

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, June 8, 2021 held in Yorktown Heights, New York 10598.

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

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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss employee benefits, the employment of specific individuals, as well as legal advice, litigation, and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, 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 first responders, emergency response workers, teachers, and police, as well as those serving in the United States Military.

INTRODUCTIONS

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

PROCLAMATION FOR RABBI SETH STERNSTEIN – YORKTOWN JEWISH CENTER

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

WHEREAS, a synagogue needs a Rabbi who is thoroughly grounded in Jewish ritual and law, compassionate, approachable, and kind; and

WHEREAS, Rabbi Seth Sternstein a son of a rabbi, was born and grew up in Yonkers, NY, and earned a Bachelor's degree at Baruch College and an MBA at Iona College; and

WHEREAS, while studying to receive both a Master's degree and Rabbinic ordination at the Jewish Theological Seminary, Rabbi Seth Sternstein was the Cantor at the Westchester Jewish Center in Mamaroneck, NY; and

WHEREAS, he served as Rabbi of the Old Westbury Hebrew Congregation and the Kings Park Jewish Center before becoming Rabbi of the Yorktown Jewish Center in 2006; and

WHEREAS, at the Yorktown Jewish Center, Rabbi Seth Sternstein started innovative programs in the congregation's religious school, prepared students for Bar and Bat Mitzvah, and served as president of the Westchester County Board of Rabbis from 2016 to 2018; and

WHEREAS, on June 30th, 2021, Rabbi Seth Sternstein, a loving husband to Marsha and a proud father and grandfather completes his distinguished Rabbinic career at the Yorktown Jewish Center; and

NOW, THEREFORE, BE IT RESOLVED, that I, as duly elected Town Supervisor of Yorktown, Matthew J. Slater, along with the Town Board Members of Yorktown do hereby offer our thanks, appreciation, and recognize the accomplishments of Rabbi Seth Sternstein.

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

PROCLAMATION FOR ROSEANN DEVINE – YORKTOWN JEWISH SYSTEM

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

WHEREAS, the person who answers an organization’s telephone or greets strangers who come through the front door defines the expression that first impressions count; and

WHEREAS, Roseann Devine has been the person making positive first impressions count for newcomers who contact the Yorktown Jewish Center for the 32 years she has served as the administrative manager; and

WHEREAS, Roseann Devine computerized the synagogue’s office, organized congregational records, handled financial maintenance and created a monthly congregational newsletter; and

WHEREAS, Roseann Devine has been indispensable in the daily operations of the Yorktown Jewish Center; and

WHEREAS, in her personal life, Roseann Devine earned an associate degree in Theology at the International College of Bible Theology, initiated and leads Women’s Conferences for the Vineyard Community Church in Hopewell Junction, NY, publishes the weekly online blog Barnabas Letter, and authored a book entitled “Making the Leap- From the Cross to the Resurrected Life”; and

WHEREAS, the loving wife to David and proud mother and grandmother retires on June 30th, 2021, after faithfully serving the Yorktown Jewish Center for more than three decades; and

NOW, THEREFORE, BE IT RESOLVED, that I, as duly elected Town Supervisor of Yorktown, Matthew J. Slater, along with the Town Board Members of Yorktown do hereby offer our thanks, appreciation, and recognize the accomplishments of Roseann Devine.

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

AUDIT PRESENTATION

Alan Kassay, O’Connor Davies, presented a PowerPoint presentation of a Report to the Town Board regarding the 2020 Town Financial Audit. As an overview, Mr. Kassay said the audit went very well and the Town is in a good financial position. The presentation’s agenda included the following;

- Fund Balance – General Fund 3 Year Retrospective
- General Fund – Budget to Actual Summary
- General Fund – Budget to Actual – Revenues
- General Fund – Budget to Actual – Expenditures
- Other Governmental Funds
- GASB Statement No. 75 – “OPEB”
- GASB Statement No. 84 – “Custodial Activities”

Supervisor Slater said that this report shows that the Town handled the pandemic very well; made good decisions that put the Town in a good position.

1039 UNDERHILL AVENUE – STORM WATER MANAGEMENT PERMIT AND TREE PERMIT

Joe Riina, Site Design Consultants, came before the Board to discuss a Stormwater Management Permit and Tree Permit for premises located at 1039 Underhill Avenue. The applicant is seeking to expand the existing house on the property. A lot line change is required and has been requested of the Town Assessor.

