



Town of Yorktown

Office of the Town Clerk Diana L. Quast

FINAL TOWN BOARD MEETING AGENDA

May 16, 2023

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

6:30 PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

Town Clerk

Town Comptroller

Litigation and Negotiations

Town Attorney

7:30 PM TOWN BOARD MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **MOMENT OF SILENCE**
3. **INTRODUCTIONS**
4. **REPORT FROM TOWN SUPERVISOR THOMAS DIANA**
5. **REPORTS FROM TOWN COUNCIL**
6. **REPORT FROM HIGHWAY SUPERINTENDENT**
7. **POLICE PRESENTATION**
Robert Noble, Chief of Police
8. **PROCLAMATIONS**
National Police Week
WHEREAS, National Police Week was established by President John F. Kennedy in 1962;
and

WHEREAS, National Police Week pays special recognition to those Law enforcement officers who were killed in the line of duty while protecting others; and

WHEREAS, in the United States an estimated 900,000 law enforcement officers serve our communities including here in the Town of Yorktown; and

WHEREAS, law enforcement officers of every rank and file have chosen a profession that puts their life on the line every day for their communities; and

WHEREAS, each day 780,000 police officers across our country put a badge on and go to work knowing they may face extremely dangerous situations; and

WHEREAS, law enforcement officers answer a call to public service that is demanding and often unappreciated; and

WHEREAS, on average, between 105 and 203 officers die in the line of duty each year, 50,000 officers are assaulted in the line of duty each year, 14,000 officers are injured in the line of duty each year, and over 300 officers commit suicide each year; and

WHEREAS, law enforcement officers are such an integral part of our society and we thank them for protecting us twenty-four hours a day, seven days a week; and

WHEREAS, the Town of Yorktown supports and applauds the efforts of the Yorktown Police Department and police departments throughout the country for all that they do to keep us safe; and

NOW, THEREFORE, BE IT RESOLVED, that I, as Town Supervisor of Yorktown, Thomas P. Diana, along with the Town Board Members of Yorktown do hereby proclaim May 14th through May 20th 2023, as Police Week and thank all of our police officers for what they do for us.

National Lupus Awareness Month - Brittany and Cheryl Sanchez

Whereas, National Lupus Awareness Month, recognized every May, is an opportunity for the lupus community to join together across the country to raise funds and awareness of the physical, emotional and economic impact of lupus; and

Whereas, an estimated 1.5 million Americans suffer from lupus, the chronic inflammatory, autoimmune disease that can affect various parts of the body, especially the skin, joints, blood and kidneys; and

Whereas, this inflammatory disease is caused when the immune system attacks its own tissues and affects the overall well-being of the person in many ways; and

Whereas, purple-colored clothing and accessories are among the most common items used to display support and increase awareness of lupus; and

Whereas, increased resources for education and continuous research are imperative in order to conquer this disease; and

Whereas, lupus is more common among African American, Hispanic, Asian, and Native American women; and

Whereas, working together, our objective must be to uncover the cause and find a cure for this devastating disease; and

Whereas, citizens may observe this month by educating themselves and others on lupus symptoms, the impact of lupus and to support lupus through attending programs, doing research and supporting lupus patients throughout our community.

Now, Therefore Be It Resolved, that the Town Board of the Town of Yorktown hereby proclaims May 2023 as National Lupus Awareness Month in the Town of Yorktown.

Commemorating the roles of Yorktown, New York and Yorktown, Virginia in defeating the British in the Revolution War - Lynn Briggs, Heritage Preservation Commission Chair

WHEREAS, in the year 1781—the sixth year of our American Revolution to establish the independent United States of America—a fierce 5000-plus-man French Army, led by General Jean Baptiste Donatien de Vimeur, Comte de Rochambeau, set forth from Newport, Rhode Island, on a 675-mile journey to Yorktown, Virginia, and

