

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, May 25, 2021 held in Yorktown Heights, New York 10598.

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

Absent: Alice E. Roker, Councilwoman

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

### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss employee benefits, as well as litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember Scott Gross, a Town employee, who passed away after a courageous battle with cancer. He also asked to remember Senior Services & Nutrition Center employee Sal Rivera, who lost his battle with COVID yesterday. Sal was an employee with the Town for nineteen years. Scott Gross was a Parks & Recreation Department employee for three years and was also a graduate of Yorktown High School.

### REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater reported the following:

- One new active case of COVID in Yorktown was reported by the Department of Health
- There are 26 active cases in Yorktown; numbers continue to go down
- Governor Cuomo announced a pop-up vaccination clinic at FDR park on May 29 through May 31
- Town Hall hours for in-person visits will be extended to 4:00 PM beginning on June 2. All visitors will be required to wear a mask.

### REPORTS FROM TOWN COUNCIL

Councilman Diana reported that they are working on the issues at InnerCity Tire location in Shrub Oak and cleaning up on East Main Street in Jefferson Valley. He wanted to make sure that residents knew their calls and emails are not going unnoticed. He said he is also arranging with Phil Marino, Refuse & Recycling, to come in and do an information session to review items for recycling and bulk trash. Councilman Diana also announced that on Memorial Day at 9:30 AM there would be a short service held at the Vietnam Memorial located at the rear of Lakeland High School property. This is going to be followed at 10:00 AM by a Memorial Day service at the Honor Roll that is located between the library and the Lakeland Administration building.

Councilman Lachterman announced a small ceremony at Patriot Park conducted by the American Legion. The parade will begin at 11:15 from there and head towards Veterans Road.

Councilman Patel talked about getting the vaccine as a way to be a good neighbor and protecting not only yourself but also those around you.

### ACCESSIBILITIES COMMITTEE

Supervisor Slater introduced Thomas Panek, President and CEO of Guiding Eyes of the Blind, and Kathleen Macias-Torres, Executive Director of SPARC. Supervisor Slater said they were here to

discuss the formation of an Accessibilities Committee to provide a different perspective when it comes to the amenities in Town to make sure people of all abilities have the opportunity to enjoy them.

Mr. Panek said very often when something good is done for one group, usually it is good for the community (ex. putting curb cuts in also helps people with strollers, bicycles, etc.). Supervisor Slater said that it is important to get this perspective and make things more accessible for everyone.

Ms. Macias-Torres said she is excited to be a member of the committee and is looking forward to working on accessibility issues.

Mr. Panek said that Guiding Eyes recently signed a lease for property at 1961 Commerce Street, which is being converted into a community outreach center right in the heart of Yorktown Heights. He said there is also a carriage house that is a pick up and drop off center on site so volunteers and pick up and drop off the dogs.

Councilman Lachterman asked Mr. Panek, roughly, how many hours a dog goes through to become a guide dog and Mr. Panek said the actual physical training takes about 18 weeks of non-stop training; however in total it is about a two year process from the moment they are born to the moment their leash is handed off to their new owners.

Ms. Macias-Torres said SPARC is running all of their in-person programming. They have programs running in Yorktown Heights (Teen Time) and all over Westchester. She said that she is starting up their golf program at Mohansic Golf Course. She said that SPARC is an organization that provides services to those with developmental disabilities of all ages. She they have been in existence for 32 years. Ms. Macias-Torres said part of what they do is recreational therapy, as well as socialization and helping to improve communication skills. She said this includes daily living skills and work skills. She spoke about work she is doing with Supervisor Slater to establish a “town” day so participants can learn about how the Town works, as well as possibly doing an internship.

Supervisor Slater said the Board is looking forward to the formation of the Accessibilities Committee and then, of course, assisting the Town Board and our departments in making sure that all of our facilities are accessible to people of all abilities.

#### VETERANS ADVISORY COUNCIL

Supervisor Slater introduced Carl DiLiberto, member of the American Legion, and Michael Sheridan, member of the VFW. Councilman Lachterman said they have been working with the Veterans Advisory Committee and both Mr. DiLiberto and Major Sheridan have been true leaders on the Board and they are trying to put together a mission statement so that they, could accurately guide their conversation to what they should be doing. He said that Major Sheridan put together the mission statement and Councilman Lachterman asked him to read it.

Major Sheridan said he wanted to focus on the two different kinds of activities the do. He proceeded to read the mission statement. The Town Board agreed that it was a very good statement. Councilman Lachterman said this would be adopted at their next meeting, with the Town Board’s blessing. Mr. DiLiberto said this statement could also be changed, as needed. Supervisor Slater said there is no greater advocate for a veteran than a fellow veteran. He said he felt the mission statement was “spot on.” He said that he thought it captured exactly what the Board felt their role would be. He said he especially liked how they mentioned local, county, and state resources, as many veterans do not know of the many services that are available to them. Councilman Lachterman said he believed they now have a page on the website and it lists links to many of the county and state resources.

