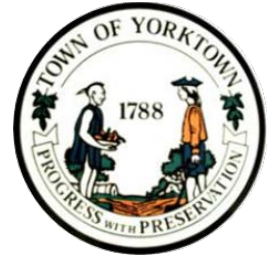




# **Town of Yorktown**

## **Office of the Town Clerk**

### **Diana L. Quast**



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#### **FINAL TOWN BOARD MEETING AGENDA**

**November 21, 2023**

**Spadaccia Meeting Room**

**363 Underhill Avenue, Yorktown, NY 10598**

#### **6:30 PM EXECUTIVE SESSION**

The Town Board may move into Executive Session to discuss personnel and/or litigation matters.

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. INTRODUCTIONS
5. REPORT FROM TOWN SUPERVISOR THOMAS DIANA
6. REPORTS FROM TOWN OFFICIALS
7. POET LAUREATE  
John McMullen
8. OPEN FLOOR FOR PUBLIC COMMENT
9. PERSONNEL

#### **Appoint Eduardo Hernandez as temporary Motor Equipment Operator in the Highway Department**

BE IT RESOLVED, that Eduardo Hernandez of Brewster, NY, is hereby appointed temporary to the civil service title, Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective November 22, 2023 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$57,300.00 annually.

**Appoint Carla Esposito as temporary Office Assistant (auto systems) in the Building Department**

BE IT RESOLVED, that Carla Esposito of Yorktown Heights, NY, is hereby appointed temporary Office Assistant (auto systems) job class code 0750-01, effective December 11, 2023 to be paid from Yorktown CSEA Salary Schedule A1, Group 8, Step 2 which is \$59,317.00 annually.

**Appoint Olivia Kim to Librarian I, Children's Services at the John C. Hart Memorial Library**

BE IT RESOLVED, that Olivia Kim of Croton On Hudson, NY, is hereby appointed to the civil service title, Librarian I, Children's Services, job class code 0216-01, from Eligible List No. 62-715, Certification #000035445, at the John C. Hart Memorial Library to be paid from Yorktown CSEA Salary Schedule A-1, Group 11, Step 3 which is \$75,426 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED, contingent upon successful completion of a drug test,

BE IT RESOLVED, that Olivia Kim will report to work at the John C. Hart Memorial Library on January 3, 2024 and this date will be used as the first date of employment;

BE IT FURTHER 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 January 3, 2024.

**Appoint Fernando Denis to Police Officer in the Yorktown Police Department**

BE IT RESOLVED, that Fernando Denis is hereby appointed Police Officer in the Town of Yorktown effective December 4<sup>th</sup>, 2023 to be paid \$61,202.00 annually;

BE IT RESOLVED, contingent upon successful completion of a medical and psychological examination, and

BE IT FURTHER 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 December 4th, 2023.

**Authorize Supervisor to execute an amendment to the employment agreement with Police Chief Robert Noble**

RESOLVED, the Supervisor is authorized to execute an amendment to the employment agreement with Chief Robert Noble, whereby the Chief will have additional responsibilities including timely dissemination of public service and other announcements (through various forms, including social media and Nixle), review, analyze and edit the Yorktown Police Department Website, oversee the procurement, retention and processing of risk management information, and assist the Town Supervisor in drafting state of emergency and other declarations, for a salary of \$203,413 in 2024 and \$211,545 in 2025.

**Approve the following Managerial Employees vacation buyouts**

Whereas, the Town Board on December 18, 2012 adopted a resolution clarifying the benefits provided to department heads and other managerial and professional employees holding office titles not covered by the Town's CSEA contract; and

Whereas, the Town Board wishes to provide certain additional benefits to the Managerial Employees, as permitted pursuant to General Municipal Law 92(1); and

Whereas, at the option of the Managerial Employee, he may buy back the cash equivalent of up to five (5) days of his unused vacation leave balance at any time in a calendar year by written notice to the Town Board and Town Comptroller at least two (2) weeks before the date of requested disbursement, but not later than December 15; and

Whereas, the Comptroller has confirmed the available balances,

Now Therefore Be It Resolved, the Town Board approves the following Managerial Employees vacation buyouts:

<b>First</b>	<b>Last</b>	<b>Vacation Buy Back Hours Requested</b>
Daniel	Ciarcia	35
Barbara	Korsak	35
John	Landi	35
James	Martorano, Jr.	35
Sandrine	Nseng	35
Noreen	O'Driscoll	35
Kim	Penner	35
Maria	Ricci	35
Yolanda	Vazquez	35
Maura	Weissleder	35

#### 10. RESOLUTIONS

From the Albert A. Capellini Community & Cultural Center

**Authorize use of the Nutrition Center by the Chabad of Yorktown, and waive the rental and overtime fees of \$399**

Resolved, that at the request of Chabad of Yorktown, the Town board hereby authorizes the use of the Nutrition Center at the Albert A. Capellini Community & Cultural Center for 3.5 hours on Sunday, December 10, 2023. The Town Board waives the rental and overtime fees of \$399.

