

Meeting of the Town Board, Town of Yorktown held on Tuesday, November 28, 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 Haughwout, the Town Board moved into Executive Session to discuss individual personnel items. Upon motion made by Councilwoman Haughwout, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilwoman Capoccia 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 OFFICIALS

- Councilman Lachterman reported that the Teen Center would be in operation the next three Fridays with free admission. Pizza will be served on December 1; ice cream will be served on December 8; and the holiday party will be held on December 15. Parent volunteers are welcome (info@yorktowntc.org).

REPORT FROM THE TOWN SUPERVISOR

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

- Wreaths Across America – on Saturday, December 16, the organization will be placing wreaths on all veterans' graves. The wreaths are available for purchase, at a cost of \$17.00. (wreathsaacrossamerica.org)
- Senator Murphy's annual Turkey Trot took place and all proceeds were donated to local food pantries.
- The Shrub Oak Tree Lighting is on December 9 (rain date December 10) at 6:30 p.m. The John C. Hart Memorial Library will be sponsoring crafts; a chorus group will perform, as well as a visit from Santa Claus and Mrs. Claus.
- The Holiday Light Parade will be held on December 2 (rain date December 3) and it begins on Front Street and ending on Veterans Road.

PROCLAMATION

ALBANIAN-AMERICAN INDEPENDENCE DAY

Councilman Lachterman read the following proclamation:

WHEREAS, On November 28, 1912, Ismail Qemali raised the Albanian flag proclaiming independence for the Albanian people after 500 years of Ottoman occupation; and

WHEREAS, Albanian Americans in Yorktown have made a tremendous impact on our community through their hard work, community service and contributions to the Town of Yorktown's rich history, culture and diversity; and

WHEREAS, Albanian cultural traditions are distinctive for their extraordinary emphasis on hospitality and generosity, which no doubt influenced the most famous Albanian of all – Saint Mother Teresa; and

WHEREAS, the Town of Yorktown is proud to recognize Albanian-American Independence Day.

NOW, THEREFORE, I, Thomas P. Diana, Supervisor of the Town of Yorktown, do hereby proclaim November 28, 2023 as Albanian-American Independence Day.

Councilman Lachterman presented the proclamation to local businessman JT Selimaj from The Gramercy restaurant. Mr. Selimaj spoke of his family's journey to the United States from Albania and what a warm welcome they received.

2022 AUDIT PRESENTATION

Alan Kassay, CPA- O'Connor Davies, came before the Town Board to review a summary of the audit ending December 2022. His slide presentation was comprised of the following information:

- Audit Results – an unmodified (or clean) opinion was issued for the Town of Yorktown
- A Fund Balance – General Fund Retrospective going back three years. Categories (buckets) include Nonspendable (prepaid expenditures), Restricted (reserved – employee benefit accrued liability, PILOT tax protection)), and Assigned Fund Balance (purchases on order, subsequent year's expenditures, tax certiorari)
- General Fund – budget to actual summary. The end of year fund balance was \$31,252,000.
- General Fund – budget to actual revenues, which detailed actual revenues
- General Fund – budget to actual expenditures, which detailed actual expenditures
- Balances of other governmental funds
- GASB Statement No. 75

Supervisor Diana complimented the Town Comptroller and the Finance Department for the work they do for the employees and the Town. He also thanked Mr. Kassay for his work on the audit.

MARIA FARERI CHILDREN'S HOSPITAL

Maria Eliseo came before the Town Board to discuss the Christmas Lights fundraiser (and Halloween) she and her family does for the Maria Fareri Children's Hospital. Her home is decorated with thousands of lights that people from all over come to see during the holiday season. A website has been set up for donations that go directly to the hospital. Ms. Eliseo spoke of the wonderful work that Maria Fareri Children's Hospital does for the children as well as their parents and how the hospital is solely designed for children.

Kevin Cook, Principal Gift Officer for Maria Fareri Children's Hospital, said they are the advanced care pediatric resource in the Hudson Valley, serving eight counties. He said that they handle the most seriously ill and/or injured children and they are the regional NICU for premature babies.

Councilman Lachterman asked the location of the holiday display and Ms. Eliseo said the house is located at 3784 Wildwood Street in Yorktown. She said that outside the house there is a banner with a QR code that would link a person to the website for donations.

Julio Eliseo (Maria's father) joined Mr. Cook and Maria and spoke about some of the visitors to their property. He also spoke about the hospital's services to the entire family, not just the patient.

BRIAN J. SLAVIN AQUATIC FACILITY POOL LINING

James Martorano Jr, Parks and Recreation Superintendent, came before the Town Board to discuss enhancements being made to the Brian J. Slavin Aquatic Facility's pools. He said that a bid had been done for the resurfacing of the pool, as well as one for retiling and coping. He said that since that time they have had contractors out to visit the site and it was recommended by the original builder of the pool to not fiberglass it because water will get underneath the fiberglass and will cause bubbling. Superintendent Martorano said that a plaster and marble dust relining was recommended but would only have a 2-3 year warranty, which is not what the Town is looking for into the future. He said that he reached out to the company, Life Floor, who does foam matting around the coping. They suggested a contractor who does large pools (amusement park sized) who suggested a PVC liner that is very heavy duty with a 15-year warranty.

