

Meeting of the Town Board, Town of Yorktown held on Tuesday, June 13, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Thomas P. Diana, Supervisor
Edward A. Lachterman, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Mary Capoccia, Councilwoman

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Councilman Lachterman led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our military who serve to protect our freedoms both here and overseas, as well as our first responders (EMS, fire, police) who keep us safe on a daily basis.

REPORT FROM THE TOWN SUPERVISOR

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

- Yorktown has been listed as the number one safest town in the nation by Money Geek. He thanked the police department who keep us safe every day. Yorktown has consistently supported and contributed to the police department to help the town achieve this standing.
- The cement relining of the water main on Hanover Street is finishing ahead of schedule and under budget.
- The public hearing regarding the Underhill Farm project may be seen on the Town's website.

1530 EAST MAIN STREET – AMENDED SIGN PERMIT

Diah Hamed, Mohegan Auto, and Director of Planning John Tegeder came before the Town Board to discuss the requested amended sign permit.

Supervisor Diana said they had received all of the current information and spoken with the Planning Director to discuss suggested changes. Mr. Tegeder said he did a site visit and suggested planting a different species of plants since the current boxwoods have not survived. He also discussed other possible conditions that could be included in the approving resolution. Some of these included the need for the parking lot to be striped, the need for an additional drawing of a proposed sign for the front of the building that would indicate the business name "Mohegan Auto & Tire Center." A discussion took place regarding the pole sign and the monument sign and their visibility.

Mr. Hamed asked if the wetlands in the back of the property should be maintained by the NYS Department of Transportation and Mr. Tegeder said maintenance might mean only the picking up of garbage and not necessarily the cutting back of vegetation.

Supervisor Diana reviewed the conditions and Mr. Tegeder will prepare a resolution that will incorporate the list of conditions for the amended site plan.

APPROVE AMENDED SITE PLAN for 1530 EAST MAIN STREET
RESOLUTION #304

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

WHEREAS, Diah Hamed, as owner, applied to the Town Board of the Town of Yorktown for site plan approval under Article XVII of the Town Code of the Town of Yorktown for conversion of an automobile storage yard to an automobile storage and sales yard and the continuance of an automobile service and gasoline filling station; and

WHEREAS, the subject site is a .6916 acre parcel located at the intersection of Route 6, East Main Street, and Strawberry Road in the Lake Mohegan section of the Town of Yorktown and is transitionally zoned, and known as Section 15.12 Parcel 2 Lots 1 & 8 on the Tax Map of the Town of Yorktown; and

WHEREAS, by resolution dated June 6, 2017, the Town Board approved the site plan and signage with conditions; and

WHEREAS, the approved signage scheme was never implemented; and

WHEREAS, the applicant submitted a revised signage scheme to the town board dated March 3, 2023 consisting of twelve drawings and an application form date April 17, 2023; and

WHEREAS, the Town Board reviewed the new signage scheme, the original approved signage scheme and received a report detailing the conditions at the site; and

WHEREAS, the Town Board has determined that the environmental record is representative of existing conditions and that the propose signage scheme does not present any environmental conditions or impacts that have not been studied in the original environmental review; and therefore

BE IT RESOLVED, that the amendments to the signage scheme for the Mohegan Auto and Tire Center is hereby approved and that the site shall be improved as per the latest revised signage drawings listed above and pursuant to the following amendments and conditions:

1. Modify shrub screening facing Route 6 to the satisfaction of the Town Board;
2. Replace dead landscaping in accordance with approved site plan;
3. Paint striping of parking stalls in accordance with the approved site plan;
4. Submit sign design and detail for business identification signage at front and rear;
5. Submit revision showing 21'-0" high pole sign placed at eastern sign pole and leaving western sign and sign pole in its existing configuration;
6. Submit revision showing "Welcome to Shrub Oak" on monument sign as originally approved;

FURTHER RESOLVED, that the conditions and requirements of the original approval cited herein remain in full force and effect unless modified herein; and

FURTHER RESOLVED, that this approval is valid for one year from the date of its adoption unless a building permit is issued for the proposed work approved herein.

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

AFFORDABLE HOUSING RESTRICTIVE COVENANTS – NEW DEED RESTRICTION

Ken Belfer, Community Housing Board Chairperson, introduced members of the Housing Board Sarah Wilson and Maura Gregory. He said they had a work session agenda item with the Town Board several months ago that, although he thought would be routine, turned into a

rather lively discussion about exercising the right of first refusal on an affordable housing unit that was up for resale on Stony Street. He said that he felt there was a sense from the Town Board that the appreciation allowed under that deed was extremely restrictive. He said that he took this to the Housing Board to discuss and they reviewed all of the deeds in the program. Mr. Belfer said that the current local law says that whatever deed restrictions there are supersede the local law. He said that they decided to try to conform the deeds to a single standard as units come up for resale and would like to allow a reasonable price appreciation. He said that very little appreciation was allowed on the sale price of the Stony Street unit, as well as a couple of others. He said that the method of appreciation was taking the Series E Bond rate and applying it to the down payment. He said that the Housing Board agreed that this was too little appreciation. Mr. Belfer said they reviewed the county's model ordinance, the town code and calculated different scenarios.

