

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 28, 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
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Capoccia, the Town Board moved into Executive Session to conduct interviews for the Arts and Culture Committee and to discuss litigation and negotiations. Upon motion made by Councilwoman Capoccia, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilman Esposito 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 first responders.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Diana made the following announcements:

- There is a local family who lost their home in a fire over the weekend and are in need of assistance. He read a letter from the Shrub Oak Athletic Club who is seeking assistance for the family whose children participate in their sports programs. They are collecting food and clothing donations at their offices in Shrub Oak, and a GoFundMe page has been set up specifically for monetary donations.
- He announced the Read Across America program that the John C. Hart Library is sponsoring this Thursday, March 2 at 10:30 am and 4:00 p.m. For more information, please contact the library.
- National Slam the Scam Day is on March 9, 2023 sponsored by the Social Security Administration to alert people to scams that are happening, particularly with senior citizens. Information regarding the types of scams, what to look for, and how to respond may be found on the Social Security Administration website. Social Security will only send communications via regular mail.

NORTHWELL HEALTH MEET AND MOVE PROGRAM

Elena Becker from Northwell Health came before the Town Board to announce a new initiative that they are sponsoring called “Meet and Move” that links residents with events and activities up to 20 miles from their zip code that they can participate in to improve their physical health. She encouraged everyone to download the “Meet and Move” app in order to find out what activities are being offered. Parks & Recreation Superintendent James Martorano said that he supported this program and would be working with Ms. Becker to offer Yorktown’s classes and programs to Yorktown residents.

TOWN KIOSKS – ATOMIC VETERANS MEMORIAL BRIDGE

Susan Siegel, member of the Yorktown Trail Town Committee, came before the Town Board to discuss replacing the contents of the two kiosks at the Atomic Veterans Memorial Bridge. She said that the current signs are completely faded and unreadable. The Trail Town Committee is working to try to replace and redo the signage. She said that in July 2022 she was told by the

Town Board to get more information on what needs to be done (i.e., costs) and that is what they did. She presented photos of the signs in their current state. Ms. Siegel proposed the eastern kiosk present the same information as it does now because they were able to track down the original templates of the maps that the Department of Transportation produced when the signs were first erected. She said they would like the western kiosk used to display photos and the history of the bridge. The Trail Town Committee and Mrs. Siegel have done much research and discovered valuable information on the bridge's history.

Mrs. Siegel said right now the ballpark figure for the cost is estimated to be anywhere between \$10,000 to \$20,000 and the project is eligible for a Greenway Grant that would cover up to 50% of the total cost. She said that the Trail Town Committee has had success with these grants before. She said the main cost comes from the sun-resistant material that needs to be used for the signage. Parks and Recreation Superintendent James Martorano voiced his support of this project.

Councilman Esposito said they would need firm numbers and approval from the Town Board. Mrs. Siegel said the Committee would like some sense of commitment from the Town Board and the Board responded by saying they are interested and encouraged the Committee to obtain firmer estimates.

Mrs. Siegel also announced a charity-sponsored hike on May 3 with Support Connection. All proceeds will go to Support Connection.

FLUORIDE UPDATE

Dan Ciarcia, Town Engineer, came before the Town Board to give an update on the fluoride project. Mr. Ciarcia gave a brief background on the project – a \$900,000 grant was received and they repurposed an existing town structure (an old pump house, which received major modifications). He said there had been a hiccup with the telemetry that has since been corrected and the Department of Health will be returning to do their inspection in order to begin the final startup of the plant. Mr. Ciarcia said they are also working on completing a punch list with the contractor and there would be a final review with the North Westchester Joint Water Works. He said that they would then work out notifications to the public that the plant would be putting fluoride in the water.

Councilman Esposito asked for an estimated start date and Mr. Ciarcia said one to two months.

AUTHORIZE COMPTROLLER TO PAY THE FULL AMOUNT OF 2022 LONGEVITY PAYMENTS TO THE FOLLOWING EMPLOYEES WHO ARE EMPLOYED WITH A REDUCED WORK SCHEDULE RESOLUTION #116

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

RESOLVED, the Comptroller is authorized to pay the full amount of 2022 longevity payments to the following employees who are employed with a reduced work schedule:

Shane Enea	Court
Adele Hobby	Museum
Donna Polito	Finance

A pro-rated longevity payment was processed as per the February 7, 2023 Town Board resolution therefore this payment is for the difference and will be processed as follows:

Shane Enea	Court	\$ 62.50
Adele Hobby	Museum	\$507.50
Donna Polito	Finance	\$507.50

These payments will be deducted from the 2023 budget.

All future longevity payments for employees who are employed with a reduced work schedule will be processed at the full longevity amount detailed in the CSEA contract.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING TRANSFER OF FUNDS IN THE AMOUNT OF \$6,264.71
RESOLUTION #117

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

WHEREAS, a change order in the amount of \$6,264.71 is needed in order to pay for the additional time/materials to move back already installed duct work. This was performed because the original ductwork was interfering with the opening/closing of the garage doors of the Highway Department.

