

Meeting of the Town Board, Town of Yorktown held on Tuesday, July 12, 2022 held in Yorktown Heights, New York 10598.

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

Also Present: Maura Weissleder, Deputy Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilman Esposito, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilman Diana led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember our first responders, police officers, firefighters, and EMTS. He also asked to remember our Atomic War Veterans, as the bridge in Yorktown has been newly dedicated as the Atomic War Veterans Memorial Bridge.

INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Deputy Town Clerk Maura Weissleder and Town Attorney Adam Rodriguez.

REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

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

- State DOT announced lane closures on Taconic State Parkway between exit 11 and exit 13 (Route 134 & Underhill Avenue) beginning today and is expected to continue through the month of October.

REPORTS FROM TOWN COUNCIL

Councilman Lachterman, as liaison to the Veterans' Committee, spoke about today's dedication of the bridge that links Granite Knolls and Legacy Fields and goes over the Taconic Parkway as the Atomic War Veterans Memorial Bridge. Both Senator Harckham and Assemblyman Byrne worked to pass the bill through the state legislature. Councilman Lachterman said few people know that the government tried to cover up the exposure to nuclear radiation suffered by many of our military service members; a gag order was in place for decades. Congress released this gag order in 1996. The official end of the atomic era for veterans was in the mid-1960s. Serious medical issues have been linked genetically to this exposure. The Town has an Atomic War Veteran, Ed Gelner, who spoke about his exposure at the 2018 Memorial Day Parade. Councilman Lachterman asked to share this story to keep their memory alive.

GUIDING EYES FOR THE BLIND

Supervisor Slater introduced Jody Cross, Zarin & Steinmetz (attorney for Guiding Eyes for the Blind) and Joe Riina, Project Engineer, Site Design Consultants to discuss their rezoning petition for property located at 3241 Crompond Road. Ms. Cross said they are requesting a zoning text amendment to permit non-commercial kennels in the Planned Interchange (IN) Zoning District.

Ms. Cross spoke about the need for the petition in order to move certain of Guiding Eyes services to the new location while retaining their current location on Granite Springs Road. She said that Guiding Eyes is the contract vendee of an approximately 12 acre piece of property in the IN district at 3241 Crompond Road. It is currently owned by Temple Israel and their plans for the

property never came to fruition. Guiding Eyes would like to locate a training program at the location for guide dogs, as well as kennels, offices, and veterinary services. This will reduce the number of dogs at the Granite Springs Road location. Ms. Cook said that the new location would not be open to the public and there would not be a significant impact on traffic in the area. She said it is also a use consistent with the Comprehensive Plan and the legislative intent of the IN District. Ms. Cook said that it provides an orderly development of the property that is appropriate for this location. She said that in order for Guiding Eyes to move ahead with these plans they would require a text amendment to the code. She said that under the current zoning code there is a special permit use called "horse stables and dog kennels" and it is not a defined use dog kennel and it is not allowed in the IN zone. Ms. Cook said what they are proposing in their petition is a new use category called "Non-Commercial Dog Kennels." This would require a special use permit from the Planning Board. It is a Type 1 action under SEQRA and she said that they would identify any and all areas of environmental concern. Ms. Cook asked for the Town Board to accept their petition and decide who would be Lead Agency, as well as move toward a public hearing.

Director of Planning John Tegeder said he had no broad concerns with their wording and would fine-tune anything that may come up. He recommended the Town Board be Lead Agency on the project. Members of the Town Board were comfortable with moving forward with the project.

A statement was made by Ms. Cross in response to Councilman Esposito's concern for Signs Ink who uses part of the parcel for parking that they would continue to be able to do so.

AUTHORIZATION TO REFER GUIDING EYES FOR THE BLIND'S PETITION FOR REZONING FOR PROPERTY LOCATED AT 3241 CROMPOND ROAD
RESOLUTION #323

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the petition for rezoning submitted by Guiding Eyes for the Blind for property located at 3241 Crompond Road.

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

JEFFERSON VALLEY WIRELESS FACILITY

Supervisor Slater introduced Doug Warden from Snyder & Snyder who are the applicant's (Homeland Towers) attorneys.

