

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, June 7, 2022 held in Yorktown Heights, New York 10598.

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

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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, the Town Board moved into Executive Session to discuss individual personnel issues, and litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, 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 all to join the Town Board in a moment of silence to remember the greatest generation on the 78th anniversary of D-Day, as well as our first responders and front line workers. He also asked to remember all the members of the US Military.

INTRODUCTIONS

Supervisor Slater introduced himself and the Town Board members, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

ETHICS REPORT PRESENTATION

Supervisor Slater called Bill Harrington, attorney with Bleakley, Platt, & Schmidt, to the podium to present to the Town Board a briefing regarding the Ethics Report, which the Town Board had commissioned. Mr. Harrington said he was asked by the Town Board to review the public disclosure of a Board of Ethics' decision back in 2021 concerning a member of the Planning Board who was the subject of that ethics proceeding. He said he has completed the review and provided a report to the Town Board this evening. He said there was no dispositive evidence of the improper and inappropriate disclosure of the Board of Ethics advisory opinion to a local newspaper. He said everyone involved was interviewed and said there simply is no evidence to suggest who might have done that. He said that due to COVID the traditional in-person meeting that would typically occur for any board was compromised and, as a result, all of the proceedings were done via Zoom or telephone and were interrupted by delays associated with COVID. He said, unfortunately, the process was a little disjointed. He said as far as he could ascertain, the Board of Ethics did an admirable job under the circumstances. Mr. Harrington said he had three recommendations to the Town Board:

- The Ethics Code should be amended to make it clear that the substance and decisions of the Board of Ethics and its deliberations are confidential. He said there is no admonition in the Code that neither Board members nor members of the public or anyone else are prohibited from disclosing confidential information.
- The communications as they relate to the Board of Ethics should be done on the Town's server. This gives the Town the control and ability to detect any disclosure.
- There should be an annual tutorial as it relates to the Board of Ethics mandated disclosures that should include the notion that you have read the Code of Ethics and understand that any deliberations or discussions are privileged and confidential.

Supervisor Slater said he would recommend all boards receive a tutorial, not just the Board of Ethics. He said he appreciated Mr. Harrington's work and was happy to hear that nothing was done in a malicious manner.

REPORT FROM TOWN SUPERVISOR

Supervisor Matthew Slater reported the following:

- There was a horrible incident in Town on May 21, 2022, which painted the Town in a terrible light that involved spray-painting of racial slurs and antisemitic slogans off Croton Dam Road. He said the police department did an extraordinary job in arresting three individuals linked to the incident. Supervisor Slater said there would be a press conference in front of the police department tomorrow morning at 10:00 a.m. giving the details. He said the three individuals are going to be charged and none of the three were Yorktown residents. He said he hopes the excellent police work sends a strong message to individuals considering these types of hate crimes that they will be pursued. Supervisor Slater said hate does not have a home here in Yorktown.
- Supervisor Slater thanked those who participated in the ARPA survey. Five hundred sixty-four people responded to the online survey regarding the investment of the \$3.7 million that the Town received from the federal government. The taskforce set up for this program will be meeting this month to review the data, responses, and ideas.
- Supervisor Slater announced that three of the Senior Nutrition Center vans had their catalytic converters stolen but they have now been replaced and the vans are up and running.
- Supervisor Slater said that the Water Department has completed the spring flushing. They are now focused on fixing and adding new fire hydrants based on the results of the flushing.
- Supervisor Slater said that the Parks & Recreation is ready to welcome residents back to both the Shrub Oak and Junior Lake Pools this weekend from 11:00 a.m. to 7:00 p.m.
- Supervisor Slater announced the basketball court renovation at Railroad Park is nearly completed and they hope to have a ribbon cutting this coming Friday.
- Supervisor Slater said the Hanover East Playground is experiencing supply chain delays and the needed parts are expected this July.
- Supervisor Slater said the Refuse & Recycling has the garbage contract out and is due the end of this month. The bid includes the changes presented to the Town Board earlier this year.
- Supervisor Slater said the Assessor would like to remind residents and the grievance period ends June 21, 2022.
- Supervisor Slater said NYS is sending the Homeowner Tax Rebate Credit checks and they are expected either this month or next month.
- Supervisor Slater said the library is kicking off their Summer Reading Program on June 24. The free hotspot service is being extended.
- Supervisor Slater thanked all participants in the Memorial Day ceremonies and parade, as well as the VFW for hosting the parade.
- Supervisor Slater said Fourth of July activities are being planned, including a Freedom Run (5K) in support of My Brother Vinny.
- Supervisor Slater said Sustainable Westchester wanted to remind residents that they are having another Zoom information session on June 15 at 7:00 p.m. regarding their Westchester Power Program.
- Supervisor Slater recognized Genesis Jewelers for doing a children's book drive in conjunction with 914 Cares. Their goal is to collect over 1,000 books. Donations may be brought to Genesis Jewelers in the Triangle Shopping Center.

