

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 17, 2022 held in Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

EXECUTIVE SESSION

Upon motion made by Councilman Esposito, seconded by Councilman Lachterman, 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 for a moment of silence to remember the victims of the tragic shooting that happened in Buffalo, NY this past weekend. Supervisor Slater recited the names and ages of the victims. He asked for the power to heal and overcome this tragedy.

INTRODUCTIONS

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

REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

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

- Spoke about the assistance the Town's volunteer ambulance corps gave during the pandemic, and their input to the COVID task force
- COVID update – cases have increased
- Announced the approval of a \$1.2 million investment into the AACCCC (Albert A. Capellini Cultural & Community Center)
- Railroad Park Basketball Court renovation – projected completion date is mid-June
- Sustainable Westchester Zoom informational meeting on the Westchester Power Program the Town is considering will be held on May 19, 7:00 PM
- New resident meeting this Thursday evening
- June 15 informational session on cyberbullying will be held in conjunction with Alliance for Safe Kids
- Farm Fest at Fable Farm
- Honor Flight this Saturday

REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements, including the following:

- Fable Farm Event for children ages 3-5 – May 29, 11:00 a.m. to 12:00 p.m.
- EMS Appreciation Day – May 21
- Spring Market & Car Show – May 22
- SPARC walk – May 21, 1-3 p.m.
- Family Fun Day – May 22, 12-4:00 p.m.
- Yorktown Lions Golf Outing – June 6 at Somers Pointe
- Councilman Diana spoke about the Grand Opening of Granite Knolls Inclusive Playground on June 4, 11:00 a.m., as well as background on the efforts put into its creation.
- Honor Guard

REPORT FROM HIGHWAY SUPERINTENDENT

Superintendent Dave Paganelli acknowledged and thanked the ambulance corps in Yorktown. He also thanked his assistant, Anne Anderson, a member of YVAC.

Supervisor Slater introduced Commander Mike Sheridan of the VFW Post 8328, as well as other VFW members. Commander Sheridan gave a brief background on the Veteran of Foreign Wars of the United States organization. He said that some of the major programs and benefits the VFW administers include scholarships programs, financial aid and comfort assistance programs to comrades and family members in distress, and assistance with VA claims through the Veteran Service Officers. Commander Sheridan also gave details of events for Memorial Day, May 30.

Councilman Lachterman read the following proclamation:

MILITARY APPRECIATION MONTH - VETERANS OF FOREIGN WARS POST 8328

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

WHEREAS, National Military Appreciation Month, as recognized by the United States Congress, acknowledges the past and present service of American soldiers; and

WHEREAS, Military Appreciation Month includes VE Day, Military Spouse Appreciation Day, Loyalty Day, Armed Forces Day, Public Service Recognition Week and Memorial Day; and

WHEREAS, the Town of Yorktown greatly admires the brave men and women who served and presently serve our nation as a member of the United States Armed Forces; and

WHEREAS, members of the United States Military make tremendous sacrifices to defend our liberties and spread freedom throughout the world; and

WHEREAS, Military Appreciation Month recognizes all of our courageous neighbors serving in all branches of the service, including the National Guard, Reserves, veterans and all of their families; and

WHEREAS, the Town of Yorktown is proud of the many organizations within our community who support both active and retired military personnel including Veterans for Foreign Wars Post 8328; and

WHEREAS, the national VFW was founded in 1899 to fight for veterans, service members and their families; and

WHEREAS, VFW Post 8328 is part of a larger organization that has more than 1.5 million members between VFW and VFW Auxiliary; and

WHEREAS, VFW Post 8328 will be hosting this year's Memorial Day Parade and Ceremony; now, therefore

BE IT RESOLVED, that the Town of Yorktown recognized May as Military Appreciation Month; and

BE IT FURTHER RESOLVED, that the Town of Yorktown applauds VFW Post 8328 for its commitment to our local veterans, service members and their families; and

BE IT FURTHER RESOLVED, that the Town of Yorktown offers its appreciation to VFW Post 8328 and its leadership for organizing the 2022 Memorial Day Parade and Ceremony.

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

NATIONAL EMS WEEK

Rick Davin, Captain of the Yorktown Volunteer Ambulance Corps (YVAC) and members of YVAC came before the Town Board to talk about the services they offer to the community. Captain Davin spoke about the history of YVAC, as well as the number of calls they handle. He spoke of the volunteers and their diverse backgrounds, as well as their training. Captain Davin spoke of the challenges they faced during the pandemic. He said that two members of YVAC exemplified the true meaning of volunteerism: Rich Cariello and Jeff Siegal. He said they have served both the corps and the community for the past 48 years and each has numerous lifesaving awards.

