras at Granite Knolls, Legacy Fields, Shrub Oak Pool, and Junior Lake Pool. He said he knows funding is an issue and asked MJ from Signal Intel if he had anything to present this evening.

MJ from Signal Intel discussed the problem of the remoteness of the railroad station building and its inaccessibility to any utilities, such as Internet that is needed for remote viewing. Also, there is no storage in the building for digital equipment, which would be exposed to extreme heat in the summer. MJ's suggestion was to house in the equipment at the Highway Department, which is diagonally across the street on Underhill. This way they could reach the equipment and still have the cameras in the park. They would set up a wireless antenna to be able to view the railroad station.

Councilwoman Roker expressed concern about discussing the logistics of the plan in too much detail, at the risk of informing those who may want to do harm to the area.

Supervisor Slater agreed and asked if the Pinesbridge Monument at Railroad Park would also be covered by the cameras. MJ said yes, it would absolutely be covered in the 30 to 45 degree cone broadcast from the Highway Department.

Councilman Diana mentioned that, at this point for security purposes, the remainder of the discussion should be about the cost.

Superintendent Martorano said he had shared a plan with Supervisor Slater earlier in the day but understands that MJ has made modifications. He requested that MJ send him the new plan so that he can disseminate it to the Board.

Councilman Diana asked if a cabinet could be built in the station so that equipment could be housed there. Councilwoman Roker said since it is a landmarked building, she was not sure how much could be done. MJ said he did not recommend placing the equipment inside the building. Councilwoman Roker asked John Tegeder if the equipment could be placed inside the building and he said the point is to do it in a minimal way, so the short answer is yes. The long answer is if it can be done in a way that does not detract from the quality of the building.

MJ talked about the job he will be doing at the Highway Department and the possibility of using that facility to be able to monitor the railroad station building. His preference would be to use the Highway Department, given the restrictions of the railroad station building.

Councilman Patel asked if it was possible to use this system to monitor the Town's water system. He said there are four antennas the Town has and asked if these antennas can be used for the benefits of other Town issues. MJ said yes, certainly.

Supervisor Slater stated that the Board could not go into closed session to discuss camera locations, per the Town Attorney. He suggested that individual meetings be set up with individual board members so that information is not divulged into the public realm. He ended the discussion by reiterating that Superintendent Martorano will obtain the updated quote from MJ and forward it to the Town Board and then individual meetings will be set up to discuss the plans.

REVIEW OF MASK POLICY FOR TOWN FACILITIES AND PARKS

Supervisor Slater opened a discussion to review the Town's mask policy in Town facilities and parks. He said, as stated earlier, the Town cannot be less restrictive but can be more restrictive. He stated that his personal feeling is that the Town should follow the state guidelines at this point. He said it is obviously getting very convoluted with the different conditions. Superintendent Martorano raised the question of what the school districts and sports clubs are doing.

Supervisor Slater said that if you are on school property, masks are mandated, per his conversations with the school districts. He said that the mask policy that the state is implementing beginning tomorrow does not include K through 12 schools. He said there are different parameters for different sports based on how they are classified by the State. If you are in a low-risk sport, whether that is baseball, golf, hiking, or running that is very different from the high-risk sports such as football, hockey, and lacrosse. Until the state classifies them differently, there are different requirements to participate in those sports.

The subject was discussed among the Board members and it was agreed that the State guidelines should be mirrored in Yorktown, with the understanding they can be more restrictive if need be.

Councilman Patel suggested following the school district and their mask policy. Superintendent Martorano said they can continue to welcome mask wearing for all children that play sports on Town fields and there should be no mask shaming. It then becomes a choice of the child and the parent at that point and it is a route the Town Board can take.

Town Board members discussed how confusing the issue is, as well as getting conflicting information from multiple sources. Supervisor Slater said he felt they need to chart a course that puts the Town in sync with what they are hearing from the CDC, state, and county. He said he thought it would make sense to make a motion to rescind the previous policy as it relates to masks in town parks and issue a new policy of following the state guidance as it relates to mask wearing in recreational settings. He reminded everyone that those who are participating in recreational activities on school grounds will have to adhere to the school's policies relating to mask wearing.

RESCIND MASK WEARING POLICY TO FOLLOW NYS GUIDANCE

RESOLUTION #228

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

RESOLVED, the Town Board of the Town of Yorktown rescinds its mask-wearing policy due to the COVID-19 virus and will use New York State's guidance as it relates to mask wearing in the Town's recreational settings until such time that the Town Board decides to issue a new policy.

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

Supervisor Slater asked Superintendent Martorano to work with the sports clubs to make sure they understand what the state guidance is and that they understand the difference between the schools and the Town.

ADJOURN

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

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