

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 14, 2024 at 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Edward A. Lachterman, 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

Supervisor Ed Lachterman called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilwoman Haughwout, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss negotiation and/or litigation matters. Upon motion made by Councilwoman Haughwout, seconded by Councilman Murphy, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

The Kavovit Family led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Lachterman asked for a moment of silence to pray for those who are fighting to end to the strife in the world and to pray for those who are struggling with depression that they may find the help they need. He also asked to remember our first responders for all they do for our community, as well keep in our thoughts the members of our Armed Forces who fight for our freedom every day.

REPORT FROM THE TOWN SUPERVISOR

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

- There was an issue at a home in Yorktown where the police were called and responded to people unconscious, and those with nausea and headaches, as a result of carbon monoxide. He urged residents to check their carbon monoxide monitors to make sure they are working properly and batteries are changed.
- Supervisor Lachterman held up a photo and said that there is a missing 15-year-old teenager from Mohegan Lake by the name of Violet. She left her home of her own volition with a friend but did not take her cell phone. If you see her, please notify the police.

Councilman Murphy acknowledged Laura, Lisa, and Dave who were very good friends of Robert Kavovit, as well as schoolteachers in our district. He said that they were very instrumental in getting the following proclamation for Fifteen for Life.

Councilman Murphy said a few words about Robert Kavovit, primarily that he was a family man who would do anything for his wife, children, parents, and siblings. He said that Robert won three state championships in high school and one NCAA championship in college. Councilman Murphy said that the lacrosse community and the Kavovit family have come together to bring mental health awareness to the forefront instead of shying away from the issue by creating Fifteen for Life. Councilman Murphy invited Robert Kavovit's friend Dave to read the following proclamation:

ROB KAVOVIT – FIFTEEN FOR LIFE

Whereas, Rob Kavovit was a 45-year-old all-American loving husband, father, son, uncle, and mentor dedicated to his family, enjoying life; and

Whereas, Rob was a Yorktown native, played lacrosse in Yorktown High School and Syracuse University, and wearing the No. 15 was a significant number for Rob, as it represented the Kavovits – one girl and five boys, and his parents anniversary date; and

Whereas, Rob later moved to Stuart, Florida with his wife Marion and two sons, Landry and Luke, working as a physical therapist, and coaching both high school and youth lacrosse until losing his battle with depression on March 16, 2021; and

Whereas, with an average of 132 suicides daily, each one directly impacts at least 100 additional people, including family, friends, neighbors, coworkers; the ripple continues; and

Whereas, there are many people like Rob, going through life working, caring, and loving yet suffering from depression; we must equip people of all ages to be comfortable enough to seek help without feeling embarrassed; and

Whereas, the *FIFTEEN FOR LIFE* mission is a grassroots movement to raise awareness in a fresh and honest way about mental health, with a goal of reaching 15,000 people;

Now, Therefore, Be It Resolved, that I, Edward A. Lachterman, along with the Town Board of the Town of Yorktown do hereby proclaim May 15th as FIFTEEN FOR LIFE DAY.

Dave thanked the Town Board for presenting the proclamation. He said it is still hard after three years. Supervisor Lachterman said a few words on the value of Fifteen for Life.

Supervisor Lachterman read the following proclamation:

AMYOTROPHIC LATERAL SCLEROSIS (ALS) AWARENESS MONTH PROCLAMATION

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), known by many as Lou Gehrig's disease, is a progressive fatal neurodegenerative disease in which a person's brain loses connection with the muscles, slowly taking away their ability to walk, talk, eat, and eventually breathe; and

WHEREAS, every 90 minutes someone is diagnosed with ALS and someone passes away from ALS; and

WHEREAS, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

WHEREAS, ALS has no cure; and

WHEREAS, people who have served in the military are more likely to develop ALS and die from the disease than those with no history of military service; and

WHEREAS, securing access to new therapies, durable medical equipment, and communication technologies is of vital importance to people living with ALS; and

