

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 18, 2023 at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York 10588.

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 Supervisor Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss litigation and negotiations with the Town Attorney. Upon motion made by Councilman Lachterman, seconded by Councilwoman Capoccia, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Resident Tony Grasso led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders (EMS, fire, police), and the fine members of our military who serve to protect our freedoms both here and overseas. He also asked to remember the victims of the senseless shootings in Louisville, Kentucky and Dadeville, Alabama this week.

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 and updates, including the following:

- 60th Anniversary of the Yorktown Ambulance Corps this week and thanked them for their dedication
- Police Chief Robert Noble's inauguration as President of the Westchester County Chiefs of Police Association.
- the cleaning of Wood Street from Putnam to Route 6N by Refuse and Recycling with assistance from the Highway Department
- Litter cams are going to be installed along certain roads, including the above area
- Saturday night state police call with pursuit ending up at Route 6 and Mill Street. A firearm was displayed by a mentally disabled person; however, through the proper handling by the police officers who responded, the perpetrator was subdued and transported to the hospital.

REPORTS FROM TOWN COUNCIL

Town Board members thanked Yvonne Cech, Library Director, for hosting this evening's Town Board meeting. Members of the Town Council reported on recent Town events and public service announcements.

Councilman Lachterman mentioned the Holocaust Remembrance Event being held at Town Hall at 7:00 p.m. on April 20th. The keynote speaker is Rabbinical Pastor Dr. Aliza Erber, a Holocaust survivor.

Councilwoman Capoccia mentioned that FDR Park is having a household recycling day, including shredding services on Saturday, April 22 from 9:00 a.m. to 3:00 p.m. Saturday is also Battle of Yorktown Day and if anyone wants to volunteer to clean up, please contact the Refuse & Recycling Department.

Councilman Esposito congratulated those who were honored this week (Chief Noble, YVAC) and announced new businesses in Town. He introduced Matt Talbert to speak on the progress of the Love Locks Project, to honor those who have died from drug overdoses.

Parks & Recreation Commissioner Matt Talbert said the project is moving along now that Councilman Esposito found a sponsor, Salem Fence.

Councilwoman Haughwout reminded everyone that the Town is currently hiring for summer positions through the Parks and Recreation Department.

JOHN C. HART LIBRARY

Yvonne Cech, Library Director, showed a slide presentation of all that the library has to offer beyond books. She said that the library is the key that opens the door to thousands of resources and as wants and needs of the public change, so does the library. Services and programs include:

- Passport services
- Teen job workshop
- Resume writing workshop
- College application assistance
- Elder law seminars
- Medicare seminars
- AARP Tax assistance
- Clothing and Supplies Drive, food drives
- Celebrations of cultures

Ms. Cech spoke of how they encourage reading from kindergarten age through the upper grades. She spoke of how the library fills the literacy gap during the summer months for children. Ms. Cech said their programs and celebrations are very well attended by the public. She spoke of the many upcoming events and programs that the library offers.

ENBRIDGE, INC.

Christian DiPalermo, Enbridge, came before the Town Board to give an update on the event that occurred at Legacy Field. He said they have been working closely with the Parks and Recreation Department and the Town Supervisor to rectify the situation. Jim Luskay, manager of major projects for Enbridge, explained the history leading up to the sinkhole that occurred on December 24, 2022 near their pipeline at Legacy Field. He said there was no threat to the pipeline, but the area required immediate repair. Doug Cook from Enbridge stated that testing and surveys were done to determine if there were any other areas at the location that were susceptible to sinking. Mr. Cook presented a slideshow of the timeline of the Legacy Park Subsidence Investigation (Background and actions taken). Surveys done:

- A GPR Survey was done (ground penetrating Radar survey) and three areas of interest were identified. These areas were further examined and worked on.
- A microgravity survey was done to measure changes in density of subsurface soils/bedrock.
- Electrical resistivity investigation survey was done.
- Using these surveys, six locations were chosen for geotechnical boring investigations. They found no anomalies in any of the six boreholes.
- Standard Penetration testing (SPT) was performed – this is an industry standard for testing the density of soil.

Mr. Cook said Legacy Field will be monitored for the next two years on a monthly basis.

