

Meeting of the Town Board, Town of Yorktown held on Tuesday, September 19, 2023 at Town Hall, 363 Underhill Avenue, Yorktown, NY 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 Councilman Lachterman, the Town Board moved into Executive Session to discuss personnel items and/or litigation matters with legal counsel. Upon motion made by Councilman Lachterman, seconded by Councilwoman Capoccia, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilman Esposito led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember 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 and Town Attorney Adam Rodriguez.

REPORT FROM THE POLICE CHIEF

Police Chief Robert Noble came before the Town Board to discuss an issue they are having with their communications system. He introduced Sergeant Craig Scatola who works with the radio communications system. Chief Noble said that their repeater is routinely failing; the backup repeater has been working but there are gaps in the system that need to be addressed. He said that their communication system has been an issue since 2019 and they determined that they wanted to jump onto the MTA communication system. Chief Noble said he had made a recommendation to the Town Board for a vendor (Harris Communications) in order to move forward with the new system. He said that one of the greatest features of the Harris radios is that they have an LTE feature, which allows a switch to LTE during a gap in the regular communications. Chief Noble said he is aware that this is a large expense but their current system dates back to 1998 and is in need of an upgrade. He said that their current mobile radios would be given to the Highway Department for their trucks, along with the backup repeater.

Supervisor Diana said he experienced the problem with the communication system first hand and that this cannot exist for the police officers who must be able to communicate with one another.

A discussion took place with the Town Board regarding the coverage of the new system and the period for the installation of the system.

REPORT FROM THE TOWN SUPERVISOR

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

- Event held in the name of Jake Arcara (a Highway Department employee who was killed on the job last year) was well attended and thank you to all volunteers.
- Feast of San Genaro was held this past weekend – thank you to the Police Department, Fire Department, Highway Department, Parks & Recreation Department, and Water Department for helping to make this a successful event for the Town.

- Captain Kenneth Sgroi (a Yorktown Police Captain who passed earlier this year) will be honored at a 10-13 (Officer Needs Assistance) Fundraiser on Wednesday, September 27, 2023, from 5:00 to 8:00 PM at 5 John Walsh Boulevard in Peekskill.
- National Car Seat Check will be held on Saturday, September 23, 2023, 10:00 AM to 1:00 PM at the Yorktown Police Department.
- Congratulations to the J. C. Hart Memorial Library Staff who received a Certificate of Recognition from the United States Department of Passport Services recognizing their exemplary customer service. They scored 100% on their first inspection on their passport program.
- Renovation of the Police Department/Court House steps will begin shortly.

REPORTS FROM TOWN OFFICIALS

Councilman Lachterman made the following announcements as well as reported on various activities that have recently taken place.

- Veterans Advisory Committee is meeting this Wednesday at the Albert A. Capellini Community and Cultural Center, room 104, at 7:00 PM. All veterans are welcome to attend.
- A member of the Veterans Advisory Committee met with the Jefferson Village Veterans Club and talked to them about some of the things the advisory board is working on and to see if the Jefferson Village Veterans Club needed any assistance.
- This Friday the Senior Advisory Commission will be meeting at 1:00 PM in Town Hall.
- The Yorktown Lions and the Parks & Recreation Department is holding their annual Halloween Parade on Saturday, October 21, from 2:00 PM to 4:00 PM.
- Cindy Smith from St. Mary's Food Bank said the food bank is critically low on funds, especially going into the holiday season. Councilman Lachterman said they would be advocating supermarket points to be donated to the food bank.

Councilman Esposito made the following announcements as well as reported on various activities that have recently taken place.

- Thank you to Patty Dicken from the Highway Department for her work at the Jake Arcara fundraiser.
- New businesses in Town: Hair Design Center and Kitchen HQ

Councilwoman Haughwout reported on various activities in town.

Councilwoman Capoccia made the following announcements:

- Con Edison is changing their account numbers to an 11-digit number so if you pay your bill through Bill Pay, you will have to change your account number. Con Edison will be shutting down their online service from October 5 through October 9.
- The Town Clerk's office has announced their new Senior Identification Program. If you are over 60 years of age, you may get a card.

Town Clerk Diana Quast said a senior can apply online through a webform that is sent directly to her, or print and complete a pdf version of the online application and submit to the Town Clerk's office. Town Clerk Quast said if anyone had any questions, they could contact her on her direct line at (914)962-8152.

Councilwoman Capoccia mentioned that the Town is now in what she called the "silly season" – election season. She mentioned that they have gotten very nasty emails from people, which will not be responded to, and cautioned people to be mindful of what they are emailing the Board members.

