

A Special Meeting of the Town Board, Town of Yorktown held on Monday, August 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 (via Zoom)

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman seconded by Councilman Esposito, 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 Councilman Esposito, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Diana led the Pledge of Allegiance

MOMENT OF SILENCE

Supervisor Diana asked everyone to remember our first responders and members of the military who work to keep us safe and defend our freedoms every day.

Supervisor Diana introduced Town Attorney Adam Rodriguez to speak about the negotiations with Competitive Carting. Mr. Rodriguez said they negotiated a first amendment to the contract, which has four or five significant parts that he would review. He said the first item is to clarify what is expected of Competitive within the contract (i.e., weight, sizes, etc.) so that, moving forward, there would be no limitation on that unless the Town sets specific limitations.

Mr. Rodriguez said that there are also changes to minimum threshold requirements for equipment to ensure there is proper equipment moving forward. He said that the bottom line is that the contractor would have to have, at a minimum, six (6) thirty-two yard rear packers, one (1) eighteen-yard rear packer, four (4) twenty-five yard split packer trucks. He said that this would be the minimums that would ensure if a truck goes down, there is a replacement.

Mr. Rodriguez said that if there is any change in the management or ownership of the company, the Town would have the right to consent to the change.

Mr. Rodriguez said a Letter of Credit is required to be posted that would be utilized according to the contract.

Supervisor Diana said that the actual \$96,000 was taken out of Competitive Carting's pay immediately upon issuance of the fine schedule and was taken out of their last payment and so that was received. He said that this is like what the Solid Waste Commission does where if you get a \$96,000 fine, quite often they cut it in half and let the company make payments or whatever the case may be. He said that this is like a "carrot" that is hung in front of them to say you need to be better or you do not get any money back. He said that the Town is going to retain approximately \$80,000 in penalties. Supervisor Diana said the Town Board is doing their due diligence and have strengthened the contract.

Councilman Esposito wished to clarify his understanding of this amendment. He said the Town would not be able to get into a situation where the contractor could turn around and say they would not collect bins of a particular size – this amendment makes clear that it is the Town that sets those parameters. Councilman Esposito said that the minimum equipment requirements that are being set in this amendment includes spare trucks as part of the minimum. He said as far as the fines are concerned, the contractor was also fined by the Solid Waste Commission in the amount of \$42,000 and they reduced the \$42,000 to the contractor and have offered a payment plan.

ACCEPT RETIREMENT OF TOWN COMPTROLLER PATRICIA CAPORALE
RESOLUTION #401

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

Resolved, that the Town Board of the Town of Yorktown hereby accepts the retirement of Patricia Caporale, effective August 27, 2023, with thanks for her many years of service to the Town.

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

APPOINTMENT OF GENNELLE MACNEIL TO THE POSITION OF TOWN
COMPTROLLER
RESOLUTION #402

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

Resolved, that the Town Board of the Town of Yorktown appoints Gennelle MacNeil to the position of Town Comptroller, Job Class Code 0060-03, and shall have all the powers and perform all of the duties of the Town Comptroller not inconsistent with law, for the remainder of the second year (to end December 31, 2023) left vacant by the retirement of Patricia Caporale, and serve at the pleasure of the Town Board. This resolution is effective August 28, 2023, at an annual salary of \$143,500.00.

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

Ms. MacNeil thanked the Town Board for the opportunity and is excited to begin her new position.

APPOINT PATRICIA CAPORALE AS COMPTROLLER CONSULTANT
RESOLUTION #403

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

Resolved, Patricia Caporale is hereby appointed Comptroller consultant at a rate of \$100.00 per hour as of Monday August 28, 2023.

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

ACCEPT RESIGNATION OF KAREEM HOLEBROOK FROM THE HIGHWAY
DEPARTMENT
RESOLUTION #404

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

Resolved, that the Town Board of the Town of Yorktown hereby accepts the resignation of Kareem Holebrook from the Highway Department, effective September 1, 2023.

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

REQUEST TO DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF “NO
LEFT TURN” SIGN AT PARK AND RIDE LOCATED AT 795 US ROUTE 6
RESOLUTION #405

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

Resolved, that the Town desires and requests that the N.Y.S. Department of Transportation install a “No Left Turn” sign at the exit of the Park and Ride located at 795 US-6.

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

AMENDED AGREEMENT WITH WESTCHESTER COUNTY FOR HOME-DELIVERED MEALS

RESOLUTION #406

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

Resolved, the Supervisor is authorized to execute an amended agreement to provide home delivered meals with the County of Westchester, by increasing the not-to-exceed amount an additional \$1,456.

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

REGIONAL KITCHEN AGREEMENT WITH TOWN OF CORTLANDT

RESOLUTION #407

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

Resolved, the Supervisor is authorized to execute a regional kitchen agreement with the Town of Cortlandt for the provision of 60 meals per day at the rate of \$5.75 per meal.

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

AMENDMENT TO COMPETITIVE CARTING CONTRACT

RESOLUTION #408

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

Resolved, Supervisor is authorized to execute an amendment to the contract with Competitive Carting, Inc. as discussed and on file with the Town Clerk, and as approved in final form by the Town Attorney.

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