

Meeting of the Town Board, Town of Yorktown held on Tuesday, August 2, 2023 at the Links at Valley Fields, 795 Route 6, Shrub Oak, New York 10588.

Present: Thomas P. Diana, Supervisor
Edward A. Lachterman, Councilman
Sergio Esposito, Councilman
Mary Capoccia, Councilwoman

Tardy: Luciana Haughwout, Councilwoman

Also Present: Diana L. Quast, Town Clerk
David Chen, Attorney, Bleakley Platt

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman seconded by Councilwoman Capoccia, the Town Board moved into Executive Session to discuss personnel items and/or litigation matters with legal counsel. Upon motion made by Councilwoman Capoccia, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Highway Superintendent Dave Paganelli 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 David Chen, Esq. sitting in for Town Attorney Adam Rodriguez.

WELCOME

Mike from The Links at Valley Fields, thanked the Town Board for their support and for holding the meeting at The Links at Valley Fields.

KOREAN WAR ARMISTICE DAY 70TH ANNIVERSARY – JULY 27, 2023

Major Mike Sheridan, member of the VFW Post 8328, read the following proclamation:

Whereas, North Korean Troops invaded South Korea on June 25, 1950, and the United States took immediate action to defend the freedom of a people unjustly attacked, and

Whereas, by leading a coalition of twenty-one other countries, American and South Korean troops fought to advance liberty and to overcome cruelty and repression, and

Whereas, these men and women faced a formidable adversary and endured harsh conditions in upholding our nation's heritage of valor, tenacity, and honor during this important stand against authoritarian aggression, and

Whereas, more than 1.8 million members of the United States Armed Forces faced forbidding terrain and harsh combat in battles such as Pork Chop Hill, Heartbreak Ridge, the Pusan Perimeter, and the Chosin Reservoir, and

Whereas, during the war, approximately 36,500 American service men and women gave their lives in the Korean War, over 103,000 were wounded; and more than 7,500 remain listed as missing in action or taken prisoner, their distinguished service reminds us of the words engraved on the Korean War Veterans Memorial in Washington, D.C., "Freedom Is Not Free," and as we continue our fight to extend freedom today, we remember and honor their sacrifices and those of their families, and

Whereas, the Korean Armistice Agreement was signed on July 27, 1953, and ended 3 years of bitter warfare on the Korean Peninsula and stopped the spread of communism in Korea, signaling to the world America's resolve to stand against tyranny and totalitarian regimes, and

Whereas, 70 years later, our nation remains grateful for the bravery and sacrifice of our Korean War Veterans, who defended human freedom, liberated the oppressed, and selflessly protected the democratic ideals that make our nation strong, and their efforts reflect the honorable and decent spirit of America, and

Whereas, today, we thank our Korean War Veterans for serving our nation and the world with courage and distinction, and we remember those that fought and died in the Korean War to defend democracy, liberty, and human rights here and across the world,

Now, Therefore, Be It Resolved, that I, Thomas P. Diana, Supervisor along with the Town Board, do hereby recognize July 27, 2023 as "NATIONAL KOREAN WAR VETERANS ARMISTICE DAY" in the Town of Yorktown, and call upon all Americans to observe this day now and in the future to honor and give thanks to our distinguished Korean War Veterans.

NATIONAL PURPLE HEART DAY

Purple Heart recipients Eugene Lange and Neil Gross read the following proclamation:

WHEREAS, the Purple Heart Medal is awarded in the name of the President of the United States to members of the armed forces who are wounded or killed in action; and

WHEREAS, the Purple Heart medal was first created by General George Washington and remains the oldest military decoration in the world in present use; and

WHEREAS, the Purple Heart Medal was discontinued after the Revolutionary War but reinstated by the U.S. War Department on February 22, 1932, the 200th anniversary of George Washington's birthday; and

WHEREAS, nearly two million American soldiers who have been wounded in battle or killed in action have received this prestigious recognition for their bravery and valor; and

WHEREAS, it is fitting and proper to take time to remember these heroes who fought for and protected our freedoms both at home and abroad; and

WHEREAS, on August 6, 2013 the Town of Yorktown declared itself a Purple Heart Town through a resolution as recommended by the Military Order of the Purple Heart Chapter 21; and

WHEREAS, the freedoms we cherish come at a price paid by the brave soldiers who stand watch every single day; now, therefore, be it

RESOLVED, that the Town of Yorktown recognizes August 7, 2023 as National Purple Heart Day; and be it further

RESOLVED, that the Town of Yorktown recognizes our residents who are recipients of the prestigious Purple Heart award and thank them for their services; and be it further

RESOLVED, that the Town of Yorktown recommits itself as a Purple Heart Town.

