

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 16, 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
Daniel Fix, Town Attorney's Office

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

A member of the Yorktown Police Department led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders (EMS, fire, police) who serve us on a daily basis, specifically for our police during Police Week. He also asked to remember the members of our military both here and overseas who serve to protect our freedoms.

INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast, and Daniel Fix, Town Attorney's Office.

NATIONAL POLICE WEEK

Councilman Lachterman and Supervisor Diana read the following proclamation:

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.

POLICE PRESENTATION

Police Chief Robert Noble introduced Sergeant Tom Beyrer and his K-9 partner, Dallas, and asked them to approach the Town Board. Chief Noble gave a brief biography of Thomas Beyrer, including his work for the Yorktown Police Department and his work with the K-9 Unit, as well as his work in the community and his role in the police department's peer team.

Town Clerk Diana L. Quast gave the oath of office to Sergeant Beyrer for his promotion to Sergeant in the Yorktown Police Department.

Sergeant Beyrer thanked the police department, the Town Board, and his family for all of their support. He specifically thanked the members of the police department with whom he works.

Chief Noble introduced Detective Dan Curtis and asked him to approach the Town Board. Chief Noble gave a brief biography of Detective Curtis, as well as a detail of his work for the Yorktown Police Department.

Town Clerk Diana L. Quast gave the oath of office to Detective Curtis for his promotion to Detective in the Yorktown Police Department.

Detective Curtis expressed his gratitude to his superior officers at the police department and the Town Board for the opportunity to serve the community in his new capacity. He also thanked his fellow officers and his family for their support.

Chief Noble introduced Detective James Hannigan and asked him to approach the Town Board. Chief Noble gave a brief biography of Detective Hannigan, as well as a detail of his work for the Yorktown Police Department.

Town Clerk Diana L. Quast gave the oath of office to Detective Hannigan for his promotion to Detective in the Yorktown Police Department.

Detective Hannigan thanked the police department and the Town Board, as well as his wife for her support.

Chief Noble announced the following:

- This week is Police Week and the Yorktown community has a wonderful police force.
- The Police Honor Guard is proud to be back in service to the community; he thanked Mike Tillstrand for his work with the Honor Guard.
- The officers are wearing a mourning band this week in honor of Captain Kenneth Sgroi who passed away early this year.
- Former Police Officer Larry DeResh passed away earlier this week. He was the first K-9 officer in Westchester County.
- He thanked the families of the officers for supporting their loved ones and how important this is for the officers.
- He thanked Carol Lachterman, wife of Councilman Ed Lachterman, for her donation of services and products for the Cops and Cones Event.
- Chief Noble announced several upcoming events.
- Thanked Margaret Gspurning, Human Resources for Yorktown, for all she has done for the men and women of the police department. Ms. Gspurning is retiring from the Town of Yorktown in the near future.

REPORT FROM THE TOWN SUPERVISOR

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

- Police Week this week.

- Dedication of Front Street to Jake Arcara, the Highway Department employee who passed away last year while on the job. He asked that residents be careful in work areas.
- The recent Law Enforcement Appreciation Night at the Elks Lodge.
- The Blue Mass sponsored by the Knights of Columbus at St. Patrick's Church is being held this Sunday at 12:00 noon in honor of our emergency services, police, fire, and ambulance workers.
- Yorktown School District has entered into a contract with the YMCA and will be offering Universal Pre-K at the French Hill School from 9:00 a.m. to 2:00 p.m. at no cost to residents. Registration will end May 25th. Submissions may be made through the Yorktown School District's website. One hundred eighty-eight children may enroll. Any submissions made after May 25th will be waitlisted until the maximum amount is fulfilled.
- There was a recent garbage truck fire due to items that should not have been in the garbage.
- Gas main break on Kear Street due to a contractor who did not call 811 before he dug and hit the gas main. Twenty-five facilities had to be shut down.
- Garage explosion in Mohegan Lake. No injuries were reported and the Supervisor thanked the Mohegan Fire Department.
- Upcoming "Paint the Town Purple" this Thursday in conjunction with Yorktown Relay for Life.
- May 20, 10:00 a.m. to 4:00 p.m., is the "Follow the French: Rochambeau Festival" event at the Yorktown Grange.

REPORTS FROM TOWN COUNCIL

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

REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli gave an update on the work of the Highway Department, including the following:

- Thanked the Town Board and the Town Clerk for showing their support for the renaming of Front Street to "Jake Arcara Memorial Highway." He said it was a wonderful turnout. He said it was beyond his expectations in being able to honor Jake.
- The Highway Department is paving and milling roads and explained why milling is being done. Unfortunately, 30% less work is being done than he hoped because of the cost of milling and the cost of asphalt. He said a three-year schedule would be forthcoming.
- The quality of asphalt today is not as good as it had been.

