



# Town of Yorktown

*Office of the Town Clerk Diana L. Quast*

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## **FINAL TOWN BOARD MEETING AGENDA**

**June 7, 2022**

**Spadaccia Meeting Room**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:30 PM EXECUTIVE SESSION**

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

John C. Hart Memorial Library

Litigation and Negotiations

Town Attorney

### **7:00 PM TELEVISED TOWN BOARD MEETING**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATIONS

Gay Pride Month

WHEREAS, the Town of Yorktown recognizes the many contributions to our community, county, state, and nation by Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) individuals which have included advancements in business, medicine, law, education, music, sports, arts and culture; and

WHEREAS, members of the LGBTQ community come from all parts of our community regardless of color, ethnicity, religion, economic status or gender; and

WHEREAS, June is recognized as Gay Pride Month because it marks the fifty-third anniversary of the Stonewall Rebellion, an event accepted as the single most important event leading to the fight for LGBTQ rights in our nation; and

WHEREAS, following the Stonewall Rebellion demonstrations, calls for equal rights and freedoms from members of the LGBTQ community were made across the country; and

WHEREAS, on June 11<sup>th</sup> a similar demonstration will be held to celebrate the LGBTQ members and continue our collective efforts to ensure equality, freedom, and rights of all are protected, preserved, and advanced; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Yorktown recognizes and celebrates June as Gay Pride Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown recommits itself to support and accept all members of our community regardless of race, religion, ethnicity, gender, sexual orientation or preference; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands as a community of hope, generosity, and acceptance to everyone regardless of religion, race, national origin, ethnicity, culture, or orientation.

Relay for Life

WHEREAS, the Town of Yorktown is proud to have a strong partnership with the American Cancer Society Relay for Life; and

WHEREAS, Relay for Life is the world's largest peer-to peer fundraising event dedicated to saving lives from cancer; and

WHEREAS, Relay for Life is a movement of survivors, caregivers, volunteers, and neighbors who yearn for a cancer free future; and

WHEREAS, Relay for Life has been a part of the Yorktown community for the past 15 years with the help and support great volunteers such as Jim and Denise Poulin, Monica Garrigan, Kristina Iennaco, Stefanie Iennaco, Jane McCarthy, Jean Scanlon, Helene Brown, Debbie Vechiolla, Donna D'Andrea, among many others; and

WHEREAS, Relay for Life Yorktown took a two year hiatus due to the COVID-19 pandemic but continued to hold traditional events such as Painting the Town Purple and its Boot Drive on Commerce Street; now, therefore, be it

RESOLVED, that the Town of Yorktown applauds the many volunteers who have made the Yorktown Relay for Life a successful community event over the past 15 years; and be it further,

RESOLVED, that the Town of Yorktown acknowledges the many residents who are currently inflicted by the poison of cancer, as well as the brave survivors who have overcome cancer diagnoses; and be it further,

RESOLVED, that the Town of Yorktown also remembers those we have lost to cancer over the past two years and for the Town Board to pause in its deliberations for a moment of silence in their memory.

Race Amity Day

WHEREAS, over the course of the last two years the Yorktown Town Board has consistently spoken out and stood against all forms of hate, racism, and bigotry within our community, state, and nation; and

WHEREAS, the Yorktown Town Board believes it is important to build strong community relationships with organizations that strive to promote greater understanding and counter hate; and

WHEREAS, Race Amity of Northern Westchester & Putnam has a long history of uniting people by condemning acts of racial violence by building impactful relationships with the goal of advancing inclusiveness, equality, and justice through community-focused communication, collaboration, and healing; and

WHEREAS, Race Amity Day is meant to be a day to reflect and affirm the dignity brought by the diverse society of America which includes racial, cultural, and religious backgrounds; now, therefore, be it

WHEREAS, the Yorktown Town Board recognizes that the societal infections of hate and racism have and continue to exist in all communities across our nation; now, therefore, be it

RESOLVED, that the Yorktown Town Board acknowledges the continued efforts of Race Amity of Northern Westchester & Putnam within our community, and be it further,

RESOLVED, that the Town of Yorktown continues to strive to be a community of acceptance and understanding for all of its residents; and

BE IT FURTHER RESOLVED, the Yorktown Town Board wholeheartedly rejects all forms of hatred, racism, oppression, religious or ethnic bias, discrimination, incitement of violence, and vandalism.

