

Meeting of the Town Board, Town of Yorktown held on Tuesday, July 27, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman  
Vishnu V. 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 Councilwoman Patel, the Town Board moved into Executive Session to discuss the employment of a specific individual. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

### PLEDGE OF ALLEGIANCE

Councilman Patel led the Pledge of Allegiance.

### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember our frontline workers, individuals in our community who continue to overcome disabilities (30<sup>th</sup> anniversary of the Americans with Disabilities Act), first responders, police, and firefighters, as well the members of the US military.

### INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Highway Superintendent Dave Paganelli, Town Clerk Diana Quast, Deputy Town Clerk Maura Weissleder, and Town Attorney Adam Rodriguez.

### WELCOME AND OPENING REMARKS

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

- Hill Boulevard will open at the end of the week, weather permitting.
- The Town was notified by Congressman Jones that \$1.2 million has been secured for the Hallocks Mill Sewer District project. It still needs to get into the final infrastructure bill in Congress but the Town is very appreciative of Congressman Jones' effort in securing these initial funds.
- The final MWRRP grant application was submitted for the purchase a new horizontal grinder for the Highway Department. The Town is officially in the queue (a couple of years waiting period), which gives the Town time to financially plan for the expenditure. The Town would see up to \$300,000 in grant money.
- The LED Street Light program with NYSEG is completed. Two hundred eighty-four streetlights were swapped out for LED lights. Supervisor Slater thanked Highway Superintendent Dave Paganelli for taking the lead on the project.
- The parkland alienation bill to allow the solar canopy project at Granite Knolls Sports Facility has been passed by both the Senate and the Assembly. The Town is waiting for the Governor's signature. Supervisor Slater thanked both Senator Harckham and Assemblyman Byrne for their assistance in getting this passed.

### FLEET MANAGEMENT – UPDATED TOWN VEHICLE POLICY

General Foreman Philip Marino said that earlier this year the Town's insurance company did an in-depth audit of the Town's fleet and one of the items that resulted was to update the Town's vehicle use policy. The policy covers the following areas:

- License requirements
- Town vehicle use

- Out of town trips
- Driving policies
- Commuting privileges for personnel. A conversation was held with the Highway Superintendent, Chief of Police, and Department Heads regarding members of their staff who would need driving privileges of Town vehicles for work.

Supervisor Slater said all of the employees who currently take cars home for work have been notified of the new updated Town Vehicle Policy. Mr. Marino said that anyone who is driving and/or taking a Town vehicle home has to be for the benefit of the Town. A suggestion was made that the Supervisor would notify the Fleet Committee if he needs the use of a Town vehicle out of town.

Supervisor Slater said a resolution adopting the policy would be prepared for the next Town Board meeting.

#### NORTHERN WESTCHESTER COUNTY WIRELESS MASTER PLAN

Susan Rabold, CityScape Consultants and Project Manager for the Northern Westchester County Wireless Master Plan, came before the Board to discuss the results of the community survey that was distributed to several municipalities. Supervisor Slater said that he has received several emails and Facebook posts about how cell phone service has deteriorated.

Ms. Rabold said the wireless communication master plan they are working on is specific to your handheld device and the infrastructure needed to run optimally. She said that the network plan requires antennas that are elevated above treetops, rooflines, and ridgelines in order to communicate from antenna to antenna. She said that insufficient infrastructure causes problems with the network. She said that the future is going to need a combination of the macro cells (which is what currently exists in the community) and future small wireless facilities. The master plan maps out the existing infrastructure so that the Town can plan for the gaps. Ms. Rabold presented the different types of macrocells and the types of small wireless facilities.

Ms. Rabold showed the inventory of Yorktown and surrounding towns of wireless facilities, the breakdown by towns of structure type (towers and base stations), and the breakdown of the inventory by design type (concealed and non-concealed). She displayed maps of coverage levels in the area and infrastructure needed to fill in the gaps. Her summary of coverage for the north side of town stated there are six gaps in coverages in the norther part of the Town. She said that there is the capacity component to the network that needs to be addressed. The more people who move into an area affects the capacity and the coverage gaps. Mrs. Rabold spoke about density by population and then spoke about what the Town can do to address the issues (policies, zoning, etc.). The survey and presentation will be posted on the Town's website.

