



# Town of Yorktown

*Office of the Town Clerk Diana L. Quast*

## **FINAL TOWN BOARD MEETING AGENDA**

**June 6, 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

Parks & Recreation

Litigation and Negotiations

Town Attorney

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

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR THOMAS DIANA
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATIONS

#### **National Day of Remembrance of the 79<sup>th</sup> Anniversary of D-Day**

Whereas, on June 6, 1944, D-Day, more than 156,000 American, British and Canadian Troops landed on the beaches of the Normandy region of France for what would be the largest military assault in the history of war, and

Whereas, 79 years later, we are reminded of the magnitude of that day and of the heroism of the thousands who waded onto the beaches, parachuted into the countryside, and gave their all to change the course of history and to bring liberty to millions, and

Whereas, on that fateful June morning, before dawn, paratroopers from the Army's 82nd and 101st Airborne Divisions, among others, fell in behind enemy lines. Shortly thereafter, the first wave of American, British, and Canadian infantry divisions, which had crossed the English Channel in 7,000 vessels and landing craft, rushed forth onto the five beaches of the targeted 50-mile stretch of the French coastline, codenamed Utah, Omaha, Gold, Juno, and Sword, and

Whereas, awaiting these brave men was a shoreline littered with anti-landing obstacles, landmines, bunkers, and strategically positioned machine-gun nests. These defenses inflicted devastating losses on the Allied forces. 1,465 Americans perished on the beaches of Normandy that day. On Omaha Beach—the bloodiest of the five—the U.S. Army's 1st and 29th Infantry Divisions suffered horrific losses: 2,400 soldiers were killed or wounded by day's end, and

Whereas, secure in the nobility of their cause and driven by love of country, the heroes of D-Day pressed forward against the German onslaught. Through their gallantry and dedication to duty, they overwhelmed the enemy and secured a beachhead that allowed wave after wave of infantry to push onto the continent. By day's end, the D-Day forces had pried open Europe's northern door—so tightly sealed by the Nazis for years. Through that door streamed the forces of liberation, which ultimately ended the war, ended the horrors of the Holocaust, and ended the tyrannical Hitler regime, and

Whereas, Today, we pause to remember and honor all of the brave soldiers, sailors, and airmen for their selfless sacrifices. May we always be true to the virtues and principles for which this D-Day generation—the Greatest Generation—paid so dearly. As we mark 79 years since the D-Day landings, we recognize that their legacy grows ever more meaningful with time. The story of America will forever include the valor and sacrifice of the intrepid servicemen who took those beaches in northwest France on June 6, 1944, now

Therefore Be It Resolved, that I, Thomas P. Diana, Town Supervisor, on behalf of the Town Board and the residents of the Town of Yorktown recognize June 6, 2023, as the National Day of Remembrance of the 79th Anniversary of D-Day and call upon its residents to observe and honor those heroes who fought and died so that men and women they had never met might know what it is to live in freedom.

**National Emergency Medical Services Week**

WHEREAS, it is fit and proper to recognize the outstanding service to the residents of Yorktown by dedicated individuals whose selfless acts save lives and protect our community; and

WHEREAS, National Emergency Medical Services Week allows communities to honor those who stand on the front lines providing lifesaving services; and

WHEREAS, Yorktown's emergency medical services teams provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, the Town of Yorktown is served by the Mohegan Volunteer Ambulance Corps, Yorktown Volunteer Ambulance Corps and Empress Ambulance; now

THEREFORE BE IT RESOLVED, that the Town of Yorktown recognizes the countless hours and selfless dedication of the members of the Mohegan Volunteer Ambulance Corps and Yorktown Volunteer Ambulance Corps; and

BE IT FUTHER RESOLVED, that the Town of Yorktown recognizes and applauds the commitment displayed by all of the Emergency Medical Service operations who service the Town of Yorktown.