8. PRESENTATION

William Harrington, Bleakley Platt & Schmidt - Ethics Report Presentation  
Myra Clark-Siegel - Antisemitism Presentation

9. POET LAUREATE

John McMullen

10. COURTESY OF THE FLOOR

11. PERSONNEL

Appointments

**Appoint Steven Nespolini to the position of Library Clerk for the John C. Hart Memorial Library**

BE IT RESOLVED, that Steven Nespolini, of Putnam Valley, NY, is hereby appointed to the civil service title, Library Clerk, job class code 0233-01, from Eligible List No. 02-100, to be paid from Yorktown CSEA Salary Schedule A-1, Group 4, Step 1 which is \$46,799.00 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 Steven Nespolini will report to work at the John C. Hart Memorial Library on June 9, 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 June 9, 2022.

**Appoint Tamarah Hyman to the position of Library Clerk for the John C. Hart Memorial Library**

BE IT RESOLVED, that Tamarah Hyman, of White Plains, NY, is hereby appointed to the civil service title, Library Clerk, job class code 0233-01, from Eligible List No. 02-100, to be paid from Yorktown CSEA Salary Schedule 1, Group 4, Step 1 which is \$46,799.00 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 Tamarah Hyman will report to work at the John C. Hart Memorial Library on June 17, 2022 and this date will be used as the first date of appointment;

BE IT FURTHER RESOLVED, that this appointment is subject to probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 17, 2022.

Appointments to Volunteer Boards and Committees

**Appoint Eric Paterson, Liz Scully and John Angi as members of the Accessibilities Committee**

RESOLVED, that Eric Paterson, Liz Scully and John Angi are appointed as members of the Accessibilities Committee for terms to expire December 31, 2022.

**Appoint Bob Phelan as a member of the Planning Board**

RESOLVED, that Bob Phelan is appointed a member of the Planning Board for a term to expire December 31, 2023.

**Appoint Bob Waterhouse as an alternate member of the Planning Board**

RESOLVED, that Bob Waterhouse is appointed an alternate member of the Planning Board for a term to expire December 31, 2022.

**Appoint Minnie Dineen-Carey as a member of the Conservation Board**

RESOLVED, that Minnie Dineen-Carey is appointed a member of the Conservation Board for a term to expire December 31, 2024.

**Appoint Serafina Mastro, Debra Marx and Francis McVetty to the Senior Advisory Committee**

RESOLVED, that Serafina Mastro, Debra Marx and Francis McVetty are appointed as members of the Senior Advisory Committee.

12. PUBLIC HEARINGS

**Public Hearing for the Establishment of the Hallocks Mill Sewer District Extension**

Supervisor Matthew Slater will convene a public hearing to consider a proposed sewer district extension to be known as the Hallocks Mill Sewer District Extension in the Town of Yorktown.

**Approve making certain determinations in relation to and finding it to be in the public interest to establish a Hallocks Mill Sewer District Extension**

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 I. 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.

Section 2. This resolution shall take effect immediately.

**Approve the Establishment of the Hallocks Mill Sewer District Extension**

WHEREAS, said Town Board has adopted a resolution on June 7, 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. This resolution takes effect immediately.

**Approve the Application to the State Comptroller's Office in connection with the Establishment of the Hallocks Mill Sewer District Extension**

WHEREAS, after all proceedings were duly had and taken the Town Board of the Town of Yorktown, Westchester County, New York, has duly approved the establishment of Hallocks Mill Sewer District Extension and the construction of the improvements proposed therefor subject to State Comptroller's approval;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The application to the State Comptroller's office attached hereto as Exhibit A has been prepared at the direction of the Town Board and the Board believes the contents of the application to be accurate.

Section 2. The Town Board has determined that the improvements for the proposed Extension is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof and that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the boundaries of the Extension.

Section 3. This resolution takes effect immediately.

**Public Hearing for the Increase and Improvement of Facilities of the Consolidated Water District at a maximum estimated cost of \$1,811,683.62**

Supervisor Matthew Slater will convene a public hearing to consider an increase and improvement of the facilities of the Consolidated Water District consisting of the purchase and installation of approximately 4,500 water meters, as well as costs incidental at a maximum estimated cost of \$1,811,683.62.

**Public Hearing Decisions**

Stormwater Pollution Prevention Plan Permits and Wetland Permits submitted by Con Edison in order to do gas main upgrades and replacements at the following locations: Lexington Avenue, East Main Street and Broad Street.

