

In-Person and Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, December 7, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Edward Lachterman, Councilman  
Vishnu Patel, Councilman  
Thomas P. Diana, Councilman

Absent: Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk  
Adam Rodriguez, Town Attorney  
David Paganelli, Highway Superintendent

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

A motion will be made to go into Executive Session to conduct interviews for the Solar Energy Request for Proposals (Innergex, Borrego, HESP Solar).

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE/PEARL HARBOR REMEMBRANCE DAY (80 YEARS)

Supervisor Slater said the subject of his moment of silence is to remember and honor the 80<sup>th</sup> anniversary of Pearl Harbor. He read the following proclamation:

WHEREAS, On December 7<sup>th</sup>, 1941, Japanese forces attacked the United States Naval Base at Pearl Harbor, Hawaii, leading to the United States of America's entry into World War II; and

WHEREAS, on this day eighty years ago more than 2,400 Americans lost their lives in this devastating attack, a day which will live in infamy; and

WHEREAS, it is crucial that we honor those who showed tremendous courage in defense of the timeless truths and great freedoms upon which our nation was founded; and

WHEREAS, the Town of Yorktown, along with the rest of the United States, will always honor the patriotism of the American heroes of the Greatest Generation; and

WHEREAS, December 7<sup>th</sup>, 2021 marks the 80<sup>th</sup> anniversary of the attack on Pearl Harbor, and we honor those American Patriots who lost their lives on that fateful day; and

WHEREAS, may we never forget our moral obligation to defend the freedoms that make our nation great; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board pause in its deliberations to reflect on the attack on Pearl Harbor and remember the heroes of the Greatest Generation.

SUPERVISOR'S COVID UPDATE

Supervisor Slater announced 15 new active COVID cases in Yorktown; the current active cases total 186. County Executive George Latimer announced today the first Omicron variant case in Westchester County. To put this into perspective, the Supervisor said this time last year we had 203 active cases on December 4 and 230 active cases on December 8. He said health officials on all levels of government have predicted spikes since Halloween, followed by spikes for each of the succeeding holidays. Supervisor Slater said it is important to note the positive impact the vaccine is having, as hospitalization percents are drastically lower than this time last year, as well as deaths due to COVID-19. The County Executive has put into effect a state of emergency for Westchester County; however, there are no mandates associated with that at this point in time. The Supervisor said that Yorktown will continue to provide opportunities

for residents to receive both vaccinations and booster shots. Supervisor Slater thanked staff members who continue to work on scheduling vaccination clinics. The next clinic will be held on December 14 in the AACCCC gym and on December 16 a pediatric clinic will be held for children over the age of 5. Supervisor Slater said it is important that we, as a community, recognize that our numbers are pacing with where we were this time last year. The difference is the severity and the reason for that is the vaccine. Westchester County, as a whole, is at 93% vaccinated and that helps to reduce the severity. The Supervisor said he knows that everyone is tired but to think of this as our time to overcome adversity as a community.

### INTRODUCTIONS

Supervisor Slater introduced the Board Members, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Highway Superintendent Dave Paganelli. He thanked the department heads in attendance for the budget hearing.

Councilman Patel said we should also remember the victims and families of the students who were killed in the most recent school shooting in Michigan.

### 2022 PRELIMINARY BUDGET PUBLIC HEARING

Supervisor Slater convened the public hearing for the 2022 Preliminary Budget Public Hearing.

The 2022 Preliminary Proposed General Budget totals \$63,169,071 representing an increase of \$2,416,533 from the 2021 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$124,361
Councilman (4) -	\$ 20,064
Town Clerk -	\$105,247
Superintendent of Highways -	\$131,336
Town Justice (2) -	\$ 40,000

Supervisor Slater said it is a \$63 million budget that protects the historic tax cut that the Board and Town achieved last year by proposing a zero percent increase in the general Highway and Library line and makes important investments in our environment, public safety, and the youth of Yorktown. There is a public presentation online that residents may view that addresses what has been accomplished and what is hoped to be accomplished with the new budget. He said in times of uncertainty and economic hardship it is the responsibility of government to make sure residents can continue to live in their community and thinks this budget helps with that goal.