**Mohegan Colony's 100<sup>th</sup> Anniversary**

WHEREAS, the Mohegan Colony was formed in April 1923; and

WHEREAS, the Colony has existed and operated continuously for 100 years, currently as the Mohegan Colony Association, Inc.; and

WHEREAS, the Colony has played a unique historical role in Yorktown and Cortlandt; and

WHEREAS, as stated in the Preamble of the April 1923 Colony Constitution, the founders organized “this settlement in the hope that we may free ourselves and our children from at least some of the diseases of city life, to give free rein to our thoughts and ideals, to offer our children a libertarian education which will fit them to be fighters for a better world”; and

WHEREAS, the Colony grew out of a pioneering educational movement that began in France and Spain in the 1800s and was called the Modern School Movement, based on ideas that were ahead of their time and envisioned co-educational, secular schools that would allow children to choose their own studies, following their interests and curiosities without the burden of rote learning and rigid curriculum; and

WHEREAS, 400 acres spanning the Towns of Yorktown and Cortlandt purchased by the Colony in 1923 from the Baron de Hirsch Fund were originally part of tracts given to the Townsend family and General John Paulding for their services to the Colonial Army in the Revolutionary War; and

WHEREAS, the original Colony school was established in a 1700s farmhouse long before the existence of the Lakeland Central School District; and

WHEREAS, the early Colony members developed a water distribution system in the Colony before there was town water, and developed and maintained all of the roads in the Colony; and

WHEREAS, in addition to the one-acre parcels that were sold to Colony members to build homes, a stone schoolhouse was built on a nine-acre parcel on Baron de Hirsch Road in Cortlandt, and a swimming beach, picnic and recreation area were developed on 25 acres off of High Street in Yorktown; and

WHEREAS, many of the early Colony members were in the performing arts, and the Colony built a stage, and eventually a pavilion and clay tennis courts on the schoolhouse property, and performances were held at the Colony that were attended by people from as far away as New York City; and

WHEREAS, the early Colony residents had different ethnic backgrounds, coming from countries such as France, England, Italy, Spain, Russia, Poland, Austria and Finland, and had different political views, but all wanted to leave the urban environment and live a simpler, healthier life and give their children an opportunity to grow in an environment of freedom, to express themselves through creative activity, and develop individuality; and

WHEREAS, Colony residents helped develop the common properties and helped each other build homes, and during the depression years the Colony operated a store on Lexington Avenue and issued its own scrip so that residents without money could purchase food and necessities;

NOW THEREFORE, BE IT RESOLVED, the Town of Yorktown hereby recognizes and celebrates the Mohegan Colony's 100-year anniversary; and

BE IT FURTHER RESOLVED, the Town of Yorktown recognizes the continued legacy of the unique utopian experiment envisioned by the Colony's founders, the continued preservation of 25 acres at the south-western end of Lake Mohegan, and the involvement and support of the Colony in the creation and activities of the Mohegan Lake Improvement District to improve and enhance the lake environment.

**Yorktown Athletic Club's 75<sup>th</sup> Anniversary**

WHEREAS, the Yorktown Athletic Club is a self-funding, all volunteer, not for profit corporation that provides organized youth sports programs for the social enjoyment of its members and friends of the Yorktown Community; and

WHEREAS, the Yorktown Athletic Club was established in 1948 and has been in existence for 75 years; and

WHEREAS, today the Yorktown Athletic Club consists of approximately 1,500 family members and over 2,500 sport participants; and

WHEREAS, the Yorktown Athletic Club offers to its members the following youth sports programs; baseball, girls and boys basketball, flag and tackle football, wrestling, boys and girls lacrosse, girls softball, golf, volleyball and cheerleading; and

WHEREAS, the Yorktown Athletic Club utilizes the fields and facilities maintained by the Yorktown Parks and Recreation Department and the Yorktown Central School District; and

WHEREAS, the Yorktown Athletic Club consists of elected officers, board members, sports commissioners, division coordinators and coaches which are all volunteer positions; and

WHEREAS, the Yorktown Athletic Club stresses that winning an athletic event shall always be secondary to our goal, which is to help our children understand and develop true sportsmanship qualities, which include showing respect for both your teammates and opponents and the fun and challenging competition; and

WHEREAS, the Town of Yorktown supports and applauds the efforts of the Yorktown Athletic Club and the opportunities that they provide to our youth; and

NOW, THEREFORE, BE IT RESOLVED, that I, as Town Supervisor of Yorktown, Thomas P. Diana, along with the Town Board Members of Yorktown do hereby acknowledge the 75th anniversary of the Yorktown Athletic Club and thank all the volunteers that make the organization possible. We thank you for what you do for Yorktown's youth and our community as a whole.