**Approve Lexington Avenue**

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

WHEREAS, the applicant proposes to replace an existing 8” steel gas main with a new 12” polyethylene main under the existing pavement on Lexington Avenue for a distance of 325 feet; and

WHEREAS, the applicant also proposes to install 420 feet of 4” gas customer service line within the Storage Road ROW; and

WHEREAS, the action will require disturbance within Lexington Avenue and Storage Road within 100 feet of a Town of Yorktown jurisdictional wetland and New York State Department of Environmental Conservation wetlands A-10; and

WHEREAS, it is estimated that approximately 745 linear feet of 4 foot wide trenching will be required within the wetlands buffer to install the proposed utility lines; and

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

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

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed

action in which the Town Board of the Town of Yorktown serves as approval authority; and

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

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 6, 2021; and

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

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

THEREFORE, BE IT RESOLVED, that the project described in the letter from Chris Cotroneo of ConEdison dated July 1, 2021 is hereby approved; and

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

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

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

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

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

1. A construction-monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department.
2. Provide detailed construction plans for the project.



3. Provide an erosion control plan that utilizes silt fence and catch basin silt sacks where appropriate.
4. A note shall be provided added to the plans stating that a twice-weekly inspection will be performed to verify compliance with the erosion and sediment control plan. Inspections shall also be done following any storm events that provide rainfall in excess of 1-inch. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector sent to the Engineering Department for our records.
5. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$1,500.00, which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site and work area within the Town ROW.
6. Street opening permit must be approved, and a permit granted by the Town of Yorktown Highway Superintendent.

Conditions of the Wetland Permit

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

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

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

Approve Broad Street

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

WHEREAS, the applicant proposes to replace an existing 8” steel gas main with a new 12” polyethylene main under the existing pavement on Broad Street for a distance of approximately 325 feet; and

WHEREAS, the applicant also proposes to install 420 feet of 4” gas customer service line within the Storage Road ROW; and

WHEREAS, the action will require disturbance within 100 feet of a Town of Yorktown jurisdictional wetland and a New York State Department of Environmental Conservation (NYSDEC) wetlands A-31; and

WHEREAS, the action will require disturbing a tributary of Hallocks Mill Brook designated as NYSDEC regulation number 864-120 which is designated as class C; and

WHEREAS, it is estimated that approximately 165 linear feet of 4 foot wide trenching will be required within the wetlands buffer and the stream crossing to install the proposed utility lines; and

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

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

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

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

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 6, 2021; and

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

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions

and determined that the action will not have a significant adverse impact on the environment; and now

THEREFORE, BE IT RESOLVED, that the project described in the letter from Chris Cotroneo of Con Edison dated July 1, 2021 is hereby approved; and

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

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

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

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

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

1. A construction-monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department Clerk.
2. Provide detailed construction plans for the project.
3. Relocate the stream crossing to the adjacent Town owned parcel (TM 27.18-2-53) to facilitate the replacement of the existing culvert that conveys Broad Street over the stream.
4. Provide an erosion control plan that utilizes silt fence and catch basin silt sacks where appropriate.
5. A note shall be provided added to the plans stating that a twice-weekly inspection will be performed to verify compliance with the erosion and sediment control plan. Inspections shall also be done following any storm events that provide rainfall in excess of 1-inch. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector sent to the Engineering Department for our records.
6. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be

submitted to the Engineering Department. Said security shall be in the amount of \$1,500.00, which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site and work area within the Town ROW.

7. Street opening permit must be approved, and a permit granted by the Town of Yorktown Highway Superintendent.

#### Conditions of the Wetland Permit

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

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

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

#### Approve East Main Street

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

WHEREAS, the applicant proposes to replace an existing 8" steel gas main with a new 12" polyethylene main under the existing pavement on East Main Street and US Route 6 for a distance of approximately 1.8 miles; and

WHEREAS, the action will require disturbance within 100 feet of a Town of Yorktown jurisdictional wetland and New York State Department of Environmental Conservation (NYSDEC) wetlands designated as A-2 and A-4; and

WHEREAS, it is estimated that approximately 2,203 linear feet of 4 foot wide trenching will be required within the wetlands buffer to install the proposed utility lines; and

