

Meeting of the Town Board, Town of Yorktown held on Tuesday, October 10, 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

Absent: 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 Councilwoman Haughwout, seconded by Councilman Esposito, the Town Board moved into Executive Session to conduct interviews for the Conservation Board, as well as discuss individual personnel issues. Upon motion made by Councilman Esposito, seconded by Councilwoman Haughwout, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Diana led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders: police, fire, ambulance, and EMTs who serve us on a daily basis. He also asked to keep in our thoughts and prayers the members of the military who serve to protect our freedoms both here and overseas and defend our freedoms on a daily basis. He also asked to keep in our thoughts and prayers the people and military of Israel after the recent horrific acts that are currently taking place there.

Supervisor Diana said that, although speaking for himself, he felt that the members of the Town Board agree that they all stand with Israel.

#### INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

#### REPORT FROM THE TOWN SUPERVISOR

Supervisor Diana briefly spoke about the situation in Israel.

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

- The success of the Fall Festival at the Jefferson Valley Mall sponsored by the Yorktown Chamber of Commerce.

#### SOLIDARITY FOR ISRAEL

Supervisor Diana introduced Rabbi Robert Weiner from Temple Beth Am who came to talk about the situation in Israel. Rabbi Weiner said the war broke out right at the end of their high holy days and thanked the police for the support they gave during this period and particularly Chief Noble for attending their service. Rabbi Weiner offered the following prayer:

“O, the one who makes peace in the high heavens, please return all of the hostages. May you allow them to return home to the embraces of their loved ones. May you also, O God, protect all of the troops and may they return home from all of their missions in peace. May you bring shalom, may you bring peace to the land of Israel and all of its inhabitants; may that come soon. May that peace somehow, some way, bring forth a time when we truly will not have to learn of war anymore. May it be God’s will. Amen.”

Supervisor Diana said that approximately 27 law enforcement leaders across the area were in Israel for a seminar about policing when the war broke out. They have all returned safely.

Councilman Lachterman said the situation is devastating. He thanked the police for their support at the various temples and places of worship. He said that the police presence has been “stepped up” at temples and the Islamic Community Center. Councilman Lachterman said that the events in Israel and Palestine will have serious impacts on these groups here at home.

Rabbi Weiner said anybody can stand up at this time and say “we stand with Israel,” but he worries about the coming days when military actions get underway. He said that these images of destruction will make it more difficult. He said there will be a loss of life for both Israeli and Palestinian citizens.

Further discussion took place regarding the recent and upcoming actions in Israel.

#### HOMELAND TOWERS

Klaus Wimmer, Homeland Towers, came before the Town Board to give a status update on the installation of cell towers. Mr. Wimmer said that they received the DEC wetland permit for the location on Hill Boulevard. The next step would be to finalize the foundation drawings and apply for a building permit. He said that before they can do that they need to clear out some of the underbrush and a few trees because it is very heavily overgrown. Mr. Wimmer asked the Town Board for permission to do this. Supervisor Diana said he did not believe there would be a problem with them clearing the underbrush and Town Attorney Adam Rodriguez said that any tree removal would need to be coordinated with the Town Engineer. Mr. Wimmer said he has sent the Town Engineer an email informing him of the DEC permit. Mr. Rodriguez said he would have to see if a Hold Harmless agreement would need to be done.

A discussion took place regarding the work that Mr. Wimmer is proposing to do and whether tree permitting is required. Supervisor Diana said he believed the trees Mr. Wimmer is referring to are swamp maples and are considered invasive.

Supervisor Diana asked Mr. Wimmer to keep the Town Board informed of their progress and to speak with the Town Engineer so they can get the work done as soon as possible.

#### AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER TO ESTABLISH A POOL RENOVATIONS FUND RESOLUTION #487

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

Resolved, the Comptroller is hereby authorized to establish the following capital project:

HR2                      Pool Renovations

Be It Further Resolved, the Comptroller is authorized to process the following budget transfers to establish the fund:

From:

A.1002	Fund Balance	\$ 600,000.00
--------	--------------	---------------

To:

HR2.5031	Pool Renovations	\$ 600,000.00
----------	------------------	---------------

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

#### AUTHORIZE \$6,750 CHANGE ORDER TO CONTRACT WITH CARBON ENTERPRISE INC. RESOLUTION #488

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

Whereas, the Town previously awarded a bid to Carbon Enterprises, Inc (Carbon) for the purchase and delivery of 216 tons of filter sand; and

Whereas, an additional 80-feet of hose is needed to deliver the sand; and

Whereas, Carbon has agreed to provide the additional hose for \$6,750.00; now



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

TOWN BOARD AND HIGHWAY SUPERINTENDENT CONSENT TO ROAD DEDICATION  
WALGREENS STORE  
RESOLUTION #492

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

Whereas, on July 17, 2023, by Resolution #23-11, the Town of Yorktown Planning Board resolved to approve an Amended Site Plan and a Stormwater Pollution Prevention Plan and a Tree Permit for the construction and operation of a Walgreens store at the property owned by J. Nazzaro Partnership L.P. located at 3320 Crompond Road, Yorktown Heights, also known as Section 26.18, Block 1, Lots 23, 25 & 26 on the Town of Yorktown Tax Map (the “Property”); and

