

Meeting of the Town Board, Town of Yorktown held on Wednesday, August 3, 2022 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P Diana, Councilman (via Zoom)  
Luciana Haughwout, Councilwoman  
Edward Lachterman, Councilman  
Sergio Esposito, Councilman (via Zoom)

Also Present: Diana L. Quast, Town Clerk

### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilwoman Haughwout, 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 all first responders who are serving valiantly in the Town of Yorktown, especially police officers, firefighters, and EMTs. He also asked to give thanks for the service of the U.S. Armed Forces serving overseas and here at home. Supervisor Slater asked to remember Congresswoman Jackie Walorski who was tragically killed in a car crash in Indiana. He also wished a speedy recovery to Jennie Menton-Grasso, resident, who is recuperating from a fall.

### INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast.

### REPORT FROM THE TOWN SUPERVISOR

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

- Congratulations to the Yorktown Police Department for a successful “National Night Out” event at the Veterans Field. He also thanked staff from the Parks & Recreation Department and Building Maintenance Department who remained past the event to do cleanup.
- Reported the John C. Hart Memorial Library is close to becoming a U.S. Passport Processing Center – final inspection by the State Department is schedule for the end of this month.
- The boiler at the Yorktown Police Department was replaced this week and the boiler at the AACCCC is scheduled to be replaced later this month.
- The oil tank outside of Town Hall for the last 8 months has been removed.
- Thanked Stella Landi-Lopez for her twenty years running the Yorktown Summer Camp program.
- Mini-camps are open and information may be found on the Parks & Recreation website.
- Pool information
- NYSEG requested a rate increase through the Public Service Commission – a 13% to 22% increase that would equate to a \$10 to \$18 increase in monthly bills. A request has been made to hold their public hearing in Yorktown so local voices could be heard.
- Tomorrow the Climate Smart Communities Bronze Certification will be announced. Thank you to the CSC Task Force their hard work. Supervisor Slater announced the accomplishments they have made.
- Supervisor Slater announced his Assistant Supervisor, Riley Manning Burns, was with him Friday to unveil the “Be a Superhero, Not a Bully” banners.

### REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

POET LAUREATE

John McMullen, Poet Laureate, read his original poem, “Stones.”

PROCLAMATION - PURPLE HEART TOWN

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

WHEREAS, the Purple Heart Medal is awarded in the name of the President of the United States to members of the armed forces who are wounded or killed in action; and

WHEREAS, the Purple Heart medal was first created by General George Washington and remains in the oldest military decoration in the world in present use; and

WHEREAS, the Purple Heart Medal was discontinued after the Revolutionary War but reinstated by the U.S. War Department on February 22, 1932, the 200<sup>th</sup> anniversary of George Washington’s birthday; and

WHEREAS, nearly two million American soldiers who have been wounded in battle or killed in action have received this prestigious recognition for their bravery and valor; and

WHEREAS, it is fitting and proper to take time to remember these heroes who fought for and protected our freedoms both at home and abroad; and

WHEREAS, on August 6, 2013 the Town of Yorktown declared itself a Purple Heart Town through a resolution as recommended by the Military Order of the Purple Heart Chapter 21; and

WHEREAS, the freedoms we cherish come at a price paid by the brave soldiers who stand watch every single day; now, therefore, be it

RESOLVED, that the Town of Yorktown recognizes August 7, 2022 as National Purple Heart Day; and be it further

RESOLVED, that the Town of Yorktown recognizes our residents who are recipients of the prestigious Purple Heart award and thank them for their services; and be it further

RESOLVED, that the Town of Yorktown recommits itself as a Purple Heart Town.

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

*(Councilman Diana lost internet connection and Supervisor Slater stated that Councilman Diana supports this proclamation.)*

Supervisor Slater thanked all Purple Heart recipients for their service and their sacrifice. Councilman Lachterman said to keep all servicemen and servicewoman in their prayers.

