

Meeting of the Town Board, Town of Yorktown held on Tuesday, June 6, 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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilwoman Capoccia, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss personnel items and litigation and negotiations with the Town Attorney. Upon motion made by Councilwoman Capoccia, seconded by Councilwoman Haughwout, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Rick Davin from the Yorktown Volunteer Ambulance Corp led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders (EMS, fire, police), and the members of our military who serve to protect our freedoms both here and overseas. Councilwoman Haughwout also asked residents to remember her friend, Adina Azarin, who was recently killed in a plane crash with her daughter over Washington, D.C.

INTRODUCTIONS

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

REPORT FROM THE TOWN SUPERVISOR

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

- Congratulations to brothers Joshua and William Henkin who received their Eagle Scout awards this past weekend.
- Announced that the Town of Yorktown has been named the number one safest town in the United States. Supervisor Diana everyone owes our police department, EMS workers, fire departments, paramedics a big round of applause. He said this is due to our commitment to each other as residents.

REPORTS FROM THE TOWN COUNCIL

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

REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli thanked the members of YVAC for their service, from which he has personally benefitted.

POET LAUREATE

Councilman Esposito read an original poem by John McMullen, Poet Laureate, concerning D-Day.

NATIONAL DAY OF REMEMBRANCE OF THE 79TH ANNIVERSARY OF D-DAY

Major Michael Sheridan read the following proclamation:

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.

Supervisor Diana thanked all veterans for their service.

Major Sheridan, on behalf of the VFW Post #8328, said that their last World War II veteran who passed away a couple of years ago – Felix Zuma – had been an Army medic at Normandy. Councilman Lachterman mentioned another World War II veteran, Bob Katzenhof (also deceased) who was also a medic at Normandy.

NATIONAL EMERGENCY MEDICAL SERVICES WEEK

Councilwoman Haughwout read the following proclamation:

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.

Captain Rick Davin of the Yorktown Volunteer Ambulance Corps said they have just celebrated the 49th National EMS Week. He said that EMS week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day life-saving services. Captain Davin spoke of the increase in the volume of calls and the need for more volunteers. Captain Paul Turiano of the Mohegan Volunteer Ambulance Corps introduced Captain Ashley Lape and Assistant Chief Jessica Porter, also of the Mohegan Volunteer Ambulance Corps. He said they are celebrating their 100th year of service. He said they cover approximately 42 square miles in their service area. He said that last year they handled approximately 4,000 911 calls – 1,912 calls in the Town of Yorktown. Captain Turiano said they are a hybrid department, working alongside fire and paramedic services. They, too, are looking for new members.

Captain Davin introduced member of YVAC who were in the audience.

MOHEGAN COLONY'S 100TH ANNIVERSARY

Ken Belfer, Mohegan Colony Association, read the following proclamation:

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.

Mr. Belfer said they are celebrating their centennial this weekend, with various activities and entertainment.

YORKTOWN ATHLETIC CLUB'S 75TH ANNIVERSARY

Jim Pugliese from the Yorktown Athletic Club read the following proclamation:

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.

Mr. Pugliese said that he grew up playing sports and said that Yorktown offers so much for the children, whether it be sporting or music and the arts. He said that this helps to keep the children safe and Yorktown safe. Mr. Pugliese announced the celebration of their 75th anniversary with a free event and parade for the residents on Saturday, June 10 at the Fire Station Field.

COURTESY OF THE FLOOR

The following members of the public spoke:

- Larry Killian, resident, thanked the volunteer ambulance corps for their service. He spoke

about transparency when considering potential projects as being essential so as not to miss important issues. He did not agree with giving the Underhill Farm project a tax break to build unneeded commercial space when there are empty storefronts in town. He said that not only do we lose those taxes, the town takes a second hit when the owners of other buildings who lose tenants file for future tax breaks and retroactive tax refunds (he cited tax certioraris given to the building on Veterans Road who lost doctors to the Caremount Building). He said that the value of existing office space is declining and would continue to decline if the town continues to give developers tax breaks for unneeded retail and office space. He suggested revising 485-B, which favors developers over taxpayers.