Whereas, the approved Walgreens project includes an offer of dedication by the property owner to the Town of Yorktown of an approximately 802 square-foot strip of land on the Property along the Stony Street property boundary for the widening of Stony Street as shown on the drawing titled “Lot Line Adjustment Plat” prepared for J. Nazzaro Partnership, L.P. prepared by Badey & Watson Surveying & Engineering D.P.C. dated November 14, 2022 and detailed in the metes and bounds “Description of Property” dated February 6, 2023; and

Whereas, the widening of Stony Street as well as improvements to Stony Street and Old Crompond Road are part of the approved Walgreens project and will serve to improve traffic and road service in the area; and

Whereas, recognizing the benefits to the community of the Stony Street and Old Crompond Road improvements as well as the approved Walgreens project, the Town Board consents to the offer of dedication of property; now

Therefore Be It Resolved, that the Town Board, in conjunction with the Highway Superintendent, consents to the offer by J. Nazzaro Partnership L.P. of dedication to the Town of Yorktown of an approximately 802 square-foot strip of land on the Property as shown in the Lot Line Adjustment Plat and detailed in the Description of Property for the purpose of widening Stony Street.

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

ACCEPT DECOMMISSIONING BOND FOR ENERGY STORAGE SYSTEM  
RESOLUTION #493

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

Whereas, Yorktown Energy Storage 1, LLC, as applicant, provided the Town with Federal Insurance Company’s Bond No. K41764429 in the amount of \$252,471.00, to serve as the decommissioning bond for an electric energy storage system at the premises located at 3901 Gomer Court (Tax Map Section 6.17 Block 1 Lot 24) in the Town of Yorktown, as approved by a Town Board Resolution dated October 3, 2023; 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, subject to the receipt and approval of the Town Attorney, 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 Voting Aye  
Resolution adopted.

AUTHORIZE THE REFUND OF DUPLICATE FIRST HALF OF SCHOOL TAX COLLECTION  
RESOLUTION #494

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

Resolved, that the below list of duplicate first half of school taxes be refunded:

<u>Account No:</u>	<u>Amount</u>	
4734510	\$8,101.41	Refund Duplicate 2023/24 First Half School Tax
4845000	\$8,023.51	Refund Duplicate 2023/24 First Half School Tax
1487000	\$3,924.00	Refund Duplicate 2023/24 First Half School Tax
0541618	\$1,686.38	Refund Duplicate 2023/24 First Half School Tax
2348000	\$4,154.57	Refund Duplicate 2023/24 First Half School Tax
0742000	\$ 395.25	Refund Duplicate 2023/24 First Half School Tax
2475600	\$5,998.16	Refund Duplicate 2023/24 First Half School Tax
1945500	\$5,190.89	Refund Duplicate 2023/24 First Half School Tax
1367500	\$3,557.35	Refund Duplicate 2023/24 First Half School Tax
3596550	\$4,310.37	Refund Duplicate 2023/24 First Half School Tax
2241092	\$1,502.99	Refund Duplicate 2023/24 First Half School Tax
3472500	\$6,647.31	Refund Duplicate 2023/24 First Half School Tax

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

AUTHORIZE THE TOWN CLERK TO GO OUT TO BID FOR A NEW HEATING AND AIR  
CONDITIONING SYSTEM FOR THE YORKTOWN ARCHIVAL AND RECORDS CENTER  
RESOLUTION #495

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

RESOLVED, the Town Clerk is authorized to go out to bid for a new heating and air conditioning system for the Yorktown Archival and Records Center.

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

AUTHORIZE A STIPEND FOR MARIA DERUBEIS – WATER DEPARTMENT  
RESOLUTION #496

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

BE IT RESOLVED, that Senior Account Clerk, Maria DeRubeis, receive a stipend in the amount of \$5,000.00 per annum for assisting and preparing the monthly NYC DEP reporting and annual Water Quality Report.

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

RENEWAL OF THE LEASE FOR THE YORKTOWN STAGE  
RESOLUTION #497

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

Whereas, Yorktown Stage Inc. wishes to renew its lease from the Town of Yorktown for multiple rooms within the Albert A. Capellini Community and Cultural Center, and the Town of Yorktown wishes to lease such space to Tennant; and

Whereas, Town Law §64 requires that the Town’s lease of real property be subject to a permissive referendum under Town Law §90 and 91; now

Therefore, Be It Resolved, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and

Be It Further Resolved, that the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and

Be It Further Resolved, that pursuant to NY Town law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

ADJOURNMENT

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

---

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