Supervisor Diana also announced that hydrant flushing will begin on October 1, 2023. He also encouraged all residents to set up Nixle on their cell phones in order to receive alerts from the Town, as well as the police.

RECAP OF GARBAGE ISSUE

Supervisor Diana also discussed the situation with the garbage pickup and the new garbage contract. He gave a timeline of the events that led to the cancellation of the contract with Competitive Contracting and the new emergency contract with CRP Carting. He said that he wanted to give the

time frame so that everyone would know what they (the Town Board) worked through on the Labor Day weekend to make it right for the residents. Supervisor Diana said that he wanted to address some inaccurate statements that were made in the newspapers. Supervisor Diana asked Town Comptroller Gennelle MacNeill to review some of the high points of what was done, the cost, and the false statement of a 9% increase in taxes.

Comptroller MacNeill began by saying the previous comptroller and the previous supervisor created the budget for the garbage contract. She said that she believed the talk about the 9% increase stems from the 2022 budget that projected a four-year financial model that was included in the budget. This was a projection and based on a conservative “worst-case” scenario. She said that we do not over-inflate revenues and keep our expenses low. The 2023 budget has the actual numbers that the Town brings in fund balance because the department heads do their best to keep costs down so that we may have a healthy fund balance and return that back to the taxpayer. When projections are done in the budget, you always project worst-case scenario and we do not know how this year it will end up so we do not plan for any fund balance in the projection. She gave an example by comparing of the 2024-2026 projection that has no fund balance to the 2023 actual where we brought in \$1.25 million; this really skews the numbers. If you take that and say you are going to put in \$1.25 million, it is relative to the past history regarding any administration, regardless of whether it was a Republican or Democratic administration.

Councilwoman Haughwout said that, essentially, the 9% is without showing up with the \$1.25 million. If you put in the \$1.25 million in that number line, we are still staying in the same playing field where we have been. Comptroller MacNeill said yes.

Supervisor Diana said that, basically, if we did not have the fund balance, we would have to raise taxes 9%. Councilman Lachterman asked Comptroller MacNeill to explain what the fund balance is for those who do not know. Comptroller MacNeill said it is your excess once you are done at the end of the year – your revenues and expenses. She said that if we are projecting low revenues because we want to be conservative (and we do not know where they are going to coming in at) and, for example, we get extra money for sales or mortgage tax, we do not plan for that. She said that the department heads and employees do a great job being fiscally responsible, for example, by looking at every contract that we are trying to do and repurposing equipment (she cited the Police giving their old equipment to the Highway Department). Comptroller MacNeill said it is the same with the garbage contract – the Board has to look at each of the contracts and ask what their fiduciary responsibility is to the taxpayers. She that the Town always does a really good job in trying to manage the budget so that we do not overspend and at the end of the year that fund balance does go in so that we have a rainy day fund and that we are able to use it to offset the taxes next year.

Councilman Lachterman asked Comptroller MacNeill what the Town’s fund balance was at the end of prior year and she said she believed the Town had approximately \$22 million. She said that this is a little high but this is because of COVID when the Town cut back on spending because we did not know where we were going to end up or how the economy was going to do. She said that there was much uncertainty during that time and the fund balance in the last couple of years built up but now that the Town is back on track and projects are getting done, we are able to take that money now that we had anticipated spending in the last few years.

Supervisor Diana asked Comptroller MacNeill to explain, regarding the garbage contract, what it is going to cost the Town – or not cost the Town. Comptroller MacNeill said, to recap what was said the last time this was discussed at a meeting, the following: the open purchase order the Town had with Competitive Carting was for \$1.5 million. The costs and differences of the rest of the year (the switching to CRP, the emergency truck rentals, the new contract with CRP for the rest of the year – four months) came to \$1.7 million, leaving a deficit of \$173,000 versus what we had in the purchase order. The Town also has the performance bond and the difference between the last four months of the year versus the \$288,000 that Competitive would have been versus the CRP increase, the difference the Town is anticipating to recover from the performance bond is approximately \$279,000. We actually should come out with a surplus of approximately \$100,000. Comptroller MacNeill said that this is all an estimation because final numbers are not in. The \$100,000 will roll over to the fund balance, which the Town could use next year.