#### CDBG GRANT (COMMUNITY DEVELOPMENT BLOCK GRANT)

Supervisor Slater said Director John Tegeder would present to the Board the specifics on a sidewalk grant for which the Town qualified. Supervisor Slater said there were questions at the last Courtesy of the Floor about how the Town qualifies for the grant money.

Mr. Tegeder said the CDBG program has been in existence for many decades and the Town uses census data to qualify for the grants. It is tabulated by block group and that indicates the average median income of the area and that is what qualified a particular block group. He said that this cycle, 2022-2024, the area that most qualifies is the area at the northernmost Town line. He said that they are looking at two projects; one for Hill Boulevard (public sidewalk) and the other is Lee Boulevard (sidewalk repair/replacement).

Supervisor Slater said, just to be clear, there is no correlation between the Town's eligibility for these types of grants and projects and any proposed (or no longer proposed) developments and Mr. Tegeder said in no way, shape, or form.

Mr. Tegeder provided a package to the Board with project narratives, photographs, and maps of the two projects, as well as costs involved. The projects are anticipated to take place in 2022 and 2023. Mr. Tegeder explained that this is federal money that is given to the County to distribute to its municipalities.

Councilman Patel asked if there were any strings attached to the money and Mr. Tegeder said the strings are things like complying with federal fair housing laws, anti-discrimination laws, some Title IX compliance, ADA compliance, etc., and that these compliances go along with federal money in all of the United States.

Councilman Diana said that these two projects cost about \$150,000 (paid in advance and reimbursable) and the Town would have to come up with approximately \$79,000 and Mr. Tegeder confirmed this. Supervisor Slater said whether it is CDBG, Hallocks Mill, or ARA funding, they all have prerequisites and requirements that need to be addressed. He said that we do on most of them, some we do not and he is not so much concerned about finding \$150,000 for these projects, as he is the \$10 million plus the \$1.2 million allocated by Congressman Jones for the Hallocks Mill Sewer District, and the \$3.8 million from the American Recovery Act (ARA). He said that unfortunately the Town is on the receiving end of the rules of engagement. Supervisor Slater said that he is not worried about the \$150,000 – if the Town had to, they could come up with the money to do the project themselves. He said that it is the \$15.7 million on which the Town has to figure out a solution.

Town Attorney Adam Rodriguez said the Town does not yet know the requirements for the ARA money yet. The direct CDBG funds and the money coming for the Hallocks Mill Sewer Project the Town will have to affirm fair housing within its borders and we have a pretty good sense of what that would encompass. He read the CDBG requirements from the last grant the Town received for the Senior Nutrition Vans (fair housing requirements). He said that he thought the County would expect the Town to adopt some version of its model ordinance. He said that this would be in the IMA for the Hallocks Mill Sewer project.

Supervisor Slater said the Town Board would have to decide how to make a determination on this. He felt the Town could do these sidewalk projects on their own; however, the requirement decisions are one they are going to have to work out for the other projects.

Mr. Tegeder said that the requirement is to do a public hearing that would have to be rescheduled, and then the applications are reviewed. Supervisor Slater asked him to confirm that the Town could pull the application any time before an award is made and Mr. Tegeder said yes. He then asked Mr. Tegeder how fast is the award process and Mr. Tegeder said they would probably not hear about awards until possibly the mid to late fall or until January.

The Town Board discussed the importance of the projects in those areas and decided to schedule a public hearing so the opinions of the area residents could be heard.

**PUBLIC HEARING FOR CDBG GRANT APPLICATION FOR TWO SIDEWALK PROJECTS  
AT HILL BOULEVARD AND LEE BOULEVARD  
RESOLUTION #315**

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

RESOLVED, that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on August 10, 2021 at 7:30 PM, or as soon thereafter as the same can be heard, to consider the proposed application relating to Community Block Development Grants for the construction of new sidewalks along Hill Boulevard and Lee Boulevard/Bank Street.

