

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 6, 2024 at 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Edward A. Lachterman, Deputy Supervisor  
Sergio Esposito, Councilman  
Luciana Haughwout, Councilwoman  
Patrick J. Murphy, Councilman

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

#### TOWN BOARD MEETING

Deputy Supervisor Ed Lachterman called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Esposito, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss individual personnel matters, litigation, and negotiations with the Town Attorney. Upon motion made by Councilman Esposito, seconded by Councilman Murphy, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Police Chief Robert Noble led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Deputy Supervisor Lachterman asked for a moment of silence to remember our first responders and those who serve our country in the military. He also asked to remember the family of Mary Lou Papa, a friend of Councilwoman Haughwout, who recently passed away.

#### INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast, and Adam Rodriguez, Town Attorney.

#### REPORT FROM THE DEPUTY TOWN SUPERVISOR

Deputy Supervisor Lachterman reminded everyone that there will be a special election to fill the vacancy left by the passing of Supervisor Diana. It will be held on April 16 and early voting and absentee ballots will be available.

#### REPORT FROM TOWN OFFICIALS

Members of the Town Board reported on recent Town events and announcements.

Councilman Murphy announced the school vote on February 13 (Yorktown School District). There are two propositions on the ballot. Proposition One is regarding \$46 million (tax neutral) for three elementary schools to get six extra rooms; renovations to several middle and high school rooms, and science research, music, and art rooms to receive technology upgrades. A multi-purpose field between the middle and high school is also being proposed. Proposition Two is for approximately \$11 million (approximate cost to residents would be about \$6-\$8 per month) and includes a cafeteria renovation, a generator for IT infrastructure upgrades, lights and refrigeration upgrades, and another multi-purpose field. Councilman Murphy said that Proposition Two cannot pass without Proposition One passing.

Councilman Murphy read the following proclamation:

#### BLACK HISTORY MONTH

WHEREAS, Black History Month was first celebrated as Negro History Week on February 1, 1926; and

WHEREAS, it became a nationally recognized month in 1976 to pay tribute to African-Americans who struggled through an oppressive society; and

WHEREAS, the Town of Yorktown recognizes and acknowledges that Black History is in fact American History; and

WHEREAS, Black History Month gives our community time to reflect on the struggles and triumphs of African-Americans throughout our national society; and

WHEREAS, African-Americans have made invaluable contributions to the American cause, including protecting our liberties and democratic society; and

WHEREAS, the Town of Yorktown acknowledges and applauds the many contributions that African American members of society have made including but not limited to John Sweat Rock, Frederick Douglass, W. E. B. Du Bois, Martin Luther King Jr., Thurgood Marshall, Duke Ellington, Maya Angelou, Guion Bluford, and Jackie Robinson; now

THEREFORE BE IT RESOLVED, the Town of Yorktown recognizes February as Black History Month; 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.

Councilwoman Haughwout read the following proclamation:

#### HEART HEALTH MONTH

WHEREAS, the number one cause of death in the United States is Heart Disease including Coronary Heart Disease, Hypertension, and Stroke; and

WHEREAS, according to the CDC, over 800,000 individuals in the United States have a heart attack and 1 in 5 heart attacks are silent; and

WHEREAS, the main symptoms of a heart attack are chest pain or discomfort, feeling light-headed, discomfort in the jaw, neck or back, shortness of breath, and discomfort in arms and shoulders; and

WHEREAS, manageable risk factors for heart disease include: high blood pressure, high cholesterol, diabetes, smoking, secondhand smoke exposure, tobacco use, physical inactivity, poor nutrition, and obesity. Risk factors that are out of your control include: age, gender, family health history and race; and

WHEREAS, to protect yourself from cardiovascular diseases you should: Be physically active; do not smoke or use tobacco; eat a healthy diet; maintain a healthy weight; manage stress; and have your doctor regularly check your blood pressure, cholesterol levels, and conduct diabetes screenings; and

WHEREAS, keeping our residents healthy and promoting awareness of important health issues, including heart disease, is an important responsibility in our community; and

WHEREAS, during Heart Health Month, we raise awareness of the risks of heart disease and stroke, remember those we have lost, and educate the public on steps they can take to save lives; now

THEREFORE BE IT RESOLVED, that I, Edward A. Lachterman, Deputy Supervisor of the Town of Yorktown along with the Town Board, do hereby recognize the month of February 2024 as Heart Health Month and February 2, 2024 as National Wear Red Day to raise awareness of heart disease and encourage all citizens to participate in preventative health screenings.