WHEREAS, clinical trials play a pivotal role in evaluating new treatments, enhancing quality of life, and fostering assistive technologies for those living with ALS; and

WHEREAS, we celebrate the 10th Anniversary of the Ice Bucket Challenge through a renewed commitment to galvanize public awareness and support funding leading to significant investments in ALS research; and

WHEREAS, the ALS Association, as the largest philanthropic funder of ALS research globally, has committed over \$154 million to support more than 550 projects across the United States and 18 other countries; and

WHEREAS, our commitment to accelerating the pace of discovery remains unwavering, fueled by the hope that one day, ALS will be a livable disease for everyone, everywhere, until we can cure it; and

WHEREAS, ALS Awareness Month increases the public's awareness of people with ALS' dire circumstances, and acknowledges the terrible impact this disease has, not only on the person but on his or her family and the community, and recognizes the research being done to eradicate this disease; and

Now, therefore, I, Town Supervisor Edward Lachterman, along with the Town Board do hereby proclaim the month of May 2024 as ALS Awareness Month and call upon all Americans to join in supporting ALS research, advocating for increased funding, and standing in solidarity with those affected by this relentless disease.

Supervisor Lachterman spoke of ALS and that it is a horrible disease. He spoke of those he has met who had or have ALS, such as the man who began the Ice Bucket Challenge.

SUPERVISOR EDWARD A. LACHTERMAN ANNOUNCED HIS PERSONAL APPOINTMENTS

Supervisor Lachterman announced his personal appointments as follows:

- Ms. Lorraine Morano as the Executive Assistant to the Supervisor.
- Councilman Sergio Esposito as Deputy Supervisor to serve during the absence or inability of the Supervisor to act, or while the office of Supervisor is vacant, pursuant to Section 42 of the Town Law.

APPOINT TERESA DELANEY TO THE POSITION OF ASSESSMENT CLERK (PROBATIONAL) IN THE ASSESSOR'S OFFICE
RESOLUTION #287

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

BE IT RESOLVED, that Teresa Delaney is hereby appointed probational as an Assessment Clerk, in the Assessor's Office, job class code 0089-01, effective May 15, 2024, to be paid from Yorktown CSEA Salary Schedule A-1, Group 10, Step 1, which is \$63,251.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement, now

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 March 4, 2024.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

APPOINT KEVIN HARRIGAN TO THE POSITION OF LABORER IN THE DEPARTMENT OF SEWER
RESOLUTION #288

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

BE IT RESOLVED, that Kevin Harrigan, is hereby appointed to Laborer job class code 0425-05, in the Department of Sewer, effective May 20, 2024, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 3, which is \$54,135.00 annually, now

BE IT RESOLVED, that this appointment is subject to a probationary period of 12 weeks, commencing on the first date of appointment on May 20, 2024.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

APPOINT ANDREW FREDRICK TO THE POSITION OF LABORER IN THE DEPARTMENT OF REFUSE AND RECYCLING
RESOLUTION #289

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

BE IT RESOLVED, that Andrew Fredrick, is hereby appointed to Laborer job class code 0425-05, in the Department of Refuse and Recycling, effective June 3, 2024, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1, which is \$48,737.00 annually.

BE IT RESOLVED, that this appointment is subject to a probationary period of 12 weeks, commencing on the first date of appointment on June 3, 2024.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

DISCUSSION OF THE REVISED PROPOSED LOCAL LAW TO AMEND CHAPTER 45 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “ETHICS”

Town Attorney Adam Rodriguez said that there were some technical changes and an addition that has not changed the scope of the law. He said that a referral was added to include the Town Attorney if the Ethics Board finds any issues in the course of an investigation that were not brought to them in a complaint. He said that it was also made clear that if for some reason there is a conflict of interest for the Town Attorney to be involved and the Ethics Board needs counsel, they can ask that the Town Board appoint counsel.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Murphy, seconded by Councilman Esposito, and carried.