Councilman Lachterman asked if the Board would consider a resolution to go to the State expressing support of a proposal to pay tribute, honor, and remembrance to our State’s Atomic Veterans by naming the pedestrian bridge across the Taconic State Parkway “The Atomic Veterans Memorial Bridge.” He said that there has been a bill that has already come out of committee in the Assembly and does not think one has entered the Senate so the assembly will not vote on it and he is hoping that our support of this will help colleagues in state government realize that this is an important situation. Councilman Lachterman said that an atomic veteran is a veteran who was exposed to ionizing radiation while present on the site of a nuclear explosion during his or her

active duty. He said the US Department of Veterans Affairs defines an atomic veteran as one “who, as part of his or her military service, participated in an above-ground nuclear test between 1945 and 1962 or was part of the US military occupation forces in and around Hiroshima and Nagasaki before 1946 or was held as a prisoner of war in or near Hiroshima or Nagasaki.” Councilman Lachterman said we are not the only country who recognizes atomic veterans; other countries recognize their military who were exposed to nuclear explosions. He said there are many communities who have begun to dedicate memorials to this group of veterans.

Councilman Diana said there is no discussion needed; this is the least the Town could do. Councilman Lachterman said he wanted to make sure that both the American Legion and the VFW were on board with this since there has been some discussion over recognizing one group over another. Councilwoman Roker said that she would want to make sure the Town Board gets whatever language the State is looking for so that it can duplicate other requests. Councilman Lachterman said he would provide the Town Attorney with the Assembly Bill for the verbiage. Both Major Sheridan and Mr. DiLiberto said they agreed with the request.

#### JEFFERSON VALLEY MALL PROPOSED AMENDED SITE PLAN

Supervisor Slater introduced Stephen Harris from Washington Prime, Heather Novak, Marketing Director – Jefferson Valley Mall, and Alexa O’Rourke, General Manager – Jefferson Valley Mall, to discuss plans for an outdoor patio.

Mr. Harris displayed an onscreen presentation of the plans for the patio. Mr. Harris said the plan is to remove the existing dumpster enclosure and the chain link fence and then install split-faced masonry to match what is existing, extend the curb and ADA ramp, and install landscaping. He said they would extend matching 8’ fence to conceal the conduit on the building wall.

Mr. Harris said they have been working with the Building Department to make sure all of this is code compliant. Supervisor Slater said the Conservation Board did not have an issue with the plans; nor did the Planning Board. Councilwoman Roker said this would have to be a full referral.

The Town Board did not have any objections to the plans. Mr. Harris said the tenant was hoping to have this in place in the late summer, which is somewhat aggressive since this is now a referral and possible public hearing. Supervisor Slater said it definitely requires a public hearing, as it is an amended site plan. Town Clerk Quast said the earliest public hearing date would be July 6<sup>th</sup>.

Councilwoman Roker asked Ms. Novak and Ms. O’Rourke what is happening at the mall. Ms. O’Rourke said beginning next Friday night will have a pop-up beer garden while they are constructing the new space. She said in their purpose is to connect the community and in the last few months, five new businesses have opened. Ms. O’Rourke said there would be a “Summer Sweat” series this summer offering free fitness classes. She spoke of the family-friendly services that the Mall plans on offering in the future.

Supervisor Slater said the Town Board really appreciates their continued investment and commitment to the Town.

#### AUTHORIZE TOWN CLERK TO REFER SITE PLAN AMENDMENT FOR THE JEFFERSON VALLEY MALL OUTDOOR PATIO TO THE APPROPRIATE AGENCIES RESOLUTION #229

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the request for a site plan amendment for the Jefferson Valley Mall for an outdoor patio.

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

#### NYSTRETCH BUILDING CODE

Supervisor Slater introduced Building Inspector John Landi and Mike DeWein to discuss the NYStretch Building Code – an energy efficient building code that the State is poised to adopt in the next few years.

Mr. DeWein launched a presentation and said the NYStretch Code is a code to reduce energy consumption, operating and utility costs, and greenhouse gas emissions. He said adopting this code could bring recognition and grant incentive funding from NYSERDA. Mr. DeWein continued with comprehensive presentation about NYStretch Building Code. The Town Board thanked Mr. DeWein for his presentation.