WHEREAS, on the night of August 21st, 1781, 242 years ago, General Rochambeau and his soldiers rested and recuperated overnight in and around Hunt's Tavern, the Sixteenth Camp that French forces occupied on their route to Yorktown, Virginia, now the corner of U.S. 202 and Hallock's Mill Road; the army was welcome guests of all the patriotic citizens of an area then known as Crompond, and what has become the hamlet of Yorktown Heights, New York, before receiving orders the next morning to cross the mighty Hudson River, and

WHEREAS, on August 22nd, the French Army broke camp and marched thirteen miles to the crossing at King's Ferry, the narrowest point this far north on the Hudson; American soldiers had begun crossing earlier and by August 25th, 1781, the combined American and French armies had all boarded makeshift rafts and flatboats to cross the Hudson, moving thousands of troops, cannons, oxen, and equipment over the river to the western shore, and

Whereas, the armies marched south and traveled through Pennsylvania, Delaware, Maryland, and on to Yorktown, Virginia—covering over 500 miles; in September, 1781, French Admiral DeGrasse's Navy defeated the British Navy in the Battle of the Capes, blocking rescue of the British from the Yorktown peninsula, and

Whereas, arriving in Yorktown on September 28th, 1781, after their grueling march, troops begin digging the first of a series of parallel trenches, followed by artillery barrages, and an assault on Redoubts #9 and #10, leaving the British in an untenable situation with supplies running out and the Allied artillery on three fronts, causing British General Lord Cornwallis to surrender to General Washington and General Rochambeau at the Siege of Yorktown, also known as the Battle of Yorktown, in Yorktown, Virginia, and the last major battle of the Revolutionary War, on October 19th, 1781, a decisive American victory, and

Whereas, on March 7th, 1788, the area known as Hanover, New York, was changed to York Town, New York and later to Yorktown, New York in honor of the decisive victory of the

Allied over the British, and forever linking Yorktown, New York, to Yorktown Virginia, location of the 1781 Victory, and this shared historic moment in our Nation's history.

9. PRESENTATION

Refuse and Recycling- Phil Marino, General Foreman

10. POET LAUREATE

John McMullen

11. COURTESY OF THE FLOOR

12. PUBLIC HEARINGS

Convene Public Hearing to consider the Wetland/Stormwater Management Permit Application for the installation of an in-ground pool on property located at 79 Somerston Road

Supervisor Tom Diana will convene a public hearing to consider the Wetland/Stormwater Management Permit Application submitted by Frank and Danielle Jennings for the installation of an in-ground pool on property located at 79 Somerston Road, also known on the Tax Map of the Town of Yorktown as Section 17.10, Block 10, Lot 03.

Convene Public Hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic," Section 22 by adding to the pavement marking list

Supervisor Tom Diana will convene a public hearing 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

13. RESOLUTIONS

From the Comptroller

Authorize Comptroller to pay Nicholas Burns the cash value of unused time as of his date of separation

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Nicholas Burns the cash value of unused time as of his date of separation:

Rate of Pay: \$33.8436 hourly

Vacation	161.50 hours	x	\$33.8436	=	\$5,465.75
Personal Days	12.00 hours	x	\$33.8436	=	\$ 406.13
Floating Holiday	15.00 hours	x	\$33.8436	=	\$ 507.66

Longevity

11/9/22-4/25/23 – 126 days

\$250.00 / 260 days = \$.97 per day

126 days x \$.97 per day = \$ 122.22

Total \$6,501.76

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at date of separation as follows:

From:

D5110.106	Highway Longevity	\$ 122.22
D5110.101	Highway Salary	\$6,379.54

To:

D5110.108	Highway Lump Sum Payments	\$6,501.76
-----------	---------------------------	------------

Authorize Comptroller to pay Maureen Connelly the cash value of unused time as of date of her retirement

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Maureen Connelly the cash value of unused time as of her date of retirement:

Rate of Pay: \$50.3143 hourly

Vacation	238.00 hours	x	\$50.3143	=	\$11,974.80
Personal Days	21.00 hours	x	\$50.3143	=	\$ 1,056.60
Floating Holiday	7.00 hours	x	\$50.3143	=	\$ 352.20
Comp Time	16.00 hours	x	\$50.3143	=	\$ 805.03

