

Meeting of the Town Board, Town of Yorktown held on Tuesday, December 5, 2023 at Town Hall, 363 Underhill Avenue, Yorktown, NY 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 personnel items and/or litigation matters with legal counsel. 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

Town Clerk Diana Quast 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.

NATIONAL PEARL HARBOR REMEMBRANCE DAY – DECEMBER 7, 2023

Whereas, at 7:55 am on December 7, 1941, the silence of Sunday morning was shattered when the Imperial Japanese Navy attacked our forces on the United States Naval Base at Pearl Harbor leaving 2,403 Americans dead and much of our Nation’s Pacific Fleet destroyed, and

Whereas, this attack led President Roosevelt to call on Congress to declare an act of war the following day, stating that “December 7, 1941 – a date which will live in infamy” and

Whereas, the crystal waters of Pearl Harbor have been the resting place of sailors and marines aboard the USS Arizona, USS Utah, and USS Oklahoma for 82 years, and today we remember the “Greatest Generation” who showed great courage and resolve to secure the freedom of millions around the world, and we honor these patriots and commemorate the valor of all those who served, and

Whereas, as we mourn the lives of those we lost on that fateful day, we remember those who defended Pearl Harbor and all those who answered the call to serve our country in battlefields across the world, and we are eternally grateful for members of our military and their families, and it is fitting to observe a day in honor of everyone who served in the United States Armed Forces at Pearl Harbor on December 7, 1941, and reflect on their sacrifices and those of their families and loved ones; who freely risked all for the benefit of others,

Now, Therefore Be It Resolved, I, Thomas P. Diana, Town Supervisor of the Town of Yorktown, along with the Town Board do hereby direct the flags of the United States to be flown at half-staff at all Town buildings and grounds on Thursday, December 7, 2023 as we respectfully recognize National Pearl Harbor Remembrance Day to honor those who died as a result of the attack on U.S. military forces in Hawaii.

PRESENTATION – JOHN C. HART MEMORIAL LIBRARY

Yvonne Cech, Library Director, came before the Town Board to present a slide show about a program they held at the end of the October – the John C. Hart Memorial Library’s Haunted House – that was a spectacular success. The Friends of the Library sponsored the event. Teen volunteers created the activities for the public. Ms. Cech said the opportunity to develop from scratch and produce such an event was a combined educational, engaging, and entertaining experience for the teen volunteers.

She thanked the library staff for guiding and steering the project, as it was a massive effort to coordinate and was driven by the creativity of the volunteers. She said that the Haunted House is a multi-faceted program showing value-added educational benefits. Teens learned to work well together, to think creatively, to stay on task, and to meet deadlines. Ms. Cech said they came away with a solid understanding of what it takes to produce a successful program on a large scale. It all culminated in a family-friendly experience for the entire community.

Supervisor Diana presented teen volunteers with Certificates of Appreciation.

REPORT FROM THE TOWN OFFICIALS

Supervisor Diana mentioned that the Holiday Lights Parade was a great success and the amount of participation was wonderful. He explained the decision to change the start time of the parade due to services at St. Patrick's and traffic issues.

Councilman Lachterman reported that the Sons of the American Legion will be collecting hams for the various food banks in the area next Tuesday at the gazebo at John DeVito Memorial Field from 11:00 a.m. to 2:00 p.m. He also announced that the Teen Center had to cancel this Friday night's activities due to lack of adult supervision.

Councilman Esposito reported that Metro North is offering seniors, people with disabilities, and Medicare recipients a 50% discount on a one-way peak fare ticket (proper identification is required). He also said that he participated in a press conference with the Public Service Commission (PSC) regarding the rate hike for NYSEG (30% increase over the next 3 years). A state bill is being sponsored to require the PSC to hold in-person hearings when they want to increase rates. Supervisor Diana said they are looking into possibly having a Town Hall meeting around January 11th. More information will be forthcoming.

Councilwoman Capoccia announced that Westchester County Beeline Bus fares will be suspended from December 16th until January 1, 2024.

2024 PRELIMINARY BUDGET PUBLIC HEARING

Supervisor Diana convened a public hearing to consider the 2024 Preliminary Budget for the Town of Yorktown for the fiscal year beginning January 1, 2024. Supervisor Diana said that he was pleased to announce a zero percent tax increase on the AD&L line. He said that many infrastructure projects have been done in the last 11 months, parks have been beautified, and approximately 11 miles of paving have been completed. He said this is owed to the diligence of the department heads and the Comptroller's office – everyone tightened their belts. He said that the infusion of \$1,050,000 from Enbridge for the closing of Legacy Field due to their sinkhole added to the fund balance and helped us to do the re-paving, water main repair, and pool upgrades. He said that much of what has been completed was done in-house. Supervisor Diana spoke of many completed projects including, but not limited to, the huge renovation that took place at the Yorktown Stage, and a brand new aeration project took place at Lake Mohegan. Supervisor Diana said that he hopes the same progress can be made next year, but costs are increasing (ex. the Town's health insurance for a family plan over the past three years has gone from \$29,000 to \$40,000).

