

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 26, 2022, at 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Maura Weissleder, Deputy 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 Haughwout, the Town Board moved into Executive Session to discuss individual personnel issues, litigation, and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Matthew Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember: Bishop Evans, a National Guardsman, who died while trying to rescue two migrants at the southern border; Firefighter Tim Klein who died in a Brooklyn fire this past week; Yonkers Police Detective Brian Menton, who was shot last week and who has direct ties to Yorktown and continues to recover from his wounds.

INTRODUCTIONS

Supervisor Slater introduced the members of the Town Board, as well as Deputy Town Clerk Maura Weissleder and Town Attorney Adam Rodriguez.

REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

Supervisor Slater announced the following upcoming events:

- FamJam – Saturday, April 30, 4:00 p.m. to 10:00 p.m. – Commerce Street
- Spring Fling Artisan Fair – Sunday, May 1, 10:00 a.m. to 4:00 p.m. – Yorktown Grange
- Yorktown Garden Club Mother’s Day Plant Sale – Saturday, May 7, 8:00 a.m. to 2:00 p.m. – Kmart Parking Lot
- Arbor Day Celebration – Friday, April 29, 4:00 p.m. – Town Hall

NATIONAL ALLIANCE ON MENTAL HEALTH (NAMI) WESTCHESTER - MENTAL HEALTH AWARENESS MONTH

Mr. McGrath, Nami Westchester Board member, thanked the Town Board for their continued support. He spoke of the need to “shine the light brightly” on mental health issues, particularly for children. He spoke of the large numbers of young children dealing with anxiety and depression. Mr. McGrath reported the American Academy of Pediatrics recommends regular screening for suicide risk in children 12 and older because suicide is the second leading cause of death among children ages 10 to 19. Raising awareness is a crucial first step and Mr. McGrath asked the Town Board for permission to hang ribbons around town and raise two banners, as they have in the past, in recognition of Mental Health Awareness Month. Mr. McGrath also thanked the Yorktown Police Department for establishing a mental health registry.

Mr. McGrath said May is Annual Mental Awareness Month and NAMI holds their annual fundraising event. This year NAMI Westchester will be holding an in-person event on May 14 at 8:30 a.m. at the Ridge Road Park in Hartsdale. He also announced that on Saturday, May 7 at 9:00 a.m. at the Jack DeVito Memorial Field there will be a NAMI Walks Event and said he hopes many community members will attend.

Supervisor Slater said the impact on children is startling and that cyberbullying is a large part of this. He said parents need help on how to help their children and asked NAMI to be a part of this effort. Asked NAMI to be a part of this.

A discussion took place regarding the perceived stigma of mental illness.

Mr. McGrath introduced Louise Ellis, President of NAMI Westchester who said a few words about the services NAMI offers the community.

Councilman Diana spoke about the police department's mental health registry, which helps the police deal more effectively with any incidents that may occur with a registrant.

AMERICAN RESCUE PLAN (ARP) – COMMUNITY SURVEY

Town Comptroller Patricia Caporale said the information for the American Rescue Plan has now been posted on the Town's website under the "Your Government" tab. The information includes the plan summary of allocation, timelines, the qualification steps (those completed and those still to do in order to allocate the funding). One step that needs to be done is to ask residents to let the Town know how they would like to see the funds spent via a survey that is posted online. The survey will be open for the month of May. Results will be reviewed with a task force in June, a budget and timeline will be discussed, and would be presented to the Town Board. Ms. Caporale said the expected amount is \$3.7 million. She said that the Town has half of the funds and is expecting the second half this summer.

Councilman Lachterman suggested that some of this money could be used towards the cement relining project on water mains and Ms. Caporale said this could qualify once the Town completes the steps

Supervisor Slater said the Town Board has spoken extensively about the cement relining project and knows that it qualifies. He said the Town applied for the NYWEA Grant through the Department of Environmental Conservation but, unfortunately, were not awarded any money. He said the Town will reapply during the next round, which would be later this year. Supervisor Slater asked Ken Rundle, Water Department Superintendent, to speak about this and the other major project for the Water Department – water meters.

