

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, October 26, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman  
Vishnu Patel, Councilman  
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk  
Adam Rodriguez, Town Attorney

### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss individual personnel issues. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, 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 our first responders and Town employees who are responding to the nor'easter that has come through Town.

### INTRODUCTIONS

Supervisor Slater introduced himself and the Town Board members, as well as Town Clerk Diana Quast, Highway Superintendent Dave Paganelli, Town Attorney Adam Rodriguez, and Director of Planning John Tegeder.

### REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater reported on recent Town events and updates, including the following:

- Indian Point siren test tomorrow at 10:00 a.m.
- Water testing requirement letters for commercial users are being mailed shortly.
- You must use the area code now in order to place a call regardless of where you are calling.
- COVID Moderna booster clinic notification – sign up online or call the Supervisor's office.
- Senior Nutrition Center floors are complete. Abbreviated service will begin on Monday.
- Proposed budget for 2022 has been released. Department meetings will be held on November 4<sup>th</sup> and 5<sup>th</sup> and the public hearing will be held on December 7<sup>th</sup>.

### REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements. Councilman Lachterman said the Veterans Advisory Committee is looking for two additional members. The only stipulation looking for 2 members for the Veterans Advisory Committee; the only stipulation is that the members must be veterans. If interested, residents may contact the Supervisor's office.

### CEMENT RELINING PROJECT

Water Distribution Superintendent Ken Rundle came before the Board to give an update on the water main cleaning and cement relining project. He said that they went out to bid to have a certain section of Town done and three bids have come back. Superintendent Rundle said he thought the pricing on the bids was reasonable, given the specialized work that is involved. The bids range from \$2.1 million to \$2.2 million. He said that right now they are going through the vetting process with the low bidder and should have a recommendation to the Town Board very soon. Superintendent Rundle said, given the time of year and the necessary temporary measures that have to be taken, the project would probably not begin until next year when the weather allows. He said that he is looking at

some grant money that may be available so having a contractor not start until early next spring is not necessarily a bad thing. It would give him more time to explore grant money.

At Councilwoman Roker's request, Superintendent Rundle explained in detail what the project is and why it needed to be cleaned and relined.

#### 2678 GREGORY STREET – STORMWATER AND TREE PERMIT

Eliot Senor engineer for the Stormwater Management Permit for the property said that he appeared before the Conservation Board and they made a couple of recommendations for the property, which they agreed to. He said, as a result of that meeting, he has prepared a new landscaping plan that he displayed onscreen. Councilwoman Roker asked Mr. Senor if he had to go before the Tree Conservation Advisory Committee and he was not sure if that was a requirement. He said that he was asked to go to the Conservation Board, which he did.

Town Engineer Dan Ciarcia said he is working off a memo done by the former Town Engineer back in February. He asked Mr. Senor if there was a subsequent plan that addressed the issues and Mr. Senor said yes, it was sent to the Engineering in April. Mr. Ciarcia said there are a couple of things that need to be clarified, which he addressed with Mr. Senor (number of Cultech units, conflict with underground utilities and the landscaping, etc.). Mr. Senor displayed the site plan showing the drainage and spoke about the drainage in relation to the landscaping.

Jon Farrell, property owner, talked about the tree removal on the property. Mr. Ciarcia said the dilemma is that the Town really does not have the information to know what it being mitigated because there is no accurate plan to show what was removed. Mr. Senor said they did submit a list of all of the trees that were removed, but Mr. Ciarcia said the plan does not show the removed trees. Mr. Farrell said they did have a plan showing this at the last meeting. Mr. Tegeder said the site plan still shows the trees existing and said whatever was removed should be marked as removed, but said this is a housekeeping item. He gave direction to Mr. Senor as to the information that should be included on a list of trees being removed.

Supervisor Slater asked where Mr. Senor and Mr. Farrell were on the tree mitigation. Mr. Farrell said whatever is the simplest to expedite the process. It was determined that adding to the Tree Fund would be the simplest. The tree permit was discussed and would be addressed in the permitting resolution, when finalized.

Supervisor Slater said assuming that what the Town Board is asking for is provided, an approving resolution would be done.

#### FOOD SECURITY TASK FORCE UPDATE

Supervisor Slater introduced Katharine Frase and Cindy Smith who have been leading the Food Security Task Force on behalf of the community.