The Town Board agreed that this project needed to be sent to referral.

REFER OUT THE APPLICATION FOR STORM WATER MANAGEMENT PERMIT AND TREE PERMIT FOR PROPERTY AT 1039 UNDERHILL AVENUE
RESOLUTION #244

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the application for a Storm Water Management Permit and Tree Permit for premises located at 1039 Underhill Avenue.

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

OVERLAY DISTRICT

Frank Fish, BFJ Planning; Jim Glatthaar, Bleakley Platt; and John Tegeder, Director of Planning came before the Board to discuss environmental studies for the proposed Overlay District Law. Mr. Tegeder said the law has been referred out with a standard EAF and they have been talking about conducting additional studies so the Town Board is aware of and fully knowledgeable of the impacts of the overlay district relating to traffic, school children, environment, etc. Mr. Fish from BFJ Planning has been doing some of those studies. Mr. Fish reviewed a draft of the proposed overlay district law and said that the law does allow the Town Board to decide whether or not to accept an application under the law. He gave his understanding of the law and what the processes and possibilities would be.

Mr. Glatthaar said he has given proposed amendments of the legislation to Mr. Tegeder, Supervisor Slater, Mr. Fish, and Town Attorney Adam Rodriguez. He said he would forward his amendments to the Board after he receives feedback from them.

ADVERTISE RFP FOR ENVIRONMENT STUDY FOR THE PROPOSED OVERLAY DISTRICT LEGISLATION
RESOLUTION #245

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker

RESOLVED, the Town Clerk is authorized to advertise a Request for Proposals for an expanded EAF study for the Proposed Overlay District Law.

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

INFRASTRUCTURE PROJECT UPDATE

Dan Ciarcia, Town Engineer, came before the Town Board to provide an update on some of the infrastructure projects. Representatives were present who represented both the culvert project on Hill Boulevard/Veterans Road and the fluoride project.

Mr. Ciarcia said the Town is in the homestretch on both projects. Mr. Ciarcia deferred to the consultants for updates. Peter McDermott from WSP USA gave updates for the culvert replacements at Veterans Road and Hill Boulevard. He said the project at Veterans Road is 98% completed and the project at Hill Boulevard should be completed in six weeks. The initial approximate cost for both projects was \$3 million and he discussed the additional funding required to complete the project and the reasons why it is needed.

Mr. Ciarcia introduced Vanessa McPherson from Arcadis to do an update on the fluoride project. Ms. McPherson gave a PowerPoint presentation giving summarizing the progress of the project. She presented before and after photos, showing progress from the last presentation to the current state. Items completed since the last update are completion of new masonry, siding, and roof, ongoing coordination with Con Edison on utilities into the building, low pressure and force main extension completed, electrical contractor continues interior conduit and wiring. She also reported that the Town secured a grant extension through July 2021. Ms. McPherson also presented opportunities of offset increased costs.

APPOINTMENT OF MICHAEL CAPRIO TO DETECTIVE – YORKTOWN POLICE DEPARTMENT
RESOLUTION #246

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

RESOLVED, that effective June 28, 2021 Police Officer Michael Caprio is hereby assigned, at the discretion of the Chief of Police, as Detective in the Yorktown Police Department an annual salary of \$125,552.

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

APPOINTMENT OF INTERMEDIATE CLERK KIM HUGHES – TOWN CLERK’S OFFICE
RESOLUTION #247

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

BE IT RESOLVED, that Kim A. Hughes of Yorktown Heights, NY, is hereby appointed as an Intermediate Clerk, job class code 0187-01, from Eligible List No. 02-100, effective June 14th, 2021, in the Town Clerk Department, to be paid from Yorktown CSEA Salary Schedule A-1, Group 3, Step 1, which is \$42,177.00 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 June 14th, 2021.

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

APPOINTMENT OF TEMPORARY INTERMEDIATE CLERK BRIANNA MARJI –
BUILDILNG DEPARTMENT
RESOLUTION #248

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

BE IT RESOLVED, that Brianna Marji of Yorktown Heights, NY, is hereby appointed temporary Intermediate Clerk, job class code 0187-01, effective April 22nd, 2021 to be paid from Yorktown CSEA Salary Schedule A1, Group 3, Step 1 which is \$42,177.00 annually.

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

The Town Board held a discussion regarding the following resolution and the circumstances surrounding its necessity.

