



# Town of Yorktown

*Office of the Town Clerk Diana L. Quast*

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## **FINAL TOWN BOARD MEETING AGENDA**

**Tuesday, September 6, 2022**

**Spadaccia Meeting Room**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:30 PM EXECUTIVE SESSION**

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

Assessor

Litigation and Negotiations

Town Attorney

### **7:00 PM TELEVISED TOWN BOARD MEETING**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. POET LAUREATE  
John McMullen
8. PRESENTATION  
Kathy Quinn, Executive Director Support Connection
9. PERSONNEL  
**Appoint Joseph Pawelski to the position of Police Officer in the Yorktown Police Department**

BE IT RESOLVED, that Joseph P. Pawelski of Shrub Oak, New York is hereby appointed permanent Police Officer in the Town of Yorktown Police Department

from Eligible List No. 60-194, effective September 7, 2022 to be paid the contractual salary of \$59,709.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on September 7, 2022.

10. COURTESY OF THE FLOOR

11. RESOLUTIONS

**From the Finance Department**

**Authorize Comptroller to establish the following General Fund – Fund Balance to subsidize future PILOT (Payments in Lieu of Taxes) agreements related to Town Taxes**

Resolved, that the Comptroller is hereby authorized to establish the following General Fund – Fund Balance:

A.0909.9 PILOT Taxpayer Protection Fund Balance

to subsidize future PILOT (Payments in Lieu of Taxes) agreements related to Town taxes, and

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for this purpose as follows:

From: A.0909	General Fund – Fund Balance	\$200,000.00
To: A.0909.9	General Fund – Taxpayer Protection	\$200,000.00

**Authorize Comptroller to establish the following capital project for Water Cement Relining and process the following budget transfers for this purpose**

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

HN Water Cement Relining

and be it further resolved the Comptroller is authorized to process the following budget transfers for this purpose:

From: SW8340.490 Water Professional Services \$58,200.00

for tasks 2 and 3a for amendment 4 of the Weston and Sampson cement relining contract as per June 7, 2022 Town Board Resolution:

SW8340.483.1	Water Cement Relining	\$1,282,282.00
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for contract awarded to Michels Pipe Services as per July 26, 2022 Town Board Resolution:

To: HN5031 Water Cement Relining \$1,340,482.00

**Authorize Comptroller to process the following Budget Transfer**

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

From: A1990.499.1 General Fund – Contingency \$10,000.00

To: A1010.479 Town Board – Special Projects \$10,000.00

for payment to Thompson and Bender for a fall event campaign

**Authorize Comptroller to process the following budget transfers for the Highway Department**

Resolved, that the Comptroller is hereby authorized to process the following Budget Transfers:

From: D5110.101 Highway – Salary \$90,000.00  
D5130.101 Highway – Salary \$39,000.00

To: HR5110.200 Highway Renovation Capital Project \$21,000.00  
D5142.200 Highway – Snow Equipment (plows/spreaders)\$50,000.00  
D5130.425 Highway – Outside Services (Westwood Organic) \$38,000.00  
D5110.479 Highway – Drainage \$20,000.00

**Authorize Comptroller to process the following Budget Transfer for Town Buildings**

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

From: A.1002 General Fund – Fund Balance \$50,000.00

To: Capital Project HV Town Buildings Upgrades \$50,000.00

for payment to Peak Performance for boiler replacements at Town Hall, the Police Department and the Albert A Capellini Community and Cultural Center as per the bid awarded on December 7, 2021 Town Board Resolution.

**Authorize Comptroller to process the following Budget Transfer for the Police Department**

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

From: A.1002 General Fund – Fund Balance \$120,000.00

To:	A3120.210	Police Vehicles	\$ 94,000.00
	A3120.210.1	Police Vehicle Equipment	\$ 26,000.00

for the purchase of two 2023 Ford Explorer Police Interceptors.

**Authorize Comptroller to process the following Budget Transfer for the Parks and Recreation Department**

Transfer of \$6,195 from A7310.448 (Trip Booking) to A7310.447 Camp Transportation.

**From the Engineering Department**

**Authorize Comptroller to release Erosion Control Bond for work completed at 1170 Bridge Point Lane in the amount of \$250.00**

WHEREAS, Joseph Borges as applicant, posted check #24000 in the amount of \$250 which was deposited to the T33 account on January 16, 2017 to serve as the Erosion Control Bond for construction of a pool, and

WHEREAS, Joseph Borges 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, that the above referenced \$250 bond be and is hereby released to Mr. Joseph Borges, 1170 Bridge Point Lane, Yorktown Heights, NY 10598.

