

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 23, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

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

#### TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

#### EXECUTIVE SESSION

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

#### PLEDGE OF ALLEGIANCE

Councilman Lachterman led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders (EMS, fire, police), and the members of our military who serve to protect our freedoms both here and overseas.

#### REPORT FROM THE TOWN SUPERVISOR

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

- Cindy Smith, Woman of Distinction Award for Putnam and Westchester. Cindy Smith, St. Mary's Food Pantry and surrounding pantries, was named.
- Follow the French at the Yorktown Grange, which was very interesting and educational.
- "Blue Mass" sponsored by the Knights of Columbus held a beautiful ceremony in honor of our emergency workers.
- Congratulations to Chief Gravius on his inspection at the Lake Mohegan Volunteer Fire Department

#### MTA RADIO COMMUNICATIONS

Chief Robert Noble introduced Sergeant Scatola who has been researching communications systems for the police department, retired MTA Captain John Valarelli who is responsible for the MTA's current communications system, and Lieutenant Tim Kolkmann, as those individuals involved in choosing a new communications system for the Yorktown Police Department. Chief Noble said with the severity of storms in recent years, communications have been compromised and an upgrade to a new system is long overdue.

Sergeant Scatola gave a breakdown of the current state of the communications system that is being used today and was installed back in 1998. He said they have researched the quotes received in 2018 and felt they were low-balled and not accurate. They are hoping to jump onto an existing system, such as the MTA's system. Sergeant Scatola said this system would be very beneficial to departments like highway, water, and sewer, as they are departments who work alongside the police department during storms. Past incidents during storms were cited as examples of how an updated communications system would be invaluable.

Captain Valarelli, retired captain from the MTA Police, said he worked on the system the Yorktown Police Department is considering. He said that back in 2015 their regional radio system was offered in partnership with various counties, which in turn, became partnerships with local municipalities. In each of these instances, the municipalities had systems that were running down to the end of their usefulness. Captain Valarelli spoke about the history of the

communications system, how it was developed, and the areas of coverage. As its success became known, more local communities partnered with the MTA to build sites in the areas to tie into the system. Operation and maintenance of the MTA's system is approximately \$5 million per year. Captain Valarelli said Yorktown could have free access to the system and would only need to pick up the costs for the equipment and equipment maintenance. Maintenance for the infrastructure and is paid for by the MTA. He said that the cybersecurity level of this system is on par with that used at the Department of Defense. He said that 12 police agencies in Westchester are part of their system, 8 are in negotiations, and agreements are being negotiated with Putnam County. Local communities include Mt. Kisco and Eastchester. He said the ability of this system for its coverage and cost is worth consideration. Captain Valarelli spoke about how the coverage works, quarterly software upgrades, and cybersecurity upgrades.

Councilman Diana said Town Comptroller Pat Caporale has been working with our police department on the cost of the system, which is estimated to be \$1,073,360 for the Town. Comptroller Caporale said she is doing a comparison of the three-year program vs. the one-year program. She said there would be a huge cost savings to go with the three-year contract. She said the capital could not be discussed until she sees a contract for the equipment.

Captain Valarelli said these are rough numbers taken from current contracts. He encouraged exploring negotiations for the cost of the equipment and maintenance.

Chief Noble said the first step is to install the consoles. Sergeant Scatola said that the jump to this system needs to be made all at once. Their current consoles cannot be upgraded any longer and the new consoles are not compatible with the current system they use.

Supervisor Diana said this has been a project since 2019 and it seems that the police department is running out of time, given the state of the current system.

Chief Noble said they are investigating the most cost effective way to do this project, but it must be done. The advantage of bringing other town departments into this system is an added bonus (at a separate cost). He said that a site on Quinlan Street has been identified as the most beneficial site for the system to operate from.

Jay Kopstein, resident and former MTA officer who liaised with the Town and MTA, said our existing system is in "hospice." He said that the primary responsibility of the police department is life safety - theirs and ours. Some of our officers are not restricted to Yorktown; for example, trials take place in White Plains and this system would allow communications for officers with other police agencies on the system. It is a double redundancy system, which is much more than we have now. The other options would have cost a lot more money for a lot less service.

Supervisor Diana asked if these are military spec radios and Sergeant Scatola said they are public safety grade radios – on par with Motorola, for example.

