

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, June 1, 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
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, 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 the men and women of our armed forces, who made great sacrifices for our freedom. He also asked to keep in our thoughts and prayers the family of Sal Rivera, a 19-year Town of Yorktown employee who lost his battle with COVID.

INTRODUCTIONS

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

DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater said that, as Town Board members, they take very seriously their duty to protect confidential investigations undertaken by the Town's Ethics Board so that they are not contaminated or undermined. He said that last week it was revealed in the Yorktown News that a confidential Ethics Board memo was shared with the press, which constitutes a significant breach of Town policy. He said that for these reasons the Town Board intends on moving forward with the process of appointing a special counsel to investigate the improper disclosure of confidential Ethic Board matters. Supervisor Slater said that they take this matter very seriously and anyone found to have violated the protocols will be held fully accountable. He said that they were ready to move this forward this evening but at the request of Councilman Patel to lay it aside until the full Town Board was in attendance for a vote. The Town Board will vote next week to appoint a special counsel.

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

- COVID update
- A sodium hypochloride solution spill occurred on Friday evening at the Brian J. Slavin Aquatic Center – 1400 gallons had leaked from a cracked container. He reported that there was no contamination of the nearby stream and no impact on the neighborhood. The Parks & Recreation Department, Water Department, Mohegan Lake Fire Department, and the Westchester County Hazmat Team quickly mobilized and the Miller Environmental Group was retained and they were able to transfer the liquid into a Frack Tank and will be properly disposed. The facility is safe and will be operational this Saturday.
- Annual Drinking Water Report may be found on the Town's website; hardcopies are located in front of the Town Clerk's office.
- Pre-cast concrete sections of the Hill Boulevard Bridge were delivered and placed on the foundation. The main structure of the bridge is complete.
- Most of the utility work in the road has been completed for the Fluoride Project. The electrical contractor is working inside of the building installing the electrical panel, heaters,

control panel, and other wiring required for the system. It is anticipated that the general contractor will return next week to make the final connections of the injection and sampling lines. The sewer pump station will also be installed during this phase. The Engineering Department reported that they experienced difficulty shutting down the 24-inch transmission main. The Water Department was able to assist.

- Announced openings for volunteers on the Conservation Board, Planning Board, Tree Conservation Advisory Committee, and Library Trustee.
- There will be a special meeting of the Town Board on June 10 to conduct interviews for an environmental consultant, pursuant to the Request for Proposals. The Town Board will immediately move to go into Executive Session.
- Thanks to all who participated and volunteered for the Memorial Day events in Town.

DURING REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent events in Town (specifically for Memorial Day) and made public service announcements for the Town.

ALLIANCE FOR SAFE KIDS

Liz Talbert from the Alliance for Safe Kids (ASK) thanked the Board for their continued support that has allowed ASK to make very good use of some County funding they received. She said that for the past few months she has been able to coordinate resources and presentations to the community for free. Ms Talbert gave an update of the mental health programs, services, and support they have been providing.

Councilman Lachterman read the following proclamation:

PROCLAMATION - GAY PRIDE MONTH

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

WHEREAS, June is recognized as Gay Pride Month; and

WHEREAS, the Town of Yorktown recognizes the many contributions to our community, county, state, and nation by Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) individuals which have included advancements in business, medicine law, education, music, sports, arts and culture; and

WHEREAS, members of the LGTBQ community come from all parts of our community regardless of color, ethnicity, religion, economic status or gender; and

WHEREAS, June is recognized as the Gay Pride Month because it marks the fifty-second anniversary of the Stonewall Rebellion, an event accepted as the single most important event leading to the fight for LGBTQ rights in our nation; and

WHEREAS, following the Stonewall Rebellion demonstrations, calls for equal rights and freedoms for members of the LGBTQ community were made across the country; and

WHEREAS, on June 12th a similar demonstration will be held to celebrate the LGBTQ members and continue our collective efforts to ensure equality, freedom, and rights of all are protected, preserved, and advanced;

NOW THEREFORE, BE IT RESOLVED, the Town of Yorktown recognizes and celebrates June as Gay Pride Month; and

BE IT FURTHER RESOVLED, the Town of Yorktown recommits itself to support and accept all members of our community regardless of race, religion, ethnicity, gender, sexual orientation or preference; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands as a community of hope, generosity, and acceptance to everyone regardless of religion, race, national origin, ethnicity, culture, or orientation.

