

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, October 19, 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 Councilwoman Roker, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss individual personnel issues (John C. Hart Memorial Library) and litigation and negotiations. Upon motion made by Councilwoman Roker, seconded by Councilman Patel, 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 if everyone would join him in a moment of silence to remember a great patriot and a great American – General Colin Powell – who passed away. Supervisor Slater thanked him for his service to our country and for his leadership.

INTRODUCTIONS

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

DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater began by announcing that next week the Town will be releasing the first draft of the 2022 Budget. If all goes according to plan, it will be released on October 25. He thanked the Comptroller and the Finance Department for all of their work on the budget. Supervisor Slater thanked the Water Department (Ken Rundle and James Waterhouse) for their recent attention to a resident's concern regarding their water usage. He said bids have been received for the relining of the water pipes project and there is a resolution on the agenda for the Town to submit for grant funding for the project.

Supervisor Slater also mentioned the Westchester County Mobile Shredder would be back this Friday, October 22, in Shrub Oak Park between 10:00 a.m. to 2:00 p.m. Also this Friday is the opening night of the Halloween Cabaret at the Yorktown Stage. Senator Pete Harckham will be in attendance and, hopefully, will be announcing a grant to help replace the seats at the Yorktown Stage.

Supervisor Slater thanked the Friends of the J. C. Hart Library for their annual book sale. Library Director Yvonne Cech said every book was sold. He thanked the community for their support of the event.

Supervisor Slater said United for the Troops have sent over 25,000 care packages to the troops. Town Hall will be a drop off location for those who want to drop off goods; the list for donations is on the Town's website.

Supervisor Slater said the cost of oil is going up considerably. The Town of Yorktown provides the Yorktown Home Heating Oil Plan, which can be found on the Town's website, or residents can call the Supervisor's office. He also mentioned the state HEAP program available to low income residents. Residents should think about these programs now, since winter is imminent.

Supervisor Slater announced the following Halloween events:

- The Halloween Crawl, sponsored by the Yorktown Lions Club
- The drive-in movie, “The Nightmare before Christmas,” which was postponed has been rescheduled for Thursday, October 21, at the Jefferson Valley Mall
- October 29 is “Trunk or Treat” at the Jefferson Valley Mall, in partnership with the Chamber of Commerce
- The Jefferson Valley Mall is continuing their biergarten series with “Boo and Brew” on Friday evening
- The Halloween Parade will be held Saturday, October 30, with family-friendly activities at Veterans Field.

Supervisor Slater announced that this coming weekend is the Second Annual Fall Farm Weekend, which celebrates the great agricultural assets in Yorktown.

REPORTS FROM TOWN COUNCIL

Councilman Patel said he attended the 103rd birthday of a Yorktown resident. He reminded residents to make sure their chimneys are cleaned for the winter months.

Councilman Diana said the 10-13 awards that were held at Granite Knolls were wonderful. He said 10-13 is “police speak” for “Officer Needs Assistance.” Residents can place a blue light at the front of their houses in support of the police officers. He thanked Councilman Lachterman and the Sons of the American Legion for the breakfasts they hold on the third Sunday of every month. They raise significant funds for the American Legion Post. Councilman Diana spoke about Halloween safety. He mentioned brightly colored, fire retardant costumes, travelling in a group, and parental supervision.

Councilwoman Roker asked people to watch the 10-13 Ceremony on the local government station so people can understand some of the issues that officers face, as well as paying respect to the officers’ families.

Councilman Lachterman shared the story of a resident and friend whose relative passed away recently. Nine-one-one was called and the police were present almost instantaneously and spent time with the family and offered compassion and support. He wanted to publicly thank the police for their assistance. Councilman Lachterman also mentioned the passing of Gilbert Kaufman, a long-time Yorktown resident and veteran of the Korean War. Mr. Kaufman assisted in running a local chapter of AARP and was an advocate for senior rights in Yorktown. Councilman Lachterman mentioned the upcoming Sons of the American Legion breakfast will be held on the second Sunday of the month, November 14 (9:00 – 11:00); the same day as the Veterans’ Day Parade. The breakfast will be free for veterans. He also mentioned volunteer opportunities at the breakfast. Councilman Lachterman said the Teen Center has been reopened but will not be open for the next couple of Fridays, due to early voting – it will reopen on Friday, November 5. He said there is a great opportunity for children and seniors to write cards for the troops and donate them through United for the Troops.

Town Clerk Diana Quast announced the days and times for Early Voting in the Town of Yorktown. There are two designated locations for early voting: the AACCCC and the Jefferson Village Annex Building. Early voting will run from Saturday, October 23 through Sunday, October 31. Ms. Quast announced the times for each day. Ballot boxes will be present for absentee ballots.

REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli stated that there were two Traffic Safety meetings in the last month. There will be a presentation at the next Town Board work session explaining the protocols involved in what types of solutions apply to what types of problems. He said he is currently working on a two to three year paving schedule for the Town that may be completed in either December or January. He is currently working on many drainage issues; they are currently installing 400’ of pipe on Glen Rock and Giordano to eliminate perennial icing situations. He has made arrangements for salt and magnesium chloride deliveries in anticipation of snow. In anticipation of Halloween, he asked residents if they see any storm drains with holes or any trip hazards or potholes, to please call the Highway Department so they may be repaired before children go out trick-or-treating.

Supervisor Slater introduced proclamations for the following organizations.

Councilman Diana read the following proclamation:

PROCLAMATION - ITALIAN-AMERICAN HERITAGE MONTH

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

WHEREAS, Italian-American Heritage Month is an appropriate time to recognize the enormous contributions that the Italian-American people have made to our Town, our country and the world throughout human history; and

WHEREAS, the Yorktown community has a proud tradition of celebrating its Italian Heritage through events such as the San Gennaro Feast and community organizations such as the Circolo da Vinci; and

WHEREAS, the Circolo da Vinci traditionally celebrates the Italian heritage of members of our community each month and is dedicated to preserving and teaching about the Italian heritage; and

WHEREAS, one of their most popular events has become their annual bocce ball tournaments at Downing Park; and

WHEREAS, other groups such as the Christopher Columbus Society of Yorktown makes similar efforts to preserve and educate residents about the impact Italian-Americans have had; and Whereas, Italian-Americans have had profound impacts on our community, state and nation making great strides in the fields of medicine, art, business, education and government; now, therefore be it

RESOLVED, that the Town of Yorktown recognizes the month of October as Italian American Heritage Month; and

BE IT FURTHER RESOLVED, that the Town of Yorktown recognizes and applauds the great efforts of our community organizations who preserve the traditions and accomplishments of Italians.

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

Supervisor Slater read the following proclamation:

PROCLAMATION - GERMAN-AMERICAN HERITAGE MONTH

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

WHEREAS, German-American Heritage Month is an appropriate time to recognize the enormous contributions that the German-American people have made to our Town, our country and the world throughout history; and

WHEREAS, German immigrants first arrived in the 1670s to New York State; and

WHEREAS, German-Americans are credited for establishing the first kindergartens in the United States, introduced holiday traditions such as the Christmas tree and popular foods such as hot dogs and hamburgers; and

WHEREAS, German-Americans have had profound impacts on our community, state and nation making great strides in the fields of medicine, art, music, education, business and government; now, therefore be it

RESOLVED, that the Town of Yorktown recognizes the month of October as German American Heritage Month.

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

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Maya Lloyd and Rosanna from Hope's Door were present for the proclamation. Hope's Door provides services to survivors of domestic violence and their families. They provide counseling for adults and children, education, legal counseling, and prevention programs. The high-risk program began in 2017 and did so well that it was spread across Westchester County. This program trains police departments on domestic violence. High-risk situations are high-risk for all involved, the agency, the police, the victim, the family, etc., which is why it is critical to keep communication open and collaborate on the best way to serve clients.

Supervisor Slater and Councilwoman Roker thanked Hope's Door for the valuable services they provide to the community.

Supervisor Slater read the following proclamation:

PROCLAMATION - NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

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

WHEREAS, Domestic violence is defined as violent or aggressive behavior within the home, typically involving the violent abuse of a spouse or partner.

WHEREAS, Domestic violence affects millions of people in the United States, causes significant harm to the physical and mental health of survivors and their families, undermines their economic stability and overall well-being, and is a stain on the conscience of our country.

WHEREAS, Domestic Violence Awareness Month was launched in October 1987 as a way to connect and unite individuals and organizations working on domestic violence issues while raising awareness for those issues.

WHEREAS, during National Domestic Violence Awareness and Prevention Month, the Town of Yorktown honors the tremendous dedication of advocates and service providers, honors the courage and resilience of survivors, and recommits itself to standing with them for safety, dignity, and justice.

WHEREAS, the Town of Yorktown is proud to partner with organizations such as Hope's Door to provide services to victims of domestic violence.

WHEREAS, in 2020 the Town of Yorktown Police Department joined Westchester County Domestic Violence High Risk Team, which assists responding police officers refer domestic violence cases to a liaison officer and service provider.

NOW, THEREFORE, BE IT RESOLVED, the Town of Yorktown declares October as National Domestic Violence Awareness and Prevention Month.