Councilman Esposito stated that they did the boreholes just to be on the safe side even though all indications were that they were not necessarily needed. He said there is no evidence of voids or low soil density.

Supervisor Diana said Enbridge has done what they needed to do to get us to this point. He thanked them for mitigating the loss of the use of park by paying the town \$350,000 per month for a total of \$1,050,000.

POET LAUREATE

Poet Laureate John McMullen read an original poem “Perfection.”

COURTESY OF THE FLOOR

The following members of the public spoke:

- Marty Costello, resident, spoke about the traffic congestion on Underhill Avenue and the improvements proposed during the Underhill Farm project. Mr. Costello said this is a project that may not go through for various reasons and that the Town should be thinking about doing something about the traffic now; citing the example of the changing of the timing of the lights that was done on Route 202. He said there are other measures that could be taken: a traffic box by Rochambeau Court; upgrading the existing traffic light. The traffic consultant should look into this. Mr. Costello said the town has the money and it should be used to improve the quality of life for the residents.
- Michael Epting, Yorktown Trailtown Committee, spoke about the co-sponsored event between the Yorktown Trailtown Committee and Support Connection – the Woodlands Ramble Hike – on May 7th. It will be held at Sylvan Glen and will be led by an experienced guide who knows the history of the area. Hikes will leave every half hour between 8:30 and 10:00 a.m. for a 3.5 mile hike (2 hours). All proceeds will go to Support Connection.
- Jay Kopstein, resident, read a statement regarding misinformation and/or disinformation about the political scene. He spoke about the differences between the Town’s two local papers. He said these papers are not equivalent – one represents diversity of opinion and the other does not; in fact, it can be a source of misinformation.
- Dan Strauss, resident, said, referring to Mr. Costello’s comments, that traffic is a “hook” just like the senior center is a “hook” with the Soundview property. He said that the Town could have fixed the traffic there many years ago. Mr. Strauss said the “hooks” are to make sure the Soundview project is done. He cited the Weyant project as what the Soundview project is going to look like when it gets underway.
- Sarah Wilson, resident, announced the 17th Repair Café at Grace Lutheran Church this Saturday, April 22nd, which also happens to be Earth Day. She said that so far they have kept 580 items out of landfills by repairing them for free.
- Joe Falcone, Parks & Recreation Commissioner, spoke of the financial needs of the Parks & Recreation Department. He said that they are greatly underfunded and do not get the fees they should be receiving and that parks could possibly close without the necessary funding. Commissioner Falcone raised the Dorchester subdivision decision as an example of how Parks & Recreation lost a great deal of money and should not have been allowed. Mr. Falcone said that something needed to be done soon.
- Ed Ciffone, United Taxpayers of Yorktown president, asked about the amount of money in the unassigned fund balance. He said he believes it is too much for the Town to hold on to and should use it for the improvements and services for the Town.
- Susan Siegel, resident, said last week it was disclosed that Unicorn Contracting (Underhill Farm developer) had been in discussions with the Town Board about special tax abatements to help the developer pay for proposed road improvements. She said that the Underhill Farm attorney chose his words very carefully in order to make it sound as if there would be no impact on taxpayers. She said that this is not true. She asked why these discussions were behind closed doors – this is a violation of the open meetings law. Ms. Siegel said the Republican councilmembers may meet in privately as a political caucus to discuss Town business but the Supervisor may not, as he is not a registered Republican. She said that the Unicorn attorney deliberately made it sound that the tax abatement would be of no cost to the taxpayers because the Town was not laying out any money. However, a tax abatement is a loss of tax revenue when one taxpayer gets a tax break and does not pay his full tax the rest of the residents end up paying for what that person did not pay. She said that a similar tax abatement for the autistic school Shrub Oak School has resulted in approximately \$1 million in lost revenue for the Town and Lakeland School District. She said that Unicorn would be able to apply for a second 485(B) tax abatement. She asked the Town Board is they knew how much the Town would lose with a tax abatement for Unicorn Contracting.
- Anthony Pichette, resident, spoke about the possibility of universal pre-K programs in Yorktown and that this would be attractive to new families. He had questions regarding the Enbridge mitigation to the Town.
- Matt Talbert, Parks & Recreation Commissioner, thanked the Town Board for their leadership on the sinkhole repair, as well as Commissioner PJ Cumisky for his expertise in this field. He

said that regarding the Dorchester project, he believed that the decision making should be moved to the Town Board's jurisdiction. Commissioner Talbert said that they lost \$40,000 on this project but gained 12 acres of unusable property.