REPORTS FROM TOWN COUNCIL

Councilman Diana also congratulated the Yorktown Police Department for their excellent work. He mentioned his attendance at Freedom Gardens annual event. He announced the adaptive playground is nearly complete at Granite Knolls and the opening is being moved to June 12 at 11:00 a.m. (due to inclement weather forecasts). He said they could not get fireworks for the 4th of July (shooters are not available).

Supervisor Slater interjected that Paul Martin from the Historical Society has organized a re-enactment of the reading of the Declaration of Independence for the Fourth of July at Town Hall. More information is to follow.

Councilman Lachterman announced the following:

- Friday, July 10, is the Relay for Life at Veterans Memorial Field, 6:00 p.m. to 11:00 p.m.
- Sunday, June 12, My Brother Vinny is holding their annual walk-a-thon and art drive at Veterans Memorial Field. They are collecting artwork for the event. They help veterans

who get shelter from the Veterans Administration outfit their space (furniture, household items, etc.). He said that artwork helps to make their spaces into a home. They will be set up at the American Legion Post.

- The last Sons of Americans Legion breakfast will be held on Fathers' Day (Sunday, June 19, 9:00 a.m. to 11:00 a.m.) before they break for the summer and return in September. A \$10 donation is requested.
- The Lions Concert Series is ready to begin. Councilman Lachterman announced the lineup for the summer.

Councilman Esposito thanked Alex Mandara from the VFW for the wonderful job they did sponsoring the Memorial Day Parade. The Chamber of Commerce held their Summer Market and Car Show – over 80 cars were shown – at Railroad Park. SPARC (Special Program and Resource Connection) held a “Steps to Accept” walking fundraiser at the gazebo at Veterans Memorial Field. Councilman Esposito announced the Fireman’s Parade and Carnival will start on June 22.

Councilwoman Haughwout thanked the school administration and teachers for their work during the school year. She reminded everyone that there are many programs for our children, families, and seniors through the Parks & Recreation Department.

Supervisor Slater announced that road paving has begun and to please take caution while driving near their work sites.

PROCLAMATION - GAY PRIDE MONTH

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

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 11th 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 recommit 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 sexual orientation.

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

PROCLAMATION - RELAY FOR LIFE

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

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 Vecchiolla, 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.

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

A moment of silence was held for those who have lost their battles with cancer.

PROCLAMATION - RACE AMITY DAY

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

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.

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

ANTISEMITISM PRESENTATION

Supervisor Slater introduced Myra Clark-Siegel (American Jewish Committee) to talk about antisemitism. Ms. Clark-Siegel introduced herself as the Regional Director for the AJC (American Jewish Committee). She said the AJC is the oldest civil rights Jewish organization in the country, founded in 1906. She said those principles include combatting antisemitism but also standing for pluralism and equality for everybody. She said they are proudest of the relationships and partnerships they have established with all religions and races. Ms. Clark-Siegel displayed a slide presentation, “The State of Antisemitism in America.” She referenced the recent attack in Buffalo and spoke about the similarities of the attacks against Jewish people. Ms. Clark-Siegel said the AJC believes that when one community is under threat, all communities are under threat. She said that, unfortunately historically, the Jewish community is usually the first community under fire. She spoke about the Jewish community and its diversity. The Jewish community is attacked whether or not they are practicing the Jewish religion. Ms. Clark-Siegel said that the Jewish community in the United States (2% of the US population) and globally is the number one religion that is attacked with hate crimes for religious reasons. The Black community is the number one racially attacked community with approximately 60% of hate crimes in communities across the country.

