



**Town of Yorktown**  
*Office of the Town Clerk Diana L. Quast*

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**FINAL TOWN BOARD MEETING AGENDA**

**January 10, 2023**

**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

Police Department

Litigation and Negotiations

Town Attorney

**7:30 PM TELEVISED TOWN BOARD MEETING**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM DEPUTY TOWN SUPERVISOR THOMAS DIANA
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. POET LAUREATE  
John McMullen
8. PERSONNEL

**Accept Resignation received from Matthew J. Slater from the position of Town Supervisor**

Resolved, the Town Board of the Town of Yorktown hereby accepts, with regret and thanks for his service to our community, the resignation of Matthew J. Slater from the position of Town Supervisor, effective December 31, 2022 at 11:59 p.m.

**Appoint Thomas P. Diana to the position of Town Supervisor**

Resolved, that the Town Board of the Town of Yorktown appoints Thomas P. Diana to the position of Town Supervisor for the remainder of the second year (to end December 31, 2023) of the two year term left vacant by the resignation of elected Town Supervisor Matthew J. Slater, effective December 31, 2022 at 11:59 p.m.

9. **PRESENTATION**

Competitive Carting

10. **COURTESY OF THE FLOOR**

11. **RESOLUTIONS**

From the Engineering Department:

**Approve release of Erosion Control Bond for Stormwater Permit #FSWPPP-050-21A to ConEdison in the amount of \$2,500.00**

WHEREAS, ConEdison, as applicant, posted check #768859 in the amount of \$2,500 to serve as the Erosion Control Bond which was deposited to the T33 account on November 8, 2021 for Stormwater Permit #FSWPPP-050-21A, 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 ConEdison, P.O. Box 1003, Spring Valley, NY 10977.

**Authorize Town Engineer to retain eSpatiallyNewYork, LLC to assist with developing GIS applications**

WHEREAS, a proposal for GIS consulting for the purpose of assisting the Town with developing applications for the purpose of managing the Sanitary Sewer Evaluation Study (SSES) required for the portion of the sewer collection system tributary to the Peekskill wastewater treatment plant,

NOW THEREFORE BE IT RESOLVED, that the Town Engineer is authorized to retain eSpatiallyNewYork, LLC to assist with developing GIS applications pursuant to the scope of work outlined in a proposal dated December 17, 2022, and BE IT FURTHER

RESOLVED, the proposal is based on an estimate of 2.5 weeks of work or 87 hours at \$85/hr, for a not to exceed amount of \$7,395.

From Finance Department:

**Authorize Comptroller to process invoice from Thompson and Bender in the amount of \$11,500.00**

RESOLVED, the Comptroller is authorized to process an invoice of Thompson & Bender in an amount of \$11,500 for the preparation and execution of the “Yorktown has it all for fall” campaign.

From the Highway Department:

**Award Bid for Stone, Gravel, Concrete Materials for the Highway Department**

WHEREAS, invitation to bid for the Stone, Gravel, Concrete Materials Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on December 29, 2022 with the bid amounts for the above-referenced project summarized and attached, now

THEREFORE BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Stone, Gravel, Concrete Materials Bid for the Town of Yorktown be and is hereby awarded to the lowest bidder for each item, and

BE IT FURTHER RESOLVED, the contract is to begin on January 1, 2023 and terminate on December 31, 2023. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

From Human Resources

**Accept Resignation from Paula Alicea from the Assessor's Office**

RESOLVED, the Town Board accepts the resignation of Paula Alicea from the Assessor's Office effective January 13, 2023.

From Section 8 Housing:

**Authorize Supervisor to renew an Agreement with CVR Associates, Inc, for housing quality standard inspections for the Section 8 Housing Choice Voucher Program**

RESOLVED, that the Supervisor is authorized to renew an Agreement with CVR Associates, Inc, for housing quality standard inspections for the Section 8 Housing Choice Voucher Program. The term of the agreement shall commence on January 1, 2023 and shall be for a one-year term renewable for two more years on a yearly basis.