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

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

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

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

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 6, 2021; and

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

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

THEREFORE, BE IT RESOLVED, that the project described in the letter from Chris Cotroneo of ConEdison dated July 1, 2021 is hereby approved; and

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

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

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

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

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

1. A construction-monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department.
2. Provide detailed construction plans for the project.
3. Provide an erosion control plan that utilizes silt fence, coir logs and catch basin silt sacks where appropriate.
4. A note shall be provided added to the plans stating that a twice-weekly inspection will be performed to verify compliance with the erosion and sediment control plan. Inspections shall also be done following any storm events that provide rainfall in excess of 1-inch. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector sent to the Engineering Department for our records.
5. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$1,500.00, which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site and work area within the Town ROW.
6. Street opening permit must be approved, and a permit granted by the Town of Yorktown Highway Superintendent and New York State Department of Transportation where applicable.

Conditions of the Wetland Permit

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

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

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

13. RESOLUTIONS

**Authorize Supervisor to execute a Civil Rights Nondiscrimination Policy Statement**

RESOLVED, the Supervisor is authorized to execute a Civil Rights Nondiscrimination Policy Statement to prevent and eliminate discrimination in all of the Town's operations and services as well as all aspects of employment.

**Approve Antisemitism Policy**

WHEREAS, antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith is an evil scourge on civilized societies throughout the world that must be identified and categorically rejected by all responsible individuals as well as private and public entities yet remains a persistent, pervasive, and disturbing problem in American society; and

WHEREAS, notwithstanding that the Town of Yorktown has a long history of categorically rejecting discrimination in all its forms, Jews continue to be a targeted minority in the United States and are consistently the most likely of all religious groups to be victimized by incidents of hate, and such incidents are increasing at an alarming rate; and

WHEREAS, the deadliest attack against the American Jewish community took place on October 27, 2018 at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, killing eleven worshippers and injuring several more; and

WHEREAS, the International Holocaust Remembrance Alliance (IHRA), by consensus vote of its member states, adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition for use by governments and international organizations; and

WHEREAS, the non-legally binding definition reads in full:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; and

WHEREAS, as an accompaniment to the definition, "to guide IHRA in its work, the following examples may serve as illustrations:"

“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.”

“Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective - such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”; and

WHEREAS, further guidance within the definition section sets forth that:

- "**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries)."



- "**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property - such as buildings, schools, places of worship and cemeteries - are selected because they are, or are perceived to be, Jewish or linked to Jews."
- "**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries."; and

WHEREAS, the IHRA Working Definition has proven to be an essential tool used to determine contemporary manifestations of antisemitism; and

WHEREAS, it is in the public interest for the Town of Yorktown to join numerous municipalities across the United States and over 30 governments internationally and in adopting the IHRA's definition of antisemitism and attendant illustrative examples, in order to provide a definitive message for the public, expressly identifying those acts which constitute antisemitism and are as such deserving of categorical rebuke; and to aid the Town's government in cooperating with recognized organizations which combat antisemitism, and available procedures for reporting acts of antisemitism which have occurred or may occur in the Town of Yorktown or elsewhere;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF YORKTOWN, that the May 26, 2016 International Holocaust Remembrance Alliance (IHRA) Working Definition of antisemitism, including attendant illustrative examples as fully set forth hereinabove be and hereby is adopted by the Town Board as an Official Declaration of Policy for Yorktown; and be it further

RESOLVED, that it shall be the policy of the Town's government to utilize the said working Definition of antisemitism and attendant illustrative examples, in a continuing endeavor to cooperate with recognized organizations in educating residents about identifying acts of antisemitism, and available procedures for reporting acts of antisemitism which have occurred or may occur in the Town of Yorktown.

**Authorize Supervisor to enter into an agreement with Alliance for Safe kids, Inc., for the provision of a community-based youth mental health programs and resources**

RESOLVED, that the Supervisor is authorized to enter into an agreement with Alliance for Safe kids, Inc., for the provision of a community-based youth mental health programs and resources, in an amount not to exceed \$20,000 (which funding shall be in addition to the \$22,750 that Westchester County has earmarked for the effort). The term of the agreement shall be retroactive to January 1, 2022 through December 31, 2022.

**Authorize Supervisor to enter into a Regional Kitchen Agreement with the Town of Cortlandt**

RESOLVED, the Supervisor is authorized to enter into a Regional Kitchen Agreement with the Town of Cortlandt for Yorktown to prepare approximately 60 meals per day, from January 1, 2022 through January 1, 2023, at the price of \$5.50 per meal.