Chief Noble thanked the Town Board for their time and attention.

### 3232 GOMER STREET – FLEXIBILITY STANDARDS

Joseph Riina – Site Design, as project engineer, came before the Town Board to request authorization for the Planning Board to use flexibility standards on the proposed development.

Mr. Riina said the last time the Board saw the project it started out as mixed multifamily with conventional lots (access from London Road through an existing right of way and the road came into the property and split) then they went to a conventional plan that met all the bulk standards of the R120 zone (access off of Gomer Street). He said that at a review with the Planning Board it was suggested to go to a flexibility standard, which allows them to vary the bulk standards and the design standards and, therefore, they could tighten up the lots and the road a little bit and get out of the buffer. Mr. Riina said that the lots have been tightened up a bit; they are now under 20,000 square feet lots and have been pulled away from the buffer. The only impact on the wetland buffer was shown on a video display of the site plan. If they can correct this impact, they would most likely lose one of the lots or end up with smaller lots in the area of the wetland buffer. The plan shown was done as if flexibility standards were to be applied.

Lot size was discussed with Mr. Riina and the Town Board. Councilwoman Haughwout asked if there was a mitigation plan for the water. Mr. Riina said they would not be in the wetlands at all. He said stormwater plans need to be done. Councilman Esposito said he has heard from neighbors who fear the disturbance to the area would exacerbate their flooding issues. Councilman Esposito asked if it was possible that this project could reduce the impacts of stormwater that the neighbors have currently and Mr. Riina said yes, it could.

Supervisor Diana asked for a description of flexibility standards for the public and Mr. Riina said it is a great planning tool that allows the Planning Board to use sensible planning practices and modify bulk standards for a project like this to shrink the development and impact area down and the Planning Board has more flexibility as to how to lay things out. Mr. Riina cited other projects in Town that have used flexibility standards.

Councilwoman Capoccia said Planning Director John Tegeder had sent a memo agreeing to use flexibility standards on this project.

Supervisor Diana said he did not have a problem with using flexibility standards in this instance. Town Board members agreed. A resolution would be prepared for an upcoming meeting.

#### 1530 EAST MAIN STREET SIGN PERMIT APPLICATION

Gas station owner Diah Hamed came before the Town Board seeking approval for his sign application to replace the current sign with a Gulf Gas Station sign.

Mr. Hamed, gas station owner and Greg Jeffers from Gulf spoke about the issue with the height of the sign. The pole itself is 15 feet (the existing sign if from the top of the pole is 7 feet up) and the proposed sign is 6 feet on top of the same pole.

Supervisor Diana stated that the Town Code allows 16 feet the Planning Board's memo states that it does not make sense to use the same pole. The proposed monument sign had been approved but no sign has been placed on the monument yet. This will eventually be a "Welcome to Shrub Oak" sign. Mr. Hamed said the plan that was approved allowed the existing sign because of how it is situated and he needs the height in order to be seen. Mr. Hamed said after speaking with his landscaper if the existing trees were to be cut down to allow for a shorter pole, they could die and cost thousands of dollars to replace. Mr. Hamed said he was approved for this pole previously and he is only changing it because Gulf has changed their imaging.

The Town Board did not have any objections to the proposed sign; however, the Planning Board should be contacted for a final inspection of the property and then a resolution would be prepared.

Supervisor Diana announced the various Memorial Day events that would be held in Town, including the parade.

Councilman Lachterman read the following proclamation in honor of his brother who was an activist for equal rights:

#### PROCLAMATION FOR GAY PRIDE MONTH

WHEREAS, the Town of Yorktown recognizes the many contributions to our community, county, state, and nation by Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) individuals which have included advancements in business, medicine law, education, music, sports, arts and culture; and

WHEREAS, members of the LGTBQ community come from all parts of our community regardless of color, ethnicity, religion, economic status or gender; and

WHEREAS, June is recognized as Gay Pride Month because it marks the fifty-fourth anniversary of the Stonewall Rebellion, an event accepted as the single most important event leading to the fight for LGBTQ rights in our nation; and

WHEREAS, following the Stonewall Rebellion demonstrations, calls for equal rights and freedoms from members of the LGBTQ community were made across the country; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Yorktown recognizes and celebrates June as Gay Pride Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown recommits itself to support and accept all members of our community regardless of race, religion, ethnicity, gender, sexual orientation or preference; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands as a community of hope, generosity, and acceptance to everyone regardless of religion, race, national origin, ethnicity, culture, or orientation.