Mr. Warden said the application is regarding a 130' wireless telecommunications tower on town-owned property. He said that there would be room at the top of the tower for the Town of Yorktown's non-commercial use (first responder use). He spoke about what they have submitted at this point and are here this evening to request the Town Board declare its intent to be Lead Agency, as well as set a public hearing.

The Town Board discussed the need for additional wireless infrastructures in Yorktown, as well as a second location on Granite Springs Road that Homeland Towers is considering.

Klaus Wimmer, Homeland Towers, said dedicating space to the Town is not a requirement; it is something Homeland Towers offers when working with municipalities.

LEASE AGREEMENT WITH HOMELAND TOWERS, LLC FOR THE CONSTRUCTION OF A WIRELESS TELECOMMUNICATIONS FACILITY AT HILL BOULEVARD
RESOLUTION #324

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

WHEREAS, the Town seeks to enter into a lease agreement with Homeland Towers, LLC, for the construction of a wireless telecommunications facility at Hill Boulevard, Jefferson Valley; and

WHEREAS, the agreement would constitute alienation of parkland and requires the N.Y. State Legislature's permission; and

WHEREAS, the Town Board intends to act as lead agency under SEQRA; and

WHEREAS, the applicants will need a wetlands permit from the Town;

RESOLVED, that the Town Board declares its intent to act as lead agency under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to request assignment of a bill number by the NY State Legislature, and execute all necessary documentation to formally request the enactment of a parkland alienation bill, including the Municipal Information form required by the NYS Office of Parks, Recreation and Historic Preservation; and

BE IT FURTHER RESOLVED, that the Town Board upon signature of the Town Supervisor, authorizes the Town Clerk to forward copies of the aforementioned documents to all necessary entities and individuals; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to schedule a public hearing for the wetland permit.

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

WESTCHESTER POWER UPDATE

Supervisor Slater introduced Dan Welsh from Sustainable Westchester to give an update on Westchester Power program activity in the Con Edison and NYSEG service territories, as well as to lay out the current status and timeline of Yorktown's approval to join the program. Mr. Welsh did a slide presentation that explained the program and how it works. The key features of the program include:

- Opt-out format that enables the program to fully maximize the buying power of communities for supply contracts
- Consumer friendly – the consumer has the option to participate with no contracts, fees, or penalties for coming or going. A consumer can opt in, out, or change supply choices at any time.
- Two supply options – the program offers both 100% renewable energy as a default for most municipalities, as well as a more cost-effective standard supply, which is a mixed fuel source.
- Savings are not guaranteed through this program, as it cannot predict what the utility will charge month to month.

Mr. Welsh reviewed historic pricing charts for both Con Edison and NYSEG. He also explained the timelines for both utility suppliers and where Yorktown stands in terms of jumping in to participate in the next open contract period.

The Town Board discussed the contract terms with Mr. Welsh, the pricing of the supply, and the variables of the price changes. Supervisor Slater said he looks forward to hearing about next steps.

BOUTIQUE HOTEL SPECIAL USE PERMIT

Supervisor Slater introduced Michael Grace from Grace & Grace Law (representing the applicant) and Joe Riina, Project Manager from Site Design Consultants to discuss proposed code amendments for the Boutique Hotel Special Use Permit.

Mr. Grace spoke about the inclusion of a boutique hotel in the overlay district law; however, there were no parameters for what a boutique hotel is within the law; therefore, the need for the code amendments. He said that this is a great project that contributes to Yorktown becoming a destination area. Mr. Grace said that this has been reviewed by the Planning Board and is asking that the proposed amendments be set for a public hearing.

Renderings of the proposed hotel were shown.

Supervisor Slater reviewed comments received from Department of Environmental Conservation, Planning Board, Westchester County Planning Board, Conservation Board, Zoning Board, ABACA. No negative comments were received; however the Zoning Board had more technical questions that could be addressed at a future point in time.

CHANGE OF TOWN BOARD MEETING

RESOLUTION #325

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

RESOLVED, the Town Board meeting scheduled for August 2, 2022 has been moved to August 3, 2022.