Comptroller MacNeill then reviewed the numbers she came up with for the increase. She said that if we stayed with Competitive Carting, the monthly cost would be \$288,000 per month (4 months remaining in this year) and add to that the contract with them for 2024 (January through August)

would have increased to \$300,000/month for a grand total of \$3.52 million. The switch to CRP will cost the Town \$358,000/month for September through August 2024 for a grand total of \$4.29 million – a difference of \$743,000 minus the \$100,000 surplus left from the performance bond. The adjusted amount for the new garbage collection contract with CRP would be \$637,000, which is an 18% increase. If we take our number of households, it is \$12,985 (2019 census), the additional cost per home per year is \$49.07 and the additional cost per home per month would be \$4.09. She said that if you then look at the offset of actual savings because the first months of this year, we paid Competitive Carting the \$288,000 per month (\$2.3 million total) versus if we had had AAA Carting, we would have had to outlay \$2.5 million, so we really had savings of \$195,000 already. If you take that and net it against the \$49.07 it brings it down to \$2.83 per household per month. The offset – the \$637,000 is offset by the \$195,000 for the first 8 months of this year, the net is basically \$441,000 that increased. She said that an interesting point is that if we had used Competitive for the full year of 2023 and 8 months of 2024 to get us to the end of the emergency contract, we would have spent \$5.85 million. She said that if you look at AAA Carting, their cost for the full year of 2023 was \$3.75 million and their cost for the 8 months of 2024 would have been \$2.6 million, for a total of \$6.3 million. She said that if we had originally gone with AAA Carting, we would have had to charge the taxpayers an additional \$492,000. Comptroller MacNeill said the Town was trying to be proactive to take the less costly contractor to save the taxpayers and be fiduciary responsible. She said that having discovered that Competitive Carting was not working out and having to switch to CRP by the end of the emergency contract the Town is at net zero.

Supervisor Diana said that first, the Town Board is being fiscally responsible to the residents, they are getting the job done, pulled it all together on a holiday weekend with basically a handshake, and everybody is now getting their garbage picked up. He said the only complaint he had gotten was that the new company is too efficient. He said that the Town Board was able to get the type of service the residents deserve. He asked the Town Comptroller if she thought they were running “fast and loose” with the Town’s money. Comptroller MacNeill said that after analyzing the numbers and given that you should always try to save taxpayers money and try to go with the bidder who seems the most responsible and then not have it work out, the Town Board ended up having it work out.

Supervisor Diana asked the Town Attorney, Adam Rodriguez, to speak about the negotiations with AAA Carting. He said the Town engaged multiple vendors to try to find the best one for the Town. AAA Carting engaged in negotiations but kept saying one thing, then another, etc. and the Town ultimately lost faith in the company. The negotiations seemed to get greedier as they perceived the Town becoming more vulnerable. He said that this rubbed everyone the wrong way. He said that one of the big features of CRP was that there was going to be no weight limitations on the collections. Supervisor Diana said that with AAA Carting there was going to be a \$250,000 start-up fee levied and then a back payment for 8 months that would total of \$2.4 million. He thanked the Town Board for their work and cooperation.

Councilman Lachterman thanked the Supervisor’s office for the work they did.

Other Town Board members reiterated the Supervisor’s sentiments regarding the speed and efficiency with which this was resolved.

REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said that he has been on Support Connection’s Board for twenty-one consecutive years and said that the Support-A-Walk is their biggest fundraiser of the year. He said that there is not an organization in this country that provides the kinds of services Support Connection offers to men and women who have been diagnosed with cancer. He said that people do not realize that men get breast cancer too. He said that they step in once a person is diagnosed and give peer-to-peer counseling who will tell you what to expect. He urged everyone to support the organization.

Superintendent Paganelli said the Jake’s Way fundraiser raised over \$20,000 and is still climbing. The money will be donated to St. Jude’s Children’s Hospital.

He said that the DEP bridge repair on Baptist Church Road would result in the bridge closure from October 9 until the spring or summer of 2026. He said that from Croton Point Avenue (on the Cortlandt side) to Hunterbrook Road (on the Yorktown side) the road would be closed to all traffic, including bicycles. This, unfortunately, coincides with the Town’s closing of Old Crompond Road and he apologized to the residents of Cortlandt who use this road on a daily basis. He spoke about

the benefit of hiring an engineering firm (by tonight's resolution) to assist with the emergency culvert issues that arise in the Town.

Superintendent Paganelli spoke about tonight's resolution allocating \$1 million towards paving. He said if that investment could be maintained yearly based on a healthy fund balance, that money would enable a 16.5-year replacement cycle for our asphalt, which is wonderful.

SUPPORT CONNECTION'S SUPPORT-A-WALK

Kathy Quinn, Executive Director of Support Connection, came before the Town Board to talk about the annual Support-A-Walk to be held on Sunday, October 1, 2023. She that Support Connection has called Yorktown home for 27 years and thanked the Town Board for their support. The Support-A-Walk takes place in FDR Park but people can walk in support wherever they are. Ms. Quinn mentioned that all of their counselors are cancer survivors and have the ability to turn fear into hope. She said that the Support-A-Walk is the "engine that keeps them running." All money raised at the event is used to provide the free services they offer. Information about the walk and the opportunity to donate can be found on their website, www.supportconnection.org.