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the Town Comptroller is authorized to transfer \$6,264.71 from the Highway Fund Balance to HR5110.200.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING CHANGE ORDER IN THE AMOUNT OF \$6,264.71 OWED TO S & L PLUMBING AND HEATING CORPORATION FOR ADDITIONAL WORK DONE AT THE HIGHWAY GARAGE
RESOLUTION #118

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

WHEREAS, a change order in the amount of \$6,264.71 is needed in order to pay, S & L Plumbing & Heating Corp., for the additional time/materials to move back already installed duct work. This was performed because the original ductwork was interfering the opening/closing of the garage doors at the Highway Department.

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, a change order in the amount of \$6,264.71 for S & L Plumbing & Heating Corp, is approved.

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

AUTHORIZE COMPTROLLER TO RELEASE THE RETAINAGE OWED TO S & L PLUMBING AND HEATING CORPORATION IN THE AMOUNT OF \$8,531.98
RESOLUTION #119

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

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the Town Comptroller is authorized to release \$8,531.98 of retainage owed to S&L Plumbing and Heating Corporation.

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

APPOINT ZOE KOZMA TO THE CIVIL SERVICE TITLE LIBRARY CLERK
RESOLUTION #120

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

BE IT RESOLVED, that Zoe Kozma of Yorktown Heights, NY, is hereby appointed to the civil service title, Library Clerk, job class code 0233-01, from Eligible List No. 02-100, at the John C. Hart Memorial Library, to be paid from Yorktown CSEA Salary Schedule A-1, Group 4, Step 1 which is \$47,969.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement, and

BE IT RESOLVED, contingent upon successful completion of a drug test,

BE IT RESOLVED, that Zoe Kozma will report to work at the John C. Hart Memorial Library on March 13, 2023 and this date will be used as the first date of appointment; and

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on March 13, 2023.

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

AUTHORIZE SUPERINTENDENT OF PARKS AND RECREATION TO SIGN AN AGREEMENT WITH SKYHAWKS SPORTS ACADEMY FOR YOUTH SPORTS PROGRAMMING
RESOLUTION #121

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

Resolved, that the Superintendent of Parks and Recreation is authorized to sign an agreement with Skyhawks Sports Academy for youth sports programming.

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

AUTHORIZE TOWN SUPERVISOR TO SIGN THE DEC HAZARDOUS SUBSTANCE BULK STORAGE APPLICATIONS FOR THE CHLORINE TANKS LOCATED AT THE JUNIOR LAKE POOL COMPLEX AND AT THE BRIAN J. SLAVIN AQUATIC FACILITY
RESOLUTION #122

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, RESOLVED, the Town Supervisor is authorized to sign the DEC Hazardous Substance Bulk Storage Applications for the Chlorine Tanks located at Junior Lake (Application fee of \$125.00) & Brian J. Slavin Aquatic (Application fee of \$300.00) Facilities.

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

APPOINT KIM A. HUGHES AS SENIOR OFFICE ASSISTANT AT PARKS AND RECREATION
RESOLUTION #123

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

BE IT RESOLVED, that Kim A. Hughes is hereby appointed provisional as a Senior Office Assistant - REC, job class code 0185-01, effective March 27, 2023, in the Parks & Recreation Department, to be paid from Yorktown CSEA Salary Schedule A-1, Group 10, Step 1, which is \$61,708.00 annually.

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

AUTHORIZE HISTORICAL PERSPECTIVES, INC. TO PERFORM A CULTURAL RESOURCE REVIEW FOR THE PROPOSED UNDERHILL FARM PROJECT
RESOLUTION #124

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

WHEREAS, the Planning Board of the Town of Yorktown desires to have a cultural resource review of the proposed Underhill Farm Project located at 370 Underhill Avenue in Yorktown Heights, also known as Section 48.06, Block 1, Lot 30 on the Town of Yorktown Tax Map; and

WHEREAS, Historical Perspectives, Inc., a historic resource 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 February 7, 2023; and

WHEREAS, Historical Perspectives, Inc. has submitted a proposal dated February 27, 2023 to perform a cultural resource review pursuant to said on-call agreement for an amount not to exceed \$2,900.00, with a potential additional public meeting for \$500.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Historical Perspectives, Inc. under the on-call agreement with the Town of Yorktown for the purpose of reviewing the cultural resources for the Underhill Farm project, in an amount not to exceed \$2,900.00 for this review, with an additional public meeting for \$500.00, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

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

RESOLUTION DISAPPROVING GOVERNOR HOCHUL'S NEW YORK HOUSING COMPACT

RESOLUTION #125

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

WHEREAS, Governor Hochul's 2024 Executive Budget included the "New York Housing Compact," which consists of the "New Homes Targets and Fast-Track Approval Act" and the "Transit-Oriented Development Act of 2023"; and

WHEREAS, the Governor claims that the "New Homes Targets and Fast-Track Approval Act" is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

