

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, August 10, 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: Maura Weissleder, Deputy Town Clerk
Patricia Caporale, Town Comptroller
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 Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, 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 to join him in a moment of silence to remember Patrick Lofaro, a long time Town of Yorktown employee who recently passed away from COVID-19 complications. He also asked to remember Nicole Scova Geoghegan, a long time public servant for the state of New York and Westchester County who also passed away from COVID this past weekend. Supervisor Slater said to also keep in our thoughts and prayers our frontline workers and first responders, especially our police and fire departments in Yorktown.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater gave a COVID update. He reported that the current active caseload is 96. He said that new policies have been instituted in Town that apply to Town facilities and Town employees.

- All visitors to any Town facility will be required to wear a mask.
- All unvaccinated Town employees will be required to wear a mask when indoors.
- All indoor public-facing Town employees, regardless of vaccination status, must wear masks when speaking to a member of the public.

He said these three policies were put into place in consultation with the Town's COVID-19 Medical Task Force. The Task Force is made up of Yorktown residents who are healthcare providers - doctors who work and live in the Town of Yorktown - and are helping the Town in its decision-making process. Supervisor Slater said that the Town Board shares the COVID data in a transparent manner not to scare anyone, but to make sure the public has all of the information to make intelligent decisions for yourself, your family, and for the community. He understands there is much frustration but they share the information to protect the Town's employees and the residents.

SUPPORT-A-WALK – SUPPORT CONNECTION

Melissa Higgins from Support Connection announced their Support-A-Walk on Sunday, October 3, 2021. She asked the Town Board for permission to put up ribbons along Commerce Street, as they have done in the past. The ribbons would go up after Labor Day. She asked for residents, as they drive on Commerce Street and see the pink and teal ribbons, to remember Support Connection and what they do – free support services for women with breast and ovarian cancer, not only in Yorktown but nationwide.

Kathy Quinn from Support Connection thanked the Town Board for always supporting them. She said this year Support Connection celebrates 25 years as an organization and is proud to call Yorktown Home.

Supervisor Slater asked when they could expect the ribbons to be up and Ms. Higgins said right after Labor Day. Supervisor Slater asked Highway Superintendent Dave Paganelli if there would be any problem with that and he said no.

SIGN LAW

John Landi, Building Inspector; Joe Venitucci, Assistant Building Inspector; John Tegeder, Director of Planning were introduced to discuss the Town's Sign Law.

Mr. Venitucci said he was asked if he knew of anything in the Zoning Code that might need changing and since he works with the Sign Law, he suggested a few changes.

- Phone numbers on signs. He said ABACA (Advisory Board on Architecture & Community Appearance) does not favor this. He said he understands this, as a sign is to advertise the location of a business. Mr. Venitucci said this is not part of the law and the Town Board may want to consider adding it.
- Appendix D – the nonresidential signs. He said there are zones that are outdated that have been replaced with different zoning districts. He said these need to be updated.

He said with the proposed overlay districts, these changes should be addressed. Mr. Venitucci said a different type of sign might be required for a project that is different from the underlying zone.

Councilwoman Roker said she has a concern about the signs that are placed outside. She said that she was not sure if they are approved by the Planning Board. She said she thinks they are unattractive and this is a problem.

Mr. Venitucci said certain temporary signs are exempt from approval, i.e., grand opening of stores. Councilwoman Roker said, more specifically, signs that are tacked onto poles and posts. Mr. Venitucci said those are violations – you are not allowed to just tack up something.

Councilman Patel asked if there were any rules or regulations regarding LED signs. Mr. Venitucci said there are no regulations for LED signs. Building Inspector John Landi said this is something they need to look at because they have several applications coming in for lit signs.

Councilman Patel mentioned some issues that have arisen due to LED signage, especially when it is used outdoors.

Councilwoman Roker asked if the Planning Board has looked into LED signage and Planning Director John Tegeder said he was not certain what Councilman Patel was referring to, but they do look into LED lighting because they tend to be very bright if you do not pay attention to things like their color temperature and their intensity. He said they do a lot of work with the banks, in particular, so you do not end up with a “landing strip” of lights.

Highway Superintendent Dave Paganelli wanted to clarify that anything having to do with garage sales, tag sales, etc. that is put on a utility pole is illegal. Mr. Landi said a resident can post a sign on their own property but not on a Town right of way and signs on a utility pole are illegal.

Supervisor Slater said they are expecting a sign application for EV (electric vehicles) car charging stations that is not recognized in the Code. These signs are for video displays. Supervisor Slater would like to see these included in the Code, as well. This will require a legislative amendment to the Code. There was a discussion about “sandwich” signs, which are currently illegal, but many businesses are using them; particularly restaurants advertising their menus. Supervisor Slater also mentioned the inflatable signs that fly around and Mr. Venitucci said those are not allowed by the Code. Mr. Landi said flag signs are also not allowed but businesses are still putting them up. A suggestion was putting a time limit on how long some of the flag signs could be displayed.

Councilman Patel also mentioned the hazards of LED signs to eyesight.

Councilwoman Roker said that she does not think anyone wants to prohibit anyone from making money and asked if, when a store decides they want to put up a new sign, they have to come to the Town and Mr. Landi said yes.

Supervisor Slater said the Town Attorney would work with the Planning Department and Building Department to draft amendments to the Code in order to update the sign law.

Councilwoman Roker asked Mr. Landi what the code says about the clothing bins. He said clothing bins were permitted prior to his administration. He said, in his opinion, these permits should have been referred to the Planning Department for site plan review. He would like to see them moved out of parking spots. Councilwoman Roker said this should be reviewed and amended in the Code. Supervisor Slater said the clothing bins are becoming a problem and should be addressed in the Code. Supervisor Slater asked Mr. Landi to prepare a list of the locations of the bins that have been permitted. He said they could consider only allowing bins on Town property, which could be controlled better. A suggestion was discussed to bring in the companies who sponsor the bins to discuss their pick up schedule.