Ms. Clark-Siegel said that after the 2018 attack on the Tree of Life Synagogue, it became a wake-up call. The AJC undertook the largest survey of the Jewish community done in the United States. There were 3 key take-aways from the survey:

- American Jews are concerned and are changing their behaviors
- There is a response(s) that can be taken together – adopting a working definition of antisemitism. She said this is important because that which we can define, we can measure; that which we can measure, we can address. This is why the information the FBI collects on hate crimes and shares with law enforcement agencies is so incredibly important.
- Antisemitism is increasing in the country but the American Jewish community feels it is not being heard.

Ms. Clark-Siegel said the working definition of antisemitism (according to the International Holocaust Remembrance Alliance “IHRA”) is “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews.” Hate crimes in 2020 increased by 365%, increase in hate crimes against members of the Jewish community (2021 was even higher).

Ms. Clark-Siegel gave examples of how antisemitism is manifested:

- Holocaust denial, misappropriation, and comparisons
- Hatred toward Jews
- Stereotypes and scapegoating
- Inappropriately invoking Israel

Ms Clark-Siegel gave statistics regarding acts of antisemitism. The statistics also showed that not enough Americans recognize that there is an increase in antisemitism. She described the attacks that take place on social media and the work that still needs to be done to reduce the attacks. One slide described what a person could do to fight antisemitism:

- Educate yourself
- Speak out and be an ally
- Advocate

Ms. Clark-Siegel said the AJC has resources and tools to help educate the public that are available on their website, www.ajc.org. One particular tool is called “Translate Hate” it is a visual primer that takes antisemitic tropes and explains them. She said it is a great resource for schools, government officials, and police agencies.

Ms. Clark-Siegel said that last year, in partnership with the US Conference of Mayors, the Mayors United Against Antisemitism issued a statement and she thanked Supervisor Slater for signing on to this statement on behalf of Yorktown. She said it is a powerful statement to adopt the IHRA's working definition of antisemitism. She thanked the Town Board for the opportunity and time to present.

Councilman Diana said he is proud of the Yorktown community for the work they have done to combat antisemitism and acknowledged the work Councilman Lachterman has done on behalf of the Holocaust Remembrance events.

Councilman Lachterman spoke about some of the events that have been held. He said he does not think people realize the depths of the attacks that have been suffered by Jewish people. He spoke of comments that he has had made against him due to being Jewish, as well as his family's history.

Councilman Esposito said he believes tropes are the beginning of hatred and prejudice for all groups, particularly the Jewish community. He said things are said offhand and are not always meant, but awareness has to begin somewhere. He said that this presentation could be applied to all races and religions, as well as orientation.

Councilwoman Haughwout asked if there were tools that AJC uses that would allow a person to understand and reflect on the usage of tropes. Ms. Clark-Siegel said the AJC is an advocacy agency but do call things out when they need to be. She said the AJC is a fiercely nonpartisan organization because all groups need to work together. She said antisemitism is an issue that is bigger than any political party.

Supervisor Slater said the Town works with the Alliance for Safe Kids who has a great dashboard where they list many online resources, both for children and parents. He said "Translate Hate" would go there immediately, as well as on the Town's website. He asked Ms. Clark-Siegel how to turn this latest antisemitic event into a learning moment for the community. He said her presentation was wonderful but would like to see the community move to the next level of understanding and acknowledgement and asked for her advice. She said to shine a light on the incident to use it as a learning moment. She suggested the following: students could write essays about the incident and what it meant to them; educate the educators so they can have conversations with their students; an interfaith round table discussion could be planned.

Supervisor Slater said that civil public discourse also needed to be discussed and restored. He said that emotions needed to be controlled in order to have productive conversations. Ms Clark-Siegel said the same approach in terms of bringing community leaders together is a very powerful approach for civil discourse; faith leaders are educated and practiced in that area and bringing them together can be very powerful; teachers are extremely powerful in this area, as well.