GARDEN OF HOPE

Heidi Bornemann said that she wanted to do something about the lack of volunteers that they are getting and decided to reintroduce the Garden of Hope located on the northern end of Willow Park at the corner of Curry Street and Tulip Drive. (Ms. Bornemann provided a video slide presentation.) She said that years ago it used to be swampland and is now being taken care of by Parks & Recreation. Ms. Bornemann said the garden began in June of 2021 and is now a thriving vegetable garden. Everything harvested is donated to local food pantries. She explained the work that is undertaken to keep the garden thriving. She said that volunteers are needed on Thursdays from 6:00 a.m. until sunset and on Saturdays from 9:00 a.m. to 1:00 p.m. She said that due to the lack of volunteers there are many plants that are not being taken care of and they are losing food. She spoke about how volunteerism at the garden brings people closer to nature and serves a worthy cause by feeding the hungry. A video was shown by a master gardener who works at the Garden of Hope.

Supervisor Slater said that it is all of our responsibility to respond to the call to volunteerism. He said that the demand and the need is present in our community.

## COURTESY OF THE FLOOR

The following members of the public spoke:

- Jay Kopstein, resident, shared observations he has made regarding Town Board meetings. He said that Town Board members usually ask questions of applicants at meetings and accept the responses from the applicant or the applicant's representative as complete answers. He said that it should be noted that the applicant's response, while truthful, may not be complete. Mr. Kopstein said the Board should never express approval of a specific project before a public hearing is held. He said that it does not look good for a board member to enthusiastically give approval before a public hearing. Mr. Kopstein said there is one Board Member who constantly interrupts other members while they are speaking – it is unprofessional and rude. He cited the concept of the boutique hotel in Town as an approval.
- Susan Siegel, resident, asked for an update on the status of the fluoride project. She asked for an update on the ARPA money. Ms. Siegel asked about the re-advertisement of the garbage bid – this is the third time – and would like to know if there is a problem. She also asked why she has had to wait two months for a copy of the report done by the attorney regarding the Ethics Committee. She said that she had put in a FOIL request for a copy of the report and the invoice; she received the invoice but not the report.
- Heidi Bournemann, resident, reminded everyone not to feed the wildlife in the parks. She said that it makes wildlife more aggressive.
- Anthony Pichette, resident, spoke about walkability and any pushback from residents regarding this issue.

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

Councilman Lachterman spoke about walkability and how there are some areas that lend itself to walkability and others that are not. He said that the downtown area is definitely walkable and said that future plans for the area would increase that. Councilwoman Haughwout also addressed this question saying that a walkable area is a wonderful thing but that the Town can flourish in some of the more commercial areas that are traveled to by car. Councilman Esposito also commented on this issue, as well as Councilman Diana.

Councilman Diana addressed Mr. Kopstein's comments by saying "point taken." Supervisor Slater said he appreciated Mr. Kopstein's comments.

Supervisor Slater addressed Ms. Siegel's comment about the fluoride project by saying that it's status is the same as when she last asked a couple of weeks ago. He said there is a constant battle between the contractor and sub-contractor over materials that has now become a legal matter. Supervisor Slater said the garbage contract is being rebid because the one that was opened to quite a hike in price so the Town tweaked the bid to see if there would be any cost savings. Supervisor Slater said that although they had a very sound plan to move forward with the ARPA money but now because of the garbage contract, they are re-exploring their options, including to possibly in-house garbage removal in order to save taxpayer dollars.

Supervisor Slater asked the Town Clerk if she wanted to speak to Ms. Siegel's FOIL request. Town Clerk Quast said that if she was to speak about the FOIL request, she would prefer to do that in closed session with the Town Board first because she would have to talk about particular people and then a decision could be made.

## ADOPT LOCAL LAW #7 OF 2022 BY ADDING A CHAPTER 95 ENTITLED VIDEOCONFERENCING AND POLICY RESOLUTION #353

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

WHEREAS, a public hearing was held on July 26, 2022, pursuant to notice duly published as required by law to amend the Code of the Town of Yorktown by adding a Chapter 95 entitled Videoconferencing to allow members of all public bodies of the Town of Yorktown to participate in meetings via videoconference.

RESOLVED, that Local Law #7 of 2022, be and is hereby adopted.