HIGHWAY AND WATER DEPARTMENT RECOGNITION

Supervisor Diana said that very often actions and work done by Town employees and department heads are overlooked; specifically, the work done at the recent water main break on Route 35. He said the Water Department and the Highway Department worked seamlessly together to repair the main, and as a result, not one resident lost water. He thanked Highway Superintendent Dave Paganelli and Water Superintendent Kenny Rundle. The Town Board presented them both with Certificates of Appreciation for the work done by the men and women of their departments. Superintendent Paganelli thanked the Board on behalf of his department. Superintendent Rundle thanked the Board for their support and their presence at the scene of the water main break. He also thanked Superintendent Paganelli and his staff for their assistance.

REPORT FROM THE TOWN SUPERVISOR

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

- announced the opening of a new business in Town, Our Place restaurant
- Girl Scout Troop No. 2658 had a project to collect plastic wrap that had to be cleaned and then sent to the Trex Decking Company. They collected 500 pounds of a specific plastic material. The Trex Company made a “Buddy Bench” from the material (an anti-bullying campaign) and was placed at the Junior Lake Pool. Parks & Recreation Superintendent Jim Martorano said the Buddy Bench is great – it is a beautiful place for children to be able to sit and have safe space and meet new friends. He said that there is another Girl Scout troop that is going to be putting in a similar bench at the Shrub Oak Pool.
- National Night Out was a great success and a chance to get to know the Yorktown Police Force
- this Saturday, August 5, the Yorktown Grange is celebrating the 125th birthday of the Grange Fair
- End of Summer Reading Finale, this Saturday, August 5, 5:30 P.M. at the John C. Hart Memorial Library.

REPORTS FROM TOWN OFFICIALS

Superintendent Paganelli spoke about the culvert replacement on Old Crompond Road. An RFP has been prepared to fix the culvert. This RFP is for two years to cover repairs on other culverts in the Town that need attention. Con Edison is monitoring the 8-inch gas main that is attached to the culvert. He spoke about alternative traffic routes due to the road closing on Old Crompond Road.

Town Board members reported upcoming Town events and public service announcements.

NATIONAL NIGHT OUT

Robert Noble, Chief of Police, spoke about the events held at the “National Night Out” that was held yesterday, Tuesday, August 1. He thanked the Town Board for their support and thanked Parks & Recreation Superintendent James Martorano, Jr. for his help and the wonderful job he did. He said it was terrific to see all of the young families who came out to mingle with the officers.

Chief Noble spoke of some of the incidents that took place in Town recently and thanked the community for their help in apprehending perpetrators.

Chief Noble reminded residents to lock their cars, due to recent thefts that have taken place.

Chief Noble said they are dealing with teenagers who are riding bicycles on the track and riding recklessly in Town. He asked residents to call the police if they see them.

POET LAUREATE

John McMullen, Yorktown Poet Laureate, read an original poem “Gary Likes Peanuts.” Barbara McMullen joined her husband at the podium where the Town Board wished her a very happy birthday.

OPEN FLOOR FOR PUBLIC COMMENT

The following members of the public spoke:

- Joe Falcone, Yorktown Recreation Commission, thanked the Town Board for being very “park” friendly. He spoke about the successful public-private partnerships the Town has established, like The Links at Valley Fields.
- Jane Daniels, resident and volunteer for the NY-NJ Trail Conference, spoke about the work all of the volunteers do on the trails, as well as Eagle Scout projects that benefit the trails. She spoke of the need for volunteers and how they are assigned. Currently, she has two projects that need workers – moving gravel and cutting back knotweed on the Mohansic Trail (dates will be announced). Ms. Daniels talked about the Memorandum of Understanding between the Town and the Trail Conference that lays out the responsibilities of each. She also mentioned the damage that is being done to the trails by ATV riders. She said there is nothing in the current budget for work on the trails and would like to see that added in next year’s budget.