8. POET LAUREATE  
John McMullen

9. COURTESY OF THE FLOOR

10. RESOLUTIONS

From the Albert A. Capellini Community and Cultural Center:

**Authorize Comptroller to process the following Budget Transfer for the Building and Maintenance Department**

Whereas, the Town Board authorized GLP & Sons to furnish and install new heat pumps at the Yorktown Town Hall in a resolution passed on November 15, 2022, and

Whereas, a change order has been submitted for \$3,024.09 to furnish a drain pan with sensors and an overflow switch, now

Therefore Be It Resolved, that the Town Board authorizes the aforementioned change order for \$3,024.09, and

Be It Further Resolved, the Comptroller is authorized to process the following budget transfer:

From: A1990.499.1	General Fund Capital Contingency	\$3,024.09
To: HV	Capital Project – Town Buildings	\$3,024.09

From the Highway Department:

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

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

From:	D.5110.101	Hwy Salaries	\$40,000.00
To:	D5110.105	Hwy Overtime	\$40,000.00

**Authorize extension of bid with Rayal Tree Care Company for Tree Removal Services for the Town of Yorktown for an additional year, per the terms of the bid**

Whereas, invitation to bid for the Tree Removal Services for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened on July 19, 2021, now

Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Tree Removal Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Royal Tree Care Company, 2994 Navajo Street, Yorktown Heights, NY 10598, and

Be It Further Resolved, the dates of the extension will be July 19, 2023 to July 18, 2024.

From the Mohegan Lake Improvement District:

**Authorize Comptroller to process the following Budget Transfer for the Mohegan Lake Improvement District**

Whereas, the Lake Mohegan Restoration Project is partially funded by a State and Municipal Facilities grant Project ID#24913 of \$100,000; and

Whereas, the payment for the project must be made prior to submission for reimbursement under the grant; and

Whereas, budget transfers and fund balance transfers are needed to have funds available for the project in advance of receipt of reimbursement;

Now Therefore, Be It Resolved, that the Comptroller is authorized to process the following budget transfers:

From: Mohegan Lake Improvement District – Fund Balance	\$81,000
To: ID.7180.0479 – Special Projects	\$81,000
From: ID.7180.0480.0002 - Special Projects Building	\$ 7,000
To: ID.7180.0479 – Special Projects	\$ 7,000
From: ID.7180.0490 – Services	\$ 7,265
To: ID.7180.0479 - Special Projects	\$ 7,265

From Parks Department:

**Authorize purchase of a SportsCluster System, under Sourcewell purchase contract number: 071619-MSL in an amount not to exceed \$130,950 from Musco Sports Lighting, LLC**

RESOLVED, the Town is authorized to purchase a SportsCluster System, under Sourcewell purchase contract number: 071619-MSL, in an amount not to exceed \$130,950, from Musco Sports Lighting, LLC.

From the Police Department:

**Authorize hiring two permanent Police Officers to staff School Resource Officer vacancies**

Resolved, that the Yorktown Police Department is approved to hire two (2) permanent Police Officers to staff the School Resource Officer vacancies at Mohansic and Brookside Elementary Schools. The officers will be paid in accordance with the current Collective Bargaining Agreement. The Town will be compensated in accordance with a negotiated Agreement with the Yorktown Central School District, and

Be It Further Resolved, that any appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment.

From the Town Attorney:

**Authorize Supervisor to execute an agreement with Capturepoint LLC for CommunityPass Enterprise software**

Resolved, the Supervisor is authorized to execute an agreement with Capturepoint LLC, retroactive from April 1, 2023 to March 31, 2024, in an amount of \$8,300, for CommunityPass Enterprise software.

**Authorize Supervisor to enter into a School Resource Officer agreement with Yorktown Central School District for years 2023-2027**

RESOLVED, the supervisor is authorized to enter into a School Resource Officer Agreement with the Yorktown Central School District, for the years 2023-2027, for the provision of SROs at the Yorktown High School, the Mildred E. Strang Middle School, the Crompond, Mohansic and Brookside Elementary Schools.