Fees for this service will be funded by the Housing Assistance Payments Account maintained by the Section 8 office and funded by the U.S. Department of Housing and Urban Development ("HUD") and is at no cost to the Town of Yorktown.

**Authorize Section 8 Director to sign the Annual Civil Rights Certification for submission to the U.S. Department of Housing and Urban Development**

RESOLVED, that the Town's Section 8 Program Director is authorized to sign the Annual Civil Rights Certification for submission to the U.S. Department of Housing and Urban Development in connection with the Town's 5-year Public Housing Agency Plan.

From the Town Board:

**Grant Amended Special Use Permit to Mohegan Lake Gas Mart, Inc., BP Gasoline Filling Station, 1770 East Main Street**

WHEREAS, Mohegan Lake Gas Mart, Inc. ("Applicant") operates the BP Gasoline Filling Station ("BP Station"), which is located and doing business on certain real property, located at 1770 East Main Street, also known on the Town Tax Map as Section 15.16, Block 1, and Lot 46 (the "Property"), which is situated within a C-3 zoning district; and

WHEREAS, the Applicant, in order to facilitate the repair and improvement of the BP Station, including a reconstructed fascia of the convenience store, submitted an application to the Town

Board of the Town of Yorktown for an amended Special Use Permit for a Gasoline Filling Station pursuant to Town Code Section §300-46, dated February 17, 2022; and

WHEREAS, the BP Gas Station consists of three (3) fuel pumps, with a total of six (6) fueling stations, covered by an existing canopy, and an existing convenience store, all of which will remain as originally designed and built; and

WHEREAS, a gasoline filling station is a main use permitted by special permit in the C-3 zoning district; and

WHEREAS, the applicant submitted plans and documents as follows:

1. A drawing, sheet A-1 Entitled “Modifications to Existing Overhang Floor Plan,” prepared by Neil Carnow, AIA Architect, dated February 7, 2022, no revisions; and
2. A drawing, sheet A-2 Entitled “Modifications to Existing Overhang Elevations,” prepared by Neil Carnow, AIA Architect, dated December 21, 2021 and last revised February 7, 2022; and
3. A drawing, entitled “Survey of Property prepared for Karl & Debra Bohringer” prepared by J. Henry Carpenter & Co., dated October 18, 2000, no revision; and

WHEREAS, at meetings on February 2, 2022 and December 13, 2022 the Applicant and their development team presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, the Yorktown Conservation Board, TCAC, ABACA, Westchester County Planning Board, and DEP reviewed the application and both issued Memorandums, which set forth a finding of no objections; and

WHEREAS, the Town Board has concluded that the Plans and supplemental materials submitted in connection with the Action has identified no adverse impacts, and

WHEREAS, the notice and hearing requirements for this Application as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Town Board has fully considered the Application, including the general “standards applicable to all special uses,” set forth in Section §300-36 of the Town Zoning Code, and has also considered the specific special use permit standards applicable to “gasoline filling stations,” set forth in Section §300-46 of the Town Zoning Code and adopts the following findings of fact:

1. The proposed action is for the repair and reconstruction of the fascia and soffit of the convenience store and therefore has no adverse impacts to the site, its surroundings or the general public, and remains in harmony with the appropriate and orderly development of the C-3 zoning district in which it is located; and
2. The Board found that the site plan is deficient in one aspect as shown on the approved plan which is the installation of a sidewalk in front of the building; and

NOW, THEREFORE BE IT RESOLVED by the Town Board that, the proposed BP Gas Station complies with both the general and specific special permit criteria; and be it further

RESOLVED, that the application for the Proposed Special Permit is granted, subject to the following conditions:

1. The Sidewalk in front of the building shall be constructed in as shown on the original approved plan; and
2. The Town Board accepted a check #1935 in the amount of \$4,250.00 on June 1, 2004 as security for the satisfactory completion of certain items including the sidewalk as herein described, and the Board hereby determines to retain said bond in the original amount as security for the installation of the sidewalk until satisfactorily installed.