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

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 300 “ZONING,” ARTICLE VII,  
ENTITLED “PERMITTED SPECIAL USES” BY ADDING A NEW SECTION 300-83  
ENTITLED “BOUTIQUE HOTEL”

Supervisor Slater convened a public hearing to consider amending Chapter 300 of the Town Code, “ZONING,” Article VII entitled “Permitted Special Uses” by adding a new Section 300-83 entitled “Boutique Hotel.

Town Clerk Diana Quast presented the Affidavit of Publication for the public hearing.

Supervisor Slater said this hearing is to consider establishing a special use permit process under the Overlay District Legislation for a boutique hotel. He reviewed the comments received from the referral of the proposed amendments (ABACA, Conservation Board, Zoning Board, Planning Board, Westchester County Planning, and DEP). There were no negative comments, only suggestions from some of the boards/committees. He said that this hearing is to consider the adoption of a special use permit process that the applicant may apply for through the Planning Board in order to move forward.

Michael Grace, attorney for the applicant, spoke about the benefits of having the boutique hotel in the downtown area. It would provide a gathering place for residents and visitors.

Supervisor Slater re-emphasized that this is not an approval for the actual project; there is a whole other process coming down the road should the applicant continue to pursue this particular project. This is simply for the special use permit process – the bones of which were included in the Overlay District, which were not the specifics of the project.

The following members of the public spoke:

- Jay Kopstein, resident, said he liked the concept of the hotel and need it. He asked if the word “boutique” needed to be defined in the law.
- John McMullen, resident, said that the definition of “boutique” had already been defined.
- Susan Siegel, resident, commented on the legislation for the special use permit. She said that the proposed amendment only applies to boutique hotels and they can only exist in the Yorktown Heights Overlay District. She said that there is going to be a second potential boutique hotel that is going to be proposed by Underhill Farms – a restaurant and 8 rooms – and are calling it a “regional inn.” She said when the Town Board is thinking about passing this legislation to remember that it may be for more than one “boutique” hotel. She said that there is a definition of “boutique” but feels that there are problems with that definition in terms of the number of rooms allowed because the numbers can run from 16 to 100 rooms. She questioned what “luxury” and “enhanced services” mean in the law. Ms. Siegel said parking at the proposed Gardena Hotel is an issue. Ms. Siegel said there are many more questions that need to be considered before the Town Board makes a decision.
- Howard Frank, resident, spoke about the amenities at a boutique hotel and how they could be fit into the space. He spoke of other types of hotels that could exist in Town.

Mr. Grace responded to some of the comments by saying he felt this was being overthought (i.e., defining “luxury”). He addressed the parking issue and said that increasing parking spaces and their sizes creates a sea of asphalt. Mr. Grace offered a pamphlet for viewing to Mr. Frank so he could see what the boutique hotel would look like.

Mr. Riina, Project Engineer from Site Design Consultants, said the number of 25 was chosen because when you review ordinances across the country, that number keeps popping up as a common number of rooms for boutique hotels. He said that you could see the number range from 25 to 150 for boutique hotels. He said this amendment should be seen as a template for this hamlet and other hamlets. He said it was written with an eye on this project but not done for this project.

- Ms. Siegel said there are parts of the zoning code that are 60 or 70 years old but the overlay law is one year old and there is a section in there that was wrong when it was passed and is still wrong and has to be changed to deal with the boutique hotel (Section 352). She then explained the error. She said that the law could always be tweaked in the future for

projects that require more rooms, swimming pools, etc. Ms. Siegel rebutted Mr. Grace's comments about parking.

- Mr. Kopstein said this is a hotel and a 24-7 operation and is in a commercial area. No one should really care about some of the issues raised.

Mr. Riina addressed the square footage for parking issue. He said that not as many spaces are going to be required as what has been argued. He said the rooftop bar/lounge would not be accommodating many customers – it has many open spaces and not many tables.

The Town Board discussed the issues and Supervisor Slater said he would like to discuss this further with the Town Attorney and Director of Planning.