ADOPT LOCAL LAW NO. 3 OF 2024 TO AMEND CHAPTER 45 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “ETHICS”

RESOLUTION #290

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

Whereas, a public hearing was held on the 19th day of March 2024 pursuant to notice duly published as required by law to amend Chapter 45 of the Town Code entitled “ETHICS”; now, therefore, be it

Resolved that Local Law No. 3 of 2024 be and is hereby adopted.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Local Law No. 3 was thereupon duly adopted.

DISCUSSION OF THE REVISED PROPOSED LOCAL LAW TO AMEND CHAPTER 275 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “VEHICLES AND TRAFFIC” (ALL-TERRAIN VEHICLE AND OFF-HIGHWAY MOTORCYCLE LAW)

Town Attorney Adam Rodriguez said that a significant amount of changes were made to the proposed local law and a new public hearing would not be uncalled for. Councilman Esposito said that he felt it should be brought back to the public. He said that there was one issue that came up to make the actual offence a misdemeanor because of observation of the infraction. Supervisor Lachterman said the question of not only the breaking of the law having a criminal element to it but also having high fines. He asked Mr. Rodriguez that the penalty should be commiserate to the damaged caused. Mr. Rodriguez said the penalty for a first offense is up to \$500. He said that, in his opinion, the penalties are severe enough. Councilman Esposito asked if the Town made it a misdemeanor, it does not necessary mean the person is charged with a misdemeanor and Mr. Rodriguez said that in general the police have the discretion to charge you with whatever they feel is appropriate. Councilman Esposito suggested putting the proposed law back into referral so that the public has a chance to comment. Supervisor Lachterman agreed.

The Town Board decided to send the revised proposed law out for referral.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Esposito, seconded by Councilman Murphy, and carried.

DISCUSSION OF THE TOWN COUNCIL VACANCY

Supervisor Lachterman said he is in favor of a special election to fill the Town Council vacancy so that the public has a voice and that it is an important part of the democratic process. Councilman Esposito said that New York State passed a law that elections as of 2026 will be held only on even years. He said that he does not think that this is beneficial to small towns because small elections are going to be drowned out by the bigger seats of the General Election. He is also in favor of holding a special Election. Supervisor Lachterman said that the Special Election will be held on July 23, 2024.

SPECIAL ELECTION FOR THE TOWN COUNCIL VACANCY TO BE HELD JULY 23, 2024
RESOLUTION #291

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

Whereas, “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 July 23, 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 Councilman, as previously held by Edward A. Lachterman; 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.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH LUZON ENVIRONMENTAL SERVICES
RESOLUTION #292

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

Whereas, Tank #3, an 8,000-gallon underground storage tank (UST), located at the Albert A. Capellini Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY, has twice failed tightness testing and must be abandoned or removed, now

Therefore Be It Resolved, that the Town Supervisor is authorized to execute an agreement with Luzon Environmental Services to abandon in place Tank #3 as per the proposal submitted, piggybacking PNW BOCES BID #2022-16 Fuel Tank Repair & Maintenance valid through August 31, 2024.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

APPROVE RELEASE OF EROSION CONTROL BOND FOR STORMWATER PERMIT #BSWPPP-011-23 AT 1391 EDCRIS ROAD
RESOLUTION #293

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

WHEREAS, Albert & Joyce Krauss, as applicants, posted check #1113 in the amount of \$500, which was deposited to the T33 account on April 19, 2023, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-011-23, and

WHEREAS, the applicants have requested their money be released as the project is complete, and

WHEREAS, the Town Engineer has informed this Board that the monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bond in the amount of \$500 be released to Albert & Joyce Krauss, 1391 Edcris Road, Yorktown Heights, NY 10598.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE PARKS DEPARTMENT TO PURCHASE A FORD F550 REGULAR CAB DUMP TRUCK OF CONTRACT NUMBER RFB-WC-23363 PICKUP TRUCKS
RESOLUTION #294

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

Whereas, Westchester County Bureau of Purchase and Supplies has published a PICKUP TRUCKS Bid for Model Year 2024; and

Whereas, the Westchester County Bureau of Purchase and Supplies has received and reviewed the bids; and