Paul Turiano, Captain of the Mohegan Volunteer Ambulance Corps, introduced members Assistant Chief Jessica Porter and Tony Iacone, who is in charge of the Board of Directors. Captain Turiano said Mohegan Volunteer Ambulance Corps is celebrating their 100th anniversary. He said they carry four firehouses and a combination hybrid department of both career, union, career firefighters and volunteer firefighters, and ambulance personnel (approximately 24 EMTs and drivers). He spoke about the number of calls they handle and the square mileage they cover.

Supervisor Slater thanked both organizations for their work and service, particularly during the COVID pandemic. Councilwoman Haughwout read a letter of commendation from the Chief of Police, Robert Noble, who was unable to attend this evening. She also read the following Town Board proclamation:

EMERGENCY MEDICAL SERVICES WEEK - MAY 16TH – 22ND

Upon motion made by Supervisor Slater, seconded by Councilman Lachterman,

WHEREAS, it is fit and proper to recognize the outstanding service to the residents of Yorktown by dedicated individuals whose selfless acts save lives and protect our community; and

WHEREAS, National Emergency Medical Services Week allows communities to honor those who stand on the front lines providing lifesaving services; and

WHEREAS, Yorktown’s emergency medical services teams provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, the Town of Yorktown is served by the Mohegan Volunteer Ambulance Corps, Yorktown Volunteer Ambulance Corps and Empress Ambulance; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Yorktown declares the week of May 16th – 22nd as Emergency Medical Services Week; and

BE IT FURTHER RESOLVED, that the Town of Yorktown recognizes the countless hours and selfless dedication of the members of the Mohegan Volunteer Ambulance Corps and Yorktown Volunteer Ambulance Corps; and

BE IT FUTHER RESOLVED, that the Town of Yorktown recognizes and applauds the commitment displayed by all of the Emergency Medical Service operations who service the Town of Yorktown.

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

CLIMATE SMART COMMUNITIES TASK FORCE – ENERGY AUDITS

Kyra Brunner, along with Sarah Wilson and Paul Moskowitz, members of the Climate Smart Communities Task Force came before the Town Board to announce whom they recommend to do the energy audits for the Town. Ms. Brunner said the Town was named a Climate Smart Community and received two \$5,000 grants that will be used towards energy audits. She said that the energy audits would allow the Town to see where more time and focus should be spent on what is needed to update to become more energy efficient. She displayed information regarding the levels of audits that are available.

Ms. Wilson said the audits would cost \$0 for the Town. She said the CSC Task Force would like to take action on the recommendations of the audits to move forward. Councilman Esposito confirmed that the buildings being audited are the AACCCC, the Police Department, Town Court, Town Hall, Highway Garage, and the Sewer Department.

Ms. Brunner said the CSC Task Force is recommending Daylight Savings Company.

Ms. Wilson said the CSC Task Force resubmitted and received confirmation that the Town has the points they need to receive bronze certification once they receive approval on two priority projects they needed to get done. Once they get that approval, the Town will have a bronze certification.

POET LAUREATE

John McMullen, Poet Laureate, read an original poem “My County, My State, My Town.”

COURTESY OF THE FLOOR

The following members of the public spoke during Courtesy of the Floor:

- John McMullen, resident, asked about the lawsuit against the Town Board regarding the Overlay District law.
- Mel Tanzman, resident, expressed his sorrow at the loss of life as a result of the shooting in Buffalo. He spoke of the murder of African American citizens by a white supremacist. He said that the Town must do better and do more regarding hate and discrimination in the community.
- Brian Duffy, organizer for FamJam, thanked those who worked to make this a great event.
- Dan Strauss, resident, said he sent the Town Board an email about removing illegal signs but never received a response. He spoke about the trash in Town, particularly at the parks. He said there is no code enforcement, yet there are ways to solve the problem but the Board does not seem to prioritize the problem. Mr. Strauss also spoke about the grass and weeds growing in front of Town signs that are an embarrassment to the Town.
- Sarah Wilson, resident, announced that May is Mental Awareness Month and gave details for the Family Fun Day mental health and disability event that is coming up this Sunday.

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

Members of the Town Board responded to the comments made during Courtesy of the Floor, including but not limited to:

- Town Attorney Adam Rodriguez responded to Mr. McMullen’s comment by saying an Article 78 is seeking to invalidate the legislation the Town Board passed, which included both the Yorktown Heights Overlay District and the Lake Osceola Overlay District.
- Councilman Lachterman said that he has spoken to the Code Enforcer who has been out removing signs; however, as soon as they are taken down, new signs are put up.
- Supervisor Slater said that the grass cutting is not done by the Town but by the Triangle Shopping Center. He said that he would contact the owners.
- Council members spoke about community outreach regarding hate and discrimination, tolerance, as well as mental health issues.

