

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 11, 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: Maura Weissleder, Deputy Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilwoman Capoccia, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss individual personnel issues, and litigation and negotiations. Upon motion made by Councilwoman Capoccia, seconded by Councilwoman Haughwout, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Deputy Town Clerk Maura Weissleder led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember the victims of all of the recent shootings across the country, as well as members of our armed forces, our frontline workers, and our first responders.

NEW YORK STATE BUDGET

NYS Assemblyman Matt Slater appeared before the Town Board to give an update on his new experiences in Albany as a member of the 94th Assembly District. He showed a slide presentation on the New York State Budget, or lack thereof. He said they are on their second week of a budget extender and no agreement on what the roughly \$234 billion budget may entail. Assemblyman Slater said the main obstacle has been policy issues and not numbers. He said the biggest sticking points are:

- Changes to Bail Reform – Governor Hochul supports changes to the bail laws and some Democrats in the Senate and Assembly do not.
- Local Zoning Takeover – Governor Hochul’s plan mandating municipalities to meet new construction housing quotas.
- Federal Medicaid Funds meant for counties

On a local level, Assemblyman Slater spoke about the AIM and CHIPS programs – both programs are expected to be flat, as well as the EWR program (winter recovery funds). He said there is a 30% increase in the costs to pave roads and if there is the same amount of money in the programs, 30% less roads will be paved. He said that they have worked closely with highway superintendents across the state to try to increase the funding for CHIPS and EWR and the State Senate has proposed to increase the amounts considerably and we now have to wait to see what the final negotiation is going to be.

Regarding school funding, Assemblyman Slater said the Governor is looking to increase funding to schools considerably. He said that the Lakeland School District is expected to receive an increase of \$6.4 million in state funding. Yorktown School District is expected to receive \$4.7 million.

Assemblyman Slater said they have passed two budget extenders because they want to keep government working. He explained that a budget extender is an approval of specific costs to make sure certain institutions and payrolls continue to operate. He said that residents can expect in the final state budget a projected \$227 billion spending plan (a 2.4% projected increase from last year).

A discussion took place between the Town Board and Assemblyman Slater regarding the Universal Pre-K (UPK) program and meal plans for students.

Councilwoman Capoccia asked Assemblyman Slater if there would be any money going into Route 202 and he said yes; \$5.2 million will be going towards paving from the Taconic State Parkway to the 4 corners in Town (Route 118).

Councilman Lachterman asked if the extra money to the schools would go into the levy to lower school taxes and Assemblyman Slater it depends upon how the schools would utilize the money.

PROPOSED AMENDMENTS TO TOWN CODE §275-22

Highway Superintendent Dave Paganelli came before the Town Board to request the addition of certain streets in the Town of Yorktown be added to the Town Code regarding the pavement marking list.

Superintendent Paganelli said this is basically an amendment to put roads that were taken over by the Town during the Legacy Fields deal into this section of the code as being roads that require double yellow lines.

The proposed additions are:

- 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

A discussion took place regarding the cost and quality of paving.

ADVERTISE PUBLIC HEARING FOR AMENDMENT TO CHAPTER 275 ENTITLED "TRAFFIC," SECTION 22 OF THE TOWN CODE TO ADD STREETS TO THE PAVEMENT MARKING LIST RESOLUTION #198

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

RESOLVED, the Town Clerk is authorized to advertise a public hearing for an amendment to Chapter 275 entitled "TRAFFIC," Section 22 of the Town Code to add streets to the pavement marking list.

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

ARGONNE ROSE BREWERY

Michael Grace, attorney for the applicant (Argonne Rose Brewery) came before the Town Board to discuss the property's parking and alienation.

Mr. Grace presented a site plan to the Town Board to review the areas on the property that would be affected by the parking situation. He said that the Department of Transportation owns a piece of the area that abuts Route 6. The piece of property was used as overflow parking for the Winery. Mr. Grace said the property is now changing hands and the new owners want to make sure this piece of land is not going to disappear or be diminished.