The Housing Board did test scenarios that would give more appreciation but not so much that when it becomes available the property exits the program.

They drafted a revised Schedule B for clarification and adding the following changes:

- Switch from Series E Bonds to using the Consumer Price Index (taking half and capping it at no more than 2%) and applying it to the entire purchase price, which would provide some appreciation but not as high as market appreciation.
- Deeds will include a section adding language regarding capital improvements that would add to the sale price of the home.

Councilman Esposito asked how these changes would have changed the recent sale of an affordable housing unit. Mr. Belfer said that under these changes it would have added approximately another \$30,000 (\$100,000 sale price with \$10,000 down – the family received \$10,000 for the down payment, \$10,000 for the capital improvements, and \$10,000 due to the bond interest).

The Town Board discussed what qualifies as capital improvement versus maintenance. Mr. Belfer said closing costs are not included and the seller is responsible for them; however, there are no broker fees in these sales.

Mr. Belfer asked Town Attorney Adam Rodriguez what is the mechanism for changing this and Mr. Rodriguez said it could be done by resolution.

ENGINEERING PROJECT UPDATES – COURTHOUSE PLAZA AND EAST OF HUDSON STORMWATER MAINTENANCE

Dan Ciarcia, Town Engineer, said that the Town has been working with East of Hudson Watershed Corporation on six projects. East of Hudson Watershed Corporation bankrolls the capital cost and builds projects and the Town maintains them but is reimbursed for the maintenance. Mr. Ciarcia said they want to advance 2 more capital projects: Strang Boulevard; they want to add 3 infiltrators galleys to remove phosphorous from the water. The other project is on Ridge Street; they want to put a biofilter in the woods on Town property. He said we have to figure out how to maintain, but we will be reimbursed. Councilman Esposito asked what kind of maintenance this would entail and Mr. Ciarcia spoke about using vacor trucks to vacuum out sediment. He spoke about similar maintenance that the Town would be doing at Granite Knolls that the Town is responsible for maintaining.

Mr. Ciarcia said the bids for Courthouse Plaza had come pack and that there are two pieces to the paver replacement – the base bid and the alternate options of replacing the pavers versus reusing what is already there (replacement of the bricks, according to the lowest bid would be approximately \$49,000). Councilman Esposito led a discussion regarding how the prices were derived for some of the items in the bid, as well as the pros and cons of reusing existing pavers or purchasing new.

Mr. Ciarcia said he is waiting to see what the new pavers would look like and come back with samples for the board.

Councilman Esposito said that this is a brand new project and he would like to see the new pavers.

Supervisor Diana said that he is in favor of reusing the existing pavers; they are in good shape and using them would reduce the amount of the cost. Other details of the project and bid were discussed.

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE PURCHASE OF A SPORTSCLUSTER SYSTEM
RESOLUTION #305

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

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

From:

A.1002	General Fund – Fund Balance	\$130,950.00
	(to be offset by ARPA revenue)	

To:

A7110.201	Parks Equipment	\$130,950.00
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for the purchase of a SportsCluster System under Sourcewell purchase contract #071619-MSL from Musco Sports Lighting as authorized by the June 6, 2023 Town Board resolution.

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

EROSION CONTROL BOND RELEASE FOR WORK PERFORMED AT A SAW MILL RIVER ROAD RESIDENCE
RESOLUTION #306

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

WHEREAS, Karen Spano, as applicant, posted check #1281 in the amount of \$500 to serve as the Erosion Control Bond, which was deposited to the T33 account on June 1, 2015, for work performed at the Saw Mill River Road residence; and

WHEREAS, Karen Spano has requested her money be released as the project is complete; and

WHEREAS, the Town Engineer has informed this Board that the monies may be released; and

RESOLVED, that the above referenced monies be released to Ms. Karen Spano, 2247 Saw Mill River Road, Yorktown Heights, NY 10598.

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

AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH VEPO CROSSCONNEX FOR THE WATER DISTRICT BACKFLOW DATABASE MANAGEMENT PROGRAM
RESOLUTION #307

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

WHEREAS, Distribution Superintendent Ken Rundle seeks permission to enter into an agreement with VEPO CrossConnex to install and maintain a cloud-base software program for backflow management; and

WHEREAS, the database set up cost consists of a onetime initial setup fee in the amount of \$1,495.00; and

WHEREAS, there will be an annual software maintenance fee charged at \$10 per device (of approximately 700 devices currently). The annual fee will be charged as soon as the final number of devices is determined to upload to software; and

THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to enter into an agreement with VEPO CrossConnex for the Water District backflow database management program.