APPROVE ORDER CALLING A PUBLIC HEARING FOR THE ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION RESOLUTION #243

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has

received a petition, together with a map showing the boundaries of a proposed sewer district extension in said Town, to be known as Hallocks Mill Sewer District Extension in the Town of Yorktown (the "Extension") a general plan to serve said Extension, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension have been finalized and shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed consist of the construction of a sanitary sewer system at a maximum estimated cost of \$14,300,000; and

WHEREAS, the cost of hook-up fees to the typical property in said Extension is \$5,850; and

WHEREAS, the estimated cost of said Extension to the typical property therein is \$1,494 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid (\$782 for a typical property not connected); and

WHEREAS, a detailed explanation of the manner by which such costs were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 193 of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Yorktown, Westchester County, New York, shall be held at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 7th day of June, 2022, at 7:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Sewer District Extension in said Town as described in the preambles hereof, to be known as Hallocks Mill Sewer District Extension, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town

maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

PUBLIC HEARING - CONVENE A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 275 ENTITLED, "VEHICLES AND TRAFFIC" SECTION 275-4 AND 275-6

Supervisor Matthew Slater convened a public hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Section 275-4(A) adding the following no parking areas:

- Rochambeau Drive, west side, from Underhill Avenue to the end of the road
- Gomer Street, both sides, from Granite Springs Road to the intersection with Marlet Place
- Scofield Road, south side, from its intersection with Mohegan Avenue to a point 100 feet east of its intersection with Mohegan Avenue

The following proposed full stop locations will also be considered to amend Section 275-6(A) of the Code of the Town of Yorktown:

- Poplar Street At the intersection with Forest Court (both directions)
- Forest Court At the intersection with Poplar Street
- Suncrest Avenue At the intersection with Robin Road (both directions)
- Robin Road At the intersection with Suncrest Avenue
- Bunney Lane At the intersection with Pine Grove Court
- Pine Grove Court At the intersection with Bunney Lane (both directions)
- Valleyview Street In the southerly direction at the intersection with Eleanor Drive

Supervisor Slater introduced members of the Traffic & Safety Committee: Officer Rob Rohr, Highway Superintendent Dave Paganelli, Deputy Supervisor Tom Diana. He said that any inquiries regarding Town roads are given to the committee who study the inquiries and make decisions based on safety.

Officer Rohr described the process of investigating the inquiries made on the locations mentioned above. Highway Superintendent Dave Paganelli also commented on the some of the locations. Images of the some of the locations were also shown.

No members of the public spoke.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilman Esposito and carried.

ADOPT LOCAL LAW NO. 6 of 2022 AMENDING CHAPTER 275 ENTITLED, "VEHICLES AND TRAFFIC" SECTION 275-4 AND 275-6
RESOLUTION #244

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

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 6 of 2022, amended and annexed hereto, be and is hereby adopted.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye

Local Law No. 6 of 2022 was thereupon declared adopted.

APPROVE ORDER CALLING A PUBLIC HEARING FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE CONSOLIDATED WATER DISTRICT IN THE TOWN OF YORKTOWN
RESOLUTION #245

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has caused to be prepared a plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Consolidated Water District (the “Water District”), consisting of the purchase and installation of approximately 4,500 water meters, as well as costs incidental thereto, at a maximum estimated cost of \$1,811,683.62; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Water District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Yorktown Heights, New York, in said Town, on June 7, 2022, at 7:30 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Consolidated Water District in the Town of Yorktown, Westchester County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper of the Town, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

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

AUTHORIZE COMPTROLLER TO REFUND THE LISTED DUPLICATE TAX PAYMENTS FOR THE 2022 TOWN/COUNTY TAXES

RESOLUTION #246

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, RESOLVED, the Town Comptroller is authorized to refund the following listed duplicate tax payments for the 2022 Town/County taxes;

<u>Account No:</u>	<u>Amount</u>	
4268500	\$4,534.08	Refund Duplicate 2022 Town/County Tax
1473000	\$5,704.54	Refund Duplicate 2022 Town/County Tax
4771060	\$6,640.34	Refund Duplicate 2022 Town/County Tax
3243500	\$3,801.48	Refund Duplicate 2022 Town/County Tax
2971000	\$5,041.42	Refund Duplicate 2022 Town/County Tax
2071511	\$4,032.64	Refund Duplicate 2022 Town/County Tax
4265500	\$4,784.23	Refund Duplicate 2022 Town/County Tax
0279641	\$2,155.57	Refund Duplicate 2022 Town/County Tax
1735500	\$3,725.38	Refund Duplicate 2022 Town/County Tax

