

Meeting of the Town Board, Town of Yorktown held on Tuesday, July 18, 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 Councilman Esposito, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss personnel items and litigation and negotiations with the Town Attorney. Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Diana led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember all of our first responders who serve us on a daily basis, as well as the men and women of our Armed Forces, who protect our freedoms every day.

#### 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:

- a report on the recent flooding conditions in Town. He said that he is going to have a meeting tomorrow with FEMA to discuss options. Supervisor Diana encouraged residents to register with FEMA at [www.disasterassistance.gov](http://www.disasterassistance.gov) and download the FEMA app. Residents may also call FEMA at 1-800-621-3362 for information and registration. He also told residents to keep all receipts for damage repair, as well as photos and videos. Information will be posted on the Town's website.
- He spoke about the Par 3 golf course and the Jefferson Valley Mall. Supervisor Diana said there were reports that they were taken care of first and he stressed the Town did nothing to alleviate their flooding and that they are both in a flood plain, which did exactly what it is supposed to do and emptied itself.
- Supervisor Diana spoke about the infrastructure that needs to be checked and/or improved.
- Attended the 125<sup>th</sup> anniversary mass and picnic at St. Patrick's Church
- Attended the ribbon cutting ceremony for Mohegan Lake's new aeration system
- Major water main break on Route 35 that happened on Sunday and shut down a portion of Route 35. It has now been repaired, backfilled, and the road reopened. He thanked the Water Department, Highway Department, and NYS DOT who all helped to repair the situation.
- Supervisor Diana addressed the garbage problem in Town. He said one of the steps they are taking is to fine the garbage company \$59,500 and that fines will continue if the problems persist.

Supervisor Diana asked Refuse and Recycling General Foreman Phil Marino to address the Town Board. Mr. Marino said that, at this point, his office is documenting all issues and

contract violations. He spoke about what his department is doing to document any violations. He said he is being guided in this process by the Town Attorney, Adam Rodriguez.

Town Attorney Adam Rodriguez said the Town is taking significant steps to protect the Town's interest. He said that, to some degree, those steps that are available are set out in the contract that provides a certain mechanism to terminate or place the company in default. He said that the Town issued a seven-day notice of default in order to place the Town in a position to terminate the contract, if that is in the best interest of the Town. He said the contract provides for significant penalties, which have already been implemented. The penalties will continue to accrue at \$1,500 per penalty per day. Mr. Rodriguez said termination cannot happen in a vacuum; it has to be done responsibly to ensure that the services the residents deserve and expect are being met.

Supervisor Diana asked Town Engineer Dan Ciarcia to come before the Town Board to discuss flood plain locations in Town. Mr. Ciarcia said he wanted to speak about how they predict what can happen with stormwater and then how they deal with what actually happens. The Town works with FEMA to develop the flood maps and these are the maps that insurance companies use to determine if your home is in a flood plain. Mr. Ciarcia displayed a flood map of the Shrub Oak area and spoke about areas on the map. He said that they use these maps when projects come in to determine that the developer is appropriately sizing the practices to ensure there are not any increases in stormwater runoff. Mr. Ciarcia spoke of how storms have changed from typical hurricanes coming up the coast to pockets of thunderstorm systems that affect the area differently. Based on the flooding that occurred, the FEMA maps are correct. He then displayed the flood plain map for Osceola. He said FEMA would also be looking at what can be done to minimize future losses.

Councilman Esposito said that it was his understanding that the Town is waiting for President Biden to sign off on the State of Emergency for the FEMA money to be available. He said that once that happens, there would be money available but first for infrastructure needs. The Town Board would have to document the need for individual residents and then begin that process. Supervisor Diana said that is something that they will discuss at the FEMA meeting tomorrow.

The Board discussed the necessity of documenting damage, keeping receipts and photos of the damage. Councilwoman Capoccia said residents have to put their claims in through their insurance company and wait for a declination letter. When and if FEMA money comes through, they are going to need the insurance declination letter.

