

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, August 11, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward A. Lachterman, Councilman  
Vishnu V. Patel, Councilman  
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk  
David Paganelli, Highway Superintendent  
Adam Rodriguez, Town Attorney

#### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilwoman Alice Roker, seconded by Councilman Thomas Diana, the Town Board voted to go into Executive Session to discuss Litigation. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, to move out of Executive Session and return to the Work Session.

#### PLEDGE OF ALLEGIANCE

Supervisor Matthew Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater called for a moment of silence to remember and thank the hardworking men and women of the utility companies, the Highway Department, and all public works crews who have worked so diligently this past week to restore Yorktown back to power and back to services after the recent storm.

#### INTRODUCTIONS

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

#### SUPERVISOR'S REPORT TO THE TOWN

Supervisor Slater reported that there are still 185 Con Edison customers without power. Con Ed reports that by 11:00 this evening all power will be restored. If residents without Optimum service would email the Supervisor, he will share their information with the company.

#### APPROVE WETLAND AND MS4 APPLICATION SUBMITTED BY PAUL FITZGERALD FOR PROPERTY LOCATED AT 1215 AUDRA COURT FOR THE INSTALLATION OF AN IN-GROUND SWIMMING POOL IN ACCORDANCE WITH REQUIREMENTS OF THE TOWN OF YORKTOWN AND THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RESOLUTION #260

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS,

The Applicant submitted an application to the Engineering Department for a Wetland and MS4 Storm Water Management permit for construction of an in-ground swimming pool (Proposed Action).

1. The Approval Authority for this permit application is the Town Board as the proposed work will involve a disturbance to the 100-foot buffer area of a NYSDEC-regulated wetland.
2. The application fee for this Proposed Action is \$3,300; the Applicant paid \$1,100.00, therefore there is a balance due of \$2,200.00.
3. The Applicant submitted to the Engineering Department the following documents in support of the application:
  - a. Environmental Assessment Form (EAF) prepared by Stephen Ferreira, dated 6/17/20.
  - b. Proposed Site Plan for In-ground Pool at Fitzgerald Residence, prepared by SJF Engineering Services, Stephen Ferreira, P.E., dated 6/16/20, 1

sheet.

- c. Survey information by Donald Donnelly, L.S.
4. No trees are proposed to be removed in the Proposed Action.
5. The Engineering Department performed a review of the submitted documentation and prepared a technical review memo dated 7/2/20.
6. A Public Hearing was opened on 7/28/20.
7. The Town Board reviewed communications received from the Engineering Department and Conservation Board. The Conservation Board memo dated 7/16/20 included the following comments and recommendations:
  - a. The site plan is incomplete, missing flagging of the wetland and wetland buffer line. The pool is to be constructed within the 100 ft. wetland buffer. The engineer indicated that since the wetland is a designated NYS DEC wetland the DEC must do the flagging, which has not been completed. Before final review of the project the wetland flagging should be completed and shown on the site plans with the corresponding wetland buffer line.
  - b. Mitigation for incursion into the wetland buffer is required and should be detailed on the plan. The applicant suggested that plantings would be installed adjacent to the pool but not shown on plan. The Conservation Board suggests the use of native plants be added within the lawn area to further protect the wetland.
  - c. Applicant is to satisfy all MS4 procedures and protocol.
8. No members of the public spoke on this application.
9. The Public Hearing regarding this application was closed on 7/28/20.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Item, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. That the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts, and that an Environmental Impact Statement need not be prepared.
3. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
4. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
5. The Applicant shall pay the open balance of the application fee prior to issuance of permit.
6. Applicant stated a NYSDEC representative has recently flagged the edge of NYSDEC-regulated wetlands on the property and the location coincides with the boundary shown on the engineering plans
7. In order to address Conservation Board comment regarding wetland buffer area mitigation, the Applicant will perform the following in an equivalent area to the total wetland buffer area disturbance:
  - a. Remove invasive plants from the wetland/buffer area staying within the property limits;
  - b. Add plantings that are appropriate for a wetland/ buffer area (Examples: nannyberry, meadowsweet, winterberry holly highbush blueberry and/or serviceberry), staggered spaced at 3-4 feet apart; and
  - c. Finish the planting area with 2-3 inches of natural wood mulch.
8. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.
9. The Town Engineer shall issue the permit in accordance with the terms of this resolution. The following conditions are included as part of the Action: (1) Payment of open balance on application fee; (2) A wetland mitigation plan will be incorporated as described above and (3) All draft conditions as listed in the Town Engineer's memo dated 7/2/20 are adopted in the Engineering permit.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE IBM TJ WATSON RESEARCH CENTER FOR THE PROVISION OF PRIMARY LAW ENFORCEMENT SERVICES

