

Meeting of the Town Board, Town of Yorktown, held on Tuesday, October 11, 2022, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney (via Zoom)

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 conduct Interviews for Grant Writing Services, as well as litigation and negotiations and the employment of a particular person. Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember Bob Cole, a long-time resident, veteran, and September 11th survivor, who passed away last week from a September 11 illness. He also asked to remember our first responders and those serving in the United States military.

INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

REPORT FROM THE TOWN SUPERVISOR

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

- A reminder for those living on the north end of Town near Strawberry Road that the water main cement relining project is underway.
- The culvert replacement project off of Route 118 has been postponed to October 17.
- There is a special Town Board Meeting this Thursday, October 13 at 6:30 p.m. for a Police recognition and awards ceremony.
- Electricity production increase for NYSEG (more than 40%) is expected this winter. He is awaiting for the Public Service Commission's ruling on NYSEG rate case that proposes a 31% increase.

JEFFERSON VALLEY WIRELESS FACILITY

Robert Gaudio, attorney for Homeland Towers, said the Planning Board and Conservation Board accepted their revised plans and the Town Board declared its intent to act and Lead Agency under SEQRA. He said the project is not in the wetlands but in the wetlands buffer and will, therefore, require a public hearing. He said they would then like to proceed with the lease as a prerequisite to the alienation process.

Councilman Diana suggested doing the alienation first and then the wetlands. Mr. Gaudio said that they need the lease first to get the alienation and Town Attorney Adam Rodriguez agreed. It was determined that the order of the process is a public hearing for the wetlands, the lease agreement, and then alienation.

The public hearing was set for November 1, 2022.

EV CAR CHARGER GRANT APPLICATION

Town Comptroller Patricia Caporale announced that the John C. Hart Memorial Library received a grant (maximum \$60,000) for the installation of EV charging stations at their location. She said that they are in the preliminary stages of the grant and it is going to take a while before any money is received. Library Director Yvonne Cech has received preliminary quotes on the electrical work that needs to be done for the installation and Comptroller Caporale said that the total costs of the project come within the amount of the grant money. She said that this is a reimbursable grant.

Councilman Diana asked if they had any idea of what one of the stations cost. Ms. Cech said the cost for 4 dual port level 2 chargers is approximately \$46,000, including electrical work. She said that the cost is related to the proximity of the parking space to the electrical supply. She said that someone came out to review their location and it was determined that the library has about 6 or 7 spaces that are close enough to the electrical supply.

Supervisor Slater said that before they could formally apply for the grant they needed to provide a location and that location is the library. Paul Moskowitz, member of the Climate Smart Communities Task Force (CSC) asked if it had to be at the library or some other place. Supervisor Slater said that it has to be at a municipal location. Mr. Moskowitz said that there had been discussions about appropriate locations for the charging stations (i.e., Town Hall, AACCCC, and Courthouse). He said the library is a good location and this would help people learn not to be afraid of using these chargers. Mr. Moskowitz suggested that 2 stations be at the library and 2 be placed in another location. Supervisor Slater said that the problem with that is there are two separate providers: Town Hall is NYSEG and the library is Con Edison. He said that the Police Department would prefer a charging station not be put at the Courthouse for security reasons. Supervisor Slater said that he thinks that at this point Con Edison may be easier to work with. Mr. Moskowitz also mentioned some commercial establishments where stations would work well.

Swarnov Pujari, CSC member, joined the discussion via Zoom, and asked if the types of chargers have been chosen and Supervisor Slater said no, this conversation is simply about the location in order to move forward with the application. Mr. Pujari felt the library location made a lot of sense. He said in order to maximize the grant dollars, he suggested seeing what kind of charges they could afford and work backwards from there. Mr. Pujari said there are limited dollars that need to be maximized. He said that this would almost serve as a great case study to see if other businesses follow. Supervisor Slater said that this is a great way for the Town to lead by example.

Keith Holmes, CSC Member, asked if the grant says it has to be on municipal property for public benefit or is it restricted to town vehicle use and Supervisor Slater said it does not mention public or municipal use, but it does state that it has to be on municipal property.