Supervisor Diana asked for an update on the light at Hanover and Moseman. Superintendent Paganelli said the control box for that light was never replaced and now needs replacement. He spoke about the three options and associated costs for the replacement. The most inexpensive option is \$23,000. He said this box is on back order and he is hoping it will be in over the next two or three weeks.

NATIONAL LUPUS AWARENESS MONTH

Brittany and Cheryl Sanchez, both residents of Yorktown, thanked the Town Board for allowing them to do a presentation. Mrs. Sanchez said her daughter Brittany was diagnosed with Lupus three years ago. She spoke of the difficult journey they have traveled in the diagnosis and treatment of Lupus, as well as lack of information. Brittany Sanchez spoke about the life-long disease that has no cure. She said symptoms include joint pain, fatigue, rashes, heart disease, and organ failure. Brittany spoke of the two FDA drugs that are available, as well as clinical trials, in which she participates. She also spoke of how difficult it can be to diagnose Lupus.

Councilwoman Haughwout read the following proclamation:

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, Chairperson of the Heritage Preservation Commission, spoke about the “Follow the French: Rochambeau Festival” event being held this Saturday from 10:00 a.m. to 4:00 p.m. at Rochambeau Park (Yorktown Grange). She said you will be able to transport yourself back to revolutionary times to learn about the events that took place here in Yorktown. A number of dignitaries will be present to speak about the French’s participation in the Revolutionary War. She mentioned several of the activities that will be offered at the event for both children and adults. Food and beverages will be available.

Councilwoman Capoccia read the following proclamation:

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.

Ms. Briggs thanked the Grange for assisting in putting on this event on their grounds.

REFUSE AND RECYCLING PRESENTATION

Phil Marino, General Foreman, gave a presentation regarding the types of materials that are permissible for disposal and recycling. He spoke about the recent garbage truck fire that was caused by improper disposal of items into the truck. He said this is the second fire they have had within four months. He said the trucks cost approximately \$350,000 and take at least a year to be delivered. Mr. Marino said, more importantly, it is extremely dangerous for the workers and can cost lives. If the public has any questions about what is appropriate to put out, please call the Refuse & Recycling Department. He reviewed the list of do's and don'ts for recycling and pickup. The list is also posted on the Refuse & Recycling's webpage.

Supervisor Diana spoke about the dangers of inappropriate disposal of certain items – particularly lithium batteries and propane cylinders.

Highway Superintendent Dave Paganelli spoke of a couple of incidents of illegal dumping at the Greenwood Street Organic Waste Yard. He said that if someone is caught illegally dumping hazardous and non-organic material, they are permanently banned from using the organic waste yard.

POET LAUREATE

Councilman Esposito read Poet Laureate John McMullen's original poem "Two Weeks in Hell."

COURTESY OF THE FLOOR

The following members of the public spoke:

- Sarah Wilson, resident, said that this time last year June was recognized as Gay Pride month. She requested that the Town Board issue the 2023 proclamation at next week's meeting so it would be in effect before June. As a member of Yorktown for Justice, she asked that a presentation be allowed to discuss the upcoming events, such as the Pride March on June 3 at 1:00 p.m. through downtown Yorktown. There will also be a gathering between 2:00 p.m. and 6:00 p.m. at Railroad Park sponsoring activities and information.
- Jay Kopstein, resident, said that there is a piece of legislation before the County Legislature that would allow school buses to put cameras on the arms on the sides of school buses to capture those drivers who pass stopped school buses. He asked that the Town Board do something to support this legislation now so that the cameras could be installed over the summer when school is not in session.
- Geri Schwalb complained about all of the signs in the center of Town. She said they are an eyesore and need to be removed.
- Jenny Sunshine, resident, said that the percentage of Americans identifying as LGBTQ+ is increasing and is becoming a regular part of our world. Members of the LGBTQ+ community also include the families and friends who support those who identify as LGBTQ+. She said the Pride March is a very family friendly and inclusive event and encouraged everyone to attend.
- Dan Strauss, resident, spoke about the new Taco Bell that is located next to a church. He said that, in his opinion, there is no Comprehensive Plan for Yorktown if this is allowed. He spoke about the density of the proposed project at Underhill Farm and said this is going to be an asphalt jungle. He said this project would be an obliteration and mitigation on 13.7 acres on an historic property in Yorktown. Mr. Strauss said at the last Planning Board meeting a member said that anyone who writes to the newspaper (about the Underhill Farm project) is either a liar or misinformed. He said the Planning Board gets many emails that they do not reply to. He asked the Town Board to release all of the emails going to the Planning Board so that the "misinformation" that the claim is out there really exists. Mr. Strauss said the misinformation started 7 years ago with Depot Square.