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

APPOINT MATTHEW MANCUSO TO LABORER WITHIN THE PARKS & RECREATION DEPARTMENT
RESOLUTION #308

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

BE IT RESOLVED, that Matthew Mancuso of Yorktown Heights, NY is hereby appointed Laborer, job class code 0425-05, within the Parks & Recreation Department, effective June 20, 2023, to be paid from Yorktown CSEA salary schedule A, Group 5, Step 1, which is \$47,549.00;

BE IT RESOLVED, contingent upon successful completion of a drug test that Matthew Mancuso will report to work at the Parks & Recreation Department on June 20, 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 June 20, 2023.

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

APPOINT BRIAN J. STAM TO SEWER MAINTENANCE WORKER WITHIN THE SEWER DEPARTMENT
RESOLUTION #309

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

BE IT RESOLVED, that Brian J. Stam is hereby appointed Sewer Maintenance Worker, job class 0652-02, within the Sewer Department, effective June 19, 2023, to be paid from Yorktown CSEA salary schedule A, Group 10, Step 5, which is \$69,740.00;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not more than 12 weeks, commencing on the first date of appointment on June 19, 2023.

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

ACCEPT THE RESIGNATION OF IRENA GOSS FROM THE JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #310

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

RESOLVED, the Town Board of the Town of Yorktown hereby accepts the resignation of Librarian I, Irena Goss effective June 12, 2023.

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

AUTHORIZE WATER DISTRIBUTION SUPERINTENDENT TO DISPOSE OF ANY USED AND UNUSABLE WATER METERS FOR SCRAP METAL
RESOLUTION #311

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

WHEREAS, the Water Department occasionally has a stockpile of used and unusable water meters located at 1080 Spillway Road; and

WHEREAS, although these water meters are not usable they have scrap value; and

THEREFORE, BE IT RESOLVED, the Town Board authorizes the Water Distribution Superintendent, Ken Rundle, to dispose of any used and unusable water meters for the value of scrap metal.

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

AUTHORIZE A CHANGE ORDER TO THE CAMP BUS BID
RESOLUTION #312

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

Whereas, the Bid for Summer Camp Programs and Teen Travel Trips was awarded by the Town Board on April 18, 2023, and

Whereas, certain trips have changed locations, now

Therefore Be It Resolved, that Trip #6 Legoland has been changed from 1 Legoland, Goshen, NY 10924 to 'Legoland' 39 Fitzgerald Street, Yonkers NY, 10710, the original price per bus was \$975.00, the new price per bus is \$875, and

Be It Further Resolved, that Trip #26 Fireball Mountain has been changed from Wrightstown, NJ to Spins Hudson, 5 John Walsh Boulevard, Peekskill, NY, the original price per bus was \$1,200.00, the new price per bus is \$750.

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

AWARD BID FOR WATER MAINTENANCE MATERIALS
RESOLUTION #313

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

Whereas, invitation to bid for the Water Maintenance Materials was duly advertised; and

Whereas, said bids were received and opened on May 18, 2023 with the bid amounts for the above-referenced project summarized in the attached chart and below:

Core & Main	-Items 1, 1A, 1B, 2, 17, 19, 20, 21, 22, 26
Carmel Winwater	-Items 1A, 1B, 2, 3B, 3C, 4, 6, 6A, 6B, 6C, 6D, 6E, 6F, 7, 8, 9, 12C, 27, 28
Ferguson	-Items 2, 3, 3A, 6, 6A, 10, 13, 13A, 14, 16, 23, 24, 25
Schmidts	-Items 2A, 8A, 8B, 15, 15A, 18
E.S.P.	-Items 5, 11, 12, 12A, 12B

Be It Resolved, that upon the recommendation of the Water Superintendent, Ken Rundle, the bid for Water Maintenance Materials be and is hereby awarded to the lowest bidders for each item.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR STREET & TRAFFIC SIGNS
RESOLUTION #314

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

RESOLVED, that the Town Clerk is authorized to advertise a bid for Street and Traffic Signs for the Highway Department.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR T-SHIRTS AND UNIFORMS
RESOLUTION #315

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

RESOLVED, that the Town Clerk is authorized to advertise a bid for T-Shirts and Uniforms for the Parks and Recreation Department.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR CLEANING AND CEMENT MORTAR LINING
RESOLUTION #316

Upon motion made by Councilwoman Haughwout, seconded by Councilwoman Capoccia,

RESOLVED, the Town Clerk is authorized to advertise a bid for the Cleaning and Cement Mortar Lining of Water Mains along Front Street and Underhill Avenue.

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

APPOINTMENT OF MARGARET GSPURNING AS HUMAN RESOURCES CONSULTANT
RESOLUTION #317

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

BE IT RESOLVED that Margaret Gspurning is hereby appointed Human Resources Consultant at the rate of \$100 per hour, as of Monday, June 12, 2023.

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

ADJOURNMENT

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

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