Sick	1,055.25 hours @ 50% = 527.62 hours				
	527.62 hours	x	\$50.3143	=	\$26,546.83

Longevity

10/15/22-4/28/23 – 140 days

\$1,750.00 / 260 days = \$6.73 per day

140 days x \$6.73 per day = \$ 942.20

Total \$41,677.66

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

L1002.8	Library Fund Balance Accrued Employee Benefits	\$28,673.24
L7410.101	Library Salary	\$12,062.22
L7410.106	Library Longevity	\$ 942.20

To:

T.905.1	Medical/Dental/Vision Trust	\$26,546.83
L7410.108	Library Lump Sum	\$15,130.83

Authorize Comptroller to pay Paul Dillon the cash value of unused time as of date of retirement

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Paul Dillon the cash value of unused time as of his retirement date:

Rate of Pay: \$65.7005 hourly

Holiday Pay	34.40 hours	x	\$65.7005	=	\$2,260.08
Comp Time	8.20 hours	x	\$65.7005	=	\$ 538.75
Longevity					\$2,750.00
Total					\$5,548.83

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

A3120.106	Police Longevity	\$2,750.00
A3120.102	Police Salary – Uniform	\$2,279.83

To:

A3120.108	Police Lump Sum Payments	\$5,548.83
-----------	--------------------------	------------

Authorize Comptroller to process the following budget transfers in lieu of transferring funds to Yorktown Sewer for invoices proposed in 2023 Budget

Resolved, the Comptroller is hereby authorized to process the following budget transfers in lieu of transferring funds to Yorktown Sewer (YS) to process invoices as originally proposed in the 2023 budget:

Hunterbrook Sewer

From:

GD9901.904	Transfer to YS	\$101,025.00
------------	----------------	--------------

To:

GD8130.406	Telecommunications	\$ 500.00
GD8130.407	Electric	\$ 50,000.00
GD8130.450	Water Purchase	\$ 750.00
GD8130.459	Infiltration/Inflow Control	\$ 30,000.00
GD8130.462	Maint & Repair	\$ 17,500.00
GD8130.491	Easement & Tax	\$ 2,275.00

Hunterbrook 202 Ext Sewer

From:

GJ9901.904	Transfer to YS	\$ 7,500.00
------------	----------------	-------------

To:

GJ8130.462	Maint & Repair	\$ 7,500.00
------------	----------------	-------------

Osceola Sewer

From:

OS9901.904	Transfer to YS	\$ 10,500.00
------------	----------------	--------------

To:

OS8130.406	Telecommunications	\$ 500.00
OS8130.407	Electric	\$ 10,000.00

Authorize Comptroller to process the following budget transfer for payment to Logically for 2023 Annual Network Support Agreement

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

From: A.1315.101	Comptroller – Salary	\$73,250.00
To: A1345.421.1	Computer Support	\$73,250.00

to process payment to Logically for 2023 annual network support agreement.

From the Planning Department

Authorize Barton & Loguidice, D.P.C. to perform an Environmental Review of the Underhill Farms proposed site plan located at 370 Underhill Avenue

WHEREAS, the Town Board of the Town of Yorktown authorized Barton & Loguidice, D.P.C. by resolution dated September 6, 2022 to verify the wetland delineation on the subject site and study the environmental impacts of the proposed site plan located at 370 Underhill Avenue, Yorktown Heights, also known as Section 48.06, Block 1, Lot 30 on the Town of Yorktown Tax Map, as outlined in the New Project Task Order Summary for Underhill Farms prepared by Barton & Loguidice, D.P.C.; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide additional services required to complete the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount of \$5,950.00; and

WHEREAS, in consideration of the scope and nature of the subject project proposal the planning Department recommends authorizing an amount greater than the current proposal to minimize administrative time in the event additional services are required; and now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of additional review the proposed Underhill Farm site plan located at 370 Underhill Avenue, Yorktown Heights, in an amount not to exceed \$8500.00 for the environmental review, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

