

Meeting of the Town Board, Town of Yorktown held on Wednesday, September 21, 2022 held in Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Dave Paganelli, Superintendent of Highways
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 litigation and negotiations. Upon motion made by Councilman Esposito, seconded by Councilwoman Haughwout, 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 keep in our thoughts and prayers the Town of Yorktown workforce, especially for the men and woman who work on our roads and pray for their safety. Supervisor Slater announced a special moment of silence for Jake Arcara.

Highway Superintendent Dave Paganelli said they had suffered a terrible loss on September 14, 2022 when one of their own at Highway was run down when a resident decided they could not wait any longer and went around the flagman, thought he had his foot on the brake and, unfortunately, did not and struck down a 28-year-old man, Jake Arcara.

Superintendent Paganelli said that Jake is survived by his mother Kelly, who he loved. He said that this was a 28-year-old that went on vacation with his mom; who, every time he rode by her dentist office, would honk the horn twice. He said that Jake is also survived by his father, Jack, his sister and brother-in-law, Amanda and George, and a niece (Marina) and nephew (Vinnie) who adored him; Grandmother Joan, who every Sunday, he would pick up, take shopping, then out to brunch. He also leaves behind his fiancée, Katie, who was the love of his life, and his Siberian Husky, Gunner.

Superintendent Paganelli said his workers are not out there trying to inconvenience residents; they are trying to stay safe and do a job. His workers are hardworking people who will go out in the middle of a snowstorm when everybody else is hunkered down and having a glass of Chardonnay, who will go out in a summer hurricane when trees are falling all around to make sure our roads are open for emergency service vehicles. He said that they consider themselves the first line of defense with respect to weather related events. Superintendent Paganelli asked everyone to just slow down a bit and try to keep Jake's family in their prayers.

Supervisor Slater asked everyone to bow their heads in a moment of silence for Jake Arcara and our family over at our Highway Department during this difficult time.

INTRODUCTIONS

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

Supervisor Slater asked Superintendent Paganelli if there was anything more he wanted to say and Superintendent Paganelli said they were very fortunate that they had over 80 trucks, in addition to town trucks, from every municipality in Westchester County and Centerville Co-Op to give Jake a sendoff. He said that the overall sentiment was that it could have been any of their people. He said

that everyone recognizes emergency responders, etc., and that Town workers fall through the cracks and that people do not realize they are out there. Superintendent Paganelli asked that while people are in a hurry and rushing here and there to please show the workers a little respect. He said that moving forward when they do any roadwork, they will be shutting down those roads and people should be prepared for delays. He said he is not doing this to aggravate residents, but to ensure that something like this never, ever happens again.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater said that it has been a very difficult week for our workforce, for this Town Board, and for everyone who is part of our family. He said that Jake was fantastic and that our highway department is really hurting. They have lost one of their own. Supervisor Slater said that it is just not the Highway Department but our entire labor force. He said that, especially during the winter months, they all come together as one to plow and salt our roads. He said that no matter what kind of inclement weather conditions there are, these are the men and woman who work together up to almost 50 hours straight to put our community back together. He said that this is a very difficult time for our workforce and our department heads. Supervisor Slater thanked those who reach out to his office to offer condolences. He said that this is one of the great things about Yorktown and what makes us a community – we are always there for each other to pick each other up when we do not think we can go on. He said that many of you have helped us get through this tragedy.

Supervisor Slater repeated the Superintendent's announcement that changes are going to be made; the most significant being the road closures when there is roadwork. He said that the only thing that they can think of now that would have prevented this tragedy was a road closure or a Jersey barrier. He said that the Town is going to make every effort and take the right steps to protect our workforce.

Supervisor Slater said that he knows that not everyone in the community understood what went on last Wednesday but hoped that you take some time to learn about Jake and the great person he was. Supervisor Slater said this tragedy reminded him that you cannot take this life for granted; you cannot take tomorrow for granted. Supervisor Slater mentioned the similarity between Jake's relationship with his grandmother and his own relationship with his grandmother. He spoke of not taking for granted that you think you will always see that person. He said that he hoped we all could reflect on that and on Jake's life. He said Jake had an incredible fiancée and they were planning their wedding.

Supervisor Slater offered his sincere condolences and sympathy to Jake's entire family and friends. He also asked for patience and understanding if you see our Town employees out on the road – he suggested stopping and thanking them for the work they do.