Whereas, Hempstead Ford - Lincoln has submitted the lowest bid that meets the Town's Specifications for a Ford F550 Regular Cab Dump Truck; and

Be It Resolved, that the Parks Department is hereby authorized to purchase (1) Ford F550 Regular Cab Dump Truck, meeting the Town's specifications, be purchased from Hempstead Ford – Lincoln at a total cost of \$87,495.45 per Westchester County Bureau of Purchase and Supplies Contract Number RFB-WC-23363 PICKUP TRUCKS

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE PARKS DEPARTMENT
RESOLUTION #295

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

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

From: A.1002	General Fund – Fund Balance	\$87,495.45
To: A.7110.201	Parks – Equipment	\$87,495.45

for the payment to Hempstead Ford – Lincoln for the purchase of a Ford F550 Regular Cab Dump Truck.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT
RESOLUTION #296

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

RESOLVED, that the Comptroller is authorized to process the following budget transfer:

From: D.1002	Highway Fund – Fund Balance (to be funded by ARPA)	\$189,434.70
To: D.5110.201	Equipment	\$189,434.70

Be It Further Resolved, the Superintendent of Highways, Dave Paganelli, is authorized to purchase a new E145 Bobcat Excavator through New York State Contract – PC69396.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE WATER DEPARTMENT
RESOLUTION #297

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

BE IT RESOLVED, that the Comptroller is hereby authorized to process the following budget transfer to close out the Cement Relining Capital Project (HN) and move the remaining funds back to the Water Fund (SW) Professional Service budget code:

From: HN.9901.905	Transfer Out	\$4,481.85
To: SW.8340.490	Professional Services	\$4,481.85

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE WATER DEPARTMENT
RESOLUTION #298

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

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

From: A.1002	General Fund – Fund Balance (to be funded by ARPA)	\$115,000.00
To: SW.8340.483	Water – Special Project	\$100,100.00
SW.8340.490	Water – Professional Services	\$ 14,900.00

for the installation of approximately 1,000 LF of new section of 8” water line along Croton Heights Road, connecting existing service lines at the intersections with White Horse Road and Spring Drive.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

APPROVE CHANGE ORDER #2 FOR THE POOL PUMP AND MOTOR REBUILD FOR THE BRIAN J. SLAVIN AQUATIC FACILITY BID IN THE AMOUNT OF UP TO \$1,661.00
RESOLUTION #299

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

Resolved, to complete the original work awarded under the bid dated March 15th, 2024 for the Pool Pump and Motor Rebuild for Brian J. Slavin Aquatic Facility Bid, a Change Order #2 is required in the amount of up to \$1,661.00.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE THE TOWN SUPERVISOR TO SIGN AMENDMENTS TO THE AGREEMENTS WITH THE TOWN OF YORKTOWN POLICE BENEVOLENT ASSOCIATION, INC., AND THE TOWN OF YORKTOWN SUPERIOR OFFICERS BENEVOLENT ASSOCIATION
RESOLUTION #300

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

WHEREAS, the Town and the Town of Yorktown Police Benevolent Association, Inc., (“PBA”) and the Town of Yorktown Superior Officers Benevolent Association (“SOA”) are parties to Collective Bargaining Agreements (“CBAs”), and

WHEREAS, the Town, the PBA, and SOA have agreed to a body-worn camera general order,

NOW THEREFORE BE IT RESOLVED, the Town Supervisor is authorized to sign Amendments to the Agreements with the PBA and SOA agreeing to a body-worn camera general order.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

AUTHORIZE BID TO BE ADVERTISED FOR THE PURCHASE OF WATER MAINTENANCE MATERIALS FOR THE WATER DEPARTMENT
RESOLUTION #301

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

RESOLVED, that the Town Clerk is hereby authorized to advertise a bid for the purchase of Water Maintenance Materials for the Water Department.

Lachterman, Esposito, Haughwout, Murphy Voting Aye
Resolution adopted

ADJOURN MEETING

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

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