Meeting of the Town Board, Town of Yorktown held on Tuesday, March 7, 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 Councilwoman Haughwout, seconded by Councilman Esposito, the Town Board moved into Executive Session to conduct committee interviews, discuss individual personnel matters, and litigation and negotiations with the Town Attorney. 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

Councilman Lachterman led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember first responders, our military troops both here and overseas who defend our freedoms.

INTRODUCTIONS

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

REPORT FROM THE TOWN SUPERVISOR

Supervisor Diana reported on recent Town events.

- A \$2,000 check was given St. Mary's Pantry by former Senator Murphy representing the proceeds from the Thanksgiving Turkey Trot that he sponsors.
- Mohegan Fire Department and VAC held their 101st award dinner where many were celebrated for their service. He congratulated all those who have spent many years servicing the Town of Yorktown.

REPORTS FROM TOWN COUNCIL

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

Councilman Esposito said he continues to speak out against Governor Hochul's control (New York Housing Compact – see Resolution #125 dated February 28, 2023) and although the governor's position has broad powers, usurping local government control and processes is not one of them. He said there is an incredible amount of bipartisan support against the Compact.

Supervisor Diana said this topic was discussed at a round table discussion held earlier today and more bipartisan support is coming out against it. He said that the Compact is going to adversely affect our local way of living throughout communities in the state. He said that people are not thinking about the impact this would have on infrastructure (sewer, water) and police, fire, and ambulance services.

Councilwoman Lachterman announced many upcoming events, including the Holocaust Remembrance Day on Thursday, April 20 to be held in the Town Board Room at Town Hall. The keynote speaker is Rabbinic Pastor Dr. Aliza Erber who is a Holocaust survivor. The event will be posted online. Supervisor Diana thanked Councilman Lachterman for putting this event together every year. He said there is nothing that can compare to listening to survivors speak of their experience.

Councilwoman Haughwout spoke about the Act of Kindness Day being held on March 16th. Items are being collected by United for the Troops and Hope's Door at police headquarters. Councilwoman Haughwout said that Hope's Door assists those escaping domestic abuse and she listed items they are seeking and spoke of the importance of the items requested.

Councilwoman Capoccia reminded everyone about daylight saving time this weekend and to check out the community calendar for all of the events mentioned this evening.

Councilwoman Capoccia read the following:

PROCLAMATION – WOMEN'S HISTORY MONTH

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

Whereas, the Month of March is observed nationally as Women's History Month to promote equality and celebrate women's roles in history and society, and

Whereas, Women's History Month honors and celebrates the achievements of American women throughout the history of the United States who have struggled for the past 200 years to gain rights, not simply for themselves, but for many other under-represented groups in America, and Whereas, this year's theme for Women's History Month is "Celebrating Women Who Tell Our Stories," that encourages the recognition of women, past and present, who have been active in all forms of media and storytelling, and honoring women in every community who have devoted their lives and talents to producing art, pursuing truth, from the earliest storytellers through pioneering journalists, whose experiences have been captured by a wide variety of artists and teachers. These include authors, songwriters, scholars, playwrights, performers, and grandmothers throughout time. Women have long been instrumental in passing on their heritage in word and in print to communicate the lessons of those who came before them, now

Therefore Be It Resolved, that the Town Board of the Town of Yorktown proclaims March as Women's History Month in the Town of Yorktown.

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

Deputy Town Clerk Maura Weissleder read the following proclamation:

PROCLAMATION – IRISH AMERICAN HERITAGE MONTH

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

Whereas, the Town of Yorktown celebrates March as Irish American Heritage Month; and

Whereas, millions of Irish passed through Ellis Island, entering New York City in the 19th Century fleeing hunger and injustice within their country; and

Whereas, one of the first immigrants to pass through Ellis Island was Annie Moore, a 17 year-old from County Cork, Ireland; and

Whereas, since 1762, Irish New Yorkers have celebrated and cherished the feast of Saint Patrick every March 17th which stands as a day to celebrate the Irish heritage and share traditions with younger generations; and

Whereas, Irish Americans have defended our nation, most notably through the Fighting 69th of New York whose members fought in the American Civil War and World War I; and

Whereas, Irish immigrants and Irish Americans have contributed greatly to American society, the State of New York, and the Town of Yorktown; and

Whereas, Irish Americans are deeply committed to family and community and exhibit an incredible work ethic as shown through the many contributions to our Town and society;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Yorktown proclaims March as Irish American Heritage Month in the Town of Yorktown.