RESOLUTION #261

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Supervisor is authorized to execute a memorandum of understanding with the IBM TJ Watson Research Center for the provision of primary law enforcement services, which is a requirement of N.Y.S. Department of Conservation planning standards for the TJ Watson Research Center Hazardous Materials Contingency Plan.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN ALL DOCUMENTS NECESSARY TO ACCEPT, FOR THE POLICE DEPARTMENT'S USE, THE GIFT OF A 2020 HARLEY DAVIDSON POLICE ROAD KING FLHP MOTORCYCLE

RESOLUTION #262

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Supervisor is authorized to execute all documents necessary to accept, for the Police Department's use, the gift of a 2020 Harley Davidson Police Road King FLHP motorcycle (VIN # 1HD1FHP13LB652814); and (2) that the donor shall receive no compensation of any kind in exchange for the donation.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

APPROVE CREATION OF A FOOD SECURITY TASK FORCE

RESOLUTION #263

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Town Board hereby creates a Food Security Task Force for the purpose of: (1) advising the Town Board on how best to address food security issues affecting the Town's residents; (2) raise awareness of and coordinate support for all food insecure residents; and (3) enhance services to food insecure residents and their families;

BE IT FURTHER RESOLVED, that the Task Force shall consist of at least five (5) volunteer members; and

BE IT FURTHER RESOLVED, that each Task Force member shall be appointed by and serve at the discretion of the Town Board; and

BE IT FURTHER RESOLVED, that the Task Force shall select its own Chairperson; and

BE IT FURTHER RESOLVED, that all Task Force meetings will be open to the public, the public will be permitted to participate in the Task Force discussions, and the Task Force's meeting dates are to be posted on the Town's website; and

BE IT FURTHER RESOLVED, that detailed minutes will be prepared of all Task Force meetings; and

BE IT FURTHER RESOLVED, that the Task Force shall submit a report, on or before the 31st day of January, setting forth for the prior calendar year: (1) the dates the Task Force met, (2) all votes taken by the Task Force, (3) all memoranda prepared by the Task Force and submitted to the Town Board, (4) all activities undertaken by the Task Force, and (5) all minutes of the Task Force's meetings.

Slater, Diana, Lachterman, Patel, Roker Voting Aye

Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS A BUDGET TRANSFER TO COVER  
HIGHWAY DEPARTMENT OVERTIME  
RESOLUTION #264

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

Resolved, the Comptroller is hereby authorized to process the following budget transfers for the Highway Department:

From:		
D5110.101	Highway – Salary	\$60,000.00
To:		
D5110.105	Highway – Overtime	\$60,000.00

for overtime due to storm clean up from Hurricane Isaias.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

ACCEPT BOND FROM 1961 COMMERCE STREET LLC FOR LANDSCAPE PLANTINGS  
AS SHOWN ON THE APPROVED SITE PLAN  
RESOLUTION #265

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS, the project known as 1961 Commerce Street, LLC located at 1961 Commerce Street, received amended site plan approval by resolution #20-07, dated June 8, 2020 of the Planning Board; and