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

Supervisor Slater read the following proclamation:

PROCLAMATION - BREAST CANCER AWARENESS MONTH

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

WHEREAS, Breast Cancer Awareness Month began in 1985 as a partnership between the American Cancer Society and Imperial Chemical Industries Pharmaceuticals and Breast cancer is one of the most commonly diagnosed cancers among women; and

WHEREAS, Breast Cancer is the second most common cancer affecting women and it is estimated that 1 in 8 women will develop breast cancer over the course of their lifetime; and

WHEREAS, Breast Cancer Awareness Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

WHEREAS, Yorktown is proud to be home to grassroots organizations such as Support Connection, Inc. which is celebrating its 25th Support-A-Walk at FDR Park; and

WHEREAS, Support Connection Inc. provides services and counseling to women facing breast and ovarian cancer;

WHEREAS, During National Breast Cancer Awareness Month, we are united in our commitment to ending breast cancer and improving the lives of all those affected by this illness.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Yorktown declares October as Breast Cancer Awareness Month; and

BE IT FURTHER RESOLVED, that the Town of Yorktown recognizes and thanks Support Connection Inc. and its incredible staff for their commitment to the members of the Yorktown Community and beyond.

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

POET LAUREATE

John McMullen, Poet Laureate, read an original poem, "I'm Tired."

ACCEPT RETIREMENT RECEIVED FROM ED MAHONEY FROM THE SEWER DEPARTMENT EFFECTIVE OCTOBER 25, 2021 RESOLUTION #424

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

RESOLVED, that the Town Board accepts the retirement received from Ed Mahoney from the Sewer Department effective October 25, 2021, with thanks for his many years of service to the Town.

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

Board members had kind words for Mr. Mahoney and wished him the best of luck in his retirement.

Dottie LaScala, resident and member of the Circolo DaVinci Society in Yorktown, spoke about goals of the club, which include raising scholarship money for local high school students, as well as honoring veterans.

COURTESY OF THE FLOOR

The following members of the public spoke:

Susan Siegel, resident, had questions regarding two FOILs that she said were denied. The first request was for copies of agreements the Supervisor was authorized to sign for an environmental consultant relating to two solar projects. She said she was told no such documents existed. She wanted to know if the Board voted on documents they had not seen and, if yes, how did they know what they were voting on. Her second FOIL request, which was denied, was to see the bids that were submitted for the Smart Water Meter Project. Ms. Siegel said there is a lack of transparency with how the Board is going about this project. Ms. Siegel discussed the presentations that had been done regarding the smart water meters and they were very different – one potentially costing taxpayers upwards of \$600,000. She said there should have been more open discussions. She questioned the Board if they compared the long-term financial impact of both options.

Ilan Gilbert, resident, recognized the passing of General Powell and Gilbert Kaufman and recollected meeting General Powell and his memories of Mr. Kaufman, who was a friend. Mr. Gilbert said he was impressed with the presentation regarding the creation of the sensory garden at Granite Knolls. He said he hoped the Town Board would move forward on the project on behalf of the people it would service: seniors, veterans with PTSD, children on the spectrum, as well as all residents. Mr. Gilbert said there is a need for this kind of project, especially during these times, when a quiet, peaceful place is sought after by people.

Rosemarie Panio, resident, expressed concern regarding a solar proposal that would result in a large number of trees being cut down. She said she feels this will affect the bucolic aspect of Yorktown. Mrs. Panio said many people have worked hard to preserve the vistas in Yorktown and she is concerned to see the cutting down of acres of trees.

Sergio Esposito, resident and Chamber of Commerce President, announced the following community events: “Boo and Brew” on October 29 at the mall between 5:00 and 9:00 p.m.; also on the 29th, the Chamber is hosting a “Trunk or Treat” at the mall; the grand opening of Remax (2013 Crompond Road) on October 30th; also the Fall Farm Weekend (October 30 & 31), partnered by the Chamber of Commerce and the Town.

Kathy Quinn, Support Connection. Supervisor Slater congratulated Support Connection on their recent walk-a-thon at FDR Park. Ms. Quinn said it was actually their 27th walk and they celebrated their 25th anniversary as an organization. She spoke briefly about the services Support Connection offers to those with breast or ovarian cancer. Councilwoman Roker asked about where donations could be made. Ms. Quinn said donations could be made either online or by mail.

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

Councilman Patel reminded everyone that Sonia Gitner recently passed away. Ms. Gitner was a resident of Yorktown who contributed much to the community, particularly at the Yorktown Teen Center and as a volunteer at Hudson Valley Hospital. Councilman Patel offered his condolences to her family.