Ms. Clark-Siegel said the resolution to follow said the following working definition has been adopted by 37 countries, to date, by over 850 non-governmental organizations, universities and colleges, European sports teams, and municipalities across the United States.

Councilman Lachterman read the following resolution:

APPROVE ANTISEMITISM POLICY
RESOLUTION #258

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

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.

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

POET LAUREATE

John McMullen, Poet Laureate, read an excerpt from an original poem.

COURTESY OF THE FLOOR

The following members of the public spoke:

Tony Grasso, resident, spoke about "The Wall That Heals" in Norwalk, CT for those who fought and lost their lives in Vietnam. It is a traveling monument and he thought the Town Board might be interested in having it visit Yorktown. As a veteran, he said it would be a valuable teaching tool for young people to understand the horror of war.

Jennie Menton, resident and spouse of Mr. Grasso, said it was a very moving and valuable monument and how impressive it was to their great-grandchildren.

Susan Siegel, resident, asked if the Westchester County Health Department had signed off on the fluoridation project. If they have not, she urged the Town Board to hold back on passing the resolution on tonight's agenda releasing retainage for the contractor until the Town Board knows the contractor is finished and has met all Health Department requirements.

Ms. Siegel also spoke about holding off on the resolution to change to the Par 3 Concession Agreement. She asked why it appears that the Town Board is giving the operator virtually blanket permission to hold large special events on the site plus the construction of new buildings without any requirements, like needing a special permit when an event is being planned for farms. She asked why the Town Board appears to be treating the Par 3 Golf Course differently than the farms. She asked why there is a delay in collecting the concession license fees and asked if the delay in payments until November only be for the restaurant or for the golf, as well, since they are two separate concession fee arrangements. If yes, why is there a difference and why could the Town not start collecting the fees as soon as they begin operating?

Ms. Siegel asked when the Board was planning to adopt the local law that allows the Town out of the state law that exempts solar and battery projects from local taxes but gives the Town the option of negotiating a pilot agreement. She said she was asking this because the operator of the battery storage facility on Gomer Court has already applied to the County IDA for benefits and, as part of his submission, has submitted a draft pilot agreement but Yorktown cannot have a pilot agreement until the opt-out law is done.

Ms. Siegel asked what the Town is doing to collect unpaid taxes on the 2019 foreclosure list. She asked why the Town is not being more aggressive about either getting the property owners to pay their taxes or foreclose on the property, on which the court has already given permission.

Howard Frank, resident, said he was glad to see the Town addressing the water meters and asked if the Town would receive any money from Somers or Cortlandt since there is a direct connection to water tanks in Yorktown. He said he believes the commercial meters are not being read properly, according to the water report, also in connection with Somers and Cortlandt.

Judith Stavans, resident, said that as a member of Temple Beth Am in Yorktown, she thanked the Board for the presentation and the Antisemitism Proclamation. She said they have had to make many changes at her temple regarding training and security. Ms. Stavan also thanked the Board for Race Amity Proclamation and said they are celebrating the annual Race Amity Festival on Sunday, June 12. It is the fifth annual celebration that will take place at the Somers Library at 1:00 and they will have presentations and speakers.

Sarah Wilson, resident, thanked the Board for the Gay Pride Month Proclamation. She announced the June 11 demonstration to celebrate the LGBTQ members of our community and to continue our collective efforts to insure equality, freedom, and rights of all. She said she is present this evening as a member of Yorktown For Justice to provide residents with details of activities that would be happening on June 11 and to encourage residents to join them for one or more of the events on Saturday. There will be a Pride March that begins at 1:00 p.m. at Town Hall. After the march, everyone is invited to the grounds of the United Methodist Church where there will be a variety of speakers, performers, local business, food, games, activities, etc. The event will end at 6:00 p.m. at the Yorktown Grille.

Ms. Wilson also said all of the plants are in the ground at the Garden of Hope at Willow Park. They are now focused on installing deer fencing; Parks & Recreation has done a great job of putting the posts in the ground but they are looking for volunteers to install the fencing. Ms. Wilson gave contact information.