**Request to advertise bid for Dewatered Sludge Removal and Disposal for the Yorktown Heights Water Pollution Control Plant**

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Thursday, September 29, 2022 for the Dewatered Sludge Removal and Disposal for the Yorktown Heights Water Pollution Control Plant, Bid #22-7.

**From the Highway Department**

**Authorize Hanover Electric to install electrical wiring for New Ventilation System at the Highway Department**

WHEREAS, the Town Board authorizes Hanover Electric, 1803 Commerce St., Yorktown Heights, NY 10598 to install electrical wiring for the new ventilation system at the Highway Department, in the amount of \$20,265.00.

**Award Bid for Grinding of Brush and Leaves for the Highway Department**

WHEREAS, invitation to bid for the Grinding of Brush and Leaves for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 2<sup>nd</sup>, 2022, with the bid amounts follows:

<u>Name of Bidder</u>	<u>Brush Amt</u>	<u>Leaves Amt</u>	<u>Total</u>
Westwood Organic Recycling	\$5,532.00	\$5,532.00	\$11,064.00
Supreme Forest Products	\$35,600.00	No Bid	\$35,600.00
Hampton Landscape Supply	\$17,800.00	\$24,300.00	\$42,100.00
RTI Industries LLC	\$35,000.00	\$35,000.00	\$70,000.00

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Grinding of Brush and Leaves for the Town of Yorktown be and is hereby awarded to Westwood Organic Recycling, POB 139, Purchase, NY 10577, as lowest bidder.

**Award Bid for Three Fisher Plows and Spreaders for the Highway Department**

WHEREAS, invitation to bid for the purchase of Three Fisher Plows/Spreaders for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 25<sup>th</sup>, 2022, with the bid amounts follows:

<u>Name of Bidder</u>	
Hudson River Truck & Trailer	\$47,961.00
Burbank Motors Corp	\$48,960.00

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Three Fisher Plows/Spreaders for the Town of Yorktown be and is hereby awarded to Hudson River Truck & Trailer, 12 Commerce St. Ext., Poughkeepsie, NY 12603.

**From the Parks and Recreation Department**

**Authorize list of obsolete equipment to be auctioned by Absolute Auction for the Parks Department**

WHEREAS, the Town of Yorktown has found that the Parks Department's below listed equipment is no longer needed for public use by the Town, and

WHEREAS, the Parks and Recreation Superintendent recommends to the Town Board to auction these pieces of equipment for the below listed minimums,

NOW, THEREFORE, BE IT RESOLVED, these pieces of equipment be auctioned by Absolute Auction:

- Pallet of random old parts of equipment that we no longer have- \$250
- Old boat motor- \$300
- Old style first bases we no longer use- \$200

Food Warmer from Service building- \$350  
 1995 Chevy truck- \$1,000  
 2000 Chevrolet pickup \$3,500  
 Old flush mount benches from Railroad playground- \$500

**Authorize Comptroller to process the following Budget Transfer for the Parks and Recreation Department**

Resolved, that the Comptroller is authorize to process the following Budget Transfer for the Parks Department:

From: A.7110.101 Parks – Salaries - \$7,500  
 To: A.7110.490 Parks – Professional Services - \$7,500

for Sparkle Lake Dam, Phase A – Administrative Compliance.

**Amend Resolution passed by the Town Board on April 5, 2022 for Buses for the Summer Camp Program and Senior Citizen Travel Trips**

Whereas, there was an error in the April 5, 2022 Resolution accepting the bids for the Provision of Buses for the Summer Camp Program and Senior Citizen Travel Trips., and

Whereas, Royal Coach Lines Inc. should have been calculated at their maximum amount of \$80,065.00 not their minimum bid amount of 26,005.00, now

Therefore, Be It Resolved, that the April 5, 2022 Town Board Resolution awarding the bid for the Provision of Buses for the Summer Camp Program and Senior Citizen Travel Trips is amended as follows:

Section I. A, B, & C: School Buses (for Day Camps)

	Company	Bid Totals
1	Royal Coach Lines, Inc.	**\$80.065
2	Hudson Valley Charter Service Inc.	No Bid
3	JTR Transportation Corp	No Bid

\*\*Amended Resolution originally Passed by the Town Board on April 5, 2022.