#### TRAFFIC SAFETY COMMITTEE

Dave Paganelli, Highway Superintendent

Robert Rohr, Officer Yorktown Police Department

Discussion: Committee Updates and Recommendations

Highway Superintendent Dave Paganelli said the Traffic & Safety Committee (Councilman Tom Diana and Officer Robert Rohr and himself) met on March 18 and said the following was discussed:

- A request for stop sign at North Deerfield and Oakside (actually two signs would be needed on North Deerfield). The topic was tabled until they could do a site visit.
- A speed concern on Quaker Church Road and a request was made to add a stop sign to slow speeding; however, the Traffic & Safety Committee cannot place stop signs as a traffic-calming device. He said that they believe with added speed enforcement in the area, a police department speed trailer, and added 30 MPH signs will help reduce speeding.
- A request was made for stop sign at the intersection of Granite Springs Road and Quaker Church Road (southbound), with which the Committee agrees.
- The Committee would like to add a stop sign at Chesterfield and Cross, which conform to the stop signs in the area.
- A speeding concern was raised on Meadowcrest Drive. Office Rohr did three phases of speed monitoring and no violations were committed.

Officer Rohr discussed potential changes to the Town Code and the issue of stopping commercial vehicles driving through the center of Town (the use of weight limit signs). Officer Rohr said an update of the Town Code would help streamline the process of adding stop signs to locations in Town (right now it takes up to six months to complete). He said they would like to sit with the Town attorney to see what they could do. Councilwoman Roker said that this cannot be done and that the process should not be taking 6 months. Superintendent Paganelli said once a request for a stop sign gets through the Town Board, it goes to Albany for their review. He said this adds to the length of time. Officer Rohr said he would like to be able to work on a law that says the Town can use its discretion to put a stop sign at any roadway where there is a “T-type” intersection or four-way intersection. Town Clerk Quast stated that once the request to amend the law goes through the local process (i.e., public hearing), it is filed with the state who notifies the Town it has been filed. She said the law can be established to take place as soon as possible.

Councilman Diana said that he believed what Officer Rohr is requesting is a “blanket” law that would allow the Town to put up a stop sign as per the rules of the road and New York State Traffic Law. Superintendent Paganelli said other municipalities have done this. He said that law states when you pull up to a T-intersection, you must stop.

Officer Rohr said that they do not want to litter the Town with stop signs; just streamline the process for those legitimate areas. He said that stop sign requests come from residents who are concerned about the neighborhood. Councilwoman Roker said the public has a right to voice their opinion at something they feel would affect them and wanted to make sure this is not forgotten in the process.

Supervisor Slater asked Town Attorney Adam Rodriguez to draft amendments for the two separate locations mentioned earlier and track how long the process actually takes.

Superintendent Paganelli spoke about signage for weight limits to keep commercial traffic off Greenwood Street and Northmore Drive. He said that he believed the restriction would be at 10 tons. Councilman Diana said that he felt the signs would reduce the commercial traffic. Office Rohr suggested alternate routes for the commercial traffic. He also suggested sitting down with BOCES officials to map out alternate routes for their buses.

Supervisor Slater said in addition to the weight limit signage, the Traffic & Safety Committee would present to BOCES a map for the routing of their school buses.

#### CHAPTER 7A OF NYS PUBLIC HEALTH LAW

Councilman Diana said that this is regarding the opt-out for the marijuana law. He said that municipalities may opt out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law by December 31, 2021 or nine months after the effective date of legislation. Municipalities cannot opt out of adult use legislation. Councilman Diana said, in his opinion, the marijuana legislation is not a well thought out law. He said there is no information in the proposed legislation about the use of marijuana and driving or testing for marijuana usage. He quoted Dr. Andrew Kolodny as saying marijuana is a gateway drug. He said that Yorktown has many organizations that promote non-use of marijuana and other drugs and for the Town Board to allow dispensaries in Town would be wrong. He said he is a “hard no” when it comes to voting on legislation that would allow such businesses in Yorktown.

Councilwoman Roker said that the Chief of Police gave the greatest argument for opting out. She said that he reported that they do not have the manpower to oversee this. However, she said, even if the Town opts out, the Town will have the traffic coming through that will need to be policed.

Town Attorney Adam Rodriguez said the Town is allowed to opt out of the dispensaries or on-site consumption licenses but it needs to be done by permissive referendum. He said the local law would have to be adopted by July 19 and a public hearing complete by then or on that date. The permissive referendum would run into September. He reminded the Board that the Town could still pass local laws governing the time, the place, and the manner of the adult use and on-site consumption if the referendum were to go a certain way or if the Board decided not to opt out.

Supervisor Slater said the Town Attorney would begin working on the opt-out for the Town.

#### AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH LABERGE GROUP RESOLUTION #230

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

RESOLVED, that the Supervisor is authorized to execute an Agreement with the Laberge Group in an amount not to exceed \$2,000, for the preparation and submission of a Congressionally Directed Funding request for community project funding for the Hallocks Mill Sewer Extension project to the United States Senators from New York.

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

#### EXECUTIVE SESSION

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

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