**Award Bid for Electrical work on Town Buildings**

WHEREAS, invitation to bid for the Electrical Work on Town Buildings for Maintenance was duly advertised, and

WHEREAS, said bids were received and opened with the bid amounts for the above-referenced Bid summarized as attached, and

WHEREAS, the Town may award the bid based on either Lowest Responsible Bid or Best Value, in accordance with the 2012 amendments to General Municipal Law, Section 103, as implemented by Chapter 78 of the Code of the Town of Yorktown, and

WHEREAS, the Town recognizes that Hanover Electric, Inc., based on its long service to the Town, has acquired significant institutional knowledge about the Town, including its departments, buildings and operations, and

WHEREAS, the Town recognizes that, regarding proximity, Hanover Electric, Inc. is based in the Town of Yorktown, whereas the other responsive bidders are located outside the Town, and

WHEREAS, the Town recognizes that Hanover Electric, Inc.'s service to the Town has been exemplary, now

THEREFORE, BE IT RESOLVED, that the bid for the Electrical Work on Town Buildings for Maintenance is hereby awarded to Hanover Electric, Inc., based on the best value.

BE IT FURTHER RESOLVED, that for the reasons set forth above, Hanover Electric, Inc.'s proposal optimizes quality, cost and efficiency.

BE IT FURTHER RESOLVED, the contract is to begin on June 7, 2023 and terminate on June 6, 2024, with renewal options at the Town's discretion.

From the Town Clerk:

**Authorize Town Clerk to advertise a public hearing to consider a proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning,” Section 13(F) by amending and replacing it in its entirety**

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on the 20<sup>th</sup> day of June, 2023, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 PM, or as soon thereafter as the same can be heard, to consider amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning,” Section 13(F) by amending and replacing it in its entirety with the following language:

Walls and fences. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that in any residence district no fence shall exceed 4.5 feet in height in the front yard or 6.5 feet in height in any side or rear yard. However, fence support posts whose width, measured at the fence face, comprises no more than 10% of the total linear footage of the fence may exceed the aforementioned maximums by no more than one foot. The height of a fence shall be the vertical distance from grade to the highest part of the fence. Where the grade is uneven from one side of the fence to the other, the fence shall be measured from the side with the lowest grade. For all fences and walls installed after the effective date of this amendment, the decorative side shall face away from the owner's property.

**Authorize Town Clerk to advertise a public hearing to consider amending Chapter 15 of the Code of the Town of Yorktown entitled Building Construction Administration by deleting Section 15-4(B)(10) in its entirety and renaming Sections 15-4(B)(11) and 15-4(B)(12) as sections 15-4(B)(10) and 15-4(B)(11)**

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on the 20<sup>th</sup> day of June, 2023, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 PM, or as soon thereafter as the same can be heard, to consider amending Chapter 15 of the Code of the Town of Yorktown entitled “Building Construction Administration,” by deleting Section 15-4(B)(10) in its entirety and renaming Sections 15-4(B)(11) and 15-4(B)(12) as sections 15-4(B)(10) and 15-4(B)(11), respectively and accordingly.

**Authorize Town Clerk to advertise a public hearing to consider the application received from MJM Land Development Corp. for property located at 3232 Gomer Street to authorize the Planning Board to process a subdivision utilizing Flexibility Standards**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York on the 20<sup>th</sup> day of June, 2023, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard to consider the application received from MJM Land Development Corp. for property located at 3232 Gomer Street, Yorktown, NY, a 12.5 acre site, also known as Section 17.18, Block 2, Lot 2 on the Tax Map of the Town of Yorktown to authorize the Planning Board to process a subdivision utilizing Flexibility Standards.



From the Town Engineer:

**Authorize purchase of a Mark 3 Sonic Analyzer kit from the Filmtec Corporation for a total cost of \$1,397.80**

Resolved, that the Town Engineer is authorized to purchase a Mark 3 Sonic Analyzer kit for a total cost of \$1,397.80 from the Filmtec Corporation, as a sole source supplier of these services.

11. ADJOURN MEETING

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

Dated: June 6, 2023

DIANA L. QUAST, TOWN CLERK  
MASTER 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\*\***