**Award Bid for Three (3) Ford Super Duty F-550 Bid for the Highway Department**

WHEREAS, invitation to bid for the Three (3) Ford Super Duty F-550 Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on May 31<sup>st</sup>, 2022 with the bid amounts for the above-referenced project as follows:

Kunes Auto Group, 104 Rt. 173, Antioch, IL 60002 - \$258,630.72

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Three (3) Ford Super Duty F-550 Bid for the Town of Yorktown be and is hereby awarded to Kunes Auto Group, in the amount of \$258,630.72, as sole bidder.

**Authorize Town Clerk to advertise bid for T-Shirts and Uniforms for the Parks and Recreation Department**

Sealed bids will be received by the Town Clerk, Town of Yorktown, Yorktown, NY until 11:00 A.M. on Friday, June 24, 2022 at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the T-Shirts and Uniforms Bid.

**Authorize Supervisor to execute an agreement with the County of Westchester for the Wellness in Nutrition Program (WIN) and Nutrition Services Incentive Program (NSIP) Contract for 2022-2023**

Resolved, that the Town Board authorizes the Town Supervisor to sign an Agreement with the County of Westchester Department of Senior Programs and Services for the Wellness in Nutrition Program (WIN) in the amount of \$9,357.00, with an estimated funding for the Nutrition Services Incentive Program (NSIP) in the amount of \$1,664.00, with an aggregate amount not-to-exceed \$11,021.00. This is for the period April 1, 2022 through March 31, 2023 for the WIN Program and October 1, 2021 through September 30, 2022 for the NSIP Program.

**Authorizes the Supervisor to sign an amended contract with Weston & Sampson, PE, LS, LA, PC for engineering services related to the re-bidding of the cleaning & cement relining project and authorize the Town Comptroller to transfer \$40,800 from Budget Code SW.8340.0210 to Budget Code SW.8340.0490**

WHEREAS, the Town of Yorktown entered into an agreement on June 3, 2014 with Weston & Sampson, PE, LS, LA, PC to provide Bidding and Construction Phase services for the cleaning and cement relining of water mains; and

WHEREAS, the project had been fully designed and permitted but was placed on pause due to funding constraints; and

WHEREAS, in 2021 the project was bid, however, in pursuit of grant funding opportunities, the bid award period expired and the Town Board voted to reject all bids and rebid the project including only the Strawberry Road and Hanover Street sections to the project; and

WHEREAS, the previous contract included phase services for Strawberry Road only for a total cost of \$35,900 of which \$11,600 Task 1 Bid Phase Services have been completed and paid; and

WHEREAS, Weston and Sampson has amended the contract to include the re-bidding of Strawberry Road and Hanover Street sections and adding construction administration and part-time construction inspection services for the Hanover Street section to the contract for an additional \$40,800; and

THEREFORE, BE IT RESOLVED, upon recommendation of the Distribution Superintendent, the Town Board authorizes the Supervisor to sign an amended contract with Weston & Sampson, PE, LS, LA, PC for engineering services related to the re-bidding of Strawberry Road and Hanover Street sections and the addition of Hanover Street Construction Phase services to the cleaning & cement relining project; and

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Comptroller to transfer \$40,800 from Budget Code SW.8340.0210 (Meters) to Budget Code SW.8340.0490 (Professional Services).

**Authorize Comptroller to process the following Budget Transfer For payment of 2021 and 2022 invoices received from Buckhurst Fish & Jaquemart, Inc for planning services for the proposed Overlay Districts**

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

From: A1990.499	General Fund – Contingency	\$30,000.00
To: A.1010.479	Town Board – Special Projects	\$30,000.00

for payment of 2021 and 2022 invoices from Buckhurst Fish & Jaquemart, Inc for planning services in required analyses pursuant to the State Environmental Quality Review Act for proposed Overlay Districts as per agreement signed pursuant to August 10, 2021 Town Board Resolution.

**Authorize Comptroller to process the following Budget Transfer For payment to the East of Hudson Watershed Corporation for maintenance of ponds**

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

From: A1990.499                      General Fund – Contingency                      \$16,840.94

To:     A.1440.479                      Engineering – Special Projects                      \$16,840.94

For payment to the East of Hudson Watershed Corporation for maintenance of ponds located at Junior Lake, the Police Station and the Trailway by the Commons. This payment will be reimbursed by East of Hudson through a grant with Westchester County.