- Jay Kopstein, resident, spoke about the garbage contract. He said that over the last two weeks he has observed that there has been a marked improvement in the collection of trash and recycling in Town. He said that he observed that new and/or additional employees are doing the collections. Mr. Kopstein said there have been several letters written to the newspaper regarding the garbage issues. He said that some have merit and some are written by “political demagogues,” at worst or “intellectually modest” people at best. He said that his comment is not addressed to or about any of the candidates who have announced themselves for the upcoming elections. He questioned the resolution on tonight’s agenda providing \$5,000 for legal services for Competitive Carting for violations of their contract. He asked why we are paying this and if we are deducting it from the money owed by Competitive. Mr. Kopstein asked why the Town would hire a law firm with numerous lawyers rather than have in-house counsel handle the issue.
- Bob Giordano, resident and member of Friends of Yorktown Parks & Recreation, announced the 3rd Annual Hole-in-One Contest on August 20, 10 A.M. to 2 P.M. at the Links at Valley Fields.
- Jim Pugliese, resident, thanked the Town Board and Highway Superintendent Dave Paganelli for all they did to support the Yorktown Athletic Club’s 75th anniversary celebration.
- Sarah Wilson, resident, announced the EV Car Show this Sunday, August 6, 5:00-7:00 P.M. at the Jack DeVito Memorial Park.
- Larry Killian, resident, thanked Bob Giordano for his work organizing the annual Hole-in-One contest to raise money for Parks and Recreation. He spoke about suggestions to change the Town’s development policy. He said that Councilman Esposito “nailed it” when he described his experience ordering two things online and they were both delivered to his house on the same day. He said years ago if you wanted something immediately, you went to Sears, K-Mart, or Mitchell’s Hardware. He said this is Economics 101 – supply and demand. Mr. Killian said it is folly to continue to offer tax breaks to new commercial space in the 21st Century of online shopping. He offered examples of why this is bad: the Caremount Building (now Optum) on Route 118 was given a tax break for new commercial space – it is doubly bad to give a tax break for something a developer is going to do anyway. Caremount wanted to put all of their doctors together to save money and they did the same thing on Hill Boulevard without an incentive. Mr. Killian said that when the Town adds new office space, we are reducing the value of existing space and every commercial building owner is going to file for and receive a reduction in their taxes. He said that regarding Underhill Farm, the Town should not be giving tax breaks for new commercial space and does something commercial developers are going to do. He said you have to look at the bottom line, which is that the Town is losing taxes when more commercial space is added.
- Steve Shaw, resident and candidate for Town Council, spoke about the garbage issues in Town. He said that in the last two weeks they had received 20 complaints on the survey that was sent and listed the sections that were involved. He asked if the Town Board had received any additional complaints. Mr. Shaw asked if Competitive Carting employees were receiving their medical benefits, as this was an issue for them in the past. He asked if they are being paid the prevailing wage and said these were questions asked at the last Town Board meeting that had not been answered. Mr. Shaw asked, since Competitive Carting is being sold, if the new entity would lay off any of the current employees. He asked if Mr. Amico would still have ownership rights of Competitive Carting or was he selling 100% of the business and if he is selling, is it legal to do so under these circumstances due to current laws. Mr. Shaw asked who is buying Competitive Carting and how were they vetted. He asked if they were licensed by the Solid Waste Commission (SWC), what their financial situation is like, who their CEO is, how many employees and trucks they have, and where will the new owner dispose of recyclables.
- Jan Mirchandani, resident and candidate for Town Supervisor, wanted to follow up on her questions from the July 16th Town Board meeting, as well as Mr. Shaw’s questions. Ms. Mirchandani said that, given the impact of inflation, Yorktown is facing several new expenses such as the lawsuit over the garbage contract; the flooding damage, Hallocks Mill Sewer Extension project, etc. Ms. Mirchandani asked if Yorktown had incurred any additional costs due to the lawsuit over the garbage contract. If yes, she asked how much the Town is paying in order to respond to that lawsuit. She asked if the Town is at risk for any other litigation and have there been any other lawsuits filed that have not yet been made public. Ms. Mirchandani asked if, specific to the flooding, how the Town would cover the initial outlay of money for flood mitigation since FEMA only reimburses for costs spent. Regarding the Hallocks Mill Sewer Extension, she asked what specific grants had been applied for in the past and their results. Ms. Mirchandani asked if the Town does have to change the garbage

contract, what would be the new, if any) costs for the new contract. She asked if there was a way to circumvent the 9% tax increase that the Town Board predicted at the last budget cycle for the 2024 budget cycle.