WHEREAS, A. Devito & Son, Inc., contractor for 1961 Commerce Street LLC., provided the Town with Check No. 18874 in the amount of \$3,000 to serve as the cash bond for landscape plantings as shown on the approved site plan, and

WHEREAS, the bond shall cover a period of three years as guaranty of the survival and health of the landscape plantings as shown on the approved plans; and

NOW, THEREFORE BE IT RESOLVED that the above referenced monies are hereby accepted to serve as the required bond for the above referenced site plan.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

RELEASE BOND IN THE AMOUNT OF \$250.00 FOR WORK DONE AT 1545 WENONAH  
TRAIL  
RESOLUTION #266

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS:

1. Jay Tomasulo as applicant, posted \$250 (cash) which was deposited to the T33 account on June 24, 2019.
2. Jay Tomasulo has requested his money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Mr. Jay Tomasulo, 1545 Wenonah Trail, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye

Resolution adopted.

RELEASE ESCROW DEPOSIT FOR STREET OPENING PERMIT NO.019-010 FOR 1631  
CENTRAL STREET  
RESOLUTION #267

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that upon the recommendation of the Highway Superintendent, the Comptroller is authorized to release the Escrow Deposit for Street Opening Permit #019-010 in the amount of \$2,000.00 to Louis F. Mastro, 1631 Central Street, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

REFERRAL FOR 1538 JACOB ROAD STORMWATER MANAGEMENT PERMIT  
RESOLUTION #268

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, the Town Clerk is authorized to refer out to the appropriate agencies the application for a Stormwater Management Permit for applicant Bill Williams for property located at 1538 Jacob Road, Yorktown, New York 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

Before voting, Councilman Patel asked for an explanation of the resolution approving the creation of a Food Security Task Force. Supervisor Slater said particularly during the COVID pandemic, food pantries were serving hundreds, if not close to a thousand, people and in speaking with the pantries, there is clearly a need to examine food security in the Town of Yorktown. He said representatives from local food pantries joined a Town Board work session a few weeks ago to discuss the importance of a task force so they would be able to share resources and collect data so that the Town would be able to provide resources to its most vulnerable residents.

Councilman Lachterman asked to discuss a resolution on the agenda authorizing the Comptroller to draft a letter to DASNY detailing the accounts that will be used to fund S.A.M. Grant Projects #19123 and #19124. He said this was something that former Supervisor Gilbert wanted to explore in terms of the use of the grants, which had been procured a couple of years earlier under the Grace administration. His understanding was that it was supposed to come back with recommendations and he does not think that happened and is bothered about the transparency of the use of the grants. Councilman Lachterman said, at that time, he wanted to have more discussion about the Highway Garage, as well as the Chamber of Commerce and some other people in Town – none of which happened and now these grants are being decided. He wanted to know the genesis of these two projects and why the information never came back around, and why the transparency never happened.

Supervisor Slater said his understanding is that this money was originally procured through the State Senate under Senator Murphy for the original proposal for a new Highway Garage. He said last year it was repurposed to what it is now and the Senate changed their procedures for S.A.M. grants and now these are required actions by the Town. Supervisor Slater asked Town Clerk Quast for confirmation of his understanding of how the procedures changed. Town Clerk Quast said part of the process is that the Town has to establish the funding for the projects; even though it is reimbursable, the Town has to show it has the money ahead of time, which is what the letter to DASNY will accomplish. Supervisor Slater said that previously this step was later in the process. He said this would help check off the boxes and help move the projects along. He said these are reimbursable grants and the Town would have to put out the \$350,000 and the \$375,000 first. Supervisor Slater said the other grant they are working on is the Economic Safe Development Grant that was awarded and seems to have expired but they are trying their best to save it. This is a very specific grant for approximately \$416,000 that has to do with downtown revitalizations.