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

Members of the Town Board responded to comments made at Courtesy of the Floor.

Supervisor Diana, addressing Mrs. Siegel, said that he has never participated in caucuses and there is no special treatment being given to the Underhill Farm project.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR NUTRITION CENTER FLOOR RENOVATION
RESOLUTION #208

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on Thursday, May 18, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the Nutrition Center Office Floor Renovation.

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

AUTHORIZE COMPTROLLER TO RELEASE THE AMOUNT OF \$5,000 WHICH WAS DEPOSITED TO THE T33 ACCOUNT ON JUNE 11, 2021 TO SERVE AS THE EROSION CONTROL BOND FOR THE SELF-STORAGE FACILITY LOCATED AT 621 BANK ROAD
RESOLUTION #209

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

WHEREAS, NY Jefferson Valley Self Storage, LLC, applicant, posted check #1014 in the amount of \$5,000 which was deposited to the T33 account on June 11, 2021 to serve as the Erosion Control Bond for a self- storage facility located at 621 Bank Road, and

WHEREAS, NY Jefferson Valley Self Storage, LLC has requested their money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, Now,

Therefore Be It Resolved, that the above referenced \$5,000 bond be and is hereby released to NY Self Storage, LLC, C/O Kirby Kelly, 1910 Fairview Ave East, Suite 200, Seattle, WA, 98102.

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

AUTHORIZE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE ENGINEERING DEPARTMENT FOR MAINTENANCE AND REPAIR (DEP)
RESOLUTION #210

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

RESOLVED, that the Comptroller is authorized to transfer \$35,000 from Sludge Removal (YS.8130.0460.0002) to Maintenance and Repair DEP (YS.8130.0460.0003).

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

ADVERTISE PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 275 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “VEHICLES AND TRAFFIC,” SECTION 22 BY ADDING STREETS TO THE PAVEMENT MARKING LIST
RESOLUTION #211

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 16th day of May, 2023 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic,” Section 22 by adding the following streets to the pavement marking list:

- East Main Street - Route 6 to Route 132
- Lake Road - Crow Hill Road to New Castle Town Line
- Pinesbridge Road - Route 134 to New Castle Town Line
- Seven Bridges Road - Yorktown Town Line to Route 100
- Underhill Avenue - Route 118 to Route 129
- Underhill Avenue - Route 118 to Kear Street/Commerce Street Intersection

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

AWARD BID FOR THE LAKE MOHEGAN RESTORATION PROJECT TO LAKE SAVERS, LLC, D/B/A EVERBLUE LAKES IN THE AMOUNT OF \$341,205
RESOLUTION #212

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

Whereas a bid was noticed and published for the Lake Mohegan Restoration Project (Aeration); and

Whereas, only one bid was received and opened at 10:00 A.M. on the 13th day of April, 2023, and that bid was from Lake Savers, LLC, D/B/A Everblue Lakes, in the amount of \$341,205;

Now, Therefore, Be It Resolved, that upon recommendation of the Mohegan Lake Improvement District, the bid for the Lake Mohegan Restoration Project be and is hereby awarded to Lake Savers, LLC, D/B/A Everblue Lakes in the amount of \$341,205.

Be It Further Resolved, that the Town Supervisor is authorized to execute a contract on behalf of the Town with Lake Savers, LLC, D/B/A Everblue Lakes in an amount not to exceed \$341,205.

Be It Further Resolved, that the Comptroller is authorized to process the following budget transfer:

From: Mohegan Lake Improvement District - Fund Balance	\$160,000
To: ID.7180.0479 - Special Projects	\$160,000

One hundred thousand dollars (\$100,000) of the total contract expenditure will be reimbursed by a State and Municipal Facilities Program grant Project ID 24913.