#### POLICE PRESENTATION

Chief Robert Noble came before the Town Board to introduce a new police officer. He introduced Police Officer Fernando Denis and gave a brief biography of Officer Denis' background. Chief Noble asked Officer Denis' family to join him at the podium as Town Clerk Quast administered the oath. Officer Denis thanked Chief Noble, the Yorktown Police Department, and the Town Board for the opportunity to serve Yorktown.

Chief Noble shared the 2023 Use of Force statistics with the public. He said that the statistics were phenomenal – throughout the entire year there were two people who suffered injuries as a result of use of force; one was from use of a Taser on an out of control individual and the other was a self-inflicted bloody nose suffered by an individual with an emotional disturbance. Chief Noble said the men and women of the Yorktown Police Force practice “non-escalation” every day and the data

speaks to this. He spoke about the great training and the instructors used in teaching defensive tactics and how this is reflected in the community. He spoke of the necessity and the desire to have SROs in the schools and how they are an important part of the community.

Chief Noble spoke about a new program the department is working on – Prepared 911 – prompted by Supervisor Diana. It is a link sent to a lost individual that can be opened to show their location to the police. Chief Noble said through the work of Lt. Kolkmann and Lt. Mullen a thirty-day free trial was secured and they are now negotiating costs. The trial began yesterday and the department is beta testing the program to see if it would be a valuable tool for the community. Chief Noble gave the background on the program and how it would work.

Chief Noble also reported on a smoke shop that opened in the center of Town. They were non-compliant with their lease and had sold marijuana to an underage customer on several occasions. He said that through the help of the NYS Taxation Department and the Yorktown Building Department, they were able to shut the business down. He commended the police officers who worked on this case. Chief Noble also reported on other events and announcements the police department was recently involved in.

#### POET LAUREATE

John McMullen, Poet Laureate, read an original poem entitled “January is Over.”

#### OPEN FLOOR FOR PUBLIC COMMENT

The following members of the public spoke:

- Susan Siegel, resident, asked for an update on the fluoride project and the software issue for the pumps. She also asked about the termination of the solar project at Granite Knolls and if the Town is planning to do a new RFP for this project. Ms. Siegel pointed out several errors and irrelevant statements she felt were stated in the resolution on the agenda this evening regarding the public hearing decision for the Underhill Farm Landmark Application.
- Sarah Wilson, resident, thanked Councilwoman Haughwout for mentioning the Soup Bowl Cereal Bowl collections during her report to the Town. She also thanked the Town departments who participated in the collections. She said that although this was a short-term collection, the need is great.

Upon motion made by Councilman Esposito, seconded by Councilman Murphy, the Open Floor for Public Comment was closed.

Deputy Supervisor Lachterman also announced that Town Hall will be closed on February 8 and February 9 for annual records maintenance.

Deputy Supervisor Lachterman said that the agreement was signed this week for the fluoride plant; however, there are a few items that remain to be addressed that include the software bug. He addressed Ms. Siegel’s comments regarding the Underhill Farm resolution. He said that he thinks the landmarking law is a great law but does not feel it is proper to impose upon a landowner what they need to do if you have protections there already. He disagreed with her statement that landmarking does not slow down a project by referencing the issue the Town had with the installation of a safety railing at the Albert A. Capellini Community and Cultural Center (a landmarked building). He also disagreed that landmarking does not increase the costs of a project. Councilwoman Haughwout also spoke of her experience with landmarking real estate in New York City and disagreed that landmarking does not add to the costs.

Town Attorney Adam Rodriguez said that the recommendation unequivocally recommended landmarking the entire thirteen plus acres of Underhill Farm, which Ms. Siegel said was not accurate.

Councilman Esposito said that in the entire 4.5-hour public hearing, not one person had a solution as to how to pay for the expense of landmarking. He said that if the property was left alone (as was suggested by some), the house would end up just like the dilapidated outbuildings. Councilman Esposito also stated that the Town Board is trying to run a town that is subject to the same inflationary costs. He said that no one at the public hearing spoke about the tax benefits and the revenue generated by this project.

Councilman Murphy recused himself from voting on the following resolution (recusal on file with the Town Clerk's office). Deputy Supervisor Lachterman said that comments were received during the open period for public comment and many were pro-landmarking. He proceeded to read a comment submitted by the Planning Board that addressed and rebutted comments that were made at the public hearing.

