

Meeting of the Town Board, Town of Yorktown held on Tuesday, January 17, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Thomas P. Diana, Supervisor  
Edward A. Lachterman, Councilman  
Sergio Esposito, Councilman  
Luciana Haughwout, Councilwoman  
Mary Capoccia, Councilwoman (Joined meeting after her appointment)

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

#### TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, the Town Board moved into Executive Session to discuss individual personnel matters, RFPs for Par 3 Golf Course, and litigation and negotiations with the Town Attorney. Upon motion made by Councilman Esposito, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Councilman Esposito led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember the members of the US Military and our first responders who keep us safe.

#### INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and David Paganelli, Highway Superintendent.

#### REPORT FROM THE TOWN SUPERVISOR

Supervisor Diana reported on recent Town events and updates, including the following:

- A reminder to check the Tree Law if you plan on cutting trees on your property. Please call the Engineering Department for permit guidelines.

#### REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

#### REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Paganelli reported on the Highway Department's current work schedule regarding asphalt pickup and filling potholes.

#### PROCLAMATION – OBSERVANCE OF MARTIN LUTHER KING, JR. DAY RESOLUTION # 27

Upon motion made Councilman Lachterman, seconded by Councilwoman Haughwout,

Whereas, Dr. Martin Luther King, Jr.'s dream of equality and achieving social change through nonviolence has helped shape our nation, and

Whereas, this week we celebrate Dr. Martin Luther King, Jr.'s birthday and we remember his legacy as an American hero and tireless social activist who called upon our nation to ensure equal justice under the law and to uphold our founding principles, which recognize individual rights to life, liberty, and the pursuit of happiness, and

Whereas, Dr. Martin Luther King, Jr. encouraged Americans to come together, regardless of age, race, or creed, to alleviate poverty, and value the dignity and respect inherent in all people. Through

his example, he taught the values of courage, truth, justice, compassion, humility, and service to strengthen our communities, now

Therefore Be It Resolved, that I, Thomas P. Diana, Supervisor of the Town of Yorktown along with the Town Board recognize January 16, 2023 as

**“Dr. Martin Luther King, Jr. Day”**

and encourage all residents to act for the future betterment of our community.

Diana, Lachterman, Esposito, Haughwout Voting Aye  
Resolution adopted.

**APPOINT MARY CAPOCCIA TO FILL THE TOWN COUNCIL SEAT VACATED BY THOMAS P. DIANA**  
**RESOLUTION #28**

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

RESOLVED, that the vacated Council seat be filled by Mary Capoccia at this point in time.

Diana, Lachterman, Esposito Voting Aye  
Haughwout Voting Nay  
Resolution adopted.

**APPOINT MARY CAPOCCIA TO THE POSITION OF TOWN COUNCIL MEMBER**  
**RESOLUTION #29**

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

RESOLVED, that the Town Board of the Town of Yorktown appoints Mary Capoccia to the position of Town Council Member for the remainder of the fourth year (to end December 31, 2023) of the four-year term left vacant by the resignation of elected Town Council Member Thomas P. Diana, effective January 10, 2023.

Diana, Lachterman, Esposito, Haughwout Voting Aye  
Resolution adopted.

Councilwoman Capoccia joined the Town Board Meeting.

**POET LAUREATE**

Councilman Esposito read Poet Laureate John McMullen’s poems, “Memory” and “Diet” in his absence.

**PRESENTATION – COMPETITIVE CARTING**

Supervisor Diana displayed a booklet that should have been mailed to residents from the Refuse & Recycling Department that publishes the schedule and guidelines for disposal. He said that if residents did not, it is available on the Town’s website as well as through the Refuse & Recycling Department. Brian Amico from Competitive Carting gave an update to the garbage and recyclable pickups. Mr. Amico discussed some of the problems he has encountered and his progress working through them. He said that no one knew the maps and routes for garbage pickup had changed two years ago and notice should have been given to the Town Board, by contract. He said that this was problematic for many residents. Mr. Amico said the routes are spread out all over and need to be corrected immediately. He would like to go back to the way it was five years ago when he had the contract. He said that Yorktown has six or seven zones that are strictly for Refuse & Recycling Department pickups (bulk pickups) – they do not apply to the garbage pickups. Mr. Amico would like to overlay the route maps onto the Town zones so the residents can see what route they are on and their scheduled days.