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

AUTHORIZE PARKS AND RECREATION SUPERINTENDENT TO SIGN WESTCHESTER COUNTY CHILDREN’S CAMP APPLICATION
RESOLUTION #213

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

Resolved, the Parks & Recreation Superintendent is hereby authorized to sign the Westchester County Application for Original Children’s Camp Permit.

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

AWARD BID FOR BUSES FOR THE SUMMER CAMP PROGRAMS AND TEEN TRAVEL TRIPS FOR THE YORKTOWN PARKS AND RECREATION DEPARTMENT
RESOLUTION #214

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

WHEREAS, Invitations to bid for the Provision of Buses for the Summer Camp Programs and Teen Travel Trips for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on April 13th, 2023, with the bid amounts for the above-referenced project summarized as follows:

Section I. A,B, & C: School Buses (for Day Camp)

- A) Royal Coach - \$55,476
(No other Bidders)
- B) Royal Coach - \$2,967
(No Other Bidder)
- C) Royal Coach - \$25,415
(No Other Bidder)

Section II – Coach Bussing
No Bids Received

NOW, THEREFORE BE IT RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, James J. Martorano Jr., the bid for Section I. A, B, C, (School Buses) is hereby awarded to Royal Coach Lines, Inc., the lowest responsible bidder.

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

AUTHORIZE SUPERVISOR TO EXECUTE A SECOND AMENDMENT TO THE CONSTRUCTION WORK PERMIT WITH ALGONQUIN GAS TRANSMISSION, LLC
RESOLUTION #215

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

Resolved, the Supervisor is authorized to execute a second amendment to the construction work permit with Algonquin Gas Transmission, LLC, for the period December 24, 2022 through March 31, 2023, in consideration for a payment of \$1,050,000 to the Town.

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

AUTHORIZE AN AMENDMENT TO THE AGREEMENT WITH WESTON & SAMPSON FOR SERVICES RELATED TO THE CLEANING AND CEMENT RELINING WATER MAINS ON FRONT STREET AND PARTS OF UNDERHILL AVENUE AND BUDGET TRANSFER
RESOLUTION #216

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

Whereas, the Town of Yorktown authorized amendment #4 to an agreement with Weston and Sampson on June 8, 2021 to perform engineering services pertaining to the cleaning and cement relining project for a total cost of \$76,700.00, and

Whereas, the existing contract has a remaining balance of \$28,190.00, and

Whereas, the Yorktown Consolidated Water District intends to extend this project to include Front Street and parts of Underhill Avenue, now

Therefore, Be It Resolved, upon recommendation of the Distribution Superintendent, the Town Board authorizes the Supervisor to sign Amendment #5 with Weston & Sampson for engineering services related to the bidding and construction of cleaning and cement relining water mains on Front Street and parts of Underhill Avenue for an estimated fee of \$35,200, and

Be It Further Resolved, that the Comptroller is authorized to process the following budget transfer for this amendment:

From: SW.1002	Water – Fund Balance	\$35,200.00
To: HN8340.490	Capital Project – Cement Relining	\$35,200.00
	Professional Services	

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

AUTHORIZATION TO EXECUTE AGREEMENT WITH WESTCHESTER COUNTY FOR THE PROVISION OF NUTRITION SITE TRANSPORTATION SERVICES
RESOLUTION #217

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

RESOLVED, the Supervisor is authorized to execute and agreement with the County of Westchester for the provision of nutrition site transportation services for elderly residents, for the term retroactive to January 1, 2023 through December 31, 2023. The County will contribute \$10,113, and the Town will contribute \$7,028.

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

EXTENSION OF BUILDING INSPECTOR'S AUTHORITY TO ISSUE TEMPORARY PERMITS
RESOLUTION #218

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

BE IT RESOLVED, the authority of the Building Inspector to issue temporary permits under Section 300-80(d) of the Town Code is hereby extended until December 31, 2023.

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

ACCEPT RETIREMENT OF MAUREEN CONNELLY, JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #219

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

Be It Resolved, that the Town Board accepts the retirement of Maureen Connelly from the John C. Hart Memorial Library, effective April 28, 2023, and we thank her for her years of service.

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

ADJOURN

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

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