Town Clerk Diana Quast displayed the Affidavit of Publication for the public hearing.

Councilman Patel said we are fortunate that we have more income from sales tax from the County and we should recognize that assistance. He also reminded the public that everyone entering Town Hall is required to wear a mask. Supervisor Slater repeated the mask requirement for town buildings, visitors, and employees. There was a brief discussion regarding air filtration in the town buildings.

The following members of the public spoke:

Paul Moskowitz, resident, spoke about the Open Space fund. A couple of decades ago Yorktown took a vote on providing a fund for the purpose of open space. It was structured so that everybody along the lot would contribute \$30 for each lot. It came to about \$400,000 a year for the Town. The monies collected enabled the Open Space Committee and the Town to purchase land around Turkey Mountain and the Granite Knolls property. Several years ago, former supervisor Michael Grace set the \$30 tax to zero and rather than let people enjoy a tax break, he raised the general fund tax by \$400,000 and as a result there is a minimal balance left in the Open Space Fund (\$100,000 to \$200,000). Even at \$400,000, this is not enough to purchase much land. Over the past several years, there has been a line item in the budget for capital expenditures equaling \$400,000. The previous supervisor said if we need open space, we have the \$400,000, but this money went away at the end of the year. A couple of million dollars, at least, has to be accumulated in order to make a significant property purchase. Mr. Moskowitz believes that Mr. Grace's strategy of setting the Open Space tax to

zero was a contradiction to the will of the voters, since this fund was approved by an overwhelming majority. He is asking the Board to consider taking the line item of \$400,000 and put it into the Open Space Fund and reinstate the \$30 per lot fee so the Town could be considering purchasing more open space.

Councilman Patel thanked Mr. Moskowitz for his comments. He said that in the past a \$2.7 million 200-acre property was purchased by the Town. The Town received a \$7 million return on that investment. He said he was very proud of the time he spent working on that purchase. Councilman Patel thanked the residents of the Town for their participation and support of the Open Space Fund.

Councilman Lachterman said that the tax was not taken away. One of the issues with the fund was that there was no mechanism in place to care for the open space. It overtaxed our Highway and Parks & Recreation Departments. Councilman Lachterman said there was nothing nefarious about the decision. He said he understands the need for balance when it comes to open space and how to care for it, but said it is not appropriate for the Town to have the open space and then not maintain it.

Councilman Diana agreed with Councilman Lachterman and that it was not done in a nefarious way, as Mr. Moskowitz implied.

Councilman Patel raised the issue of the amount of back taxes owed to the Town and how the value of the said properties affects the Town.

Susan Siegel, resident, expressed concern about the revenue. It seemed to her that some of the revenue projections might be high because some of our major expenses and revenue cannot be controlled such as sales tax, mortgage tax, building fees, pensions, and medical insurance. Ms. Siegel said we need a real one-year capital budget. She said that what we have as a capital plan is nothing more than a wish list – there is no plan to look ahead into 2022 and projects that need to take place (i.e., court steps); it is not specific enough. In the past auditors have said that 15-20% of the budget is a good healthy figure and the Town is way over that. Ms. Siegel said we should be spending some of this money on projects and that the Town has \$20 million in our unallocated fund balance. She said that the money the Town has should be spent so that current problems do not get worse and cost more. Ms. Siegel urged the Town Board to take a look early on in the year and start planning a one-year capital budget and a realistic 5-year plan.

Ms. Siegel spoke about specific line items:

- Town Board portion of budget regarding Video Equipment/Taping
- \$60,000 for Thompson Bender (Town marketing program and press releases). She asked how this increases “the efficiency of Town operations”
- \$350,000 Contingency Line
- \$15,000 expense for public education grants
- Town Hall Security (police budget)
- Yorktown Sewer
- Pump Station Upgrades
- \$10,000 to pay for a Town Historian

Ed Ciffone, resident, said that Ms. Siegel is not correct in questioning the \$7500 expense for police security at town board meetings. He asked about the \$20 million in the unassigned fund balance and said that the Town Board made up projects, used the fund balance and then never did the projects. Mr. Ciffone raised the issue of employee increases. He asked what the \$20M in the unassigned fund balance would do for Town residents. Mr. Ciffone said the budget should be reduced and people should be made to pay their taxes and wished the Town could do more to collect unpaid taxes (\$3.71 million uncollected, per Councilman Patel).