Supervisor Diana said that it is the responsibility of a homebuyer to research a home properly and the flood plain maps to make sure they understand what they are buying. He spoke about Lake Osceola and a site visit that was done and he said the Town has cleared its streams and exit points as well as they can and they are open and flowing – it was just too much water in too short a time. Councilman Esposito mentioned that many of the streams go through several culverts that are owned by several entities.

Mr. Ciarcia said that there are two programs that the Town is dealing with – the State of Emergency where they will be looking toward damages that have occurred, both municipal and private. He said the Town also works separately with Westchester County on an annual basis and puts in an application for flood mitigation. He said that the Town has a number of projects where the argument is made that if, for example, the Town wants to put in a bridge it would cost “x” amount of dollars but it would result in a reduction of resident claims.

#### REPORTS FROM THE TOWN OFFICIALS

Town Officials reported on the recent flooding and upcoming Town events and public service announcements.

#### POET LAUREATE

John McMullen, Poet Laureate, read an original poem, “An AI didn't Write This.”

#### OPEN FLOOR FOR PUBLIC COMMENT

The following members of the public spoke:

- John McMullen, resident, spoke about homes on Lake Osceola and private ownership.

- Jay Kopstein, resident, spoke about the problems and noncompliance with Competitive Carting that began from the outset of the contract and since that time things have gotten worse. Mr. Kopstein said the Supervisor, with support from the Town Board, must be decisive and direct the Town Attorney to immediately take the necessary legal actions to terminate the contract with Competitive Carting. He added further that the Town Attorney should be directed to take the necessary legal actions to execute against any performance bond posted by Competitive Carting for noncompliance. He said that the Town Board should then bring in a carting contractor with the experience and wherewithal necessary to perform the required carting services. Mr. Kopstein said that failure to take decisive action might result in other Town contractors to engage in similar “shenanigans.” Mr. Kopstein said the Town website points out that Competitive Carting was served with its seven-day notice on July 6, which is more than seven days ago. Mr. Kopstein said that local homeowners insurance does not cover land flooding. He said that you have to have a policy under the National Flood Insurance Program (NFIP) and that begins when one acre is flooded. If you hold a mortgage and you are in a flood plain, most mortgage holders require NFIP. He suggested residents check their policy for this and file under that.
- George Campolo, resident, asked if residents who have the same issue came to speak to the Board during Open Comment, could they have more than three minutes to speak and was told that each person could have three minutes.
- Carl Tegtmeier, resident and local dentist, said an email was sent to the Town Board from Yorktown Community Dentists urging the completion of the fluoride plant. He said that this is a public health issue and proceeded to explain how the lack of having fluoride and poor gum health has affected residents, particularly those with chronic inflammatory conditions and that, according to the CDC, 40% of all Americans have a chronic inflammatory medical condition. He said that children who have grown up in our community over the last ten years have had more cavities and will continue to get more cavities over the course of their lifetimes than those children who have grown up with fluoridation. Dr. Tegtmeier said this is a top priority and should no longer be on a back burner and he hopes that this Town Board will be the leadership that brings the Town across the finish line in completing this project.
- Dan Strauss, resident, spoke about the problems with the garbage collection and doubted the recent fine would be paid. He said that he does not understand why the Town Board chose to go with this vendor – everyone was happy with the previous vendor. Mr. Strauss then went on to talk about the site plan approval on the Underhill Farm project. He said the overlay district legislation put three potential projects in place: the Gardena Hotel, Underhill Farm, and the one in Osceola (Creative Living). He said the Gardena Hotel is going to charge \$300 per night for a room and the other two projects are going to cost \$800-900,000 to buy, \$4,000 a month to rent, and \$2,000 in carrying charges – what happened to all of the seniors that this was all marketed to?
- Susan Siegel, resident, asked about the \$59,000 fine for the garbage collection and what the options are to collect it. Can the amount be taken off our monthly fees to Competition Carting?
- Larry Killian, resident, wanted to continue a previous discussion he had with the Board on development policy. He said that towns all over the country are looking for ways to convert vacant space to other uses. He said that it seems we are going in the opposite direction by giving developers tax breaks to build more unneeded commercial space, while the value of commercial and office space is declining. He said that the tax break policy the Board is pursuing worked in the last century, but not now. It creates more vacant stores and accelerates the decline of all existing Town property, whose owners are going to file for tax reductions. Mr. Killian gave examples of properties in Town who have received recent tax reductions. He said the Town is using an outdated development policy that will create a wave of tax certioraris that will far outstrip any proposed or projected tax increases from Underhill Farms. Mr. Killian said that this policy needed to change. Mr. Killian brought to the Town Board’s attention the condition of the Town’s tennis courts. He said that developers continue to be allowed to not pay their full recreation fees. He specifically spoke about the courts at Downing Park.
- Sarah Wilson, resident, announced that Yorktown 100 is sponsoring an EV Car show on the grounds of Jack DeVito Park on August 6 at 5:00 p.m. The Yorktown Repair Café is being held this Saturday at Grace Lutheran Church from 11:00 a.m. to 3:00 p.m. She said that over 1,000 items have been brought to them over the past 5 years and they have been successful in repairing over 75% of them. Ms. Wilson said it is apparent the carting company is not up to the task of collecting trash and, although they were the lowest bidder, they were not the lowest responsible bidder and, as a result, the level of service is not what the Town is used to.