WHEREAS, as proposed the "New Homes Targets and Fast-Track Approval Act" amends the General Municipal Law and overrides and usurps the Town of Yorktown's land use regulations; and

WHEREAS, the "New Homes Targets and Fast-Track Approval Act" requires the Town to meet or exceed a Residential Dwelling Growth Target or enact by local law two of five "preferred actions" in order to be considered in "Safe Harbor" status; and

WHEREAS, all of the Town's services, including police, volunteer emergency services, water, sewer, and the school community would be adversely impacted by this legislation; and

WHEREAS, all five "preferred actions" require extreme and substantial amendments to the Town's local zoning including but not limited to, no restrictions on minimum lot size, height limits, setbacks, parking and no environmental review, planning board review, or aesthetic review; and

WHEREAS, Appeals can be brought to a new State Housing Review Board usurping the Home Rule authority of local land use boards who understand the local community; and

WHEREAS, the "Transit-Oriented Development Act of 2023" would amend the Town Law to adopt land use regulations within three years, for higher density development for areas located within one half mile of a train or bus station; and

WHEREAS, the new amended Town Law would require the new zoning to be exempt from SEQRA review, which would prohibit the study and evaluation of the existing and proposed road network, impact upon volunteer emergency services, impacts on police department staffing, ability of school districts to absorb new students, traffic impacts, sidewalk connectivity, and all standard evaluation criteria in a generic environmental impact statement; and

WHEREAS, the new amended Town law would prohibit Municipalities from adopting reasonable and appropriate development regulations to insure the development is compatible with the surrounding uses, such as lot coverage, open space, building height, setbacks, floor area ratios or parking restrictions; and

WHEREAS, the Town of Yorktown has a long history of and consistently demonstrating a commitment to providing a wide variety of housing choice and maintaining and strengthening hamlet centers as service and higher-density residential areas; and

WHEREAS, the Town of Yorktown's local zoning code provides for multi-family housing, two-family housing, accessory dwelling units, affordable housing units, middle income housing units, age restricted units; and

WHEREAS, the residents of the Town of Yorktown have had a voice and participated in land use decisions for decades, from the updating of the Town's Comprehensive Plan, participating in public hearings and volunteering on Town Boards and Committees; and

WHEREAS, the residents of the Town of Yorktown will be disenfranchised from their local elected officials, local volunteer Boards and render all of the residents input meaningless; and

NOW THEREFORE BE IT RESOLVED, that the Town of Yorktown adamantly opposes the Governor's Housing Compact and urges the State Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers by removing the Housing Compact proposal from the FY 2024 Budget.

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

AGREEMENT WITH ALLIANCE FOR SAFE KIDS FOR COMMUNITY-BASED YOUTH PROGRAMS AND RESOURCES

RESOLUTION #126

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, RESOLVED, that the Supervisor is authorized to enter into an agreement with Alliance for Safe Kids, Inc., for the provision of a community-based youth mental health, substance abuse and prevention, recovery and treatment programs and resources, in an amount not to exceed \$20,000 (which funding shall be in addition to the \$37,750 that Westchester County has earmarked for the effort). The term of the agreement shall be retroactive to January 1, 2023 through December 31, 2023.

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

AWARD MARSHALL ALARM SYSTEMS THE CONTRACT TO PROVIDE ALARM SERVICES OR UPGRADING AND MONITORING THE NETWORK AS PER THEIR SUBMITTED PROPOSAL

RESOLUTION #127

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

WHEREAS, the Town solicited Requests for Proposals for alarm monitoring services, and

WHEREAS, three proposals were received by February 3, 2023 and evaluated by Town Staff based on a variety of criteria including, but not limited to: cost, service rates, and the ability to service all existing alarm installations, and

WHEREAS, it was determined that the proposal submitted by Marshall Alarm Systems, Inc. was the most beneficial to the Town,

THEREFORE, BE IT RESOLVED, that the Town selects Marshall Alarm Systems to provide alarm services for upgrading and monitoring the network as per their submitted proposal. The contract will run for a period of three years with the option to renew for two 1-year periods.

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

SET PUBLIC HEARING DATE FOR SPECIAL USE PERMIT FOR 930 EAST MAIN STREET SUBMITTED BY ISLAND PUMP AND TANK CORP.

RESOLUTION #128

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

RESOLVED, NOTICE IS HERE GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill

Avenue, Yorktown Heights, New York 10598 on Tuesday, March 21, 2023 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the Special Use Permit Application submitted by Island Pump & Tank Corp. to replace fueling canopy fascia on existing frame, installation of signs on canopy, installation of new sign cabinet on existing monument ID sign, and installation of signage on the existing building.

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

AUTHORIZE ADVERTISEMENT FOR SAND FILTER MEDIA BID FOR WATER
POLLUTION CONTROL PLAN
RESOLUTION #129

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

RESOLVED, the Town Clerk is authorized to advertise the Sand Filter Media Bid for the Water Pollution Control Plant.

Diana, Esposito, Haughwout, Lachterman, 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