Sarah Wilson, CSC Member, spoke about the different levels of charges and how different locations lend themselves to certain chargers. She said that this is a modest start but it is a beginning and there will be many more opportunities in the future.

ARPA - PROPOSED SPENDING PLAN

Supervisor Slater thanked everyone who participated in the ARPA survey; very good suggestions were received. He said that then took the viable suggestions and then looked at what the Town's priorities were and tried to "marry" the two together.

Town Comptroller Patricia Caporale said she was surprised at how the two did mesh. She said the next step would be to get the Town Board's input. A potential spending plan was distributed.

Supervisor Slater said areas of interest were community infrastructure, paving of roads, road infrastructure, enhancing community programming, and public safety.

Comptroller Caporale reviewed the suggestions on the list:

- Streetscape project for the downtown area that would run from Route 118 & Downing Drive up Commerce Street to Veterans Road. This would allow for potential bike lanes, complete street, connection to the bike trail and basically continue the revitalization of the downtown area.
- Drainage on roadways.

- Library – study pods. Supervisor Slater said that the library is doing very well but gets dozens of calls on a weekly basis for private study areas.
- Parks & Recreation would like to see lights at Downing Field. Supervisor Slater said this has been on the list of Capital Improvement projects for five years.
- Highway & Water – a vactor truck. Supervisor Slater said the Water Department’s vactor is past its useful life and the Highway Department does not have one. A vactor is important for Highway because it is used for the catch basins. The Town has 5,800 catch basins that need to be cleaned. Superintendent Paganelli said they can only clean about 600 per year. He said that the vactor also is useful for drainage because it would eliminate many problems when they are excavating.
- Public Safety – security cameras at the AACCCC
- Police Department – active shooter training (virtual reality active shooter training modules)
- Installation of a light on Stoney Street in Shrub Oak

Supervisor Slater said that many of these are long standing proposals that the Town has not been able to fund.

Comptroller Caporale said that she needs the Town Board’s authorization to move forward with the projects and then it is subject to procurement. She said that once the Town starts to purchase, she could start transferring the money. She said that right now the ARPA money is held separately from the Town’s money. Comptroller Caporale said the money has to be spent by 2024 and everything has to be paid for by 2026 or the Town loses the money. She said that she would report back to the Town Board with updates as to how things are moving along.

2572 GREGORY STREET

Town Engineer Dan Ciarcia said this is a single-family home project that went through an extensive review; wetlands and tree mitigation plans were done. The owner did receive his permits but a couple of things came up during construction. NYSEG had a different idea about how to serve the property based upon their underground infrastructure, so they want to move the service to a different location on the other side of the lot. He said that when his department reviewed their records, they found there was a sewer spur provided for this property in the rear and the owner wants to use this spur. There is wetlands mitigation going on in the front of the parcel but it is all small plants and the area would get dug up anyway and NYSEG would run their underground service in and everything would go back together again in the same wetlands mitigation area.

Mr. Ciarcia said he thought the request made sense; the only issue is that it was an administrative permit before the Board. He said that he would need a motion to amend the approval to allow for the alternate sewer connection and the NYSEG service pursuant to the plan prepared by NYSEG.

AMENDMENT TO 2572 GREGORY STREET SWPPP RESOLUTION #442

Upon motion made by Councilman Lachterman, seconded Councilman Diana,

RESOLVED, the Town Board approves an amendment to the Stormwater Prevention Permit for property located at 2572 Gregory Street to allow for the alternate sewer connection and the change in NYSEG service location pursuant to the plan prepared by NYSEG.

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

BOUTIQUE HOTEL OVERLAY DISTRICT APPLICATION

Supervisor Slater asked Town Attorney Adam Rodriguez if, despite the pending lawsuit regarding the Overlay District Law, they could process the application under the Overlay District Law and Mr. Rodriguez said yes.

Planning Director John Tegeder said he has not seen the application yet so he does not know what supporting information is being provided, but the applicant should be giving you some advice as to how the project fits into or meets the eight tenets under the law. Supervisor Slater said he believed that they did. Supervisor Slater said that the only other application that they have seen under the Overlay District law was referred out, which he thought would make sense to do. Supervisor Slater asked the Town Clerk if she had received any correspondence on this and she said no. Supervisor Slater said to hold off on the referral for now until their correspondence is

reviewed and then decide from there how to proceed. Councilwoman Haughwout asked what type of correspondence the Supervisor referred to and he said it would be correspondence from the applicant requesting overlay district designation and providing their reasoning on how it qualifies under the eight criteria for the application to be considered under the overlay district.