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

AUTHORIZE THE TOWN COMPTROLLER TO ACCEPT THE DECOMMISSIONING BOND PURSUANT TO TOWN CODE SECTION 300-81.4(G)(1) FOR THE KITCHAWAN FARM SOLAR FARM PROJECT  
RESOLUTION #271

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

WHEREAS, Ecology Kitchawan Community Solar Farm, LLC, as applicant, provided the Town with Atlantic Specialty Insurance Company's Bond #800008034 in the amount of \$34,543.00, to serve as the site restoration bond for the site plan and special permit approvals for a large-scale solar generation system known as the Arcadia Farm Solar Farm and approved by Planning Board Resolution #22-09 dated March 28, 2022; and

WHEREAS, the documentation submitted by the Applicant was referred to the Town Attorney for review and acceptance as to form; NOW, THEREFORE BE IT

RESOLVED, that the bond required prior to issuance of the Town permits, i.e. delivery of the required project decommissioning bond has been satisfied and that the Town Comptroller is authorized to accept the above referenced project bond.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE AMAZON PARK BEACH DISTRICT  
RESOLUTION #272

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

Resolved, the Comptroller is hereby authorized to process the following budget transfer for the Amazon Park Beach District:

From	AP.1002	Fund Balance	\$5,600.00
To:	AP7180.416	Property Maintenance	\$5,600.00

for the purpose of a large fallen tree removal.

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

AUTHORIZE THE RELEASE OF BOND #WP-FSWPPP-036-20 TO MR. LUIS CARLOS PIRES  
RESOLUTION #273

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

WHEREAS, Luis Carlos Pires, as applicant, posted check #2242 in the amount of \$500 to serve as the Erosion Control Bond, which was deposited to the T33 account on December 14, 2020 for work

at his White Horse Lane location, and

WHEREAS, Luis Carlos Pires, as applicant, posted check #2241 in the amount of \$5,000 to serve as the Landscape Bond, which was deposited to the T33 account on December 14, 2020 for work at his White Horse Lane location, and

WHEREAS, Luis Carlos Pires 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 monies be released to Mr. Luis Carlos Pires, 1220 White Horse Lane, Yorktown Heights, NY 10598.

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

79 SOMERSTON ROAD STORMWATER AND WETLAND PERMIT  
RESOLUTION #274

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

WHEREAS, Danielle and Frank Jennings, (the “Applicants”) as owners, applied to the Town Board of the Town of Yorktown for a Stormwater permit and Wetland permit approval under Chapters 178 and 248 of the Town Code of the Town of Yorktown for property located at 79 Somerston Road, Yorktown, NY, also known as Section 17.10, Block 1, Lot 3 on the Tax Map of the Town of Yorktown; and

WHEREAS, the applicant proposes to construct a swimming pool, and associated improvements (the action) on a 17,653 square foot parcel situated in an R1-20 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown and New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown and NYSDEC jurisdictional wetland buffer and modify the wetland buffer in order to construct the proposed improvements, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and wetland permit application WP-BSWPP-38-22, dated November 9, 2022; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated October 22, 2022, and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board	December 5, 2022, December 30, 2022
Conservation Board	December 6, 2022
Westchester County Planning Board	November 14, 2022
Town Engineer	December 12, 2022, May 16, 2022
Tree Conservation Advisory Commission	November 14, 2022

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, a public hearing was held opened on May 16, 2023 in order to solicit comments from the public regarding the proposed action, and was closed, and

WHEREAS, in response to public comment the applicant's consultants have provided analysis and reports which demonstrate that the action will not result in an increase in stormwater flow from the subject property when compared to the present stormwater flow, and

WHEREAS, the proposed infiltrators will mitigate the impact resulting from the increase in impervious area; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and determined that the action will not have a significant adverse impact on the environment, and now