From the Town Clerk:

**Authorize Supervisor to sign an agreement with the SPCA regarding the Feral Cats Program**

RESOLVED, that the Town Supervisor is hereby authorized to sign the agreement with the SPCA regarding the Feral Cats Program.

**Authorize Advertisement for Alarm Monitoring for Town Facilities**

RESOLVED, the Town Clerk is authorized to advertise bid for Alarm Monitoring for Town Facilities.

From the Water Department:

**Authorize Water Department to go out for a mini bid through the NYS OGS vehicle marketplace for a 2023 Ford XL 4x4 Super Duty Extended Cab Pickup Truck**

Resolved, that the Water Department is authorized to go out for a mini bid through the NYS OGS vehicle marketplace for a 2023 Ford XL 4x4 Super Duty Extended Cab Gasoline Powered Pickup Truck.

12. MONTHLY REPORTS

Resolved, that the Town Board accepts the Monthly Reports submitted by the:

Finance Department    Reports for December 2022  
Town Clerk                Reports for December 2022

13. ORGANIZATIONAL RESOLUTIONS

**Appoint Town Supervisor Thomas P. Diana as a Marriage Officer**

Whereas, Chapter 49 of the Laws of 1988 added a new Section 11-c to the New York Domestic Relations Law, empowering the governing body of any Village, Town or City to appoint one or more Marriage Officers and fix their compensation; and

Whereas, the Town Board of the Town of Yorktown, a duly constituted Town of the Suburban Class, deems it necessary and proper to create the position of Marriage Officer, possessing statutory authority to solemnize marriages within the Town;

Now, Therefore, Be It Resolved, that pursuant to the provisions of such Section 11-c of the Domestic Relations Law, Thomas P. Diana, Town Supervisor, is hereby appointed a Marriage Officer of the Town of Yorktown, and be it

Further Resolved, that said Town Supervisor shall be paid \$75 as compensation for solemnizing marriages within the Town, which compensation shall be in addition to the compensation received as Town Supervisor, and be it

Further Resolved, that this appointment shall take effect on January 1, 2023, and shall continue for a term ending on December 31, 2023.

**Designate Delegates to the New York State Association of Towns Meeting**

RESOLVED, that Supervisor Thomas P. Diana be and is hereby designated as the voting delegate to represent the Town of Yorktown at the Association of Towns Meeting to be held in February 2023, and be it

FURTHER RESOLVED, that Councilman Edward Lachterman be and is hereby designated the alternate delegate to the aforementioned meeting.

**Designate Depositories for the Town of Yorktown**

RESOLVED, that the following banks located in the Town of Yorktown are hereby designated as depositories for the Town of Yorktown:

JP Morgan Chase  
1975 Commerce Street  
Yorktown Heights, New York 10598

PCSB Bank  
2002 Commerce Street  
Yorktown Heights, NY 10598

Signature Bank  
1C Quaker Ridge Road  
New Rochelle, NY 10804

and be it

FURTHER RESOLVED, that Thomas P. Diana, Supervisor of the Town of Yorktown, is hereby authorized, pursuant to Town Law Section 29(2), to act on behalf of the Town of Yorktown with said banks, and be it

FURTHER RESOLVED, that the above-named banks are hereby required to provide a surety bond or pledge securities when applicable as required by Town Law Section 64(1) and General Municipal Law Section 10, and be it

FURTHER RESOLVED, that the following banks are designated depositories for the following officers of the Town of Yorktown:

JP Morgan Chase, Yorktown Heights, New York:  
Justice Raniolo Account  
Justice Cohen Pierson Account  
Joint Bail Account - Justice Cohen Pierson & Justice Raniolo

**Authorize Supervisor to make application to the New York State Division of Youth for State Aid for a Recreation and Youth Service Grant**

RESOLVED, that the Supervisor be directed to make application to the New York State Division of Youth for State Aid for a Recreation and Youth Service Project Grant for 2023. The

Parks and Recreation Department receives \$10,000 of this application for recreation youth, and the Police Department receives another \$10,000 via the Youth Officer.

