

Meeting of the Town Board, Town of Yorktown held on Tuesday, November 14, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

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

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Councilwoman Haughwout led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember all of our first responders: police, fire, ambulance, and EMTs who serve us on a daily basis. Supervisor Diana also asked to keep in our thoughts and prayers the members of the military who serve to protect our freedoms both here and overseas and defend our freedoms on a daily basis.

REPORT FROM TOWN SUPERVISOR

Supervisor Diana reported on recent events, including the following:

- Thanked the residents of Yorktown who came out to vote during the recent elections. He said that he very much appreciated his re-election.
- Veterans Day Weekend events: Jefferson Village Veterans Club, the County House event, Vietnam Veterans Monument dedication
- Boys and Girls State, a program run by the American Legion Auxiliary, were presented with proclamations and certificates of appreciation.
- Senator Terrence Murphy is sponsoring the November 23rd Turkey Trot starting on Front Street at 8:30 a.m. All proceeds will support local food pantries and United for the Troops.

REPORTS FROM TOWN OFFICIALS

Councilman Lachterman reported the following:

- Yorktown Lions Turkey Drive (Shoprite, Uncle Giuseppe's are assisting)
- Teen Center will be reopening this coming Friday, 6:00 – 9:00 p.m.

Supervisor Diana presented a proclamation to Mrs. Whalen, widow of resident and World War II veteran Robert Whalen, who passed away two weeks ago at the age of ninety-nine. Mrs. Whalen expressed her appreciation for the Board's recognition of her husband. Councilman Esposito read the proclamation that was presented.

YORKTOWN ACCESSIBILITY COMMITTEE

Kathleen Macias Torres and Thomas Panek, Co-Chairs of Accessibilities Committee, came before the Town Board to discuss areas of accessibility improvements. Mr. Panek said the committee was originally established to make the community more accessible, which means being able to provide everyone with better and equal access to the wonderful things that Yorktown has to offer. He said by making the community more accessible to people with disabilities, you are also making the Town more accessible for everybody. Ms. Macias Torres showed a slide presentation of what they recommend at various facilities in Town, including the Yorktown Stage, the John C. Hart Memorial Library, the commuter parking lot, and three community ballfields. The committee recommends that a leadership team from the Prospect

Theater in Ridgefield, CT (a state of the art theater that is inclusive and accessible) visit the stage and library with recommendations.

The Town Board discussed the Accessibilities Committee's recommendations. Councilwoman Haughwout addressed those who have neuro-diverse disabilities. Liz Scully from the Accessibilities Committee talked about the creation of sensory boxes throughout the community. Councilwoman Haughwout also mentioned the education and awareness of neuro-diverse disabilities. Supervisor Diana spoke about the on-going project at Granite Knolls for a sensory garden. He thanked the Accessibilities Committee for the work they have done.

Supervisor Diana spoke about the recommendations and the ideas that he and the Town Board have to address accessibility and inclusion issues.

PURCHASE OF A KUBOTA WORK UTILITY VEHICLE FOR THE BUILDING MAINTENANCE DEPARTMENT
RESOLUTION #536

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

Resolved, the Building Maintenance Department is authorized to purchase a Kubota RTV-X1100CWL-H work utility vehicle from Westchester Tractor, Inc. under state contract NYS PC69404 for \$37,803.68; and

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

From: A.1625.0408	Fuel Oil	\$37,803.68
To: A.1625.0200	Equipment	\$37,803.68

for the purchase of the above-referenced vehicle from Westchester Tractor, Inc.

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

AUTHORIZATION TO PROCESS A BUDGET TRANSFER FOR EMPLOYEE MEDICAL LUMP SUM PAYOUT
RESOLUTION #537

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.3120.810	Medical Insurance	\$12,900.00
To: A.9000.108	Medical Lump Sum	\$12,900.00

for the transfer of funds for employee medical lump sum payout.

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

AUTHORIZATION TO PROCESS A BUDGET TRANSFER FOR PAYMENT TO MARGARET GSPURNING FOR CONSULTING FEES
RESOLUTION #538

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

Resolved, the Town Comptroller is hereby authorized to process the following budget transfer for payment to Margaret Gspurning for consulting fees:

From: A.1990.499	General Fund – Contingency	\$32,000.00
A.1002	General Fund	\$ 1,500.00
To: A.1220.490	Supervisor – Professional Services	\$33,500.00

for payment to Margaret Gspurning as Human Resources consultant for the period of June 12, 2023 through August 16, 2023.

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

REFUND OF AN OVERPAYMENT OF A WATER BILL – ANNE COTELLESA
RESOLUTION #539

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

Resolved, the Town Comptroller is authorized to refund Anne Cotellessa the amount of \$114.33, representing an overpayment of a water bill that was made on October 13, 2023.