APPOINT JAYNEE BECERRA AS LABORER IN THE HIGHWAY DEPARTMENT RESOLUTION #437

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

Be It Resolved, that Jaynee Becerra of Poughkeepsie, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, effective September 20, 2023 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$47,549.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement; and

Be It Resolved, contingent upon successful completion of a drug test; and

Be It Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 20, 2023.

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

APPOINT DONALD ALLEN HOPPER II AS LABORER IN THE HIGHWAY DEPARTMENT RESOLUTION #438

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

Be It Resolved, that Donald Allen Hopper II of Garrison, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, effective September 20, 2023 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$47,549.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement; and

Be It Resolved, contingent upon successful completion of a drug test; and

Be It Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 20, 2023.

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

APPOINT THOMAS J. DALTON, JR. AS LABORER IN THE HIGHWAY DEPARTMENT RESOLUTION #439

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

Be It Resolved, that Thomas J. Dalton, Jr. of Wappingers Falls, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, effective September 20, 2023 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$47,549.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement; and

Be It Resolved, contingent upon successful completion of a drug test; and

Be It Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 20, 2023.

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

POET LAUREATE

Councilman Esposito read an original poem written by Poet Laureate John McMullen “The Miracles of Technology.”

OPEN FLOOR FOR PUBLIC COMMENT

The following members of the public spoke:

- Jay Kopstein, resident, spoke about the September 12 Town Board work session and how he was disturbed by what a Town Board member said about the ATV problem in Town. He said that he agreed that the Town Code should be enhanced and has advocated for modernization of the Code for 15 years. He said adults purchase the ATVs, as well as the operators, should be held responsible for unlawful operation and damage. He said a Town Board member said that the riding of ATVs and dirt bikes is part of the culture of Yorktown. Mr. Kopstein said that unlawfulness should never be justified or endorsed as culturally acceptable or appropriate. He said that what was acceptable or appropriate when Yorktown was predominantly farmland is not acceptable or appropriate now.
- Ed Ciffone, resident, said that he went to the Comptroller’s office to find out what the surplus was for the Town. He said she did not give him an answer yet she gave the answer this evening. He asked what the fund balance is at this time, not two years ago. Mr. Ciffone said that the Town had the same garbage hauler years ago (Competitive Carting) and did the same exact thing and the Board brought them on again and wondered why. Mr. Ciffone said, as President of the United Taxpayers of Yorktown, he was able to stop the relocation of the Highway Department to the Sewer Plant, at a cost of \$4.8 million. He said they were able to collect over 5,000 signatures.
- Susan Siegel, resident, said that at the last Courtesy of the Floor she raised the issue of the completion of the fluoride project and is again asking if anything more has been done since then.
- Dan Strauss, resident, thanked Mr. Kopstein for his comments regarding the ATVs. He said he is surprised there is nothing on tonight’s agenda regarding amendments to the Town Code. He spoke of an incident he experienced with an e-bike. Mr. Strauss said that bicycles and e-bikes should be banned from Yorktown sidewalks. He urged people to use trash bins in Yorktown parks. Mr. Strauss said there should be senior transportation available for seniors on a more local level.
- Sarah Wilson, resident, spoke about the Community Food Pantry. She said besides hams and turkeys, they also need all of the fixings (stuffing, yams, etc.). She said that the Community Food Pantry is also looking for gently used coats, hats, scarves, gloves, etc. for their annual coat drive. Collection is from October 7 through October 13 and distribution will take place on October 14 at St. Mary’s, Route 6, Mohegan Lake. Financial donations are always appreciated.
- Anthony Pichette, resident, asked about the delay in the purchase of the communications system for the police department since this was the same conversation the Town Board had last year with the Chief. He also raised the issue of motor safety in Town and asked for a discussion to come up with ideas to resolve the problems.
- Jann Mirchandani, resident and candidate for Town Supervisor, thanked the Town Board for the clarification of the numbers regarding the trash contract. She asked that tonight’s numbers be made publicly available.
- Brian Raphael, resident, wanted to follow up with his questions from two weeks ago regarding the stream behind his house. He also asked why is there no one who lives closer in Town that the Highway Department could hire (per tonight’s personnel resolutions).
- Jim Flandreau, resident, spoke about the additional traffic in the area of Old Crompond Road where the culvert was damaged. He said he has had to call the police department because of the speeding and it is a hazard. Mr. Flandreau said it is dangerous to walk in the area. He suggested stop signs as a temporary solution. He said that the evening rush hour traffic (4:00 p.m. to 7:00 p.m.) brings hundreds and hundreds of cars.

