

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 5, 2022 held at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York 10588

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Edward Lachterman, Councilman

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 Esposito, the Town Board moved into Executive Session to discuss the personnel issues regarding individual employees, as well as litigation and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, 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 for a moment of silence to remember those impacted by the war in the Ukraine, as well as all of our first responders and the brave men and women serving overseas in the US Military who are protecting our freedoms and our nation. He also asked to keep in our thoughts and prayers the family of Lenny Tosto, a longtime Yorktown resident and veteran.

INTRODUCTIONS

The Town Board introduced themselves, as well as Town Clerk Diana Quast, and Town Attorney Adam Rodriguez.

WELCOME

Yvonne Cech, Director - John C. Hart Memorial Library, welcomed all to the library. She said it was particularly meaningful for the Board to hold their meeting at the library this evening because it was National Library Week. The theme this year from the National Library Association is "connect with your library." The theme promotes the idea that libraries are places that help you connect not only to books but also to technology and to your community. Ms. Cech described ways in which the J.C. Hart Library fulfills this theme. She explained the new Hot Spot Program that lends portable Wi-Fi devices so a patron can have internet access wherever they go. She also described other technology services available, including a free streaming service. Ms. Cech described the more traditional services (i.e., book lending) they offer in conjunction with other libraries across the country. Ms. Cech described the meeting room as a gallery for local artists to display their work for a one-month period. There is also a children's art gallery called "Little Art at Hart." Ms. Cech described all of the different programs available to patrons of all ages in the month of April.

DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater made the following announcements:

- Town tax bills were mailed March 31, 2022 and are due April 30, 2022.
- The Yorktown Police Department and Chief Noble are launching a first responders' alert registry. It is a secure, confidential, voluntary database that you may sign up yourself or a family member if they have a special need or a disability so the police are aware of it in the event of an emergency. Residents may sign up through the Town's website. Supervisor Slater gave examples of special needs/disabilities for which people may want to consider enrollment. Supervisor Slater said this idea came up through conversations with Con Edison regarding the difficulties people face during power outages, especially those with medical and health issues.

- The petition in opposition to Con Edison rate hikes was delivered to the Public Service Commission (PSC). Con Edison is calling for an additional three-year rate hike, above and beyond what they currently have. NYSEG has not yet put forth a rate hike. The PSC is in the process of evaluating their request. Yorktown had approximately 1,000 signatures on the petition.

Supervisor Slater thanked Yvonne Cech and the library staff for all they do for the community and what a wonderful resource it is for all ages in the community. He specifically thanked the librarians, considering it is National Library Workers' Day.

REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

PROCLAMATION - NATIONAL LIBRARY WEEK 2022

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

WHEREAS, today's libraries are more about what they can do with and for their communities, and not just about what they have on the shelves; and

WHEREAS, libraries have long served as trusted institutions, often the heart of their cities, towns, schools, and academic campuses; and

WHEREAS, libraries are a resource for all - regardless of race, ethnicity, religion, ability, gender or socio-economic status; and

WHEREAS, the John C. Hart Memorial Library received its charter from New York State in 1920; and

WHEREAS, the John C. Hart Memorial Library is consistently among the top five in circulation for all of Westchester County and provides a wide variety of programs; and

WHEREAS, this year alone the John C. Hart Memorial Library launched several new programs including 1,000 Books Before Kindergarten and a mobile hot spot lending program; and

WHEREAS, during the COVID-19 pandemic the John C. Hart Memorial Library continued to provide access for residents to material through its Porch Pickup; and

WHEREAS, the Town of Yorktown recognizes librarians as information professionals who provide expertise, services and guidance for patrons to access credible sources and material, making their own informed decisions about the world today; now, therefore, be it

RESOLVED, that the Town of Yorktown joins in recognizing National Library Week April 3rd to April 9th; and be it further,

RESOLVED, that the Town of Yorktown recognizes Tuesday, April 5th as National Library Workers' Day.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

PROCLAMATION - ARBOR DAY 2022

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

WHEREAS, Arbor Day, which began in Nebraska in 1872, is now observed throughout the nation and world, and

WHEREAS, celebrating Arbor Day has been a tradition in Yorktown for more than 100 years, recognizing the benefits trees provide, and encouraging tree planting in Town parks, in or around wetlands and stream corridors, along our streets and highways and around the properties of our homes and businesses, and

WHEREAS, Tree City USA, a program of the Arbor Day Foundation and the United States Forest Service, recognizes municipalities and U.S. Armed Forces bases all across the country which meet established requirements for tree protection and promotion of the benefits of healthy woodlands, and