Mel Tanzman, resident, said he is thankful for the Town Board's attention to human rights, anti-discrimination, and condemnation of hate speech in reaction to troubling incidents in our Town and neighboring communities. He said last month's resolution in response to hateful graffiti to create a Unity Mural is one example of an affirmative action and he hopes the Town will benefit from the wise counsel of the Arts and Culture Committee in determining the best location, message, and community participation (including youth) in its design. He encouraged youth participation. He spoke about the proclamations passed this evening and as a person of Jewish heritage, he appreciates the effort. He said, as a human rights advocate, he hopes that similar comprehensive consideration is given to other ideologies of discrimination and hatred. He said resolutions are an excellent first step, but discussions must take place in order to make progress.

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

Councilman Lachterman addressed Mr. Grasso and said the Traveling Wall would be going to Carmel and be displayed in Veterans Park. He said he visited the wall with veterans and said it was wonderful. Councilman Lachterman said that during the Honor Flight event he was able to visit the Vietnam Memorial with two Vietnam Veterans. Councilman Lachterman thanked the police for stepping up their patrols during Jewish high holy days.

Councilwoman Haughwout thanked Mr. Grasso for sharing the Traveling Wall event. She acknowledged the comments from the rest of the public speakers.

Supervisor Slater said the Town does not have a unified memorial for Vietnam veterans and he will be working with the Veterans Committee, as well as for a memorial for those who lost their lives in Iraq and Afghanistan. Supervisor Slater said the Water Department has been working on the commercial water meters in order to make sure they are properly inspected. He said he had proposed to the Joint Waterworks that the municipalities replace their water meters simultaneously because there would be considerable savings but, unfortunately, the other members did not feel as obligated to do so. He said the Montrose Improvement District in Cortlandt was adamantly opposed to a fluoride project, hence the social media message that was posted, which Mr. Frank referenced.

Supervisor Slater asked Town Engineer Dan Ciarcia to give an update on the fluoride project. Mr. Ciarcia said there are an electrical contractor and a general contractor working on the project. He said the electrical contractor is 100% done. The general contractor has had a changeover in personnel and it has been frustrating to get the last part done. In order to get the last thing done – the Health Department testing – he said if they are not there next week, he is going to do the final connections and then do the test. Supervisor Slater said that right now there is no fluoride in Yorktown’s water. Water Superintendent Ken Rundle said a lot of information would be given before the fluoride is added. Supervisor Slater wanted to make sure the resolution on the agenda is correct and there is no reason to hold off and Mr. Ciarcia said the electrical contractor has 100% completed his portion of the project.

Supervisor Slater said the previous Town Board had discussed with the Assessor the pilot program issue that Ms. Siegel raised and he said that the Town is, in fact, able to accept the pilot. The Assessor has been working with renewable energy companies (including Borego on Gomer Court) to accept their pilots. The previous Town Board had already taken care of this.

Supervisor Slater said that the Town Attorney is working with the in rem list of delinquent taxes and has been in contact with property owners. He said we are now past the COVID stage and the courts are now hearing these cases again. He said he respectfully disagreed with the statement that the Town was treating the Par 3 Golf Course differently than the farms because if you read through the specifics that are within the document it states that all laws and necessary approvals need to be obtained. Supervisor Slater said that the Town is holding them incredibly accountable and not giving them carte blanche to do whatever they want on the property. He said they are looking forward to the opening on July 4 (as intimated to the Board by the developer).

APPOINT STEVEN NESPOLINI TO THE POSITION OF LIBRARY CLERK FOR THE JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #259

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

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.

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

APPOINT TAMARAH HYMAN TO THE POSITION OF LIBRARY CLERK FOR THE JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #260

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

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.

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

APPOINT ERIC PATERSON, LIZ SCULLY AND JOHN ANGI AS MEMBERS OF THE ACCESSIBILITIES COMMITTEE

RESOLUTION #261

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

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

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

APPOINT BOB PHELAN AS A MEMBER OF THE PLANNING BOARD

RESOLUTION #262

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

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

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

APPOINT BOB WATERHOUSE AS AN ALTERNATE MEMBER OF THE PLANNING BOARD

RESOLUTION #263

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

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

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

APPOINT MINNIE DINEEN-CAREY AS A MEMBER OF THE CONSERVATION BOARD

RESOLUTION #264

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

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

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

APPOINT SERAFINA MASTRO, DEBRA MARX AND FRANCIS MCVETTY TO THE SENIOR ADVISORY COMMITTEE

RESOLUTION #265

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

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

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

PUBLIC HEARING FOR THE ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION

Supervisor Matthew Slater convened 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. Town Clerk Diana Quast displayed the Notice of Publication.