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

PRESENTATION – SUPER BOWN OF CEREAL

Sarah Wilson and Heidi Bornemann presented a slide presentation about the Super Cereal Bowl of Caring sponsored by Grace Lutheran Church and the Garden of Hope. Ms. Bornemann thanked Councilman Lachterman, the staff at the J. C. Hart Library, and the Yorktown Lions for their support. The Bowl concluded on Super Bowl Sunday on February 12th and a total of 1,035 boxes were collected for the Community Food Pantry at St. Mary's Church. This is nearly double their original goal.

Ms. Wilson spoke about the Easter Distribution the Community Food Pantry does and the types of meals they try to provide. She spoke of the very real problem of food insecurity in our area. She said that Cindy Smith of the Community Food Pantry said that she serves 200 families every week. The First Presbyterian Church said they also serve 200 families every other week. Cynthia Knox of Fred's Food Pantry in Peekskill said that they are now serving over 2,000 people per week at their location. Ms. Wilson said, although they are encouraged and grateful for the response to the Super Cereal Bowl this year, the fact is the 1,035 boxes are only a drop in the bucket.

The Town Board asked about making donations and Ms. Wilson gave the names of charities accepting monetary donations.

Supervisor Diana spoke of the importance of having programs for children to have breakfast and lunch in schools to help children stay active and focused.

Councilwoman Haughwout spoke about the direct impact of malnutrition on mental illness.

Certificates of appreciation were presented to both for the work they have done.

BOYS STATE CERTIFICATE

Jonathan Almanzar, a Lakeland High School junior, came before the Town Board to obtain a signature supporting his application to attend a weeklong Citizenship and Leadership seminar at SUNY Morrisville sponsored by the American Legion.

PRESENTATION – UNITED FOR THE TROOPS

Jim and Pat Rathschmidt, co-founders of United for the Troops, along with volunteers, came before the Town Board and shared the history of United for the Troops that began with their son's military service and the lack of care packages being sent to soldiers overseas. They have now reached the milestone of 30,000 boxes that have been sent overseas. A slide was displayed listing the items on their wish list that go into the care packages, which they receive through donations. Donations may also be made through their website UnitedfortheTroops.org. They thanked the Yorktown community and surrounding communities for all of their support and promotion.

Mr. Rathschmidt said that every box that is sent contains a small bag of dirt tagged with "Here is a little bit of American soil so you don't feel so far from home." He said that this small gesture has been received gratefully and emotionally by our service men and woman.

The United for the Troops fundraising gala is being held this Friday, March 10 at Villa Barone Hilltop Manor in Carmel and tickets are still available.

Supervisor Diana read a proclamation commending United for the Troops for their work and was presented to Mr. Rathschmidt.

POET LAUREATE

Poet Laureate John McMullen read an original poem "Rants & Reflections."

ACCEPT THE RETIREMENT RECEIVED FROM MAUREEN CONNELLY FROM THE JOHN C. HART MEMORIAL LIBRARY EFFECTIVE APRIL 28, 2023 RESOLUTION #130

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

Resolved, that the Town Board accepts the retirement received from Maureen Connelly from the John C. Hart Memorial Library with thanks for her 21 years of service to the Town effective April 28, 2023.

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

CONVENE PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 260 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "TAXATION"

Supervisor Thomas Diana convened a public hearing amending Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION" by amending Section 260-1(A), 260-1(A)(5), 260-2(A), 260-23(A), 260-25(A), 260-29(A), and 260-34.

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

Sole Assessor Kim Adams Penner spoke about the changes to the law (noting the school districts have not yet adopted this). The proposed amendment affects seniors, veterans, fire and ambulance volunteers (although Mohegan Lake firefighters are not included, as they are paid workers).

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 Councilwoman Capoccia, and carried.