Councilwoman Roker said the agreement with the environmental consultant was not separate for each project they are asked to review; the review mechanism is part of the initial agreement, which she should be able to see. Supervisor Slater asked if the Town Clerk or Town Attorney wished to comment on Ms. Siegel’s comments. Town Clerk Diana Quast said that since this was a denial and had gone to an appeal process, she would leave any comments to the Town Attorney. Councilwoman Roker said the request for an environmental consultant should have been worded differently. She said she thinks there is a contract for the environmental consultant but there will not be one for every project that he looks at. Town Attorney Adam Rodriguez said this was correct and that there is an underlying contract and that each scope of work is decided by the Town Board. He said the FOIL was asking for something that did not exist. He said as far as the other FOIL she requested, the appeal decision speaks for itself.

Councilman Lachterman said there are many great organizations and leadership in Town and he thanked Supervisor Slater for his leadership regarding the Fall Farm Weekend. He thanked the Supervisor for bringing fruition to many ideas that have been around for several years.

Supervisor Slater said some of the comments made during Courtesy of the Floor were gross accusations and assumptions. He said the water meter project is incredibly important and incredibly complicated. He knows this because both the Finance and Water Departments have been dealing with it. He made assurances that the Board is doing their full due diligence every step of the way and when it is ready for them to proceed in a public manner, they will. He said they have to make sure the staff understands what the implications are. He said they have also worked with the NWJWW on the water meter project, as well as other participating communities of the NWJWW on this project to see the Town can get buy-ins from them so we can do this collectively. He explained that the NWJWW does the billing for four communities – all four municipalities have four different water meters and four different billing systems, which makes no sense. Supervisor Slater said he thought this would be a prime opportunity for the NWJWW, which is a shared service collaboration among four municipalities, to come together to provide one meter and one billing service. He said these conversations are still ongoing and are public meetings, which he is sure the public may attend. Councilwoman Roker said particularly with the amount of money we pay for billing, which is nearly \$1 million. Supervisor Slater said this makes sense on many levels. He said the necessary studies are being done and the Board recognized from the outset the need to move this forward. The companies that have responded are national companies, and due diligence will be done including a public session.

Councilman Patel said he would like to see this as an open discussion for the public. He asked the Supervisor why he wanted to throw away all of the current meters. Supervisor Slater adamantly

stated that he never said he wanted to throw away the current meters and asked Councilman Patel not to put words in his mouth. He said due diligence should be done and all options considered. Councilman Patel said the old meters might be salvageable with possibly little cost. He said there needs to be a detailed understanding of what is being proposed. Councilwoman Roker agreed and said that whatever the Town does has to last at least another twenty years. Supervisor Slater said if you only do half the project, it puts the Town on a ten-year cycle; every ten years, you would be cycling out half the stock of water meters because they only have a twenty-year life span. He said they could easily come up with a short-term solution, but that would give the Board a long-term problem (just as they have been dealing with here).

Councilwoman Roker felt that Rosemarie Panio should be assured that the Town has a very good tree law and no one will disregard the law regarding any projects. Councilwoman Roker asked Director of Planning John Tegeder to confirm what she said. Mr. Tegeder said Councilwoman Roker is absolutely right; it is a law that is in effect that must be followed.

Supervisor Slater agreed with Councilwoman Roker that there is misinformation out there about some of the projects but it is important to understand that Yorktown's environmental laws, as well as the state's, must be followed by applicants. A discussion took place regarding the effects, both good and bad, of subdivision building and tree cutting and solar farms and tree cutting. Councilman Patel spoke of how it is a balancing act of how to provide for the future in terms of energy – it is not the only answer but it is to be considered along with all of the other needs of the future (water shortages and food and fuel supplies).

ADOPT LOCAL LAW 9 OF 2021 AMENDING CHAPTER 300 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “ZONING; SECTION 300-81.4(C) RESOLUTION #425

Supervisor Slater said this decision and amendment is in regards to the solar law changing the threshold from 20 kilowatts to 25 kilowatts, as recommended by NYSERDA.

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

WHEREAS, a public hearing was held on the 5th day of October pursuant to notice duly published as required by law amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning; Section 300-81.4(c).”

RESOLVED, that Local Law 9 of 2021, amended and annexed hereto, be and is hereby adopted.

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

RECONVENE PUBLIC HEARING TO CONSIDER A STORMWATER POLLUTION PREVENTION PLAN PERMIT AND WETLAND PERMIT SUBMITTED BY CON EDISON TO BURY 465 FEET OF ELECTRIC CABLE AND TO ADD A PAD-MOUNTED UTILITY BOX WITHIN THE WETLAND BUFFER ON EASTERN SIDE OF FOOTHILL STREET

Supervisor Matthew Slater reconvened a public hearing to consider a Stormwater Pollution Prevention Plan Permit and Wetland Permit submitted by Con Edison to bury 465 feet of electric cable and to add a pad-mounted utility box within the wetland buffer on the eastern side of Foothill Street in Yorktown Heights.