**Authorize release of retainage in the amount of \$7,775.82 to Acorn Electric for contractual work completed for the Fluoride Project**

WHEREAS, Acorn Electric has completed the electrical portion of the contractual work for the Fluoride Project, and

WHEREAS, the Town withheld \$7,775.82 as the retainage until the remainder of the work was completed and insure no defects in the workmanship, and

WHEREAS, the work has been completed in a satisfactory manner and Acorn Electric has requested their retainage be released, now therefore be it

RESOLVED, that the retainage in the amount of \$7,775.82 is hereby released to Acorn Electric, P.O. Box 1128, Bethel, CT 06801.

**Authorize Barton & Loguidice, D.P.C. To Perform an Environmental Review for the Grishaj Proposed Subdivision**

WHEREAS, the Planning Board of the Town of Yorktown desires to verify the wetland delineation on the subject site and study the environmental impacts of the proposed subdivision as outlined in their New Project Task Order Summary for the Grishaj proposed subdivision located at 3319 Stony Street, Mohegan Lake, NY 10547, also known as Section 16.17, Block 2, Lot 77 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 environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$3,400.00; 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 reviewing the proposed Grishaj proposed subdivision located at 3319 Stony Street, in an amount not to exceed \$3,400.00 for the environmental review, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

**Approve Par 3 Golf Course to provide golf recreational facilities to the public that will commence operation on July 4, 2022**

WHEREAS, in September 2014, the Town entered into a Concession Agreement with RC Recreation Development, LLC ("RC"), for RC to provide golf recreational facilities to the public at the Town-owned park located on the south side of Route 6 at the intersection of the Taconic Parkway, in Jefferson Valley, New York, in the Town of Yorktown (currently known as the Valley Fields Golf Course); and

WHEREAS, said Concession Agreement was amended in May 2018, and is set to expire on August 31, 2028, but contains two (2) five-year options, through August 31, 2038; and

WHEREAS, RC has represented to the Town that it will commence operation of the golf course and restaurant by July 4, 2022; and

WHEREAS, the food concession license fee shall commence on November 4, 2022, at the rate of \$12,500/year, as per section 4(a) of the Concession Agreement, to increase to \$15,000/year on September 1, 2023, etc.; and

WHEREAS, RC has represented to the Town that it will pay the fines in connection with the DEC Notice of Violation issued on or about February 5, 2020; and

WHEREAS, the Town adopted legislation to allow the sale of alcohol on the premises, which is not currently authorized under the Concession Agreement.

NOW, BE IT RESOLVED, that the Supervisor is authorized to enter into a Second Amended Concession Agreement that provides:

- Subject to applicable law and necessary approvals in the Town's discretion, authority to RC to sell alcohol on the premises.
- Subject to applicable laws and necessary approvals in the Town's discretion, authority for RC to: (1) Light the Golf Course; (2) install outdoor grill/BBQ smoker and pizza brick oven, as part of a permanent outdoor dining patio; (3) provide outdoor activities, not limited to, outdoor movies, outdoor entertainment, install a seasonal ice skating rink, astronomy nights, special events including charity funding events,

corporate outings, tournaments, resident parties, weddings; (4) install pagoda type outdoor coverings, tents for special events, use of elegant mobile restrooms when necessary, and other required temporary outdoor facilities or entertainment venues; (5) build an indoor golf training facility, including but not limited to golf simulators, putting simulators; (6) allow Yorktown sports teams to utilize the facilities; (7) develop a “Great Lawn” (like Central Park) program including concert series, Beatle Mania and other tribute acts, Shakespeare in the Park.

- RC and its members represent and agree that, as of the date of execution of the Second Amended Concession Agreement, they have no liens, claims, offsets or charges against the Town, its officials, employees, agents, or any person that the Town would owe defense or indemnity to, related directly or indirectly to the Concession Agreement.
- Prior to opening, RC obtains all customary and necessary insurance (e.g., CGL, workers comp, etc.) naming the Town as additional insured.
- RC will pay the fines in connection with the DEC Notice of Violation issued on or about February 5, 2020.

14. MONTHLY REPORTS

- Finance Department
- Receiver of Taxes
- Town Clerk

15. ADJOURN

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

**\*\*\*AGENDAS ARE SUBJECT TO CHANGE\*\*\***