Walt Daniels, resident and Chairman of the Open Space Committee, talked about the open space tax. He said they have a long list of properties to purchase and that there is a long negotiation time in the current market to purchase a property. He urged the Town Board to find ways that there would be enough money to buy some property occasionally.

Howard Frank, resident, commented on capital money being used at the AACCCC and the Yorktown Theater. He said that there is a \$100,000 DASNY grant that is being applied towards seat replacement at the theater, and the remainder to be paid by the Town. He said this money could be used elsewhere and questioned the condition of the seats at the theater. Mr. Frank spoke about the HVAC system at the AACCCC and spoke about improvements to Town buildings to improve energy efficiency, and lower costs.

Sergio Esposito said the marketing contracts are needed in today's world (this is in defense of the expenditure for Thompson & Bender). He said that you could do it yourself but it is very difficult to get it right and is time consuming. He said that if it is not done right, the money is wasted. Towns need to do this in order to stay ahead of the curve. He agreed with the expenditure for the seating at the theater. Mr. Esposito suggested using some of the fund balance to help up-start businesses. He said that there is very little movement that can be made in this year's budget.

Susan Siegel – addressed using the fund balance to lower taxes (mentioned by Ed Ciffone). She said this board has learned a valuable lesson dealing with the water fund. The water district had about a \$6 million fund balance several years ago. The board reduced the water tax and used the fund balance to cover the deficit. She said that approximately \$4 million was spent to cover the deficit and taxes had to be raised, water rates were raised, and capital improvements had to be postponed (e.g. water meter projects, cement relining). She said the lesson learned was that you should not use your fund balance to cover operating expenses. Fund balance money should be used for long term improvements that would provide lasting benefits.

Dan Strauss, resident, said the town could buy open space and put no trespassing signs for safety, let it sit for five years and then consider developing it. He said that every year this issue about open space is raised. He asked if the Board could explain what the deal is with the open space fund and can it be put back or allocated so that the town has money to buy open space if they want to without restrictions, regardless of what fund it is put into. Supervisor Slater said if there is a piece of property the town wants to purchase the money can be transferred from the general fund into the open space fund. Councilman Lachterman said he thought there was a property bought within the last six years. Mr. Strauss said there should be a fund that could do that. Councilman Lachterman said we have an obligation to maintain the property (ex: a "dangerous" tree that has to be taken down) and this is an issue that had to be dealt with. Highway Superintendent Paganelli said there is over 5,000 acres of open space in Yorktown, much of which abuts private property. He said that now they have a company that will take care of these types of situations. The problem was that the original open space fund could only be used for the purchase of property but not for maintenance. The open space fund has \$155,000. Mr. Strauss said he does not understand what the problem is. Supervisor Slater said that when the Town purchases open space, that property is also taken off the tax rolls, which can add to taxpayer's burden. He said the operating budget of the town is used to pay for the maintenance.

Councilman Patel asked Town Comptroller Pat Caporale if the \$30 is still being collected but not for the open space fund. Comptroller Caporale said it is not being collected in the Open Space Fund and the \$400,000 is in the budget on the expense side as contingency money. Councilman Patel said this is the \$400,000 that is being collected every year and Supervisor Slater said this is not additional revenue. Comptroller Caporale said only the Town Board can vote to use this as contingency money.

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 Lachterman, seconded by Councilman Diana, and carried.

Town Board members responded to issues raised by Courtesy of the Floor and a discussion about bringing it back to the state to change the legislation regarding the open space fund took place.