Supervisor Slater introduced Luigi Vingo from Con Edison and Town Engineer Dan Ciarcia. Supervisor Slater said that following the initial public hearing there were several issues that were raised by several staff members. Councilman Diana, Dan Ciarcia, Highway Superintendent Dave Paganelli visited the site with Mr. Vingo.

Mr. Ciarcia said they had an opportunity to walk the site to see what kind of interference may exist. He said they saw where the transformer pad and other structures that Con Edison requires would not interfere with traffic. The pole lines will remain; therefore, there would be no interference with other utilities. He said the issue came up about SEQRA segmentation and he looked at the distribution system in the area and said that the GIS app says there is no host capacity for solar or any other technology to provide power to the grid. He said what they have there now could not accommodate the Lockwood Solar Farm. What they are building is an equivalent system. Mr. Ciarcia said the segmentation issue is not really valid because what Con Edison is doing in the

Foothill area does not dovetail with the Lockwood project. He said the Town should be happy that Con Edison chose Yorktown for the pilot program.

Councilman Diana said he saw that there would be three transformers, not the one that was anticipated. He feels this is a very good area for this project. Supervisor Slater raised the issue of the water line that runs underground in the location. Councilman Diana said that the water line runs on the east side of Foothill so they moved that segment to the west side of Foothill so as not to disrupt the water mains. There are some crossovers where they will have to go around the laterals to the houses, but there are not that many. Councilman Diana said Con Edison said the depths of the digs will be 24” total; most of the water is about 42-48” and generally the electric lines are kept below 18”.

Highway Superintendent Dave Paganelli said it was a good walk through. He said they would work closely with Con Edison as they traverse the drainage issues. Highway has made their arrangements with Con Edison as far as restoration is concerned – the road will be restored, curb to curb with 2” mill-and-fill. They are currently negotiating paving that may need to be done.

Councilman Diana said they would try to do a minimal traffic interruption and/or detour and arrangements have been made with Highway.

Councilman Patel asked for comments from Planning Director John Tegeder who said he is in support of Mr. Ciarcia’s comments regarding segmentation.

Luigi Vingo from Con Edison agreed that all of the above comments accurately described the issues that were raised during the walk through. He asked if construction could begin before the wetlands permit is issued. Mr. Ciarcia said the permit is for activity within the wetland buffer; therefore, any activity outside of the buffer could begin, as it does not require a permit. Mr. Vingo said they have the construction permit in order to begin the work. None of the department heads had any objection to them beginning outside of the buffer.

Councilwoman Roker asked what kind of results Con Edison would be looking for after burying these lines – would they be looking at what happens when everybody else’s lights go out in Yorktown as compared to the people who now have underground lines? Mr. Vingo said, yes, they would be looking at increased resiliency of the system so anybody who is on the other side of the undergrounding will be better protected from the outage. Councilwoman Roker said she appreciated the fact that people in Yorktown will benefit from this project. Supervisor Slater said this is a tremendous step forward for utilities. Councilman Patel said underground is a good thing but it is still difficult in finding where a fault in the lines is when the lines are underground and can be a costly fix to dig up.

The following members of the public spoke:

Ilan Gilbert, resident, said he spoke at the last meeting and was in favor of the project. He was happy to see that the issues raised at that meeting have been resolved. Mr. Gilbert said, as a former supervisor, he attended many utility meetings where the reluctance to do underground lines was discussed due to the high cost. He said he is happy that Yorktown is a recipient of the pilot program and will receive this at no cost and hopes that other areas would be looked at for future undergrounding projects.

Mr. Vingo stated that the cost of undergrounding is anywhere from \$8 to \$10 million per mile.

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

Supervisor Slater said, with no objection from any Department Heads, the consensus is that Con Edison would be allowed to work outside of the wetland and begin, at least, staging. There were no objections from the Board members. Supervisor Slater said he was just handed a memo from the Town Engineer with suggested conditions for the permit, which he would circulate to Town Board members and the Town Clerk.

AUTHORIZE BUDGET TRANSFER FOR THE PURCHASE OF AN M2000 – HIGHWAY DEPARTMENT
RESOLUTION #426

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

RESOLVED, that the Comptroller is authorized to process the following budget transfer for the Highway Department: \$11,500.00 from D5110.425 to D5142.403 for the purchase of an M2000.