Superintendent Martorano suggested to the Town Board that an aquatic engineer be hired to give sound advice on what is the best way to go, as well as help with the administrative work with the Department of Health.

Supervisor Diana said that the Town has been spending between \$20,000 to \$40,000 per year on pool coping and given the amounts of spent money, he would like to see this be done once and correctly.

The Town Board agreed that an aquatic engineer should be retained. Superintendent Martorano said that he has to move quickly in order to get started in early spring and that he would start the process of bidding.

IDOL TRANSPORTATION

Supervisor Diana introduced Joe Veca, who he met at a Mothers Against Drunk Driving (MADD) walk and invited him to speak before the Town Board about his business, IDOL. He said that IDOL is “the beginning of the end of drunk driving.” His slide presentation showed the statistics of drunk driving related deaths in the country and how services such as Dryver, Uber, and Lyft have helped to reduce the number of accidents/deaths but have yet to completely bridge the gap. He said that their mission is to “offer safe and reliable transportation alternatives for individuals under the influence of alcohol or drugs. We are committed to promoting responsible decision-making and providing a valuable service that helps prevent accidents and promotes community well-being.” Mr. Veca said that they are dedicated to expanding their initiatives on a daily basis, and “establishing our services in townships and universities nationwide, ensuring that everyone has access to a responsible and convenient transportation option.” He said that their mission is to create a culture where every municipality and college university offers a designated driving service to the public and students. They aim to support the efforts of organizations like MADD in eradicating the tragedies associated with drunk driving. Mr. Veca displayed the product they use – the IDOL Magnetic Lockbox – that holds the client’s car key that is magnetically attached to the undercarriage of the client’s car. He explained the process: The client (user) books a ride and gets connected with a driver; the driver arrives to the user’s location, gets out of the vehicle and collects waiver information from the client, inputting it into the IDOL database; the user puts the car key in the lockbox and sets a combination, and the lockbox is placed on the undercarriage of the car. The car is left onsite and the user is taken to their desired location. He said that at the end of the night when the call volume dies down, they go out and retrieve the vehicle to drive it home. They go out to the user’s car, remove the lockbox, takes a 360 degree video of the car marking any dents or scratches, get inside the car and set up a dash camera and drive the car to wherever it needs to be.

Mr. Veca said that IDOL is now going to transition to a not for profit organization because it would then be able to obtain grant money to further the operation. Mr. Veca is looking for support from the Town Board and assistance in identifying and applying for relevant grants, as well as support in connecting with regional and/or state-level officials. He also asked for advocacy of their initiative within the Yorktown community.

Supervisor Diana spoke of his own encounter with a drunk driver when he was a police officer and how close it came to being a fatality. He said that is one of the most laudable causes he has seen in a long time and asked Mr. Veca to come and see him to discuss grant writing. He said he would also like Mr. Veca to be in touch with the Town’s grant writer. The Town Board supported this decision to assist Mr. Veca and IDOL.

BUDGET TRANSFER FOR ELECTRICITY AT GRANITE KNOLLS RESOLUTION #577

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

Resolved, that the Town Board is authorizing payment to New York Power Authority for electric 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; and

Be It Resolved, the Town 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

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

AUTHORIZATION TO PAY INVOICE TO CIVIC PLUS FOR WEBSITE HOSTING, MAINTENANCE, AND SUPPORT SERVICES

RESOLUTION #578

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

Resolved, the Town Comptroller is authorized to pay the invoice to CivicPlus for web hosting, maintenance, and support services for the town's website provided for the period of January 1, 2023 to December 31, 2023 in the amount of \$3,300.00 from budget line Cable Professional Services (A.1010.0490).

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

AMENDMENT TO POLICE CHIEF ROBERT NOBLE'S EMPLOYMENT AGREEMENT

RESOLUTION #579

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

Resolved, the Town 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 \$203,413.00 in 2024 and \$211,545.00 in 2025.

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

PAY SCALE ADJUSTMENT FOR BRIANNA MARJI – BUILDING DEPARTMENT

RESOLUTION #580

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

Be It Resolved, that Brianna Marji, permanent Office Assistant (auto systems) in the Building Department, pay scale is adjusted to its correct step effective January 1, 2024, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A-1, Group 8, Step 3, which is \$64,178.00 annually; and

Be It Resolved, that Brianna Marji was incorrectly placed at Step 1 upon hiring due to her previous experience; and

Be It Further Resolved, that Brianna Marji will not be provided any retroactive pay due to this error.

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

MEMORANDUM OF UNDERSTANDING REGARDING ACCESS TO THE COUNTY CLERK'S WESTCHESTER RECORDS ONLINE

RESOLUTION #581

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

Be It Resolved, the Town Supervisor is authorized to execute a Memorandum of Understanding with the County of Westchester for Town staff to have remote access to the County Clerk's Westchester Records online for calendar year 2024.