Councilman Patel said that he wanted the \$10,000 allocated for compensation for a Town Historian to be given to board chairs. Town Clerk Diana Quast said that under state law the Town is mandated to have a Town Historian. The Town Historian's appointment is the

prerogative of the Town Supervisor. She said she recommended a particular individual, which under the law, is discussed in Executive Session when you are discussing a particular person. She said that she also requested the Town Board consider creating a Local History Advisory Committee with particular individuals because this committee is a specialized committee in preserving the history of the Town. She said that this committee, as stated in the resolutions, comes from the Heritage Commission, the Historical Society, the library, the community at large, the Town Clerk's office (as the record keeper of the Town's historical papers and preservation), and the museum. Town Clerk Quast said this was a very specialized request from her to the Town Board and because it is specialized it is why the request was made. She said that she is honored to be working with each of the Committee members because their dedication and knowledge of the history of this community is outstanding. As far as the compensation request for the Town Historian, Town Clerk Quast said this is one of the lowest compensations for a Town Historian across the state. She said some are paid, some are not, but this compensation is one of the lowest and would come from the Museum fund. She said that the work the Town Historian is required to do under state law calls for compensation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll-call, which resulted as follows:

Supervisor Slater	Voting Aye
Councilman Lachterman	Voting Aye
Councilman Diana	Voting Aye
Councilman Patel	Voting Nay

Supervisor Slater thanked the Town Comptroller, the Finance Department, all Department Heads, and all those who participated in the budget process.

REAPPOINT STEVEN TVERT AS A MEMBER OF THE BOARD OF ASSESSMENT REVIEW

RESOLUTION #476

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

BE IT RESOLVED, that Steven P. Tvert is hereby reappointed as a member of the Board of Assessment Review for a five-year term expiring September 30, 2025.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE THE FOLLOWING EMPLOYEES TO CARRY OVER THEIR REMAINING VACATION TIME IN 2022

RESOLUTION #477

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

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry accrued 2021 vacation time for use in 2022 and

WHEREAS, the Comptroller has confirmed the available balances as of 2021 Payroll 23, for pay period ending November 19, 2021,

NOW, THEREFORE, BE IT RESOLVED, the following employees may carry over remaining vacation time balances as follows, unless the employee takes vacation time after 2021 Payroll 23, which would reduce the time listed below:

<u>Name</u>	<u># Hours</u>	<u>Name</u>	<u># Hours</u>
Robert Noble	40	Sandra Serrano	77
Kim Penner	245	Donna Andrews	91
Anne Anderson	229	Mark Bistro	22.5
Jake Arcara	12.75	Vincent Calicchia	37.5
Michale Battista	43.5	Adam Cerrato	127.5
Nicholas Burns	115.75	Maria DeRubeis	119
Antonio Cambareri	198	Curt Doerr	90
Kieran Carney	105.75	Giulio Eliseo	32
Angela Cavallo	50.25	Tom Lagatella	17.5

Ted Devlin	168	Carl Laduca	57
Dennis Flynn	63	Jim Morgan	139
Peter Goldberg	65.25	John Vanderbrook	67.5
Michael Grasso	262.5	Doug Neeson	45
Kevin Harrigan	107.5	Paul Vasillo	120
Philip Klein	34.5	Edward Kolisz	63
Thomas McNulty	189.5	Sandrine Nseng	28
David Nikisher	127.5	Noreen O'Driscoll	245
Robert Reddy	33	Terri Campanaro	87
Margaret Gspurning	189	Franz Rom	37.5
Maria Ricci	196	Le Artis El	61
Yolanda Vazquez	49	Sonia Mejia	21
Shane Enea	71.9	David Humphrey	5.5
Peggiann Thorp	110	Katherine Sotomayor	54
Tara Guerrero	28	Robert Alfano	30.75
Philip Marino	67.5	Andrew Bergin	15
Andrew Heady	19	Andrew Cerrato	135.5
Matthew Hoek	42	Scott Ferreira	82.5
Douglas Paget	47	Barry Gelbman	150
Kristin Scherrer	93.5	Michael Hoek	103.25
Jake Vaccaro	45	Eric Hollberg	37.5
Mark Alexander	52.5	Stephen Melillo	37.5
John Winter Jr.	74.75	Dominic Monopoli	171
Paul Colarusso	97.25	Bryan O'Keefe	78.25
Victor Contreras	90	Guido Parks	135.5
Daniel Cruz	72	Richard Williams	30
Michael Hoy	112.5	Jessica Bambach	122.5
Christopher Moran	178	Anita Hecker	189
Alfred Pisano	100	James Martorano, Jr.	182
Steven Vitulli	85.5	Deanna Peterson	21
Louise Kobiliak	76.5	Daniel Walzewski	63
William Batista	59.5	Allison Egan	64.75
Dan Moran	105	Maria Stolfi	245
Anthony Cuccovia	122	Margaret Groccia	101
Kyle Gulitz	64.5	Shirley McCord	213.5
Curt Chase	141.25	Yvonne Cech	108.5
Michael Mill	224	John Landi	176.5
Daniel Ciarcia	101	Richard Falcone	38.5
Michael Antonucci Jr.	75	John Tegeder	245
Kyra Brunner	70	Robyn Steinberg	126
Jenna Belcastro	98	Nancy Calicchia	63
Lori Rotunno	89	Maura Weissleder	42
Barbara Korsak	245	Elena Panagi	42
Patricia Caporale	245	Kathy Nicholson	35
Gennelle MacNeil	158.5	Adele Hobby	50
Rachel Marchionno	56	Christine Julian	14