Superintendent Rundle encouraged the residents and the Town Board to consider using this money for infrastructure projects. He said that relining of the water mains has not been done since the 1980's and spoke of the importance of getting them relined.

Supervisor Slater stressed to the Board and the public how important the water meter project is to be kept on the radar. Superintendent Rundle said that this project absolutely needs to be done and spoke of the benefits to both the Town and the residents. Supervisor Slater said they would meet with the Comptroller to move forward on the first phase of the relining project, as well as the water meter project.

SULTANA POOL

Martin McGannon, Commissioner Yorktown Fire District, Paul Liberatore, Asst. Chief of Yorktown Fire Department was present to propose a use for Sultana pool.

Supervisor Slater said this is an abandoned pool that is a product of the defunct housing association at Van Cortlandt Circle and Sultana Drive. He said that this has been an issue for over a decade and is a quality of life and safety issue for the neighborhood. The Town Board put out an RFP and received one response from the Yorktown Fire District.

Commissioner Martin McGannon of the Yorktown Fire District introduced Paul Liberatore, Assistant Chief of the Yorktown Fire Department, who gave a presentation on the dive team. The dive team consists of Yorktown residents who train extensively for diving rescues. They are currently looking for a place for training. Mr. Liberatore said the team handles rescues from Yonkers to Rockland County to the Connecticut border. They have 13 divers and 30 plus technicians. They are looking for a facility to convert to a training center and not have to be limited in terms of access to the buildings they currently use (i.e., school pools).

Supervisor Slater said the dive team is very modest in their value to the community and the entire region they serve. If there is a water rescue, this is the team who responds as one of only about 2 or 3 dive teams in Westchester and Putnam Counties.

Commissioner McGannon said the proposal is to first clean up the site and then secure it. He said that they would then budget to enclose the pool. The pool would not use chlorinated water, just circulated since chlorine is damaging to the dive suits. Commissioner McGannon stated that they are not looking to offset any monies owed (i.e., back taxes owed by the now-defunct homeowner's association).

Town Attorney Adam Rodriguez said the next step is to sit down with the fire district to discuss terms. He said there is also the possibility for the Town to pursue eminent domain. The property would be taken with no deed restrictions, the deed would be rewritten, and the recreational component would be eliminated.

Commissioner McGannon said the police and ambulance corps could potentially use the facility for training with their permission.

Supervisor Slater asked the Town Board for feedback and each council member agreed that this would be a good use for the site. Supervisor Slater said they would move forward with next steps.

SUSTAINABLE WESTCHESTER

Nina Orville, Sustainable Westchester, Dan Welsh, Sustainable Westchester were present to discuss the Westchester Power Program.

Supervisor Slater introduced Nina Orville and Dan Welsh from Sustainable Westchester. He said the Town has passed the local law for Community Choice Aggregation (CCA) Program and asked what the next steps are to pursue the Westchester Power Program.

Ms. Orville congratulated Yorktown on becoming the 30th community in Westchester County that will be part of the Westchester Power Program. Ms. Orville said there is a regulatory requirement of a two-month community outreach that needs to be done. She said Sustainable Westchester would partner with the Town to carry out this program. She said this would be similar to the seminars and events that were held for the community solar program.

Mr. Welsh said you would need to do enough outreach to move forward and submit for approval but the Town could continue the outreach to the community, if they choose.

Ms. Orville reviewed the steps to get approval to move forward. Ms. Orville said that once the outreach period is over, Sustainable Westchester would send the documented materials from the outreach programs, along with a copy of the local law for the CCA to the Department of Public Service for their review. If compliant, the Town would be approved to move forward. Once approved, the Town enters into an agreement with energy suppliers (Con Edison and NYSEG).

A discussion was held about the automatic opt in feature of the program. Customers of NYSEG and Con Edison would automatically be enrolled into the program; only those who have a different energy supplier would remain with that supplier (even if Con Edison or NYSEG deliver the energy). Residents would have to actively opt out if they choose not to be a part of the program.