WHEREAS, with the acceptance of its renewal application, this year marks the 11th consecutive year of Yorktown's designation as a Tree City USA, duly recognizing the efforts of its citizens and Town officials to promote a healthy environment for all, and

WHEREAS, the theme of this year's student poster contest is Trees Invite Me Outside, which recognizes the benefits of spending time outdoors, connecting people with nature and calling attention to Yorktown's beautiful parks and extensive network of nature trails,

NOW, THEREFORE, BE IT RESOLVED, that I, Matt Slater, along with the Town Board of the Town of Yorktown, hereby proclaim Friday, April 29, 2022 as Arbor Day in the Town of Yorktown, and urge all citizens to celebrate Arbor Day and Yorktown's 11th anniversary as a Tree City USA and to support our trees and woodlands, and

BE IT FURTHER RESOLVED, that all are invited to attend our Arbor Day ceremony at Patriot Garden Park adjacent to Town Hall on Friday, April 29, 2022 at 4:00 P.M.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

POET LAUREATE

John McMullen, Poet Laureate, said it is National Poetry Month and spoke of the poetry workshop he leads. He also spoke of his participation in two recent International Poetry groups. He read his original poem, "The Communion of Poets."

COURTESY OF THE FLOOR

The following members of the public spoke:

- John McMullen, resident, spoke about a scam that has been going on involving stealing from mailboxes and check cashing. He encouraged paying bills through your bank.
- Ed Ciffone, resident and president of the United Taxpayers of Yorktown, asked if the auditor's report was completed and Supervisor Slater said no. He spoke about last year's \$20,000,000 in the unassigned fund balance and estimates there would be more than that this year. He said he would like to hold a rally to get back US energy independence. Mr. Ciffone said the cost of fuel is too high. He suggested a petition or a rally and asked the Board to hold either. He said his organization would be willing to help.
- Susan Siegel, resident, asked about the survey about the COVID money and when it would be released. She also asked about the agenda item regarding the stormwater permit for the Almeida property. She questioned the item that said "other draft conditions." She said at the public hearing it was found that the applicant had egregiously violated the conditions of the previous permit and more than a year had gone by without it being remediated. She said one of the conditions was that he should fix what he had destroyed before he began work on improvements to his home. She asked why that was not in the permit on the agenda this evening.
- Dan Strauss, resident, said there is a "Sun Day" that was initiated by President Carter in 1978 and is specifically devoted to solar power and Mr. Strauss suggested a proclamation be done for this day. He said he is still concerned for trees and said there are some properties not suitable for solar or building projects. Mr. Strauss said Granite Knolls is one of the best parks around and there was a proposed solar project for a parking lot canopy there. He said he understands that they now want an in ground solar project there, as well. He said it would take up too much space in the park.
- Sarah Wilson, resident, expressed her appreciation for Yvonne Cech and the library staff for their wonderful work and programs. She announced a program this Thursday at 6:30 that is a series of talks by members of the Yorktown 100 – a group of concerned citizens

working to spread the word about climate change whose goal is 100% reduction in carbon emissions by 2040. The series is called “Climate Change: What You Need to Know” and this Thursday’s session is to address what is happening locally regarding climate change (solar farms, battery storage, legislation, etc.) and suggestions as to what actions may be taken.

- Paul Moskowitz, resident and member of Yorktown 100, said the meeting would be Thursday, April 7. He said they would also let people know how to save money and tax dollars while reducing their carbon footprint. He said the price of fossil fuels is going to continue to increase.
- Andrew Valenzuela, resident, talked about the walkway from Route 118 to Baldwin Road. He lives in the area and has issues with the dog walkers not picking up after their dogs. He asked if some type of sign could be posted at the entrance to remind people of dog walking and cleanup rules.
- Diah Hamed, owner of the Gulf Gas Station at the corner of Strawberry Road and Route 6, said he would like to clear up a few things regarding his property and the cutting down of trees. He said he took a rundown gas station and redid it, costing him quite a lot of money. He said the trees that were taken down were diseased and were invasive species. Mr. Hamed talked about all of the improvements and cleanup he did on the property to get it presentable in order to make a friendly local business. He said he has planted over 50 plants and trees to make up for the diseased and dead trees he took down. He hoped this would clear up the issues that have been raised about the trees on the property.
- Miriam Messing-Curtin, resident, said although she was moved by the previous speaker’s comments, they did not relate to what Councilman Diana inferred two weeks ago. She said no member of the Town Board responded to her April 1 letter, which, after not receiving a response, was sent to the editor of the newspaper. She spoke of the effects of prejudice and an allegation of prejudice is to be taken seriously, but a false allegation trivializes the issue and defames the accused, embarrasses the accuser and hurts everyone. She spoke of personal prejudice against her father who, in 1940 was used in a Nazi propaganda photograph before he was sent to Auschwitz. Ms. Messing-Curtin also showed a photograph of her mother who was placed in a displaced persons camp in Austria in 1947. She asked that an apology be made to Mr. Strauss.