ADOPT LOCAL LAW #2 OF 2023 TO AMEND CHAPTER 260 OF THE TOWN OF YORKTOWN ENTITLED "TAXATION"

RESOLUTION #131

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

WHEREAS, a public hearing was duly held on March 7, 2023, pursuant to notice duly published as required by law to amend Chapter 260 of the Town Code entitled "Taxation," Section 260-1(A), 260-1(A)(5), 260-2(A), 260-23(A), 260-23(B), 260-25(A), 260-29(A), and 260-34.

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 2 of 2023, amended and annexed hereto, be and is hereby adopted.

Diana, Lachterman, Capoccia Voting Aye Haughwout, Esposito Recused

Local Law #2 of 2023 is hereby adopted.

COURTESY OF THE FLOOR

The following members of the public spoke:

- Tom Regan, Vice President of the Yorktown Athletic Club, asked about the status of Legacy Field.
- Kevin Byrnes, thanked the Town Board for the Irish American Heritage Month Proclamation, adding that the 88th and the 63rd Regiments were also Irish regiments of note.
- Dan Strauss, resident, thanked the Highway Superintendent for their work on the roads after the recent storm. He spoke of the Joint Board Meeting being held tomorrow night regarding the Underhill Farm project and how important this meeting is going to be. He also spoke of walkability in town.
- Jay Kopstein, resident, said that at a previous Town Board Courtesy of the Floor when the question of an invoice for subpoenas the said attorney was correct the handwritten note on the invoice should not have been there.
- Anthony Pichette, resident, raised the importance of walkability in town. He quoted from the Comprehensive Plan of 2010. He asked about the objections to Governor Hochul's proposed plan that the Board referred to earlier. He spoke about the dangerous intersection at Quaker Church Road and Route 35.
- Ken Belfer, resident and member of the Mohegan Lake Association, spoke about the long-term effort to turn around the long-distressed lake. They received a \$30,000 DEC grant to

- reduce phosphorous in the lake and there is an upcoming bid funded by a \$100,000 grant for a new aeration system.
- Sarah Wilson, resident, invited residents to the next Yorktown 100 event at the library "Why Electric School Buses" on March 16, from 6:30 to 7:30 p.m.
- John Campobasso, resident, spoke about Yorktown's parks and their deficiencies (many structural). He referred to the sidewalk issue at a Shrub Oak park. Mr. Campobasso mentioned the Parks & Recreation Department program to cycle through repairs that is being done.

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

Town Board members addressed comments made during Courtesy of the Floor:

- Supervisor Diana said Legacy Field would not be opened until he feels it is safe. He said there is a target date of April 1 and he believes they will meet that date. Christian DiPalermo, a contact at the site, said site visits would continue to be done electronically and visually. Mr. Regan said he had a plan with Jim Martorano to reconfigure schedules so they can use Granite Knolls.
- Supervisor Diana said there would be good information that would come from tomorrow night's Joint Board meeting on the Underhill Farm project.
- Supervisor Diana said there is a pilot program in Croton running electric school buses. Right now, the cost to run these buses is double the cost of a gas-fueled bus.
- Supervisor Diana said that the Town Engineer is aware of the sidewalk issue at the Shrub Oak Park and it is slated to have a bid sent out in the future.
- Councilman Lachterman said walkability issues become a "chicken or the egg" type of problem Yorktown has a lot of programs coming to town that are going to add some additional housing into the center of town and the Governor's plans allow for no environmental studies to be done if multi-family housing is being built. There are issues with Home Rule and the Town being able to follow its own zoning and planning regulations. He said that population density would bring businesses and businesses bring population density. He said that it is a double-edged sword.
- Councilwoman Haughwout spoke about the need of a maintenance program at the parks. She said she hoped the Town would find the ability to do the needed repairs and think about a plan to maintain the parks.
- Councilman Esposito said that one of the big objections he has to the governor's plan and budget is that they want to put in ADUs (accessory dwelling units), which to him are akin to illegal basement apartments. He said that this circumvents the Town's processes (building, planning, etc.), He said that if the Town said a proposed ADU is not safe, the homeowner could go back and appeal to a non-Town entity who could overturn the decision of the Building Department, and/or the Planning Board or any board involved in the decision. Councilman Esposito said that he does not believe that this should be in the purview of the state but left to the local authorities.
- Councilman Esposito said there is much misinformation regarding the Underhill Farm project, as well as other projects. He said tomorrow night's meeting is only one of many public meetings regarding the Underhill Farm project.
- Councilman Esposito also addressed the walkability issue and thinks the community can be made walkable. Action needs to take place that would spur walkability he said you cannot keep contemplating the "chicken and the egg" scenario because nothing would get accomplished.