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

AUTHORIZE BUDGET TRANSFER FOR THE PURCHASE OF TWO FORD F550 TRUCKS – HIGHWAY DEPARTMENT
RESOLUTION #427

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

RESOLVED, that the Comptroller is authorized to process the following Budget Transfer for the Highway Department:

From: D5112.210 Highway – Paving \$185,000.00

To: D5112.205 Highway – Equipment \$185,000.00

for the purchase of two Ford F550 Trucks from Beyer Ford under NYS Contract #68923 mini-bid.

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

Supervisor Slater said it was worth noting that the additional money in paving came from an additional allotment from State funds that the Town was not anticipating or budgeting for, despite the fact that we actually (thanks to the Highway Department) paved a record 16.5 miles. This surplus money anticipated from the State is now being invested in some needed equipment.

AUTHORIZATION TO ENGAGE SAM SCHWARTZ ENGINEERING, DPC (UNDER ON-CALL AGREEMENT) TO ANALYZE TRAFFIC IMPACTS – TACO BELL RESTAURANT
RESOLUTION #428

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

WHEREAS, the Town Board of the Town of Yorktown authorized a study of the traffic impact of the proposed site plan known as Taco Bell Restaurant located in the Route 6 Office Development, proposed on the southwest corner side of Route 6 and Mohegan Avenue by resolution dated June 8, 2021; and

WHEREAS, the Planning Board of the Town of Yorktown determined that additional study of crash data related to the traffic impact of the proposed site plan known as Taco Bell Restaurant is warranted; and

WHEREAS, Sam Schwartz Engineering, DPC has submitted the original proposal to provide the traffic analysis for the site plan pursuant to said on-call agreement for an amount not to exceed \$5,000.00 for the traffic analysis; and

WHEREAS, Sam Schwartz Engineering, DPC has submitted an amended proposal to provide the crash data analysis for an additional amount not to exceed \$4,200.00 which totals an amount of \$9,200.00 for the traffic analysis; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Sam Schwartz Engineering, DPC under the on-call agreement with the Town of Yorktown for the purpose of analyzing the traffic impacts of the commercial site plan know as Taco Bell Restaurant, located on the Route 6 Office Development, for an additional \$4,200.00 for a total amount not to exceed \$9,200.00 for the traffic analysis, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

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

AUTHORIZATION TO ENGAGE TRANSPRO GROUP (UNDER ON-CALL AGREEMENT)
TO ANALYZE TRAFFIC IMPACTS – OVERLAY ZONING DISTRICTS
RESOLUTION #429

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

WHEREAS, the Town Board of the Town of Yorktown has proposed new Overlay zoning districts for the Yorktown Heights and Lake Osceola areas of Yorktown and desires to evaluate the traffic impact of the proposed overlay districts; and

WHEREAS, Transpo Group, a traffic consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 6, 2021; and

WHEREAS, Transpo Group has submitted a proposal to provide the traffic analysis for the overlay districts pursuant to said on-call agreement for an amount not to exceed \$6,828.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Transpo Group under the on-call agreement with the Town of Yorktown for the purpose of analyzing the traffic impacts of the Overlay zoning districts for the Yorktown Heights and Lake Osceola areas of Yorktown, in an amount not to exceed \$6,828.00.

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

AUTHORIZE ADVERTISEMENT FOR REPLACEMENT OF BOILERS IN TOWN HALL,
ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER, AND THE YORKTOWN
POLICE DEPARTMENT
RESOLUTION #430

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

RESOLVED, that the Town Clerk is authorize to advertise bids for the replacement of boilers in Town Hall, the Albert A. Capellini Community and Cultural Center, and the Police Department Headquarters.

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

AUTHORIZATION AND REPRESENTATIVE DESIGNATION FOR NYWIIA CLEANING &
CEMENT MORTAR LINING OF WATER MAIN PROJECT
RESOLUTION #431

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

WHEREAS, the Town of Yorktown (Yorktown) Town Board, acting as Yorktown Consolidated Water District, is proposing to undertake a project and action entitled ‘NYWIIA Cleaning and Cement Mortar Lining of Water Main Project’; and

WHEREAS, a NYWIIA Cleaning and Cement Mortar Lining of Water Main Project will target cleaning and relining of existing water mains on Strawberry Road, Hanover Street, Underhill Avenue, and Front Street, which are select portions of roughly 22,000 Linear Feet (LF) of existing six (6) and eight (8) inch Ductile Iron Pipe waterline proposed for cleaning and relining around Front Street, Underhill Avenue, Hanover Street, Baldwin Road, Dogwood Drive, Strawberry Road, Granite Springs Road, Sarles Drive, Windmill Drive, Sunrise Street and Knoll Place, and as all are addressed in the ‘Cement Lining Project EFC Report’, by Weston & Sampson, PE, LS, LA, PC; and