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

Councilman Lachterman agreed with Mr. Valenzuela about people not respecting others’ property regarding cleaning up after their dog. He said he has seen residents put up the “Clean up after your dog” signs on several properties. Councilman Lachterman said that he did not understand Ms. Messing-Curtin’s comments. He said that he mentioned the Holocaust Remembrance earlier because he believes it needed to be taught, never to be forgotten, and never to be trivialized. He said he has also been a victim of racism and prejudice. Councilman Lachterman said the rebuke of the entire Town Board was not called for.

Councilman Diana said people needed to get their information straight. He said he did not call out Dan Strauss; he called out the amount of abuse a property owner received over the cutting of trees and the cleanup of a certain piece of property. He said he has been hearing this for at least six years. He said that the property owner cleaned up a property that was pure garbage. He said that particular station has done a complete turnaround and no one was complaining about the station down the road that was in all sorts of disrepair with oil spills and gas spills. He said he felt there was some sort of prejudice against the property owner. Councilman Diana said it was not reflective of Mr. Strauss. He said he respects Mr. Strauss and what he does. He said that it was reflective of all of the incorrect statements that have been made against the property. He said it is time to put this behind us and as he said in the beginning of the meeting, hatred has no home here.

Councilman Esposito said he understands that Ms. Messing-Curtin feels that comments made were egregious and she had every right to feel that way, but it is not okay to throw out comments and chastise an entire group and is equally egregious.

Councilwoman Haughwout thanked Mr. Moskowitz for his comments and that the climate change conversation is coming to Yorktown with the Yorktown 100 series at the library. She thanked Mr. Hamed for sharing his point of view. She apologized to Ms. Messing-Curtin for not responding to her letter to the Town Board. Councilwoman Haughwout said there are two sides to every story and this is a place for everyone to voice their opinion.

Supervisor Slater also apologized for not responding to Ms. Messing-Curtin's email but, at the same time, he did not feel it was an accurate characterization of Councilman Diana's comments.

Supervisor Slater said the auditor's report was finished last week and would be presented publically. He said that an online survey is being devised for the ARPA (COVID) funds and would be available in the not-too-distant future.

Supervisor Slater asked Town Engineer Dan Ciarcia to address Ms. Siegel's comments about the "other draft conditions" in the Almeida resolution.

Town Engineer Dan Ciarcia said this wording was used as a placeholder in case the Town Board wanted to add anything else to the permit. He said the applicant wanted to come in and do the wall in the winter for his home improvement before doing the planting for remediation. He said this issue is now moot since winter is over and it is planting season. He said the placeholder could be used now to get the landscaping done. Supervisor Slater agreed and asked for the resolution to be amended to include this.

Supervisor Slater addressed Mr. Valenzuela's concerns and suggested that Ms. Siegel and the Yorktown Trailtown Committee could assist in placing signs on the trails. He also said the trail may also be a good place for the dog waystations that have cleanup bags. He thanked Mr. Moskowitz and Ms. Wilson for the work Yorktown 100 is doing. Supervisor Slater said regarding saving money, the Town is pursuing energy audits through the CSC Task Force, which will be a great baseline for the Town. He said the Town Board is very aware of the cost savings benefits of renewable energy and supports ways in which to take advantage of them. Supervisor Slater said the Granite Knolls proposal was publicly vetted and the Town Board approved the project for both the solar carport and ground arrays and it is before the Planning Board. He said the scope of the project never changed and had never deviated from the initial RFP.

Councilman Esposito spoke about the solar project at Granite Knolls and said he understood Mr. Strauss' comment that not every piece of property should be developed. He said that he always looks at what the benefit is to the Town and the residents. A conversation took place regarding personal property rights and the diligence applied to following the law. Councilman Esposito also apologized for not responding to Ms. Messing-Curtin's email; it had been in his spam folder and he had not seen it.

PUBLIC HEARING DECISIONS

Supervisor Slater asked Town Engineer Dan Ciarcia to explain the following resolutions regarding the establishment of the Hallocks Mill Sewer District Extension.