**PUBLIC HEARING DECISION FOR THE UNDERHILL FARM LANDMARK APPLICATION  
SUBMITTED BY THE YORKTOWN HERITAGE PRESERVATION COMMISSION  
RESOLUTION #93**

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

Whereas, the Heritage Preservation Commission ("HPC") has recommended that the Town Board designate the ±13.8 acre property located at 370 Underhill Avenue, Yorktown Heights, New York, Tax Map of the Town of Yorktown as Section: 48.06 Parcel: 1 Lot: 30 ("Property") as a historic landmark pursuant to Chapter 198 of the Town Code; and

Whereas, the Property includes a vernacular farmhouse and an Italianate-style main building which comprise the main building ("Main Building"), seven contributing outbuildings and certain landscape features, i.e., parklike lawns, mature trees and vegetation, a small pond, stone walls, and an iron entry gate; and

Whereas, on July 17, 2023, the Planning Board passed Resolution #23-13 approving site plan, special use permit, stormwater pollution prevention plan, wetland permit and tree permit for the Underhill Farm site plan dated July 17, 2023 ("Site Plan"), which is incorporated herein by reference; and

Whereas, prior to approving the Site Plan, the Planning Board referred the application to all appropriate boards and agencies, including the HPC, which issued several reports that were considered by Planning Board, including reports dated 05/26/22, 06/14/22, 06/30/22, 07/06/22, 07/08/22, 07/15/22, 07/22/22, 07/27/22, 08/12/22, 08/18/22, 08/23/22, 09/08/22, 09/15/22, 02/06/23, 02/08/23, 02/20/23, 03/24/23, 04/24/23, 04/26/23, 06/08/23, 06/19/23, 06/28/23, 07/10/23, and 07/17/23, and provided the HPC several opportunities to provide verbal input, which was also considered; and

Whereas, prior to approving the Site Plan, the Planning Board held a public informational hearing, several work sessions, and a public hearing to discuss the application; and

Whereas, the Site Plan authorizes the owner of the Property to construct a mixed-use development consisting of 80 condominium units including: 48 townhouses, a 32-unit 55+ senior restricted condominium building, and a mixed use building consisting of 68 apartments and 15,600 square feet of retail/office space that includes 8,100 square feet of new retail space in addition to the reuse and preservation of the existing Main Building; and

Whereas, the Site Plan requires the Property Owner to: (1) share 30 parking spaces adjacent to the Beaveridge Apartments property to be used by those visiting a new proposed Senior Center and Town Recreation Department office to be built on the Beaveridge property; (2) complete all traffic improvements on Underhill Avenue and at the Underhill Avenue and Route 118 (Saw Mill River Road) Intersection; (3) complete the emergency access connection to the Beaveridge Apartments site to operational status; and (4) provide a \$225,000.00 payment in lieu of recreation space; and

Whereas, the Site Plan also requires the Property Owner to engage in several steps to address the historic-related elements of the Property, including: (1) submit plan to evaluate the structural integrity of all existing accessory outbuildings; (2) submit plans for the dismantling, salvage, movement or demolition of each accessory outbuilding to be removed, including a plan for documenting the buildings including basic historical data collection and the documentation of the structures as recommended by New York State Office of Parks, Recreation and Historic Preservation ("NYS OPRHP"); (3) submit a plan for monitoring excavation by a qualified historic consultant for the identification of artifacts during the excavation phase of construction; (4) final execution of the Letter of Resolution ("LOR") with the NYS OPRHP; (5) submit plans for stone wall repair and restoration and detail at entry drive and necessary modification to gates, walls or pillars; (6) submit plans for rehabilitation of the Main Building for review and approval by the Planning Board prior to any construction on the building; (7) provide a procedure for dispersal and/or donation of any salvageable buildings or architectural elements that includes public input on this process; and (8) create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible

location – the design of this exhibit and location shall be submitted to the Planning Board for their review and approval; and

Whereas, the HPC submitted its recommendation to landmark the Property on December 5, 2023; and

Whereas, the owner of the Property refused to consent to the designation of the Property as a landmark under Chapter 198 of the Town Code; and

Whereas, the Town Board held a duly noticed public hearing on January 30, 2024, where the HPC’s recommendation was discussed; and

Whereas, the HPC presented its rationale for declaring the Property a landmark, including the Main Building, both exterior and interior, seven contributing outbuildings and certain landscape features – parklike lawns, mature trees and vegetation, small pond, stone walls, and iron entry gate; and

Whereas, the Town’s Building Inspector informed the Board that, based upon inspection, several of the outbuildings on the property were unsafe, and should be condemned and demolished as soon as possible; and

Whereas, the Town’s Planning Director provided the Town Board with documents detailing the New York State Historic Preservation Office actions conducting the Section 106 proceeding which concluded there were no feasible alternatives to the proposed project and subsequently determined that a Letter of Resolution be adopted and executed which provided for mitigative measures responding to the loss of the outbuildings and other adverse impacts; and

Whereas, the Town Board closed the public hearing on January 30, 2024, but allowed an extended period for written comment; and

Whereas, the Town Board received and reviewed the written comments that were received; and

Whereas, the Planning Board submitted a written comment memorandum to the Town Board, which is incorporated herein by reference; now

Therefore Be It Resolved, for the reasons discussed herein on the record today and at the January 30, 2024 public hearing, the Town Board of the Town of Yorktown hereby rejects the HPC’s recommendation, subject to the owner of the Property executing, within seven days of the date of this resolution, an agreement with the Town that will require Town Board consent before the Main Building may be demolished.