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

**ORGANIC RECYCLING FACILITY**

Highway Superintendent Dave Paganelli said they have been grinding wood up at the hill location and is being reimbursed by the federal government as a FEMA declaration from Hurricane Isaias last August. He said that they have ground up about 10,000 yards and right now they are sitting on approximately 13,000 yards of mulch, which they are not going to be able to dispose of through resident giveaways. He said that he is before the Board to notify them that he is going to dispose of the mulch, as it is a DEC regulated facility, through the Pennysaver for a minimum amount of pickup that his Department would load. Superintendent Paganelli said he would like to charge something for this. He said that, for example, if he charged \$2.00 a yard, it would bring in \$26,000, which would cover the cost of loading, etc.

The Town Board agreed to Superintendent Paganelli's plan to dispose of the mulch. Superintendent Paganelli said that he is continuing to investigate pricing.

Superintendent Paganelli spoke about bonding \$3 million for pavement projects that would complete his paving list. He said the ARA money does not have specific guidelines but his hope was to take \$1 million of that money and then two huge areas of paving could be done. Supervisor Slater said the Town Comptroller is attending seminars on the ARA money but the Town does not yet know definitively what infrastructure projects the money could be applied towards. Supervisor Slater said that until that is known, they could not say how much could be applied, but paving is at the top of the infrastructure list.

Town Comptroller Patricia Caporale said that, as of today, paving is not part of the ARA money.

#### YORKTOWN TRAIL TOWN

Jonathan Nettlefield from the Yorktown Trail Town Committee stated their goals are to increase awareness and usage of the trails, parks, and farms in Yorktown. He said that their latest focus is on how to link the Empire State Trail (a/k/a North County Trail) to the Mohansic Trailway and FDR State Park. Mr. Nettlefield displayed a presentation of their proposal. He tied their goals into the purpose and intent of the proposed Overlay Law, as well as the Goals & Benefits in the Empire State Trail Plan. The Yorktown Trail Town Committee is proposing signs and striping to give direction as to how to connect to the different trails. He displayed the proposed signage. Mr. Nettlefield also addressed the issue of crossing Route 118 (a difficult crossing point) and made a suggestion of a crosswalk striped at right angles to the existing one at the western end of Downing Drive across Route 118. Mr. Nettlefield asked that the Town Board authorize a traffic consultant to help them think about the best way to achieve this. He said that the Trail Town Committee is seeking the Town Board's support to submit a grant application to the Hudson River Greenway, which is due on September 10<sup>th</sup>, to help fund their project. The project would include a combination of signage, road striping, and other safety improvements necessary to ensure public safety. Because the project includes Town property, they require a Town Board resolution as part of the grant submission and request the participation of the Town's traffic consultant to review the proposal. The grant is a 50-50 match, with the local match supplied by the Yorktown Trail Town Committee and Town labor and/or funds.

Supervisor Slater said there is an existing traffic study done based on the Mongero property but it was on the installation of a traffic light. He said that this is a great proposal up to a point – the intersection at Route 118 and Downing Drive. Superintendent Paganelli said the fact is that we have had a bicycle fatality in Yorktown and he is the one who has to go to court when these tragedies occur and at the end of the day, if he does not feel comfortable putting people into an unsafe environment where they cannot get across Route 118 safely, he is not for it.

Mr. Nettlefield said that if people are crossing there anyway, why would the Town not make it safer? Supervisor Slater reminded Mr. Nettlefield that he is dealing with a state road on Route 118 and they have met with them and NYSDOT would not approve crosswalk pavement markings across Route 118 and the subject intersection. He said that they would consider "Pedestrian Ahead" signs with proper review.

Mr. Nettlefield said his biggest point is that if transitioning the Yorktown Heights area into pedestrian place is what the goal is, it is going to require different thinking. He said if we do not figure out a way to handle these types of issues, we will not be able to do this.

Councilman Diana agreed with Mr. Nettlefield; however, it takes collaborating with the State to attain the goal. He said that putting in a crosswalk sometimes gives people a false sense of security. He said signage is one solution, but getting people to read the signs can be a problem.