THEREFORE BE IT RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- A drawing entitled: "Proposed In-Ground Swimming Pool within a Wetlands Controlled Property" prepared by David A. Goessl, PE dated October 16, 2022, last revised .April 5, 2023 (Sheet 1 of 5)
- A drawing entitled: "Proposed In-Ground Swimming Pool within a Wetlands Controlled Property" prepared by David A. Goessl, PE dated October 16, 2022, last revised .April 5, 2023 (Sheet 2 of 5)
- A drawing entitled: "Proposed In-Ground Swimming Pool within a Wetlands Controlled Property" prepared by David A. Goessl, PE dated October 16, 2022, last revised .April 5, 2023 (Sheet 3 of 5)
- A drawing entitled: "Proposed In-Ground Swimming Pool within a Wetlands Controlled Property" prepared by David A. Goessl, PE dated October 16, 2022, last revised .April 5, 2023 (Sheet 4 of 5)
- A drawing entitled: "Proposed In-Ground Swimming Pool within a Wetlands Controlled Property" prepared by David A. Goessl, PE dated October 16, 2022, last revised .April 5, 2023 (Sheet 5 of 5)

BE IT FURTHER RESOLVED THAT, the Town Board adopts a negative declaration pursuant to the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution and that all work associated with the Wetland and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Applicant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution or shall become null and void unless an extension is requested by the applicant (in writing) within said six-month period and granted by the Town Board; and

Conditions that must be met prior to the Supervisor signing the Plans:

1. A construction monitoring fee in the amount of \$300 must be submitted to the Engineering Department Clerk.
2. The applicant shall post a \$500 erosion control bond
3. Place a note on the plans indicating that the proposed grading will not restrict the flow of runoff from adjacent properties.

4. Obtain a freshwater wetlands permit from the New York State Department of Environmental Conservation
5. Pool equipment should be elevated to prevent flooding damage

Conditions of the Wetland, Tree and Stormwater Permit

1. No work shall commence prior to the issuance of a Town of Yorktown Building Permit.
2. The applicant agrees to allow periodic inspections by the Town and its consultants.
3. Town Staff shall inspect the site at the end of construction, but prior to the issuance of a certificate of occupancy, to ensure compliance with the permit.
4. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
5. Prior to backfilling the infiltrators, the applicant shall schedule an open trench inspection with the Engineering Department
6. A pre-construction meeting with the applicant's contractors and the Engineering Department must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. Prior to the issuance of a Certificate of Occupancy, all conditions of this permit must be met and all drainage work on the property must be completed to the satisfaction of the Town Engineer and other Town staff as required.

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

AUTHORIZE THE HIGHWAY SUPERINTENDENT TO DEEM THE FOLLOWING EQUIPMENT OBSOLETE AND SOLD AT AUCTION BY ABSOLUTE AUCTIONS & REALTY, INC.

RESOLUTION #275

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

WHEREAS, the Town of Yorktown Highway Department has found that certain motorized and used equipment are obsolete and no longer needed for public use by the Highway Department, and

WHEREAS, the Highway Department recommends to the Town Board that the listed motorized equipment be deemed obsolete and sold at auction by Absolute Auctions & Realty, Inc:

2008 Ford F-350  
2008 Ford F-550  
2003 International  
1991 GMC Topkick  
2014 Freightliner  
2001 Caterpillar 938G Wheel Loader 1978 Bobcat Skid Stear  
Porta Cool Evaporative Cooling Fan Miscellaneous Automotive/Equipment Filters

NOW, THEREFORE, BE IT RESOLVED, that the above listed motorized equipment is deemed obsolete and will be sold at auction by Absolute Auctions & Realty, Inc.

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

AUTHORIZE THE HIGHWAY SUPERINTENDENT TO MAKE CHANGES TO THE MASTER FEE SCHEDULE UNDER THE HIGHWAY DEPARTMENT SECTION

RESOLUTION #276

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

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the following changes are made to the Master Fee Schedule under the Highway Department section;

Street Opening Permits –  
Application Inspection Fee (non-refundable) \$500 from \$400.

Half Way Across Roadway min refundable after five years from one year. Half Way Across Roadway \$2500 from \$2000  
Full Way Across Roadway refundable after five years from one year Full Way Across Roadway \$5000 from \$4000.  
Over 50ft in length \$60 per foot from \$30. Refundable after five years  
1st 50 ft \$5000/Add'l footage \$60 per ft. from \$50. Refundable after five years.