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

ACCEPT RESIGNATION FROM WILLIAM KELLNER FROM THE TREE
CONSERVATION ADVISORY COMMISSION
RESOLUTION #231

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

RESOLVED, that the Town Board accepts the resignation received from William Kellner with thanks for his many years of exemplary service to the community.

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

APPOINT LIBRARY DIRECTOR III – YVONNE CECH
RESOLUTION #232

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

BE IT RESOLVED, that Yvonne Cech, is hereby appointed provisional Library Director III, job class code 0217-01, at the John C. Hart Memorial Library, effective June 14, 2021, to be paid a salary of \$120,000.00 annually,

WHEREAS, the offer letter establishes an offer of employment for Yvonne Cech as Library Director III as authorized by the Board of Trustees for the John C. Hart Memorial Library,

RESOLVED, upon the recommendation of the Board of Trustees for the John C. Hart Memorial Library, based on the offer letter, Yvonne Cech is hereby appointed provisional Library Director III at the John C. Hart Memorial Library.

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

APPOINTMENT OF MARISSA CLOSE TO TEMPORARY RECREATION ASSISTANT –
PARKS & RECREATION DEPARTMENT
RESOLUTION #233

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

BE IT RESOLVED, that Marissa Close of Croton on Hudson, NY, is hereby appointed temporary Recreation Assistant, job class code 0269-02, effective June 7th, 2021 to be paid from Yorktown CSEA Salary Schedule A1, Group 3, Step 1 which is \$42,177.00 annually,

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks that Marissa Close will report to work at the Recreation Department on June 7th, 2021 and this date will be used as the first date of temporary appointment.

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

POET LAUREATE

John McMullen read an original poem, “The End of An Era.”

COURTESY OF THE FLOOR

The following members of the public spoke:

- Joanne Sillik, resident, said the Memorial Day Parade was wonderful. She said she is for the medicinal use of marijuana but is opposed to the legalization for recreational use.
- Ilan Gilbert, former supervisor and resident, spoke about Town employee Sal Rivera, who passed away from COVID recently.
- Kimberly Brennan, resident, asked about the legalization of marijuana dispensaries in Yorktown. She asked if the Town would be opting out of the dispensaries as well as the smoke cafes and if there would be a public hearing for residents to voice their opinion. She asked, if the Town does not opt out, what types of training and recovery programs the Town would be considering.
- Susan Siegel, resident, spoke about the need to reform the Town’s Ethics Law. She said the Town does not have an independent Ethics Board and the Town has an Ethics Law that gives the members of the Town Board the power to bury an ethics report when they do not like what the Ethics Board has to say, like reprimanding a member of the Planning Board

for unethical behavior. (*Councilman Diana interrupted at this point and asked the Town Attorney to address this issue. He felt that Ms. Siegel was out of bounds and was insulting the Town Board.*) Ms. Siegel asked Supervisor Slater what policies and/or protocols were violated. She also asked that before Town funds were spent to hire a special counsel to investigate, the Town Board speak to the Committee on Open Government about the issue of confidentiality and what laws were broken. She said the independence of the Ethics Board has been an issue since 2010. She said nothing has been done. Ms. Siegel listed some of the reforms that she felt are needed: 1) the Ethics Board must be able to make their findings public; 2) when the Ethics Board reaches a decision, the board should be required to notify the complainant of the board's decision; 3) barring unusual circumstances, the Ethics Board should be required to investigate and render a decision on the complaint or request for an advisory opinion within a reasonable fixed amount of time; 4) the Town Board needs to consider whether it is appropriate to have members on advisory boards and commissions who have local business interests in the subject areas that boards and commissions deal with.

- Tony Grasso, resident, voiced his opposition to the legalization of marijuana dispensaries and on-site consumption licenses in Yorktown. He spoke of a family member who had a drug dependency.
- Maria Dinadio, resident, spoke about the speeding problem that exists on East Main Street in Jefferson Valley. She said the community has come to the Board many times for a solution. She said 33 accidents have occurred in the area in the last 3 years. Ms. Dinadio said it is very frustrating to not have this dealt with.
- Jay Kopstein, resident, voiced his opposition to the legalization of marijuana dispensaries and on-site consumption licenses in Yorktown. He spoke of how difficult and costly enforcement would be to the Town.
- John McMullen, resident, also spoke of the speeding issue in Jefferson Valley on East Main Street. He spoke of a dangerous curve that exists on the road.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor was closed.

Members of the Town Board addressed some of the issues raised by residents during Courtesy of the Floor.