The Town Board held a brief discussion on the following resolution. Supervisor Slater said the Town Board has a responsibility, not just to deal with an immediate issue, but the broader issue of enhancing the Ethics Code, something many agree needs to happen. The Town Board agreed that this needs to be done to insure the

AUTHORIZE APPOINTMENT OF WILLIAM P. HARRINGTON OF BLEAKLEY PLATT &
SCHMIDT AS SPECIAL COUNSEL
RESOLUTION #249

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

RESOVED, that the Town hereby appoints William P. Harrington, of Bleakley Platt & Schmidt, LLP, as Special Counsel to investigate and report upon the circumstances that led to the disclosure to the public of a Town Ethics Board Recommendation, review the process by which the Ethics Board conducts investigations and performs similar functions, review the ethics code to provide recommendations to enhance said code, and all matters incidental thereto, which the Town Board finds to be in the Town’s best interests.

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

AUTHORIZE THE YORKTOWN CONSOLIDATED WATER DISTRICT TO COMMENCE WITH THE CLEANING AND RELINING OF THE CAST IRON WATER MAINS IN PRIORITY AREAS
RESOLUTION #250

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

WHEREAS, the Town of Yorktown entered into an agreement on June 3, 2014 with Weston & Sampson, PE, LS, LA, PC to perform engineering services pertaining to the cleaning and cement relining project, pursuant to a Cost Proposal dated March 20, 2014, for a total cost of \$66,900; and

WHEREAS, the existing contract has a remaining balance of \$44,900; and

WHEREAS, the Yorktown Consolidated Water District intends to move forward in 2021 with the cleaning and relining of the cast iron water main within identified priority areas;

THEREFORE, BE IT RESOLVED, upon recommendation of the Distribution Superintendent, the Town Board authorizes the Supervisor to sign the necessary contracts in order to enter into an agreement with Weston & Sampson, PE, LS, LA, PC for engineering services related to the bidding and construction of Cleaning & Cement Relining Water Mains project at specific locations within the Yorktown Consolidated Water District for an estimated fee of \$35,900.

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

AUTHORIZE A TRAFFIC STUDY FOR THE TACO BELL RESTAURANT IN THE ROUTE 6 OFFICE DEVELOPMENT IN MOHEGAN LAKE
RESOLUTION #251

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

WHEREAS, the Planning Board of the Town of Yorktown desires to study the traffic impact of the proposed site plan known as Taco Bell Restaurant located in the Route 6 Office Development, proposed on the southwest corner side of Route 6 and Mohegan Avenue; and

WHEREAS, Sam Schwartz Engineering, DPC, a traffic 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 June 8, 2021; and

WHEREAS, Sam Schwartz Engineering, DPC has submitted a proposal to provide the traffic analysis for the site plan pursuant to said on-call agreement for an amount not to exceed \$5,000.00 for the traffic analysis; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Sam Schwartz Engineering, DPC under the on-call agreement with the Town of Yorktown for the purpose of analyzing the traffic impacts of the commercial site plan know as Taco Bell Restaurant, located on the Route 6 Office Development, in an amount not to exceed \$5,000.00 for the traffic analysis, and that the total cost shall be paid for by the applicant as part of the cost of the application's review.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE MOHEGAN HIGHLANDS PARK DISTRICT
RESOLUTION #252

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

RESOLVED, the Comptroller is hereby authorized to process the following budget transfer for the Mohegan Highlands Park District:

From:		
MH909	Fund Balance	\$18,800.00

To:
MH7180.416 Maintenance and Repair \$18,800.00

for dock repair (\$9,000) and plumbing updates (\$9,800)

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

AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A CONTRACT WITH THE
DORMITORY AUTHORITY OF THE STATE OF NEW YORK
RESOLUTION # 253

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

WHEREAS, the Town of Yorktown has been awarded a State And Municipal (SAM) Facilities Grant #19273 for the Construction of an Inclusive Playground at the Granite Knolls Recreation and Sports Complex in the amount of \$250,000, through the Dormitory Authority of the State of New York (DASNY) program, and

WHEREAS, the grant program requires the grant recipients to enter into a contract with the Dormitory Authority of the State of New York (DASNY) to participate in the program, now

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to execute a contract with the Dormitory Authority of the State of New York (DASNY) for the purpose of participation in the program which is a reimbursable State And Municipal (SAM) Facilities Grant #19273 for the Construction of an Inclusive Playground.

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

EXECUTIVE SESSION

Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss litigation and will adjourn thereafter.

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