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE THE FOLLOWING MANAGERIAL EMPLOYEES VACATION BUY  
OUTS  
RESOLUTION #478

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

WHEREAS, the Town Board on December 18, 2012 adopted a resolution clarifying the benefits provided to department heads and other managerial and professional employees holding office titles not covered by the Town's CSEA contract,

WHEREAS, the Town Board wishes to provide certain additional benefits to the Managerial Employees, as permitted pursuant to General Municipal Law 92(1),

Whereas, at the option of the Managerial Employee, he may buy back the cash equivalent of up to five (5) days of his unused vacation leave balance at any time in a calendar year by written notice to the Town Board and Town Comptroller at least two (2) weeks before the date of requested disbursement, but not later than December 15,

WHEREAS, the Comptroller has confirmed the available balances,

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves the following Managerial Employees vacation buyouts:

<u>Name</u>	<u>Buyout days</u>
Barbara Korsak	5
Margaret Gspurning	5
Patricia Caporale	5
Sandrine Nseng	5
Noreen O'Driscoll	4
Kim Penner	5
Daniel Walzewski	5
Daniel Ciarcia	5
Maria Ricci	5
John Landi	5
Maura Weissleder	5
James Martorano Jr.	5

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE THE FOLLOWING BUDGET TRANSFER TO FUND A WORKERS' COMPENSATION SCHEDULED LOSS OF USE PAYMENT RESOLUTION #479

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

BE IT RESOLVED, that the Town Board authorizes the following budget transfer to fund a Workers' Compensation scheduled loss of use payment / Notice of Decision

From: A.1002	General Fund - Fund Balance	\$127,840.10
To: MC.1930.402	Workers' Comp Indemnity Payments	\$127,840.10

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE THE FOLLOWING BUDGET TRANSFER TO FUND A WORKERS' COMPENSATION SCHEDULED LOSS OF USE PAYMENT RESOLUTION #480

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

BE IT RESOLVED, that the Town Board authorizes the following budget transfer to fund a Workers' Compensation scheduled loss of use payment / Notice of Decision

From: SW.1002	Water - Fund Balance	\$176,424.30
To: MC.1930.402	Workers' Comp Indemnity Payments	\$176,424.30

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE RELEASE OF PERFORMANCE BOND FOR STORMWATER PERMIT #T-FSWPPP-055-18 TO ZAPPICO CONSTRUCTION, LLC FOR JACLYN LANE RESOLUTION #481

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

WHEREAS, Zappico Construction, LLC, as applicant, posted check #09324 in the amount of \$500 to serve as the Performance Bond which was deposited to the T33 account on September 21, 2018 for Stormwater Permit #T-FSWPPP-055-18, and

WHEREAS, the applicant has requested his money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced bond be released to Zappico Construction, LLC, 194 Brady Avenue, 2<sup>nd</sup> Floor, Hawthorne, NY 10532.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET  
TRANSFER FOR THE SEWER DEPARTMENT  
RESOLUTION #482

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

RESOLVED, that \$55,000 is transferred from YS.8130.0101 to YS.8130.0460.0003.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET  
TRANSFER FOR THE WATER DEPARTMENT  
RESOLUTION #483

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

RESOLVED, that the Comptroller is authorized to transfer \$5,000 from the Kitchawan Water District Fund Balance (SW2.0000.0909.0000) to the Water Purchases Line (SW2.8320.0450.0000) to cover the remaining invoices for 2021 water purchases.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

APPROVE THE FOLLOWING VEHICLE USE POLICY  
RESOLUTION #484

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

Policy Statement – All vehicles and related equipment of the Town of Yorktown are owned and maintained for the purpose of conducting official business of the Town. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee nor for any other purpose, which is not in the general public interest.