Mr. Amico displayed pictures of recycling and garbage pickup problems he has encountered that hamper the pickups and discussed the correct method of disposal. He asked residents to place recyclables in a neat and tidy manner so that they are not splayed all over the street. He spoke of the correct size trash bins that should be used – two 33-gallon bins. He said that anything other than this slows down the pickup.

Councilwoman Haughwout said that although she appreciated Mr. Amico's difficulties and his willingness to work things out, she said this could have been addressed earlier and that it is his job to pick up the garbage. She said that most residents do not know the size of the required bins and if it requires the Town Board to address that, they will. Mr. Amico said these are issues that are existing and are addressed in the contract.

Mr. Amico said his workers are being threatened to the point he had to call the police. He said that when his workers are threatened, they are pulled from the route. Mr. Amico explained the extra work they are doing is over and above what is in the contract.

Councilwoman Haughwout asked who changed the routes the last time and was told AAA. She said that if they did it to be convenient to them then he should do it to be convenient to his company. Mr. Amico said he is doing that in the right way by coming to the Town Board, which is what is supposed to happen – a 90-day notice to the Town Board.

Philip Marino, Refuse & Recycling, said that he spoke to Mr. Amico a few weeks ago and he found out that there was never a resolution to change the routes. He said if the routes were changed, his department would assist in notifying the residents.

Councilman Lachterman said the 90-day requirement could be waived by the Town Board. Mr. Marino said he needs street names in order to be able to notify residents and a presentation for the public.

Mr. Marino said that Mr. Amico has never left anything behind on pickups and is very responsive to his department.

Councilman Esposito confirmed that Mr. Amico is committed to picking up what is left by residents and asked when he would like new map overlays and a new pickup schedule. Mr. Amico said he would like to begin by February 1, 2023. Town Engineer Dan Ciarcia said he would assist in the street mapping. Councilman Esposito said that the public would need to be notified before the actual start date.

Supervisor Diana said he believed a minimum of 30 days would be needed before the actual pickup change and route changes could take place – mid-February.

Mr. Marino said that when he gets the street listings, he would come back to the Town Board for approval to make the change.

Councilman Esposito said that another issue is the co-mingling of recyclables and garbage by the trucks picking up. Mr. Amico said that only happened the first week due to schedule problems and this has been corrected.

#### COURTESY OF THE FLOOR

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, Courtesy of the Floor was opened.

The following members of the public spoke:

- Susan Siegel, resident, asked about the towing contract that she raised at last week's meeting. She said the contract has expired and asked that if the past increases have not been collected, can the money be recouped retroactively. She encouraged the public to reach out to the Tree Conservation Advisory Committee as a resource for information regarding the cutting of trees.
- Dan Strauss, resident, spoke about respect being reciprocal between the Town Board and the residents at the meetings. He addressed several of his comments to Councilman Lachterman.
- Parag Kulkarni, resident, came to announce a yoga workshop that her group is holding this Saturday at the Yorktown Firehouse.
- Sarah Wilson, resident, thanked the Town Board for the proclamation regarding Dr. Martin Luther King, Jr. Day. She spoke of events that celebrated the day. She encouraged all residents to learn about Dr. Martin Luther King. Ms. Wilson announced an upcoming Yorktown 100 event and the Super Cereal Bowl, which ends on Super Bowl Sunday.

- Kevin Byrnes, resident, congratulated Mary Capoccia on her appointment.

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, Courtesy of the Floor was closed.