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

Members of the Town Board responded to comments made by the public.

- Supervisor Diana said the NWJWW is re-piping at the fluoride plant, since they are taking it over. As soon as that is completed, they will contact the Department of Health as to a plan to do the water check.
- Supervisor Diana agreed with Mr. Strauss regarding the e-bikes, etc. and said the Town Attorney is working on legislation to address the problems.
- Regarding the fund balance, Supervisor Diana said that, unfortunately, because of the cell phone towers the Town had to have a special computer program and are now just getting preliminary audit reports back. He believes the Town will have a healthy fund balance but need to wait for the auditors. He said that the cell phone tower owners change hands and the leases have to be kept track of and they are working through this problem.
- Councilman Lachterman addressed the senior transportation comment and said we do have transportation service to the Yorktown Senior Center. He said there is a lot of comparisons being made between Competition Carting and Competitive Carting, which are two different companies – different partners, different structures. He said the Town Board would have to sit down and address because garbage pickup is a huge issue all over. He said there was a bad requirement of having workers have a minimum amount of municipal experience in garbage hauling and this created a monopoly for those larger companies who had municipal contracts and cut out the smaller companies who were trying to save money for towns and at the same time make a living.
- Supervisor Diana said not only did the Town Board straighten out the issues; no one at Competitive Carting lost their jobs.
- Councilwoman Haughwout said that we could all do much better regarding the safety issues with ATVs, e-bikes, dirt bikes, etc. She said that she did research and that every time you buy an e-bike, it tells you where you can ride the bike, how you can ride it, helmets, etc. E-bikes have been banned from many trails in surrounding counties. She said that everyone needed to be more careful regarding these bikes and pedestrians. Councilwoman Haughwout said she believed there was a step that had to be done before the police department’s communications system purchase could be done. She said that the comment regarding the “culture” of ATV ridership in Yorktown was misinterpreted and that, of course, the rights of the public are not “trumped” by ATV owners and how they ride.
- Councilman Esposito addressed Jim Flandreau’s comments. He said that he spoke to the Highway Superintendent and Officer Rohr, Traffic Officer. He said there are issues with temporary stop signs and putting down temporary speed bumps because of the time of year.
- Councilman Esposito said he was the person who made the ATV “culture” comment. He said that what he meant is that it is unfortunate that a few people are ruining it for the rest of the public. He said many who ride ATVs and e-bikes are responsible and those who are not are spoiling it and it now needs to be addressed.
- Councilman Esposito addressed Mr. Pichette’s comments regarding the delay in approving the communications system. He said the time between the repeater failures has gotten shorter and have been relying on the backup repeater. He said the sense of urgency has increased and the Town Board is now ready to draft a resolution.
- Supervisor Diana announced that the Department of Health is going to test the fluoride on October 6. He asked Mr. Kopstein to give a talk regarding the communications system for the police department, as he consulted on the project. He spoke about its benefits and safety for the residents.
- Superintendent Paganelli commended Mr. Raphael for raising the issue of streams and their maintenance as it has become an interesting aspect of what they do, especially with the types of weather we are experiencing. He said that he and Supervisor Diana were talking about how three years ago we had 5800 acres of open space and no way to maintain it. He said \$420,000 a year goes into an open space fund but cannot be used for maintenance. He said this Town Board and the previous one put money into a forestry line that allows the Town to take care of trees that are on Town property but are adjacent to homeowners. He said that it was discussed with the Town Comptroller to allocate a certain amount of money and put it into the forestry line that would be used to take care of streams that are in Town right of ways.
- Superintendent Paganelli said that the three new employees are very highly qualified individuals and are a part of his plan to build for the future of the Highway Department. He

also said what Yorktown pays for laborers does not allow employees to live in Yorktown.

- Superintendent Paganelli addressed Mr. Flandreau's comments and said that the stop sign suggestion is a legal issue that requires a public hearing and registration with the state, which could take up to 3 months. He said the Town and he would be liable for any charges as the result of an accident. He said that he is looking into speed bumps. Superintendent Paganelli said he wished he had done it when the road was closed two months ago.

Supervisor Diana said much credit goes to the department heads who managed to keep their budgets low and tightened their belts this past year.