HALLOCKS MILL SEWER DISTRICT – INFLOW AND INFILTRATION STUDY

Dan Ciarcia, Town Engineer, said the inflow and infiltration study has come about under the regulatory requirement under which the Town operates. This one, in particular, is for Hallocks Mill. He said that, generally, these studies are done about every ten years where they look at what kind of flow is coming into the plant and monitor the collection network at various locations to try to figure out where the greatest flows are coming from. He said he would like to see the bid for this advertised in September. He said there are ancillary issues that need to be dealt with such as updating the equipment at the pump stations – installing the telemetry so they could monitor flows at the pump stations to give them additional data points. Mr. Ciarcia said this would be done by Town staff and the actual I&I study would be done by a consultant. He estimated the cost to be \$300,000 to \$400,000 to be paid out of the Hallocks Mill Sewer District.

Councilwoman Roker asked Mr. Ciarcia to bring photos the next time this comes before the Town Board. She said it would be helpful for the public to see why the work needs to be done. Mr. Ciarcia said he would come back to a work session to give an update on the status of all of his projects. Mr. Ciarcia discussed some of the causes of the increased flows that they are seeing (illegal sump pumps, illegal gutter connections to the sewers, etc.). He said the I&I study is to help reduce the flow that goes to the plant so that the Town can reliably meet its permit and stay under the permitted discharge capacity.

Councilwoman Roker said that people do not understand that it costs the Town a lot of money to try to locate where the flows are coming from and it works against us. She asked how often the Water Department uses the Fred Cook Company to look for leaks at night. Mr. Ciarcia said sometimes you can catch the leaks on television inspection and they also use smoke testing. He said something that could be discussed in the future, in collaboration with the Building Department, whenever there is an open building permit; they inspect the house to look for a sump pump and see if it is compliant. He said, in this way, they could prevent illegal hookups and prevent the homeowner from having to rectify an illegal situation created by a contractor.

LOCAL ROAD PAVING PROGRAM – PROPOSED INCREASE IN FUNDING

Dave Paganelli, Highway Superintendent, said they are getting quite a bit of paving done this year. He said he has two areas he would like to pave: one in the north end of Town and one right here in Town. He said the linear footage in one area is 11,437 feet and the other is 11,264 feet. In addition to these two areas, he would like to include Turkey Mountain, whose condition he feels is an embarrassment to the Town, and he would like to finish Downing Park that had been partially paved three years ago.

Councilwoman Roker asked if Patriot Park would be paved and Mr. Paganelli said yes.

Supervisor Slater asked how long ago the two areas were paved. Mr. Paganelli said one area was paved 21 years ago and the other was paved 19 years ago.

Supervisor Slater said that it would make sense for the Town Board to make these decisions now because Superintendent Paganelli is already paving and would cost less, overall. Superintendent

Paganelli agreed and said the prices are not going down and the paving prices are tied to the index and could change every month.

Supervisor Slater said \$1 million is not a small “ask” and this could not be covered under the American Recovery money that the federal government put out but said the Town had a very strong audit and is in a very good financial position. He asked Patricia Caporale, the Town Comptroller, if they could cover this expense. Comptroller Caporale said, that at this point, yes.

The Town Board agreed to the expense.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER –
HIGHWAY PAVING
RESOLUTION #334

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

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

From:		
A.909	General Fund – Fund Balance	\$1,000,000.00
To:		
D5112.210	Highway – Paving	\$1,000,000.00

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

Superintendent Paganelli said there is grant money for the paving at Patriot Park. He said he discussed with his deputy that he would like to repair that area. He said he needs from Planning Director John Tegeder some sort of snapshot plan of how he wants it to be done so he can have the paving company do the work while they are working in Town. Mr. Tegeder informed the Board that the grant is for material only.

Supervisor Slater asked Superintendent Paganelli where the two areas he wants to pave fell on his rating score. Superintendent Paganelli said the roads in the southern part of town (10 roads) fell between 6.5 and 8 (with 10 being the worst); the roads in the northern part of town are between 6 and 6.5.

Supervisor Slater said when you combine the major projects in the last 18 months, over \$5 million has been spent on infrastructure improvement projects for our local roads.

GRANITE KNOLLS RENEWABLE ENERGY SYSTEM – CREATION OF PARKS AND RECREATION IMPROVEMENT TRUST

Supervisor Slater introduced James Martorano, Parks and Recreation Superintendent; Matt Talbert, Parks and Recreation Commissioner; and Christine Dunne, Parks and Recreation Commissioner to discuss the renewable energy system at Granite Knolls. Supervisor Slater said Governor Cuomo recently signed the Town’s Parkland Alienation Bill, necessary for this project. He said this now puts the Town in a good position because, as discussed with Superintendent Martorano and the Parks & Recreation Commission, there are significant capital improvement projects that are needed throughout the park system, but we do have financial shortfalls that allow the Town to address this. Supervisor Slater said the idea behind this proposal is to take the revenue from the HESP Solar project, which is \$145,000 annually for 25 years, to be put toward park improvements that would be put into a capital improvement trust. He said it would put the Parks & Recreation Department in a very strong financial position, especially to deal with antiquated playgrounds and enhancements to the parks.

Councilwoman Roker said this is really one of the only things the Town should be doing with the money – allowing for capital improvements at the parks. She said she thinks the Parks & Recreation Department and Commission need to get on a better schedule of a yearly plan of projects. Commissioner Talbert said they are working on a spreadsheet to do this. Supervisor Slater said now that they know the money is coming it should be part of their annual budgetary planning. He said this is being done at no expense to the taxpayers and it makes a lot of sense for the Town Board to create the trust.

They spoke about the various projects (turf at Legacy Field). Commissioner Talbert said the fields should have a maintenance plan - \$5,000 per year per field. Comptroller Caporale said this was accounted in the budget. Commissioner Talbert said the fields at Granite Knolls were not accounted for in that amount. The annual costs for Granite Knolls have not been calculated yet because they have not had a full cycle of use due to COVID.

Commissioner Talbert asked if, in the resolution, it could be worded that this is a conversation (decision) between the Commission, the Parks & Recreation Superintendent, and the Town Board and Supervisor Slater said this is Town Board authorized. He said they would have the opportunity to come before the Town Board to discuss use of the trust, but the Town Board would authorize its use for capital improvements.