Members of the Town Board responded to comments made during Courtesy of the Floor.

RECONVENE PUBLIC HEARING TO CONSIDER A WETLAND PERMIT APPLICATION SUBMITTED BY HOMELAND TOWERS, LLC FOR THE PROPOSED CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY

Supervisor Thomas Diana reconvened a public hearing to consider a wetland permit application submitted by Homeland Towers, LLC for the proposed construction of a telecommunications facility at Hill Boulevard, Jefferson Valley, NY.

Doug Warden, attorney for Homeland Towers, asked to have the hearing closed and a vote taken on the resolution.

Town Attorney Adam Rodriguez spoke of the additional submission that was made by Homeland Towers that the Town Engineer needed to review and need to be considered before crafting the resolutions.

Town Engineer Dan Ciarcia said that most of the issues from the last public hearing have been resolved (water control volume, erosion control bond, inspection fees). He said that the wetlands permit from DEC must be obtained before any work can be done on the site. Mr. Ciarcia said that ensuring adequate fuel is provided to keep the equipment going during a power outage is going to be the responsibility of the applicant.

No public comment was received.

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

NEGATIVE DECLARATION AND FOR WETLAND PERMIT, HOME RULE REQUEST, AND PARKLAND ALIENATION AND LEASE TO HOMELAND TOWERS, LLC RESOLUTION #30

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

**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number / Agenda Item: Wetland Permit, Home Rule Request and Parkland Alienation, and Lease to Homeland Towers, LLC

Date: January 17, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown (the “Town”) by its Town Board, acting as Lead Agency, has determined that the Proposed Action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Proposed Wetland Permit, Home Rule Request and Parkland Alienation, and Lease of Town land (the “Lease”) to Homeland Towers, LLC which action contemplates the construction and operation of an antenna support structure.

**Status:** Unlisted

**Conditioned Negative Declaration:** Yes \_\_\_\_\_  
No   X

**Description of Action:** The Proposed Action consists of approval of a wetland permit, making a home rule request to the New York State Legislature for the alienation of parkland and entering into a lease of approximately 11,317 square feet of ground space of property for equipment, wetland mitigation and landscaping located at Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31 to Homeland Towers, LLC (“Tenant”) to construct, maintain and operate a communications tower and related ancillary facilities and improvements for the transmission and reception of communication signals and to accommodate the installations of wireless carriers and Town and local emergency service antennas and equipment, including without limitation, radio equipment cabinets, antennas and related equipment and utilities.

**Location:** Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31.

**Reasons Supporting This Determination:**

Based upon a review of the Environmental Assessment Form, the Exhibits and Site Plan, the Lease terms, the RF Exposure Report, the RF Justification Report, the wetlands report, Alternative Site Analysis, FAA opinion letter, SHPO concurrence, Visual Resource Evaluation, referral responses from Westchester County Department of Planning, NYC DEP, New York State Historic Preservation Office (“SHPO”), Advisory Board on Architecture & Community Appearance, the Planning Board, Tree Conservation Advisory Commission, Telecommunications Advisory Committee, Conservation Board, NYSDEC, and the Town Engineer, and other documents submitted, in connection with the project, the Town Board classifies the project as an Unlisted Action, declares itself Lead Agency in a coordinated review, and as Lead Agency, makes the within negative declaration of environmental significance based upon the following findings:

The Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the leasehold site. The area of the project site where the facility is to be located has been reduced to the minimum size practicable to support the facility and access thereto and account for landscaping and wetland mitigation efforts. The lease area itself is a small approximately 11, 317 square foot area for equipment, wetland mitigation and landscaping.

The Proposed Action will not have a significant adverse environmental impact on unique or unusual land forms found on the site. The site is a vacant parcel adjacent to 2 main roads and Con Edison transmission towers.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected. No wetlands, streams or lakes will be disturbed. The project is within a wetland buffer and a floodplain and the project has been engineered to provide with stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water. No wetlands, streams or lakes will be disturbed. The project is within a wetland buffer and a floodplain and the project has been engineered to provide with stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity. All necessary erosion and sediment control measures will be implemented subject to approval by the Town Engineer.

