

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 13, 2024 at 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Edward A. Lachterman, Deputy Supervisor
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Patrick J. Murphy, Councilman

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

TOWN BOARD MEETING

Deputy Supervisor Ed Lachterman called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Jay Kopstein, resident, led the Pledge of Allegiance.

MOMENT OF SILENCE

Deputy Supervisor Lachterman asked for a moment of silence to remember our first responders and those who serve our country in the military. He also recognized our municipal employees who work on our roads.

INTRODUCTIONS

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

REPORT FROM THE DEPUTY TOWN SUPERVISOR

Deputy Supervisor Lachterman reported on recent events and announcements, including the following:

- Assemblyman Matt Slater sponsored diaper drive for families in need – a collection bin is located at Town Hall.

WATER DEPARTMENT UPDATES

Water Distribution Superintendent Paul Vasillo said that they are looking to repaint the French Hill Tank, as per the sanitary survey done in November 2023 and was a recommendation from the Department of Health. He said that he is looking to Woodard & Curran to get the project started. Superintendent Vasillo said that this is a joint effort with the Northern Westchester Joint Water Works (NWJWW) and the Town of Somers and they will all be using Woodard & Curran, which will result in a cost saving. When questioned by Deputy Supervisor Lachterman, Town Attorney Rodriguez said that he is comfortable with the procurement that was followed.

Superintendent Vasillo said he would like to look into a possible water meter reader fee due to non-compliance by Yorktown residents who do not want their meter changed, as part of the water meter project. Deputy Supervisor Lachterman asked how many meters have been changed and Water Department employee James Waterhouse (who is overseeing the project) said that 4,100 out of 5,100 have been changed. He said that there are about 950 customers who have not scheduled an appointment for the change over to the new meters. He said that it is the Water Department's goal to see this system built out; it is for everybody's benefit, and the Town Board wanted to see this completed. Mr. Waterhouse said that he thinks this is a necessary step in order to get the project completed.

Deputy Supervisor Lachterman asked about the cost to the resident and/or the Town and Mr. Waterhouse said that the company gets about \$150 per installation and the Town pays approximately \$402 per meter and radio. A one-inch meter goes over \$500 for the set. Mr. Waterhouse spoke about the benefits of these meters to the residents. Deputy Supervisor Lachterman asked for his thoughts

about the fee. Mr. Waterhouse said that the Water Department still employs a full-time meter reader who uses a town vehicle. He said that the handheld unit that the meter reader uses costs approximately \$10,000. He said that there is also a fulltime staff at NWJWW who handles the Town's meter readings. He said that they bill three times per year and believes the non-compliance fee should be about \$200 per account per billing period to cover the cost of having a full-time meter reader. The total would be \$600 per year.

Mr. Waterhouse and the Town Board discussed the benefits of having the new meters in terms of water conservation, leakage alert, and billing. Deputy Supervisor Lachterman told Mr. Waterhouse to follow up with the Town Attorney when the letter they are working on to the residents is complete and then follow up with the Town Board.

WILLOW PARK TREE NURSERY

Keith Schephart, Tree Conservation Advisory Committee (TCAC) reported that they are ready for a second zone of trees. He said that the first zone was started in the autumn of 2021 with 7 trees donated by the Rotary Club. He said that 55 trees were planted in 2023; 5 trees were donated by Councilman Esposito. Mr. Schephart explained how in Zone 1 the trees are planted 4 feet apart both horizontally and vertically, and each row has 4 trees and there are 12 rows. He said that the existing 64 trees have used 44 feet of nursery space. The TCAC would like to buy 90 trees for the next zone but they would be smaller. The trees that were planted in 2021 are going to be harvested by Superintendent Jim Martorano this autumn for use on streets and in parks. Some of the 2023 trees could be harvested in 2025; most in 2026. Mr. Schephart spoke about the type of trees that have been planted: red maples, pin oaks, tulip trees, etc. He said that they cannot begin Zone 2 until they get their own water supply. Right now they are using the Garden of Hope's (Willow Park) water supply but with the amount they want to order this would not be sufficient.