- Dana Doyle, resident, asked who is actually in charge of caring for and dredging the stream in Shrub Oak because she said that it is not being cared for. Ms. Doyle said if you walk behind the library, the stream is disgusting and filled with garbage and smells.
- Ken Belfer, resident and Lake Mohegan Homeowners Association, mentioned the Stream Team the Town used to have years ago who assisted in maintaining the streams. Mr. Belfer spoke of the flooding in Mohegan Lake. He said the lake has already dropped 10 inches but is still above normal. He spoke of the culvert on Route 6 and its effects on the lake and the flooding; this is the DOT's responsibility, as it is a state road.
- Mike Capalbo, resident, thanked the Town Board and said he is impressed with their responsiveness with everything they have been dealing with.
- Anthony Pichette, resident, thanked the Town Board for getting the water main fixed. He said that at the last Planning Board meeting they spoke of alternate means of transportation in Town and work that needs to be done on an intersection in Town. He wanted to know if there could be someone that could come to a meeting who could address other options that do not just involve cars, specifically surrounding the Underhill Farm Project.
- Tom Marron, resident and candidate for Town Board, asked if there is a way to gauge how many residents experienced a delay or missed garbage pickup and how quickly does Competitive Carting resolve the issue. He asked if the contract with Competitive Carting were breached, how long would the residents have to wait until garbage is steadily picked up. He asked what strategies are in place to resolve this issue.
- Jan Mirchandani, resident and candidate for Town Supervisor, also spoke of the garbage issue in Town and asked how the Town got into this situation in the first place. She said that Competitive Carting filed for bankruptcy in 2019 and they were recently fined by the County's Solid Waste Commission and she asked if they are even financially stable to pay the most recent fine and be able to provide services to the Town. She also commented on the equipment they are using – many unmarked trucks have been seen around Town. Ms. Mirchandani asked how many trucks did Competitive Carting have when the contract was signed, how many do they have now, and are all of these vehicles properly licensed through the Solid Waste Commission. She said that Competitive Carting lost a contract with Westchester County for allegedly failing to pay their workers' medical benefits and she asked if the Town Board is confident that they are currently paying those benefits, as well as paying prevailing wage. She said this was all public information during the bidding processing and asked when these issues were raised during the vetting process, what was Competitive Carting's response. Ms. Mirchandani asked, assuming the Town voids the contract and moves forward, what are the Town Board's plans to vet a new vendor and to ensure the new vendor is reliable to service the needs of the community.

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, the Open Floor for Public Comment was closed.

Members of the Town Board responded to comments made during the Open Floor for Public Comment.