Councilman Esposito said if the whole situation falls apart, the new owners would be short 2 spaces. Mr. Grace said this is in a transitional zone so it is under the jurisdiction of the Town Board. The new owners would like an assurance from the Town Board that their use and occupancy would remain the same.

Supervisor Diana said that he does not have a problem at this point with what they would like to see happen. He asked Adam Rodriguez, Town Attorney, if a sunset clause could be incorporated relative to the DOT's movement on the issue.

Councilman Esposito said that this is a viable business and he would be hard pressed to shut down a business because they are short two parking spaces. He has no problem with this request.

Director of Planning John Tegeder gave his recommendations as to how the resolution should be written and what should be included.

Mr. Grace said that when he receives the final deed recording, he would send it to the Town. He said that the alienation was done but the deeds were not filed and that is what he is taking care of now.

Mr. Tegeder said that a note should be added to the site plan. Supervisor Diana agreed and said as soon as this is memorialized on an amended site plan, the Board would vote on a resolution. Mr. Rodriguez said as soon as the Town Board received the new site plan, a resolution will follow.

AUTHORIZE THE COMPTROLLER TO PROCESS PAYMENTS TO GARLAND / DBS INC.
RESOLUTION #199

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

Resolved, the Town Comptroller is authorized to process payments to Garland/DBS for:

Roof repair and air conditioning replacement at the Police Department and Court facilities
App #4 \$100,000.00

Roof repair at the Albert A. Capellini Community & Cultural Center
Draw #1 \$648,052.09

as per February 19, 2019, May 10, 2022 and June 14, 2022 Town Board Resolutions.

Diana, Lachterman, Capoccia	Voting Aye
Esposito	Voting Nay
Haughwout	Abstained

Resolution adopted.

AUTHORIZE HISTORICAL PERSPECTIVES, INC. TO PERFORM A CULTURAL RESOURCE REVIEW FOR THE PROPOSED GARDENA HOTEL PROJECT
RESOLUTION #200

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

WHEREAS, the Planning Board of the Town of Yorktown desires to have a cultural resource review of the proposed Gardena Hotel Project located at 1952 Commerce Street in Yorktown Heights, also known as Section 37.14, Block 2, Lot 54 on the Town of Yorktown Tax Map; and

WHEREAS, Historical Perspectives, Inc., a historic resource 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 February 7, 2023; and

WHEREAS, Historical Perspectives, Inc. has submitted a proposal dated March 29, 2023 to perform a cultural resource review pursuant to said on-call agreement for an amount not to exceed \$1,700.00, with a potential additional public meeting for \$500.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Historical Perspectives, Inc. under the on-call agreement with the Town of Yorktown for the purpose of reviewing the cultural resources for the Gardena Hotel project, in an amount not to exceed \$1,700.00 for this review, with an additional public meeting for \$500.00, 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.

ACCEPT DECOMMISSIONING BOND FOR FOOTHILL SOLAR PROJECT
RESOLUTION #201

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

WHEREAS, Yorktown NY 1, LLC, as applicant, provided the Town with Great Midwest Insurance Company's Bond #GM220015 in the amount of \$106,040.00, to serve as the site restoration bond for the site plan and special permit approvals for a large-scale solar generation system and battery energy storage system known as the Foothill Solar Project and approved by Planning Board Resolution #22-10 dated April 25, 2022; and

WHEREAS, the documentation submitted by the Applicant was referred to the Town Attorney for review and acceptance as to form; NOW, THEREFORE BE IT

RESOLVED, that the bond required prior to issuance of the Town permits, i.e. delivery of the required project decommissioning bond has been satisfied and that the Town Comptroller is authorized to accept the above referenced project bond.