Deputy Supervisor Lachterman explained that the Willow Park Tree Nursery is a tree nursery that was set up with the funds that are given to the Tree Bank when people are doing development within Yorktown and need to make up for the loss of trees. Deputy Supervisor Lachterman asked the Town Attorney if the Tree Fund could be used for RM (routine maintenance) to set up the water. Mr. Rodriguez said that he would have to review the law first. Mr. Schephart said the nursery he would purchase the trees from does run out of stock and he would like to be able to know if they can do the water sooner rather than later.

Deputy Supervisor Lachterman asked Mr. Rodriguez to look into the law and they would be in touch with Mr. Schephart as to whether or not they can use Tree fund money for the water source.

Superintendent of Parks & Recreation James Martorano, Jr. spoke about how they would remove the trees in the fall. Deputy Supervisor Lachterman asked Superintendent Martorano to talk to Water Distribution Superintendent Paul Vasillo and have him cost out what he thinks the total would be but do not limit it to what is needed; he said that he would rather do it once and do it right. He said that if you want to get the pipe laid, consider future zones and the need to water.

HUNTERBROOK SEWER DISTRICT EXTENSION

Vito DiMatteo, Gino LaVerghetta, and Adam Wekstein – Petition for Extension for Garden Lane Apartments

Adam Wekstein, attorney for the applicant introduced Vito DiMatteo, one of the principals of the Garden Lane Development. He said that they are seeking an extension to the Hunterbrook Sewer District and the Hunterbrook/Route 202 Sewer District to encompass the Garden Lane Development, which was approved by the Planning Board last August. In addition to this, they are ultimately seeking to petition the County Legislators to allow them into the Peekskill Sanitary Sewer District. He said that this is a 20-unit apartment development and a condition of the Planning Board approval was to seek this extension. Mr. Wekstein said that they would like the Town Board to adopt an order that is required under Chapter 193 of the Town law, which makes certain findings as to the public benefit to the district, as to the sufficiency of the petition, and as to any costs the Town may incur (in this case there are no costs, as the developer is paying for it). He said that then a public hearing could be held.

Deputy Supervisor Lachterman asked Town Engineer Dan Ciarcia to speak to this issue. Mr. Ciarcia said that this project is a tributary to the Route 202 business area sewer district, which utilizes the E1 low-pressure pumps so they would be tying into the force main that already exists on Garden Lane.

Mr. Ciarcia said there are two Town districts in that location: the overall Hunterbrook Sewer District and the sub-system that was developed in the Route 202 area. He said that this is an easy one that the Town should get going on because typically the process takes close to a year (for the Peekskill Sanitary Sewer District).

Mr. Wekstein said that the Planning Board, in reviewing this project, did a coordinated review under SEQRA and issued a Negative Declaration. He said that he was not certain if that were circulated to the Town Board. Town Clerk Quast said that she had it in her file and it would be circulated as part of the referral process.

REFERRAL OF PETITION OF GARDEN LANE DEVELOPMENT LLC FOR THE EXTENSION OF THE HUNTERBROOK AND HUNTERBROOK 202 SEWER DISTRICTS
RESOLUTION #121

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

Resolved, the Yorktown Town Clerk is authorized to refer to the appropriate departments and agencies the Petition of Garden Lane Development LLC for the Extension of the Hunterbrook Sewer District and the Hunterbrook 202 Sewer District in the Town of Yorktown, Westchester County, New York.

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

PETITION FOR ZONING MAP AMENDMENT – TOLL BROTHERS, INC.

David Cooper, Zarin & Steinmetz, attorney for Toll Brothers, Inc. who is the contract vendee to purchase a 50-acre portion of the Field Home/Holy Comforter property on Catherine Street. The purchase would be in connection with a proposal to develop a 118-unit active adult townhome community. He said that they are before the Town Board to petition a rezone of the property to the RSP-2 zone. The Town Board is serving as the SEQRA Lead Agency but along with the rezoning, there is a site plan review and a subdivision review before the Planning Board. Mr. Cooper said that last year the Town Board referred them to the Planning Board for a recommendation on the rezoning proposal, as well as to inform the Town Board in the SEQRA process because ultimately the Town Board is going to make a determination of significance. Mr. Cooper said that the Planning Board has issued a memo that is back before the Town Board and he is in the process of preparing a substantive response to the comments made in that memo.

