

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 14, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Thomas P. Diana, Supervisor
Edward A. Lachterman, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Mary Capoccia, Councilwoman

Also Present: Diana L. Quast, Town Clerk
John Diaconis, Town Attorney's Office.

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, the Town Board moved into Executive Session to discuss individual personnel issues and litigation and negotiations. Upon motion made by Councilman Esposito, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Diana led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember the members of our armed forces, our frontline workers, and the Michigan State University shooting victims.

PROPERTY TAX EXEMPTION

Kim Adams Penner, Town Assessor, spoke about changes in NYS Law regarding exemptions for senior citizens. She said that senior citizens gross income had not been changed since 2008 (\$37,400) and the state has decided to raise that to \$58,000. The property tax exemption is based on a combination of income and a percentage for the exemption. If you earn less than \$58,000, you would get a 50% exemption. This also includes those with disabilities. There is also a change for fire and ambulance workers from a 5-year minimum to 2-year minimum of years of service.

Councilman Lachterman asked if this included veterans on a pension and Ms. Penner said that there is no decision on that yet and still needs to be discussed. Ms. Penner said that the Town Attorney has drawn up a law to submit to the state and this needs to be addressed first.

NEW YORK STATE ELECTRIC AND GAS

Dylan Miyoshi, a representative from NYSEG, gave a presentation of Emergency Preparation Overview for County Emergency Operations that addressed power outages and outage responses. His presentation covered how NYSEG responds to emergencies, as well as prioritization of incidents. *(The full presentation may be viewed on the Town's website.)*

Mr. Miyoshi stated that there is a list that NYSEG creates for residents who have a critical need for power to their homes and Councilman Lachterman how can a resident enroll in this program. Mr. Miyoshi said there are medical forms that need to be submitted by a doctor to validate the need. Information is on NYSEG's website.

Councilman Esposito asked about the poles that are down on Route 132 and why they are still not repaired. Mr. Miyoshi said that he would have a crew look at them tomorrow and that it could be that the poles are attached to another utility's poles. A discussion took place regarding double poles and whose responsibility they are.

Supervisor Diana said the wires left on the poles on Route 132 are communication wires and that NYSEG has actually done their work at that location. He said that the crews were excellent during the recent storm. He spoke about meetings he would like to have in the near future with both Con Edison and NYSEG to coordinate efforts.

Supervisor Diana then read questions submitted by resident Miriam Messing regarding downed trees and poles in Yorktown. Mr. Miyoshi explained that NYSEG seeks reliability and that they have been able to do system rebuilds in the Yorktown area but they can only maintain what is in their right of way. He said that wind gusts come through this area due to its geography and make- it susceptible to microbursts.

Councilwoman Haughwout asked if NYSEG would be open to responding to downed poles, and Mr. Miyoshi said they would be happy to take a list during storm time to keep them abreast of restoration that is needed, as well as a follow up post-storm.

A discussion was held regarding having Sustainable Westchester come back to do a presentation regarding their energy-saving plan.

THE GRANGE

John Bell from The Grange announced the following upcoming events:

- March 11 – Home Skilling Intensive workshops and classes.
- March 18, 19, 25, 26 – Celebrating New York State Maple Weekend. A pancake breakfast will be held in association with White Oak Farm (the southernmost maple sugar producer in New York State).

More information may be found at www.yorktowngrange.org.

PUBLIC HEARING FOR PROPOSED AMENDMENT TO CHAPTER 300, SECTION 39 (A) THROUGH (F) “AFFORDABLE HOUSING”

Supervisor Diana convened a public hearing to consider an amendment of Chapter 300-39(A) through (F) of the Code of the Town of Yorktown entitled “Affordable Housing.”

Supervisor Diana introduced Ken Belfer, Chairperson of the Community Housing Board, began a presentation on affordable housing that explained why affordable housing is needed in Yorktown, the housing cost burdens many local families face, and the need to modernize the Affordable Housing Law. This presentation also included segments presented by Community Housing Board members Sarah Wilson and Maura Gregory. *(The full presentation may be viewed on the Town’s website.)*

Mr. Belfer thanked the Town board for considering the affordable housing law changes and for allowing the Community Housing Board to present about affordable housing needs in Yorktown.

Director of Planning John Tegeder said the proposed amendment modernizes the Affordable Housing Law and this brings the law into comportsment with the County’s affordable housing laws.