Ms. Orville said customers would receive a communication from Sustainable Westchester notifying them of the start date of the program.

Supervisor Slater asked about the benefits of the Westchester Power Program. Mr. Welsh said it offers a way to participate in the market and sustain the fixed rates and access sustainable energy. It is consumer friendly – it is a cap so you know you will never go above that rate.

Ms. Orville recommended beginning the outreach program as soon as possible in order to get the clock ticking on the two months. Supervisor Slater said the Climate Smart Communities Taskforce and Yorktown 100 want to be involved.

He said that the Town Board has relied on both of them regarding sustainable energy information and he would like to see them included in this effort.

Supervisor Slater said they would start planning for the initial community outreach event as soon as possible.

HOMELAND TOWERS

Supervisor Slater introduced Robert Gaudio, Snyder & Snyder Law Offices, and Klaus Wimmer, Homeland Towners, to discuss a proposal for a cell tower to be placed at Hill Boulevard and Route 6.

Mr. Gaudio said Town Code requires that these cell towers be placed on Town property and have identified a piece of Town property that is ideal in covering the gap in cell service. He said it is parkland and has constraints related to wetlands. He said they are going through this step by step – they have been to the CAD and have appeared before the Planning Board. They need a DEC permit and a Town wetland permit. Mr. Gaudio said that, procedurally, they need to get the Home Rule Request sent out. He said once it is alienated they still need to do the SEQRA process and he asked that the Town start that process with the DEC so they can get the DEC's input.

Supervisor Slater asked if they knew the dimensions of the antenna yet and Mr. Gaudio said that they do not because they have not signed up the carriers. He said that generally they are about 4 or 5 feet tall by a foot wide; the tower itself is about 130 feet. Mr. Gaudio said a monopole style of tower is a better option for this site, due to the constraints.

Mr. Gaudio said space is made on the tower for emergency service communication equipment; \$25,000 is given to the Town to purchase equipment.

Supervisor Slater said that the Planning Board has no objection to the project and asked to be kept as part of the process and plans as they develop. He said the Town Board would need to reach out to the state legislators to see what their calendar is for the home rule/alienation request.

Councilman Diana asked what the rental fee on this would be and Mr. Gaudio said \$2,000 per month or 35% of revenue, as well as the \$25,000 up front for emergency services. Supervisor Slater asked what the 35% would be in equivalent to dollars and Mr. Gaudio said he could provide a document showing the revenue from one, two, three, etc., carriers. Mr. Gaudio asked Supervisor Slater if the Town Board could do a resolution next week to declare their intent to act as lead agency. Supervisor Slater said yes. Supervisor Slater referred to the presentation done by Cityscape, the Town's communication consultant, which showed the need for increased capacity in Yorktown.

AUTHORIZE THE SUPERINTENDENT OF HIGHWAY TO MAKE AN ORDER LAYING OUT THE TOWN HIGHWAY – CAT HILL SUBDIVISION RESOLUTION #204

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

WHEREAS, that upon the deed of dedication of road widening strips on Hanover Street and Croton Heights Road, as depicted on a certain subdivision map entitled "Subdivision Map of Cat Hill at Hilltop Hanover Farm," filed in the Westchester County Clerk's Office, Division of Land Records, dated July 17, 2007, such deed being duly executed and acknowledged and recorded in the Westchester County Clerk's Office on March 30, 2022.

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, the Town Board of the Town of Yorktown hereby consents that the Superintendent of Highways of the Town of Yorktown make an order laying out the aforesaid Town Highway.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
RESOLUTION #205

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

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

From: L.1002	Library – Fund Balance	\$25,000.00
To: L7410.490	Library Professional Services	\$25,000.00

to engage an architect to prepare a design services study and cost estimator to upgrade Library service spaces.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR NUTRITION SERVICES INCENTIVE PROGRAM
RESOLUTION #206

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

RESOLVED, the Supervisor is authorized to execute an agreement with the County of Westchester for the nutrition services incentive program retroactive to January 1, 2022 through December 31, 2022, in an amount of \$96,261.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AND AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR NUTRITION SITE TRANSPORTATION SERVICES
RESOLUTION #207

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

RESOLVED, the Supervisor is authorized to execute an agreement with the County of Westchester for the nutrition site transportation services retroactive to January 1, 2022 through December 31, 2022, in an amount of \$10,113.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR SENIOR TRANSPORTATION
RESOLUTION #208

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

RESOLVED, the Supervisor is authorized to execute and agreement with the County of Westchester for senior transportation services retroactive to April 1, 2022 through March 31, 2023, in an amount of \$3,322.