Mr. Ciarcia explained that the first resolution fulfills the requirements of the state statute that dictates what needs to be done to establish a special sewer district. He said we now have all of our funding in place, which is key in order to submit applications. The Town has now secured the \$10 million from the County and the additional \$1.2 million from Congressman Mondaire Jones. The first decision lays out the steps the Town has taken and follows procedure. Supervisor Slater wanted to make clear that the scope of the project has not changed and Mr. Ciarcia concurred (Phase I of III, 315 parcels in the Sparkle Lake area, Sunrise Street area, and the Birch Street area).

AUTHORIZE MAKING CERTAIN DETERMINATIONS IN RELATION TO AND FINDING IT TO BE IN THE PUBLIC INTEREST TO ESTABLISH A SEWER DISTRICT EXTENSION IN THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK TO BE KNOWN AS THE HALLOCKS MILL SEWER DISTRICT EXTENSION RESOLUTION #168

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

WHEREAS, after a public hearing duly called and held, the Town Board of the Town of Yorktown now desires to formally establish Hallocks Mill Sewer District Extension; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) All the property and property owners within said proposed Hallocks Mill Sewer District Extension are benefited thereby;
- b) All the property and property owners benefited are included within the limits of said proposed Hallocks Mill Sewer District Extension; and
- c) The establishment of said proposed Hallocks Mill Sewer District Extension is in the public interest.

Supervisor Matthew Slater	Voting Aye
Councilman Thomas Diana	Voting Aye
Councilman Sergio Esposito	Voting Aye
Councilwoman Luciana Haughwout	Voting Aye
Councilman Edward Lachterman	Voting Aye

Resolution adopted.

Mr. Ciarcia said the Town is required to adopt the following resolution as part of the statute requirements and will be sent to the State Comptroller. Supervisor Slater asked Mr. Ciarcia to explain why it needs to go to the State Comptroller and Mr. Ciarcia said that the State Comptroller oversees and protects the taxpayers' money to ensure that the Town is not overspending; this is why it is critical to have the funding in place.

APPROVE THE ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION
RESOLUTION #169

Upon motion made by Supervisor Slater, seconded by Councilman Lachterman,

WHEREAS, said Town Board has adopted a resolution on April 5, 2022 making the findings and determinations required pursuant to Section 194(1) of the Town Law;
NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The establishment of Hallocks Mill Sewer District Extension in the Town of Yorktown, Westchester County, New York, consisting of the construction of a sanitary sewer system, is hereby approved, subject to approval of such Extension by the State Comptroller.

Section 2. An application for such approval is hereby authorized to be prepared.

Supervisor Matthew Slater	Voting Aye
Councilman Thomas Diana	Voting Aye
Councilman Sergio Esposito	Voting Aye
Councilwoman Luciana Haughwout	Voting Aye
Councilman Edward Lachterman	Voting Aye

Resolution adopted.

APPROVE WETLAND, MS4 STORMWATER MANAGEMENT AND TREE REMOVAL PERMIT #WP-FSWPPP 068-20 – ALMEIDA – 1875 BROOKDALE
RESOLUTION #170

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

WHEREAS, Heitor J. Almedia (Applicant”) was issued an administrative permit for the removal of 77 trees on May 14, 2020 (T-WP-012A-20 that did not include stump removal and limited land disturbing activity to 10,000 square feet; and

WHEREAS, the applicant has proposed additional activities that require a MS4 Stormwater Management Permit pursuant to Chapter 248, a wetlands permit pursuant to chapter 178, and a tree removal permit pursuant to Chapter 270 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to expand the usable yard area of the subject parcel which will require an additional 715 square feet of disturbance, 52 cubic yards of fill, 11,055 square feet of wetlands and wetlands buffer disturbance, installation of a drainage system in the rear of the yard, a small storage shed, and a retaining wall; and

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapters 178, 248, and 270 of the Town of Yorktown Town Code the respective permits are 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 MS4 Stormwater Management and Tree Removal permit application, (WP-FSWPPP 068-20 dated January 20, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated January 20, 2021, and

WHEREAS, the Town Board referred the application to various boards and agencies and received and considered the following responses:

- New York State Department of Environmental Conservation (NYSDEC) 1-28-21
- Conservation Board –February 4, 2021, October 21, 2021
- New York City Department of Environmental Protection (NYCDEP) February 4, 2021,October 14, 2021
- Westchester County Planning Department – email dated September 20, 2021;
- Yorktown Tree Conservation Advisory Commission October 18, 2021;
- Town Engineer December 28, 2020, and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the applicant has developed a tree mitigation plan pursuant to Chapter 270 of the Town code; 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 a negative declaration is pursuant to the State Environmental Quality Review Act (SEQRA) is adopted; and