The following members of the public spoke:

- Jay Kopstein, resident, said he had no objection to changes to Chapter 300-39 but this did not include anything about set-asides. There has been no assessment or census in Yorktown regarding what is set as affordable right now. He said that there could be no talk about set-asides until the Town knows what it has. Mr. Kopstein said there are different numbers considering which department heads you speak to about this. He urged the Board before they consider set-asides to do a comprehensive assessment of what is existing in the Town right now.
- Dan Strauss, resident, agreed with Mr. Kopstein – there is no definitive answer as to how many units exist in Yorktown. He also said stating all of Westchester’s median sales prices and median incomes do not represent Yorktown.

Ken Belfer said the Community Housing Board would be happy to provide information specific to Yorktown.

Councilman Esposito said that he thought Yorktown had a considerable amount of affordable housing compared to other communities but is not sure, considering what Mr. Kopstein and Mr. Strauss said. He said he would like to get a realistic number that everyone could agree on.

Maura Gregory, Community Housing Board, said facts are facts but trying to get everyone to agree is another story.

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.

Councilman Lachterman wanted to make clear that the public hearing is just about the proposed amendment – no more than that.

Councilwoman Haughwout stated that there are no set-asides in this proposed amendment and the presentation gave a “bigger picture” of affordable housing needs.

COMPETITIVE CARTING

Brian Amico from Competitive Carting presented the proposed recycling route changes and presented a new map showing the revised zones. He said previous zones were too densely populated to be effective pick up areas. He said that door hangers would be distributed to each home in order to notify the public. This will affect about 4,000 residents (minus Jefferson Village). He said that the management company for Jefferson Village would be contacted.

Councilman Esposito asked if this just changed the recycling days and Mr. Amico said yes.

Mr. Amico said that packer trucks would also be added to handle the paper/cardboard recycling and this would considerably cut down on time. Mr. Amico said he would like to be active in the new zones (recycling only) on February 27.

Councilman Esposito said this would have to be approved and a resolution passed.

Mr. Amico explained his reasoning behind the changes and the equipment that is required. This would also help with kitchen garbage pickup because they were pushing recycling pickup due to the high density of the current zones.

Supervisor Diana said this gives 14 days to notify the public, post in on various websites, social media, etc. He repeated that the garbage pickup remains on the same schedule. Supervisor Diana requested that pickups not begin before 6:00 a.m. He said the proposed zone changes seem to be more efficient than what was previously done.

Phil Marino, Foreman, said Brian is putting it back to the way he serviced Yorktown years ago and that he agrees with the changes. He said his office works by street names and that is how it is presented to the residents – they can look up their street name and get their trash and recyclable pickup days. Bulk pickup is a different section on the website.

It was determined that a resolution be added to the agenda to approve the new zone changes.

APPROVE RECYCLABLE PICKUP SCHEDULE

RESOLUTION #94

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

BE IT RESOLVED, that the Town Board authorizes Competitive Carting to change its household pickup schedule for recyclable materials as of February 27, 2023, as indicated in the February 14, 2023 presentation by Competitive Carting at the Town Board work session and as will be posted on the Town’s website.

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

POLICE DEPARTMENT AND COURT HOUSE PLAZA

Dan Ciarcia, Town Engineer, gave an update on the renovation project and at the Court House Plaza. He said the restoration provided an opportunity to do upgrades to the location. He presented the plan for the changes at the Courthouse plaza, which include changes to the handicapped parking and the two tiers of stairs – the lower one will be replaced as is with a bluestone tread, the upper tier will be shortened a little bit and placement of a wall planter detail. The same is being done on the other side with a retaining wall added to make up for the grade differential. Mr. Ciarcia mentioned that the pavers that survived over time (clay brick with a glaze) and will be taken out and reset. He spoke of curb replacement and the excavation and drainage work that would be done at the site.

Councilwoman Capoccia asked when this would be done and was told next month (second meeting of March) when the bid specifications and document would be completed.

Councilman Esposito questioned the repurposing of the clay pavers. He said he thinks that new good quality bricks should be used. Mr. Ciarcia said that an alternate bid could be added to the bid specifications to compare the pricing of using the current pavers versus new pavers. He advised against using concrete pavers.