Councilman Diana said he would like to have more discussions about these grants and asked if there was time to table this resolution to a later date. Supervisor Slater introduced Highway Superintendent Dave Paganelli to further explain the grants.

Superintendent Paganelli said these are time-sensitive grants – worth \$725,000 in total. He said they were originally discussed with respect to the destruction of the highway garage and since there was no plan for a \$10 million expenditure to build a new highway garage, they have been working on these grants. He is concerned tabling the resolution would result in possibly losing the \$725,000. He said the days of closing the highway garage and spending \$10 million have long passed.

Councilman Lachterman asked when these items became what the grants would be used for because there was nothing he received that mentioned these. Superintendent Paganelli said, very simply, the previous administration did not want to lose the opportunity to exercise the grants and working on ways to utilize the money became a work in progress. He said the highway garage is not compliant in its capability of taking care of the employees who work there, so he has been working on this grant to have proper air flow in the garage and to have a proper rest area when they have been working 30 hours straight (with a 4 hour break for rest). He said, as an elected official, he was moving the grant along and did not purposely hide it from anyone. Superintendent Paganelli apologized if any Board member was not informed of his progress regarding the grants, but it was not intended.

Supervisor Slater said the grant had been repurposed to these two projects and since then they have been working on formalizing their use so they do not lose the money. He said it is also the question of the ESD grant for \$416,000 and even though it has expired, he was able to get an extension on it. He mentioned a possible tie-in of that grant to this work, as well.

Councilwoman Roker spoke about the importance of good ventilation systems, particularly since the COVID pandemic, and she is happy the Highway Garage will receive one.

Councilman Diana said he was now aware that this was coming about and Superintendent Paganelli said it has been evolving since the previous administration began it and then fell between the cracks. He said there is three-quarters of a million dollars at stake as well as the \$416,000 at stake. He said he and John Tegeder have been looking at possible ways of using that money to do some sort of a mixed-use scenario at highway where the files are. He said it is, unfortunately, a very restricted grant from which the Town cannot benefit, otherwise they would have done a mixed-use scenario, and Highway could have leased some space. He said there was no way the Town could benefit from the grant (ESD) because it is a downtown revitalization grant.

Councilman Diana asked when the grant had to be in and Superintendent Paganelli said he believed by December 31 of this year.

Supervisor Slater said that is for the ESD grant of \$416,000. He said the problem with the DASNY grant is that you are looking at least a year before you can do anything, so the longer you wait, the longer you get to the next step in the process.

Superintendent Paganelli answered questions regarding the type of ventilation system they are considering for the Highway Garage and the studies that were done regarding its current condition. He said it basically is changing the air out in a 17,000 square foot space. It is heating the garage, as well. Superintendent Paganelli also addressed the addition to the garage that will provide the space for a rest area, as well as shower stalls and a designated “bunk” area without having to lose office space.

Town Clerk Quast said this action by the Board only starts the process; this is only putting in the paperwork to start the review process by DASNY, which can take a long time. This step will only help to preserve the money now.

AUTHORIZE COMPTROLLER TO DRAFT A LETTER TO THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY) DETAILING THE ACCOUNTS THAT WILL BE USED TO FUND SAM GRANT PROJECTS ID: #19123 AND 19124  
RESOLUTION #269

Upon motion made by Councilman Patel, seconded by Councilwoman Roker,

RESOLVED, that the Comptroller is authorized to draft a letter to the Dormitory Authority of the State of New York (DASNY) detailing the accounts that will be used to fund these projects:

- State and Municipal Facilities Program (SAM) Project ID #19123 for Installation of a Ventilation System in the Highway Garage in the amount of \$350,000.00.
- State and Municipal Facilities Program (SAM) Project ID: #19124 for the Construction of an Addition to the Highway Garage in the amount of \$375,000.00.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved into Executive Session to conduct interviews for the Granite Knolls Solar RFP. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and adjourned the meeting.

ADJOURN

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

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