From the Assessor's Office

**Authorize Supervisor to execute a 15-year PILOT agreement with HB Steel Community Solar LLC, for a solar energy system for the property located at 500 Croton Avenue**

Resolved, the Town Supervisor is authorized to execute a 15-year PILOT agreement with HB Steel Community Solar LLC, for a solar energy system, beginning at \$11,100 per year, for the property located at 500 Croton Avenue and known on the assessment roll as Section 46.08 Block 1 Lot 1.

From the Finance Department

**Authorize Supervisor to sign an agreement with O'Connor Davies, to provide additional services related to audit time and related meetings**

Resolved, that the Town Supervisor is authorized to sign an agreement with O'Connor Davies, LLP, 500 Mamaroneck Avenue, Suite 301, Harrison, NY 10528 to provide additional services related to audit time and related meetings in regards to the 2022 Audited Financial Statements to implement the GASB 87 Lease accounting changes and oversee DebtBook.

The Comptroller is hereby authorized to process the following budget transfer:

From: A.1002	General Fund – Fund Balance	\$14,485.00
To: A.1320.440	Audit Expenses	\$14,485.00

to pay O'Connor Davies for the invoice related to the 2022 Additional Services for GASB 87 - Leases.

**Authorize Comptroller to process the following Budget Transfer for payment to the New York Power Authority for electricity at Granite Knolls due to a billing error on NYPA's part**

Resolved, that the Town Board is authorizing payment to New York Power Authority for electricity at Granite Knolls due to a billing error on NYPA's part where our account was created erroneously and data was not transferring properly from Con Edison. The resulting error caused back charges for the years 2020, 2021 and 2022.

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

From: A.1002	General Fund – Fund Balance	\$61,000.00
To: A.7110.407.3	Electricity – Granite Knolls	\$61,000.00

**Authorize Comptroller to establish a Capital Project for the replacement of the Old Crompond Road Culvert and process a Budget Transfer to fund the beginning phase of the project**

Resolved, that the Comptroller is hereby authorized to establish the following capital project:

HE2                      Old Crompond Road Culvert

Be It Further Resolved, that the Comptroller is authorized to process the following budget transfer to fund the beginning phase of Engineering/Highway cost to repair/replace Old Crompond Road Culvert:

From: A.1002	Fund Balance	\$ 150,000.00
To: HE2.5031	Old Crompond Road Culvert	\$ 150,000.00

From the Highway Department

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

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

From: General Fund A.1002 \$6,978.50

To: A5182.418 (Street & Traffic Light) \$6,978.50

this is for the repair of street lights within the Town of Yorktown.

**Authorize Comptroller to release the following Street Opening Permit No. 002-010 in the amount of \$2,000 to Derek A. Gilbert Landscaping, Inc**

Resolved, that a representative of the Highway Department has inspected the following site and found the work to be completed satisfactorily. Upon recommendation of the Highway Superintendent the Comptroller is authorized the release of the following Street Opening Permit:

Type of Permit	Permit #	Amount	Location
Street Opening	002-010	\$2,000.00	1592 Morningview

Refund to: Derek A. Gilbert, Landscaping, Inc., POB 336, Shrub Oak, NY 10588

From the Parks and Recreation Department

**Authorize Comptroller to process the following Budget Transfer for the Parks and Recreation Department**

Resolved, that the Comptroller is authorized to process the following budget transfer for payment of rental safety fencing at Patriot Park:

From A.1220.101 Supervisor – Salaries \$5,420.04

To: A.7110.416 Parks – Ground Maintenance \$5,420.04

**Authorize the Parks and Recreation Department to auction off equipment deemed obsolete and no longer needed for town use**

WHEREAS, the Town of Yorktown has found that the following items are obsolete and no longer needed for use by the Town of Yorktown, now

Therefore Be It Resolved, that the Parks and Recreation Department recommends to the Town Board that the below listed items be deemed obsolete and sold at auction by Absolute Auctions & Realty, Inc.