Councilman Esposito asked if the application is approved under the overlay district and referred to the Planning Department, would it be then referred out by the Planning Department. Mr. Tegeder said no.

Supervisor Slater suggested waiting for a referral until a proper application is received in the Town Clerk's office.

APPROVE ALCOHOLICS ANONYMOUS TO RENT MEETING SPACE ON ADDITIONAL DAY PER WEEK AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURE CENTER AS WELL AS ONCE PER WEEK AT THE SPARKLE LAKE BUILDING
RESOLUTION #443

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

RESOLVED, Alcoholics Anonymous is permitted to rent meeting space one additional day per week at the Albert A. Capellini Community and Cultural Center, bringing their meetings to three per week at the Capellini Center and one per week at the Sparkle Lake Building. The rental fee for the Albert A. Capellini Community and Cultural Center will increase to \$300.00 per month. The rental fee for the Sparkle Lake Building will remain \$100.00 per month. This change will be effective beginning October of 2022.

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

AUTHORIZE THE TOWN BOARD TO DEEM OBSOLETE ITEMS BE SOLD AT AUCTION
RESOLUTION #444

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

WHEREAS, the Town of Yorktown has found the following items for 1994-2000 Chevrolet & GMC Pickup Trucks are obsolete and no longer needed for use by the Town of Yorktown, and WHEREAS, the Central Garage recommends to the Town Board that the listed items be deemed obsolete and sold at auction by Absolute Auctions & Realty, Inc.

- Brake Pads
- Oil Filters
- Air Filters
- Shift Cables
- Wiper Transmissions
- Door Handles
- Belts
- Brake Rotor
- U-Joints
- Gas Filters
- Tailgate Straps
- O2 Sensors
- Front End Parts

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

AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE JUSTICE COURT ASSISTANCE PROGRAM, GRANT APPLICATION IN THE 2022-2023 GRANT CYCLE
RESOLUTION #445

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

RESOLVED, that the Town Board of the Town of Yorktown authorizes the Town Supervisor to sign the Justice Court Assistance Program (JCAP) Grant application in the 2022-2023 grant cycle; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Yorktown authorizes the Yorktown Justice Court to apply for a JCAP Grant in the 2022-2023 grant cycle up to \$30,000.00.

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

AWARD BID FOR THE MEMBRANE MODULE REPLACEMENT FOR THE WATER POLLUTION CONTROL FACILITY, BID BE AWARDED TO FILMTEC CORPORATION, AT A TOTAL SUM OF \$967,176
RESOLUTION #446

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

WHEREAS, bids were received on Friday, February 4, 2022 for the Membrane Filtration Module Replacement Project for the Water Pollution Control Plant bid, and only one bid was received. Filmtec Corporation provided a bid in the amount of \$967,176. Accordingly, we request that the Town Board adopt the following resolution to award the bid:

WHEREAS, the existing membranes in the microfiltration facility at the Yorktown Water Pollution Control Plant are beyond their useful life, and the flow capacity of the system has been reduced, and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) will reimburse the Town of Yorktown one hundred percent (100%) of the project cost of \$967,176 as part of its agreement with the Town of Yorktown for the operation and maintenance of upgrades required by the City's watershed agreement, NOW, THEREFORE BE IT

RESOLVED, that the bid for the Membrane Module Replacement for the Water Pollution Control Facility, Bid be awarded to Filmtec Corporation, at a total sum of \$967,176.