Lachterman, Esposito, Haughwout    Voting    Aye  
Murphy                                        Recused Himself  
Resolution adopted.

Much discussion took place by the Town Board regarding the reasoning behind the denial of the landmarking application.

ACCEPT RETIREMENT LETTER RECEIVED FROM KIM PENNER FROM THE ASSESSOR’S OFFICE  
RESOLUTION #94

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

Be It Resolved, that the Town Board of the Town of Yorktown accepts the Retirement Letter received from Kim Penner from the Assessor’s Office with thanks for her many years of service to the town, effective March 22, 2024.

Lachterman, Esposito, Haughwout, Murphy    Voting    Aye  
Resolution adopted.

ACCEPT RETIREMENT LETTER RECEIVED FROM MARGARET GROCCIA FROM THE JOHN C. HART MEMORIAL LIBRARY  
RESOLUTION #95

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

Be It Resolved, that the Town Board of the Town of Yorktown accepts the Retirement Letter received from Margaret Groccia from the John C. Hart Memorial Library with thanks for her years of service to the town, effective May 31, 2024.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

ACCEPT RETIREMENT LETTER RECEIVED FROM JEFFREY ROSENSTRACH FROM THE  
REFUSE AND RECYCLING DEPARTMENT  
RESOLUTION #96

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

Be It Resolved, that the Town Board of the Town of Yorktown accepts the Retirement Letter received from Jeffrey Rosenstrach from the Refuse & Recycling Department with thanks for his many years of service to the town, effective February 29, 2024.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AUTHORIZE INCREASE IN HOURS FOR PART-TIME INTERMEDIATE CLERK  
ANNAMARIA MANDARA  
RESOLUTION #97

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

BE IT RESOLVED, that part-time Intermediate Clerk Annamaria Mandara's hours will be increased for a temporary period of 90 days from 16 hours per week to 24 hours per week beginning on February 7, 2024, and

BE IT FURTHER RESOLVED, that Annamaria Mandara will accrue prorated vacation, sick days, personal days, and floating holidays to follow the CSEA agreement.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

MORATORIUM ON SMOKE/VAPE SHOPS

Town Attorney Adam Rodriguez explained that this would be a six-month moratorium on smoke/vape shops in the Town of Yorktown, ending in September. This would prevent the Building Department and Planning Department from considering or approving any new permits for smoke/vape stores in the Town.

MORATORIUM ON LARGE SCALE GROUND MOUNTED SOLAR

Mr. Rodriguez said this applies to systems over 25 kilowatts and is similar in that it gives a pause to considering any applications or permits for a six-month period.

PROPOSED LOCAL LAW TO AMEND CHAPTER 260 – SENIOR EXEMPTIONS

Mr. Rodriguez said that the State amended RPT (Real Property Tax) Law Section 467 in a way that gave municipalities the option of affecting how incomes were calculated that involved opting in and opting out of certain things. The local law is drafted in conjunction with the Assessor and would affect the income definitions (would count IRA distributions, Social Security Income, and would not allow deductions for medical or drug expenses).

PROPOSED LOCAL LAW TO AMEND CHAPTER 45 – ETHICS

Mr. Rodriguez said that these were recommendations made by the Ethics Board and Bill Harrington, special counsel to the Ethics Board. Councilman Esposito said that he would like to see verbiage added that limits the Ethics Board to stay within the scope of the actual complaint so that an investigation does not become a "witch hunt."

Town Clerk Quast suggested authorizing the referral of this proposed amendment and it would be sent out after any additional changes were made.