ADVERTISE BID FOR THE PURCHASE OF A USED FORD EXPLORER LOW MILEAGE VEHICLE, OR EQUIVALENT, FOR THE BUILDING MAINTENANCE DEPARTMENT RESOLUTION #440

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

Resolved, the Town Board authorizes the Town Clerk to advertise a bid for the purchase of a used Ford Explorer low mileage vehicle, or equivalent, for the Town Building Maintenance Department's use.

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

RELEASE OF EROSION CONTROL BOND FOR 2269 WILLOWAY STREET RESOLUTION #441

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

Whereas, Gail & Robert Cohn, as applicants, posted check #4486 in the amount of \$250, which was deposited to the T33 account on December 1, 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 the Town Board that the monies may be released; now

Therefore Be It Resolved, that the above referenced bond be released to Gail & Robert Cohn, 2269 Willoway Street, Yorktown Heights, NY 10598.

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

ACCEPT EROSION CONTROL AND LANDSCAPE BOND – CHIPOTLE RESOLUTION #442

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

Whereas, Wetland & Excavation Permit #WP-E-028-10 was approved by the Planning Board on February 23, 2018 for the Lowe's Site Plan which included three additional Pad sites; and

Whereas, Planning Board Approval Resolution #16-22 referenced bonds to be posted for Erosion & Sediment Control, Performance and Wetland Planting Bond. In lieu of providing individual bond amounts, the Town agreed that the Applicant could provide one Project Performance Bond in the aggregate amount of \$1,000,000; and

Whereas, Yorktown Jaz, LLC, as applicant, posted The Guarantee Company of North America's Site Improvement Bond #76154779 in the amount of \$1,000,000 for Wetland & Excavation Permit #WP-E-028-10; and

Whereas, Site Improvement Bond #76154779 was reduced by the Town Board at their May 18, 2021 meeting to \$5,000, as two of the three pad sites have been constructed; and

Whereas, Grace & Grace Attorneys at Law, as attorney for Chipotle, posted check #5321 in the amount of \$3,000 to serve as the landscape bond for amended permit #WP-E-028-10; now

Therefore Be It Resolved, that the remaining \$5,000 bond #76154779 will serve as the Erosion Control Bond for the Chipotle restaurant proposed on pad C; and

Be It Further Resolved, that the above referenced check is hereby accepted to serve as the landscape bond for the landscaping associated with the pad C site plan.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR STREET LIGHT REPAIR
RESOLUTION #443

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

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

From: A.1002	General Fund	\$20,000.00
To: A5182.418	Street Light Repair	\$20,000.00

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE PURCHASE OF A PROMELT ULTRA 2000 FOR THE HIGHWAY DEPARTMENT
RESOLUTION #444

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

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

From: D5130.101	\$25,000.00
To: D5142.403	\$25,000.00

for the purchase of ProMelt Ultra 2000 which is blended with the road salt.

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

AWARD BID FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE ON-CALL AND EMERGENCY BRIDGE AND CULVERT ENGINEERING SERVICES TO THE HIGHWAY DEPARTMENT
RESOLUTION #445

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

Resolved, that the bid for Professional Engineering Services to Provide On-Call and Emergency Bridge and Culvert Engineering Services to the Yorktown Highway Department is awarded to Barton & Loguidice, 10 Airline Drive, Suite 200, Albany NY 12205.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR PAVING FOR THE HIGHWAY DEPARTMENT
RESOLUTION #446

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

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

From: A.909	General Fund – Fund Balance	\$1,000,000.00
To: D5112.210	Highway – Paving	\$1,000,000.00

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NORTHERN WESTCHESTER ORTHO FOR THE PROVISION OF IME EXAMS
RESOLUTION #447

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

Resolved, the Town Supervisor is authorized to execute an agreement with Northern Westchester Ortho for the provision of IME exams for Town employees in an amount not to exceed \$500.00 per exam.

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

ACCEPT THE RESIGNATION OF ELLEN TANNENBAUM FROM THE J.C. HART MEMORIAL LIBRARY
RESOLUTION #448

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

Be It Resolved, that the Town Board of the Town of Yorktown hereby accepts the resignation of Ellen Tannenbaum from the John C. Hart Memorial Library. Her last day of employment will be September 19, 2023.

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER AND FOR PARKS & RECREATION SUPERINTENDENT TO PURCHASE A NEW TORO 5910 MOWER ENGINE
RESOLUTION #449

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

Resolved, the Town comptroller is authorized to process the following budget transfer and the Parks & Recreation Department is authorized to purchase a new Toro 5910 Mower Engine:

From: A.1002	General Fund – Fund Balance	\$16,424.84
To: A.7110.0201	Parks – Equipment	\$16,424.84

for the purchase of a new Toro 5910 Mower Engine.