The Proposed Action will not have a significant adverse environmental impact as a result of altered drainage flow or patterns, or surface water runoff. The plans include stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on air quality. Other than a generator for each carrier there will be no air emissions from the facility.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on non-threatened or non-endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources. The design of the facility as a monopole to support collocation is necessary and will avoid the proliferation of towers in the area. Use of a Town property adjacent to two main roads and Con Edison transmission lines will minimize visibility and potential impact.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance as confirmed by SHPO.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities as the property is small in size, adjacent to transmission lines and encumbered with wetlands.

The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise, or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety. The facility will comply with all FCC regulations pertaining to radio frequency exposure

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community for the reasons described above in relation to the aesthetic impact and safety impact. The ACABA, Conservation Board TCAC, Telecommunications Advisory Committee and Planning Board had no significant comments against the proposal and all requests by the planning board have been addressed.

There are no potential adverse environmental impacts related to the proposed Lease, wetland permit or parkland alienation.

The Lead Agency has relied upon the Environmental Assessment Form, the Exhibits and Site Plan, the Lease terms, the RF Exposure Report, the RF Justification Report, the Visual Resource Evaluation, SHPO concurrence, FAA opinion letter, Alternative Site Analysis and other documents and testimony.

**If conditioned Negative Declaration:** N/A

**Lead Agency:** Town Board  
Town of Yorktown

**Contact Person:** Supervisor: Town of Yorktown

**Address:** Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, NY 10598

**Telephone Number:** 914 962 5722

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this notice has been filed with:** N/A

**For Unlisted Actions, a copy of this notice has been filed with:**

A copy of this negative declaration is on file in the office of the Town Board of the Town together with copies of all reports and documents referenced herein. These documents are available for review by the public.

**For Type 1 Actions and Conditioned Negative Declarations, notice of this determination has been provided to the following organization for publication in the ENB: N/A**

Diana, Lachterman, Esposito, Haughwout      Voting Aye  
Capoccia    Abstain  
Resolution adopted.

APPROVAL OF WETLAND PERMIT APPLICATION FOR HOMELAND TOWERS, LLC FOR THE PROPOSED CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY  
RESOLUTION #31

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

WHEREAS, the Town of Yorktown owns a parcel of real property located at Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31 (hereinafter referred to as the “subject premises”); and

WHEREAS, the Town Board of the Town desires to lease a portion of the subject premises to Homeland Towers, LLC for the purpose of constructing, establishing, and maintaining a radio transmission tower facility for its use and that of its subtenants, licensees and customers, which facility includes a tower and associated facilities, including radio transmitting and receiving antennas, communications equipment, and related cables, wires, conduits, air conditioning equipment and other appurtenances, as shown on a certain plan for said purpose as submitted to the Town Board; and

WHEREAS, the Town Board of the Town finds that it is in the best interest of the Town to lease a portion of the subject premises with access, as set forth in a certain Lease, a copy of which is annexed hereto as Exhibit A, and as shown on the aforementioned plan, (hereinafter referred to as the “Lease Area”) to Homeland Towers, LLC, a New York limited liability company having a place of business at 9 Harmony Road, 2<sup>ND</sup> Floor, Danbury, Connecticut 06810. As shown by the Town’s consultant, CityScape, and the Radio Frequency Justification report submitted by Homeland Towers there is a gap in wireless communications in the area of Jefferson Valley. The proposed facility will remedy that gap in service and provide support for at least four wireless carriers and the Town’s public service entities as detailed in the Lease and on the Site Plan; and