**From the Planning Department**  
**Authorize Barton & Loguidice, D.P.C. to Perform an Environmental Review for Underhill Farms**

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 located at 370 Underhill Avenue, Yorktown Heights, also known as Section 48.06, Block 1, Lot 30 on the Town of Yorktown Tax Map, as outlined in the New Project

Task Order Summary for Underhill Farms prepared by Barton & Loguidice, D.P.C.; 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 \$5,950.00; 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 Underhill Farms site plan located at 370 Underhill Avenue, Yorktown Heights, in an amount not to exceed \$5,950.00 for the environmental review, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

**Authorize Barton & Loguidice, D.P.C. to Perform an Environmental Review for Toll Brothers Catherine Street Project**

WHEREAS, the Town Board of the Town of Yorktown desires to verify the wetland delineation on the subject site of the potential Toll Brothers Catherine Street Project located at 2302 and 2448 Catherine Street, Cortlandt Manor, also known as Section 35.12, Block 1, Lot 2 and Section 35.08, Block 1, Lot 45 respectively on the Town of Yorktown Tax Map, as outlined in the New Project Task Order Summary for Toll Brothers – Catherine Street Project prepared by Barton & Loguidice, D.P.C.; 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 verifying the wetland delineation on the site located at 2302 and 2448 Catherine Street, in an amount not to exceed \$3,800.00, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

**From the Refuse and Recycling Department**

**Request to advertise bid for Residential Garbage and Recyclable Material Collection and Disposal**

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:30 A.M., on Thursday, September 29, 2022 for Residential Garbage and Recyclable Material Collection and Disposal.

**From the Town Attorney**

**Authorize Supervisor to sign a quit claim deed conveying to Edward Lachterman and Carol Lachterman any right title and or interest the Town may have for property located on Montross Road, in consideration for a payment of \$1,500, subject to a Permissive Referendum**

Whereas, the Town of Yorktown, wishes to authorize the Town Supervisor to sign a quit claim deed conveying to Edward Lachterman and Carol Lachterman any right title and or interest the Town may have, in consideration for a payment of \$1,500, in the following described property:

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Yorktown, County of Westchester and State of New York being the easterly one-half of Summit Street ( formerly Summit Avenue) as shown on a certain map entitled “ Depot Plaza Section of Yorktown Heights, Property of Westput Realty Corporation situated in the Town of Yorktown, County of Westchester, N.Y.,” made by J. Henry Carpenter & Co., dated July 15, 1926 and filed in the County Clerk’s Office of Westchester County, Division of Land Records , formerly Register’s Office of Westchester County on Aug. 9, 1926 as Map No. 3030, said portion of said street being bounded and described as follows: BEGINNING at a point former by the intersection of the easterly side of Summit Street, formerly Summit Avenue, with the southerly side of Montross Road, formerly Meadow Street, as the same are shown on the afore mentioned filed Map No. 3030; RUNNING THENCE along the easterly side of Summit Street, South 06°04’00” East 183.75 feet to the northerly line of land formerly of R. M. Underhill , now land shown on a certain map entitled “Map of Section One – Hanover Ridge” filed in the Westchester County Clerk’s Office as Map No. 10840; THENCE along said land shown on filed Map No. 10840 North 84°56’59” West 25.48 feet to the center line of Summit Street; THENCE along the center line of Summit Street North 06°04’00” West 178.84 feet to the southerly line of Montross Road; THENCE along the southerly line of Motross Road North 83°56’00” East 25.00 feet to the point and place of BEGINNING.

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

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



BE IT FURTHER RESOLVED, that the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and

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

BE IT FURTHER RESOLVED, that it is found and determined that the property in issue is deemed excess property for which there is no present and/or future municipal purpose.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Attorney's office together with counsel for Edward Lachterman and Carol Lachterman to undertake those steps necessary to convey in the manner set forth above the above described parcel and whatever the interest of the Town maybe in said property.