Supervisor Slater asked Town Engineer Dan Ciarcia to explain the reason for the public hearing. Mr. Ciarcia said that this was the culmination of a long journey and these are the last resolutions that need to be done before they head up to Albany and the State Comptroller. He said that although they had obtained the requisite signed petitions at the end of 2019, they had not secured the funding, which was the basis for the numbers that were presented to the people – the \$14.3 million project cost would not work if they did not have the \$10 million from the East of Hudson fund. These funds have finally been secured, as well as \$1.2 million obtained through the efforts of Representative Mondaire Jones and now the \$14.3 million is now down to \$3.1 million. This is the amount the Town is officially looking to finance. The amount of parcels has now been determined to be 310.

Supervisor Slater said this is now the public hearing to establish the Hallocks Mill Sewer District Extension for those 310 parcels. Supervisor Slater thanked Mr. Ciarcia for holding an informational session last week for the public. He said about 30 people attended and the information is on the Town's website. Mr. Ciarcia said they would make every effort to reduce the number of pumps needed.

Supervisor Slater reviewed the next steps in the process: the establishment of the district, the application goes to the State Comptroller, the State Comptroller approves it, and a consulting engineer is brought in to review each parcel and costs (the District would pay for this fee). Mr. Ciarcia said some of the pumps that residents might need could be the low-pressure pumps where the Town opted not to put gravity sewers in the street and the Town would pay for these pumps. This is separate from someone who may have a lot that is way below the street where the Town could not put the pipe 30 feet into the ground and that person would have to put in a pump from their house.

Councilman Esposito said the pump that would be pumping into the low-pressure system directly is the one the Town would be paying for. He said if you have a basement bathroom that uses an ejector pump, for example, would be cost to the property owner. He said the Town is going to make its best efforts to avoid using pumps and try to get people into a gravity fed system but sometimes that is not possible. He said another big question was the cost to the property owner, which would be determined by the use of the consultant, and the property owner would be advised of the cost to connect. Mr. Ciarcia said, no, the Town would not be notifying owners of the cost to connect – that is between the property owner and their plumber to do the final connections. He said that the Town's role is going to be to try to figure out where their plumbing is and try to get our system to accommodate that (with gravity being the preferred option). Councilman Esposito rephrased his statement and said the cost to get the sewer line to the point where the property owner could get their plumber to connect is what the property owner would be notified about prior to the Town doing any work. Mr. Ciarcia said this is correct.

Councilman Diana asked Mr. Ciarcia to review the costs of the sewer tax fees. Mr. Ciarcia said if the property is in the district, the homeowner would pay the freight specifically for the collection system, which originally when the Town did the map, plan, and report, was an annual tax of \$782. He said, in light of the additional grant the Town received, that annual tax would be \$579. Everyone in the district would pay that regardless of whether they connect to the sewer. However, those people would not pay the costs associated with running the wastewater treatment plant, which is collected through taxes and water bills. This breaks out to about \$572 as the annual additional tax a connected homeowner would pay plus \$140 dollars extra on their water bill. It comes to roughly \$1,200 annually for those who connect to the sewer and \$580 for those who do not connect. He said people who were in the original Hallocks Mill District that was established to build the plant, if they do not connect, they would be paying zero dollars and would continue to pay zero unless they choose to connect. However, they would be sharing the cost of the lateral sewers that would bring the service to their property.

The following members of the public spoke:

Tony Grasso, resident, said he is in the Hallocks Mill District (and not one of the 315 parcels) and asked if he had to pay anything more. Mr. Ciarcia said no, the operational charges should not go up too much; it is actually putting more people in the pool to help defray the costs of running the plant. He said this is a special district and the funds are segregated.