Councilman Esposito said that as far as the overlay district is concerned, the legislation (which was by a bipartisan vote) was intended to combat the growing "Amazon" experience that has been taking over, which has led to empty storefronts. He said that the commercial property also includes the rental apartments in the Underhill Farm project. He said the rentals represent a diversity in the Town's housing stock, which he feels is needed. He said he felt that the tax break that was given is appropriate considering that it is going to give us something that the Town really needs, we well as repair an intersection that has been troublesome for many, many years. Councilman Esposito stated that he is not a member of the Planning Board, only a liaison for the Town Board, and has no voting interest. Regarding Mr. Pichette's comments, Councilman Esposito agreed with him and said he would like to see some sort of a bike program (rentals or exchange) that other communities have. He said there is a proposed path from the Underhill Farm project that would enable people to cross to the side of the street that has a sidewalk to be able to walk into Town. He said he is a proponent of redesigning the commercial area in the Heights area and thinks this is something the overlay legislation is in favor of doing. He said that an overlay district does not fit on every piece of property in Town, but it is a good fit for some. He believes that it is a good law and is something that has been proposed and successfully utilized in many other communities.

Councilwoman Haughwout addressed Mr. Killian's comments about the condition of the tennis courts. She is the liaison for the Parks and Recreation Commission. She said there is an ongoing list

of repairs they have to address and agrees that it is a department that is very much underfunded. She said she is a proponent of having departments use their revenue for their areas of responsibility; ex., revenue from the pickle ball courts would be used for pickle ball court repairs. Councilwoman Haughwout said that, although this is not always a realistic idea, Parks & Recreation is a function that everyone benefits from – it is how we sell homes, it is what helps us raise our children, it is where walkability can be created, and it is what makes the Town attractive. She spoke of the maintenance of equipment and maintenance schedule that is needed. Councilwoman Haughwout said that they are aware of the problems due to underfunding and are working on them.

Supervisor Diana asked Town Attorney Adam Rodriguez to address some of the questions that were raised regarding Competitive Carting. Mr. Rodriguez said the \$59,000 fine has already been withheld from their fee, which is what the contract provides for. Regarding how they were selected, Mr. Rodriguez said there are laws in place on how the process goes about and those laws and process were followed when the contract was bid out last year. He said that the Town was required to go with the lowest responsible bidder and Competitive Carting was the lowest bidder and they were deemed to have been responsible and the fact that they may have had bankruptcies in the past is something that is in the Article 78 case brought by the old contractor and, as a matter of law, it does not make Competitive Carting less responsible. He said that if we had rejected them on that basis, the Town would probably have a lawsuit brought against them by Competitive Carting. The Town vetted appropriately.

Councilwoman Haughwout said that when the garbage contract went to bid one of the main concerns was maintaining our taxes as much as possible. She said that at that time there were many discussions about the bid process and how it worked. She said that going with Competitive Carting was a “safe” route for them to take since he had prior experience with the Town and it would serve both our garbage needs and tax needs. She said that the Town Board is not blind to what the residents are seeing. Councilwoman Haughwout said the bidding process was done in the most transparent way and in good faith to get what was best for the residents.

Supervisor Diana said there is a difference between Competition Carting and Competitive Carting. Competition Carting is the company that went bankrupt – Competitive Carting is the company we have now. Competitive Carting owes the Solid Waste Commission \$21,000, for which they have a payment plan. Supervisor Diana said the \$59,000 was taken from their monthly pay this past Monday. He said counting the number of trucks they have is a moving target because of breakdowns; they had between 8 and 9 at one point. Supervisor Diana said this is not the way it is supposed to work and the Town Board knows it. He said the contract breach has begun and there will be more fines. Supervisor Diana said during the vetting process they looked at a vendor who was going to save the residents \$1.5 million over five years and the Town gave them the opportunity to succeed, which they have not. He questioned whether or not the savings was worth it. Supervisor Diana said they are beginning to vet other companies and going through the process of the default. He asked Mr. Rodriguez to review the default process for the public and the information that is being compiled.

Mr. Rodriguez said that Competitive Carting is entitled to a 7-day notice to cure any violations before they can be terminated for breach. The notice was sent and the 7 days have expired so the Town could take action and terminate the contract but that has to be done responsibly and the Town is taking significant and varied steps to try to ensure that if the contract is to be terminated, the transition is smooth. He said that the penalty provision in the contract continues and penalties will continue to accrue for every day they are violating the provisions in the contract until they are no longer violating the provisions of the contract. Supervisor Diana said the vetting took quite some time and he said that, frankly, they were trying to keep taxes down for the residents.