WHEREAS, the construction of the facility and access and utilities also requires a Town wetland permit from the Town Board and an act of the New York State Legislature to alienate parkland based on a Home Rule request from the Town Board; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations, the Town Board declared its intention to be lead agency and circulated its intention to all Involved Agencies, including the New York State Department of Conservation, which did not object to the Town Board acting as Lead Agency. Thereafter, the Town Board declared itself Lead Agency in a coordinated review and classified the action to be an UNLISTED Action; and

WHEREAS, the Town Board of the Town has reviewed the Environmental Assessment Form submitted for the project and all supporting documentation and comments; and

WHEREAS, the Town Board of the Town hereby issues a negative declaration of significance pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, in that it has determined that the proposed action, namely entering into the aforementioned Lease, the wetland permit and the Home Rule request and parkland alienation will not have a significant environmental impact and that a Draft Environmental Impact Statement will not be prepared. A copy of the Negative Declaration is attached hereto as Exhibit B; and

WHEREAS, a duly noticed public hearing was held and continued on January 17, 2023. All persons interested were given an opportunity to speak. The County Department of Planning and the New York City Department of Environmental Protection confirmed that neither has jurisdiction over this project. The project was referred to the New York State Department of Environmental Conservation, which did not object to the project. The project was referred to and extensively reviewed by the Town Planning Board, Advisory Board on Architecture & Community Appearance, Conservation Board, the Town Engineer, and the Tree Conservation Advisory Commission, which provided comments that have been addressed by Homeland Towers.

WHEREAS, the agreement between the parties is for Town property not presently being utilized by the Town and not anticipated to be needed by the Town over the term of the agreement and the agreement is for fair market value based on an appraisal commissioned by the Town, and in the best interests of the Town and its residents. The subject premises is not feasible to be used as parkland given its location adjacent to Con Edison transmission lines, its small size and the fact that the vast majority is encumbered with wetlands. No further Town permits or approvals are required other than the wetland permit being granted herein, and a stormwater, excavation and building permit. Pursuant to Section 300-59.C.2 of the Town Code, “wireless telecommunications facilities located on property owned or leased by the Town of Yorktown shall be exempt from the requirements of this section [Section 300-59]”. See also Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702. Accordingly, no other zoning approvals are required; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town hereby authorizes and approves the wetland permit and the lease of the subject premises with access to Homeland Towers, LLC, upon the terms and conditions contained in the Lease (subject to the approval of the Town Attorney) annexed hereto as Exhibit “A” and incorporated herein by reference thereto;

BE IT FURTHER RESOLVED, that pursuant to Section 64(2) of the Town Law of the State of New York, this Resolution is adopted by the Town Board of the Town subject to a permissive referendum; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to post and publish notice of this Resolution in accordance with Article 7, Section 90 of the Town Law of the State of New York within 10 days of the date hereof; and

BE IT FURTHER RESOLVED, the Town Board, in accordance with Chapter 178 of the Town Code, hereby grants the necessary wetland permit based upon the following findings and conditions:

- 1) The proposed regulated activity is consistent with the policy of Chapter 178 of the Town Code and measures have been put in place to preserve, protect and conserve wetland functions and the benefits they provide, by preventing the despoliation and destruction of wetlands identified on, and within vicinity of, the Property;
- 2) The Facility is consistent with the land use regulations governing wetlands application in the Town of Yorktown and the local legislation is at least as restrictive as the laws of New York State regarding wetlands protection;
- 3) The Facility is compatible with the public health and general welfare, and does not require the use of water nor does it produce any odors, fumes, wastewater and is an unmanned facility requiring only infrequent service visits by a single technician;
- 4) The Facility cannot practically be relocated on the site so as to eliminate or reduce the intrusion into the wetland and associated wetland buffer as the entire Property is encompassed by wetlands or associated wetland buffer areas;
- 5) Measures have been put in place, to minimize the degradation to or loss of any part of the wetlands and the wetland buffer and minimizes any adverse impacts on the functions and benefits that the identified wetlands provide, such as:
  - The Facility and associated access drive have been strategically located within the upland portion of the site.
  - All driveways, turnaround areas, facility compound area, and equipment pads will consist of pervious surfaces.
  - A retaining wall will be installed to prevent grading into the wetland proper.
  - Tree removal has been reduced and represents the minimum required. While 62 caliper inches of trees will be removed, a total of 78 caliper inches will be