Supervisor Slater said there would be a resolution creating a capital improvement trust directing the revenue from the HESP Solar Renewable Energy Project to be put into the capital improvement trust.

Supervisor Slater called for a motion to create a capital improvement trust for the Parks & Recreation Department from the \$145,000 revenue from the HESP Solar Renewable Energy Project for the next 25 years.

CREATION OF PARKS & RECREATION CAPITAL IMPROVEMENT TRUST
RESOLUTION #335

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

RESOLVED, the Comptroller is authorized to establish a trust account titled – Parks Capital Improvement Trust for the purposes of capital improvements or purchases requested by the Parks Department. Payments made from this Trust account are to be authorized by resolution of the Town Board.

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

RECONVENE PUBLIC HEARING TO CONSIDER THE WETLANDS/STORMWATER PERMIT APPLICATION SUBMITTED BY GIOVANISTA AND LAUREN APOLLONIO

Supervisor Matthew Slater reconvened a public hearing to consider the Wetlands/Stormwater Permit Application submitted by Giovanista and Lauren Apollonio for the purpose of constructing a new single-family dwelling and swimming pool for property located at 1789 Baldwin Road, Yorktown, New York, also known as Section 37.17, Block 1, Lot 54 on the Tax Map of the Town of Yorktown.

Supervisor Slater asked Mr. and Mrs. Apollonio if they had attended the Planning Board meeting the night before and they said yes. He asked Mr. Tegeder if there were any issues from the Planning Board's perspective and he said the only issue was similar to what had been discussed at the opening of that public hearing, which was that there needed to be a coherent mitigation plan. He said the Town Board should have received a memo from the Planning Board that lists Item 2 as recommending that, as condition of approval, require some information that delineates what the issues are in terms of encroachment, fill, and disturbance that needed to be mitigated and how it is to be mitigated. He said there is some mitigation on the plan, as stated verbally, which is some of the landscape plantings around the stormwater basin. The stormwater basin, in some instances, can be considered part of the mitigation because it does serve to clean the water that will go into the wetlands system and the wetlands buffer. He said the memo does cite that the Apollonio's, as required by the Health Department, need to install a sewer that is about 2,500 feet from their site. He said they are going to install a force-main sewer line for a length of 2,500 feet, or thereabout, which would give the possibility of an additional 11 residential properties to be able to, at some point, come into the sewer and that is an environmental enhancement. Mr. Tegeder said that with those taken together, it is up to the Town Board to accept those things as the mitigation for what they are doing. He said that what the Planning Board is trying to say is that a coherent mitigation plan needs to be on the record on which the Town Board bases their decision.

Councilman Lachterman said what he took away from the Planning Board meeting last night was the sense to approve the project and let the Apollonio's get started, and submit these things that

the Board already has recorded in their notes. Mr. Tegeder said, essentially, yes. He said he prepared a resolution for the Town Board that states that idea.

No members of the public spoke.

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 Lachterman, seconded by Councilman Diana, and carried.

STORMWATER AND WETLAND PERMIT FOR 1789 BALDWIN ROAD
RESOLUTION #336

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

WHEREAS, Giovanista and Lauren Apollonio, (the “Applicants”) as owners, applied to the Town Board of the Town of Yorktown for a Stormwater permit and Wetland permit approval under Chapters 178 and 248 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to construct a detached, single family residence, swimming pool, driveway, stormwater detention basin and associated improvements (the action) on a 1.876 +/- acre parcel situated in an R1-40 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 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 action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown jurisdictional wetland and 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 proposes to remove protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is not required for the proposed action in which the Town Board serves as approval authority where trees are proposed to be removed from a wetland or wetland buffer, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code, trees proposed to be removed from wetland or wetland buffers must provide mitigation for tree loss following the recommended mitigation measures found in said Chapter; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and wetland permit application WP-FSWPP-041-21, dated July 15, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 14, 2021, and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board
Conservation Board
Planning Department
Town Engineer

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared intent to be Lead Agency on July 15, 2021 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was held on August 2, 2021 in order to solicit comments from the public regarding the proposed action and was adjourned to obtain additional information, and

WHEREAS, in response to public comment the applicant's consultants have provided analysis and reports which demonstrate that the action will not result in an increase in stormwater flow from the subject property when compared to the present stormwater flow, and

WHEREAS, the provided mitigation as indicated on the referenced plans is not clearly described and the disturbances and encroachments are not properly defined; and

WHEREAS, the introduction of a stormwater basin and landscaping around the basin are acceptable measures; and

WHEREAS, the applicant is required to install sewer service in order to develop the property and the requirement entails installation of 2,500 lineal feet of a force-main sewer line; and

WHEREAS, the line will make sewer service available to an additional eleven residential properties currently served by septic systems; and

WHEREAS, the Town Board determined that the potential elimination of 11 septic systems and the actual immediate elimination of the system associated with the instant parcel represents a significant environmental benefit; and

WHEREAS, the public hearing was reconvened on August 10, 2021, 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 public hearing for the Wetland, Tree, and Stormwater Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- A drawing entitled: "Site Plan and SWPPP, sheet 1 of 2," prepared by Ralph G. Mastromonaco, P.E., P.C. Consulting Engineers, dated July 1, 2021, no revisions;
- A drawing entitled: "Details/Notes, sheet 2 of 2," prepared by Ralph G. Mastromonaco, P.E., P.C. Consulting Engineers, dated July 1, 2021, no revisions;
- A Report entitled; "Stormwater Control Plan" prepared Ralph G. Mastromonaco, P.E., P.C. Consulting Engineers, dated July 14, 2021, no revisions; and

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit is granted subject to the submission of acceptable mitigation plans detailing a mitigation scheme that includes but is not limited to, and describes the stormwater basin and its benefits, the proposed landscaping, including tree mitigation pursuant to the regulations contained in Chapter 270 of the Town Code; and the installation of the force-main sewer line and its environmental benefits; and

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater 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 and Stormwater 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. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. All outstanding comments of the Town Engineer must be addressed to their written satisfaction. Final reports from the Town Engineer shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department Clerk.
4. 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 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.
5. A stormwater maintenance agreement executed by the property owner(s) shall be provided to the Town Engineer.
6. Curb cut and driveway detail must be approved, and a permit granted by the Town of Yorktown Highway Superintendent.
7. Town of Yorktown sewer and water connection permits must be obtained.