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

AWARD BID FOR THE DEWATERED SLUDGE REMOVAL & DISPOSAL BE AWARDED TO DENALI WATER POLLUTION CONTROL PLANT
RESOLUTION #447

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

WHEREAS, bids were received on Thursday, September 29, 2022 for the Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant, Bid #22-7, and are summarized as follows:

Denali Water Solutions, LLC	\$159.00 Per Ton
Synagro Northeast, LLC	\$189.99 Per Ton
Spectraserv, Inc.	\$200.00 Per Ton

RESOLVED, that the bid for the Dewatered Sludge Removal & Disposal, be awarded to Denali Water Solutions, LLC, at a total bid price of \$159.00 per ton, and

BE IT FURTHER RESOLVED that the bid goes into effect on October 19, 2022.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS TO CLOSE CAPITAL PROJECTS
RESOLUTION #448

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

RESOLVED, the Comptroller is hereby authorized to process the following budget transfers to close capital projects HD Hill Boulevard Bridge Replacement and HE Veterans Road Culvert Repair:

From:		
HD.1002	Hill Boulevard Bridge Replacement	\$248,354.04
HE.1002	Veterans Road Culvert Repair	\$ 78,110.86

To:		
HV.5031	Improvements to Town Buildings	\$326,464.90

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FROM THE CONSOLIDATED WATER DISTRICT FUND BALANCE
RESOLUTION #449

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

WHEREAS, the completion of the fluoride facility requires the purchase of equipment and materials not included in the bid that are required for sealing the water intrusion through the foundation walls, and are summarized as follows:

Pallet Lifter	\$6,450.35
Waterproofing products	<u>\$1,500.00</u>
TOTAL	\$7,950.35

WHEREAS, additional funds are required to purchase equipment and materials required to complete the new fluoridation facility, NOW, THEREFORE BE IT

RESOLVED, that \$7,950.35 is transferred from the Consolidated Water District fund balance to the fluoride capital project HI.8340.0200.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR THE REPLACEMENT OF AIR CONDITIONING AND HEAT SYSTEMS FOR TOWN HALL
RESOLUTION #450

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

RESOLVED, that the Town Clerk is authorized to advertise a bid for the air conditioning and heat systems for Town Hall.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR PARKS DEPARTMENT ROOF AT DOWNING PARK
RESOLUTION #451

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

RESOLVED, that the Town Clerk is authorized to advertise a bid for Parks Department roof at Downing Park

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

AUTHORIZE THE TOWN SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH YORKTOWN CENTRAL SCHOOL DISTRICT
RESOLUTION #452

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

RESOLVED, the Supervisor is authorized to execute an intermunicipal agreement with the Yorktown Central School District for the sharing of facilities, vehicles and equipment for 2022-2023.

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

AUTHORIZATION FOR AN ADDITIONAL FIVE DAYS VACATION TO PHILIP MARINO
RETROACTIVE TO JANUARY 1, 2022
RESOLUTION #453

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

BE IT RESOLVED, the Town Board hereby authorizes an additional 5 days' vacation to Philip Marino, retroactive to January 1, 2022;

BE IT RESOLVED, the Town board hereby authorizes an additional 5 days' vacation to Philip Marino on January 1, 2023 for a total of 25 vacation days annually.

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

BOUTIQUE HOTEL OVERLAY DISTRICT APPLICATION

This is a continuation of the previous discussion from earlier.

Supervisor Grace said that Michael Grace, attorney for the boutique hotel project, did provide the correspondence and each of the Board member has it. He asked the Board members to review the correspondence so that it could be referred out next week as part of the Town Board meeting.

Mr. Grace said this should be simple because the only place a boutique hotel could be is in an overlay district. He said the law was amended to define and add boutique hotels to Chapter 300. He said that this should not need to be referred out since the decisions and review has already been made by the amendment to Chapter 300.

Supervisor Slater looked to Town Board members for their opinion on a referral. Some of the Board members agreed with Mr. Grace; however, Councilwoman Haughwout felt it should be referred to all departments tonight. Mr. Tegeder agreed that it should be referred out to get some feedback.

REFERRAL OF BOUTIQUE HOTEL APPLICATION UNDER THE OVERLAY DISTRICT
LAW

RESOLUTION #454

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

RESOLVED, the Town Clerk is authorized to refer to all departments the application for a boutique hotel to be considered under the Overlay District.

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

GARBAGE BID

Supervisor Slater reminded everyone that the last garbage bid that was opened was for \$4.1 million dollars for one garbage pickup and one recyclable pickup per week. He said that they are now looking at a bid from AAA Carting for \$3.75 million for two garbage pickups and two recyclable pickups per week (the Town's current service). He said Competitive Carting's bid is for \$3.45 million. Supervisor Slater said this is a five-year bid running from 2023 through 2027 and the Town is giving 3 one-year options to renew, extending the bid through 2030.