Air Quality Meters  
(2) Diving Boards  
Bubblers & Fountain  
Dewalt Power Tools  
Power Washer  
Cart  
Leaf Sucker

Scaffolding  
Dryloc Paint  
Confined Space Tripod  
Halogen Lights

From the Receiver of Taxes

**Authorize Comptroller to refund the 2023/24 First Half Penalty to account No. 3635000 in the amount of \$195.78**

Resolved, that the following 2023/2024 First Half Penalty be refunded to account No. 3635000 in the amount of \$195.78.

<u>Account #</u>	<u>Amount</u>	
3635000	\$195.78	Refund 2023/24 First Half Penalty (Postmarked on time)

**Authorize the purchase of a 2024 AWD Toyota Sienna, LE Hybrid Mini-van from Hudson Toyota through the Senior Services Department**

Resolved, the Senior Services Department is authorized to purchase a 2024 AWD Toyota Sienna, LE Hybrid Mini-van from Hudson Toyota under Westchester County Contract WC-23373 for \$38,884 for vehicle with an addition \$1,906 for AWD. In addition, an upgrade for \$980 for vinyl seats for easier maintenance will be done, non-contract), and

Be It Further Resolved, that the total vehicle cost: \$41,770 with the monies being reimbursed from Westchester County Grant CMC6 and HDC6 after delivery; and

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

From: A.1002	General Fund	\$41,770
To: A.6772.202	2024 AWD Toyota Sienna, LE Hybrid Mini-van	\$41,770

for the purchase of the above-referenced vehicle from Hudson Toyota.

From the Town Engineer

**Authorize Release of Erosion Control Bond #BSWPPP-028-22 to Teo Siguenza, Architect, PLLC for work done on Hunterbrook Road in the amount of \$750.00**

WHEREAS, Teo Siguenza Architect, PLLC, as applicant for Powers, posted check #125 in the amount of \$750, which was deposited to the T33 account on September 21, 2022, 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 Teo Siguenza Architect, PLLC, 460 Old Post Road, Bedford, NY 10506.

**Authorize Comptroller to process the following Budget Transfer for the Yorktown Water Pollution Control Plant**

RESOLVED, that the Comptroller is authorized to transfer \$34,590 from the Yorktown Water Pollution Control Plant Fund Balance (YS) to Maintenance and Repair DEP (YS.8130.0460.0003).

From the Water Department

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

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

From: SW.8340.0490	Water – Professional Services	\$15,000
To: SW.8340.0403	Water – Materials & Supplies	\$15,000

**Authorize Supervisor to sign a Change Order to be attached to the meter project agreement with Core & Main in the amount of \$225,808.80 for the Water Meter Project**

WHEREAS, in 2022 approximately half of the old residential water meters throughout the Town of Yorktown were replaced with smart meters; and

WHEREAS, it was the intention of the Yorktown Water District to replace the remaining old Sensus residential water meters with new Sensus residential smart meters; and

WHEREAS, on 9/28/22 the Town entered into an agreement with Core & Main, the sole authorized distributor of the Sensus residential smart meters, to supply and install the remaining Sensus residential smart meters throughout the water district; and

WHEREAS, the original agreement was for an estimated amount of 4,500 meters for a total cost of 1,811,683.62; and

WHEREAS, during the installations Core & Main found that more 1” meters were needed so the Water District returned 100 5/8”x3/4” meters and accepted 100 1” meters for a difference in material price of \$6,687; and

WHEREAS, it was also found that locations were missing touch pads that were required to retrofit the new radios to the meter that were not originally in the scope of work and were supplied at a total cost of \$1,299.80; and

WHEREAS, it is now estimated that the Town will require an extra 550 5/8”x3/4” water meters, radios and labor to install them in order to complete the meter project for an additional cost of \$217,822; and

WHEREAS, Ken Rundle, Water Distribution Superintendent, requests that the Town Supervisor sign a Change Order totaling \$225,808.80 to be attached to the meter project agreement with Core & Main for additional 1” meters purchased, touch pads purchased that were not in the original scope of work, and for the purchase and installation of an extra 550 meters; and

THEREFORE, BE IT RESOLVED, that upon the Water Distribution Superintendent's recommendation, the Town Supervisor is authorized to sign a Change Order to be attached to the meter project agreement with Core & Main.

BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer \$225,808.80 from the ARPA Fund to Meter Project line HM.8340.0210.

11. ADJOURN

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

Dated: November 21, 2023

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