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

SET PUBLIC HEARING DATE FOR PROPOSED CODE AMENDMENTS FOR THE BOUTIQUE HOTEL SPECIAL USE PERMIT

RESOLUTION #326

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

RESOLVED, the Town Clerk is authorized to set a public hearing day for Wednesday, August 3, 2022 to consider proposed code amendments for the Boutique Hotel Special Use Permit.

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

SKATE PARK

Superintendent Slater introduced James Martorano, Jr., Superintendent of Parks & Recreation, to discuss refurbishment of the skate park.

Superintendent Martorano said the skate park was built about 12 years ago and there are now ramps that need to be switched out. He said that they are ready to fix up the park for the first time since it opened; however, it is going to take a considerable amount of time to get the park back to 100%. He said that he also is not sure what they will find as they begin refurbishment. He said that the project would be done in stages and that it would probably take up to a month but if there are any setbacks, it could take even longer. He said that he would like start in the fall so they are not taking prime time use away from skateboarders. Superintendent Martorano said he would shut the park down after Labor Day and remain closed until at least the first week of October.

Town Board members discussed the close date of the park, as well as the current safety of the park. Superintendent Martorano said the park is still usable. Supervisor Slater asked for more coordination regarding the close date of the park.

HALLOCKS MILL ROAD TRAFFIC EVALUATION

Supervisor Slater introduced Phil Grealy from Colliers Engineering to discuss the traffic evaluation done at Hallocks Mill Road, as well as engineering design improvements including roundabouts, layout plan, and traffic calming measures.

Dr. Grealy said there are three components to the evaluation: either end of Hallocks Mill Road and what happens on Hallocks Mill Road, itself. Last year he presented a plan that offered six options of what could be done to further reduce traffic volumes or slow the volume down. He discussed the previously presented options. He said that their recommendation was to take the most viable options and do a test. He explained what those options are.

Supervisor Slater said that he was most interested in looking at the conceptual plans for the two ends of the road because they are not Town roads (Route 202 and 35) and the State DOT is not very responsive to requests for assistance. He said that it makes sense to have the conceptual plans done so that the Town can show DOT that they are trying to be honest partners in improving the road system.

Dr. Grealy said testing the best options (an interim basis) is recommended.

AUTHORIZATION TO EXECUTE A CLIENT AUTHORIZATION LETTER REGARDING HALLOCKS MILL ROAD TRAFFIC EVALUATION
RESOLUTION #327

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

RESOLVED, that the Town Supervisor is authorized to execute a client authorization letter with Colliers Engineering regarding the Hallocks Mill Road Traffic Evaluation.

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

KIOSKS ON ATOMIC WAR VETERANS MEMORIAL BRIDGE

Susan Siegel from the Yorktown Trail Town Committee came before the Board to discuss replacing signs and kiosks at the Atomic War Veterans Memorial Bridge. Ms. Siegel said the kiosks that are there now hold information about the history of the Taconic Parkway. She said that now the kiosks are totally unreadable due to sun bleaching. She said the Trail Town Committee would like to see the signs redone using material that is more sun resistant. Ms. Siegel said another Trail Town member, Jonathan Nettlefield, who does sign work throughout the Hudson Valley ball park the cost at about \$1,000 each. She said the unknown cost is the artwork. The Town would have the option of using the existing artwork or redesigning it to possible include information on local trails. Ms. Siegel mentioned that it could cost anywhere from \$5,000 to \$10,000 (most likely closer to \$5,000). She suggested that money from the fund balance could be used to fund this project, if the Board thinks this is a worthwhile project. Ms. Siegel also suggested a sub-committee be formed to put together estimates and bring it back to the Town Board.

Supervisor Slater said a sub-committee is a good idea but funds are limited because the Town has many projects.

PROPOSED ADDITION OF CHAPTER 95 TO TOWN CODE

Supervisor Slater said he would like to discuss adding a new Chapter 95 to the Town Code, which would give the Town Board and volunteer boards the ability to hold virtual meetings. He said there are very strict parameters around how the meetings would be performed – a quorum of the Town Board physically present in the Town Boardroom. He said that these types of meetings were allowed under the Executive Orders issued by the governor but the Town wants to make sure we are protecting ourselves, as a Town, and our sub-boards and give clarity and understanding of how they can go about holding these meetings.

Members of the Town Board agreed to move this forward.