Mr. Cooper said changes that have been made to the plan since the last time they appeared before the Town Board include:

- the footprint has been compressed a bit because they want to avoid a potential wetland issue;
- to record a restrictive covenant and conservation easement on approximately 14 acres of the back of the property, which would protect the natural resources located there.

Joe Riina, Site Design Consultants and project engineer, reviewed the proposed site plan. He said that a watercourse was identified that caused them to shift some of the units, shift the roadway, and compress the site plan. The entry point changed on the southerly roadway.

Mr. Cooper said another topic that has been discussed is the soccer field that is on the property that the Town leases for team practice. He said this lease expires in 2025. This would be removed in this proposal and he said they have spent much time evaluating how to offset the potential impact of the loss of this field. Mr. Cooper said that they have spent time with the Parks & Recreation Department to identify other potential fields or improvement projects. He said the upper field – the Hunterbrook Field – was identified as a location that could, if upgraded, take the demand off of the field on the Toll Brothers property. Mr. Cooper said Toll Brothers is offering \$150,000 to make improvements to the Hunterbrook Field. He said that this \$150,000 is above the \$472,000 that is going to be paid as the Recreation fee. They have prepared a recreational impact analysis that will be part of the package that is being sent to the Town Board.

Kevney Moses, Toll Brothers, Inc. stated that there would be just over \$1 million of a net tax surplus to the Town annually. Mr. Moses said that since they received the Planning Board comments they have been working very hard not only to respond to the issues but also to endeavor into the additional studies that might have been required. Mr. Moses said that since that point in time they have conducted

a wetlands analysis, a habitat analysis, and a viewshed analysis (that led to EAF changes). He said that they are looking forward to the next several months and working with the Town Board.

Mr. Cooper said the Field Home Building is being preserved. It would be provided to the Town for the Town's use. He said that an analysis would be provided to the Town with suggestions for its use. He said that the question of sewer capacity would be addressed at a point further down the road. He said that they are working with Town Engineer Dan Ciarcia to see how Toll Brothers could potentially assist in identifying mitigation measures.

Deputy Supervisor Lachterman spoke of a potential use of the Field Home building as a restaurant/catering facility, similar to the Tilly Foster Farm in Putnam County.

Councilman Murphy asked if they use local union workers and Mr. Moses said they are a private developer.

3000 NAVAJO ROAD

Michael Grace, attorney for the applicant, said his applicant was before the Planning Board in December and they are now looking to see if the Town as an interest and a buy-in to the project, which he said would bring benefits to the Town. Mr. Grace said that the biggest benefit would be the running of sewers down Route 6N that would provide access to the entire area. He said that this project would provide much-needed infrastructure that they would not otherwise get.

Mr. Grace said that the applicant wants to keep much of the recreational aspects of the property. He said that the wetlands have been remapped on the property and the conceptual plan now pushes the buildings completely out of the wetland buffer area. Mr. Grace said that in going through what the applicant is looking for and the zoning code there are conflicts. He said that the best way to approach this is, instead of trying to cram this development into an existing district, to create a new district that would accommodate the project or creating something along the lines of creating a chapter that deals with these types of large parcels and sizeable developments. He said that these large developments should be looked at on their own merits; many of the current regulations are outdated and do not address housing or environmental issues.

Councilman Esposito said that many of the wetland concerns on this property were addressed when the recreational fields had been put in. Mr. Diven, property owner, said he had spent 7 years with the DEC after they received their approval in 2013 and the development at that time was kept within the same footprint that the DEC told them they could develop. Councilman Esposito said that this project would make a significant quality of life impact to the area because of the sewer being created.

Director of Planning John Tegeder said that he agreed with much of what Mr. Grace said about reviewing the zoning laws. He said that this project and the sewers would also benefit Osceola Lake, which is a beautiful recreational area.

Deputy Supervisor Lachterman told Mr. Grace that he would love to see some type of plan in six to eight weeks.