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

AUTHORIZE THE LIBRARY DIRECTOR TO ACCEPT A STATE AND MUNICIPALITIES (SAM) GRANT  
RESOLUTION #277

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

Be it resolved that the Library Director is authorized to accept a State and Municipalities (SAM) grant, project ID# 24919 for a Lighting Upgrade and Creation of a New Circulation Desk in the amount of \$50,000 for the John C. Hart Memorial Library. Be it further resolved that the Town Board recognizes that this is a non-matching reimbursable grant and certifies that the funds will be available from the Town of Yorktown Library Fund Balance.

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

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW FOR GARDEN LANE APARTMENTS  
RESOLUTION #278

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

Upon motion made by WHEREAS, the Planning Board of the Town of Yorktown desires to verify the wetland boundary on the subject site of the proposed Garden Lane Apartments Site Plan application located on Garden Lane near Old Crompond Road, Cortlandt Manor, also known as Section 35.08, Block 1 Lot 27 on the Town of Yorktown Tax Map, as outlined in the New Project Task Order Summary for Garden Lane Apartments prepared by Barton & Loguidice, D.P.C.; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$4,700.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of verifying the wetland boundary on the site located on Garden Lane near Old Crompond Road, in an amount not to exceed \$4,700.00, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

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

RESOLUTION TO AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM AN ENVIRONMENTAL REVIEW FOR THE MJM LAND DEVELOPMENT CORP. SUBDIVISION APPLICATION  
RESOLUTION #279

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

WHEREAS, the Planning Board of the Town of Yorktown desires to verify the wetland boundary on the subject site of the proposed MJM Land Development Corp. subdivision plan application located at 3232 Gomer Street, Yorktown Heights, also known as Section 17.18, Block 2 Lot 2 on the Town of Yorktown Tax Map, as outlined in the New Project Task Order Summary for Gomer Street



Subdivision prepared by Barton & Loguidice, D.P.C.; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested environmental review of the submitted project materials pursuant to said on-call agreement for an amount not to exceed \$7,200.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of verifying the wetland boundary and reviewing the wetland mitigation plans for the site located at 3232 Gomer Street, in an amount not to exceed \$7,200.00, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AND AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR TRANSPORTATION SERVICES  
RESOLUTION #280

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

RESOLVED, the Supervisor of the Town of Yorktown is hereby authorized to execute and agreement with the County of Westchester for the Town to provide transportation services to the elderly for the term retroactively on April 1, 2023 through March 31, 2024; the Town will receive \$3,322 from the County for these services.

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

AUTHORIZE THE TOWN BOARD TO ISSUE A HOME RULE REQUEST EFFECTIVE MAY 16, 2023 IN SUPPORT AND PASSAGE OF ASSEMBLY BILL A.6701A/SENATE BILL S.6743A  
RESOLUTION #281

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

WHEREAS, the Town Board of the Town of Yorktown believes that leasing space on Town land for telecommunications purposes would enhance the health, general prosperities and economic welfare of the people of the Town of Yorktown;

WHEREAS, the Town desires to discontinue as parklands and lease at fair market value to Homeland Towers, LLC for a term not to exceed 55 years certain lands to make the necessary renovations and operate a radio transmission tower facility;

WHEREAS, the lands to be discontinued are described as follows: BEGINNING AT A POINT, SAID POINT BEING LOCATED ON THE SOUTHERLY BOUNDS OF US ROUTE 6 (SH 1309), SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID LANDS OF THE TOWN OF YORKTOWN, AND BEING LOCATED ON THE WESTERLY BOUNDS OF HILL BOULEVARD, THENCE FROM SAID POINT OF BEGINNING ALONG THE SAID WESTERLY BOUNDS OF HILL BOULEVARD ON A CURVE TO THE LEFT HAVING A RADIUS OF 827.45, AND A CENTRAL ANGLE OF 110 43' 02" AND LENGTH OF CURVE OF 169.22' TO A POINT, THENCE ALONG THE SAID SOUTHERLY BOUNDS OF THE SAID LANDS OF THE TOWN OF YORKTOWN, S. 59° 00' 00", 30.91' W. TO A POINT, THENCE THROUGH THE SAID LANDS OF THE TOWN OF YORKTOWN, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. N. 02° 32' 58" W., 73.43', THENCE
2. N. 46° 38' 01" W., 30.01', THENCE
3. N. 57° 33' 50" W., 25.29', THENCE
4. N. 79° 32' 32" W., 26.30', THENCE
5. N. 88° 20' 33" W., 45.30'. THENCE