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

- Thank you to Town Comptroller Pat Caporale and Deputy Comptroller Genelle MacNeil for their work on the New York Forward grant application that would reimagine the downtown Heights area. There has been great input from members of the community. Any ideas may be submitted to the Finance department.
- Fluoride Plant Update – Department of Health inspection is scheduled for October 13. Following that will be a test run.
- Information on STAR rebate checks.
- Information on the Putnam Northern Westchester Women's Resource Center. The phone numbers are 845-628-9284; the crisis hotline number is 845-628-2166.

REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements. Each Town Board Member spoke of Jake Arcara's death and what we can take away from this tragedy.

Supervisor Slater read the following Proclamation:

RECOGNITION OF NATIONAL HISPANIC HERITAGE MONTH

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

WHEREAS, the observance of National Hispanic Heritage Month celebrates the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

WHEREAS, the observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15; and

WHEREAS, the day of September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown recognizes and celebrates National Hispanic Heritage Month.

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

POET LAUREATE

John McMullen, Poet Laureate, read his original poem, "Departure."

APPOINT PAULA ALICEA TO THE POSITION OF ASSESSMENT CLERK IN THE ASSESSOR'S OFFICE RESOLUTION #431

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

BE IT RESOLVED, that Paula Alicea, is hereby appointed permanent to the civil service title, Assessment Clerk job class code 0089-01, from Eligible List No. 66-909, within the Assessor Department, effective September 26, 2022 to be paid from Yorktown CSEA Salary Schedule A-1, Group 10, Step 5 which is \$73,271.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on September 26, 2022.

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

COURTESY OF THE FLOOR

The following members of the public spoke:

- Susan Siegel, resident, raised several questions about the garbage bid specifications; specifically about multi-family complexes. She asked if the Town Board chooses an option that excludes multi-family complexes, what that would mean for them. She asked if they would have to contract on their own and how quickly, given the bid date. She said that many of the options would be for the One Armed Bandit, which makes sense because it reduced the labor costs. Ms. Siegel asked what would happen if the vendor the Town chooses because of the best price does not have enough of the One Armed Bandit trucks available. She asked the vendor would have to order more.
- John McMullen, resident, spoke about the Valley Market and was concerned about the traffic in that area for the upcoming event. He spoke about the vacant land near there possibly being used for parking.
- Dan Strauss, resident, expressed his sympathy to Highway Superintendent Paganelli and the Highway Department for their loss. He said that change in the speeding and driving habits of people would require a change in our culture. Mr. Strauss spoke about thoughtlessness on the roadways – whether it is driving habits or garbage dumping. He also spoke a recent altercation between a bicyclist and a driver and how bicyclists also speed and display reckless behavior.
- Anthony Pichette, resident, spoke about the tragedy of Jake Arcara. He also talked about unsafe driving practices that occur in his own neighborhood. He said there has to be something that can be done.
- A Jefferson Village resident thanked the Town Board for sending a request to the State Legislature to recognize April 26 as Korean War Veterans Appreciation Day. He said that with the help of other politicians and the citizens of our and other communities, the heroes

who fought in the Forgotten War would be forgotten no more.

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

Highway Superintendent Dave Paganelli addressed Mr. Strauss' comments about the bicycle incident and expressed his frustration in trying to get fencing/barriers put in place through Westchester County.

Members of the Town Board addressed comments made during Courtesy of the Floor. Supervisor Slater addressed Ms. Siegel's questions regarding the garbage bid. He said that the Town has been paying for the bins for multi-family complexes and, considering the fact that multi-family complexes pay a fraction of what single-family residences pay, they are trying to level the playing field so that both types of residences get the same services for their tax dollars. He said that the cost to the Town and to taxpayers for the bins for multi-family complexes is upwards of \$500,000 a year. Supervisor Slater said one of the options in the new contract is for multi-family complex owners to contract directly with the carting company for those bins so that taxpayers are not paying for those bins.

ADOPT NEGATIVE DECLARATION FOR LOCAL LAW AMENDING CHAPTER 300-52 TO ADD "BOUTIQUE HOTELS" RESOLUTION #432

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

WHEREAS, the Town Board is considering an amendment to Chapter 300, entitled "Zoning" by amending Article VII, Section 300-52 to add "Boutique Hotel" ("Action"); and

WHEREAS, the Town Board, being the sole approval authority, is lead agency by operation of law; and

WHEREAS, on June 10, 2022, Town Clerk duly transmitted the proposed local law and Full EAF dated June 9, 2022 to all Interested Agencies; and

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action.
2. That the Town of Yorktown shall adopt in its determination of significance this NEGATIVE DECLARATION, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts.