FARMWALK PUMP STATION UPGRADE

Dan Ciarcia, Town Engineer, said there are a couple of intertwined projects that they are trying to achieve; beginning with a design on four pump stations in the Yorktown Sewer District (Crystal Lake, Hanover East, Mohansic, Saddle Ridge). He said that separate from that was a separate Order on Consent that the Town had with the DEC that included the Farmwalk pump station that had been prone to main breaks. Mr. Ciarcia said that he is proposing to put in a different type of pump that does not pulsate, which he believes is part of the problem there. He said they have begun this process in-house and asked EDR to prepare a proposal to do the electrical design and prepare the electrical bid documents. He said that he is before the Town Board to seek authorization to have EDR do this at a cost of \$45,000, which includes on-site inspections. Mr. Ciarcia explained the funding of this project. He said that there is a grant to do the four stations and then made a request to the Environmental Facilities Corporation to incorporate the Farmwalk project. He said the Town's contribution would be about 20%.

APPOINT GARY LINK TO THE POSITION OF ASSESSOR EFFECTIVE MARCH 25, 2024 RESOLUTION #122

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

BE IT RESOLVED, that the Town Board of Yorktown appoints Gary Link, to the title Sole Assessor, job class code 0062-02, and shall have all the powers and perform all of the duties of the Sole Assessor not inconsistent with the law, at the pleasure of the Town Board effective March 25, 2024, to be paid \$155,000, annually

BE IT RESOLVED, with 14 days of annual vacation, and for other benefits, 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 FURTHER RESOLVED, that this appointment will expire on September 25, 2025 as per NYS law.

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

AUTHORIZE STOCK CLERK, JOB CLASS CODE 0198-01 BE MODIFIED TO GROUP 11 IN THE YORKTOWN CSEA SALARY SCHEDULE A1
RESOLUTION #123

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

BE IT RESOLVED, that Stock Clerk, job class code 0198-01, is being modified to Group 11, effective January 1, 2024 to be paid from Yorktown CSEA Salary Schedule A1,

BE IT FURTHER RESOLVED, that Angela Cavallo, who is permanent as Stock Clerk be moved to Group 11, Step 5 which is \$82,297.00 annually.

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

APPROVE TWO SIGNS FOR THE TACONIC BRIDGE KIOSKS, ONE FOR THE EAST SIDE AND ONE FOR THE WEST SIDE
RESOLUTION #124

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

Resolved, that the Town Board approves two signs for the Taconic Bridge kiosks that have been approved by the Parks and Recreation Department and the YTTC to be created and placed on the east and west side of the bridge, The “east” sign explains how the bridge came into being and the “west” sign illustrates how the bridge links the town’s three major town parks and makes it possible for the trail to stretch from Strang Boulevard to Lexington Avenue.

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

AUTHORIZE DEPUTY SUPERVISOR TO SIGN AN AGREEMENT TO ADD A 5TH PUMP STATION WITH EDR FOR ELECTRICAL DESIGN SERVICES IN THE AMOUNT OF \$45,000.00
RESOLUTION #125

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

WHEREAS, the Town Board originally adopted a resolution on December 3, 2019 authorizing the Town Supervisor to sign a Professional Service Agreement with Environmental Design & Research, D.P.C for the rehabilitation of four (4) wastewater pump stations (Crystal Lake, Hanover East, Mohansic & Salem) to reduce sanitary sewer overflows and the amount of phosphorus entering Hallock’s Mill Brook and a Grant was awarded with a 25% applicant match; and

WHEREAS, now it is the wish of the Town Engineer to add Farmwalk Pump Station to the list as it is included in an order on consent that the Town has with the NYSDEC and to which New York State Environmental Facilities Corporation was agreeable to; and

THEREFORE, BE IT RESOLVED upon the recommendation of the Town Engineer Dan Ciarcia, the Deputy Supervisor is authorized to sign an agreement to add a 5th pump station with EDR for Electrical Design Services in the amount of \$45,000.00 and

BE IT FUTHER RESOLVED, the Town Comptroller is hereby authorized to process the following budget transfer to fund the Engineering Services at Farmwalk Pump Station:

From: OS.1002	Osceola Sewer – Fund Balance	\$45,000.00
To: YS.8130.490	Sewer District – Professional Services	\$45,000.00

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

AUTHORIZE RELEASE OF RETAINAGE WITHHELD FOR THE FLUORIDATION PROJECT
IN THE AMOUNT OF \$38,364.86 TO ELQ INDUSTRIES, INC.