Conditions of the Wetland, Tree and Stormwater Permit

1. Work of any kind shall not commence prior to the issuance of a Town of Yorktown Building Permit.
2. The applicant agrees to allow periodic inspections by the Town and its consultants.
3. The Town Staff shall inspect the site at the end of construction, but prior to the issuance of a certificate of occupancy, to ensure compliance with the permit.
4. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
5. Prior to backfilling, the applicant's design professional shall inspect all stormwater structures and provide written certification to the Town Engineer, prior to the issuance of a certificate of occupancy, that all stormwater structures have been installed in accordance with the approved plans.
6. 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 and Town Environmental Consultant 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. Prior to the issuance of a Certificate of Occupancy, all conditions of this permit must be met and all drainage work on the property must be completed to the satisfaction of the Town Engineer and other Town staff as required.

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

CONVENE PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 260 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "TAXATION"
Supervisor Matthew Slater convened a public hearing to consider a proposed local law to amend Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION" by amending Section 260-6, 260-36(a), and 260-36(b).

Yorktown Sole Assessor Kim Penner said they are trying to accomplish the ceilings for the veterans, as they have an option to increase. She said the County has increased them in the past few months. She said the previous ceilings were \$54,000; \$36,000; and \$180,000. She said Yorktown would like to go to \$75,000; \$50,000; and \$250,000.

Supervisor Slater asked Ms. Penner if she knew how many veterans this would impact and she said approximately 700 for the additional exception. She said it would mean anywhere from \$.59 to \$181.00. She said anyone below an assessment of approximately \$8,000 would see no change, unfortunately.

Supervisor Slater asked the Deputy Clerk to display the affidavit of publication for the public hearing, which she did.

Sergio Esposito, resident, said although the amount is smaller than he hoped, anything that could be done for the veterans in the community should be done.

Lanny Gilbert, resident, repeated what Mr. Esposito said. He also said it is too bad that more could not be given.

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 Councilwoman Roker, seconded by Councilman Lachterman, and carried.

ADOPT LOCAL LAW 7 OF 2021 TO AMEND CHAPTER 260 OF THE TOWN CODE ENTITLED "TAXATION"
RESOLUTION #337

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

WHEREAS, a public hearing was held on the 10th day of August, 2021 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 260 of the Code of the Town of Yorktown entitled, "TAXATION" as follows:

§ 260-6 of the Code of the Town of Yorktown is hereby replaced in its entirety with the following language:

The Town of Yorktown hereby increases the maximum exemption allowable in Subparagraphs (a), (b) and (c) of Subdivision 2 of § 458-a of the Real Property Tax Law to \$75,000, \$50,000 and \$250,000, respectively.

§ 260-36(a) of the Code of the Town of Yorktown is hereby replaced in its entirety with the following language:

Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$75,000 or the product of \$75,000 multiplied by the latest state equalization rate or, in the case of a special assessing unit, the latest class ratio, whichever is less.

§ 260-36(b) of the Code of the Town of Yorktown is hereby replaced in its entirety with the following language:

In addition to the exemption provided by Subsection A above, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$250,000 or the product of \$250,000 multiplied by

the latest state equalization rate or, in the case of a special assessing unit, the latest class ratio, whichever is less.

Local Law #7 of 2021 was thereupon declared duly adopted.

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

CONVENE PUBLIC HEARING TO CONSIDER THE PROPOSED APPLICATION
RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANTS FOR THE
CONSTRUCTION OF NEW SIDEWALKS

Supervisor Matthew Slater convened a public hearing to consider the proposed application relating to Community Development Block Grants for the construction of new sidewalks along Hill Boulevard and Lee Boulevard/Bank Street.

Supervisor Slater said a presentation was done by the Planning Department at the last work session describing the process by which these areas and sidewalks were identified. Planning Director John Tegeder said CDBG has been around for many years and that Yorktown has participated with the County through an organization called the Urban County Consortium, of which Yorktown is a part. This organization allows the County to receive money from the federal government that is distributed through the CDBG grant program. He said that every three years they find themselves doing some rounds of grants. He said in this particular round, which is for 2022 through 2024, they have identified two sidewalk projects. Mr. Tegeder explained the criteria for the grants and how it identified the areas chosen for the projects. He said the area that is eligible for this particular round of grants is north of Route 6 from the Town line with Somers all the way over to Mill Street and juts down into the southern part of Route 6 in the area of the Jefferson Valley Mall and a part of Jefferson Village.

Supervisor Slater brought the Town Attorney, Adam Rodriguez, into the discussion because the Town is dealing with the HUD settlement with Westchester County. Mr. Rodriguez said that last week he received notification that the judge on the federal housing case signed an order effectively terminating the consent decree. He said many of the questions that are relevant to this issue, specifically CDBG and county discretionary funding, would still have to be answered. He said the County, as Mr. Tegeder said, is a conduit through which the Urban County Consortium can receive funds. He said there are two avenues – there is discretionary funding that has nothing to do with CDBG and that has its own set of strings that were implemented under the consent decree. Mr. Rodriguez said, as far as he knows, those strings would continue. He said certain representations were made to the monitor of the case that implied that the discretionary funding policy would continue into the future, even after the consent decree was terminated. He said the CDBG funds have their own requirements that are similar and in large measure are not defined and are quite vague. He said this is where his concerns are the most acute because the obligations and certifications can be quite broad, which affects interpretation. He said there are many open questions.

Supervisor Slater said there are going to be open questions since the Town has engaged in this and they are quite significant and this is actually a big deal that the consent decree was terminated.