Councilman Esposito said it is important to mention that on December 31, 2022 we were paying approximately \$2 million a year for garbage pickup and on January 1, 2023 we were paying close to \$3.5 million and it could have been higher than that. He said the increase was a great concern to the Town Board. He said they hired Competitive Carting because he checked all the boxes and the huge increase the Town was facing.

Supervisor Diana said there is a lawsuit between the prior contractor and the Town so there is much that cannot be discussed.

Councilman Lachterman said the Town Board will vet other vendors for emergencies and if we no longer have Competitive Carting, there will be another company in place so there will be no break in

service. He said any complaints may be made through the Supervisor's office and the Refuse & Recycling Department. He also recommended residents take photographs of violations and contact both of the offices he mentioned.

The Town Board said they would look into who is responsible for the stream in Shrub Oak. Councilwoman Haughwout said that if you have a stream on your property and your landscaper is throwing grass clippings, twigs, and branches into it, it will eventually build up. She asked that homeowners, although not responsible for the stream, be mindful of what is going into it. Supervisor Diana discussed why the Stream Team did not work out for the Town – it was a case of “no good deed goes unpunished.”

Supervisor Diana asked Philip Marino, General Foreman of the Refuse and Recycling Department, to come before the Board. Mr. Marino said he has workers out early in the morning checking on the garbage routes and taking photographs. He said his office is working very closely with the Town Attorney to document the violations.

Supervisor Diana said that they are waiting for the tide to go down in the fluoride building before they can continue. He said that during construction water was coming in through the walls. He said the engineering firm that was in charge of the project was remiss in properly waterproofing the structure. He said that the Town is taking it over to make sure that we can get the secondary containment for the caustic fluoride product sealed property so the Health Department can be satisfied before we can put any active fluoride in there.

Councilman Lachterman addressed some of the issues regarding tax certioraris and 485(b) exemptions. He said the Town Board adopted a NYS law back in 2016 that says if you own a property that is \$10/square foot in taxes that are paid and you then do a renovation and the assessment goes to \$20/square foot; the first year on the new assessment you pay half and then it would go up 5% per year for ten years. Not only is the Town getting the original taxes but we are also getting another 50% of the new tax, 55% the next year, 60% the next year, and so on. He said that it gives incentive and encouragement to renovate.

DECISION ON 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 #353

Joseph Riina, Site Design, Inc., came before the Board to describe the project and the request for flexibility standards. He said that the flexibility standards provide the Planning Board with the tools to vary the zoning code requirements, specifically the dimensional requirements for the size of lots, setbacks, etc., in order to adapt the project to the best fit for the property and the environment and to be able to create the least amount of impact overall while still retaining the same number of lots. Mr. Riina said he would like to see the Town use flexibility standards more often on these types of projects because it is a great way to get a sustainable project and protect the environment.

Councilwoman Haughwout said after the public hearing where many safety concerns were raised, and asked if anything has changed. Mr. Riina said they are leaving the plans as is because they do not feel that the number of lots being created on that side will create a significant impact. Councilwoman Haughwout asked the Town Attorney if there was any discussion between him and the applicant regarding Cordial Road not being part of the flexibility standards. Mr. Rodriguez said the Planning Board needs to be able to look at the project holistically to determine what is in the best interests of the site plan. Councilman Esposito said he thought that there was an incredible amount of confusion that tied the ingress and egress onto Cordial Road with the flexibility standards and that is not the case. He said that the road, as per their unapproved site plan, is 24 feet and right now, without flexibility, the road has to be 24 feet and the project can have the road. Flexibility standards could make the road narrower. He said that discussions have to happen on the Planning Board level, which has not happened yet.

Councilman Lachterman said flexibility standards have not been requested by the contractor – this is something the Planning Board has requested so that they can work, as they feel best, with the property. He said both the Planning Board and the applicant are well aware of the challenges facing the community. Councilman Lachterman asked Mr. Riina if this would allow any adjustment on the

amount of units and Mr. Riina said no, the lot count would not change. Councilman Esposito asked Mr. Riina what the “as of right” is on the property and he said 13 lots.