RESOLUTION #126

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

RESOLVED, that upon the recommendation of the Town Engineer, the Town Comptroller is authorized to release the retainage withheld for the fluoridation project in the amount of \$38,364.86 to ELQ Industries, Inc.

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

EXTEND BID FOR ASPHALTIC CONCRETE LAID IN-PLACE

RESOLUTION #127

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

WHEREAS, invitation to bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 7, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Kect Construction Corporation, PO Box 201, Patterson, NY 12563, now

BE IT FURTHER RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place “MILLING” Section of the bid be and is hereby awarded to Intercounty Paving Company, Inc., PO Box 360, Carmel, NY 10512, now

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2024 to July 31, 2025.

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

EXTEND BID FOR STREET LIGHT MAINTENANCE AND REPAIR SERVICES

RESOLUTION #128

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

WHEREAS, invitation to bid for the Street Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 7, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2024 to August 14, 2025.

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

EXTEND BID FOR CUMMINS ENGINE OEM PARTS
RESOLUTION #129

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

WHEREAS, invitation to bid for the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2nd, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Cummins Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Diehl & Sons, d/b/a New York Freightliner, 129-01 Atlantic Ave., Richmond Hill, NY 11418.

BE IT FURTHER RESOLVED, the dates of the extension will be June 16, 2024 to June 16, 2025.

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

EXTEND BID FOR TRAFFIC LIGHT MAINTENANCE AND REPAIR SERVICES
RESOLUTION #130

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

WHEREAS, invitation to bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 7, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Light Maintenance and Repair for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to NY-Conn Corporation, 5 Shelter Rock Road, Suite 8, Danbury, CT 06810

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2024 to August 14, 2025.

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

EXTEND BID FOR JOHN DEERE CONSTRUCTION EQUIPMENT OEM PARTS
RESOLUTION #131

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

WHEREAS, invitation to bid for the John Deere Construction Equipment OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 9th, 2022,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere Construction Equipment OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Jesco, Inc., 497 Fishkill Avenue, Beacon, NY 12508.
BE IT FURTHER RESOLVED, the dates of the extension will be June 22, 2024 to June 21, 2025.

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

EXTEND BID WITH YORKTOWN AUTOBODY FOR TOWING AND EMERGENCY REPAIR SERVICES TO VEHICLES FOR AN ADDITIONAL TWELVE (12) MONTHS
RESOLUTION #132

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

Resolved, that the Town Board extends bid with Yorktown Autobody for Towing and Emergency Repair Services to Vehicles for an additional period of twelve months (12) months each upon the same terms and conditions as are contained in the License at the said time option is exercised. Extension of License will commence on June 1, 2024 and terminate on May 31, 2025.

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

ADVERTISE BID FOR ASPHALT CONCRETE/LIQUID BITUMINOUS MATERIALS
RESOLUTION #133

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

RESOLVED, that the Town Clerk is authorized to advertise Bid for Asphalt Concrete/Liquid Bituminous Materials.

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

ADVERTISE BID FOR MONTHLY RENTAL OF TWO HORIZON SIGNAL TEMPORARY TRAFFIC LIGHTS
RESOLUTION #134

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

RESOLVED, that the Town Clerk is authorized to advertise Bid for Monthly Rental of Two Horizon Signal Temporary Traffic Lights.

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

AUTHORIZE LIBRARY DIRECTOR TO EXECUTE AN ANNUAL AGREEMENT WITH AUTOMATED CONTROL LOGIC, FOR 24-HOUR ON-CALL COMPUTER MONITORING OF THE HVAC EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$5,000.00
RESOLUTION #135

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

RESOLVED, that the Library Director is authorized to execute a two-year agreement with Automated Control Logic, for 24-hour on-call computer monitoring of the library's mission-critical HVAC equipment, in an amount not to exceed \$5,000. The term of the contract will be retroactive from January 2024 through December 2025.