License Requirements

All Department employees who drive or are required to drive a Town vehicle must have a valid driver's license on their person at all times. Employees are obligated to report immediately any loss, suspension, revocation or expiration of their license to their immediate supervisor.

Town Vehicle Use

All employees are restricted to use of the Town vehicle for the performance of official duties only. Only stops incidental to the conduct of official business such as for meals on route to and from a destination are permitted. Department employees shall not allow a person who is not a Department employee to drive a Town vehicle nor shall they transport non-Town employees unless such persons are transported for a departmental purpose.

Out of Town Trips

No personnel shall be authorized to use a Town owned vehicle for out of Town trips without a prior written request to and approval of the Town Supervisor. The Supervisor will notify the Fleet Committee if he/she will be utilizing a Town vehicle for any out of Town trips.



Driving Policy

All drivers must adhere to all New York State driving regulations and traffic laws and all vehicle operating procedures by the State of New York. All drivers must wear seatbelts in accordance with provision set forth in New York State Law and General Law 09-07. All accidents must be reported immediately to the local Police Department. All accident reports must be submitted to the Town Legal Department. All drivers are responsible for checking the operation of all safety-related equipment and fluids prior to the operation of any department vehicle and reporting any malfunction to maintenance personnel immediately. All drivers are responsible for all summonses, fines, or penalties issued as a result of operating a vehicle while conducting Town business.

Commuting Privilege Personnel

Commuting privilege assignment of Town owned vehicles is for personnel who are authorized to use their assigned vehicle to commute between their home and their workplace. Town vehicles may not be used for commuting between an employee's home and workplace unless the employee is required to respond to emergencies during non-business hours. Employees who are authorized to commute with Town owned vehicles are required under Internal Revenue Service (IRS) regulations to report the value of all mileage commuted as taxable income. The value of personal use will be calculated according to IRS guidelines. All vehicles taken home by employees are to prominently display at all times a permanently affixed Town emblem on both sides of the vehicle. Magnetic emblems will not be permitted. The Yorktown Police Department does not have to comply with this requirement.

Commuting Vehicle Privileges are authorized for the following Employees (or their designee):

- Supervisor
- Highway Superintendent
- Highway General Foreman
- Chief of Police
- Police Lieutenants
- Police Sergeant of the Detective Division
- Police Detectives
- Refuse and Recycling General Foreman
- Town Clerk
- Sewer Assistant Plant Superintendent
- Building Inspector
- Superintendent Parks and Recreation
- Water Distribution Superintendent and staff as per May 2, 2017 Town Board Resolution

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted.

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW FOR THE HOME & HEARTH PROPOSED SITE PLAN RESOLUTION #485

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

WHEREAS, the Planning Board of the Town of Yorktown desires to verify the wetland delineation on the subject site and study the environmental impacts of the proposed site plan as outlined in their New Project Task Order Summary for the Home and Hearth Warehouse and Showroom located at 1750 East Main Street, Mohegan Lake, NY 10547, also known as Section 15.12, Block 1, Lot 2 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$3,800.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of reviewing the proposed Home & Hearth Site Plan located at 1750 East Main Street, in an amount not to exceed \$3,800.00 for the environmental review, and that the total cost shall be borne by the applicant as part of the cost of the application's review.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted.