Supervisor Diana thanked the Town Board, all department heads, and the Comptroller's office for doing what they could to maintain the degree of happiness that residents want and deserve.

Supervisor Diana said that the ambulance corps is begging to add on another fly car at a cost of \$750,000. A decision has not yet been made, as they are discussing the numbers and the cost to residents. He said that a conversation must take place with Empress to see what the possibilities are.

Comptroller Gennelle MacNeill thanked the Town Board, the department heads, all of the employees and, specifically, her department for all of their hard work and cooperation to create a successful budget for the residents of Yorktown. She spoke about the lengthy process of creating a budget. Comptroller MacNeill explained that the increase in revenue helped to keep the tax levy flat. She said that next year there may not be the flexibility that the Town had this year.

The following members of the public spoke:

- Mark Lieberman, resident, presented several questions:
 1. On what basis are you projecting a 24% increase in sales tax revenue when the county is only

projecting a 4% increase? This is contrary to what the auditor said last week about budgeting revenues conservatively.

2. When will you start explaining the total tax picture? You state the Town tax is not going up but the refuse tax is going up 9.9%. The Town tax is only one of many taxes and your statements are misleading.
 3. For the first time in ten years, the Town shows a drop in taxable assessed valuation. When the assessed value of the Town goes down, each taxpayer must pay more. Our tax rate is dependent upon assessed value. Why did the assessed value go down? This is a bad economic indicator.
 4. Why do you expect real property taxes to drop nearly 2%? Westchester home buying is expected to be solid next year but you show a dramatic drop in mortgage taxes of nearly 29%. Please explain what your forecast is based on.
 5. Why is paying for the General Fund Expenses always dependent on the fund balance as a major revenue source? That is our savings. Why do you not budget costs to be covered by revenues? Your approach is always depending on the fund balance, which appears shortsighted.
 6. The 2024 budget states that you are taking \$300,000 from the refuse fund balance. How much money was in the refuse fund balance at the beginning of 2023 and how much is in the refuse fund balance now? After using this \$300,000, how much will be left in the refuse fund balance? For you to plan to use \$300,000 from the refuse fund balance, you must know how much money is in the refuse fund balance.
- Larry Kilian, resident, spoke about the condition of the tennis courts in Town. He said “band aids” were applied this past year but the cracks are appearing again and the tennis fees will not cover the cost of repair. He asked if the Town would refund the fees that were collected given that the courts were not maintained, and the players are performing some maintenance themselves. He said that the fees should be for the Parks & Recreation Department to maintain the courts as opposed to going into the General Fund. He asked for the Town to schedule the redo of the courts for next year and he hoped that the drainage would also be corrected. Mr. Kilian also addressed the issue of development in Town. He said that our assessed value is the value of existing commercial space declining? He said that we simply do not need that much commercial space in the 21st century. He said he recently provided the Town Board with a list of commercial properties that recently received reductions and said that those businesses pay fewer taxes and the residents have to pick up that tax burden. He asked if more tax certioraris being filed. He also asked who are the 8 businesses receiving 485(b) exemptions. Mr. Kilian asked what the value is to date of how much taxpayers have had to pay to make up for these tax breaks. He spoke of the amount of tax breaks businesses have received in Yorktown. Mr. Kilian asked if the value of our commercial space is declining and that the Town should adjust their policies accordingly. He said that there is a problem with how the 485(b) policy works, which has led to overdevelopment and massive traffic problems in the areas of Lowes, BJ’s, and Staples (now known as “Fast Food Alley”). He asked why the Town’s 485(b) policy has not been periodically reviewed, as stated it should be in the 485(b) law. He asked why the Town has not taken advantage of the option to limit the tax breaks to only certain needed locations or certain types of businesses. He said that the Town should do a traffic study each time a major traffic producer is going to come in to Town.
 - Mary Jane Kilian, resident, spoke about her concern regarding climate change and thanked the Climate Smart Communities Task Force for spearheading the effort to make requests for proposals to install solar panels on municipal buildings. Ms. Kilian said that this is an effort that needs to move quickly from exploration to implementation and requires commitment on the part of the Town Board and should be reflected in the Town budget. She said that this is also about saving taxpayers money. She said that transitioning to clean energy will decrease expenses and increase revenue. Ms. Kilian cited Croton’s project to provide solar panels in their parking lot as an example of increasing revenue while transitioning this space to clean energy. She also suggested using money in the fund balance to invest in clean energy.
 - Jann Mirchandani, resident, said she noticed that the Town has \$47.8 million in fund balance totals. She said that nowhere is it stated where that money is held or how it is currently invested and who manages it. Ms. Mirchandani asked why some of that money is not being used to invest in clean energy strategies and/or infrastructure projects that would save even more money for the Town.