Howard Frank, resident, said his sewer was installed in District No. 2 and this new district does not have a number. He said the district number is no longer on the bills. He wanted to know if the funds are being comingled. Supervisor Slater said if you look at the budget, each sewer district is listed, and this would be separately listed, as well. Supervisor Slater said it is possible that it is not on Mr. Frank's bill because he is no longer paying any debt on the sewer system itself. He said the 310 parcels would be taxed as separate and distinct. Mr. Frank spoke about getting generators replaced for the lift stations that have been experiencing problems, which he also addressed. He proposed cutting out switches on Granite Springs Road and on Broad Street and all of the pump stations be directly fed from the primary that comes from the substation at the sewage treatment plant – it is high capacity and has been rebuilt. Mr. Frank said electrical work would be needed and people should be notified to upgrade their electrical systems.

Dave Humphrey, resident, said in his neighborhood they have been discussing the need for sewers for many years and are happy they are reaching a definitive step in getting this done. He is also a board member of the Sparkle Lake Homeowners Association and said they were happy to have participated in the petition process. He said if the Town Board needs any future assistance for the project, the association would be happy to help.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, and carried.

APPROVE MAKING CERTAIN DETERMINATIONS IN RELATION TO AND FINDING IT TO BE IN THE PUBLIC INTEREST TO ESTABLISH A HALLOCKS MILL SEWER DISTRICT EXTENSION

RESOLUTION #266

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

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.

Section 2. This resolution shall take effect immediately.

Town Clerk Diana Quast registered the roll call votes as follows:

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

Resolution adopted.

APPROVE THE ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION

RESOLUTION #267

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

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.

Town Clerk Diana Quast registered the roll call votes as follows:

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

Resolution adopted.

APPROVE THE APPLICATION TO THE STATE COMPTROLLER'S OFFICE IN CONNECTION WITH THE ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION

RESOLUTION #268

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

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.

Town Clerk Diana Quast registered the roll call votes as follows:

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

Resolution adopted.

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 convened 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. Town Clerk Diana Quast displayed the Affidavit of Publication.

Supervisor Slater said this is a public hearing to bond the \$1.8 million to help the Town fund the upgrade of approximately 4,500 water meters. He said this is an upgrade that has taken about ten years to complete. Supervisor Slater asked Water Superintendent Ken Rundle to review the project. Superintendent Rundle said the Water District started in 2012 to install approximately 2,500 water meters and since that time bits and pieces have been changed out, with a remaining 4,500 meters to be replaced. He said this has many benefits to the Town, as well as the residents, and is long overdue. Supervisor Slater thanked Town Comptroller Pat Caporale because the way this is being structured has a net neutral impact on the Water Department's budget, which is a tremendous accomplishment. Superintendent Rundle agreed. Supervisor Slater asked how quickly the project could begin and Superintendent Rundle said they should be able to start this summer, depending on what the Town Board decides this evening. Superintendent Rundle said he would like to have Core & Main and their installers come to a work session to introduce the project and a Q&A session.

The following members of the public spoke:

Susan Siegel, resident, thanked the Town Board for moving this project forward. She said she was supervisor when this project began back in 2011. She said all she can think about the money lost over the years by not having properly working water meters. She asked if commercial meters were included in this project. Supervisor Slater said no because the Town has a separate mechanism that the Water Department is implementing as it pertains to commercial meters. Ms. Siegel said money is lost on these meters as well. She said she would like a concrete update on the commercial meters: how many letters have gone out, how many meters have been inspected, etc. Supervisor Slater said he understood but reminded her this was a public hearing for the water meter bond.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, and carried.

APPROVAL OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT CONSISTING OF THE PURCHASE AND INSTALLATION OF APPROXIMATELY 4,500 WATER METERS
RESOLUTION #269

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has duly caused to be prepared an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Consolidated Water District in the Town of Yorktown, Westchester County, New York, consisting of the purchase and installation of approximately 4,500 water meters, and costs incidental thereto; and

WHEREAS, at a meeting of said Town Board duly called and held on May 17, 2022, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Consolidated Water District in said Town at a maximum estimated cost to the District of \$1,811,683.62 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Yorktown Heights, New York, in said Town, on June 7, 2022, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, 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 that it is in the public interest to make the improvement, to increase and improve the facilities of Consolidated Water District in the Town of Yorktown, Westchester County, New York,

consisting of the purchase and installation of approximately 4,500 water meters, and costs incidental thereto, at a maximum estimated cost to the District of \$1,811,683.62.