Supervisor Slater said this is the base bid. There are a number of bid alternates, including the reduction of residential garbage to once a week, the use of a One Arm Bandit, condo bins included and excluded. Supervisor Slater asked if any of the Town Board members supported eliminating garbage pickup for multi-family complexes and all said no. Councilman Esposito said he did not

think it was a serious consideration to remove services from residents but the Board wanted to see the cost differences. Supervisor Slater said he would like “put out there” that the Town Board is not entertaining bids that would eliminate multi-family complexes from have garbage and recyclable pickups.

Phil Marino, Refuse & Recycling, said they explored different ways of servicing the Town because of the high costs. Supervisor Slater said that, at the end of the day, they are seeing anywhere from a \$250,000 to \$600,000 in the bids that were previously received. He said that the Town has numbers that can be worked with. He said that although the numbers are high, the cost of everything is increasing. Former supervisor Michael Grace gave background to the garbage contract under his administrations to put it into perspective.

Supervisor Slater asked Brian Amico from Competitive Carting (the low bid) what his vision would be for maintaining the level of service for Yorktown. He also asked him about the equipment being used. Mr. Amico said the service would be the same. He said his equipment is ready to go and his trucks are being painted. He said they would be running 7 trucks. He talked about the rising price of trucks and diesel fuel.

A discussion took place regarding the pickup of garbage and recyclables at multi-family complexes, as well as giving the multi-family complex residents a way to purchase containers, as they would be purchasing their own under the new contract. Mr. Amico said he could sell containers. Mr. Marino said that he is waiting for the bid to be awarded and then would be informing all of the multi-family complexes of what containers they would have to purchase and where they can purchase them.

Angelo Carlelemi from AAA Carting (the Town’s current carting service) came before the Board to ask if the new hauler is going to be able to provide the performance bond that is required. Supervisor Slater said they would ask that question when the final decision is made. Mr. Carlelemi said it sounds as though there is confusion about what cans are there and are not there. He said that the person who is going to get the contract should know what he is bidding on. He said he would like to know how a new contractor is prepared if he does not know what is being required. Councilwoman Haughwout said that the Town ended up using his (AAA’s) containers and if his contract ends, AAA would take their containers back. At that time, the Town would advise the multi-family complexes to have new containers in place ready for the haulers. She said that this is not going to be an expense to the new hauler. Mr. Carlelemi raised the issue of Mr. Amico having a contract with Yorktown in the past and then selling the contract to another business, causing the Town to have to go out to bid again.

Mr. Grace (who is Mr. Amico’s attorney) said Competition Carting is an entirely different entity than what Mr. Amico has now. He gave the history to the issue that Mr. Carlelemi raised. Mr. Carlelemi said that the first time Mr. Amico had the contract it was under Competition Carting, then sold the contract (or lost the business) and is now back again as Competitive Carting doing this same thing he did before – no trucks, no this or that. He said it does not make sense to go down the same road with the same results. Mr. Grace said that Competition Carting did not lose their license; it expired after five years and was then rebid.

The Board pressed Mr. Grace on the issue of Competition Carting losing their license and he say they did not lose their license. Mr. Grace said these are all good hauling companies; it just is a matter of the lowest bid.

Mr. Carlelemi said that Mr. Amico declared personal bankruptcy twice and he finds it hard to believe that Mr. Amico would be able to get the required bid bond after being bankrupt. Mr. Carlelemi suggested the Town Board vet Mr. Amico a little bit better before awarding the contract.

The Supervisor and Members of the Board found it insulting that their due diligence was being questioned. Councilman Esposito said that this is not about the Mr. Carlelemi or Mr. Amico; it is about doing the best thing for the residents. Councilman Lachterman said that he did not think it appropriate for Mr. Carlelemi to bring up personal bankruptcy issues; it blurs the lines.

Mr. Grace said they would fully cooperate with the vetting process and encouraged the Board to do it well.

Supervisor Slater said that the vetting process would continue next week in closed session.

ADJOURN

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

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