REFERRAL OF PROPOSED LOCAL LAW AMENDING CHAPTER 300 ENTITLED “ZONING,”  
REGARDING SMOKE SHOP AND VAPE SHOP MORATORIUMS  
RESOLUTION #98

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

Resolved, that the Town Clerk is authorized to refer to the appropriate departments and agencies the proposed local law amending Chapter 300 entitled “ZONING,” regarding Smoke Shop and Vape Shop Moratoriums.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

REFERRAL OF PROPOSED LOCAL LAW AMENDING CHAPTER 300 ENTITLED “ZONING,”  
REGARDING A MORATORIUM ON LARGE-SCALE ENERGY SYSTEMS  
RESOLUTION #99

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

Resolved, that the Town Clerk is authorized to refer to the appropriate departments and agencies the proposed local law amending Chapter 300 entitled “ZONING,” regarding a Large-Scale Solar Energy Systems Moratorium.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

REFERRAL OF A PROPOSED LOCAL LAW AMENDING CHAPTER 260 ENTITLED  
“TAXATION,” REGARDING SENIOR TAX EXEMPTION INCOME DEFINITIONS  
RESOLUTION #100

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

Be It Resolved, that the Town Clerk is authorized to refer to the appropriate departments and agencies the proposed local law amending Chapter 260 entitled “TAXATION,” regarding Senior Tax Exemption Income Definitions.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

REFERRAL OF A PROPOSED LOCAL LAW AMENDING CHAPTER 45 ENTITLED “ETHICS”  
RESOLUTION #101

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

Resolved, that the Town Clerk is authorized to refer to the appropriate departments and agencies the proposed local law amending Chapter 45 entitled “ETHICS.”

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

WAIVE FEES FOR USE OF THE NUTRITION CENTER FOR THE STREET BEATZ DANCE  
STUDIO, DANCERS AGAINST CANCER FUNDRAISER FOR CHARITY FRIENDS OF KAREN  
IN THE AMOUNT OF \$725.50

RESOLUTION #102

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

RESOLVED, at the request of Street Beatz Dance Studio, the Town board hereby authorizes the use of the Nutrition Center at the Albert A. Capellini Community & Cultural Center for 4.5 hours on Saturday, February 3rd and the use of Rooms 16 and 26 for 4 hours on Saturday, February 3rd for their Dancers Against Cancer fundraiser for the charity Friends of Karen. The Town Board waives the rental and overtime fees of \$725.50.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted

WAIVE FEES FOR USE OF THE NUTRITION CENTER FOR THE CHABAD OF YORKTOWN  
IN THE AMOUNT OF \$570.00  
RESOLUTION #103

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

RESOLVED, 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 5 hours on Sunday, March 24th, 2024, for their Purim celebration. The Town Board waives the rental and overtime fees of \$570.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AUTHORIZE OBSOLETE VEHICLE TO BE EITHER SCRAPPED AT BROOKFIELD  
RESOURCE MANAGEMENT OR SOLD AT AUCTION BY ABSOLUTE AUCTIONS &  
REALTY, INC.  
RESOLUTION #104

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

WHEREAS, the Town of Yorktown has found the following vehicle is obsolete and no longer needed for public use by the Town of Yorktown, and

WHEREAS, the Central Garage recommends to the Town Board that the listed vehicle be deemed obsolete and either scrapped at Brookfield Resource Management or sold at auction by Absolute Auctions & Realty, Inc.

2017 Ford F350 Pickup

VIN#1FT8X3BT8HED45153

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AUTHORIZE DEPUTY TOWN SUPERVISOR TO EXECUTE AN ACKNOWLEDGEMENT  
TERMINATING THE LEASE AGREEMENT WITH HESP SOLAR LLC  
RESOLUTION #105

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

RESOLVED, the Deputy Supervisor is authorized to execute an acknowledgement terminating the Lease agreement with HESP Solar LLC.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

Deputy Supervisor Lachterman stated that HESP has missed all of their deadlines for the project and have had trouble getting the project going and came back to the Town saying that they would like to walk away from the project. He said that although the Town will not receive the income from the project, we will be able to retain some of the beauty of the park, which may have been endangered by the project.

AUTHORIZE TOWN CLERK AND DEPUTY TOWN CLERK TO ATTEND THE 2024 NEW  
YORK STATE TOWN CLERKS ASSOCIATION CONFERENCE AND TRAINING MEETING IN  
ALBANY FROM APRIL 21- 24, 2024  
RESOLUTION #106

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

Whereas, sufficient funds exist in the Town Clerk's Training line to cover the cost of expenses, including lodging and conferences; now

Therefore, Be It Resolved, that the Town Clerk Diana Quast and Deputy Town Clerk Maura Weissleder are authorized to attend the 2024 New York State Town Clerk Clerks Association Annual Conference and Training Meeting to be held in Albany from April 21 - 24, 2024.



Lachterman, Esposito, Haughwout, Murphy    Voting    Aye  
Resolution adopted.

AUTHORIZE TOWN CLERK TO RENEW CRP SANITATION, INC. COMMERCIAL GARBAGE  
LICENSE FOR 2024  
RESOLUTION #107

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

Resolved, that CRP Sanitation, Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2024.