Councilwoman Roker asked Ken Belfer to address the Board. Mr. Belfer introduced himself as a member of Yorktown's Community Housing Board. He said that in terms of the settlement agreement he thinks it is fantastic that it is finally over and that the County succeeded in doing the things it committed to do. He said that one of those things is to build 750 units of affordable housing in a number of municipalities whose populations were primarily white. He said that this was done to affirmatively further fair housing in those communities. He said the County Executive has made clear that 750 units was never the total need the County has for affordable housing – this was not the ceiling but the floor of the need. He said a recent housing need assessment indicated that approximately 11,000 units of affordable housing were needed in the County. He added that the housing need assessment that was funded by the County included the individual needs of the municipalities within the County, so there is a specific part of the study for Yorktown. Mr. Belfer urged the Town Board to invite the County's Commissioner of Planning, Norma Drummond, to present the housing need assessment specifically for Yorktown. He said that he agrees there is a grey area moving forward and the discretionary funding policy, until the County changes it, is in place and it applies to many sources of funding, including the CDBG funding and that is where

you have very specific requirements as opposed to the general requirements under the CDBG program.

Councilwoman Roker said that she thinks everyone is dancing around whether or not the County is going to give us this money if we do not have a model affordable housing law in place. Mr. Belfer said his opinion, from what he has read, is that the discretionary funding policy applies to things like Community Development Block Grant funds and East of Hudson funds and that you would not get either of them unless you meet the conditions of the discretionary funding policy. He said there other conditions, which he believes Yorktown has met. He spoke about some of the other conditions and how the Town has met them. He said the one area Yorktown has not done well is having a model law for affordable housing. He stressed “model” in that the Town does not have to adopt the model the County has presented, but something that follows a similar principle.

Councilwoman Roker asked Mr. Belfer if the municipalities around Yorktown that have a model ordinance in place are many in number. Mr. Belfer said he believed there were 21 municipalities. Supervisor Slater said that many of these municipalities do not have the strict set-aside condition. He said they have gotten creative in how they addressed the issue.

Supervisor Slater said they have contacted Commissioner Drummond to come to do a presentation and Mr. Tegeder has been working with her office to schedule it.

Mr. Tegeder displayed a map and photo presentation on the sidewalk areas that have been chosen for the CDBG program. One project is located at Lee Boulevard and Bank Road. The amount of this project is \$91,000 that the Town is able to ask for half, and then pay the other half. The second location is south of Route 6 on Hill Boulevard, near the mall entrance at Hill Boulevard. This project would cost approximately \$61,000; again half of which would be the grant, half Town money.

Supervisor Slater confirmed that the Town would pay the entire cost up front and then be reimbursed for half.

Councilwoman Roker asked Mr. Tegeder to explain why it is important to either create the sidewalks or repair the sidewalks. Mr. Tegeder said, of course, the first reason is public safety. He said this is always one of the prime movers in repairing sidewalks or providing sidewalks. He also said ADA requirements come into play. He said we often see intrepid people who require some ADA amenities and in lieu of them, they ride on the streets in their wheelchairs or walkers, which is a safety problem. He said, in the example of Lee Boulevard, there are no sidewalks there and pedestrians cannot fully avail themselves of sidewalks because they are not complete at that location. He said there is also a County bus stop there and a sidewalk would provide safe passage for those people who need to use the bus. Mr. Tegeder said there are many people who cannot stand on their feet and the slightest anomaly in a sidewalk could cause them to trip and fall.

The following members of the public spoke:

Jay Kopstein, resident, said he was disappointed that a conversation about affordable housing took place this evening when it was not on the agenda. He said, if it had, a number of people would have had presentations. He felt it was unfair in how it was done. He said he is not opposed to sidewalks and read a statement about grants and their sourcing, their requirements, which can be share based, pre-grant, post-grant, or concurrent with the grant. A share based grant can be, for example, an 80-20 split. He said an example of a pre-grant is the \$10 million the Town hopes to receive from the East of Hudson Watershed Agreement. He said the Town gave up development years ago for the right to get these funds today (he pointed out that the Town is not getting the interest on these funds – the check is going elsewhere). He said an example of a concurrent grant is when the Town bills the grant administrator as work is performed and these are incremental payments. An example of a post-grant is the requirement that the Town do something after the grant is received. Mr. Kopstein said one of the most onerous of these post-grants is the CDBG. He said this grant usually has requirements like surrendering local zoning or the mandating of certain housing programs and policies. He said towns like Yorktown are not looked upon favorably by the current leadership in Washington. Towns like Yorktown are well managed and fiscally sound and for that he thanked the Town Board. Mr. Kopstein urged the Town Board to vote no to the CDBG application because of its post-grant requirements.

Mark Lieberman, resident, agreed for the need for a sidewalk at Lee Boulevard and Bank Road but said there is also a need for a sidewalk across the street (the DeCicco's side) and that crosswalks should also be installed. He also said he would appreciate if the Town Board would wear masks during the meeting.

Sergio Esposito, resident, asked if the sidewalk would be concrete and was told yes.

Dan Strauss, resident, said he is not in favor of any grant that is contingent upon affordable housing.

Lanny Gilbert, resident, said he does not see many people walking in those areas but maybe if they were installed, people would walk more. He said what also might need to be considered is increased liability to the Town because if the sidewalks are not maintained during the winter and icy patches develop, it would leave the Town open to lawsuits.

Susan Siegel, resident, said that she hopes the Town Board would correct some misstatements that were made about the East of Hudson funds and the origins of those funds. These funds are very important, especially to the people who are waiting for sewers. She urged the Town Board to resolve the linkage to the model ordinance because the \$10 million from East of Hudson is waiting and the Town Board has said at previous meetings that the application to the State Comptroller's office is ready to be sent and that it cannot be sent until the IMA (intermunicipal agreement) is passed. Ms. Siegel said she has lived in Jefferson Village for four years and has walked the sidewalk on Hill Boulevard because the people from Condos 8, 9, 10, and 11 would use that. She said the usage of the sidewalk is very, very limited. She said there is also a bus stop on the grass in front of the clubhouse. She said that she also walks to the post office on Lee Boulevard and has not had a problem. Ms. Siegel asked if there were any statistics or survey regarding potential usage for these sidewalks. She said this is not a walking community and does the usage warrant spending the money. Ms. Siegel addressed the photos that Mr. Tegeder showed and said there is nothing wrong with the asphalt patching that was done – she said, yes, it is ugly but is totally safe. Ms. Siegel said she is a firm supporter of CDBG and the Town should continue to belong to the Consortium. She asked if this money could be considered for something else and that the Board should talk to other departments (Highway, Engineering) to see what this money could be used for that might be more important.