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

- A set of plans prepared by Site Design Consultants dated October 29, 2020 last revised January 18, 2021 consisting of the following sheets:
 1. Site Plan (Sheet 1 of 3)
 2. Erosion and Sediment Control Plan (Sheet 2 of 3)
 3. Erosion & Sediment Control Details (Sheet 3 of 3)

- A plan entitled “ Wetland Restoration” prepared by Site Design Consultants and Tim Miller Associates, Inc. dated October 29, 2020 last revised December 20, 2021; and

BE IT FURTHER RESOLVED, that the Wetland and Stormwater 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 Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED, that the Stormwater, Wetlands, and Tree 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. A \$500 erosion control bond shall be posted.
3. A building permit will be obtained for the retaining wall, if required.
4. Submission of a Notice of Intent (NOI) in compliance with the requirements of NYSDEC
5. Landscaping shall happen prior to any other construction

Conditions of the Stormwater, Wetlands, and Tree, Permit that must be met during construction.

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
3. 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.
4. The entire scope of work is shown on the engineering plans referenced herein; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
5. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each workday, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
6. No soil storage outside the limit of disturbance line is permitted.
7. Road in front of property must be kept broom clean at all times.
8. A copy of the waste manifest for material exported from or imported to the site shall be provided to the Engineering Department.
9. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed.

Conditions that must be met after project completion.

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of any discrepancies from the approved plans or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, as well as provide a printed copy and in pdf format.
3. When area is stabilized and erosion control practices have been removed, the applicant shall notify the Engineering Department and schedule a final inspection.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

RECONVENE PROPOSED LOCAL LAW TO AMEND CHAPTER 300-81.4 ENTITLED
“SOLAR POWER GENERATION SYSTEMS AND FACILITIES

Supervisor Matthew Slater reconvened a public hearing to consider a proposed local law to amend Chapter 300-81.4 entitled “Solar Power Generation Systems and Facilities.”

The following members of the public spoke:

- Susan Siegel, resident, said she said it is obvious that something has to be done to promote solar but, at the same time, protection of the woodlands must also be considered. She said the two goals are inconsistent: you cannot have large-scale solar farms without cutting down trees. Ms. Siegel said her requests, as well as others, asking the Town Board to achieve a better balance has either been ignored or misinterpreted. She said the strength of the tree law is moot if the spirit and intent of the law is ignored; as it is being ignored when the Town Solar Law allows 1,583 trees to be cut down to make way for solar. Ms. Siegel asked the Town Board to postpone adopting this legislation until they take a more thorough look at the solar law, including a possible replacement of the current law considering an overlay zone or floating zone concept that would provide better protection for the Town’s residential neighborhoods. She said that the required conditions to be met for the special permit issued by the Planning Board are minimal and easy to meet and should be strengthened. Ms. Siegel said she sent her suggestions to the Board earlier in the year.
- Paul Moskowitz, resident, said it is sheer foolishness to cut down a forest for whatever reason, including installing a solar farm, because trees store carbon. He said that solar farms offset the production of carbon. He said the trees have been there for 50 years or more storing carbon in their branches and roots and it would take years for even the most efficient solar farm to catch up with the carbon that is liberated when you cut down a forest. He said that many say that you cannot have large installation solar farms without cutting down trees. Mr. Moskowitz said there are two examples in Yorktown that prove the contrary. One is IBM who is installing a large scale solar system over their acres of parking lot – it does require some trees to be cut down, but in general, very few. The other example is Arcadia Farm, which is mostly unused agricultural land. A few trees will be cut down but it is a good use for unused farmland. He said what you do not want to see happen is what the Foothill Solar Project is proposing – taking 1400 acres and cutting down almost 2,000 trees. Mr. Moskowitz said building a housing development would not be as damaging as the solar project. He said the Town should rethink the Foothill project. He spoke about the history of the Foothill project and the developer’s (Mr. Shanahan) aggressive involvement.

Director of Planning John Tegeder said this is an emotional issue and said he does not agree with some of the comments made; some are incorrect and not fully thought out.

Councilman Esposito said this is the third public hearing on strengthening this law. He said that there are studies that show that solar has a positive net gain in terms of the carbon sequestration. Mr. Tegeder said all of the solar applications that they have received had done the carbon sequestration calculations. He said that the Foothill Street project’s calculations show the amount of carbon sequestration held in the trees that are to be taken down is far less than the offset that the solar panels in that same area will remove in terms of having to generate electricity with fossil fuels. He said that in this regard it is a gain in terms of helping the environment, as it relates to the carbon issue. Mr. Tegeder said in terms of the issue of providing solar and clean energy from a broad sense, he thought most people think we should be doing solar.