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

AUTHORIZE LIBRARY DIRECTOR TO EXECUTE AN AGREEMENT WITH LIBRARYMARKET FOR THE IMPLEMENTATION OF AN ONLINE CALENDAR PROGRAM
RESOLUTION #136

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

RESOLVED, that the Library Director is authorized to execute an agreement with LibraryMarket for the implementation of an online calendar program called LibraryCalendar which will integrate with our website and replace our existing calendar program which will cease to exist in June 2024. The agreement cost for LibraryCalendar is \$4,000, which includes \$2,000 for implementation and an annual subscription fee of \$2,000. The term of the subscription will be one year from the effective date of implementation.

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

ADVERTISE BID FOR THE POOL PUMP AND MOTOR REBUILD AT THE BRIAN J. SLAVIN AQUATIC FACILITY AT SHRUB OAK PARK
RESOLUTION #137

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

RESOLVED, that the Town Clerk is authorized to advertise Bid for the Pool Pump and Motor Rebuild at the Brian J. Slavin Aquatic Facility at Shrub Oak Park.

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

AUTHORIZE DEPUTY SUPERVISOR TO SIGN AGREEMENTS WITH THE SENIOR CLUBS
RESOLUTION #138

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

Resolved, that the Deputy Supervisor is authorized to sign agreements with the following Senior Clubs:

Jefferson Owners Foundation
AARP Chapter 3297
Shrub Oak Senior Citizens Club
St. Patrick's Seniors
Friends of Jefferson Village

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

AUTHORIZED DEPUTY SUPERVISOR TO SIGN AN AGREEMENT WITH WOODARD & CURRAN ENGINEERING AND GEOLOGICAL SERVICES, P.A. P.C TO ASSIST THE WATER DISTRICT IN PROVIDING ENGINEERING SERVICES TO THE WATER DEPARTMENT FOR A TOTAL COST OF \$115,000.00
RESOLUTION #139

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

WHEREAS, the Yorktown Consolidated Water District's French Hill water tank is a 3.0-million-gallon steel potable water storage tank located at 1700 Darby Street in Yorktown; and

WHEREAS, in January 2021 the tank exterior and interior were inspected by CorrTech and a subsequent inspection report was drafted that identified deficiencies which included coating delamination and corrosion on the shell and roof of the tank; minor surface corrosion along the roof lap seams and submerged shell plates on the exterior of the tank; accumulated 1.5" layer of sediment across the floor of the tank; no stainless steel 24 mesh bug screen installed on the overflow and vent; no self-closing swing gates on railing openings and platform pass through openings; and no cathodic protection system installed; and

WHEREAS, within a November 22, 2022 letter from the Westchester County Department of Health (WCDOH), a schedule of rehabilitation was requested; and

WHEREAS, to remedy these items of concern, the Town of Yorktown would like to solicit bids to recoat the exterior and interior of the French Hill tank and perform various other improvements as per the inspection report; and

WHEREAS, Northern Westchester Joint Water Works (NWJWW) and the Town of Somers also need to have their water tanks rehabbed and would like to solicit bids together with the Town of Yorktown as a joint project; and

WHEREAS, in accordance with the Town of Yorktown procurement procedures, the Yorktown Water District received proposals from three (3) engineering firms to develop design plans and specifications to address the deficiencies and provide permitting, bid, and construction phase engineering services to assist the Water District in rehabilitating the tank to stay in compliance with the WCDOH; and

WHEREAS, the following firms provided written proposals to the Yorktown Water District:

Weston & Sampson, PE, LS, LA, Architects, PC
1 Winners Circle, Suite 130
Albany, NY 12205

\$101,400.00

Woodard & Curran Engineering and Geological Services, P.A. P.C.
800 Westchester Avenue, Suite N507
Rye Brook, NY 10573

\$115,000.00

H2M Architects + Engineers
1133 Westchester Avenue, Ste N-210
White Plains, NY 10605