**Authorize Supervisor to sign a quit claim deed conveying to Peter Schmitt and Sandra Perez any right title and or interest the Town may have for property located on Montross Road, in consideration for a payment of \$1, subject to a Permissive Referendum**

Whereas, the Town of Yorktown, wishes to authorize the Town Supervisor to sign a quit claim deed conveying to Peter Schmitt and Sandra Perez any right title and or interest the Town may have, in consideration for a payment of \$1, in the following described property:

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Yorktown, County of Westchester and State of New York being the westerly one-half of Summit Street ( formerly Summit Avenue) as shown on a certain map entitled “ Depot Plaza Section of Yorktown Heights, Property of Westput Realty Corporation situated in the Town of Yorktown, County of Westchester, N.Y.,” made by J. Henry Carpenter & Co., dated July 15, 1926 and filed in the County Clerk's Office of Westchester County, Division of Land Record, formerly Register's Office of Westchester County on Aug. 9, 1926 as Map No. 3030, said portion of said street being bounded and described as follows: BEGINNING at a point formed by the intersection of the westerly side of Summit Street, formerly Summit Avenue, with the southerly side of Montross Road, formerly Meadow Street, as the same are shown on the afore mentioned filed Map No. 3030; RUNNING THENCE along the westerly side of Summit Street, South 06°04'00” East 173.92 feet to the northerly line of land formerly of R. M. Underhill , now land shown on a certain map entitled “Map of Section One –

Hanover Ridge” filed in the Westchester County Clerk’s Office as Map No. 10840; THENCE along said land shown on filed Map No. 10840 South 84°56’59”East 25.48 feet to the center line of Summit Street; THENCE along the center line of Summit Street North 06°04’00” West 178.84 feet to the southerly line of Montross Road; THENCE along the southerly line of Motross Road South 83°56’00” West 25.00 feet to the point and place of BEGINNING.

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

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

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and

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

BE IT FURTHER RESOLVED, that it is found and determined that the property in issue is deemed excess property for which there is no present and/or future municipal purpose.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Attorney’s office together with counsel for Peter Schmitt and Sandra Perez to undertake those steps necessary to convey in the manner set forth above the above described parcel and whatever the interest of the Town maybe in said property.

**Approve Payment in Lieu of Taxes Agreement for Solar Energy Systems Pursuant to Real Property Tax Law §487 property located at 571 East Main Street and identified as SBL # 16.08-1-4 and East Main Street and identified as SBL 16.08-1-17**

WHEREAS, the Owner of the property located within the Town at 571 East Main Street and identified as SBL # 16.08-1-4 and at No Number East Main Street and identified as SBL 16.08-1-17 has submitted a Notice of Intent to each of the Taxing Jurisdictions that it plans to build and operate a "Solar Energy System" as defined in

New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (herein the "Project") with an expected nameplate capacity ("Capacity") of approximately 3.75 Megawatts AC, on the aforementioned property; and;

WHEREAS, none of the Taxing Jurisdictions have opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the Taxing Jurisdiction have indicated their intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make annual payments to the Taxing Jurisdiction for each year during the term of this Agreement; and

WHEREAS the Town had determined that such agreements are in the best interests of the Town of Yorktown; and

WHEREAS, the Parties intend that, during the term of this Agreement, the portion of the Project eligible for exemption pursuant to RPTL Section 487 will be exempt from taxation; and

WHEREAS, the parties have agreed upon the appropriate annual payments that will be made pursuant to the aforementioned PILOT agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Yorktown: That the Town Board hereby approves and authorizes the Town Supervisor to execute and enter into the aforementioned PILOT agreement, pursuant to the terms of the written agreement annexed hereto; together with such other documentation as may be necessary or proper to carry out the purpose of the resolution.

**Approve Payment in Lieu of Taxes Agreement for Solar Energy Systems Pursuant to Real Property Tax Law §487 property located at 3849 Foothill Street and identified as SBL # 15.07-1-5**

WHEREAS, the Owner of the property located within the Town at 3849 Foothill Street and identified as SBL # 15.07-1-5 has submitted a Notice of Intent to each of the Taxing Jurisdictions that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (herein the "Project") with an expected nameplate capacity ("Capacity") of approximately 1.875 Megawatts AC, on the aforementioned property; and;

WHEREAS, none of the Taxing Jurisdictions have opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the Taxing Jurisdiction have indicated their intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make annual payments to the Taxing Jurisdiction for each year during the

term of this Agreement; and

WHEREAS, the Town had determined that such agreements are in the best interests of the Town of Yorktown; and

WHEREAS, the Parties intend that, during the term of this Agreement, the portion of the Project eligible for exemption pursuant to RPTL Section 487 will be exempt from taxation; and

WHEREAS, the parties have agreed upon the appropriate annual payments that will be made pursuant to the aforementioned PILOT agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Yorktown: That the Town Board hereby approves and authorizes the Town Supervisor to execute and enter into the aforementioned PILOT agreement, pursuant to the terms of the written agreement annexed hereto; together with such other documentation as may be necessary or proper to carry out the purpose of the resolution.