Councilman Diana stated he does not like ground-mounted solar anywhere, especially where it cannot be hidden. He said this is a delicate balance between what residents want to see and what the State wants the Town to do. He spoke about the beginnings of the solar installations coming to Yorktown when the Town Board only had the model ordinance to work with.

Councilman Esposito asked Mr. Tegeder if the amendment that is being proposed this evening makes the law stronger and Mr. Tegeder said yes, it makes the conditions more restrictive. Councilman Esposito said this is a step in the right direction and does not mean that it cannot be changed in the future. He said it effectively restricts 80 percent of residential properties in Town from being able to have ground-mounted and large scale solar installations. Councilman Esposito said there are not that many properties that do not already have their applications in that would even qualify.

Supervisor Slater said comments have been made about severe, detrimental flooding caused by large-scale solar farms, which he said made him nervous. He asked Mr. Tegeder what steps are taken to understand the potential impact of flooding when it comes to these types of projects. Mr. Tegeder said any development project has to comply with the stormwater regulations of the state and Yorktown's local stormwater regulations. He said that the hallmark of our local regulation is that in an undeveloped condition there is a certain amount of runoff that comes off a site and the post-development condition cannot exceed that so it cannot make any of the natural conditions worse than the conditions are as an undeveloped site. This is regardless of the type of development. He said that is why you would see on any of the stormwater development, at least every single one they have seen so far (including Foothill) has stormwater infrastructure proposed to handle that engineering problem. Mr. Tegeder said much of the work the applicant must do relates to the stormwater issue. He said the applicant has to figure out how to build the road but they also have to figure out where all the water that falls on the road would be captured, where it would run off, how it would be treated, and eventually where it would be released. Mr. Tegeder said an applicant has to comply with all of the laws; none are exempted from being reviewed by the solar law.

Councilwoman Haughwout said the Town is moving forward but understands the need for give and take. She said the Town Board understands there is a sacrifice in this but hopefully the benefit will outweigh the loss. She said the Town Board has discussed these issues and is aware of and is trying to strengthen the law in order to protect the community.

Mr. Tegeder said we have to remember in terms of stormwater and in terms of tree removal and any other impacts that all of development needs to go through and comply with the laws. All of those developments have potential to have impacts and remove trees, as well. He said that he did not think you could really talk intelligently about the solar law and tree cover on particular properties without talking about the impact of all development potential in the Town of Yorktown and its impact on tree cover, trees, and forested areas. Mr. Tegeder said he does not think it is more important because it is a solar project, he said he thinks it is as important. He said if you want to strengthen the idea of tree removal, vis-à-vis the solar law, you really must do it for all of your development laws, and he does not think the tree law is in such a state that it is not handling that already.

- Dan Strauss, resident, said no one knows what is going to happen when you have 15 acres of solar that are in residential areas. He feels this proposed legislation has no separation between commercial and residential and invades residential areas. He said these areas are not the same as commercial or farmland. He made the suggestion to put solar on all new buildings and their rooftops since they would be in commercial areas. He said that Councilman Esposito said, "it's a wash" – if it is a wash, why have it?
- John McMullen, resident, said solar has proven common good for our children and the future.
- Susan Siegel, resident, quoted the statistic of 80% of residential properties being restricted from installing ground-mounted and large scale solar installations, and said that a statement was made at the last hearing that 80% of the properties are zoned less than one acre. Supervisor Slater disagreed and said that 80% of residentially zoned properties are excluded from large-scale solar because of the acreage size. She urged the Board to take the time to review the law before adoption.

The Town Board debated whether to close or adjourn the public hearing due to the possibility of more review; particularly for Councilwoman Haughwout and Councilman Esposito, the newest members of the Board who may not be as well versed on the proposed legislation and history of the solar law.

Upon motion made by Supervisor Slater, seconded by Councilman Lachterman, the public hearing was adjourned.