6. N. 22° 16' 51" W., 26.30', THENCE

7. N. 01° 32' 48" E., 31.46' TO A POINT OF THE SOUTHERLY BOUNDS OF US ROUTE 6 (SH 1309), THENCE ALONG SAID SOUTHERLY BOUNDS OF US ROUTE 6 (SH 1309) ON A CURVE TO THE LEFT HAVING A RADIUS OF 1412.5, AND A CENTRAL ANGLE OF 05° 09' 02" AND LENGTH OF CURVE OF 126.98' TO THE POINT OR PLACE OF BEGINNING, CONTAINING 0.26 ACRES, MORE OR LESS;

WHEREAS, the revenues generated from said leasing would be used solely for the care of said parks and fields;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of May 16, 2023, in support and passage of Assembly Bill A.6701A/Senate Bill S.6743A.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the home rule counsel of the state senate and state assembly.

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

AWARD BID TO ZIBA CONSTRUCTION FOR THE FURNISHING AND INSTALLATION OF FLOORING FOR THE NUTRITION CENTER  
RESOLUTION #282

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

WHEREAS, invitation to bid for the furnishing and installation of flooring for the Nutrition Center office was duly advertised and said bids were opened on May 18, 2023, with the bid amounts summarized as follows:

<u>Name of Bidder</u>	<u>Cost for Flooring &amp; Installation</u>
Empire Core Group	\$9,272.00
GP Flooring Solutions	\$5,848.00
Ziba Construction (dba 212 Carpet)	\$3,145.00

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Building Maintenance General Foreman, Philip Marino, the bid for the furnishing and installation of flooring for the Nutrition Center office is hereby awarded to Ziba Construction (dba 212 Carpet), the lowest bidder.

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

APPOINT MARGARET M. BAGLEY TO THE LEGAL DEPARTMENT EFFECTIVE MAY 30, 2023  
RESOLUTION #283

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

BE IT RESOLVED, that Margaret M. Bagley, of Rye, NY, is hereby appointed to the civil service title, Office Assistant (auto systems), job class code 0750-01, from Eligible List No. 02- 140, effective May 30, 2023, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A-1, Group 8, Step 5, which is \$69,094.00 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 Margaret M. Bagley will report to work at the Legal Department on May 30, 2023 and this date will be used as the first date of appointment;

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 May 30, 2023.

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

APPOINT JONATHAN PRATT AS AN ALTERNATE MEMBER TO THE BOARD OF ASSESSMENT REVIEW

RESOLUTION #284

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

BE IT RESOLVED, that Jonathan Pratt is hereby appointed as an alternate member of the Board of Assessment Review for a five-year term expiring May 23, 2028.

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

APPOINT JAMES PUGLIESE AS AN ALTERNATE MEMBER OF THE BOARD OF ASSESSMENT REVIEW

RESOLUTION #285

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

BE IT RESOLVED, that James Pugliese is hereby appointed as an alternate member of the Board of Assessment Review for a five-year term expiring May 23, 2028.

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

APPOINT STEPHEN O. PROCTOR TO MAINTENANCE MECHANIC IN THE PARKS AND RECREATION DEPARTMENT EFFECTIVE MAY 29, 2023

RESOLUTION #286

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

BE IT RESOLVED, that Stephen O. Proctor is hereby appointed promotional to the civil service title, Maintenance Mechanic (Repair), job class code 0465-02, in the Parks & Recreation Department, to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1 which is \$62,128.00, effective May 29, 2023;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary of 12 weeks, commencing on the first date of appointment on May 29, 2023.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR FENCE/NETTING IMPROVEMENT AT GRANITE KNOLLS FIELD 1-2 NORTH ENDZONE

RESOLUTION #287

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

RESOLVED, the Town Clerk is authorized to advertise a bid for Fence/Netting Improvement Granite Knolls Field 1-2 North Endzone.

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

ACCEPT THE RETIREMENT OF MARGARET GSPURNING EFFECTIVE JUNE 9TH 2023

RESOLUTION #288

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

Resolved, the Town Board of the Town of Yorktown hereby accepts the retirement of Human Resource Director Margaret Gspurning effective June 9th, 2023.

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

Supervisor Diana thanked Ms. Gspurning for her years of service and the Town Board wished her the best.

ADJOURN

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

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