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

AUTHORIZATION TO PROCESS A BUDGET TRANSFER FOR OVERTIME IN THE
ENGINEERING DEPARTMENT
RESOLUTION #540

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

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

From: YS.8130.0101	Salaries	\$6,606.29
To: YS.8130.0105	Overtime	\$6,606.29

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

AUTHORIZATION TO INCLUDE ADDITIONAL ITEMS FOR THE COURTHOUSE PLAZA
REHABILITATION AND BUDGET TRANSFER FOR SAME
RESOLUTION #541

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

Resolved, that the following items in the Courthouse Plaza Rehabilitation bid be authorized:

Item A2	Additional Curb	\$10,400.00
Item A3	Additional Sidewalk	\$13,530.00
Item A5	Bluestone Treads	\$60,000.00
	For a total cost of	\$83,930.00

Be It Further Resolved, that the Town Comptroller is authorized to transfer \$83,930.00 from General Fund (A.1002) to the Courthouse Plaza Capital Improvement Project (HV.9950.900).

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

AUTHORIZE BOND RELEASE FOR DRIVEWAY PERMIT – BIRDSALL DRIVE
RESOLUTION #542

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

Resolved, the Town Board authorizes the following bond release:

Type of Permit	Permit #	Amount	Location	Refund To
Driveway	DR1252	\$500.00	Birdsall Dr.	Andrew J. Fiore 600 Birdsall Drive Yorktown, NY 10598

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

AUTHORIZE BOND RELEASE FOR STREET OPENING PERMITS – BROOKSIDE AVENUE
AND WAVERLY ROAD
RESOLUTION #543

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

Resolved, the Town Board authorizes the following bond release:

Type of Permit	Permit #	Amount	Location	Refund To
Street Opening	020-008	\$2,000.00	447 Waverly Rd.	Pizzella Bros.

Street Opening 022-008 \$4,000.00 2197 Brookside Ave Same as Above

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

AUTHORIZATION TO PROCESS A BUDGET TRANSFER TO THE HIGHWAY PAVING LINE

RESOLUTION #544

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

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

From: D.1002	Highway Fund Balance	\$70,000.00
To: D.5112.210	Highway Paving Line	\$70,000.00

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

RELEASE OF CASH BOND TO A. DEVITO & SON, INC. FOR LANDSCAPE PLANTINGS RESOLUTION #545

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

Whereas, A. Devito & Son, Inc., contractor for 1961 Commerce Street LLC., provided the Town with Check No. 18874 in the amount of \$3,000.00, which was deposited into the T-90 account on August 25, 2020, to serve as the cash bond for Planning Board Resolution #20-07 for landscape plantings; and

Whereas, A. Devito & Son, Inc., has requested all monies to be released; and

Whereas, the Planning Director has informed the Town Board that the monies may be released; now

Therefore Be It Resolved, the Town Comptroller is hereby authorized to release the above referenced monies totaling \$3,000.00 to A. Devito & Son, Inc.

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

CHANGE ORDER NO. 1 FOR THE DE TANK RESURFACING AT THE BRIAN J. SLAVIN AQUATIC FACILITY

RESOLUTION #546

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

Resolved, to complete the original work awarded under bid dated September 19, 2023 for the DE (Diatomaceous Earth) Tank Resurfacing at the Brian J. Slavin Aquatic Facility Bid, a Change Order #1 is required in the amount of up to \$18,000.00; and

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

From: A.1002	General Fund	\$18,000.00
To: A.7180.416	Beach & Pool Facilities – Facility Maintenance	\$18,000.00

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

AUTHORIZE A BUDGET TRANSFER FOR POLICE OVERTIME RESOLUTION #547

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

Resolved, the Town Comptroller is authorized to process the following budget transfer for Yorktown Police Department:

From: A.3120.102	Salaries	\$14,026.23
To: A.3120.111	Police Overtime	\$14,026.23

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

AUTHORIZE A BUDGET TRANSFER FOR PAYMENT TO WESTCHESTER COUNTY FOR
SOLID WASTE INCINERATION FEES AND FOOD SCRAP FEES

RESOLUTION #548

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

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

From: SR.1002	R&R Fund Balance	\$12,000.00
To: SR.8160.0450	R&R Dumping Fees	\$12,000.00

for payment to Westchester County for the Solid Waste incineration fees and Food Scrap fees.

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

AUTHORIZE SUPERVISOR TO SIGN A MAINTENANCE AGREEMENT WITH BUSINESS
ELECTRONICS, INC. FOR SERVICING OF YORKTOWN POLICE DEPARTMENT'S VOICE
RECORDER EQUIPMENT

RESOLUTION #549

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

Resolved, the Town Supervisor is authorized to sign a maintenance agreement with BUSINESS ELECTRONICS, INC. for servicing the Yorktown Police Department's voice recorder equipment for the period of December 15, 2023 through December 14, 2024. The annual contract amount is \$4,230.00.