Supervisor Diana said he is going to be vigilant that the proper mitigation is done on these lots when it comes to flooding and stormwater runoff. He said that he is very concerned about how the water flows in the area. Mr. Riina said that using flexibility could reduce the amount of overall disturbance and reduce the amount of impervious area if they decide to narrow the road.

APPROVAL FOR THE USE OF FLEXIBILITY STANDARDS FOR DEVELOPMENT AT 3232 GOMER STREET  
RESOLUTION #354

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

WHEREAS, the Yorktown Planning Board is currently reviewing the application of MJM Land Development Corporation, (hereinafter the “Applicant”) for approval of the proposed MJM Land Development Corporation subdivision; and

WHEREAS the property owned by the Applicant consists of 13 acres in the R1-20 zoning district and is located at 3232 Gomer, also known as Section 17.18, Block 2, Lot 2 on the Town of Yorktown Tax Map (hereinafter referred to as “the Property”),

WHEREAS, the applicant proposes thirteen (13) lots to build thirteen (13) new residential dwellings and the applicant has demonstrated that thirteen (13) lots can be reasonably accommodated by conventional subdivision complying with the requirements of the R1-20 zoning district; and

WHEREAS, the conventional subdivision would require significant clearing, excavation and wetland and wetland buffer intrusion in order to comply with the requirements of the R1-20 zoning district; and

WHEREAS, the Yorktown Planning Board is the lead agency with respect to SEQRA; and

WHEREAS, after review and evaluation, the Yorktown Planning Board has determined that it would be beneficial to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 of the Code of the Town of Yorktown, which would reduce the proposed disturbance of the subdivision, including a significant reduction in wetland and wetland buffer intrusion, and preservation of trees and protected woodlands; and

WHEREAS, the Yorktown Planning Board has requested authorization from the Town Board to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 in order to promote development that is sensitive to the land by means of modifying the application of the zoning code’s bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and

WHEREAS, the proposed layout on which the Yorktown Planning Board is basing this request is shown on two sheets entitled, “Flexibility Concept” and “Conventional Concept,” prepared by Site Design Consultants, dated January 1, 2023 and last revised May 10, 2023 and January 1, 2023, no revisions, respectively and is for a maximum of thirteen (13) lots for single family dwellings; and

WHEREAS, the proposed subdivision will be accessed by public roads from Gomer Street and Cordial Road; and

WHEREAS, the Yorktown Planning Board is proposing flexibility in zoning requirements including but not limited to, reduced lot size, setbacks, and frontages in order to minimize disturbance to wetland and wetland buffers and to reduce impervious surfaces; and

WHEREAS, a public hearing to consider these requests was convened on the 20th day of June, 2023, at 7:00 o’clock PM; during which public hearing the applicant presented information and arguments in favor of granting the authorization and members of the surrounding neighborhood and the public at large were afforded the opportunity to present information and express their views concerning the application; and

WHEREAS, the Applicant has advised the Town Board that the subdivision plan will have no more than Thirteen (13) lots for thirteen (13) single family dwellings; now therefore be it hereby

RESOLVED, that the request of the Yorktown Planning Board for authorization to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, is granted in order to promote development that is sensitive to the land by means of modifying the application of the zoning code's bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and be it further

RESOLVED, the maximum density of the 13-acre property shall be thirteen (13) residential lots.

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

AUTHORIZE COMPTROLLER TO PROCESS PAYMENT TO GARLAND / DBS INC FOR WORK COMPLETED ON ROOF REPAIR AT THE ALBERT A CAPELLINI COMMUNITY AND CULTURAL CENTER

RESOLUTION #355

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

Resolved, that the Comptroller is authorized to process payment to Garland / DBS Inc for work completed on roof repair at the Albert A Capellini Community and Cultural Center through December 31, 2022: Draw #2, dated 12/31/22, in the amount of \$329,895.33.