- installed through installation of replacement trees.
  - There will be a wetland creation area and wetland buffer restoration in the form of grading and installation of native plantings, including 21 trees, 22 shrubs, 300 perennials, and over 4,000 s.f. of native seed mix.
  - Any runoff from the gravel compound area will sheet flow through the wetland creation area before discharging to the Town and NYSDEC regulated wetland; and
- 6) The proposed construction of the Facility is in compliance with the standards set forth in 6 NYCRR 665.7(e) and 66S.7(g), as amended.
- 7) The permit shall be conditioned on the following requests by the Town Engineer:
- a. Provide a detail of the proposed retaining wall.
  - b. Post a \$2,000 erosion control bond.
  - c. Pay the 8% engineering inspection fee.
  - d. Provide stormwater calculations, and at a minimum provide a stormwater management system to capture and treat the runoff as determined by the water quality volume calculation (WQv).

BE IT FURTHER RESOLVED, that the Town Board of the Town hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution, including authority to sign the Lease, Request a Bill Number and a Home Rule request with regard to same.

Diana, Lachterman, Esposito, Haughwout     Voting   Aye  
 Capoccia     Abstain  
 Resolution adopted.

APPROVE LEASE OF SPACE TO THE YORKTOWN TEEN CENTER, INC. SUBJECT TO PERMISSIVE REFERENDUM RESOLUTION #32

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

WHEREAS, The Yorktown Teen Center, Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain rooms within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town’s lease of real property be subject to a permissive referendum under Town Law §90 and 91;

NOW, THEREFORE, 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; and

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.

Diana, Lachterman, Esposito, Haughwout, Capoccia     Voting   Aye  
 Resolution adopted.

APPROVE LEASE OF SPACE TO YORKTOWN STAGE INC. SUBJECT TO PERMISSIVE REFERENDUM RESOLUTION #33

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

WHEREAS, Yorktown Stage Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown Room 12 within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town’s lease of real property be subject to a permissive referendum under Town Law §90 and 91;

NOW, THEREFORE, 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; and

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.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

APPROVE LEASE OF SPACE TO YORKTOWN COMMUNITY HELP, INC. SUBJECT TO PERMISSIVE REFERENDUM RESOLUTION #34

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

WHEREAS, Yorktown Community Help, Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain rooms(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town’s lease of real property be subject to a permissive referendum under Town Law §90 and 91;

NOW, THEREFORE, 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; and

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.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

APPROVE LEASE OF SPACE TO CORPORATE CHILDREN’S CENTER CONSULTANTS, INC. SUBJECT TO PERMISSIVE REFERENDUM  
RESOLUTION #35

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

WHEREAS, Corporate Children’s Center Consultants Inc., a for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain rooms(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law §64 requires that the Town’s lease of real property be subject to a permissive referendum under Town Law §90 and 91;

NOW, THEREFORE, 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; and

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.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
 Resolution adopted.

AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH AUTOMATED CONTROL LOGIC, FOR ON-CALL MONITORING OF THE LIBRARY’S MISSION-CRITICAL EQUIPMENT  
RESOLUTION #36

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

RESOLVED, that the Library Director is authorized to execute an agreement with Automated Control Logic, for on-call monitoring of the Library’s mission-critical equipment, in an amount not to exceed \$4,000. The term of the contract will be retroactive from January 2023 through January 2024.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
 Resolution adopted.