SUPPORT PASSAGE OF NEW YORK ASSEMBLY BILL A1456 DESIGNATING THE PEDESTRIAN BRIDGE ACROSS THE TACONIC STATE PARKWAY AS THE "ATOMIC VETERANS MEMORIAL BRIDGE"

RESOLUTION #234

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

RESOLVED, the Town supports the passage of N.Y. Assembly Bill A1456 and Senate Bill S114, which designate the pedestrian bridge across the Taconic State Parkway located in the Town as the "Atomic Veterans Memorial Bridge."

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

AUTHORIZE TOWN CLERK TO ADVERTISE PUBLIC HEARING AMENDING CHAPTER 275 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "VEHICLES AND TRAFFIC"

RESOLUTION #235

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

RESOLVED, that the Town Clerk is authorized to advertise a public hearing to be held on 15th day of June, 2021 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," by adding full stop signs at the following locations: the Northwest corner of Granite Springs at its intersection with Quaker Church Road; and the Northeast corner of Chesterfield Drive at the intersection with Cross Road.

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

APPROVE MS4 STORM WATER MANAGEMENT & TREE REMOVAL PERMIT - #FSWPPP-T-016-20 FOR A PROPOSED SINGLE-FAMILY RESIDENCE ON 2060 ALLAN AVENUE, PANBAR REALTY, LLC RESOLUTION #236

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

WHEREAS, The Panbar Realty, LLC submitted an application to the Engineering Department for a MS4 Storm Water Management & Tree Removal Permit - #FSWPPP-T-016-20 for a proposed single-family residence; and

WHEREAS, the Approval Authority for this permit application is the Town Board as the proposed work will involve a land disturbance in excess of 200 cubic yards; and

WHEREAS, the Applicant submitted engineering plans for the subject property prepared by John Karell, Jr. P.E. consisting of the following sheets:

- Existing Conditions (Sheet EC-1) dated May 4, 2020, last revised April 27, 2021
- Site Plan (Sheet S-1) dated May 4, 2020, last revised April 27, 2021
- Details (Sheet D-1) dated May 4, 2020, last revised April 27, 2021

WHEREAS, the Engineering Department performed a review of the submitted improvement plans and has determined that the revised plans address the comments; now

THEREFORE BE IT RESOLVED THAT, the Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein; and be it further; and

BE IT FURTHER RESOLVED, that the Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties; and

BE IT FURTHER RESOLVED, the 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. 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 permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the following conditions must be followed by the applicant:

Conditions that must be met prior to the Supervisor signing the Plans:

1. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
3. 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 \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.
4. Curb cut and driveway detail must be approved, and a permit granted by the Town of Yorktown Highway Superintendent.
5. Town of Yorktown sewer and water connection permits must be obtained.
6. Submission of a Notice of Intent (NOI) in compliance with the requirements of NYSDEC.

Conditions that must be met prior to the commencement of work:

1. A Yorktown Building Permit must be obtained from the Building Department.
2. The property lines must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.
3. **A pre-construction meeting must be held at the site.** The applicant or a representative

must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced herein; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each workday, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. Only those trees specifically shown on the plans may be removed, a new permit shall be obtained from the Engineering Department, should the removal of any additional trees be required.
4. No soil storage outside the limit of disturbance line is permitted.
5. Road in front of property must be kept broom clean at all times.
6. The contractor shall hire an officer from the Yorktown Police Department to manage traffic on the road during the initial construction phase. This requirement shall apply to large construction vehicles until the driveway is constructed to a length sufficient to accommodate the vehicles without extending into the Allen Avenue pavement.
7. The contractor shall stage the arrival of large construction vehicles to avoid parking on Allan Avenue for an extended period of time.
8. A copy of the waste manifest for material exported from or imported to the site shall be provided to the Engineering Department.
9. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed. Applicant will be notified if any work is not acceptable.

Conditions that must be met after project completion:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of any discrepancies from the approved plans or if any work is not acceptable.
2. A Stormwater Maintenance Agreement shall be executed between the Town and the Applicant.
3. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
4. When area is stabilized and erosion control practices have been removed, the applicant shall notify the Engineering Department and schedule a final inspection.

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

APPROVE RELEASE OF WETLAND BOND PERMIT #WP-126-04 IN THE AMOUNT OF \$15,000.00 FOR WORK DONE AT 383 ILLINGTON ROAD
RESOLUTION #237

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

WHEREAS, Andrew Quinn as applicant, posted \$5,000 to serve as the Erosion Control Bond and \$10,000 to serve as the Wetland Bond which was deposited to the T33 account on April 17, 2006 for Wetland Permit #WP-126-04.

WHEREAS, Andrew Quinn has requested his money be released as the site is now complete.