**Authorize Supervisor to sign an agreement with Nor-West**

RESOLVED, that the Supervisor is authorized to sign an agreement with Nor-West for therapeutic recreational programs.

**Authorize Supervisor to sign an agreement with the sports clubs**

RESOLVED, that the Supervisor is authorized to sign an agreement with the following Sports Clubs:

- Shrub Oak Athletic Club
- Yorktown Athletic Club

**Authorize Supervisor to sign an agreement with the senior clubs**

RESOLVED, that the Supervisor is authorized to sign an agreement with the following Senior Clubs:

- Jefferson Owners Foundation
- AARP Chapter 3297
- Shrub Oak Senior Citizens Club
- St. Patrick's Seniors
- Yorktown Senior Club Chapter 1

**Designate the 2023 Meeting Dates of the Town Board**

RESOLVED, that the following meeting dates and times of this Town Board are approved and will start at 6:30 PM (Executive Sessions). Televised Town Board Meetings will begin at 7:30 PM for Regular Meetings and Work Session Meetings unless otherwise noted and shall be as follows:

|             |                 |   |
|-------------|-----------------|---|
| January 10  | Regular Meeting | (televised at 7:30 PM)                        |
| January 17  | Regular Meeting | (televised at 7:30 PM)                        |
| January 24  | Work Session    | (televised at 7:30 PM)                        |
| February 7  | Regular Meeting | (televised at 7:30 PM)                        |
| February 14 | Work Session    | (televised at 7:30 PM)                        |
| February 21 | Regular Meeting | (televised at 7:30 PM)                        |
| February 28 | Work Session    | (televised at 7:30 PM)                        |
| March 7     | Regular Meeting | (televised at 7:30 PM)                        |
| March 14    | Work Session    | (televised at 7:30 PM)                        |
| March 21    | Regular Meeting | (televised at 7:30 PM)                        |
| March 28    | Work Session    | (televised at 7:30 PM)                        |
| April 4     | Regular Meeting | (JCHM Library 7:30 PM taped- next day airing) |
| April 11    | Work Session    | (televised at 7:30 PM)                        |
| April 18    | Regular Meeting | (televised at 7:30 PM)                        |
| April 25    | Work Session    | (televised at 7:30 PM)                        |
| May 2       | Regular Meeting | (televised at 7:30 PM)                        |
| May 9       | Work Session    | (televised at 7:30 PM)                        |
| May 16      | Regular Meeting | (televised at 7:30 PM)                        |
| May 23      | Work Session    | (televised at 7:30 PM)                        |
| June 6      | Regular Meeting | (televised at 7:30 PM)                        |
| June 13     | Work Session    | (televised at 7:30 PM)                        |
| June 20     | Regular Meeting | (televised at 7:30 PM)                        |

|              |                 |   |
|--------------|-----------------|---|
| July 11      | Work Session    | (televised at 7:30 PM)                          |
| July 18      | Regular Meeting | (televised at 7:30 PM)                          |
| July 25      | Work Session    | (televised at 7:30 PM)                          |
| August 1     | Regular Meeting | (outdoor site, 6:00 PM taped - next day airing) |
| August 8     | Work Session    | (televised at 7:30 PM)                          |
| September 5  | Regular Meeting | (televised at 7:30 PM)                          |
| September 12 | Work Session    | (televised at 7:30 PM)                          |
| September 19 | Regular Meeting | (televised at 7:30 PM)                          |
| September 26 | Work Session    | (televised at 7:30 PM)                          |
| October 3    | Regular Session | (televised at 7:30 PM)                          |
| October 10   | Work Session    | (televised at 7:30 PM)                          |
| October 17   | Regular Meeting | (televised at 7:30 PM)                          |
| October 24   | Work Session    | (televised at 7:30 PM)                          |
| November 14  | Work Session    | (televised at 7:30 PM)                          |
| November 21  | Regular Meeting | (televised at 7:30 PM)                          |
| November 28  | Work Session    | (televised at 7:30 PM)                          |
| December 5   | Budget Hearing  | (televised at 6:30 PM)                          |
| December 12  | Work Session    | (televised at 7:30 PM)                          |
| December 19  | Regular Meeting | (televised at 7:30 PM)                          |