- Mark Lieberman, resident, thanked the Town Board for the D-Day Proclamation and acknowledging of the volunteer ambulance corps. He spoke about the traffic study that was done on Hallocks Mill Road. He said that he is noticing that people on Hallocks Mill turning left on Route 202 are acting as though they are merging onto Route 202 and are cutting off other drivers. They do not make a full stop.
- Jay Kopstein, resident, said he agreed with Mr. Lieberman's comments. He said that traffic studies are wonderful, but reality is better. He said that Hallocks Mill Road was closed for three or four days recently to do water and sewer work and that contrary to what the traffic study claimed, there was no traffic "Armageddon." He suggested making Hallocks Mill Road one way, going south, and one lane.
- Susan Siegel, resident, commented on the Town Board's failure to follow the Open Meetings Law. She said that it was said at the May 16th meeting that the law permitted the Town Board to discuss resolutions and legislation during closed Executive Sessions. Ms. Siegel said that this is not what the law says. The law is very specific about what can be discussed in closed sessions and resolutions and legislation are not those issues. She said she would give the Town Board a copy of Section 105 of the Open Meetings Law that states the same, after speaking. Ms. Siegel said that another violation of the Open Meetings Law is when the Town Board lists "litigation" as a topic to be discussed during closed session. She said that in order for litigation to be discussed during a closed executive session, the agenda must identify the specific litigation. She said that this is not her opinion but the opinion of the courts. She said that, obviously, she has no idea what legitimate topics the Town Board discusses in closed executive session but can only guess based on what topics show up an agendas for votes without having been discussed in an open meeting. She said that there are two possible topics that come to mind. One is any additional discussions with Underhill Farm about a PILOT agreement for the Route 118 intersection improvements. She said that when the developer files his application with the IDA, he will likely include a preliminary PILOT agreement with the Town, which means the Town Board needs to discuss the PILOT's terms and that discussion that has major financial implications for the taxpayers must be discussed in open session. She said the second issue is the renegotiation for the Yorktown Stage whose ten-year lease is expiring this year. She said the Open Meetings Law and court decisions are clear. While the Open Meetings Law does allow negotiations to be discussed in Executive Session, there is one very specific exemption: before the lease can be discussed in closed session, the Town must provide evidence that discussing it in public would substantially affect the value of the lease; absent that evidence, any executive session discussion would be based on pure speculation and would be a violation of the Open Meetings Law. Ms. Siegel said that the Yorktown Board has consistently said they value transparency – if that is true, she asked that going forward and on behalf of all residents, to please comply with the Open Meetings Law.
- Dan Strauss, resident, addressed Councilwoman Haughwout regarding the informational meeting of the boards for the Underhill Farm project. He said that she is the first Board member in 8 ½ years that questioned what the developer was doing (regarding density) and he is appreciative of this. He said he still does not understand how seniors have become pawns regarding developers. He said that it swings from seniors to not having enough money to afford housing to now being able to afford the residences that developers are proposing. He said that he feels that it is a big smokescreen. Mr. Strauss said it is really about density. He questioned what this project is doing on 13.5 acres. He said they are building an "asphalt jungle" in the Town of Yorktown.
- Jim Pugliese, resident, announced the new owners of "Our Place" restaurant who bought the old Furci's restaurant. He said that they plan on opening on June 12th. He encouraged support of this new business.
- Patrick Cumisky, resident and Vice-Chair of the Parks & Recreation Commission, gave the Board copies of an engineering report dated August 8, 2019. The report had to do with drilling and sinkholes (Legacy Fields). Commissioner Cumisky read sections of the report regarding the types of drilling techniques that were done. He wants the Town Board to demand the

engineering report that was done after the sinkhole that occurred at Legacy Fields this past Christmas. Mr. Cumisky said next, and more important to him, is that the Town's system for developer's responsibility as it relates to the impact of the development on the over-stressed parks resources is broken. He said that there is ambiguity throughout the Town Code. He cited the Transition Zone that has no recreational responsibility at all but one that will add more people to the Town and more stress on Parks and Recreation resources. He questioned the fees that should be applied. Commissioner Cumisky said that the Town Code has to be clarified that a recreational fee is due no matter the particulars of the development.