Councilwoman Roker said that when Ms. Siegel says the Town is essentially throwing the money away, you do not know if people with disability do not walk there because they cannot walk there and you do not know if people in the new area where Mr. Tegeder would like to place a sidewalk would then use it. She said that she thinks for so long those of us with abilities have decided that people with disabilities do not exist and therefore nothing is done for them. Ms. Siegel said the sidewalk on Hill Boulevard has the dips in the sidewalk curbs to accommodate people with disabilities and is accessible. Councilwoman Roker said she understands what Ms. Siegel is saying but would rather hear from someone who can speak on behalf of people with disabilities. Ms. Siegel agreed.

Mr. Strauss said hardly anyone walks in Yorktown. He said that he thinks the Town Board manufactures many issues. He said he does not agree with the spending of \$80,000 for these two sidewalk projects.

Mr. Belfer said one of the very terrible strings associated with the CDBG program is that the Town Board is required to hold a public hearing. He said the Comprehensive Plan for Yorktown talks about promoting walkable hamlet centers and he thinks that the Lee Boulevard and Bank Road sidewalk addition is the perfect example of doing that. Regarding the sidewalk at Hill Boulevard, Mr. Belfer agreed with Ms. Siegel that it is not in terrible condition, but it is not in good condition. He said people should keep in mind that it connects to another section of sidewalk that leads up to Route 6. He said the Town Board should not only think about today but the economic development and the importance of having walkable hamlet centers. He thinks this funding application accomplishes that. Mr. Belfer said the application deadline for this application was at the end of June of this year and he assumed in order to preserve the right to apply, the application was submitted for the sidewalks. He said this is an application for a 3-year funding period; not all applications submitted are funded. He said he understands there is a concern about "strings" but does not agree with that concern. He said there are not serious strings in the way there are serious strings with the discretionary funding policy, which applies to this and all other County funding,

including East of Hudson. He said that, yes, there is an evolving legal situation about discretionary funding policy, potentially, with the end of the County settlement agreement. He said we do not know what the County will do in the future; we just know what exists now. Mr. Belfer said to keep in mind this is a competitive funding application – you do not necessarily get what you apply for and if you do get it, if in the future you do not like strings that are attached to it, you can decide not to accept the funds. Mr. Belfer said he is in favor of the Town Board authorizing the submission of the application as opposed to calling for its withdrawal; it keeps all of the Town’s options open for the future.

Joanne Sillik, resident, said it has been pointed out by Board members previously that there are “strings” attached to the CDBG application. She questioned why the Town needs new sidewalks in primarily commercial areas where there is no pedestrian traffic. She said the existing sidewalk is perfectly safe and agreed that most people do not walk. Needed repairs are small and could easily be fixed by the Town. Ms. Sillik requested the Town Board set aside the CDBG application.

Councilman Lachterman asked if the Planning Department had any statistics on people walking in those areas and Mr. Tegeder said no. Mr. Tegeder said he has heard these arguments before and referred to the section of sidewalk that goes from Kear Street to Downing Drive. He said on either block there were sidewalks and a section in between was missing. Mr. Tegeder said there was skepticism when they put in that piece (should not do it, nobody walks, etc.) and it turned out that portion is used more than the other two and it is used mostly by the people who live in Beaver Ridge. He said it is not used to the point where there is traffic on it all the time but people can avail themselves of it who need to walk into town and they could not before. He said that the effort to make this was well worth it and he believes this is the same case. Mr. Tegeder said the statement that the sidewalk at Hill Boulevard is fine is false; it would not comply with any ADA requirements, whatsoever. Mr. Tegeder said, in terms of the debate on “strings,” there are no specifics and if you were to debate that, you should debate actual specifics. He said there is rife misinformation in the public about “strings.”

Councilman Diana asked if there are other areas in Town where the CDBG money could be used and Mr. Tegeder said the money could only be used in areas that are mapped as the low “mod” areas (low to moderate income) from the census data. In this case, he said it would only apply to the areas he previously described. Councilman Diana said the Town could willfully pay for these two sidewalk areas, if so deemed, and until the model ordinance is reviewed the Town Board should probably hold off submitting the application.

Mr. Tegeder said he wanted to remind everyone that about 7 or 8 years ago when there were impediments to furthering fair and affordable housing and all of the zoning codes were looked at around the County, Yorktown (at the time, the Town did have the model ordinance) was one of the examples to be held high to not having impediments to affordable housing. He said when you talk about furthering fair and affordable housing, what you are not talking about (by virtue of the example of other municipalities that have adopted the model ordinance without the set-aside) is that this does not imbue you with the requirement to build or provide affordable housing. Mr. Tegeder said the overriding requirement, in his view and his experience, is not having impediments that prevent a developer from producing affordable housing, which many of the municipalities in Westchester had.

Councilman Lachterman asked if the Town Attorney had any comments. Mr. Rodriguez said that Mr. Tegeder’s analysis of Yorktown’s zoning code 7 or 8 years ago is correct. The County said Yorktown’s zoning code was set up in such a way that it did not constitute an impediment to the building of fair and affordable housing; however, one of the things that was taken into consideration in that analysis was that Yorktown had the model ordinance in place. He said that it is clear to him that the big issue is going to be whether that is going to be required to move forward.

Councilwoman Roker said she is confused because this is like having two public hearings under one issue. Supervisor Slater agreed and said the two are being conflated because there is the issue of what the requirements are in order to receive these dollars. Councilwoman Roker said until the Board knows what they are, she did not believe they could move forward. Supervisor Slater said he felt the same way.