**Approve Payment in Lieu of Tax Agreement for 3805 Crompond Road, Tax Map, Section 38.05, Block 1, Lots 21 and 22**

WHEREAS, the owners of the property located at 3805 Crompond Road a/k/a Section 38.05, Block 1, Lots 21 and 22 on the Tax Map of the Town of Yorktown (the "Property"), Presidential Associates 3805 LLC (the "Company"), applied to the Westchester County Industrial Development Agency (the "WIDA") for certain benefits, including, a Payment in Lieu of Tax Agreement ("PILOT") wherein the property taxes for the Property would be fixed for a fifteen year period;

WHEREAS, the Company has had extensive negotiations with the Town and the School District concerning the fixed PILOT payments and the PILOT schedule;

WHEREAS, the Town and the School District on the one hand and the Company on the other hand, have agreed to a PILOT schedule setting forth fixed PILOT payments for a fifteen year period set forth in the attached Exhibit A;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown approves the PILOT schedule setting for the PILOT payments attached hereto as Exhibit A and the IDA transaction enabling same.

## EXHIBIT A

3805 Crompond Road Yorktown PILOT Calculations

Address	Tax Map ID	Total AV	2022 Town Taxes	2022 County Taxes	2021-2022 School Taxes	Spec. Dist. Taxes	Total Taxes
3805 Crompond Road	35.08-1-21	\$ 40,000.00	\$ 6,709.05	\$ 5,441.03	\$ 40,046.15	\$ 13,975.44	\$ 66,171.67

15 Years PILOT Payments												
PILOT Yr.	Year	AV	Town and Cty % Red.	Est. Town Taxes **	Town PILOT Payments	Est. Cty Taxes **	Cty PILOT Payments	School Prop. % Red.	Est. School Taxes **	School PILOT Payments	Est. Total Taxes***	Est. Total PILOT
**	2021***	\$ 40,000.00	-	\$ 6,709.05		\$ 5,441.03			\$ 40,046.15		\$ 52,196.23	
-	2023	\$ 40,000.00	-	\$ 6,843.23		\$ 5,549.85			\$ 40,847.07		\$ 53,240.15	
1	2024	\$ 40,000.00	40%	\$ 6,980.10	\$ 4,188.06	\$ 5,660.85	\$ 3,396.51	100%	\$ 41,664.01	\$ 41,664.01	\$ 54,304.96	\$ 49,248.58
2	2025	\$ 40,000.00	40%	\$ 7,119.70	\$ 4,271.82	\$ 5,774.06	\$ 3,464.44	40%	\$ 42,497.29	\$ 25,498.38	\$ 55,991.06	\$ 53,234.63
3	2026	\$ 40,000.00	40%	\$ 7,262.09	\$ 4,357.29	\$ 5,888.55	\$ 3,533.73	38%	\$ 43,347.24	\$ 26,879.29	\$ 56,496.88	\$ 54,766.27
4	2027	\$ 40,000.00	40%	\$ 7,407.33	\$ 4,444.40	\$ 6,007.34	\$ 3,608.40	36%	\$ 44,214.19	\$ 28,397.08	\$ 57,628.86	\$ 56,345.88
5	2028	\$ 40,000.00	40%	\$ 7,555.48	\$ 4,533.29	\$ 6,127.48	\$ 3,676.49	34%	\$ 45,098.47	\$ 29,764.99	\$ 58,701.43	\$ 57,974.77
6	2029	\$ 40,000.00	40%	\$ 7,706.59	\$ 4,623.95	\$ 6,250.03	\$ 3,750.02	32%	\$ 46,000.44	\$ 31,280.30	\$ 59,957.06	\$ 59,654.27
7	2030	\$ 40,000.00	40%	\$ 7,860.72	\$ 4,716.43	\$ 6,375.03	\$ 3,825.02	30%	\$ 46,920.45	\$ 32,844.31	\$ 61,156.00	\$ 61,385.77
8	2031	\$ 40,000.00	40%	\$ 8,017.94	\$ 4,810.76	\$ 6,502.53	\$ 3,901.52	28%	\$ 47,858.86	\$ 34,458.38	\$ 62,379.33	\$ 62,170.66
9	2032	\$ 40,000.00	40%	\$ 8,178.29	\$ 4,906.98	\$ 6,632.59	\$ 3,979.53	26%	\$ 48,816.03	\$ 36,123.86	\$ 63,626.91	\$ 63,030.39
10	2033	\$ 40,000.00	40%	\$ 8,341.86	\$ 5,005.12	\$ 6,765.24	\$ 4,059.14	24%	\$ 49,792.35	\$ 37,842.19	\$ 64,899.45	\$ 64,899.45
11	2034	\$ 40,000.00	40%	\$ 8,508.70	\$ 5,105.22	\$ 6,900.54	\$ 4,140.32	22%	\$ 50,788.20	\$ 39,614.80	\$ 66,197.44	\$ 66,197.44
12	2035	\$ 40,000.00	40%	\$ 8,678.87	\$ 5,207.32	\$ 7,036.55	\$ 4,223.13	20%	\$ 51,803.97	\$ 41,443.17	\$ 67,521.39	\$ 67,521.39
13	2036	\$ 40,000.00	40%	\$ 8,852.45	\$ 5,311.47	\$ 7,179.32	\$ 4,307.59	18%	\$ 52,840.04	\$ 43,328.84	\$ 68,871.82	\$ 68,871.82
14	2037	\$ 40,000.00	40%	\$ 9,029.50	\$ 5,417.70	\$ 7,322.91	\$ 4,393.75	16%	\$ 53,896.85	\$ 45,273.35	\$ 70,249.25	\$ 55,084.79
15	2038	\$ 40,000.00	40%	\$ 9,210.09	\$ 5,526.05	\$ 7,469.37	\$ 4,481.62	14%	\$ 54,974.78	\$ 47,278.31	\$ 71,654.24	\$ 57,285.99
				\$ 120,709.70	\$ 72,425.82	\$ 97,899.40	\$ 58,737.24		\$ 720,913.17	\$ 541,887.26	\$ 899,118.27	\$ 672,790.32
											\$ 266,367.95	