- Anthony Pichette, resident, spoke about the closure possibilities on Route 35 due to the water main break. He said that it is difficult for children in Town to find a place to ride their bikes and did not judge the riders on the track.

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 Open Comments.

Councilman Lachterman spoke to Mr. Killian's comments and said there is a decision process an owner and/or real estate person has to go through and that there is much competition in the marketplace to get commercial space filled. He said that there are definite needs for commercial space; otherwise, people would not be building if they thought they could not fill them. He said that the tax break that exists for new commercial and/or renovations is the 485(b) Tax Exemption, which does not give away tax. It takes the additional tax that would be earned and gives back a portion of that; it encourages business to invest (it is a New York State law). He said that he does not think there is anything wrong with trying to lower homeowner taxes but trying to building up the tax base.

Councilman Lachterman spoke about the online survey and said that the Board's concern was any comments or complaints on the survey were sent to the Town Board so they could be rectified.

Councilman Esposito said that Mr. Killian said that developers would seek tax breaks without or without the Town giving them. He said that although he may agree with that statement in some circumstances and not others, it is only conjecture. Regarding the garbage survey, he asked if that had been sent to anyone in Town government because if it was not, this is interference at the highest level. He said the complaints should have been sent to the Town Board. Councilman Esposito said the survey did not help the situation and had an adverse effect. Councilwoman Capoccia said she did not think one or two complaints from a large section, such as Section 7 (where she lives), did not represent a real problem. He said that concerning prevailing wage, when Competitive Carting submits their invoice to the Town, it comes with a certified payroll that they have to file because it is a state requirement.

Councilwoman Haughwout addressed comments about the bike riders in Town and said she did not think it was necessarily the bike riders but teenagers seeking to be disruptive. She commented that it is important to take pride in our trails and encouraged volunteering for the Trailtown Committee. She addressed Mr. Kopstein's comment about tonight's resolution regarding the legal counsel and said that it is a retainer and not a fee. She said that everyone is working as quickly as possible to remedy the garbage collection situation.

Highway Superintendent Paganelli addressed Mr. Pichette's question about road closures due to the water main break and said water main breaks are like an "act of God" and you never know where or how big they are going to be. It is impossible to say anything about road closures because there are so many variables.

Supervisor Diana said that the Town has to build the road according to NYS DOT's specifications that are very detailed. He said it is a very daunting and expensive task. Supervisor Diana said the resolution for special counsel would most likely be a moderator between our Town Attorney and the Solid Waste Commission. He said this attorney was recommended by the Solid Waste Commission. Supervisor Diana said the Town Board has not received any complaints in the last four days. As far as the medical benefits and prevailing wage is concerned, the certified payroll is submitted and how benefits are given is up to the company, not the Town. He said they are still going through the process of the lawsuit against the Town from the other garbage company and he believed things are being knocked off as they go through the process. He said that a grant is being applied for on a resolution this evening for the Hallocks Mill Sewer Extension. Supervisor Diana said that the property at the old Soundview School has not paid taxes in years, and now, under the new ownership, the Town will receive at least \$50,000 a year and will go up once they start building. He said the notion that tax breaks are not good is just that – a notion. He also mentioned that the Town is getting a major infrastructure rebuilding done at basically no cost to the Town. He said the tax break is given on the commercial portion of the project – the apartments and the commercial space.

Supervisor Diana said that he would not take any “nonsense” from any garbage contractor, now or in the future as long as he is supervisor. As far as vetting, they are being vetted legally regarding the law. He said that he would make sure that any further action and vetting is done in the proper manner – this is what municipal government is all about. He said that anybody who understands municipal law will understand that and anybody who does not understand municipal law will not understand.