Ms. Siegel said despite the fact that she is opposed to the two sidewalk projects, she very strongly believes in sidewalks and has walked the sidewalks in Yorktown Heights because you can walk them. She said she knows Yorktown is not a walkable community but having sidewalks in the hamlets is important and can enhance them. She said that she wished the Town had the money to put a sidewalk in on Veterans Road from Commerce Street. She said this all boils down to prioritizing the use of Town money. Ms. Siegel asked the Town Board to move ahead on a model ordinance so they can get the East of Hudson money and the IMA signed.

Mr. Strauss said the only place you cannot walk on a sidewalk in Yorktown Heights is Maple Hill Street going down towards the post office. He said there are sidewalks all throughout the Heights section and said there is no correlation between sidewalks and walkability. He said people choose not to walk; they choose to drive in Mohegan, Jefferson Valley, Crompond, and Osceola. Mr. Strauss said if the Town could fix some of the sidewalks that need repair, they should consider doing it in-house.

Mr. Esposito said he thinks this requires some kind of vision that sometime in the future people may want to walk. He said walkability is more than just having sidewalks; it involves being in an area where there are things to do. He said the Town Board has to juggle between maintenance and repair. He said does the Town wait for an "okay" sidewalk to become completely destroyed and costs triple the amount to replace or does the Town do maintenance on it when an opportunity arises.

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

ACCEPT RESIGNATION RECEIVED FROM MARCEL COPELAND FROM THE PUBLIC SAFETY DEPARTMENT

RESOLUTION #338

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

RESOLVED, that the Town Board accepts the resignation received from Marcel Copeland from the Public Safety Department effective July 20, 2021.

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

ACCEPT RETIREMENT RECEIVED FROM DETECTIVE BRIAN SHANAHAN FROM THE YORKTOWN POLICE DEPARTMENT

RESOLUTION #339

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

RESOLVED, that the Town Board accepts the retirement received from Detective Brian Shanahan from the Yorktown Police Department effective August 9, 2021.

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

AUTHORIZE COMPTROLLER TO PAY MARCEL COPELAND THE CASH VALUE OF UNUSED TIME AS OF HIS DATE OF RESIGNATION

RESOLUTION #340

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Marcel Copeland the cash value of unused time as of his date of resignation:

Rate of Pay:	\$28.2702	
Vacation	52.50 hours x \$28.2702	= \$1,484.18
Total		\$1,484.18

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at resignation as follows:

From:
 A1640.101 Public Safety Salary \$1,484.18

To:
 A1640.108 Public Safety Lump Sum \$1,484.18

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

AUTHORIZE COMPTROLLER TO PAY CATHLEEN ROMANYCH THE CASH VALUE OF UNUSED TIME AS OF HER DATE OF RETIREMENT
RESOLUTION #341

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Cathleen Romanych the cash value of unused time as of her date of retirement:

Rate of Pay: \$39.8309

Sick	1,500.00 hours @	50%	= 750.00 hours
	750.00 hours	x	\$39.8309 = \$29,873.17
Vacation	321.50 hours	x	\$39.8309 = \$12,805.63
Personal	20.50 hours	x	\$39.8309 = \$ 816.53
Floating Holiday	7.50 hours	x	\$39.8309 = \$ 298.73
Longevity	\$1,300 / 261 days = \$4.98 per day		
06/02/21-07/28/21 =	40 days		
	40 days	x	\$4.98 = \$ 199.20
			Total \$43,993.26

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
 SW909.8 Water Reserve Employee Accrued Benefits \$34,167.51
 SW8340.101 Water Salary \$ 9,626.55
 SW8340.106 Water Longevity \$ 199.20

To:
 T905.1 Medical, Dental, Vision Premium Trust \$29,873.17
 SW8340.108 Water Lump Sum \$14,120.09

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

AUTHORIZE COMPTROLLER TO PAY KARREN PEREZ THE CASH VALUE OF UNUSED TIME AS OF HER DATE OF RETIREMENT
RESOLUTION #342

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Karren Perez the cash value of unused time as of her date of retirement:

Rate of Pay: \$57.4713

Sick	560.00 hours @	50% = 280.00 hours
	280.00 hours	x \$57.4713 = \$16,091.96
Vacation	245.00 hours	x \$57.4713 = \$14,080.46

Longevity
 \$1,000 / 261 days = \$3.83 per day

12/06/20-07/21/21= 163 days
 163 days x \$3.838 = \$ 624.29

Total \$30,796.71

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
 A909.8 General Fund Employee Accrued Benefits \$26,161.65
 A8030.101 Section 8 Salary \$ 4,010.77
 A8030.106 Section 8 Longevity \$ 624.29

To:
 T905.1 Medical, Dental, Vision Premium Trust \$16,091.96
 A8030.108 Section 8 Lump Sum \$14,704.75

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

AUTHORIZE COMPTROLLER TO PROCESS THE BUDGET TRANSFER FOR
 REMEDIATION OF CHLORINE SPILL AT THE BRIAN J. SLAVIN POOL FACILITY
 RESOLUTION #343

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

RESOLVED, that the Comptroller is hereby authorized to process the following budget transfer

From:
 A7310.110 Camp – Temp Help \$30,000.00

To:
 A7180.453 Pool – Maintenance \$30,000.00

for the remediation of chlorine spill at the Brian J. Slavin Pool Facility performed by Miller Environmental Group.

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

RELEASE OF DRIVEWAY PERMIT ESCROW – 3515 BUCKORN STREET
 RESOLUTION #344

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

RESOLVED, that the Comptroller is authorized to release the escrow deposit for Driveway Permit No. DR1239 in the amount of \$500.00 for work done at 3515 Buckhorn Street to Prestige Renovations & Remodeling, Inc., 184 Stoneleigh Avenue, Carmel, NY 10512.