- Ken Belfer, President of the Mohegan Lake Improvement District, thanked the various town boards who have assisted him over the years. He said the first lake treatment took place today and they are hopeful this will help them get ahead of the blue-green algae issue. Mr. Belfer said he has developed a partnership with Dr. Gregory Boyer, SUNY College of Environmental Science and Forestry, and Director of the Great Lakes Research Consortium and his specialty is algae and toxins to discuss Mohegan Lake's problems. He said that one result is that the lake is going to get a monitoring buoy that records information regarding oxygen levels and temperatures. Mr. Belfer said that this is important because they are getting ready to install a new aeration system that has performance guarantees attached to it and they need to be able to assess if the system is effective. He said that Dr. Boyer has submitted a grant proposal to be able to do a research study related to the impact of aeration and he would like to study Mohegan Lake; hence the use of the buoy. The buoy should be placed in the lake within the week and the aeration installation should commence on June 19th. He said that the lake water will be monitored more than it has ever been. Mr. Belfer said there also is a stormwater phosphorous mitigation study that is being funded by DEC that is underway right now.
- Sarah Wilson, resident, spoke about needing volunteers for the Garden of Hope so they can produce food for the Town's food pantries. She also thanked Highway Superintendent Paganelli for supplying mulch for the garden.
- Jan Mirchandani, resident, thanked all of the volunteer ambulance and EMS workers in Town. She said that, as May was Mental Health Awareness Month, Peekskill is sadly, mourning the loss of a ten-year old boy who was bullied and the impact that made on his wellbeing. Ms. Mirchandani spoke of the mental and behavioral health issues everyone is dealing with today and the care that should be received. She said that this needs to be recognized as a medical issue and just as we would not advise, for example, diabetics to "tough it out," nor should we expect anyone suffering from a mental or behavioral issue to do the same. Ms. Mirchandani gave information of the Alliance for Safe Kids, NAME, and the suicide hotline (988lifeline.org).

Supervisor Diana said that the members of the Town Board and other boards and commissions in the Town are committed to transparency, which is why they spend so much time to public discussion and public hearings. He said that they all recognize there is great interest in the Underhill Farm project, formerly the Soundview Preparatory School. Supervisor Diana emphasized that the plan under current review has not received approvals from the Planning Board or the Westchester County Industrial Development Agency (IDA). He encouraged anyone interested in the project to attend the Planning Board public hearing being held this coming Thursday, June 8, at 7:00 PM at the community center. The IDA hearing is not yet scheduled. He said that as you consider the proposal, it is worth noting that the Soundview School was tax exempt and the proposed use would generate millions of dollars in new tax revenues to the Town and schools. He said that it will also rebuild the dangerous intersection at Route 110 and preserve an important piece of the Town's history – the Underhill House. Supervisor Diana said that they appreciate everyone's interest and look forward to continuing the dialog that reflects each citizen's opinion. He thanked everyone for their comments.

Councilman Lachterman said the 485(b) tax exemption does not give away any tax dollars that are existing to the Town. He said, in fact, it encourages businesses to renovate and when the taxes are reassessed and the improvement cost is added into the taxes, they get a discount on those that dissipates by 5% each year. He said that the Town does not lose taxes; as a matter of fact, the Town gains the first year half of the new tax with a 5% decrease year after that. Councilman Lachterman addressed the comment about new stores coming in when there are empty storefronts in Town. He said that the building Mr. Kilian was referring to is undergoing a big renovation because it has been sold to a new owner. The tax assessment will go up on that building and generate more taxes and if they apply for the 485(b), they will then get a discount on the additional taxes (5% reduction over the years). He said that this is a New York State Law, not a Town Law.

Councilman Esposito addressed the Hallocks Mill Road situation and said this is something that should maybe brought back to discussion. He said that a second traffic safety officer was assigned to monitor these situations. He said that he keeps reading about the Town Board “fast-tracking” projects that have been 3 years in the making and disagrees with these comments. He said that he also keeps hearing that the Town is losing money - \$5 million. He said that this is a “glass half empty” approach and said that he would like to look at what the Town has gained by the tax breaks that were done to encourage development and improve the quality of life. He said that the Underhill Farm project would bring in \$1 million in additional tax revenue and that the last time the Town collected taxes on this property was 1989.