Ms. Frase said that they have been in fairly regular communication with the pantries around town and some of the volunteers. She said that they would like to be at some of the events in the Town but have had some staffing issues. Ms. Frase said they have developed a flyer that is two parts: one if you are in need of services and the other information about food insecurity in Yorktown. She said that food insecurity was not just an issue during COVID, but one that is always present. Ms. Frase said the flyer would be distributed around town.

Ms. Smith said that she is going to get the flyer printed and distribute it to groceries stores, particularly since they are seeing numbers increasing. She said that with the upcoming holidays, it is important they get the flyer out as soon as possible.

Supervisor Slater talked about the data that the task force collected regarding unemployment and food pantry demands. Ms. Frase said the data is proven by what they are seeing in the food pantries. Ms. Smith said their numbers are double what they were before the COVID pandemic. She said that not only are current participants are returning, but she said she registered 15 new participants this week.

Types of donations were discussed.

## REPAIRS TO JACK DEVITO GAZEBO

Supervisor Slater said that Councilman Patel has brought this issue to the forefront several times and they had a meeting at the gazebo the other day to try to come up with a plan to refurbish this great asset to the community and make sure it is safe for everyone to use.

Anthony DeVito, a member of the group (including the Yorktown Lions) that originally developed the park and the gazebo, said he that he is part of the DeVito family who was honored when the park was named after their father, Jack DeVito.

Parks & Recreation Superintendent Jim Martorano said that the gazebo has been a gem for Yorktown for the past twenty plus years and is remarkable anchor for the Veterans Park. He said that his department is happy to clean it up and bring it back to its original state.

Supervisor Slater introduced Jim Poulin, President of the Yorktown Lions, who joined the conversation.

Mr. DeVito said it was brought to his attention recently that the gazebo needed work. He said the restoration of the gazebo is through a joint partnership with the Town, the Jack DeVito Foundation, and the Yorktown Lions. He said that they have developed a material list and labor costs (if they should need to hire outside laborers). Mr. DeVito said that a priority would be the handicapped railings and some of the other railings. He has a group of skilled and unskilled laborers that are going to be working on this the first two weekends in November. Staining and repair of the flooring would be looked at in the spring. He said he is hoping the Town would pick up the material costs and any labor costs would be paid for by the Foundation and the Lions Club.

Mr. DeVito and the Town Board discussed the logistics of volunteers, insurance, notification of work being done, etc. Superintendent Martorano said the materials were priced at \$17,409.66 and he asked the Town Board for the funding in order to move the project forward.

The Town Board supported the project and gave Superintendent Martorano the go-ahead to purchase the materials.

## FAIR SHARE MITIGATION

Supervisor Slater said this is a concept call a Fair Share Mitigation Plan and Lou Luglio is a traffic consultant with the firm of Sam Schwartz whom the Town contracted with for traffic studies.

Mr. Luglio began his presentation with the goals of the Fair Share Mitigation Plan:

- Provides a method by which the improvements to the Town's infrastructure to support new development can be cooperatively shared by the public and private sectors;
- Enables a developer to proceed by making a fair share contribution towards the cost of certain Town infrastructure;
- Ensures that adequate infrastructure will be available for future growth;
- Coordinates the use of public funds to maintain existing infrastructure and serve future growth; and
- Is consistent with and supports the policies in the Town's Comprehensive Plan.

Mr. Luglio went into greater detail about how each of the goals would be approached. He proceeded to discuss the Fair Share Mitigation process (developer costs/Town costs). He gave an example of how this is calculated by using a sample mixed-use project that resulted in the Fair Share Contribution Mitigation due in connection with the project.

Supervisor Slater asked if you could include infrastructure such as water and sewer, public safety in the Plan. Mr. Luglio said all of that could be included in the model, as long as it can be measured. Supervisor Slater asked Director of Planning John Tegeder what he thought about the plan and Mr. Tegeder said he thought it made a lot of sense. He said that in the past the Town did something like this in the past but did not work as well. He said that the developer knows what they are getting into; they know the dollar figure is, and they like to be able to forecast exactly what they are up against, where their endgame is, and what the endgame is going to cost them. He said that you have to understand that this would solve everything immediately, but over time you can build up the money and be able to do some projects.