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW FOR THE NY-578 - GRANITE SPRINGS PROPOSED CELL TOWER RESOLUTION #486

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

WHEREAS, the Town Board of the Town of Yorktown desires to verify the wetland delineation on the subject site as outlined in their New Project Task Order Summary for NY-578 - Granite Springs located on Granite Springs Road, Yorktown Heights, NY 10598, also known as Section 27.11, Block 1, Lot 33 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$2,300.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of verifying the wetland delineation for the NY-578 - Granite Springs located on Granite Springs Road, in an amount not to exceed \$2,300.00 for this environmental review, and that the total cost shall be borne by the applicant as part of the cost of the application's review.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW FOR THE NY-087 - JEFFERSON VALLEY PROPOSED CELL TOWER RESOLUTION #487

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

WHEREAS, the Town Board of the Town of Yorktown desires to verify the wetland delineation on the subject site as outlined in their New Project Task Order Summary for NY-087 – Jefferson Valley located at the corner of Route 6 and Hill Boulevard, Jefferson Valley, NY 10535, also known as Section 16.12, Block 1, Lot 31 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$2,300.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of verifying the wetland delineation for the NY-087 – Jefferson Valley site located at the corner of Route 6 and Hill Boulevard, in an amount not to exceed \$2,300.00 for this environmental review, and that the total cost shall be borne by the applicant as part of the cost of the application's review.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AWARD BID FOR THE REPLACEMENT OF BOILERS AT THE TOWN HALL,  
YORKTOWN POLICE DEPARTMENT, AND ALBERT A. CAPELLINI COMMUNITY &  
CULTURAL CENTER  
RESOLUTION #488

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

WHEREAS, bids were received from the below vendors for the replacement of boilers in the Town Hall, Yorktown Police Department, and Albert A. Capellini Community & Cultural Center:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Peak Performance & Service, Inc.	\$327,500.00
Sun-Dance Energy Contractors, Inc.	\$352,050.00
ThermoDynamics Corp.	\$507,000.00
Bertussi Contracting, Inc.	\$588,588.00

RESOLVED, that the bid for the replacement of boilers in the above-named buildings be awarded to Peak Performance & Service, Inc., at a total bid price of \$327,500.00.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE USE OF THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL  
CENTER BY LOVE HOLDS LIFE, INC., FOR USE OF A TOY GIVEAWAY AND  
WAIVES THE RENTAL FEE OF \$117.00 AND THE OVERTIME FEE OF \$225.00  
RESOLUTION #489

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

RESOLVED, at the request of Love Holds Life, Inc., the Town Board hereby authorizes the use of the Albert A. Capellini Community & Cultural Center gymnasium for 3 hours of use for a toy giveaway on Sunday, December 19, 2021. The Town Board waives the rental fee of \$117.00 and the overtime fee of \$225.00.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE COMPTROLLER TO RELEASE STREET OPENING PERMIT #020-004 IN  
THE AMOUNT OF \$7,000.00 AND STREET OPENING PERMIT 020-005 IN THE  
AMOUNT OF \$4,000.00 FOR WORK DONE AT 1447 DELAWARE ROAD  
RESOLUTION #490

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

RESOLVED, that the Comptroller is authorized to release Street Opening Permit #020-004 in the amount of \$7,000.00 and Street Opening Permit #020-005 in the amount of \$4,000.00 to Amawalk Real Estate, 11 Bedell Road, Amawalk, NY 10501 for work done at 1447 Delaware Road.

Slater, Diana, Lachterman, Patel Voting Aye  
Resolution adopted

AUTHORIZE COMPTROLLER TO RELEASE STREET OPENING PERMIT #021-006 IN  
THE AMOUNT OF \$2,000.00 FOR WORK DONE ON 1715 STRAWBERRY ROAD  
RESOLUTION #491

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

RESOLVED, that the Comptroller is authorized to release Street Opening Permit #021-006 in the amount of \$2,000.00 to Catucci 14, Inc. 1998 East Main Street, Mohegan Lake, NY 10547.

CREATION OF LOCAL HISTORY ADVISORY COMMITTEE AND APPOINTMENT OF TOWN HISTORIAN  
RESOLUTION #492

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

WHEREAS, the Town of Yorktown is desirous of creating a Local History Advisory Committee which will work with the Town Historian and be dedicated to preserving, collecting, researching and celebrating our town's rich history, and

WHEREAS, the Town Supervisor of the Town of Yorktown desires to appoint a Town Historian in order to further preserve Yorktown's history for future generations to come; and

WHEREAS, the Town Historian shall serve with a compensation of \$10,000.00 per year, and with an annual appropriation of funds as may be necessary to reimburse the Town Historian for expenses incurred in the performance of their duties and responsibilities.