Councilwoman Haughwout addressed Ms. Siegel’s comments about executive sessions and said she would look into the Open Meetings Law, as suggested by Ms. Siegel. She spoke about the benefits of the Garden of Hope. Councilwoman Haughwout also said she would look into obtaining the engineering report that Commissioner Cumisky requested.

Town Attorney Adam Rodriguez addressed the allegations of violation of the Open Meetings Law. He said that meetings between staff, developers, attorneys – anything that is not a quorum of the Board – is not subject to the Open Meetings Law. He said that conversations with counsel about legal issues involving a decision are also exempt from the Open Meetings Law.

Superintendent Paganelli said that he is curious to know which of the PILOT programs were being referred to that resulted in \$3.00 per taxpayer. He said, to Councilman Esposito’s point, he would like to know why the Board does not know what the figures are regarding how much the Town saved.

Councilman Esposito addressed the Parks & Recreation fees and said they are actively working on the issue regarding the ambiguity of the law. He said that they do want to come to a better-worded and better-structured law.

Supervisor Diana said that with all of these proposed developments, the Board must look at the impacts they would have on the Town infrastructure – not just pipes in the ground – but our schools, police, fire, and EMS services.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE BUILDING AND MAINTENANCE DEPARTMENT
RESOLUTION #289

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

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

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT
RESOLUTION #290

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout,

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

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

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

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

RESOLUTION #291

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout,

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.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR
THE MOHEGAN LAKE IMPROVEMENT DISTRICT

RESOLUTION #292

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

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

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

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

RESOLUTION #293

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito

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.

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

AUTHORIZE THE HIRING OF TWO PERMANENT POLICE OFFICERS TO STAFF SCHOOL RESOURCE OFFICER VACANCIES

RESOLUTION #294

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

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.

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

AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH CAPTUREPOINT LLC FOR COMMUNITYPASS ENTERPRISE SOFTWARE

RESOLUTION #295

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

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.

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

AUTHORIZE SUPERVISOR TO ENTER INTO A SCHOOL RESOURCE OFFICER AGREEMENT WITH YORKTOWN CENTRAL SCHOOL DISTRICT FOR YEARS 2023-2027

RESOLUTION #296

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

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.

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

AWARD BID FOR ELECTRICAL WORK ON TOWN BUILDINGS

RESOLUTION #297

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

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.

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

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
RESOLUTION #298

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on the 20th 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.

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

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)
RESOLUTION #299

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on the 20th 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.

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

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
RESOLUTION #300

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York on the 20th 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.

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

AUTHORIZE PURCHASE OF A MARK 3 SONIC ANALYZER KIT FROM THE FILMTEC CORPORATION FOR A TOTAL COST OF \$1,397.80
RESOLUTION #301

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

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.

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

APPOINTMENT OF SONIA M. MEJIA AS FOOD SERVIC HELPER WITHIN THE NUTRITIONAL/SENIOR SERVICES DEPARTMENT
RESOLUTION #302

Upon motion made by Councilman Lachterman, seconded by Councilwoman Capoccia,

Be It Resolved, that Sonia M. Mejia is hereby appointed Food Service Helper, job class code 0305-05, within the Nutritional/Senior Services Department, effective June 19, 2023 to be paid from Yorktown CSEA Salary Schedule A, Group 2, Step 5, which is \$37,437.00 annually.

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

PROMOTIONAL APPOINTMENT OF JAKE VACCARO TO MOTOR EQUIPMENT OPERATOR WITHIN THE WATER DEPARTMENT
RESOLUTION #303

Upon motion made by Councilman Lachterman, seconded by Councilwoman Capoccia,

Be It Resolved, that Jake Vaccaro is hereby promotionally appointed Motor Equipment Operator, job class code 0427-02, within the Water Department, effective June 19, 2023, to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 3 which is \$63,491.00 annually; and

Be It Further Resolved, that this appointment is subject to a probationary period of not more than 12 weeks, commencing on the first date of appointment on June 19, 2023.

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

ADJOURN

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

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