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

AWARD RFP FOR LAKE MOHEGAN GREEN INFRASTRUCTURE AND STORMWATER
 RETROFIT DESIGN
 RESOLUTION #345

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

WHEREAS, the Town of Yorktown has been awarded a \$30,000 planning grant from New York State DEC requiring a 10% match for Lake Mohegan stormwater phosphorus reduction planning and design work, and

WHEREAS, a request for proposals for Lake Mohegan Green Infrastructure and Stormwater Retrofit Design was duly advertised, and

WHEREAS, nine proposals were received and opened on May 14, 2021, and the responding vendors' proposals were as follows:

Weston & Sampson PE, LS, LA, PC	\$29,900
Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C.	\$39,900
Boomi Environmental LLC	\$54,460
Barton & Loguidice D.P.C.	\$81,150
Hudson Valley Engineering Associates PC	\$98,744
AKRF, Inc	\$129,000
Insite Engineering, Surveying & Landscape Architecture, P.C.	\$156,500
RES (d/b/a HGS, LLC)	\$152,962
Chazen Engineering, Land Surveying, Landscape Architecture & Geology, Co	\$230,200

RESOLVED, that after review by the Town Engineer, Dan Ciarcia, and the President of the Mohegan Lake Improvement District, Ken Belfer, that the Lake Mohegan Green Infrastructure and Stormwater Retrofit Design proposal be awarded to Weston & Sampson, 100 South Bedford Road, Suite 340, Mount Kisco, NY 10549, and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to execute the grant agreement with the NYS Department of Environmental Conservation for \$30,000 and is authorized to execute a professional services contract with Weston & Sampson for up to \$33,000 (\$29,900 plus \$3,100 contingency), and

BE IT FURTHER RESOLVED that the Comptroller is authorized to transfer \$33,000 from the Lake Mohegan Improvement District Fund Balance ID.909 to Improvement District Professional Services ID.7180.490.

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

APPROVE ELQ INDUSTRIES, INC. CHANGE ORDER NO. 3 IN THE AMOUNT OF \$45,724.21 FOR CONSTRUCTION OF A FLUORIDATION FACILITY RESOLUTION #346

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

WHEREAS, ELQ Industries, Inc. was awarded the general contract for construction of a fluoridation facility based upon a bid price of \$687,155, and

WHEREAS, two (2) previous change orders totaling \$55,038.08 were previously approved by the Board, and

WHEREAS, based on unanticipated conditions, an additional change order is required, and is summarized as follows:

Item	Contract ID	Description	Cost
1	PCO 006A	Locating unmarked water	\$8,231.37
2	PCO 006B	Locating unmarked sewer	20,825.73
3	PCO 007A	Routing of injection and sampling tubing	\$13,937.60
4	PCO 008	Additional valves for sewer forcemain	\$2,729.51
		TOTAL COST CO-2	\$45,724.21

NOW, THEREFORE BE IT RESOLVED, that ELQ Industries, Inc. Change Order No. 3 in the amount of \$45,724.21 is hereby approved,

BE IT FURTHER RESOLVED, that the Comptroller is authorized to transfer \$45,724.21 from Water Fund Balance SW.909 to Fluoride Capital Project H18340.200.

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

AUTHORIZE SUPERVISOR TO EXECUTE A CONTRACT WITH BUCKHURST FISH & JAQUEMART, INC. FOR THE PURPOSE OF CONDUCTING PLANNING CONSULTING SERVICES TO PERFORM ENVIRONMENTAL ANALYSES PURSUANT TO SEQRA RESOLUTION #347

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

WHEREAS, the Town Board of the Town of Yorktown has solicited proposals for planning services to assist the Town Board in performing the required analyses pursuant to the State Environmental Quality Review Act (SEQRA) for a proposed Overlay District zoning law for areas known as Yorktown Heights and Lake Osceola within the Town of Yorktown; and

WHEREAS, the Town Board solicited proposals from qualified firms to execute such services utilizing a Request for Proposal (RFP) process; and

WHEREAS, the Town received proposals from the following prospective consultants:

Barton & Loguidice, D.P.C.
247 Route 100
Somers, NY 10589

Buckhurst Fish & Jaquemart, Inc.
115 Fifth Avenue
New York, NY 10003

Hardesty & Hanover
555 Theodore Fremd Avenue
Rye, N.Y. 10580

Chazen Companies
1 North Broadway
White Plains, N.Y. 10601

WHEREAS, the proposals of all of the respondents were reviewed to determine the qualifications of each respondent, their understanding of the scope of work, the appropriateness of their proposed schedules, and the adequacy of their proposed cost proposals for the required services; and

WHEREAS, the Town Board interviewed each respondent at a meeting of the Town Board on August 2, 2021; and

WHEREAS, the Town Board determined that Buckhurst Fish & Jaquemart, Inc. presented the most complete proposal, demonstrated the most appropriate understanding of the required services and needs of the Town, and presented the most optimal cost proposal; and

WHEREAS, the Town Board desires to enter into an agreement with Buckhurst Fish & Jaquemart, Inc. to perform the required SEQRA analyses in support of the proposed Overlay District zoning law; now therefore

BE IT HEREBY RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to execute a contract with Buckhurst Fish & Jaquemart, Inc. for the purpose of conducting planning consulting services to perform environmental analyses pursuant to SEQRA, at a cost thereof as reflected in the submitted proposal and as further determined pursuant to a schedule of hourly rates provided within the proposal; and be it further

RESOLVED, that the execution of the services shall follow the time of performance as outlined in the submitted proposal.

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

AUTHORIZE THE SUPERVISOR TO SIGN A PROPOSAL WITH MJM TELEVISION AND VIDEO PRODUCTIONS – 20TH ANNIVERSARY VIDEO MEMORIALIZING 9/11 ATTACKS AND APPROVAL FOR TOM SCIANGULA TO WORK ON PRODUCTION RESOLUTION #348

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

BE IT RESOLVED that the Town Supervisor is authorized to sign a proposal with MJM Television and Video Productions to produce a video to memorialize the 20th anniversary of the 9/11 attacks for no more than \$10,000.00.

BE IT FURTHER RESOLVED that Thomas Sciangula is also approved to work on this production.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER – SPECIAL PROJECTS RESOLUTION # 349

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

RESOLVED, the Comptroller is authorized to process the following budget transfer:

From:

A1990.499.1 General Fund – Contingency \$10,000.00

To:

A1010.479 Special Projects \$10,000.00

for payment to Michael Miner / MJM Television & Video Productions for videotaping / production of the 9/11 20th Anniversary Memorial.

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

ADJOURN

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

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