David Chen, Esq. said that his understanding is that Mr. Amico will not retain any type of ownership and this is one of the things that the Solid Waste Commission looks at when they vet these kinds of sales; they make sure that it is not just a paper transaction.

AUTHORIZE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE PURCHASE OF A FOLDING/INSERTING MACHINE
RESOLUTION #371

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

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

from: A.1990.499.1	General Fund – Contingency Capital	\$6,655.67
to: A1345.201	Town Equipment	\$6,655.67

for the purchase of a folding / inserting machine from Pitney Bowes as per New York State Contract #PC67337 pricing.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR TREE REMOVAL SERVICES
RESOLUTION #372

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

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

From: A.1990.499.1	General Fund – Contingency Capital	\$25,000.00
To: A8730.425	Contractual Forestry	\$25,000.00

for payments to Rayal Tree Care Company for town wide tree removal as per June 6, 2023 Town Board bid extension resolution.

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

AUTHORIZE THE SUPERVISOR TO SIGN AN ELECTRICITY SUPPLY AGREEMENT WITH CONSTELLATION NEW ENERGY, INC. AT THE RATE OF \$0.1003 KWH
RESOLUTION #373

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Electricity Supply Agreement with Constellation New Energy, Inc. at the rate of \$0.1003 KWh for the term of August 1, 2023 through September 8, 2025.

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

ACCEPT RESIGNATION OF LIBRARIAN I, JANE HESSESSY FROM THE JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #374

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

Resolved, that the Town Board of the Town of Yorktown hereby accepts the resignation of Librarian I, Jane Hennessy from the John C. Hart Memorial Library, effective August 14, 2023.

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

APPROVE REIMBURSEMENT TO POLICE OFFICER JOHN E. DOHERTY FOR
HOMELAND SECURITY AND TERRORISM MANAGEMENT COURSES
RESOLUTION #375

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

WHEREAS, the Yorktown Police Department would like to reimburse P.O. John E. Doherty for courses he is taking for a Homeland Security and Terrorism Management Program at Long Island University.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Town Comptroller to pay the Fall 2023 tuition and fees in the amount of \$3,348.20 plus any book fees, which are yet to be determined, for Police Officer John E. Doherty upon the satisfactory completion of said courses.

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

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH THE
YORKTOWN CENTRAL SCHOOL DISTRICT FOR MUTUAL SHARED SERVICES,
FACILITIES AND EQUIPMENT
RESOLUTION #376

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

RESOLVED, the Supervisor is authorized to enter into an intermunicipal agreement with the Yorktown Central School District for mutual shared services, facilities, and equipment, for July 1, 2023 through June 30, 2024.

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

AUTHORIZE SUPERVISOR TO ENTER INTO A RENEWAL OF THE LICENSE AND HOLD
HARMLESS AGREEMENT WITH THE YORKTOWN CENTRAL SCHOOL DISTRICT
RESOLUTION #377

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

RESOLVED, the Supervisor is authorized to enter into a renewal of the license and hold harmless agreement with the Yorktown Central School District for the YCSD to use the Commuter Lot.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR THE PREVENTATIVE
MAINTENANCE & ON-CALL SERVICES OF EMERGENCY GENERATORS
RESOLUTION #378

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York until 10:00 A.M. on Tuesday, September 5, 2023 for the Preventative Maintenance & On-Call Services of Emergency Generators Bid.

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

AUTHORIZE TOWN CLERK TO ADVERTISE REQUEST FOR PROPOSAL (RFP) FOR ON-CALL/EMERGENCY BRIDGE AND CULVERT ENGINEERING SERVICES FOR THE HIGHWAY DEPARTMENT
RESOLUTION #379

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York until 10:00 A.M. on Monday, August 21, 2023 for On-Call/Emergency Bridge and Culvert Engineering Services for the Highway Department RFP.