Tax Due Dates		
Town and County Bill	Due April 1st	
School District Bill	Due Sept 30th & Jan. 31	

**Authorization to advertise Request for Proposals for Operation of the Par 3 Golf Course**

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 3:30 P.M., on Thursday, September 29, 2022 for Operation of the Par 3 Golf Course.

**Resolution to terminate if RC Recreation, LLC fails to open by November 15, 2022**

WHEREAS, in September 2014, the Town entered into a Concession Agreement with RC Recreation Development, LLC (“RC”), for RC to provide golf recreational facilities to the public at the Town-owned park located on the south side of Route 6 at the intersection of the Taconic Parkway, in Jefferson Valley, New York, in the Town of Yorktown (currently known as the Valley Fields Golf Course); and

WHEREAS, said Concession Agreement was amended in May 2018, and is set to expire on August 31, 2028; and

WHEREAS, RC has repeatedly provided the Town with projected dates for it to commence full operation of the golf course and restaurant (collectively the “Park”), which dates RC has repeatedly failed to meet; and

WHEREAS, RC represented to the Town that it will commence full operation of the golf course and restaurant (collectively the “Park”) by July 4, 2022; and

WHEREAS, RC failed to commence full operation of the Park by July 4, 2022; and

WHEREAS, on July 6, 2022, and upon inspection of the work performed by RC at the Park, the Town’s Building Inspector observed numerous code violations and instances of work that were not performed in a workmanlike manner and in accordance with good construction practices (in violation of § 104.4 of the NYS Property Maintenance Code), that necessitated the issuance of a Stop Work Order, which was issued on that date; and

WHEREAS, at the time the Stop Work Order was issued, RC was working under expired Mechanical, Plumbing and Commercial Addition/Renovation Permits (collectively the “Expired Permits”), all in violation of § 15-41(1) of the Town Code, and in violation of paragraphs 6(b)(iv) and 14 of the Concession Agreement; and

WHEREAS, the following deficiencies (which violate paragraphs 6, 7 and 14 of the Concession Agreement) were observed at the Park by the Town and RC was informed of these deficiencies/violations (collectively the “Violations”) in writing on July 12, 2022:

1. Wiring in the kitchen was exposed and unprotected, which is an electrical system hazard as per NYS Fire Code § 604.1 and National Electrical Code (“NEC”) 70.
2. Exterior electrical trenches were exposed and not covered, which is an electrical system hazard as per NYS Fire Code § 604.1 and NEC 70.
3. Unapproved material was used as electrical conduit for exterior lamp post. This is an electrical system hazard as per NYS Fire Code § 604.1 and NEC 70.
4. Recreational vehicle trailer use in the Park is an unlisted use that is not permitted in the CR zoning district. Also § 300-70E of the Town Code states that only one main building plus accessory building for storage or similar use is allowed.
5. RC installed a connection to the main water line servicing the Park (*before the water meter*) that was being used to service, at a minimum, the Park’s irrigation system. This connection violates Town Code § 280(15)(b)(2) and 222-8, violates the expired Plumbing Permit, and violates paragraphs 7 and 14 of the Concession Agreement.
6. Bridges throughout the Park were incomplete and without guardrails, which creates an unsafe condition that is a violation of NYS Property Maintenance Code § 107.1.

WHEREAS, as a consequence of the foregoing, on July 12, 2022, State Wide Inspection Services, Inc. (“SWIS”) rescinded the electrical Certificate of Completion that had been issued to RC for electrical work at the Part, due to “[a]dditional work . . . performed at [the Park] that was not inspected by SWIS which may compromise the electrical safety in the building.”

WHEREAS, on July 18, 2022 RC was notified that pursuant to section 382 of Article 18 of the New York State Executive Law, RC has 30 days to remedy the violation of the Memorandum of Violations and that it may continue to work on the violations listed to correct each of the violations;

WHEREAS, more than 30 days have passed since July 18, 2022 and RC has not remedied the noted violations nor has RC rectified the expired permits;

WHEREAS, before RC can commence full operation of the Park, the following items remain outstanding (collectively the “Outstanding Items”):

1. The Ansel fire system is not completed or tested as per NYS Fire Code § 607.
2. Fire Alarm permit is required and system must be installed according to NFPA 72.

3. Kitchen Hood system not completed or tested as per NYS Mechanical Code § 506.
4. Kitchen equipment not installed properly as per NYS Mechanical Code § 301.1
5. Grease interceptors are not complete as per NYS Plumbing Code § 1003 and require Westchester County Board of Health (“WCBOH”) approvals.
6. Septic system requires WCBOH approvals.
7. Kitchen sinks with indirect waste lines do not have air gap as per NYS Plumbing Code § 802.3.1.
8. Exterior door requires a staircase as per NYS Building Code § 1011.1.
9. Compliance with the Planning Board’s Site Plan Approving Resolution, which has several conditions and requirements that must be met, including completion of the parking lot according to the approved plan, planting of trees to satisfy mitigation requirements, and planting of stream bank plant material to satisfy wetland permit requirements.
10. Obtaining all necessary Certificates of Completion/Occupancy from the Building Department.
11. Complying with all requirements of the Concession Agreement.

NOW, BE IT RESOLVED, that:

- The Expired Permits and Violations constitute a material breach of the Concession Agreement and;
- RC has failed to cure the expired permits and violations within thirty (30) days of written notice, the Town will hereby terminate the Concession Agreement.
- RC’s failure, for over four years, to commence full operation of the Park, also constitutes a material breach of the Concession Agreement and, if RC does not complete/achieve all of the Outstanding Items and commence full operation of the Park by November 15, 2022, the Town will terminate the Concession Agreement.
- The Town Attorney shall provide written notice of the foregoing to RC.

**From the Town Clerk**

**Authorize the Town of Yorktown to enter into an agreement with Northwind Kennels, 402 Old Post Road, Bedford, NY 10506 to provide care and shelter for homeless and stray dogs and cats**

Resolved, that the Town of Yorktown is authorized to enter into an agreement with Northwind Kennels, 402 Old Post Road, Bedford, NY 10506 to provide care and shelter for homeless and stray dogs and cats that are brought to the shelter by the Animal Control Officer, Police, and other agents of the municipality.

**From the Water Department**

**Authorize Comptroller to process the following Budget Transfer for the Water Department**

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$152,000 from the Water Department Fund Balance to the Water Department Professional Services NWJWW line (SW.8340.0490.0002) for the 2021 Administrative fee that was not billed in the Fall of 2021.

12. MONTHLY REPORTS

Finance Department for September 2022

Receiver of Taxes Department for September 2022

Town Clerk for September 2022

13. ADJOURN

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

**Americans with Disabilities Act:** If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.

**\*\*\*AGENDAS ARE SUBJECT TO CHANGE\*\*\***