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

ACCEPT DECOMMISSIONING BOND FOR OLD HILL FARM SOLAR FARM
RESOLUTION #202

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

WHEREAS, Hillside Solar, LLC, as applicant, provided the Town with Great Midwest Insurance Company's Bond #GM221806 in the amount of \$233,284.00, to serve as the decommissioning bond for the site plan and special permit approvals for a large-scale solar generation system known as the Old Hill Farm Solar Farm Project and approved by Planning Board Resolution #22-11 dated April 25, 2022; and

WHEREAS, the documentation submitted by the Applicant was referred to the Town Attorney for review and acceptance as to form; NOW, THEREFORE BE IT

RESOLVED, that the bond required prior to issuance of the Town permits, i.e. delivery of the required project decommissioning bond has been satisfied and that the Town Comptroller is authorized to accept the above referenced project bond.

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

ACCEPT DECOMMISSIONING BOND FOR ARCADIA FARM SOLAR FARM PROJECT
RESOLUTION #203

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

WHEREAS, Ecogy New York XIII, LLC, as applicant, provided the Town with Atlantic Specialty Insurance Company's Bond #800008032 in the amount of \$16,834.00, to serve as the site restoration bond for the site plan and special permit approvals for a large-scale solar generation system known as the Arcadia Farm Solar Farm and approved by Planning Board Resolution #21-29 dated December 6, 2021; and

WHEREAS, the documentation submitted by the Applicant was referred to the Town Attorney for review and acceptance as to form; NOW, THEREFORE BE IT

RESOLVED, that the bond required prior to issuance of the Town permits, i.e. delivery of the required project decommissioning bond has been satisfied and that the Town Comptroller is authorized to accept the above referenced project bond.

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

APPOINT SERAFINA BRAVO TO INTERMEDIATE ACCOUNT CLERK
RESOLUTION #204

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

Be It Resolved, that Serafina Bravo is hereby appointed probationary Intermediate Account Clerk, job class code 0713-01, from Eligible List no. 02-201, effective April 12, 2023 to be paid from Yorktown CSEA Salary Schedule A1, Group 6, Step 5 which is \$65,038.00 annually,

Be It Further Resolved, that this appointment is subject to a probationary period no more than 12 weeks, commencing on the first date of appointment on April 12, 2023.

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

WAIVE FEE FOR LAKELAND EAST GIRL SCOUTS FOR USE OF THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #205

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

Resolved, at the request of the Lakeland East Girl Scouts, the Town Board hereby authorizes the use of the Albert A. Capellini Community & Cultural Center gymnasium for 6 hours of use on Saturday, April 29, 2023. The Town Board waives the rental fees of \$234.00.

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

RESIGNATION AND APPOINTMENT OF NANCY MILANESE
RESOLUTION #206

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

BE IT RESOLVED, Nancy Milanese resigns from her Senior Office Assistant (Auto Systems) permanent part-time effective close of business April 11, 2023 and effective immediately is rehired by the Town as Senior Office Assistant (Auto Systems) on a part-time availability basis to assist the Planning Department.

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

COMPENSATION ADJUSTMENT
RESOLUTION #207

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

WHEREAS, certain personnel appointments are not represented by a bargaining group, and

WHEREAS, some of these positions consist of employees that serve at the pleasure of elected officials, and

WHEREAS, a recent review of compensation was completed and it has been concluded that an inequity exists between three of these positions:

Confidential Secretary to the Highway Superintendent
Court Clerk
Deputy Town Clerk

NOW, THEREFORE BE IT RESOLVED, that the above referenced positions compensation be adjusted to the same as all personnel appointments that serve at the pleasure of elected officials to provide equity in the salaries to the employees listed above, and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to process the following Budget Transfers to cover these salary adjustments:

From:	A. 1002	General Fund – Fund Balance	\$20,800.00
To:	A5010.101	Highway – Salary	\$ 3,664.00
	A1410.101	Clerk – Salary	\$ 9,591.00
	A1110.101	Court – Salary	\$ 3,220.00

A9000.800	General Fund – FICA/Medicare	\$ 1,325.00
A9000.811	General Fund – Retirement	\$ 3,000.00

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

ADJOURN

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

MAURA WEISSLEDER
DEPUTY TOWN CLERK