AWARD BID FOR THE PURCHASE OF A USED OR NEW COMBINATION SINGLE ENGINE SEWER CLEANER WITH POSITIVE DISPLACEMENT VACUUM SYSTEM OR FAN SYSTEM MOUNTED ON A HEAVY DUTY TRUCK CHASSIS OR EQUIVALENT  
RESOLUTION #37

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

WHEREAS, invitation to bid for the purchase of a Used or New Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System or Fan System Mounted on a Heavy Duty Truck Chassis or Equivalent for the Yorktown Highway Department was duly advertised, and

WHEREAS, said bids were received and opened on January 12, 2023 with the bid amounts for the above-referenced project summarized below:

Vendor	Used	New
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Jack Doheny Company	\$455,000.00	\$521,821.36
International Link Trucks & Equipment	\$314,149.00	No Bid
Technology International Inc.	No Bid	\$522,500.00
Trius, Inc.	\$350,000.00	\$549,948.00

THEREFORE, BE IT RESOLVED, that upon the recommendation of Highway Superintendent Dave Paganelli the bid for the Purchase of a New Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System or Fan System Mounted on a Heavy Duty Truck Chassis or Equivalent for the Yorktown Highway Department is hereby awarded to the lowest bidder, Jack Doheny Company, 777 Doheny Drive, Northville, MI 48167, in the amount of \$521,821.36.

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

From:

A.1002            General Fund – Fund Balance                                \$500,000.00  
(to be offset by ARPA revenue)

D.1002            Highway – Fund Balance    \$ 21,821.36

To:

D5110.201       Highway – Equipment    \$521,821.36

for the purchase of a 2023 Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System (Vactor) from Jack Doheny Company.

Diana, Lachterman, Esposito, Haughwout, Capoccia    Voting    Aye  
Resolution adopted.

ADVERTISE BID FOR THE PURCHASE OF A 7-PASSENGER VAN CONVERSION FOR THE NUTRITION/SENIOR SERVICES DEPARTMENT  
RESOLUTION #38

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 1:00 a.m., Monday, February 13, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the purchase of a 7-Passenger Van Conversion.

Diana, Lachterman, Esposito, Haughwout, Capoccia    Voting    Aye  
Resolution adopted.

ADVERTISE BID FOR POOL TILE REPAIR FOR THE PARKS AND RECREATION DEPARTMENT  
RESOLUTION #39

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 1:00 A.M. on Monday, February 13, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the Pool Tile Repair.

Diana, Lachterman, Esposito, Haughwout, Capoccia    Voting    Aye  
Resolution adopted.

APPROVE RECOGNITION OF “CAPTAIN KENNETH SGROI ACT OF KINDNESS DAY” AS MARCH 16<sup>TH</sup> OF EVERY YEAR  
RESOLUTION #40

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

Resolved, that Captain Kenneth Sgroi be memorialized each year and that the flag of the United States of America be lowered to half-staff on January 2<sup>nd</sup> of each year and that March 16<sup>th</sup> of every

year shall be forever known as the “**CAPTAIN KENNETH SGROI ACT OF KINDNESS DAY,**” in the Town of Yorktown.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT AND EXTENSION FOR CALENDAR YEAR 2023 FOR THE PROFESSIONAL SERVICES AGREEMENT WITH BARTON & LOGUIDICE, D.P.C.

RESOLUTION #41

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

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to execute an amendment and extension for calendar year 2023 for the professional services agreement with Barton & Loguidice, D.P.C., for an additional amount not to exceed \$100,000.00.

Diana, Lachterman, Esposito, Haughwout Voting Aye  
Capoccia Abstained  
Resolution adopted.