WHEREAS, the Town Historian shall have the following powers:

- To carry out an historical program, including but not restricted to collecting, preserving and making available materials relating to the history of the Town.
- The Town Historian shall make an annual report to the Supervisor and Town Board stating all the work performed and accomplished during that year.
- The Town Historian shall transmit an annual copy of such report to the New York State Historical Society.
- The Town Historian may research, write and cause to have published a municipal history, and may recommend appropriate historical materials for publication;
- The Town Historian shall assist in projects of commemoration.
- The Town Historian will Chair the Local History Advisory Committee which will assist the Town Historian in carrying out his or her duties on matters of importance to the preservation of the history of the Town of Yorktown and the commemoration thereof.

WHEREAS, the Town Board may appoint up to seven (7) members to the Local History Advisory Committee which will serve at the discretion of the Town Board, and

WHEREAS, the Local History Advisory Committee will designate the date, time and frequency of its meetings by a majority vote of the Committee's membership, and

WHEREAS, Committee meetings will be open to the public and minutes of its meetings will be posted on the Town Website,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby creates a Local History Advisory Committee which will work with the Town Historian and be dedicated to preserving, collecting, researching and celebrating our town's rich history for future generations to come.

Slater, Diana, Lachterman Voting Aye  
Patel Voting Nay  
Resolution adopted.

APPOINT ALICE E. ROKER TO SERVE AS THE TOWN HISTORIAN AND CHAIR OF THE LOCAL HISTORY ADVISORY COMMITTEE  
RESOLUTION #493

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

RESOLVED, that Alice E. Roker is hereby appointed to serve as the Town Historian and Chair of the Local History Advisory Committee at an annual compensation of \$10,000.00.

Slater, Diana, Lachterman Voting Aye  
Patel Voting Nay  
Resolution adopted.

APPOINT PAUL MARTIN TO SERVE AS A MEMBER OF THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #494

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

RESOLVED, Paul Martin is hereby appointed to serve as a member of the Local History Advisory Committee, as a representative of the Yorktown Historical Society and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

APPOINT LINDA KIEDERER TO SERVE AS A MEMBER OF THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #495

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

RESOLVED, Linda Kiederer is hereby appointed to serve as a member of the Local History Advisory Committee, as a representative of the Yorktown Historical Society and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

APPOINT BRIDGET KROWE TO SERVE AS A MEMBER OF THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #496

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

RESOLVED, Bridget Krowe is hereby appointed to serve as a member of the Local History Advisory Committee, as a representative of the Heritage Preservation Commission and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

APPOINT CHRISTINE SISLER TO SERVE AS A MEMBER OF THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #497

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

RESOLVED, Christine Sisler is hereby appointed to serve as a member of the Local History Advisory Committee, as a representative of the Heritage Preservation Commission and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

APPOINT ADELE HOBBY TO SERVE AS A MEMBER OF THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #498

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

RESOLVED, Adele Hobby is hereby appointed to serve as a member of the Local History Advisory Committee, as a member of the Yorktown Museum and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye

Patel Abstained  
Resolution adopted.

APPOINT YVONNE CECH TO SERVE AS A MEMBER OF THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #499

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

RESOLVED, Yvonne Cech is hereby appointed to serve as a member of the Local History Advisory Committee, as a member of the John C. Hart Memorial Library and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

APPOINT MICHAEL DUBOVSKY TO SERVE AS A MEMBER OF THE LOCAL  
HISTORY ADVISORY COMMITTEE  
RESOLUTION #500

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

RESOLVED, Michael Dubovsky is hereby appointed to serve as a member of the Local History Advisory Committee, as a representative of the Community at-large and will serve at the discretion of the Town Board.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

APPOINT DIANA L. QUAST TO SERVE AS THE LIAISON TO THE LOCAL HISTORY  
ADVISORY COMMITTEE  
RESOLUTION #501

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

RESOLVED, that Diana L. Quast is hereby appointed to serve as the liaison to the Local History Advisory Committee, as the Records Management Officer.

Slater, Diana, Lachterman Voting Aye  
Patel Abstained  
Resolution adopted.

ADJOURN MEETING

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

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