AUTHORIZE SUPERVISOR TO SIGN A LICENSE AGREEMENT WITH CAROL'S KITCHEN, INC. TO ENTER UPON A PORTION OF THE TOWN COMMUTER PARKING LOT, FOR THE PURPOSE OF CONDUCTING A MOBILE FOOD AND REFRESHMENT CONCESSION

RESOLUTION #171

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

RESOLVED, that the Supervisor is authorized to sign a License with Carol's Kitchen, Inc. (Licensee) owner of a mobile food and refreshment truck authorizing Licensee to enter upon a portion of the Town Commuter Parking Lot adjacent to Town Hall, for the purpose of conducting a mobile food and refreshment concession for the amount of four hundred dollars (\$400.00) per month. This License shall be for a period commencing retroactive to January 1, 2022 and ending on December 31, 2023.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FROM THE GENERAL FUND

RESOLUTION #172

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

Be It Resolved, that the Town Board authorizes the Budget Transfers listed below to fund Insurance claim reserves to 12/31/2021:

From: General Fund - Fund Balance \$298,310.44

To: Liability Fund \$298,310.44

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE PARKS & RECREATION DEPARTMENT

RESOLUTION #173

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

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

From: A1990.499.1 General Fund – Capital Contingency \$19,300.00

To: A.7110.201 Parks – Equipment \$19,300.00

for the purchase of a Walker Mower from Quality Lawn Mower. The offset to this purchase is funds received from Absolute Auctions for the sale of obsolete equipment.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM A WETLAND CONFIRMATION FOR ROC-SHRUB OAK ASSOCIATES, LLC

RESOLUTION #174

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

WHEREAS, Roc-Shrub Oak Associates, LLC has requested to have a confirmation of their wetland delineation for their property located at Route 6 and Barger Street in Shrub Oak, NY

10588, also known as Section 16.07, Block 1, Lots 42 & 46 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental 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 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested wetland confirmation on the subject property pursuant to said on-call agreement for an amount not to exceed \$3,200.00;

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of confirming the wetland delineation for the Roc-Shrub Oak Property, in an amount not to exceed \$3,200.00 for this review, and the applicant has submitted Check #518 dated March 9, 2022 to reimburse the Town for the full cost of this review.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCEL KNOWN AS SECTION 37.15 BLOCK 1 LOT 71, 225 VETERANS ROAD
RESOLUTION #175

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.15 Block 1 Lot 71, 225 Veterans Road on the Tax Map of the Town of Yorktown,

NOW THEREFORE BE IT RESOLVED, that the tax certiorari proceedings affecting tax parcel Section 37.18 Block 2 Lot 84, Account Number 3776053 owned by Veterans Road Office Building LLC for the assessment roll years 2017 thru 2021 is settled as set forth in the proposed stipulation as follows:

225 Veterans Road Tax ID: 37.15-1-71

Roll Year	Assessed Value From	Assessed Value To	Assessment Reduction
2017	48,500	44,030	4,470
2018	48,500	43,475	5,025
2019	48,500	42,560	5,940
2020	48,500	42,485	5,015
2021	48,500	39,220	9,280

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCELS KNOWN AS SECTION 48.15 BLOCK 1, LOT 56.1, 56.2, 56.3, 56.4, 56.5, 234 CROTON HEIGHTS ROAD, 226 CROTON HEIGHTS ROAD, 1331 HANOVER STREET, 1349 HANOVER STREET AND 1367 HANOVER STREET
RESOLUTION #176

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.15 Block 1 Lot 56.1, 56.2, 56.3, 56.4, 56.5, 234 Croton Heights Road, 226 Croton Heights Road, 1331 Hanover Street, 1349 Hanover Street and 1367 Hanover Street on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel Section 37.18 Block 2 Lot 84, Account Numbers 4361550, 4361575, 4361600, 4361625 and 4361650 owned by Cat Hill

Associates, LLC for the assessment roll year 2021 is settled as set forth in the proposed stipulation as follows:

Roll Year	Lot Number	Assessed Value From	Assessed Value To	Assessment Reduction
2021	56.1	3,650	2,624	1,026
2021	56.2	3,700	2,660	1,040
2021	56.3	3,200	2,300	900
2021	56.4	3,200	2,300	900
2021	56.5	3,500	2,516	984

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE MARKETING POLICY FOR THE COMMUNITY HOUSING BOARD
RESOLUTION #177

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

RESOLVED, that the Community Housing Board’s efforts to market the Town’s affordable housing program units shall include the use of the County of Westchester’s Homeseeker Website.