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

AUTHORIZE SUPERVISOR TO EXECUTE MASTER CONTRACT FOR NYS 2024 URBAN
FARMS AND COMMUNITY GARDENS GRANT PROGRAM FOR FUNDING THE
COMMUNITY GARDEN OF HOPE EXPANSION PROJECT

RESOLUTION #550

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

Resolved, that the Town of Yorktown has applied for financial assistance from the NYS 2024 Urban Farms and Community Gardens Grant Program ("UFCGGP") fund under the New York State Department of Agriculture and Markets for the purpose of funding the Community Garden of Hope Expansion Project; and

Resolved, that the Town of Yorktown is authorized and directed to accept these grant funds in the amount not to exceed \$50,000.00 for the project described in the grant application; and

Resolved, that the Town of Yorktown is authorized and directed to agree to contribute a ten percent (10%) match of up to \$5,000.00 should grant funds be awarded; and

Resolved, that the Town of Yorktown is authorized and directed to agree to the terms and conditions of the Master Contract with the New York State Department of Agriculture and Markets for such Community Garden of Hope Expansion Project; 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 P. Diana, Town Supervisor.

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

APPOINTMENT OF NISREEN KHOURY TO SENIOR OFFICE ASSISTANT – BUILDING DEPARTMENT

RESOLUTION #551

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

Be It Resolved, that Nisreen Khoury is hereby appointed probationary to the civil service title, Senior Office Assistant (Office Manager), job class code 0943-01, effective November 15, 2023, to be paid at the rate set forth in the Yorktown CSEA Salary Schedule A-1, Group 10, Step 5, which is \$75,103.00 annually; 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 November 15, 2023.

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

ACCEPTANCE OF RESIGNATION OF POLICE OFFICER JOHN BATTISTA
RESOLUTION #552

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 Police Officer John Battista, effective November 26, 2023.

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

REJECT AND REBID BOILER MAINTENANCE AND EMERGENCY ON-CALL SERVICES
BID

RESOLUTION #553

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

Resolved, that the Town Board rejects the bid for Boiler Maintenance and Emergency On-Call Services; and

Resolved, the Town Clerk is again authorized to advertise the bid for Boiler Maintenance and Emergency On-Call Services.

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

WAIVER OF THE BUILDING PERMIT FEE FOR THE COURTHOUSE PLAZA
RENOVATION PROJECT

RESOLUTION #554

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

Resolved, that the building permit fee for the Courthouse Plaza is waived since it is a Town project.

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

APPROVAL OF FEE SCHEDULE FOR RECORDING AND CABLECASTING SERVICES –
TOM SCIANGULA

RESOLUTION #555

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

Resolved, effective January 1, 2023, the following fees will be paid to Tom Sciangula for recording and cablecasting services:

Town Board Meetings and Town Board Work Sessions	\$200.00
Planning Board Meetings	\$200.00
Zoning Board Meetings	\$175.00
Senior Advisory Board Meetings	\$175.00
All other meetings approved by the Town Clerk's office held in the Town Boardroom	\$175.00
Supervisor Show	\$100.00
Town Board Meetings held outside the Town Boardroom	\$250.00

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

EXTENSION OF SERVICES FOR CARY VIGILANTE FOR BROADCASTING SERVICES
RESOLUTION #556

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

Resolved, the Town Board extends the services of Cary Vigilante for broadcasting services from January 1, 2023 through December 31, 2023 at a rate of \$550.00 per month.

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

BID AWARD FOR THE REPLACEMENT OF THE HVAC SYSTEM AT THE ARCHIVAL
AND RECORDS CENTER AND BUDGET TRANSFERS FOR SAME
RESOLUTION #557

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

Whereas, invitation to bid for the replacement of the Heating and Air Conditioning System at the Archival and Records Center was duly advertised; and

Whereas, said bid was received and opened on November 13, 2023, with the bid amounts as follows:

<u>Bidder</u>	<u>Amount</u>	<u>Alternate #1 – All New Duct Work</u>
Mercury Air Conditioning & Heating 1688 Front Street Yorktown Heights, NY 10598	\$42,500.00	\$8,500.00
		<u>Alternate #2 – All Electrical Work</u>
Hanover Electric 1803 Commerce Street Yorktown Heights, NY 10598		\$3,850.00

Be It Resolved, that upon the recommendation of the Building and Maintenance Superintendent, the bid for replacement of the Heating and Air Conditioning System at the Archival and Records Center be and is hereby awarded to Mercury Air Conditioning & Heating, 1688 Front Street, Yorktown Heights, NY 10598 for the amount of \$51,000.00, including Alternate #1; and

Be It Further Resolved, that Alternate #2 be awarded to Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598 to connect all electrical work needed to complete the project in the amount of \$3,850.00. The total amount for the replacement of the HVAC System is \$54,850.00; and

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

From: A.1002	General Fund – Fund Balance	\$54,850.00
To: HV.5031	Capital Project – Town Buildings	\$54,850.00

to fund the bids awarded for the HVAC System Replacement at the Archival and Records Center in the amounts of \$51,000.00 to Mercury Air Conditioning & Heating and \$3,850.00 to Hanover Electric.

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

ADJOURNMENT

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

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