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

**AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE WATER DEPARTMENT**

**RESOLUTION #354**

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

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

From: SW.1002	Water – Fund Balance	\$682,282.00
To: SW8340.483.1	Water – Cement Lining	\$682,282.00

for payment of contract awarded on July 26, 2022 to Michels Pipe Services for the cleaning and cement relining of water mains located on Hanover Street and Strawberry Road.

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

**AUTHORIZE COMPTROLLER TO ESTABLISH CAPITAL PROJECT HM FOR THE WATER METER REPLACEMENT PROJECT**

**RESOLUTION #355**

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

Be It Resolved, that the Comptroller is authorized to establish capital project HM for the water meter replacement project.

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

Councilman Diana spoke about the Military Appreciation Concert sponsored by the Lions Club, relative to the following resolution.

**AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR FIREWORKS TO BE DISPLAYED AT THE MILITARY APPRECIATION CONCERT**

**RESOLUTION #356**

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

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

From: A1990.499	General Fund – Contingency	\$6,500.00
To: A.1010.479	Town Board – Special Projects	\$6,500.00

for payment to Garden State Fireworks for a display to be presented at the Military Appreciation concert on August 28, 2022.

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

BUDGET TRANSFER FOR THE PURCHASE OF A POLICE VEHICLE AND ASSOCIATED EQUIPMENT  
RESOLUTION #357

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

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

From: A1002	General Fund – Fund Balance	\$50,000.00
To: A.3120.210	Police Vehicles	\$35,000.00
A3120.210.1	Police Vehicle Equipment	\$15,000.00

for the purchase of a Police vehicle and associated equipment. This payment will be reimbursed by the Yorktown Central School District for the elementary level School Resource Officer program.

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

BUDGET TRANSFER FOR PURCHASE OF MATERIAL FOR PATHWAY TO PATRIOT PARK  
RESOLUTION #358

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

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

From: A.1990.499.1	General Fund – Contingency Capital	\$7,500.00
To: A1010.479	Town Board Special Projects	\$7,500.00

for the purchase of material to pave the newly created pathway to Patriot Park.

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

AWARD BID FOR STREET AND TRAFFIC SIGNS FOR THE HIGHWAY DEPARTMENT  
RESOLUTION #359

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

WHEREAS, invitation to bid for the Street & Traffic Signs Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 22, 2022, with the bid amounts for the above-referenced project summarized, and

WHEREAS, the Town may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law §103 by either lowest responsible bidder or best value, and

WHEREAS, the Superintendent of Highways has determined that the most cost efficient bidder is Glenco Supply, Inc., due to its proximity to the Town for response time which is significant as well as the lead time for ordering Street & Traffic Signs, now

THEREFORE, BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street & Traffic Signs be and is hereby awarded to Glenco Supply Inc., 15 Secor Road, Mahopac, New York 10541, under the Best Value option.

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

ESTABLISHMENT OF A PETTY CASH ACCOUNT FOR THE J.C. HART MEMORIAL LIBRARY  
RESOLUTION #360

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

RESOLVED, that a Petty Cash Account in the amount of \$1,000 is to be established for the John C. Hart Memorial Library.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A BID FOR PLOWS AND SPREADERS FOR THE HIGHWAY DEPARTMENT  
RESOLUTION # 361

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

Resolved, that the Town Clerk is authorized to advertise a bid for plows and spreaders for three (3) 2021 Ford F-550 trucks for the Highway Department.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR ASBESTOS REMEDIATION AT 3302 OLD CROMPOND ROAD, YORKTOWN HEIGHTS, N.Y.  
RESOLUTION #362

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

RESOLVED, the Town Clerk is authorized to advertise a bid for asbestos remediation at 3302 Old Crompond Road, Yorktown, New York.

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

AUTHORIZE TOWN CLERK TO ADVERTISE FOR RESIDENTIAL AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL  
RESOLUTION #363

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

RESOLVED, the Town Clerk is authorized to advertise a bid for residential garbage and recyclable material collection and disposal.

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

MONTHLY REPORTS

The Town Board accepted the Monthly Reports from the following departments:

Finance Department for July 2022  
Receiver of Taxes Department for July 2022  
Town Clerk for July 2022

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss negotiations and will adjourn the meeting thereafter.

ADJOURN

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

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