AWARD BID FOR RECONSTRUCTION OF RAILROAD PARK BASKETBALL COURT
RESOLUTION #178

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

WHEREAS, the Town of Yorktown solicited bids for the rehabilitation of the basketball court located at Railroad Park, and

WHEREAS, the bids were opened on March 23, 2021 and the results are summarized as follows:

Peter J. Landi, Inc.	\$55,000.00
Sport-Tech Construction Corp.	\$97,500.00

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Rehabilitation of Basketball Court at Railroad Park, be awarded to Peter J. Landi, Inc. at a total bid price of \$55,000.00.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR THE PROVISION OF BUSES FOR THE SUMMER CAMP PROGRAM &
SENIOR CITIZEN TRAVEL TRIPS FOR YORKTOWN PARKS AND RECREATION
DEPARTMENT
RESOLUTION #179

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

WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program & Senior Citizen Travel Trips for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on March 24th, 2022, with the bid amounts for the above-referenced project summarized as follows:

Section I. A, B, & C: School Buses (for Day Camps)

	Company	Bid Totals
1	Royal Coach Lines, Inc.	\$26,005.00
2	Hudson Valley Charter Service Inc.	No Bid
3	JTR Transportation Corp	No Bid

Section II. (Coach Busing for 7 Travel Camp Trips)

	Company	Bid Totals
1	Royal Coach Lines, Inc.	No Bid
2	Hudson Valley Charter Service Inc.	\$10,350
3	JTR Transportation Corp	\$9,530

Section IV (Coach Busses for Senior Citizen Day Trips)

	Company	Bid Totals
1	Royal Coach Lines, Inc.	No Bid
3	Hudson Valley Charter Service Inc.	\$8,750
5	JTR Transportation Corp	\$8,370

NOW, THEREFORE BE IT RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, James J. Martorano Jr., the bid for Section I. A, B,C, (School Buses for Day Camps) is hereby awarded to Royal Coach Lines, Inc. the lowest responsible bidder; and

BE IT FURTHER RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, James J. Martorano Jr., the bid for Section II & IV (Coach Buses for Travel Camp and Senior Citizen Day Trips) be and is hereby awarded to JTR Transportation Corp. the lowest responsible bidder.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE RELEASE OF PERFORMANCE BOND FOR STORMWATER PERMIT #FSWPPP-051-20 IN THE AMOUNT OF \$5,000.00 TO VERUM MANAGEMENT, LLC RESOLUTION #180

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

WHEREAS, Verum Management, LLC, as applicant, posted check #1044 in the amount of \$5,000 to serve as the Performance Bond which was deposited to the T33 account on October 23, 2020 for Stormwater Permit #FSWPPP-051-20, and

WHEREAS, the applicant has requested his 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, THEREFORE BE IT

RESOLVED, the above referenced bond be released to Verum Management, LLC, 6 Curtis Street, Marblehead, MA, 01945.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

MONTHLY REPORTS

RESOLVED, the Town Board accepted monthly reports from the following department:

- Finance Department
- Receiver of Taxes
- Town Clerk

APPOINTMENT – SENIOR AUTOMOTIVE MECHANIC – ANTONIO CAMBARERI
(REFUSE & RECYCLING)
RESOLUTION #181

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

BE IT RESOLVED, that Antonio Cambareri, is hereby appointed temporary to the civil service title, Senior Automotive Mechanic, job class code 0484-02, within the Refuse & Recycling Department, effective April 11, 2022 to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 13, Step 5 which is \$79,556.00 annually.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPOINTMENT – LABORER – STEPHEN J. LENNOX, JR. (REFUSE & RECYCLING)
RESOLUTION #182

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

BE IT RESOLVED, that Stephen J. Lennox, Jr., of South Salem, NY, is hereby appointed temporary to the civil service title, Laborer, job class code 0425-05, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$46,389.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

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

BE IT RESOLVED, that Stephen J. Lennox, Jr. will report to work at the Refuse & Recycling Department on April 11, 2022 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 April 11, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPOINTMENT – CAD/GIS TECHNICIAN – KAYLA GUSIKOFF (ENGINEERING)
RESOLUTION #183

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

BE IT RESOLVED, that Kayla Gusikoff, of Millbrook, NY, is hereby appointed provisional to the civil service title, CAD/GIS Technician, job class code 0418-01, to be paid from Yorktown CSEA Salary Schedule A-1, Group 11, Step 1 which is \$65,275.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

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

BE IT RESOLVED, that Kayla Gusikoff will report to work at the Engineering Department on April 11, 2022 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 April 11, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPOINTMENT – PARK GROUNDSKEEPER – ANDREW BERGIN (PARKS &
RECREATION)
RESOLUTION #184

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

BE IT RESOLVED, that Andrew Bergin, is hereby appointed temporary to the civil service title, Park Groundskeeper, job class code 0288-05, within the Parks & Recreation Department, effective April 11, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1, which is \$55,903.00 annually.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

ADJOURN

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

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