WHEREAS, the Yorktown Town Board seeks to apply for external financing assistance for this NYWIIA Cleaning and Cement Mortar Lining of Water Main Project from the New York State Environmental Facilities Corporation (EFC) under the New York State Water Infrastructure Improvement Act and it is working up a detailed proposed financing plan for this project; and

WHEREAS, per 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations), under the State Environmental Quality Review Act (SEQRA), Section 617.5 provides that certain actions identified in subdivision (c) of that section are defined as Type II, which means that such actions are not subject to environmental review under the Environmental Conservation Law because such actions have been determined not to have a significant impact on the environment; and

WHEREAS, the Town Board will undertake the role of the Lead Agency for the review of this potential action and the consideration as to whether there is a potential for adverse impacts of this project in accordance with SEQRA;

NOW, THEREFORE, BE IT RESOLVED, the Yorktown Town Board does hereby consent to the Town applying to the NYS Environmental Facilities Corporation for New York State Water Infrastructure Improvement Act funding assistance of up to 60% of total project costs for the NYWIIA Cleaning and Cement Mortar Lining of Water Main Project; and

NOW, THEREFORE, BE IT RESOLVED, the Town Supervisor is authorized and designated as representative for this NYWIIA Cleaning and Cement Mortar Lining of Water Main Project and will generate all necessary information for this submission as may be required, including the financing plan and all understandings and assurances, and is directed to compile the necessary financial match/financing program, and may execute any contract and/or agreement with the New York State EFC and fully proceed with implementing an award for said application; and

BE IT FURTHER RESOLVED, that the Yorktown Town Board does hereby establish itself as the Lead Agency for the SEQRA review regarding the NYWIIA Cleaning and Cement Mortar Lining of Water Main project; and

BE IT FURTHER RESOLVED, that the Town Board does hereby determine that the 'NYWIIA Cleaning and Cement Mortar Lining of Water Main' project and, in fact, all work involved with the broader action of cleaning and relining 22,000 Linear Feet (LF) of existing six (6) and eight (8) inch Ductile Iron Pipe waterline, is a Type II Action in accordance with 6 NYCRR Section 617.5(c)(1), 6 NYCRR Section 617.5(c)(2), and/or 6 NYCRR Section 617.5(c)(6), and is therefore not subject to further review under 6 NYCRR Section 617.

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

APPOINTMENT OF JOSEPH F. CURRO TO HIGHWAY DEPARTMENT
RESOLUTION #432

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

BE IT RESOLVED, that Joseph F. Curro of Hopewell Junction, NY, is hereby appointed Automotive Mechanic, job class code 0481-02, effective November 8, 2021 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 2 which is \$65,791.00 annually,

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Joseph F. Curro will report to work at the Highway Department on November 8, 2021, and this date will be used as the first date of appointment,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on November 8, 2021.

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

Councilman Patel asked if there was any way to change the heating zones in the AACCCC since it is such a large building. Councilman Diana said they are investigating changing over to gas at Town Hall so that when these particular boilers are changed, they will run more efficiently with gas and the oil tank can be taken out of the ground.

AUTHORIZE COMPTROLLER TO REFUND THE BELOW LISTED DUPLICATE FIRST HALF SCHOOL TAX PAYMENTS
RESOLUTION #433

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

RESOLVED, that the Comptroller is authorized to refund the following Duplicate Tax Payments:

<u>Account No:</u>	<u>Amount</u>	
4296060	\$12,789.74	Refund Duplicate First Half School Tax
0542604	\$ 1,076.42	Refund Duplicate First Half School Tax
0483500	\$ 2,793.56	Refund Duplicate First Half School Tax
2289000	\$ 6,407.23	Refund Duplicate First Half School Tax
2999006	\$10,386.97	Refund Duplicate First Half School Tax
3924000	\$ 4,405.08	Refund Duplicate First Half School Tax
1172000	\$ 4,690.10	Refund Duplicate First Half School Tax
3345500	\$ 3,604.16	Refund Duplicate First Half School Tax
1446500	\$ 2,828.26	Refund Duplicate First Half School Tax
1358600	\$ 3,378.90	Refund Duplicate First Half School Tax
1338500	\$ 3,854.44	Refund Duplicate First Half School Tax
1430500	\$ 3,754.33	Refund Duplicate First Half School Tax
1643000	\$ 2,577.97	Refund Duplicate First Half School Tax
0541650	\$ 1,845.29	Refund Duplicate First Half School Tax
1576500	\$ 4,129.76	Refund Duplicate First Half School Tax
2218516	\$ 643.80	Refund Duplicate First Half School Tax
2917000	\$ 4,485.07	Refund Duplicate First Half School Tax
1325000	\$ 3,629.18	Refund Duplicate First Half School Tax
4816500	\$ 7,708.89	Refund Duplicate First Half School Tax
4771050	\$ 9,210.62	Refund Duplicate First Half School Tax
3249500	\$ 4,905.65	Refund Duplicate First Half School Tax
1628500	\$ 2,978.43	Refund Duplicate First Half School Tax
0238000	\$ 5,474.85	Refund Duplicate First Half School Tax
0541674	\$ 691.99	Refund Duplicate First Half School Tax
4055000	\$ 1,326.53	Refund Duplicate First Half School Tax
2998013	\$ 5,766.51	Refund Duplicate First Half School Tax
0608000	\$ 3,408.65	Refund Duplicate First Half School Tax
1500516	\$ 6,332.30	Refund Duplicate First Half School Tax
2771000	\$ 4,883.63	Refund Duplicate First Half School Tax
0325000	\$ 615.10	Refund Duplicate First Half School Tax

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

STORMWATER MANAGEMENT PERMIT - 2678 GREGORY STREET

Supervisor Slater introduced Eliot Senor, engineer for the Stormwater Management Permit for 2678 Gregory Street. Supervisor Slater said this project was before the Town Board in March and then went to the Conservation Board, Planning Board, and Tree Conservation Advisory Committee for comment. Mr. Senor said they submitted a subsequent answer to comments made by prior Town Engineer Michael Quinn back in April and he has not heard anything since. Supervisor Slater said he heard that it never came back to the Board for final approval; however, work was done on the site. Mr. Senor said the owner, Mr. Farrell, said he had permission to cut trees, which was done. Mr. Farrell said approximately six or seven months ago he had been dealing with Mr. Quinn when they had submitted all of their plans and Mr. Quinn indicated that it was okay for him to clear the property. He cleared the property because the residents were complaining about “blow downs.” He said he also cleared the stumps because he fully believes the property is ready to be mitigated for the construction of the home. Mr. Farrell said he had no idea that there was any further process to be taken care of with the Town Board. He said he would just like to know where he stands, any mitigation, etc.

Mr. Ciarcia said there was probably a disjoint in the handoff from his predecessor on the project. He said when he saw that initially some trees had been cut and no permit was issued and subsequently the remainder of the property had more trees down and stumps removed, the question became if it was an enforcement action. It was then put on hold to look into this. Mr. Ciarcia

said, to his knowledge, there was never a formal violation issued. He said he never saw any plans that articulated the tree removal in the landscaping plan he reviewed. Supervisor Slater said the applicant is under the impression he was allowed to cut the trees and Mr. Ciarcia said he never authorized that. Mr. Farrell agreed that this is something he understood from Mr. Quinn, not Mr. Ciarcia. Supervisor Slater then confirmed that this was only a verbal understanding and that there was nothing in writing and Mr. Farrell agreed.

Mr. Ciarcia said if the current landscaping plan was reviewed and commented on by the Conservation Board and the Tree Conservation Advisory Committee. Supervisor Slater asked Town Clerk Diana Quast to confirm that the comments from TCAC said they needed a tree mitigation plan and she said she believed this to be true. Mr. Farrell said Mr. Senor presented this plan and Mr. Senor concurred. Mr. Senor said he went to the Conservation Board on March 3, 2021 and they wrote a letter subsequent to that. He said this plan was sent to the Town and was not sure which boards received it. Supervisor Slater said that the TCAC said they have not seen a mitigation plan and asked Mr. Ciarcia where to go from this point. Mr. Ciarcia said since it seems that the TCAC and the Conservation Board did not weigh in on whether the mitigation plan was acceptable. He said this is key to advancing this application. Mr. Farrell asked Mr. Senor if the Conservation Board was aware of this plan because he believed they (he and Mr. Senor) had notes on their review. Mr. Senor said he did not have it in front of him.

Councilwoman Roker said the Board could not do anything unless the Conservation Board and TCAC find the mitigation plan acceptable. Supervisor Slater said the two Boards would have to review it and submit comments to the Town Board before a decision can be made. Mr. Senor displayed the mitigation plan and discussed it with the Board. Mr. Ciarcia said there is usually a tabulation of the trees that were there, their calipers, the total of the dbh (diameter at breast height) of trees removed, etc.

Supervisor Slater said the mitigation plan will be submitted to the Conservation Board and the Tree Conservation Advisory Committee for comment and a decision can then be rendered.

ADJOURN

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

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