AUTHORIZATION TO REFER A PROPOSED LOCAL LAW ADDING CHAPTER 95 TO THE YORKTOWN TOWN CODE REGARDING VIDEOCONFERENCING
RESOLUTION #328

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies a proposed Local Law adding Chapter 95 to the Yorktown Town Code to allow members of all public bodies of the Town of Yorktown to participate in meetings via videoconference.

FURTHER RESOLVED, NOTICE IS HERE GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York, on the 26th day of July, 2022 at 7:00 o'clock PM, or as soon thereafter as the same can be heard to consider a Proposed Local Law to allow members of all public bodies of the Town of Yorktown to participate in meetings via videoconference.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall. You may request a copy from the Town Clerk or view it on the Town's website, www.yorktownny.org under Town Clerk/Pending Legislation.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye

Resolution adopted.

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE TOWN TO PROVIDE TRANSPORTATION SERVICES RESOLUTION #329

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

RESOLVED, the Supervisor is authorized to execute an agreement with the County of Westchester for the Town to provide transportation services to the elderly for \$4,782, for the term retroactive to April 1, 2021 through September 30, 2024. The Town will be required to contribute \$531 to the program.

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

APPOINT LUIS A. ODAR TO THE POSITION OF POLICE OFFICER IN THE TOWN OF YORKTOWN EFFECTIVE JULY 13TH RESOLUTION #330

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

BE IT RESOLVED, that Luis A. Odar is hereby appointed Police Officer in the Town of Yorktown effective July 13, 2022 to be paid \$59,709.00 annually;

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 July 13, 2022.

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

AWARD BID FOR T-SHIRTS AND UNIFORMS TO PRINTER’S INK LLC FOR THE PARKS AND RECREATION DEPARTMENT RESOLUTION #331

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

WHEREAS, invitation to bid for T-shirts and Uniforms for use town-wide, was duly advertised, and

WHEREAS said bids were received and opened at 11:00am on the 24th day of June 2022, now therefore be it,

RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the lowest bidder whom fully complied with the bid document, Printer’s Ink LLC, for the items numbered PR-1 through PD-4 as outlined on the attached summary of bids.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis by Department.

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

AUTHORIZE THE COMPTROLLER TO RELEASE THE ESCROW DEPOSIT TO AMERICAN CUSTOM BUILDERS RESOLUTION #332

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

WHEREAS, a representative of the Highway Department has inspected the following sites and found the work to be completed satisfactorily. It is respectfully requested that the Town Board authorize the release of the following:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund To</u>
Street Opening	021-008	\$4000.00	Granite Springs Rd	American Custom Builders POB 815 Yorktown Heights, NY 10598

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

AUTHORIZE YORKTOWN POLICE CHIEF ROBERT NOBLE TO ATTEND THE ANNUAL
CONFERENCE OF INTERNATIONAL ASSOCIATION OF THE CHIEFS OF POLICE
RESOLUTION #333

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

RESOLVED, that Chief Robert Noble has permission to attend the annual conference of the International Association of the Chiefs of Police, to be held in Dallas, Texas in October, 2022.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR GRANT WRITING SERVICES
RESOLUTION #334

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

RESOLVED, the Town Clerk is authorized to advertise a request for proposals for grant writing services.

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

AUTHORIZE THE HIGHWAY DEPARTMENT TO CONTRACT WITH SEALCOAT USA
ON AN EMERGENCY BASIS
RESOLUTION #335

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

WHEREAS the bid for pavement marking was awarded to Accent Stripe, Inc of 3275 N. Benzing Road, Orchard Park, NY who is now unresponsive;

NOW, THEREFORE, BE IT RESOLVED, in order to stripe newly paved roads the Highway Department needs to contract with Sealcoat USA Inc of 79 Pembroke Drive, Yonkers, NY 10710 on an emergency basis.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR A TUB GRINDER AND
SHEAR
RESOLUTION #336

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

RESOLVED, the Town Board grants permission to Dave Paganelli, Superintendent of Highways, to seek bids on a Tub Grinder and Shear in order to convert 11,000 cubic yards of logs into mulch.

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

ADJOURN

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

MAURA WEISSLEDER, DEPUTY TOWN CLERK
TOWN OF YORKTOWN