The Town Board discussed the benefits of having this type of plan and discussed having a conversation with area landlords and developers in order to get their viewpoint. Supervisor Slater agreed. Supervisor Slater said this plan is to determine a system-wide impact a development proposal would have in town. He said that a schedule would be part of the Town Code so the developer would know what they are going to have to pay in order to bring their project forward to the Town and ultimately get it approved and built. He said this would help with streets, water, sewer, schools, and public safety, and the cost would not be placed on residents to bear.

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER – POLICE DEPARTMENT PURCHASE OF POLICE INTERCEPTOR AND MOBILE LICENSE PLATE READERS  
RESOLUTION#434

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

From:		
A3120.102 Police – Salary Uniformed		\$61,150.00
To:		
A3120.210 Police Vehicle		\$36,100.00
A3120.210.1 Police – Vehicle Equipment		\$25,050.00

for the purchase of a 2021 Police Interceptor under Westchester County Contract #WC19023, vehicle equipment and Mobile License Place Readers under New York State Contract #PT68787

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

AUTHORIZE WETLAND PERMITS FOR UNDERGROUND ELECTRIC FACILITIES  
RESOLUTION #435

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

WHEREAS, Consolidated Edison of New York (“Applicant”) as a utility company, applied to the Town Board of the Town of Yorktown for a wetland permit approval under Chapter 178 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to construct a new underground electric distribution system and service connections to the existing homes served by the existing overhead facilities within the buffer of a Town of Yorktown and State of New York regulated wetlands, and

WHEREAS, the action will require disturbance within the Foothill Street ROW within 100 feet of a state and Town of Yorktown jurisdictional wetland designated as New York State wetlands A-28, and

WHEREAS, it is estimated that approximately 465 linear feet of 4 foot wide trenching will be required within the wetlands buffer to install the proposed utility lines, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown jurisdictional wetland buffer and modify the wetland buffer in order to construct the proposed improvements, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and wetland permit application WP-FSWPP-050-21A; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda: Town Engineer

WHEREAS, the proposed action has been determined to be a Type II action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and determined that the action will not have a significant adverse impact on the environment, and

NOW, THEREFORE, BE IT RESOLVED that the following plans and documents are approved subject to the below-listed conditions;

- A three (3) sheet set of drawings entitled: “14U2 Underground Pilot – Foothill Street” prepared by Con Edison, dated August 3, 2021, no revisions;
- A two (2) sheet set of drawings entitled: “Underground Overhead Spur, Feeder 14U2 – 3709 Foothill Street, Mohegan Lake” prepared by Con Edison;

BE IT FURTHER RESOLVED that the Wetland Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution and that all work associated with the Wetland and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED that the Applicant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED that the Wetland Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED that the below-listed conditions must be completed within six months of the date of this Resolution or shall become null and void unless an extension is requested by the applicant (in writing) within said six-month period and granted by the Town Board; and

Conditions that must be met prior to the Supervisor signing the Plans:

1. A construction monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department Clerk.
2. Provide an erosion control plan that utilizes silt fence and catch basin silt sacks where appropriate.
3. A note shall be provided added to the plans stating that a twice-weekly inspection will be performed to verify compliance with the erosion and sediment control plan. Inspections shall also be done following any storm events that provides rainfall in excess of 1-inch. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector sent to the Engineering Department for our records.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site and work area within the Town ROW.
5. Street opening permit must be approved, and a permit granted by the Town of Yorktown Highway Superintendent.

Conditions of the Wetland Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.

2. The Town staff shall inspect the site at the end of construction to ensure compliance with the permit.
3. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
4. A pre-construction meeting with the applicant's contractors and the Town staff must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting. All trees to be cut or pruned must be clearly marked in the field in accordance with the approved plan prior to the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Town Engineer must provide written report, no later than at the expiration date of the wetland and stormwater permit, documenting the status of the implementation of the requirements of this resolution.

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

APPOINTMENT OF STEPHANIE ELIO AS LIBRARY CLERK  
RESOLUTION #436

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

BE IT RESOLVED, that Stephanie Elio of Yorktown Heights, NY, is hereby appointed Library Clerk, job class code 0233-01, from eligible list No. 02-100 at the John C. Hart Memorial Library, effective November 18, 2021, to be paid from the Yorktown CSEA Salary Schedule A-1, Group 4, Step 5 which is \$56,459 annually,

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

BE IT RESOLVED, that Stephanie Elio will report to work at the John C. Hart Memorial Library on November 18, 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 18, 2021.

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

ADJOURN

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

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