\$214,000.00

WHEREAS, the Yorktown Water District, NWJWW and Town of Somers agreed to move forward with Woodard & Curran Engineering and Geological Services, P.A. P.C due to the consistency and familiarity with working with all three municipalities to provide the best combined scope of services, to provide a joint bid and to benefit the Town with cost savings from shared services; and

WHEREAS, the cost for this engineering service to the Yorktown Water District is \$115,000.00; and

THEREFORE, BE IT RESOLVED, upon recommendation of the Distribution Superintendent Paul Vasillo, the Deputy Supervisor is authorized to sign an agreement with Woodard & Curran Engineering and Geological Services, P.A. P.C to assist the Water District in preparing design plans and specifications and provide permitting, bid, and construction phase engineering services for a total cost of \$115,000.00.

BE IT FURTHER RESOLVED, the Town Comptroller is hereby authorized to establish the following capital project:

HJ – French Hill Water Tank Recoating

AND BE IT FURTHER RESOLVED, the Comptroller is authorized to process the following budget transfer to fund the Beginning Phase of Engineering Services to recoat the French Hill Tank:

From: A.1002	General Fund – Fund Balance (to be offset by ARPA revenue)	\$115,000.00
To: HJ.8340.490	French Hill Water Tank Recoating-Prof. Svcs	\$115,000.00

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

Deputy Supervisor Lachterman stated that Councilman Murphy would recuse himself from voting on the following resolution. Councilman Murphy’s recusal is on file in the Town Clerk’s Office. Deputy Supervisor Lachterman asked Town Attorney Adam Rodriguez to explain the amendment. Mr. Rodriguez said that last week the Town Board voted to reject the Heritage Preservation Commission’s recommendation to landmark the entire Underhill Farm property subject to a condition that within seven days of the resolution the owner enter into an agreement with the Town to preserve the main building; basically agree that it would not be demolished without Town Board approval. He said that the Town has been able to negotiate even more enhanced protection to not only look after the main building, but the stonewalls, pond, and entry gates. He said that this agreement would be ready next week.

AMENDED PUBLIC HEARING DECISION FOR UNDERHILL FARM LANDMARK APPLICATION
SUBMITTED BY THE YORKTOWN HERITAGE PRESERVATION COMMISSION
RESOLUTION #140

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

WHEREAS, the Heritage Preservation Commission (“HPC”) has recommended that the Town Board designate the ±13.8 acre property located at 370 Underhill Avenue Yorktown Heights, New York, Tax Map of the Town of Yorktown as Section: 48.06 Parcel: 1 Lot: 30 (“Property”) as a historic landmark pursuant to Chapter 198 of the Town Code: and

WHEREAS, the Property includes a vernacular farmhouse and an Italianate-style main building which comprise the main building (“Main Building”), seven contributing outbuildings and certain landscape features, i.e., parklike lawns, mature trees and vegetation, a small pond, stone walls, and an iron entry gate; and

WHEREAS, on July 17, 2023, the Planning Board passed Resolution #23-13 approving site plan, special use permit, stormwater pollution prevention plan, wetland permit and tree permit for the Underhill Farm Site Plan dated July 17, 2023 (“Site Plan”), which is incorporated herein by reference; and

WHEREAS, prior to approving the Site Plan, the Planning Board referred the application to all appropriate boards and agencies, including the HPC, which issued several reports that were considered by Planning Board, including reports dated 05/26/22, 06/14/22, 06/30/22, 07/06/22, 07/08/22, 07/15/22, 07/22/22, 07/27/22, 08/12/22, 08/15/22, 08/23/22, 09/08/22, 09/15/22, 02/06/23, 02/08/23, 02/20/23, 03/24/23, 04/24/23, 04/26/23, 06/08/23, 06/19/23, 06/28/23, 07/10/23 and 07/17/23, and provided the HPC several opportunities to provide verbal input, which was also considered; and

WHEREAS, prior to approving the Site Plan, the Planning Board held a public informational hearing, several work sessions, and a public hearing to discuss the application; and

WHEREAS, the Site Plan authorizes the owner of the Property to construct a mixed-use development consisting of 80 condominium units including: 48 townhouses, a 32-unit 55+ senior restricted condominium building, and a mixed-use building consisting of 68 apartments and 15,600 square feet of retail/office space that includes 8,100 square foot of new retail space in addition to the reuse and preservation of the existing Main Building.