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

AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AMENDMENT WITH NEW YORK SMSA
RESOLUTION #209

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

RESOLVED, that the Supervisor is authorized to enter into an amendment of the agreement with New York SMSA Limited Partnership for the property at 2200 Greenwood Street, in order to expand the leasehold approximately 9 ft x 3.5 ft. The rent to the Town will increase \$125 per month.

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

The following resolution was amended to include items (3) and (4):

TOWN BOARD REQUESTS NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO INVESTIGATE THE FOLLOWING MATTERS

RESOLUTION #210

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

RESOLVED, that the Town requests the New York State Department of Transportation: (1) perform a traffic investigation concerning a potential traffic signal at Route 35 and Quaker Church Road and at the southbound Taconic State Parkway Exit 13 ramp at Underhill Avenue; (2) evaluate the traffic light sensors at Lee Boulevard and Route 6, due to reports of poor light change cycling; (3) evaluate the traffic light sensors at Sunnyside Street and Route 6, due to reports of poor light change cycling; and (4) address the obscene litter situation on Route 6 at Navajo Road and Baldwin Place.

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

AUTHORIZE THE SUPERVISOR TO SETTLE LITIGATION WITH CONSOLIDATED
EDISON

RESOLUTION #211

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

RESOLVED, Supervisor is authorized to settle litigation brought by Consolidated Edison concerning an alleged punctured gas line, in the amount of \$3,813.85.

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

EAST OF HUDSON PHOSPHORUS REDUCTION PROJECT - RIDGE STREET

Supervisor Slater stated that this is proposed phosphorus reduction project on a parcel located at the bottom of Ridge Street across from Route 35. Town Engineer Dan Ciarcia said there is a large town-owned parcel at the bottom of Ridge Street and this project had been proposed a few years ago and now the East of Hudson Corporation is ready to fund it. Mr. Ciarcia said that Kevin Fitzpatrick from East of Hudson Corporation was unable to attend due to illness and could be rescheduled for another Town Board meeting.

Supervisor Slater said that he thought there was a time component because of the Army Corps of Engineers and maybe he could be brought back next week. Mr. Ciarcia said he could just meet with him to review the technical details. He said that there are two main sewer lines at the parcel that they want to make sure there is no interference. He said this requires something substantial because there is a good amount of flow. He said that this is more of a major project because they would be clearing a large area and putting in bio-filters. He said it is a good-sized tributary area that drains there through the watercourse right behind Brookside; it is a good flow and something substantial is needed to get the desired benefit.

Supervisor Slater said EOH has identified this area as one of the larger projects where they are trying to remove phosphorus from the watershed and the Town has a responsibility to do this as part of its participation in the East of Hudson Corporation and the compliance the Town is under.

TOWN HALL REMEDIATION

Town Engineer Dan Ciarcia presented an update to the work being done at the front of Town Hall. He displayed the revised site plan and are working on the details to renovate the entrance (rebuilding the stairs, construction of a portico, bollard lighting, etc.). Supervisor Slater said that they still would need to have a conversation with Finance in order to understand the costs, line by line. A discussion about the cost of installing gas lines, heat pumps, etc., took place but the Supervisor would like a more definitive conversation about the costs involved. Mr. Ciarcia said he would meet with ABACA to get ready to go out to bid. After the Town Hall project, they will begin the work at the courthouse and police department.

ADJOURN

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

MAURA WEISSLEDER
DEPUTY TOWN CLERK
TOWN OF YORKTOWN