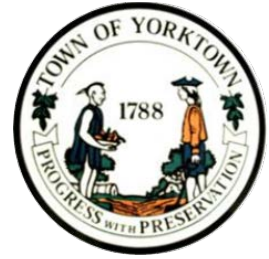




# Town of Yorktown

Office of the Town Clerk  
Diana L. Quast



## FINAL TOWN BOARD MEETING AGENDA

January 31, 2024

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

### 5:00 PM TOWN BOARD MEETING

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. INTRODUCTIONS
5. RESOLUTIONS

**Authorize Special Election to be held on April 16, 2024 to fill vacancy for the unexpired term of Town Supervisor**

Whereas, the New York State Town Law section 64(5) sets forth the method to fill a vacancy in an elective office to wit:

“Whenever a vacancy shall occur or exist in any town office, the town board or a majority of the members thereof, may appoint a qualified person to fill the vacancy. . . . If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.” and;

Whereas in November 2014, by referendum, the Town enacted section 65-9 et. seq., in regard to filling vacancies to elective offices within the Town of Yorktown wherein it allows the following:

“Within 30 days after the occurrence of a vacancy in an elective office subject to this article, the vacancy may be filled by Town Board appointment. If an appointment is not made within 30 days, the vacancy may be filled by either:

- A. Special Election called by the Town Board, to be held not less than 60 days and not more than 90 days from the date the Town Board decides to call for a Special Election; or

B. In the next General Election, whichever will allow the vacancy to be filled in the shortest space of time reasonably possible.”

Whereas, upon a special election, the unexpired term of the vacancy is filled; and

Whereas, the aforementioned section of the Yorktown Town Code was enacted prior to the changes made to the New York State Election Law making any special election subject to the provisions of early voting; and

Whereas, in order to accommodate early voting within the time frames set forth in the Yorktown Town Code; now,

Therefore Be It Resolved, that pursuant to Section 65 et. seq. of the Town Code of the Town of Yorktown, the Town Board hereby sets April 16, 2024 as and for the date upon which a special election shall be held to allow for the election to the unexpired term of Town Supervisor, as previously held by the late Thomas P. Diana; and

Be It Further Resolved, that said Special Election (including day of voting and early voting) shall be administered by the Westchester County Board of Elections in accordance with all applicable laws.

**Authorize compensation for Deputy Town Supervisor Councilman Edward Lachterman**

Whereas, the untimely death of Honorable Thomas P. Diana has left a vacancy in the elective office of Town Supervisor, and

Whereas, in the absence of the duly elected Town Supervisor, or while the Office of Supervisor is vacant, the Deputy Supervisor shall preside, when present, at the meetings of the Town Board and shall be vested with all of the powers and may perform all of the duties of the Supervisor under the provisions of Town Law with the exception that the designated Deputy Town Supervisor shall have no vote in his capacity as Deputy Supervisor on matters coming before the Town Board, and

Whereas, Councilman Edward A. Lachterman was designated as Deputy Town Supervisor by the late Thomas P. Diana, now,

Therefore Be It Resolved, that Councilman Edward A. Lachterman shall act in the stead of the late Honorable Thomas P. Diana, as Deputy Town Supervisor, but shall remain as Town Councilman and therewith retain his ability to vote on matters that come before the Town Board, as Town Councilman, so as to guard against a possible failure of an acting quorum in the absence of any other member of the Town Board; and

Be It Further Resolved, that whereas under N.Y. Town Law §42, the Town Board shall fix the compensation which the Deputy Supervisor shall receive, which compensation may be in addition to any other compensation he may receive as a Town Officer, Town Official or Town Employee, that Councilman Edward Lachterman shall receive as a stipend for acting in the stead of the late Honorable Thomas P. Diana the amount of \$111,390 per annum (the difference between the Supervisor and Councilperson salaries), which shall be paid retroactively to January 8, 2024, and shall continue until such time as either an appointment to fill the vacancy occurs or an individual is elected to fulfill the

remaining unexpired term of the late Honorable Thomas P. Diana. Said stipend shall be in addition to the Councilperson's salary of \$25,080 per annum.

6. ADJOURN MEETING

A motion will be made to adjourn the Town Board meeting.

Dated: January 31, 2024

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