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

AUTHORIZE RELEASE OF WETLAND BOND FOR WORK DONE AT 1767 JACOB ROAD IN THE AMOUNT OF \$10,000

RESOLUTION #356

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

WHEREAS, Jason & Karen Levy, were assigned the Wetland Bond from Anthony Martinez as they purchased a lot in the Martinez Subdivision,

WHEREAS, the Wetland Bond was posted by check #6156 in the amount of \$10,000, which was deposited to the T33 account on July 30, 2010 by ACM Building Corp., and

WHEREAS, the Wetland Bond was transferred at closing to Jason & Karen Levy with an Assignment of Bond, dated October 1, 2020, and

WHEREAS, Jason & Karen Levy has requested their money be released as the project is complete, and

WHEREAS, the Town Engineer has informed this Board that the monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bond be released to Mr. & Mrs. Jason Levy, 1767 Jacob Road, Yorktown Heights, NY 10598.

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

AUTHORIZE INCREASE IN THE AMOUNT OF \$4,000 TO THE MOHEGAN AVENUE RETAINING WALL PURSUANT TO THE OPTION IN THE PROFESSIONAL SERVICES AGREEMENT WITH CHARLES MANGANARO P.C.

Supervisor Diana tabled this resolution.



AUTHORIZE SUPERVISOR AND COMPTROLLER TO EXECUTE A PAYMENT REQUISITION FORM AND DUAL CERTIFICATION FOR DASNY TO REIMBURSE \$100,000 TOWARD THE MOHEGAN LAKE RESTORATION PROJECT  
RESOLUTION #357

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

RESOLVED, the Supervisor and Comptroller are authorized to execute a payment requisition form and dual certification for D.A.S.N.Y. to reimburse \$100,000 for eligible expenses toward the Mohegan Lake Restoration Project.

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

AWARD BID FOR T-SHIRTS AND UNIFORMS FOR USE TOWN-WIDE  
RESOLUTION #358

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

WHEREAS, invitation to bid for T-Shirts and Uniforms for use town-wide, was duly advertised, and

WHEREAS said bids were received and opened at 11:00 a.m. on the 30th day of June 2023, now therefore be it,

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the bid be and is hereby awarded to the lowest bidder who fully complied with the bid document, Empire Printing LLC, for the items numbered PR-1 through B-5 as outlined on the attached summary of bids.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis by Department.

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

AWARD BID FOR VIRTUAL REALITY TRAINING SIMULATOR FOR POLICE DEPARTMENT  
RESOLUTION #359

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

WHEREAS, invitation to bid for the virtual reality training simulator 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 Govred Technology, Inc., and its Apex Officer Virtual Reality Training Simulator to be the best value, and

WHEREAS, the Town also recognizes that Govred Technology, Inc. constitutes the “sole source” capable of supplying the required commodities or services, now

THEREFORE, BE IT RESOLVED, that the bid for the virtual reality training simulator is hereby awarded to Govred Technology, Inc., based on the best value and “sole source;”

BE IT FURTHER RESOLVED, that Govred Technology, Inc.’s proposal optimizes quality, cost and efficiency;

BE IT FURTHER RESOLVED, the Supervisor is authorized to execute any documents necessary to effectuate the purchase of the Apex Officer Virtual Reality Training Simulator as set forth in the bid.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH EAST OF HUDSON  
WATERSHED CORPORATION FOR STORMWATER RETROFIT PROJECT  
RESOLUTION #360

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

Resolved, the Supervisor is authorized to sign an agreement with the East of Hudson Watershed Corporation for the stormwater retrofit project at Hallock's Mill.

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

CHANGE OF TOWN BOARD MEETING DATE AND LOCATION  
RESOLUTION #361

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

NOTICE IS HEREBY GIVEN that the Yorktown Town Board Meeting scheduled for Tuesday, August 1, 2023 will be moved to Wednesday, August 2, 2023. The August 2, 2023 Town Board Meeting will be held at the Links at Valley Fields Golf Course, 795 Route 6, Shrub Oak, NY beginning at 7:00 p.m.

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

ADJOURNMENT

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

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