AUTHORIZE THE LIBRARY DIRECTOR TO SIGN AGREEMENTS WITH JOHNSON CONTROLS AND MARSHALL ALARM RESOLUTION #95

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

RESOLVED, that the Town’s Library Director is authorized to sign agreements with Johnson Controls in the amount of \$13,443; Marshall Alarm in the amount of \$7,250 and OLA Consulting Engineers in the amount of \$7,000 for Study Rooms at the Library.

Resolved that the Comptroller is authorized to process the following budget transfer:

From		
A.1002	General Fund – Fund Balance	\$27,693
	(to be offset by ARPA revenue)	
To		
L7410.416	Library – Building Maintenance	\$27,693

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

AUTHORIZE THE LIBRARY DIRECTOR TO SIGN AN AGREEMENT WITH D.P. WOLFF INC. FOR AIR CONDITIONING UNITS RESOLUTION #96

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

BE IT RESOLVED, that the Town's Library Director is authorized to sign an agreement with D.P. Wolff Inc. for the service and comprehensive preventative maintenance of the John C. Hart Memorial Library air conditioning units, air handlers and air fans for a two-year period from February 1, 2023 to January 31, 2025 for the sum of \$11,145.54. This amount shall be paid in two yearly payments at the sum of \$5,572.77 per payment.

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

AUTHORIZE THE SUPERVISOR, TOWN ATTORNEY AND COMPTROLLER TO EXECUTE DOCUMENTS NECESSARY TO PROCURE A NY STATE GRANT FOR THE PURCHASE OF A SENSORY GARDEN RESOLUTION #97

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

RESOLVED, the Supervisor, Town Attorney, and Comptroller are authorized to execute all documents necessary to procure a \$50,000 N.Y. State and Municipal Facilities Program grant for the purchase and installation of a sensory garden.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AMENDMENT EXTENDING THE CONTRACT WITH THOMPSON AND BENDER
RESOLUTION #98

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

RESOLVED, the Supervisor is authorized to execute an amendment extending the contract with Thompson and Bender for community branding and communications services, not to exceed an additional \$60,000, for a term retroactive to January 1, 2023 through December 31, 2023.

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

OPPOSE MTA TAX FOR LOCAL BUSINESS
RESOLUTION #99

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

WHEREAS, the MTA faces a \$600 million budget gap for 2023 and that deficit is projected to grow to \$3 billion in 2025; and

WHEREAS, local small businesses in the Hudson Valley and many other regions are still recovering from the effects of Covid shutdowns; and

WHEREAS, Governor Kathy Hochul's \$227 billion state budget proposal provides for a roughly fifty percent increased payroll mobility tax (0.34% to 0.5%) on businesses in the New York City and Hudson Valley and extending an increase on the state's corporate franchise tax; and

WHEREAS, the payroll mobility tax is paid by employers in New York City and its surrounding counties where the MTA provides service, including Westchester County and Long Island; and

WHEREAS, these increased taxes will create an enormous financial burden that will create job loss and hurt businesses across the downstate region; and

NOW THEREFORE, BE IT RESOLVED, that the Town of Yorktown opposes Governor Hochul's proposed tax increases on local business.

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

ON-CALL AGREEMENT FOR ENVIRONMENTAL REVIEW – BARTON & LOGUIDICE
RESOLUTION #100

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

WHEREAS, the Planning Board of the Town of Yorktown desires to verify the wetland boundary on the subject site of the proposed Dunkin Route 202 Site Plan application located at 3735 Crompond Road, Cortlandt Manor, also known as Section 35.08, Block 1 Lots 11, 14, 15 & 23 on the Town of Yorktown Tax Map, as outlined in the New Project Task Order Summary for Dunkin Donuts Project prepared by Barton & Loguidice, D.P.C.; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$4,200.00; now therefore

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of verifying the wetland boundary on the site located at 3735

Crompond Road, in an amount not to exceed \$4,200.00, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

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

APPOINTMENT OF ANDREW CERRATO TO ASSISTANT PARK FOREMAN – PARKS & RECREATION DEPARTMENT

RESOLUTION #101

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

BE IT RESOLVED, that Andrew Cerrato, is hereby appointed Assistant Park Foreman job class code 0287-02, in the Parks & Recreation Department, effective February 21th, 2023, to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 4, which is \$78,427.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on February 21, 2023.

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

ADJOURN

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

DIANA L. QUAST, TOWN CLERK
MASTER MUNICIPAL CLERK