From the Town Attorney

Authorize Town Clerk to transmit a Home Rule Request Form and a copy of this resolution to the Home Rule Counsel of the New York State Senate and New York State Assembly

WHEREAS, the Town Board of the Town of Yorktown believes that leasing space on Town land for telecommunications purposes would enhance the health, general prosperities and economic welfare of the people of the Town of Yorktown;

WHEREAS, the Town desires to discontinue as parklands and lease at fair market value to Homeland Towers, LLC for a term not to exceed 55 years certain lands to make the necessary renovations and operate a radio transmission tower facility;

WHEREAS, the revenues generated from said leasing would be used solely for the care of said parks and fields;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of May 16, 2023, in support and passage of Assembly Bill A.6701A/Senate Bill S.6743A.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the home rule counsel of the state senate and state assembly.

From the Town Clerk

Authorize Town Clerk to refer out a proposed Local Law to amend Chapter 15 of the Code of the Town of Yorktown entitled “Building Construction Administration”

Resolved, that the Town Clerk is authorized to refer out a proposed Local Law amending Chapter 15 of the Code of the Town of Yorktown entitled “Building Construction Administration” as follows:

Deleting section 15-4(B)(10) in its entirety; and

Renaming sections 15-4(B)(11) and 15-4(B)(12) as sections 15-4(B)(10) and 15-4(B)(11), respectively and accordingly.

Authorize Town Clerk to refer out a proposed Local Law to amend Chapter 300, Section 13(F) of the Code of the Town of Yorktown entitled “Zoning”

Resolved, that the Town Clerk is authorized to refer out a proposed Local Law amending Chapter 300, Section 13(F) of the Code of the Town of Yorktown entitled “Zoning” as follows:

Section II. Chapter 300 section 13(F) of the Code of the Town of Yorktown is hereby amended and replaced in its entirety with the following language:

Walls and fences. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that in any residence district no fence shall exceed 4.5 feet in height in the front yard or 6.5 feet in height in any side or rear yard. However, fence support posts whose width, measured at the fence face, comprises no more than 10% of the total linear footage of the fence may exceed the aforementioned maximums by no more than one foot. The height of a fence shall be the vertical distance from grade to the highest part of the fence. Where the grade is uneven from one side of the fence to the other, the fence shall be measured from the side with the lowest grade. For all fences and walls installed after the effective date of this amendment, the decorative side shall face away from the owner's property.

From the Town Engineer

Authorize Supervisor to sign an agreement with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC (EDR) for Sewer System Evaluation Study

RESOLVED, that the Supervisor is authorized to sign an agreement with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC (EDR) for assistance with conducting a Sewer System Evaluation Study (SSES) for a not to exceed price of \$14,900, and Be It Further

RESOLVED, that the Comptroller is authorized to transfer \$7,500 from Transfer to YS (GD.9901.0904) to Professional Services (GD.8130.0490), and Be It Further

RESOLVED, that the Comptroller is authorized to transfer \$7,500 from Transfer to YS (OS.9901.0904) to Professional Services (OS.8130.0490).

Authorize Comptroller to release Erosion Control Bond for work done at 2942 Farm Walk Road in the amount of \$500.00

WHEREAS, Lindsay & Lawrence Migliore, as applicants, posted check #129 in the amount of \$500 to serve as the Erosion Control Bond, which was deposited to the T33 account on 10/18/22 to serve as the Erosion Control Bond for work at 2942 Farm Walk Road, and

WHEREAS, Lindsay & Lawrence Migliore have requested their money be released as the project is complete, and

WHEREAS, the Town Engineer has informed this Board that the monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies be released to Lindsay & Lawrence Migliore, 2942 Farm Walk Road, Yorktown Heights, NY 10598.

14. **ADJOURN MEETING**

A motion will be made to adjourn the Town Board meeting.

Dated: May 16, 2023

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

Americans with Disabilities Act: If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.