- Mark Lieberman, resident, spoke about the tax break for Underhill Farm that was passed at last week’s meeting. He said that it should have been on the final agenda for the meeting. He said this was not discussed in public and may possibly violate the Open Meetings Law. Mr. Lieberman said this must have been discussed in private, as it was voted on unanimously. Mr. Lieberman said that this was handled improperly and was the opposite of transparency.
- John Flynn, resident, also commented on the passing of the tax abatement resolution for the Underhill Farm project. He asked what the plan is for the most dangerous intersections in Town before putting a \$1 million or more at risk into the plan for the intersection at Underhill Farm. What is the capital plan for improving intersections?
- Susan Siegel, resident, asked the following questions about the tax abatement resolution:
 1. Why should Yorktown taxpayers pay for road improvements the developer has to make? Breslin Realty, the developer for Lowe’s, paid the entire cost of the required improvements on Route 202. She said she believed that those improvements cost approximately \$1 million. Why is the Town Board treating the Underhill Farm developer differently?
(Supervisor Diana interrupted Ms. Siegel to ask Daniel Fix, Town Attorney’s office, to address this question; Ms. Siegel asked if she could continue with her questions and have them addressed at the end of Courtesy of the Floor. Supervisor Diana said he wanted to bring Mr. Fix’s attention to her question. Ms. Siegel said he could respond at the end, per standard procedure. Supervisor Diana asked Ms. Siegel to proceed.)
 2. Last week’s resolution referred to a tax abatement – can you be more specific as to what type of future tax break you were agreeing to? Was it a 485(b) abatement or a PILOT agreement like the one you agreed to last year for Bird Bus that will result in a \$227,000 tax revenue loss? If it is a PILOT, which will include a break in school taxes, did you discuss the tax break with the Yorktown School District before adopting the resolution?
 3. The resolution sets a firm contribution for the Underhill Farm developer, but the Town’s share is only an anticipated cost and that cost is based on 2022 prices and, as we all know, there have been cost increases. We can expect that to continue. Before adopting the resolution, did you consider what the actual Town’s share would likely be in 2024 if construction starts then?
 4. Everyone agrees that improvements are needed to the Route 118 and Underhill Avenue intersection in order to alleviate the delays at the light but the \$1.2 million cost includes more than widening the lanes that would address the problem. The \$1.2 million includes improvements related to the pedestrian access for the residents of Underhill Farm. Why should Yorktown taxpayers be paying for those costs? Isn’t that a developer cost? Did you ever consider separating out the pedestrian costs from the road widening costs?
 5. Since Underhill Farm hasn’t received Planning Board approval yet, what was the rush to adopt the resolution last week? You may have wanted to support Underhill Farm’s application to the County’s IDA but that application does not have to include a tax break.
 6. Since the resolution only set broad parameters for a future tax break, is it correct to say that a second specific tax break agreement is going to be needed? And if that second agreement is not adopted, Yorktown taxpayers will not have to pay for Underhill Farm’s road and pedestrian improvements?

Ms. Siegel also agreed with Mr. Lieberman’s statement about transparency.

- Michael Hickens, resident, made three comments: 1) the tax abatement for the Underhill Farm project adopted last week without public discussion undermines public confidence in democracy and is poor public service; 2) the costs the Town will incur because of the abatement it is being giving at a time when the Town needs tax revenue; 3) he is shocked at the lack of courtesy shown towards Ms. Siegel earlier in the evening by Supervisor Diana.
- Anthony Pichette, resident, said he is very glad about the Universal Pre-K program. He complimented the FamJam Event held last weekend. He asked that going further the parking situation be examined more closely at the Underhill Farm project. He spoke about walkability and how to get cars off the streets.
- Jann Mirchandani, resident, congratulated the Police Department, and thanked Cheryl and Brittany Sanchez for their information. She spoke about last week’s tax abatement resolution and said that perception matters and she did not see why it could not have been put on this week’s agenda instead for the public to see beforehand. She also questioned the term “certain lands” in the upcoming resolution for Homeland Towers; she felt it was vague and not defined.