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced bonds totaling \$15,000 be and are hereby released to Mr. Andrew Quinn, 383 Illington Road, Ossining, NY 10562.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE PARKS DEPARTMENT

RESOLUTION #238

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

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

From: A1990.499.1 Contingency Capital Projects \$8,500.00

To: A.7110.201 Parks – Equipment \$8,500.00

for the purchase and installation of security cameras at Railroad Park.

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

APPROVE INCREASE IN TREE TRUCK PURCHASE FOR HIGHWAY DEPARTMENT
RESOLUTION #239

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

WHEREAS, on May 18, 2021 the Town Board passed a budget transfer for the Highway Department in the amount of 483, 924.00 for the purchases of a Caterpillar Loader, a Tree Truck and a Ford F-350 Truck, now,

THEREFORE, BE IT RESOLVED, that the cost of the Tree Truck has increased from 216,424 to 230,365 under Contract #PC68526, which is an increase of \$13,941.00 for the purchase of the Tree Truck.

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

APPROVE REDUCTION IN PERFORMANCE BOND FOR ZAPPICO CONSTRUCTION IN THE AMOUNT OF \$480,000.00 FOR WORK DONE AT ORCHARD VIEW SUBDIVISION LOCATED ON SHERRY DRIVE

RESOLUTION #240

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

WHEREAS, Zappico Construction, LLC, as applicant, provided the Town with PCSB Bank Letter of Credit No. 6080027950 in the amount of \$500,000.00, to serve as the Performance Bond for the Orchard View Subdivision located on Sherry Drive, and,

WHEREAS, Zappico Construction has requested the Performance Bond be reduced.

WHEREAS, the required Performance Bond has been determined to be \$20,000 (\$500,000 - \$20,000 = \$480,000), now

THEREFORE, BE IT RESOLVED, the Letter of Credit is reduced to \$20,000 and will remain in full force and effect until the remaining improvements are completed.

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

AUTHORIZE COMPTROLLER TO PAYOUT THE CASH VALUE OF UNUSED TIME TO MARIA RIVERA, SALVADOR RIVERA'S SPOUSE AS OF DATE HE WAS DECEASED

RESOLUTION #241

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

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Maria Rivera, Salvador Rivera's Spouse, the cash value of unused time as of the date he was deceased:

Rate of Pay: \$28.2701

Sick	37.5 hours @ 50%	= 18.75 hours
	18.75 hours x \$28.2701	= \$ 530.06
Vacation	187.00 hours x \$28.2701	= \$5,286.50
Personal	18.00 hours x \$28.2701	= \$ 508.86
Longevity	\$1,600 / 261 days = \$6.13 per day	
	06/04/20-06/04/21 = 261 days	
	261 days x \$6.13	= \$1,600.00
Total		\$7,925.42

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds as follows:

From:		
A909.8	General Fund Reserve Employee Accrued Benefits	\$ 765.86
A6772.101	Nutrition Salary	\$5,795.36
A6772.106	Nutrition Longevity	\$1,600.00
To:		
T903	Employee Medical	\$ 235.80
A6772.108	Nutrition Lump Sum Payments	\$7,925.42

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

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCEL KNOWN AS SECTION 37.14 BLOCK 1 LOT 45 AND 46, 2013 AND 2025 CROMPOND ROAD RESOLUTION #242

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.14 Block 1 Lot 45 and 46, 2013 and 2025 Crompond Road on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.14 Block 1 Lot 45 and 46 Account Number 3591000 and 3591500, owned by Acme Realty for assessment roll years 2015, 2016, 2017, 2018, 2019 and 2020 are settled as set forth in the proposed stipulation as follows:

2013 Crompond Road Tax ID: 37.14-1-45

Roll Year	Assessed Value From	Assessed Value To	Reduction
2015	72,000	72,000	-0-
2016	72,000	72,000	-0-
2017	72,000	68,000	4,000
2018	72,000	68,000	4,000
2019	72,000	64,000	8,000
2020	72,000	60,000	12,000

2025 Crompond Road Tax ID: 37.14-1-46

Roll Year	Assessed Value From	Assessed Value To	Reduction
2015	53,400	53,400	-0-
2016	53,400	53,400	-0-
2017	53,400	53,400	-0-
2018	53,400	53,400	-0-
2019	53,400	53,400	-0-
2020	53,400	53,400	-0-

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

MONTHLY REPORTS

The Town Board accepted the following monthly reports:

Building Department
Finance Department
Receiver of Taxes
Town Clerk

ADJOURN

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

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