FURTHER RESOLVED, that the Town Board will meet with its Department Heads to review their budgets on November 8 and November 9, and be it

FURTHER RESOLVED, that the Town Board will hold its regular Budget Hearing at 6:30 PM on December 5, 2023, and be it,

FURTHER RESOLVED, the Town of Yorktown will hold its Annual Record Management Inventory on February 9 and February 10 and be it,

FURTHER RESOLVED, that Special Meetings shall be called and held in conformance with Section 62 of the Town Law and Article 7 of the Public Officers Law.

**Supervisor Thomas P. Diana will announce his personal appointments as follows:**

Mrs. Jenna Belcastro as the Executive Assistant to the Supervisor.

Councilman Edward A. Lachterman 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.

**Supervisor Diana will also appoint the following Liaisons to various boards, committees and commissions:**

|  |                                |
|--|--------------------------------|
| Liaison to the ABACA:                                | Councilman Ed Lachterman       |
| Liaison to the Accessibilities: Committee:           | Supervisor Tom Diana           |
| Liaison to the Advanced Life Support Commission:     | Councilwoman Luciana Haughwout |
| Liaison to the Arts and Culture Committee:           | Councilman Sergio Esposito     |
| Liaison to the Cable TV Committee:                   | Councilman Sergio Esposito     |
| Liaison to the Climate Smart Communities Task Force: | Supervisor Tom Diana           |
| Liaison to the Community Housing Board:              | Councilman Sergio Esposito     |



|  |                                |
|--|--------------------------------|
| Liaison to the Conservation Board:                             | Supervisor Tom Diana           |
| Liaison to the Economic and Business Revitalization Committee: | Supervisor Tom Diana           |
| Liaison to the Fire Prevention Advisory Board:                 | Supervisor Tom Diana           |
| Liaison to the Food Security Task Force:                       | Councilwoman Luciana Haughwout |
| Liaison to the Group Home Site Selection Advisory Committee:   | Supervisor Tom Diana           |
| Liaison to the Industrial and Commercial Incentive Board:      | Councilman Sergio Esposito     |
| Liaison to the Heritage Preservation Commission:               | Councilwoman Luciana Haughwout |
| Liaison to the Library Board of Trustees:                      | Supervisor Tom Diana           |
| Liaison to the Local History Advisory Committee:               | Town Clerk Diana Quast         |
| Liaison to the Local Waterfront Revitalization Committee:      | Councilwoman Luciana Haughwout |
| Liaison to the Open Space Committee:                           | Councilman Sergio Esposito     |
| Liaison to the Parks and Recreation Commission:                | Councilwoman Luciana Haughwout |
| Liaison to the Planning Board:                                 | Councilman Sergio Esposito     |
| Liaison to the School Districts:                               | Supervisor Tom Diana           |
| Liaison to the Senior Advisory Committee:                      | Councilman Ed Lachterman       |
| Liaison to the Teen Center Board:                              | Councilman Ed Lachterman       |
| Liaison to the Traffic Safety Advisory Committee:              | Supervisor Tom Diana           |
| Liaison to the Tree Conservation Advisory Commission:          | Supervisor Tom Diana           |
| Liaison to the Veterans Advisory Committee:                    | Councilman Ed Lachterman       |
| Liaison to the Zoning Board of Appeals:                        | Councilwoman Luciana Haughwout |

14. ADJOURN MEETING

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

Dated: January 10, 2023

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

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

**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.