Section 2. This order shall take effect immediately.

Town Clerk Diana Quast registered the roll call votes as follows:

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

Resolution adopted.

STORMWATER POLLUTION PREVENTION PLAN PERMITS AND WETLAND PERMITS
SUBMITTED BY CON EDISON

Supervisor Slater and the Town Board rendered decisions for stormwater pollution prevention plan 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.

Supervisor Slater asked Town Engineer Dan Ciarcia where on East Main Street Con Edison was planning to do work because the Highway Superintendent was planning to pave portions of East Main Street. Mr. Ciarcia said they would be on East Main Street in both Jefferson Valley and Shrub Oak, as well as Route 6. He said they would be by Barger Street but would go to his office for the map of the area. Supervisor Slater said they would do the Lexington Avenue resolution first.

APPROVE LEXINGTON AVENUE SWPPP AS SUBMITTED BY CONSOLIDATED EDISON
RESOLUTION #270

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

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;

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.

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

APPROVE BROAD STREET SWPPP AS SUBMITTED BY CONSOLIDATED EDISON
RESOLUTION #271

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

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.

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

AUTHORIZE SUPERVISOR TO EXECUTE A CIVIL RIGHTS NONDISCRIMINATION
POLICY STATEMENT
RESOLUTION #272

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

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.

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

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
RESOLUTION #273

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

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.

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

AUTHORIZE SUPERVISOR TO ENTER INTO A REGIONAL KITCHEN AGREEMENT WITH
THE TOWN OF CORTLANDT
RESOLUTION # 274

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

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.

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

AWARD BID FOR THREE (3) FORD SUPER DUTY F-550 BID FOR THE HIGHWAY
DEPARTMENT
RESOLUTION #275

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

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 31st, 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.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR T-SHIRTS AND UNIFORMS FOR THE PARKS AND RECREATION DEPARTMENT
RESOLUTION #276

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

RESOLVED, Notice is here given that 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.

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

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
RESOLUTION #277

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

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.

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

AUTHORIZE 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
RESOLUTION #278

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

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).

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

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

RESOLUTION #279

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

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.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR PAYMENT TO THE EAST OF HUDSON WATERSHED CORPORATION FOR MAINTENANCE OF PONDS

RESOLUTION #280

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

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.

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

AUTHORIZE RELEASE OF RETAINAGE IN THE AMOUNT OF \$7,775.82 TO ACORN ELECTRIC FOR CONTRACTUAL WORK COMPLETED FOR THE FLUORIDE PROJECT

RESOLUTION #281

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

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.

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

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW FOR THE GRISHAJ PROPOSED SUBDIVISION
RESOLUTION #282

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

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.

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

APPROVE PAR 3 GOLF COURSE TO PROVIDE GOLF RECREATIONAL FACILITIES TO THE PUBLIC THAT WILL COMMENCE OPERATION ON JULY 4, 2022
RESOLUTION #283

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

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.

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

Town Engineer Dan Ciarcia rejoined the meeting to discuss the location of Con Edison’s work on East Main Street. He said it looked as though Con Edison would start near the Coach N Four in Jefferson Valley and going to East Main Street. Supervisor Slater suggested coordinating with the Highway Superintendent pertaining to the paving schedule. He asked to amend the resolution so that the work does not conflict with the Highway Superintendent’s schedule. The Town Board agreed.

APPROVE EAST MAIN STREET SWPPP AS SUBMITTED BY CONSOLIDATED EDISON
RESOLUTION #284

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

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

WHEREAS, the applicant proposes to 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.
2. Applicant must consult with the Highway Superintendent and obtain a highway work permit prior to the signing of the plans.

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

MONTHLY REPORTS

The Town Board accepted monthly reports from the following departments:

- Finance Department
- Receiver of Taxes
- Town Clerk

ADJOURN

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

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