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

AGREEMENT WITH LANLINE COMMUNICATIONS FOR AUDIT OF ALL TOWN BUILDINGS

RESOLUTION #582

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

Be It Resolved, the Town Supervisor is authorized to sign an agreement with LANline Communications to conduct an audit of all Town buildings to assess telecommunications and security surveillance services at \$500.00 per building.

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

AGREEMENT WITH CIVIC PLUS TO PROVIDE WEB HOSTING, MAINTENANCE, AND SUPPORT SERVICES

RESOLUTION #583

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

Be It Resolved, that the Town Supervisor is authorized to sign an agreement with CivicPlus to provide web hosting, maintenance, and support services for the Town's website for the period of January 1, 2024 to December 31, 2024 in the amount of \$4,380.00 and the Town Comptroller is authorized to pay this invoice when due from Cable Professional Services (A.1010.0490).

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

AUTHORIZATION FOR PAYMENT TO DIAMOND MCCARTHY LLP FOR LEGAL SERVICES (TAX CERTIORARI)

RESOLUTION #584

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

Resolved, for payment to Diamond McCarthy LLP under TBR dated September 12, 2023 for legal services rendered through September 30, 2023 due to a tax certiorari proceeding, transfer:

From: A.1420.437	Legal-Foreclose/Sale Exp.	\$5,821.60
To: A.1420.424.1	Legal-Non-Retain Tax Certs	\$5,821.60

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

ACCEPTANCE OF DASNY GRANT FOR THE SENSORY GARDEN AT GRANITE KNOLLS
RESOLUTION #585

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

Resolved, that the Town Board accepts the DASNY Grant for the Sensory Garden at the Granite Knolls Sports Facility; and

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

From: A.1002	General Fund – Fund Balance	\$50,000.00
To: HA.5031	Capital Project HA Granite Knolls Sports Facility	\$50,000.00

for the expenditure of the Sensory Garden to be reimbursed by the DASNY Grant.

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

AUTHORIZATION OF FINAL INSTALLMENT FOR THE 2019 PURCHASE ORDER FOR ROOF REPAIR AND AIR CONDITIONAL REPLACEMENT AT THE POLICE DEPARTMENT AND AUTHORIZATION OF PAYMENTS TO GARLAND/DBS INC.

RESOLUTION #586

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

Be It Resolved, after extensive research regarding issues with the 2019 installation of the HVAC system at the Yorktown Police Department, the system has been confirmed to be working as intended; and

Be It Further Resolved, the Town Board authorizes the final installment for the 2019 Purchase Order for the roof repair and air conditioning replacement at the Police Department and Court facilities; and

Be It Further Resolved, the Town Comptroller is authorized to process payments to Garland/DBS Inc as follows:

App #4 & App #5 – \$126,857.34

as per February 19, 2019, May 10, 2020, and June 14, 2022 Town Board Resolutions.

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

APPROVAL OF MANAGERIAL EMPLOYEE VACATION BUYOUT – JENNA BELCASTRO
RESOLUTION #587

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

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, they may buy back the cash equivalent of up to five (5) days of their 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:

<u>First</u>	<u>Last</u>	<u>Vacation Buyback Hours Requested</u>
Jenna	Belcastro	35

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

BUDGET TRANSFER FOR WATER PURCHASE
588

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

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

From: SW.8340.0101	Water – Salaries	\$60,000.00
To: SW.8320.0450	Water – Water Purchase	\$60,000.00

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

LEAVE OF ABSENCE APPROVAL FOR CHRISTIE EMBLER – YORKTOWN POLICE
RESOLUTION #588

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

Be It Resolved, that Christie Embler, Office Assistant (auto systems), in the Yorktown Police Department is hereby granted a six month maternity leave of absence, which began on November 15, 2023. This leave may be rescinded at any time if Chief Noble deems is necessary for the operation of his department; and

Be It Resolved, while on leave as per her CSEA contract, she will be able to use any leave time available to her. Once all time is exhausted, employee will incur all employee costs associated with keeping any medical benefits.

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

PROMOTIONAL PERMANENT APPOINTMENT FOR MICHAEL CAMPION – YORKTOWN
POLICE

RESOLUTION #589

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

Be It Resolved, that Michael Campion is hereby appointed promotional permanent as a Police Sergeant, job class code 0133-01 from eligible list #74-902, effective November 29, 2023 to be paid from Yorktown PBA Salary Schedule, at the rate of \$136,657.00 annually; 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 November 29, 2023.

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

DENIAL OF APPLICATION FOR BENEFITS UNDER GENERAL MUNICIPAL LAW 207-C –
ROBERT DOERR

RESOLUTION #590

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

Resolved, that the application for benefits under General Municipal Law 207-C filed by Robert Doerr is denied.

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

ADJOURNMENT

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

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