Lachterman, Esposito, Haughwout, Murphy    Voting    Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY KENNETH RUNDLE THE CASH VALUE OF UNUSED  
TIME AS OF HIS RETIREMENT DATE  
RESOLUTION #108

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Kenneth Rundle the cash value of unused time as of his date of retirement:

Rate of Pay:    \$81.8451

Sick:	240.65 hours @ 50% = 120.325 hours x \$81.8451	=	\$9,848.01
Vacation:	210 hours @ 100% = 210 hours x \$81.8451	=	\$17,187.47
Longevity:	196 days (4/15/23-01/15/24) x \$6.7308 per day	=	\$1,319.23
(Amount \$1,750)	for period 4/15/23-1/15/24		
Deductions:	January 2024 Final Medical Contribution	=	\$(453.26)
Total Amount of Payout			= \$27,901.45

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
SW.909.8	Water Fund Reserve Employee Accrued Benefits	\$9,510.28
SW.8310.101	Water Salaries	\$17,071.94
SW.8310.106	Water Longevity	\$1,319.23
To:		
T.905.1	Medical, Dental, Vision Premium Trust	\$9,848.01
SW.8310.108	Water Lump Sum Payment	\$18,053.44

Lachterman, Esposito, Haughwout, Murphy    Voting    Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY CHERYL KASTUK THE CASH VALUE OF UNUSED  
TIME AS OF HER RETIREMENT DATE  
RESOLUTION #109

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Cheryl Kastuk the cash value of unused time as of her date of retirement:

Rate of Pay:    \$51.5725

Sick:	504.25 hours @ 50% = 252.125 hours x \$51.5725	=	\$13,002.72
Vacation:	133 hours @ 100% = 133 hours x \$51.5725	=	\$ 6,859.14
Personal:	21 hours @ 100% = 21 hours x \$51.5725	=	\$ 1,083.02
Floater:	7 hours @ 100% = 7 hours x \$51.5725	=	\$361.01
Longevity:	250 days (2/11/23-01/26/24) x \$4.42308 per day	=	\$ 1,105.77

(Amount \$1,150.00)

Total Amount of Payout       =\$22,411.66

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A.1002.8	General Fund Reserve Employee Accrued Benefits	\$11,241.01
A.1355.101	Assessment Salaries	\$10,064.88
A.1355.106	Assessment Longevity	\$ 1,105.77
To: T.905.1	Medical, Dental, Vision Premium Trust	\$13,002.72
A.1355.108	Assessment Lump Sum Payment	\$ 9,408.94

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT FOR DRAINAGE WORK  
RESOLUTION #110

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

Resolved, the Town Comptroller is authorized to process the following budget transfer effective January 1, 2024:

From: A.1002	General Fund-Fund Balance	\$105,000.00
	(to be offset by ARPA revenue)	
To: D5110.479	Highway Drainage	\$105,000.00

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT TO PURCHASE SALT  
RESOLUTION #111.

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

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

From:	General Fund	\$150,000.00
To:	DS5142.403 Supply & Materials	\$150,000.00

for the purchase of salt.

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE \$51,470.92 OF RETAINAGE OWED TO GARLAND/DBS INC. FOR WORK COMPLETED ON THE AACCCC ROOF REPAIRS  
RESOLUTION #112

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

Resolved, that upon recommendation of the General Foreman for the Building and Maintenance Department, Philip Marino, the Town Comptroller is authorized to release \$51,470.92 of retainage owed to Garland/DBS Inc. for work completed on the AACCCC Roof Repairs.

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted.

AUTHORIZE EMPLOYEES OF THE FINANCE DEPARTMENT TO ATTEND THE 2024 NEW YORK STATE GOVERNMENT FINANCE OFFICERS ASSOCIATION ANNUAL CONFERENCE/TRAINING  
RESOLUTION #113

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

Be It Resolved, that David Wong, Rachel Scarano, and Sandy Serrano have permission to attend the 2024 New York State Government Finance Officers Association annual conference/training to be held in Albany, New York from April 15, 2024 through April 19, 2024.

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted.

AWARD BID FOR GRIT & SCREENINGS REMOVAL FOR THE WATER POLLUTION CONTROL PLANT  
RESOLUTION #114

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

WHEREAS, the Town of Yorktown solicited bids for the Grit & Screenings Removal for the Water Pollution Control Plant, and  
WHEREAS, only one bid was received from Spectraserv, Inc., at a bid price of \$246.00 per ton, Now, Therefore Be It

RESOLVED, that the bid for the Grit & Screenings Removal for the Water Pollution Control Plant, be awarded to Spectraserv, Inc., the sole bidder, at a total bid price of \$246.00 per ton.