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

ADOPT LOCAL LAW #8 OF 2022 AMENDING CHAPTER 300, ENTITLED "ZONING" BY AMENDING ARTICLE VII, SECTION 300-52 TO ADD "BOUTIQUE HOTEL" RESOLUTION #433

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

WHEREAS, the Town Board of the Town of Yorktown has undertaken to adopt a new local law relating to amending Chapter 300, entitled "Zoning" by amending Article VII, Section 300-52 to add "Boutique Hotel"; and

WHEREAS, the Town Board, being the sole approval authority, is lead agency by operation of law; and

WHEREAS, the adoption of a new local law relating to amending Chapter 300, entitled "Zoning" by amending Article VII, Section 300-52 to add "Boutique Hotel" is a Type I action under SEQRA; and

WHEREAS, the proposed local law was referred to and reviewed by the Advisory Board on Architecture and Community Appearance, Building Inspector, Conservation Board, Engineering Department, Yorktown Heights Fire Company Engine #1, Highway Department, Planning Department, Police Department, Public Safety Committee, Yorktown Central School District, Tree Conservation Advisory Commission, Water Department and Zoning Board of Appeals of the Town of Yorktown; and by the Westchester County Planning Board/Department, Westchester County Department of Health, Westchester County Environmental Facilities, Westchester County Soil and Water; and by the New York State Department of Conservation, Albany & Region III, New York State Department of Transportation, New York State Army Corps of Engineers; and the New York City Department of Environmental Protection; and the Town of Cortlandt, Town of Ossining, Town of Putnam Valley; Town of Somers; and

WHEREAS, modifications to the proposed local law have been made to incorporate the comments and recommendations of the reviewing boards and departments; and

WHEREAS, the Town Board convened a Public Hearing with respect to the proposed local law on August 3, 2022, which was adjourned and reconvened and closed on September 6, 2022; and

WHEREAS, it appears to the satisfaction of the Town Board that adoption of this proposed local law will have no significant adverse impacts; and

NOW, THEREFORE BE IT HEREBY RESOLVED, that the proposed local law shall be adopted by roll call vote of the Town Board of the Town of Yorktown.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Matthew J. Slater	Voting	Aye
Thomas P. Diana	Voting	Aye
Edward A. Lachterman	Voting	Aye
Sergio Esposito	Voting	Aye
Luciana Haughwout	Voting	Aye

Local Law #8/2022 was thereupon declared adopted.

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH REICH REICH & REICH PC ATTORNEYS AT LAW TO REPRESENT THE TOWN IN AN ADVERSARY PROCEEDING RESOLUTION #434

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

RESOLVED, that the Supervisor is authorized to sign a contract with Reich Reich & Reich PC Attorneys at Law to represent the Town in an adversary proceeding.

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

APPROVE BUDGET TRANSFER FOR MAINTENANCE AND REPAIR OF PUMP STATION RESOLUTION #435

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

RESOLVED, the Town Comptroller is authorized to transfer \$5,000 from the GJ fund balance to maintenance and repair of pump station (GJ.8130.0462).

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

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY TO PROVIDE A POSITIVE YOUTH DEVELOPMENT PROGRAM RESOLUTION #436

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

RESOLVED, that the Supervisor is authorized to sign an intermunicipal agreement with Westchester County to provide a Positive Youth Development Program with the Yorktown Police Department.

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

SITE PLAN APPROVAL FOR VOLTA CHARGING , LLC FOR ELECTRIC VEHICLE
CHARGING STATIONS LOCATED AT THE JEFFERSON VALLEY MALL
RESOLUTION #437

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

WHEREAS the Applicant, Volta Charging, LLC, has submitted site plans for the addition of electric vehicle charging stations that will be installed adjacent to 4 existing parking spaces as shown on the site plan titled, “Volta Jefferson Valley Mall,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., and last revised on September 15, 2022; and

WHEREAS the property, owned by Mall Ground Portfolio, LLC, is located at 650 Lee Blvd, Yorktown Heights, also known as Section 16.12, Block 1, Lot 24 on the Town of Yorktown Tax Map (hereinafter referred to as “the Property”), and the applicant has represented to this Board that they have permission from the owner of the land within said site plan; and

WHEREAS pursuant to SEQRA, the action has been identified as a Type II action and requires no further review; and

WHEREAS the applicant has submitted as part of his application the following maps and documents:

Site Plans

1. A drawing, Sheet C0-00, titled “Cover Sheet,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
2. A drawing, Sheet C0-01, titled “General Notes,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
3. A drawing, Sheet C0-02, titled “Volta Station Overview,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
4. A drawing, Sheet C1-00, titled “Overall Site Plan,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
5. A drawing, Sheet C2-00, titled “Enlarged Site Plan,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
6. A drawing, Sheet C2-01, titled “Enlarged Site Plan,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
7. A drawing, Sheet C3-00, titled “Site Details,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
8. A drawing, Sheet C3-01, titled “Site Details,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
9. A drawing, Sheet C3-02, titled “Site Details,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
10. A drawing, Sheet C3-03, titled “Site Details,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
11. A drawing, Sheet E1-00, titled “Electrical One Line Diagram & Panel Schedule,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
12. A drawing, Sheet E1-01, titled “Electrical One Line Diagram & Panel Schedule,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and
13. A drawing, Sheet E2-00, titled “Electrical Notes & Details,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., last revised on September 15, 2022; and

WHEREAS the Volta EV charging stations will be placed at existing parking spaces and other vehicles not using the charging stations will not be prohibited from parking in these parking spaces; and

WHEREAS on August 25, 2022 the Town Clerk referred this application to interested boards and agencies and received and considered the following memoranda:

ABACA	09/13/22
Conservation Board	09/09/22
Planning Board	09/13/22
TCAC	08/26/22

BE IT NOW RESOLVED that the application of Volta Charging, LLC for the approval of a site plan titled, “Volta Jefferson Valley Mall,” prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., and last revised on September 15, 2022, be approved, and that the Town Supervisor be and hereby is authorized to endorse this Board's approval of said plan; and

RESOLVED the Volta EV charging stations will be placed at existing parking spaces and other vehicles not using the charging stations will not be prohibited from parking in these parking spaces; and

BE IT FURTHER RESOLVED that unless a building permit has been issued within one year of the date of this resolution or a time extension has been granted, this approval will be null and void.

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

Upon Councilman Lachterman’s request, Mr. Mecca came before the Board to explain the genesis and background to the following request to the State Legislature. The date of the recognition day was discussed in relation to the state legislature calendar. Supervisor Slater said the point of the following resolution is to request state legislation, as was done previously with Senator Murphy that established Vietnam Veterans Day, and from that the Vietnam Veterans Day event was created in the capitol. This resolution would start that conversation for Korean War veterans. Supervisor Slater said the issue is that there was a protocol snafu that happened regarding our own Veterans Advisory Committee. Committee member Mike Sheridan asked if they should go to any state legislators for move this forward. Supervisor Slater said yes, that would be a good place to start.

REQUEST STATE LEGISLATURE TO RECOGNIZE APRIL 26TH AS KOREAN WAR VETERANS APPRECIATION DAY
RESOLUTION #438

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

WHEREAS, the Yorktown Town Board advocates for a Korean War Veterans Appreciation Day; and

WHEREAS, the Town Board of the Town of Yorktown recognizes the exemplary service of the members of our community who served during the Korean War; and

WHEREAS, the Town Board of the Town of Yorktown cherishes and honors the service of the brave men and women who defend our freedoms and wish to bestow proper recognition to those who served during the conflict in Korea; now

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown requests our State Legislators introduce the necessary legislation recognizing April 26 as Korean War Veterans Appreciation Day at the request of the Yorktown Town Board.

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

REQUEST TO ADVERTISE BID FOR THE PURCHASE OF AUTOMOTIVE AND SMALL ENGINE PARTS AND EQUIPMENT/TOOLS FOR THE WATER DEPARTMENT
RESOLUTION #439

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Thursday, October 13, 2022 for the purchase of Automotive and Small Engine Parts and Equipment/Tools for the Water Department.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH CORRTECH, INC. TO CONDUCT INSPECTION SERVICES TO THE QUINLAN WATER STORAGE TANKS
RESOLUTION #440

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

WHEREAS, it is the intention of the Distribution Superintendent to have the Quinlan water storage tanks #1 and #2 inspected and repair a minor leak in tank #2; and

WHEREAS, a proposal was received from CorrTech Inc. to conduct remote operated vehicle (ROV) inspection service of the two tanks, repair the leak in tank #2 and provide a condition assessment report for each for a total project cost of \$7,650; and

WHEREAS, the Water District has monies in line SW.8320.0416 to cover such inspections; and

THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an agreement with CorrTech Inc. to conduct inspection service of the Quinlan water storage tanks for a cost of \$7,650.

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

APPOINT DIEGO JARAMILLO AS A COMMISSIONER ON THE PARKS AND RECREATION COMMISSION FOR A TERM TO EXPIRE ON DECEMBER 31, 2026
RESOLUTION #441

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

RESOLVED, that Diego Jaramillo is hereby appointed to serve as a Commissioner on the Parks and Recreation Commission for a term to expire on December 31, 2026.

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

ADJOURN

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

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