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

AUTHORIZE TOWN TO APPLY FOR A GRANT FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION UNDER THE WATER INFRASTRUCTURE IMPROVEMENT (“WIIA”) PROGRAM
RESOLUTION #380

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

RESOLVED, that the Town of Yorktown has applied for financial assistance from the New York State Environmental Facilities Corporation (“EFC”) under the Water Infrastructure Improvement (“WIIA”) Program for the purpose of funding the Hallocks Mill Sewer District Extension, and be it further

RESOLVED, that the Town of Yorktown is authorized and directed to accept these grant funds in an amount not to exceed \$9,800,000 for the project described in the grant application; and be it further

RESOLVED, that the Town of Yorktown is authorized and directed to agree to the terms and conditions of the Master Contract with EFC for Hallocks Mill Sewer District Extension; and be it further

RESOLVED, that the Town of Yorktown is authorized and directed to agree to the terms and conditions of any required deed of easement granted to EFC that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and be it further

RESOLVED, that the Town Board of the Town of Yorktown delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to Town Supervisor Thomas Diana.

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

AUTHORIZE RELEASE OF EROSION CONTROL BOND FOR WORK DONE AT 1215 SAGUNKA DRIVE IN THE AMOUNT OF \$500.00
RESOLUTION #381

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

WHEREAS, Louis & Naoko Teti as applicants, posted check #477 in the amount of \$500, which was deposited to the T33 account on September 15, 2021, to serve as the Erosion Control Bond, and

WHEREAS, the applicants have 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 Louis Teti & Naoko Saito, 1215 Sagunka Drive, Yorktown Heights, NY 10598.

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

AUTHORIZE RELEASE OF EROSION CONTROL BOND FOR WORK DONE ON HICKORY STREET BY WESTCHESTER MODULAR HOMES IN THE AMOUNT OF \$500.00
RESOLUTION #382

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

WHEREAS, Westchester Modular Homes, as applicant for Henry & Lourdes Arroyo, posted check #61305 in the amount of \$500, which was deposited to the T33 account on August 11, 2022, to serve as the Erosion Control Bond, and

WHEREAS, the applicant has requested the 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 Westchester Modular Homes, 1995 Route 22, Brewster, NY 10509, Attn: Ms. Liz Lewis.

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

AUTHORIZE RELEASE OF EROSION CONTROL BOND FOR WORK DONE ON SAW MILL RIVER ROAD BY ARCHITECTURAL CONCRETE EXCELLENCE, LLC IN THE AMOUNT OF \$500.00
RESOLUTION #383

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

WHEREAS, Architectural Concrete Excellence, LLC, as applicant for Roy Pilot, posted check #1189 in the amount of \$500, which was deposited to the T33 account on May 17, 2022, to serve as the Erosion Control Bond, and

WHEREAS, the applicant has requested his 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 Architectural Excellence, LLC, dba ACE, 163 Beaverbrook Road, Lincoln Park, NJ, 07035, Attn: Mr. Amedeo Cilli.

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

AUTHORIZE SUPERVISOR TO SIGN A DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE GRANITE KNOLLS SPORTS COMPLEX TO ENSURE THAT ALL MAINTENANCE OBLIGATIONS SET FORTH IN THE STORMWATER POLLUTION PREVENTION PLAN APPROVED BY THE NYC DEP ARE FOLLOWED
RESOLUTION #384

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

RESOLVED, that Thomas Diana as Town Supervisor of the Town of Yorktown is authorized to sign a Declaration of Covenants, Conditions, and Restrictions for the Granite Knolls Sports Complex to ensure that all maintenance obligations set forth in the Stormwater Pollution Prevention Plan (SWPPP) approved by the New York City Department of Environmental Protection (NYCDEP) will be followed.

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

AUTHORIZE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH STEVEN C. KASARDA FOR LEGAL SERVICES ASSOCIATED WITH THE TOWN'S COLLECTION AND DISPOSAL OF RESIDENTIAL REFUSE AGREEMENT
RESOLUTION #385

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

Resolved that the Supervisor is authorized to enter into an agreement with Steven C. Kasarda for legal services associated with the Town's collection and disposal of residential refuse agreement in an amount not to exceed \$5,000.00

Be It Further Resolved, that the Comptroller is authorized to transfer funds for this payment as follows:

From: A1990.499 General Fund Contingency \$5,000.00

To: A1220.490 Supervisor Professional Services \$5,000.00

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

ADJOURN

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

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