Be It Further Resolved, the Parks & Recreation Superintendent is authorized to purchase a new Toro 5910 Mower Engine from a sole source provider.

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER AND FOR PARKS & RECREATION SUPERINTENDENT TO PURCHASE A NEW BOBCAT MINI EXCAVATOR
RESOLUTION #450

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

Resolved, the Town Comptroller is authorized to process the following budget transfer and the Parks & Recreation Department is authorized to purchase a new 2023 Bobcat Mini Excavator:

From: A.1002	General Fund – Fund Balance	\$60,687.78
To: A.7110.0201	Parks – Equipment	\$60,687.78

Be It Further Resolved, the Parks & Recreation Superintendent is authorized to purchase a new 2023 Bobcat Mini Excavator through New York State Contract – PC69396.

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

AWARD BID FOR THE BRIAN J. SLAVIN AQUATIC FACILITY DE TANK RESURFACING RESOLUTION #451

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

Whereas, invitation to bid for Brian J. Slavin Aquatic Facility DE (Diatomaceous Earth) Tank Resurfacing was duly advertised; and

Whereas, only one bid was received and opened on September 18, 2023, with the bid amount summarized as follows:

Marine Pool Renovations, LLC	–	\$51,800.00
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Resolved, that upon the recommendation of the Superintendent of Parks & Recreation, the bid for Brian J. Slavin Aquatic Facility DE (Diatomaceous Earth) Tank Resurfacing be and is hereby awarded to Marine Pool Renovations, LLC, 287 Hawthorne Avenue, Derby, CT 06418.

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE CHLORINE TANK REMOVAL AND INSTALLATION AT THE JUNIOR LAKE AQUATICS FACILITY

RESOLUTION #452

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

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

From: A.1002	General Fund – Fund Balance	\$45,200.00
To: A.7180.0416	Beach & Pool Facilities – Facility Maintenance	\$45,200.00

for the Chlorine Tank Removal and Installation at the Junior Lake Aquatics Facility.

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE INSTALLATION/RETROFIT OF THE MUSCO LED SPORTS LIGHTING SYSTEM AT THE DOWNING PARK BASEBALL/SOFTBALL FIELDS

RESOLUTION #453

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

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

From: A.1002	General Fund (ARPA) – Fund Balance	\$37,700.00
To: A.7110.0416	Parks – Grounds Maintenance	\$37,700.00

for the Installation Retrofit of the Musco LED Sports Lighting System at the Downing Park Baseball/Softball Fields.

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

AWARD BID FOR THE REMOVAL OF THE CHLORINE TANK AND INSTALLATION AT THE JUNIOR LAKE AQUATIC FACILITY

RESOLUTION #454

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

Whereas, invitation to bid for Junior Lake Aquatic Facility Chlorine Tank Removal was duly advertised; and

Whereas, only one bid was received and opened on September 18, 2023, with the bid amount summarized as follows:

Marine Pool Renovations, LLC	–	\$45,200.00
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Resolved, that upon the recommendation of the Superintendent of Parks & Recreation, the bid for Junior Lake Aquatic Facility Chlorine Tank Removal be and is hereby awarded to Marine Pool Renovations, LLC, 287 Hawthorne Avenue, Derby, CT 06418.

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

AWARD BID FOR THE INSTALLATION/RETROFIT OF THE MUSCO LED SPORTS LIGHTING SYSTEM AT THE DOWNING PARK BASEBALL/SOFTBALL FIELDS
RESOLUTION #455

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

Whereas, invitation to bid for Downing Park Softball LED Retrofit was duly advertised; and

Whereas, said bids were received and opened on September 18, 2023, with the bid amounts for the above-referenced project summarized as follows:

Shock Electrical Contractors Inc	\$ 37,700.00
Scientific Electric Corporation	\$ 69,000.00
Verde Electric Maintenance Corp.	\$123,000.00
Naber Electric Corp.	\$145,678.00

Now, Therefore Be It Resolved, that upon the recommendation of the Superintendent of Parks & Recreation, the bid be and is hereby awarded to the lowest bidder whom fully complied with the bid document, Shock Electrical Contractors Inc.

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

AUTHORIZE CHIEF OF POLICE TO EXECUTE A HOLD HARMLESS AGREEMENT WITH THE CITY OF RYE POLICE DEPARTMENT FOR THE DONATION OF TWO BICYCLES TO THE YORKTOWN POLICE DEPARTMENT
RESOLUTION #456

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

Resolved, the Chief of Police is authorized to execute a Hold Harmless Agreement with the City of Rye Police Department regarding the donation of two (2) bicycles to the Yorktown Police Department.