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

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

Daniel Fix, Town Attorney's Office, responded that the Open Meetings Law was not violated. This was a conditional resolution for a PILOT that has to go through the necessary approvals with the Westchester County Industrial Development Agency and the Planning Board. The public will have plenty of time for comment during upcoming public hearings. He said this resolution was put out before the Planning Board approved it because this is also being developed in conjunction with the Department of Transportation (DOT), which is reviewing the traffic issue and they did not want to delay that process. He said that the Town wants the DOT to examine the problem and give its input and then the Planning Board can continue their process. Mr. Fix said there is not going to be a loss of tax revenue but a significant increase in tax revenue – in fact it is approximately a \$1,309,000 for county, town, and school. He said that it will eliminate a problematic intersection and increase safety and that there will be significant tax revenue that will not be affected by the abatement.

Supervisor Diana addressed the issue of the intersection of Route 118 and Underhill Avenue. He said the Town is taking steps for better traffic management and it would be paid by the developer if the project moves forward. He said it is still in the process of being reviewed and nothing nefarious is going on. He said dialogs have to happen with developers to see if their projects should be put forward – there is no violation of Open Meetings Law. He said this had to get to DOT to meet a deadline.

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.

Town Clerk Quast displayed the Affidavit of Publication for the public hearing.

David Goessl, project engineer, said he is before the Board this evening because the property contains a freshwater wetlands area, and as such, the Town Board is the approving authority. He said the project has already been before the Board at a prior work session. Mr. Goessl said the project has been before the Conservation Board and Planning Board. As a result of comments made at these meetings, they brought on an environmental consultant to assist the client in obtaining the necessary approvals from NYS DEC since the property has also has NYS regulated wetlands. The drawings he presented back in November showed the most recent set of drawings that did incorporate all of the comments and critiques from the advisory boards. Mr. Goessl said he feels the Board now has the most up to date plans, including comments from NYS DEC, Region 3. He requested that the Town Board conditionally approve the permit.

Town Engineer Dan Ciarcia said the memorandum that was issued most recently targets the conditions that the applicant must meet should the Town Board decide to approve the permit application.

Councilman Esposito asked if Mr. Ciarcia spoke to the applicant about these conditions and he replied no. Mr. Goessl said they had no objections to the conditions. A brief discussion took place regarding the conditions.

Director of Planning John Tegeder said the Planning Board issued a memorandum that had three recommendations; one of which the Board is more concerned with - the impacts associated with both portions of the projects be treated cumulatively so that the mitigation reflects them. Mr. Goessl said these comments were incorporated into the final plans.

Councilman Lachterman read a letter from Susan Chico, resident and neighbor of the proposed location, who opposes the installation of the swimming pool.

Councilman Lachterman asked to see the location of the pool on the plans. Mr. Goessl showed the location and said there was an existing 27-foot diameter above ground pool on the property before and was removed. He said the fence would be 6 feet high. He said the first pool was taken down last fall in 2022. He said the new in-ground pool is comparable in size to the old pool.

Geri Schwalb said she had lived in the area and when it rained heavily, the water would be right up the house due to the wetlands. She said an in ground pool is going to get flooded. Councilwoman Haughwout said there was a lot of engineering mitigation work to eliminate that possibility.

Highway Superintendent Dave Paganelli asked if Mr. Ciarcia was familiar with how the water in the backyard is going to be mitigated (curtain drains, etc.). Mr. Ciarcia said they are putting in infiltrators and the property pitches to the rear for the water overflow.

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 Councilman Esposito and carried.

Town Engineer Dan Ciarcia said he would put a resolution together enumerating the conditions of the permit for next week's meeting.

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
RESOLUTION #255

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 |

Highway Superintendent Dave Paganelli said that, as part of the Legacy Field deal when we received a certain amount of money and gave up over 7 miles of Town road that we used to get paid to maintain and now would cost us more than the money we received just to pave half of them; these roads at that time were county roads and absorbed by Yorktown. At that point, they were never put into the town code that they were double yellow lined roads and could be an issue if someone was ticketed on one of them.

The following members of the public spoke:

- Anthony Pichette, resident, thanked Superintendent Paganelli for being so responsive to his emails. Mr. Pichette spoke about traffic accidents and deaths of police officers killed by motorists. He spoke about newly paved roads being a "race track" for drivers to speed. He asked about traffic calming measures.

Superintendent Paganelli spoke about the criteria that have to be met for a road to qualify for calming measures.

A discussion ensued regarding speeding in Town.