Supervisor Slater suggested to Superintendent Paganelli that they reach out to the traffic consultant to see if they have any ideas that have not been thought of yet and Superintendent Paganelli agreed. Supervisor Slater said they would put this together before the September 11<sup>th</sup> deadline.

#### VETERANS TAX EXEMPTION

Town Assessor Kim Penner said to approve the exemption requires a change to the Town Code and, therefore, requires a public hearing. Supervisor Slater said that the Town Attorney has drafted the necessary legislation.

REFERRAL OF PROPOSAL AMENDMENT TO CHAPTER 260 OF THE TOWN CODE ENTITLED "TAXATION" REGARDING THE VETERANS TAX EXEMPTION AND SET PUBLIC HEARING DATE  
RESOLUTION #316

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies/departments a proposed local law amending Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION" regarding the Veterans Tax Exemption and to set a public hearing date of August 10, 2021.

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

FLUORIDE PROJECT

Town Engineer Dan Ciarcia came before the Board to give an update on the fluoride project. He said that one of the impediments to the project has been getting electricity to the plant. He said that they are trying to work with Con Edison to solve the issue but it has been very difficult. He said that this project needed to be wrapped up because of a State Health Department grant requirement that has a deadline. Mr. Ciarcia said Verizon has been there to get FIOS installed but nothing can be tested until there is electricity.

Mr. Ciarcia said the Town has spent almost the amount of the grant, approximately \$950,000. He said that there was a change order for \$55,000 that related to the building structure. Mr. Ciarcia said another change order is necessary for unforeseen problems that arose. He explained the issues that necessitated the change order. The Board reviewed the budget with Mr. Ciarcia. Mr. Ciarcia said that no more change orders are anticipated.

Supervisor Slater said a resolution will be on next week's agenda for the change order.

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR PAVING  
RESOLUTION #317

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

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

From: D.1002	Highway – Fund Balance	\$626,000.00
To: D5112.210	Highway – Paving	\$626,000.00

which will be reimbursed by New York State Department of Transportation Chips, Pave New York and Extreme Winter Recovery funding as per New York State Department of Transportation letter dated July 16, 2021.

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

BOND RELEASE REQUEST FOR SUBJECT PROPERTY 1684 AMAZON ROAD,  
MOHEGAN LAKE, NY 10547  
RESOLUTION #318

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

WHEREAS, Lenora Cacioppo and Elio Rodriguez as applicants, posted check #1015 in the amount of \$500 to serve as the Performance Bond, which was deposited to the T33 account on June 17, 2019 for Stormwater Permit #BSWPPP-063-18, and

WHEREAS, the applicants have requested their money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFOR BE IT

RESOLVED, the above referenced bond totaling \$500 be and is hereby released to Ms. Lenora Cacioppo and Mr. Elio Rodriguez, 1684 Amazon Road, Mohegan Lake, NY 10547.

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

AUTHORIZE THE LIBRARY DIRECTOR TO EXECUTE AN AGREEMENT WITH D.P. WOLFF, INC.

RESOLUTION #319

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

RESOLVED, that the Library Director is authorized to execute an agreement with D.P. Wolff, Inc., in an amount not to exceed \$3,835, for a term between August 1, 2021 through July 31, 2023.

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

AUTHORIZE TOWN CLERK TO ADVERTISE FOR THE IMPLEMENTATION OF A SMART AMI WATER METER SYSTEM

RESOLUTION #320

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

RESOLVED, that the Town Clerk is authorize to advertise a bid for the implementation of a smart AMI water meter system.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR WIN AND NSIP

RESOLUTION #321

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

RESOLVED, that the Supervisor is authorized to execute an agreement with the County of Westchester for WIN and NSIP program funds reimbursement in an amount not to exceed \$15,995 for a term retroactive to April 1, 2021 through March 31, 2022.

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

ACCEPT RETIREMENT FROM KARREN PEREZ, HOUSING-SECTION 8 DIRECTOR

RESOLUTION #322

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

RESOLVED, that the Town Board accepts the retirement received from Karren Perez as the Program Director of the HCV Section 8 Rental Assistance Program effective July 22, 2021.

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

ADJOURN

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

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