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

AUTHORIZE SUPERVISOR TO EXECUTE A REGIONAL KITCHEN AGREEMENT WITH THE TOWN OF CORTLANDT

RESOLUTION #247

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

RESOLVED, The Town Supervisor is authorized to execute a regional kitchen agreement with the Town of Cortlandt for the preparation of approximately 60 meals a day at a cost of \$5.00 per meal, retroactive to January 1, 2022 through December 31, 2022.

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

AUTHORIZE SECTION 8 PROGRAM DIRECTOR TO SIGN THE ANNUAL CIVIL RIGHTS CERTIFICATION FOR SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESOLUTION #248

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

RESOLVED, that the Town's Section 8 Program Director is authorized to sign the Annual Civil Rights Certification for submission to the U.S. Department of Housing and Urban Development in connection with the Town's 5-year Public Housing Agency Plan.

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

AUTHORIZE MODIFICATION OF PERMIT #WP-012-18 TO INCLUDE THE ANNUAL APPLICATION OF COPPER SULFATE PENTAHYDRATE FOR THE CONTROL OF BLUE-GREEN ALGAE

RESOLUTION #249

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

WHEREAS, the Town of Yorktown had previously issued a Wetland Permit to the New York City Department of Environmental Protection (NYCDEP) for ongoing Hydrilla work, and

WHEREAS, NYCDEP has filed an application for the annual application of copper sulfate pentahydrate within the New Croton Reservoir to control blue-green algae that cause taste and odor concerns within their drinking water system, and

WHEREAS, the Town of Yorktown Town Board is in support of maintaining the quality of drinking water provided to the residents of the City of New York and other communities that are provided with drinking water from the New Croton Reservoir, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby modify permit #WP-012-18 to include the annual application of copper sulfate pentahydrate for the control of blue-green algae.

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

ACCEPT PERFORMANCE BOND #107631630 IN THE AMOUNT OF \$25,000.00, TO SERVE AS THE PERFORMANCE BOND FOR STORMWATER & TREE PERMIT #051-21 FOR THE RICCIARDELLA ESTATES SITE PLAN

RESOLUTION #250

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

WHEREAS, Ricciardella Estates, LLC, as applicant, provided the Town with Travelers Casualty and Surety Company of America's Performance Bond #107631630 in the amount of \$25,000.00, to serve as the Performance Bond for Stormwater & Tree Permit #051-21 for the Ricciardella Estates Site Plan located on Saw Mill River Road, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bond is hereby accepted to serve as the required bond the above referenced site plan.

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

AUTHORIZE TOWN TO EXECUTE AN ODOMETER DISCLOSURE STATEMENT, POWER OF ATTORNEY AND BILL OF SALE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP OF VEHICLE #1FM5K8AR6JGC44557

RESOLUTION #251

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

RESOLVED, that the Town is authorized to execute an Odometer Disclosure Statement, Power of Attorney and Bill of Sale in connection with the transfer of ownership of vehicle #1FM5K8AR6JGC44557.

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

AUTHORIZATION TO ENTER LICENSE AGREEMENT WITH O'NEILL'S CONCESSIONS FOR THE BRIAN J. SLAVIN AQUATIC CENTER AND JUNIOR LAKE POOL
RESOLUTION #252

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

RESOLVED, the Supervisor is authorized to enter into a license agreement with Michael O'Neill and Stella O'Neill (D/B/A O'Neill's Concessions) to operate food and refreshment concessions at the Brian J. Slavin Aquatic Center and the Junior Lake Pool for a fee of \$4,000, for the term retroactive to May 1, 2022 through September 15, 2022.

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

AUTHORIZATION TO ENTER PROFESSIONAL SERVICES AGREEMENT WITH DAYLIGHT SAVINGS COMPANY FOR ASHRAE LEVEL II ENERGY AUDIT
RESOLUTION #253

RESOLVED, the Supervisor is authorized to enter into a professional services agreement with the Daylight Savings Company for an ASHRAE Level II Energy Audit in an amount not to exceed \$10,000 for the Town's share of the audit.

Slater, Diana, Esposito, Haughwout, Lachterman 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
CERTIFIED MUNICIPAL CLERK
TOWN OF YORKTOWN