AUTHORIZE USE OF NUTRITION CENTER BY THE LAKELAND EAST GIRL SCOUTS AND WAIVE RENTAL FEE OF \$78.00 RESOLUTION #132

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

RESOLVED, at the request of the Lakeland East Girl Scouts, the Town Board hereby authorizes the use of the Nutrition Centre at the Albert A. Capellini Community & Cultural Center for 2 hours on Thursday, March 9, 2023. The Town Board waives the rental fee of \$78.00.

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

AUTHORIZE ATTENDANCE FOR ANIMAL CONTROL OFFICER TO ATTEND ANNUAL DCO/ACO CONFERENCE IN GUILDERLAND, NY

RESOLUTION #133

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

Resolved, that the Animal Control Officer is authorized to attend the Annual DCO/ACO Conference Training in Guilderland, New York from April 19-20, 2023.

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

AUTHORIZE SUPERVISOR TO SIGN A LETTER AGREEMENT WITH RUSSEL WATSKY, INC. TO CONDUCT INSPECTIONS OF THE POLICE DEPARTMENT, COURT HOUSE, TOWN HALL, AND ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER ROOFS RESOLUTION #134

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

Whereas, the Town requires a final inspection of the roofing work performed by Garland DBS, Inc. be performed; Now, Therefore Be It

Resolved, that the Supervisor is authorized to sign a letter agreement with Russel Watsky, Inc. to conduct inspections of the Police Department, Court House, Town Hall, and Albert A. Capellini Cultural & Community Center roofs for a fee of \$1,900.

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

<u>AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR LAKE MOHEGAN RESTORATION PROJECT</u>

RESOLUTION #135

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

Resolved, that the Town Clerk is authorized to advertise bid for the Lake Mohegan Restoration Project (Aeration).

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

<u>AUTHORIZE THE COMPTROLLER TO ESTABLISH TRUST LINE TE73.2 SENIOR TELEHEALTH</u>

RESOLUTION #136

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

Resolved, that the Comptroller is authorized to establish the following Trust Line,

TE73.2 Senior Telehealth

to be funded by \$5,000.00 from Westchester County for the benefit of the TIPS (telehealth program).

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

EXTEND PARKS AND RECREATION BROCHURE BID WITH CHASE PRESS FOR THE YEAR 2023

RESOLUTION #137

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

Whereas, bids were received on Tuesday January 11, 2022 for formatting, printing, and delivering the 2022 Parks & Recreation Brochures as specified by the Town of Yorktown's Parks and Recreation Department, now

Therefore Be It Resolved, that the Parks and Recreation Superintendent hereby recommends

exercising the option to extend the formatting, printing, and delivering of the Parks & Recreation Brochure Bid Contract with Chase Press for an additional one-year term beginning January 1, 2023 and ending December 31, 2023.

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

AUTHORIZE JOHN TEGEDER AND ROBYN STEINBERG TO ATTEND THE 2023
AMERICAN PLANNING ASSOCIATION NATIONAL CONFERENCE AND AUTHORIZE
COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
RESOLUTION #138

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

Whereas, the American Planning Association national conference is being held in Philadelphia from April 1, 2023 through April 4, 2023; and

Whereas, the attendance at the conference raises the knowledge and effectiveness of the Planning Department staff and satisfies continuing education requirements; and

Whereas the cost thereof comprises lodging and conference registration; and now

Therefore, Be It Resolved, that John Tegeder and Robyn Steinberg are authorized to attend the 2023 American Planning Association National Conference to be held in Philadelphia, Pennsylvania, April 1, 2023 through April 4, 2023; and

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the cost of the conference as follows:

From: A8020.0101 Planning Department - Salaries \$2,800.00 To: A8020.0405 Planning Department - Conferences \$2,800.00