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted.

AWARD OF BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT  
RESOLUTION #115

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

WHEREAS, the Town bid nine (9) chemicals. The bids are summarized as follows:

<u>CHEMICAL</u>	<u>BIDDER</u>	<u>AMOUNT</u>
Ferric Chloride	PVS Technologies	\$1,274.00 \$/per dry ton
Ferric Chloride 37% to 40%	Coyne Chemical	\$308.4375 \$/per 55gallon drum
Caustic Soda 50%	Univar Solutions	\$2.6793 \$/gallon
Caustic Soda 25%	Slack Chemical	\$99.48 \$/per 55 gallon drum
Citric Acid 50%	Slack Chemical	\$494.45 \$/per 55 gallon drum
Sulfuric Acid (not more than 51%)	Slack Chemical	\$323.94 \$/per 55 gallon drum
Sodium Bisulfite 38%	Slack Chemical	\$145.19 \$/per 55 gallon drum
Sodium Hypochlorite 15%	Slack Chemical	\$164.32 \$/per 55 gallon drum
Calgon Poly-E-Z	Slack Chemical	\$16.47 \$/dry ton

RESOLVED, that the bid for Ferric Chloride be awarded to PVS Technologies, the low bidder, at a cost of \$1,274.00 \$per dry ton, and

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Coyne Chemical, the low bidder, at a cost of \$308.4375 per \$/55-gallon drum, and

RESOLVED, that the bid for the 275 gallon tote for the Ferric Chloride 37% to 40% be awarded to Slack Chemical, the low bidder at a cost of \$1,306.25 \$/per 275 per gal. tote, and

RESOLVED, that the bid for Caustic Soda 50% be awarded to Univar Solutions, the low bidder, at a cost of \$2.6793 \$/gallon, and

RESOLVED, that the bid for Caustic Soda 25% be awarded to Slack Chemical, the low bidder, at a cost of \$ 99.48 \$/per 55gal drum, and \$497.40 \$/per 275 gal. tote, and

RESOLVED, that the bid for Citric Acid 50%, be awarded to Slack Chemical, the low bidder, at a cost of \$494.45\$/per 55gal drum, and \$2,472.25for the 275 gallon tote, and

RESOLVED, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical, the low bidder, at a cost of \$323.94 \$/55 gallon drum, and \$1,1619.70 \$/per 275 gal. tote, and

RESOLVED, that the bid for Sodium Bisulfite 38%, be awarded to Slack Chemical, the low bidder, at a cost of \$145.19 \$/per 55- gallon drum, and \$725.95 \$/per 275 gal tote, and

RESOLVED, that the bid for Sodium Hypochlorite 15%, be awarded to Slack Chemical, the low bidder, at a cost of \$164.32 \$/per 55- gallon drum, and \$821.60 \$/per 275 gal. tote, and

RESOLVED, that the bid for Calgon Poly-E-Z be awarded to Slack Chemical, the low bidder at a cost of \$16.47 \$/dry ton.

RESOLVED, that the contract term for this project shall be for a duration of one (1) year, commencing or about February 9, 2024. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of one (1) year at the same price, terms and conditions.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AUTHORIZE THE ACCEPTANCE OF A CREST GRANT FOR THE INSTALLATION OF AN ELECTRONIC PERIMETER ACCESS CONTROL SYSTEM  
RESOLUTION #116

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

Be It Resolved, that the Library Director is authorized to accept a Community Resiliency, Economic Sustainability, and Technology Program Grant (CREST), project ID# 25924 for the installation of an electronic perimeter access control system in the amount of \$60,000 for the John C. Hart Memorial Library, and

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.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO REFUND AN OVERPAYMENT TO WATER ACCOUNT #204251 IN THE AMOUNT OF \$180.12  
RESOLUTION #117

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

Whereas, an overpayment was made on account #204251 (2306 Sultana Drive), resulting in an open credit balance of \$180.12; now,

Therefore, Be It Resolved, that a check in the amount of \$180.12 be issued as a refund to Donna M. Lask, Administrator for William DeVito’s estate, 57A Heritage Hills, Somers, NY 10589.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AWARD BID FOR FORMATTING, PRINTING, AND DELIVERING THE 2024 PARKS & RECREATION BROCHURES  
RESOLUTION #118

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

WHEREAS, bids were opened on February 5<sup>th</sup>, 2024 for formatting, printing, and delivering the 2024 Parks & Recreation Brochures as specified by the Town of Yorktown’s Parks and Recreation Department. Bids were submitted by the following vendors:

- 1. Graphic Image Inc.  
561 Boston Post Rd.  
Milford, Ct. 06460

BID per brochure:	\$8,838.00
Option 1 (cover design):	\$150.00
Option 2 (cost to add 1 Sheet):	\$671.00
Total cost per year with Cover (x2)	\$17,976.00

2. Chase Press  
31 Peeks Lane, Ste 3  
Newtown, Ct., 06470

BID per brochure:	\$10,184
Option 1 (cover design):	\$75.00
Option 2 (cost to add 1 Sheet):	\$1474.00
Total cost per year with Cover (x2)	\$20,518.00

3. Premium Productions, Inc  
6 Lincoln Ave.  
Pleasantville, NY 10570

BID per brochure:	\$10,050.00
Option 1 (cover design):	\$175.00
Option 2 (cost to add 1 Sheet):	\$995.00
Total cost per year with Cover (x2)	\$22,450.00

4. The Mines Press, Inc  
231 Croton Ave.  
Cortlandt, NY 10567

BID per brochure:	\$13,052.00
Option 1 (cover design):	\$1,200.00
Option 2 (cost to add 1 Sheet):	\$15,604.00
Total cost per year with Cover (x2)	\$28,504.00

5. Courier Printing Corp.  
24 Laurel Bank Ave.  
Deposit, NY 13754

BID per brochure:	\$8,653.00
Option 1 (cover design):	\$700.00
Option 2 (cost to add 1 Sheet):	\$1,059.00
Total cost per year with Cover (x2)	\$18,706.00

6. Concept Print  
40 Lydecker St.  
Nyack, NY 10960

BID per brochure:	\$8,969.00
Option 1 (cover design):	\$80.00
Option 2 (cost to add 1 Sheet):	-
Total cost per year with Cover (x2)	\$18,098.00

Now, Therefore Be It Resolved, that the lowest bidder including Cover Design & Layout, Graphic Image Inc., is awarded the 2024 Program Brochure Bid.

Lachterman, Esposito, Haughwout, Murphy   Voting   Aye  
Resolution adopted.

AWARD BID FOR BUSES FOR SUMMER CAMP PROGRAM AND TEEN TRAVEL TRIPS FOR THE PARKS AND RECREATION DEPARTMENT  
RESOLUTION #119

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

WHEREAS, Invitations to bid for the Provision of Buses for the Summer Camp Programs and Teen Travel Trips for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on February 5<sup>th</sup>. 2024, with the bid amounts for the above-referenced project summarized as follows:

Section I. A,B, & C: School Buses (for Day Camp)

- A) Royal Coach - \$47,150  
(No other Bidders)
- B) Royal Coach - \$1,725  
(No Other Bidder)
- C) Royal Coach - \$24,850  
Hudson Valley Charter - \$33,400 (bids only included Coach buses)

Section II – Coach Bussing

Hudson Valley Charter - \$11,600  
(No Other Bidder)

Section III – A La Carte Coach or School Bus Services

Coach Bus: Hudson Valley Charter - \$175.00/ hour  
(No Other Bidder)

School Bus: Royal Coach - \$135. 00/ hour  
(No Other Bidder)

NOW, THEREFORE BE IT RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, James J. Martorano Jr., the bid for Section I. A, B, C, & Section III (School Bus) is hereby awarded to Royal Coach Lines, Inc., the lowest responsible bidder and that the bid for Section II & III (Coach Bus) is hereby awarded to Hudson Valley Charter Service, the lowest responsible bidder.

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

AUTHORIZE REFUND OF DUPLICATE TAX PAYMENTS FOR THE 2023/24 SECOND HALF SCHOOL TAX  
RESOLUTION #120

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

Resolved, that the refunds for duplicate tax payments for the 2023/24 Second Half School Tax be issued to the following accounts:

<u>Account No:</u>	<u>Amount</u>	
4451591	\$6,413.61	Refund Duplicate 2023/24 Second Half School Tax
2729500	\$4,206.50	Refund Duplicate 2023/24 Second Half School Tax
3596500	\$4,207.50	Refund Duplicate 2023/24 Second Half School Tax
1738500	\$3,271.72	Refund Duplicate 2023/24 Second Half School Tax
2665500	\$3,453.48	Refund Duplicate 2023/24 Second Half School Tax
2276000	\$4,663.89	Refund Duplicate 2023/24 Second Half School Tax
4471500	\$4,725.82	Refund Duplicate 2023/24 Second Half School Tax
3361545	\$4,154.57	Refund Duplicate 2023/24 Second Half School Tax

Lachterman, Esposito, Haughwout, Murphy Voting Aye  
Resolution adopted.

ADJOURN MEETING

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

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