WHEREAS, the Site Plan requires the Property owner to: (1) share 30 parking spaces adjacent to the Beaveridge Apartments property to be used by those visiting a new proposed Senior Center and Town Recreation Department office to be built on the Beaveridge property; (2) complete all traffic improvements on Underhill Avenue and at the Underhill Avenue and Route 118 (Saw Mill River Road) Intersection; (3) complete the emergency access connection to the Beaveridge Apartments site to operational status; and (4) provide a \$225,000 payment in lieu of recreation space; and

WHEREAS, the Site Plan also requires the Property owner to engage in several steps to address the historic-related elements of the Property, including: (1) submit plan to evaluate the structural integrity of all existing accessory outbuildings; (2) submit plans for the dismantling, salvage, movement or demolition of each accessory outbuilding to be removed including a plan for documenting the buildings including basic historical data collection and the documentation of the structures as recommended by New York State Office of Parks, Recreation and Historic Preservation (“NYS OPRHP”); (3) submit a plan for monitoring excavation by a qualified historic consultant for the identification of artifacts during the excavation phase of construction; (4) final execution of the Letter of Resolution (“LOR”) with the NYS OPRHP; (5) submit plans for stone wall repair and restoration and detail at entry drive and necessary modification to gates, walls or pillars; (6) submit plans for rehabilitation of the Main Building for review and approval by the Planning Board prior to any construction on the building; (7) provide a procedure for dispersal and/or donation of any salvageable buildings or architectural elements that includes public input on this process; and (8) create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible location--the design of this exhibit and location shall be submitted to the Planning Board for their review and approval; and

WHEREAS, the HPC submitted its recommendation to landmark the Property on December 5, 2023; and

WHEREAS, the owner of the Property refused to consent to the designation of the Property as a landmark under Chapter 198 of the Town Code; and

WHEREAS, the Town Board held a duly noticed public hearing on January 30, 2024, where the HPC’s recommendation was discussed;

WHEREAS, the HPC presented its rationale for declaring the Property a landmark, including the Main Building, both exterior and interior, seven contributing outbuildings and certain landscape features--parklike lawns, mature trees and vegetation, small pond, stone walls, and iron entry gate; and

WHEREAS, the Town’s Building Inspector informed the Board that, based upon inspection, several of the outbuilding on the property were unsafe, and should be condemned and demolished as soon as possible; and

WHEREAS, The Town’s Planning Director provided the Town Board with documents detailing the New York State Historic Preservation Office actions conducting the Section 106 proceeding which concluded there were no feasible alternatives to the proposed project and subsequently determined that a Letter of Resolution be adopted and executed which provided for mitigative measures responding to the loss of the outbuildings and other adverse impacts;

WHEREAS, the Town Board closed the public hearing on January 30, 2024, but allowed an extended period for written comment; and

WHEREAS, the Town Board received and reviewed the written comments that were received; and

WHEREAS, the Planning Board submitted a written comment memorandum to the Town Board, which is incorporated herein by reference;

NOW THEREFORE, BE IT RESOLVED, for the reasons discussed herein, at the January 30, 2024 public hearing, and on the record on February 6, 2024, that the Town Board of the Town of Yorktown hereby rejects the HPC’s recommendation, subject to the owner of the Property executing, within seven days of the date of this resolution, an agreement with the Town where the owner promises that: (1) Town Board consent will be required before the Main Building may be demolished; (2) except as set forth in the Site Plan (as may be amended from time to time by the Planning Board), the Property’s stone wall on Underhill Avenue and N.Y.S. Route 118 (and its associated gates and pillars), entry drive and pond, shall not be materially modified or demolished without the written approval of the Town Board; and (3) any rehabilitation of the Main Building shall be subject to written approval of the Planning Board of the Town of Yorktown.

Lachterman, Esposito, Haughwout	Voting Aye
Murphy	Recused Himself
Resolution adopted.	

ADJOURN MEETING

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

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