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

DECLARE LEAD AGENCY FOR REVIEW UNDER THE STATE ENVIRONMENTAL
QUALITY REVIEW ACT ("SEQRA") FOR THE PROPOSED PROJECT LOCATED AT 800
EAST MAIN STREET, CLASSIFYING PROJECT AS A "TYPE I" ACTION UNDER SEQRA;
ISSUING POSITIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE AND
REQUIRING A DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") FOR THE
PROJECT; AND SCHEDULING A PUBLIC SCOPING SESSION
RESOLUTION #139

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

Whereas, on October 24, 2022, 800 E Main Yorktown Dev AMS LLC (the "Petitioner") submitted a petition (the "Petition") to the Town Board for: (i) amendments to the Zoning Code of the Town of Yorktown (the "Zoning Code")generally affecting the RSP-2 Senior Citizens District of the Town; and (ii) an amendment to the Zoning Map of the Town of Yorktown to re-zone property known as 800 East Main Street and designated on the Tax Map of the Town of Yorktown as Tax ID: 5.19-1-15 (the "Property") from OB Research Laboratory and Office District to RSP-2 Senior Citizens District of the Town to permit the redevelopment of the Property with an active adult residential community available to adults aged 55 and over, consisting of approximately 250 dwelling units including a mix of rental units and for-sale townhomes, together with amenities, 383 parking spaces and related infrastructure, generally accordance with the Concept Plan attached as Exhibit A to the Petition (the "Project"); and

Whereas, on November 1, 2022, the Petitioner submitted a full Environmental Assessment Form ("FEAF") to the Town Board; and

Whereas, on November 22, 2022, the Town Board declared its intent to act as lead agency for the Petition, the Project and all related actions under SEQRA (the "Proposed Action"), and thereafter circulated a "Notice of Intent to Act as Lead Agency to the various involved agencies together with the Petition and FEAF; and

Whereas, more than thirty (30) days has passed since the Notice of Intent, the Petition and FEAF was sent to all potentially involved agencies, and no such agency has objected to the Town Board acting as lead agency for review of the Proposed Action under SEQRA; and

Whereas, the Town Board has thoroughly reviewed the Petition and the FEAF together with the criteria contained in 6 NYCRR §617.7 (c);

Now, Therefore Be It Resolved, by the Town Board of the Town of Yorktown as follows:

- 1. The Town Board hereby confirms its status as Lead Agency for review of the Proposed Action.
- 2. The Town Board hereby determines that the Proposed Action presents at least one potential significant adverse environmental impact. Accordingly, the Town Board hereby: (a) issues a positive declaration of environmental significance (the "Positive Declaration") with respect to the Proposed Action and authorizes this determination to be endorsed on Part 3 of the FEAF attached hereto and made part hereof, and (b) requires the preparation of a draft environmental impact statement ("DEIS") for the Proposed Action.
- 3. The Town Board hereby authorizes and directs Petitioner to prepare and submit a draft scope for the DEIS (the "DEIS Scope") to the Town Board not later than March 15, 2023, and hereby directs the Town Clerk to send a copy of this resolution and the draft scope to all involved agencies, and to make them available for public review not later than March 24, 2023.
- 4. The Town Board hereby: (a) elects to conduct a public scoping session on April 4, 2023 at 7:30 p.m. at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, at which time all persons interested may attend and shall be heard with respect to the DEIS Scope; and (b) directs the Town Clerk to publish notice of the scoping session in the Town's official newspaper once, but not later than March 24, 2023.

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

ACCEPT THE AUDIT OF THE YORKTOWN JUSTICE COURT PREPARED BY PKF O'CONNOR DAVIES, LLP FOR THE FISCAL YEAR 2022 RESOLUTION #140

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

Resolved, that the audit of the Town of Yorktown Justice Court prepared by PKF O'Connor Davies, LLP, for the fiscal year 2022, submitted to the Town on March 3, 2023 be and is hereby accepted by the Town Board. A copy of the audit is filed with the Town Clerk and is available for public inspection.

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

CLOSED SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, the Town Board voted to go into closed session to discuss legal matters and will adjourn thereafter.

ADJOURN

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

DIANA L. QUAST, TOWN CLERK MASTER MUNICIPAL CLERK