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

AUTHORIZE THE CHIEF OF POLICE TO EXECUTE AN EXTEND SERVICE AGREEMENT WITH DAKTRONICS, INC.
RESOLUTION #457

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

Resolved, the Chief of Police is authorized to execute an extended service agreement with Daktronics, Inc., effective October 30, 2023, through October 29, 2026.

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

GRANT APPLICATION (CREST) FOR RENOVATION OF RAILROAD PARK PLAYGROUND
RESOLUTION #458

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

Resolved, that the Town of Yorktown has applied for financial assistance from the Community Resiliency, Economic Sustainability and Technology (“CREST”) fund under Assemblywoman Dana Levenberg’s office for the purpose of funding the Renovation of Railroad Park’s Playground; and

Resolved, that the Town of Yorktown is authorized and directed to accept these grant funds in an amount not to exceed \$250,000.00 for the project described in the grant application; and

Resolved, that the Town of Yorktown is authorized and directed to agree to the terms and conditions of the Master Contract with Assemblywoman Levenberg’s office for such Renovation of Railroad Park’s Playground; and

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 Assemblywoman Levenberg’s office 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

Resolved, that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual(s) who hold(s) the following elected or appointed municipal office(s) or employment position title(s): Thomas Diana, Town Supervisor.

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

GRANT APPLICATION (CREST) FOR THE REPAIR AND CEMENT RELINING OF WATER MAINS

RESOLUTION #459

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

Resolved, that the Town of Yorktown has applied for financial assistance from the Community Resiliency, Economic Sustainability and Technology (“CREST”) under the Assemblywoman Dana Levenberg’s office for the purpose of funding the Repair and Cement Relining of Water Mains in Yorktown; and

Resolved, that the Town of Yorktown is authorized and directed to accept these grant funds in an amount not to exceed \$250,000.00 for the project described in the grant application; and

Resolved, that the Town of Yorktown is authorized and directed to agree to the terms and conditions of the Master Contract with Assemblywoman Levenberg’s office for such Repair and Cement Relining of the Water Mains; and

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 Assemblywoman Levenberg’s office 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

Resolved, that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual(s) who hold(s) the following elected or appointed municipal office(s) or employment position title(s): Thomas Diana, Town Supervisor.

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

APPROVE CHANGE ORDER NO. 2 TO THE CEMENT RELINING BID AWARDED TO MICHEL’S PIPE SERVICES FOR RECONCILIATION OF SCHEDULED AND INSTALLED QUANTITIES FOR UNIT PRICE ITEM FOR THE STRAWBERRY ROAD PORTION OF THE CEMENT RELINING PROJECT

RESOLUTION #460

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

Whereas, the Water District has a net credit for unused unit price items within the Cement Relining contract for the Strawberry Road component of the work; and

Whereas, during the cement relining project on Hanover Street, homeowners on that street requested that the temporary water system be buried in their driveway crossing for better and safer access to their property; and

Whereas, Ken Rundle, Water Distribution Superintendent, requests that the Town Supervisor sign the Change Order No. 2 to be attached to the Cement Relining bid awarded to Michel's Pipe Services for reconciliation of scheduled and installed quantities for unit price items for the Strawberry Road portion of the Cement Relining project resulting in a net credit of \$26,500.00 and to include the additional cost of \$9,951.98 for the burying of a 4" temporary water system at driveway crossings on Hanover Street; and

Therefore Be It Resolved, that upon the Water Distribution Superintendent's recommendation, the Town Supervisor is authorized to Sign Change Order No. 2 to be attached to the Cement Relining bid awarded to Michel's Pipe Services.

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR WATER METERS (MATERIALS & SUPPLIES)

RESOLUTION #461

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

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

From: SW.1002	Water – Fund Balance	\$20,000.00
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To: SW.8340.0210	Water – Meters	\$20,000.00
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and

From: SW.1002	Water – Fund Balance	\$25,000.00
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To: SW.8340.0403	Water – Materials & Supplies	\$25,000.00
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Diana, Lachterman, Esposito, Haughwout, Capoccia Voting Aye
Resolution adopted.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HARRIS COMMUNICATIONS FOR RADIO COMMUNICATIONS EQUIPMENT FOR THE YORKTOWN POLICE DEPARTMENT

RESOLUTION #462

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

Resolved, the Town of Yorktown is authorized to enter into an agreement with Harris Communications for the provision of radio communications equipment for the Police Department, in an amount not to exceed \$852,266.00, including an extended warranty of \$7,800.00 and LTE subscription of \$8,391.00 annually.

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

ADJOURN

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

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