AUTHORIZE THE SUPERVISOR TO ATTEND THE NEW YORK STATE CONFERENCE OF MAYORS

RESOLUTION #42

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

BE IT RESOLVED, that the Supervisor is authorized to attend the New York State Conference of Mayors in Albany, NY from February 5, 2023 to February 7, 2023.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO EXECUTE THE NYS MASTER CONTRACT FOR GRANTS AND ANY ASSOCIATED DOCUMENTS FOR A \$30,000 GRANT FOR THE LAKE MOHEGAN GREEN INFRASTRUCTURE AND STORMWATER RETROFIT DESIGN

RESOLUTION #43

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

RESOLVED, the Supervisor is authorized to execute the NYS Master Contract for Grants and any associated documents for a \$30,000 grant for the Lake Mohegan Green Infrastructure and Stormwater Retrofit Design, for the study of phosphorous mitigation in the Lake’s watershed.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

REAPPOINT CHRISTINE DUNN AS A MEMBER OF THE PARKS AND RECREATION COMMISSION

RESOLUTION #44

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

Be It Resolved, that Christine Dunn is hereby appointed to the Parks and Recreation Commission for a term to expire on December 31, 2029.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

APPROVE ATTENDANCE AT THE 2023 NEW YORK STATE TOWN CLERKS ASSOCIATION ANNUAL CONFERENCE AND TRAINING MEETING TO BE HELD IN SYRACUSE, NEW YORK FROM APRIL 23-26, 2023

RESOLUTION #45

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

WHEREAS, sufficient funds exist in the Town Clerk's Training line to cover the cost of expenses, including lodging and conferences; now

THEREFORE, BE IT RESOLVED, that Town Clerk Diana Quast and Deputy Town Clerk Maura Weissleder are authorized to attend the 2023 New York State Town Clerks Association Annual Conference and Training Meeting to be held in Syracuse, New York from April 23-26, 2023.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

RENEW SANI-PRO DISPOSAL SERVICES CORP. D/B/A SUBURBAN CARTING  
COMMERCIAL GARBAGE LICENSES FOR 2023  
RESOLUTION #46

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

RESOLVED, that Sani-Pro Disposal Services Corp. d/b/a Suburban Carting be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2023.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

RENEW AAA CARTING & RUBBISH REMOVAL, INC. COMMERCIAL GARBAGE  
LICENSES FOR 2023  
RESOLUTION #47

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

RESOLVED, that AAA Carting & Rubbish Removal, Inc., be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2023.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

APPROVE ATTENDANCE AT THE 2023 NEW YORK STATE GOVERNMENT FINANCE  
OFFICERS ASSOCIATION ANNUAL CONFERENCE / TRAINING IN ALBANY, NEW  
YORK MARCH 29, 2023 THROUGH MARCH 31, 2023  
RESOLUTION #48

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

Whereas, sufficient funds exist in the Comptroller Training line to cover the cost of expenses, including lodging and conference, now

Therefore, Be It Resolved, that Patricia Caporale, Gennelle MacNeil and Rachel Marchionno are authorized to attend the 2023 New York State Government Finance Officers Association annual conference/training to be held in Albany, New York March 29, 2023 through March 31, 2023.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

AWARD BID FOR THE PURCHASE OF A 2023 VACUUM HYDRO-EXCAVATOR  
RESOLUTION #49

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

WHEREAS, invitation to bid for the Purchase of a 2023 Vacuum Hydro-Excavator for the Yorktown Water Department 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 below:

Jack Doheny Company	\$588,229.30
777 Doheny Drive	with warranties
Northville, MI 48167	

Trius, Inc.  
458 Johnson Avenue  
Bohemia, NY 11716

\$659,649.00  
with warranties

Gabrielli Truck Sales, LTD  
153-20 Conduit  
Jamaica, NY 11434

\$743,855.00  
with warranties

THEREFORE, BE IT RESOLVED, that upon the recommendation of the Water Distribution Superintendent, Ken Rundle, the bid for the Purchase of a 2023 Vacuum Hydro-Excavator be and is hereby awarded to the lowest bidder, Jack Doheny Company, 777 Doheny Drive, Northville, MI 48167, in the amount of \$588,229.30 with warranties.

Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye  
Resolution adopted.

ADJOURN

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

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DIANA L. QUAST, TOWN CLERK  
MASTER MUNICIPAL CLERK