- Dan Strauss, resident, said it is not just residents speeding. He said Yorktown is a "pass through" town and many out of towners are also speeding.

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 Haughwout and carried.

ADOPT LOCAL LAW 3 of 2023 TO AMEND CHAPTER 275 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “VEHICLES AND TRAFFIC,” SECTION 22 BY ADDING TO THE PAVEMENT MARKING LIST
RESOLUTION #256

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

Whereas, a public hearing was held on the 16th day of May 2023 pursuant to notice duly published as required by law 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

Resolved, that Local Law 3 of 2023 be and is hereby adopted.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye
 Local Law 3 of 2023 was thereupon duly adopted.

AUTHORIZE COMPTROLLER TO PAY NICHOLAS BURNS THE CASH VALUE OF UNUSED TIME AS OF HIS DATE OF SEPARATION
RESOLUTION #257

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

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

AUTHORIZE COMPTROLLER TO PAY MAUREEN CONNELLY THE CASH VALUE OF UNUSED TIME AS OF DATE OF HER RETIREMENT
RESOLUTION #258

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

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

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

AUTHORIZE COMPTROLLER TO PAY PAUL DILLON THE CASH VALUE OF UNUSED TIME AS OF DATE OF RETIREMENT
RESOLUTION #259

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

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR
COMPUTER SUPPORT
RESOLUTION #260

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

Resolved, that 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.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS IN
LIEU OF TRANSFERRING FUNDS TO YORKTOWN SEWER FOR INVOICES PROPOSED IN
2023 BUDGET
RESOLUTION #261

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

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

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR
PAYMENT TO LOGICALLY FOR 2023 ANNUAL NETWORK SUPPORT AGREEMENT
RESOLUTION #262

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

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

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

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

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

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW OF THE UNDERHILL FARM PROPOSED SITE PLAN LOCATED AT 370 UNDERHILL AVENUE
RESOLUTION #263

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

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 Farm 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.

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

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”
RESOLUTION #264

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

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.

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

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”
RESOLUTION #265

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

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.

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

AGREEMENT WITH ENVIRONMENTAL DESIGN & RESEARCH (EDR) FOR A SEWER SYSTEM EVALUATION STUDY

RESOLUTION #266

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

RESOLVED, that the Supervisor is authorized to sign an agreement with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPR (EDR) for assistance with conducting a Sewer System Evaluation Study (SSES) for a not to exceed price of \$14,900.00.

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).

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

AUTHORIZE COMPTROLLER TO RELEASE EROSION CONTROL BOND FOR WORK DONE AT 2942 FARM WALK ROAD IN THE AMOUNT OF \$500.00

RESOLUTION #267

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

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.

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

APPOINTMENT OF MICHELLE GILBERT AS OFFICE ASSISTANT (AUTOMATED SYSTEMS) IN THE TOWN CLERK'S OFFICE
RESOLUTION #268

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

BE IT RESOLVED, that Michelle Gilbert, of Yorktown Heights, NY, is hereby appointed to the civil service title, Office Assistant (auto systems), job class code 0750-01, from Eligible List No. 02-140, effective May 22, 2023, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A-1, Group 8, Step 1, which is \$56,085.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED, contingent upon successful completion of a drug test,

BE IT RESOLVED, that Michelle Gilbert will report to work at the Town Clerk Department on May 22, 2023 and this date will be used as the first date of appointment;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on May 22, 2023.

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

APPOINTMENT OF MICHAEL J. STIGELL AS HEAVY MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT
RESOLUTION #269

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

BE IT RESOLVED, that Michael J. Stigell is hereby appointed Heavy Motor Equipment Operator, job class code 0429-02, within the Highway Department, effective May 22, 2023 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 1 which is \$65,995.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on May 22, 2023.

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

PERMANENT STATUS AND TEMPORARY APPOINTMENT OF ROBERT ALFANO, MAINTENANCE MECHANIC (POOL) IN THE PARKS & RECREATION DEPARTMENT
RESOLUTION #270

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

BE IT RESOLVED, that Robert Alfano, Maintenance Mechanic (Repair) in our Parks & Recreation Department, has completed the 12-week minimum probationary period and is hereby granted permanent status effective May 17, 2023.

BE IT RESOLVED, that Robert Alfano is hereby appointed temporary as a Maintenance Worker (Pool), job class code 0930-02, within the Parks & Recreation Department, effective May 18, 2023, to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 2 which is \$65,218.00 annually.

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

ADJOURN

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

DIANA L. QUAST, TOWN CLERK
MASTER MUNICIPAL CLERK