- Susan Siegel, resident, asked that the Town Board respond to all of the questions asked this evening. Ms. Siegel said we have to stop talking about the Town tax, which is just three funds – General, Highway, and Budget – because every taxpayer pays for refuse, EMS, water tax (in some cases), and some pay a sewer tax. She said that even though the Town tax is coming in a 0% increase, residential taxpayers are actually paying more. Ms. Siegel also urged the Town Board to talk about dollars and cents that are more relatable, not percentages. She said the 2024 budget, as well as other years, is shortsighted. Revenues have not kept up with the increase in expenditures. Other than taxes we do not have control over most of the remaining revenues. She cited sales tax – a whopping 24% increase next year. She said that we have been fortunate in recent years that the sales tax has come in higher than projected, which has helped add to our fund balance that we have been able to use. She said that the county is projecting less sales tax in the last quarter of this year, which means we may get less. If the county is projecting less of an increase in 2024, on what basis are is the Town projecting 24%, especially since our auditor has consistently said to be conservative in how you estimate your revenues (especially the ones you cannot control). Ms. Siegel said the Town is relying on the fund balance to cover our expenses. She said that this is like a homeowner taking their rainy day fund to go on a vacation – we are living beyond our needs. The fund balance should be used for long-term needs (i.e., a new roof that would last 30 years, drainage pipes, etc.). The decrease in the assessment roll needs to be explained and how that will affect next year. When the assessment roll drops, taxes increase for the rest of us. She said that more development is not necessary, as the economy is different today than it had been. Ms. Siegel asked questions regarding several specific line items.
- Jenny Sunshine, resident, asked if the Town would consider putting a larger menorah in front of Town Hall for the holidays, as well as something representing Kwanzaa. She also spoke of the congestion at the BJs/Staples shopping area. Ms. Sunshine said that certain development is needed but so, too, are open spaces. She asked the following questions:
 1. Who manages the money in the Parks Capital Trust? Do we have an investment management company?
 2. What are the Town’s plans to improve the Hunterbrook ballfield and when?
 3. Why does the Town Board expect recreation fees to go up by 18%?
 4. How much money was lost in 2021, 2022, and potentially 2023 because the Town often accepts property or other arrangements such as at Underhill Farm in lieu of the full Parks and Recreation fee?

Ms. Sunshine said that very often people agree to more development because there is the impression that businesses will be adding to the tax base and they feel that maybe they might not have to pay more in taxes. She said that this is implied but where is the actual benefit to the taxpayers since so many new businesses have opened.

Ms. Sunshine spoke about the need for paving in her area, as well as other areas of Town. She said that she hoped there would be money available to fix up Willow Pond Park along Curry Street and wondered if the gas pipeline company may want to come in to update their equipment there. She said that this caused much destruction to the park in the past.

- Sheila Schraier, resident, said that she agreed with Ms. Sunshine’s comments about the waiving of the Parks and Recreation fee for Unicorn’s development of the Underhill Farm project in exchange for them doing some sort of project with the pond on the premises and placing historical markers on the property. She said that she thought that Parks and Recreation should have gotten that money, which is substantial, since Yorktown has many parks and recreational areas that need repair. Ms. Schraier asked about the status of the solar project at Granite Knolls. She also asked about the bond payout for Competitive Carting and if the Town could expect to get any money from them. Ms. Schraier said that the Town Board seems to use the General Fund balance to avoid raising taxes and wondered if, in the long run, if this is good fiscal management. She asked why the General Fund was used to cover the increase in the cost of refuse removal and not just raise the tax since it was only supposed to be an increase of “pennies per day.” Mr. Schraier asked if money has been set aside to cover the expenses of the lawsuit brought against the Town by AAA Carting and if the lawsuit/litigation had begun.
- Anthony Pichette, resident, raised the topic of having four full-time Town Board members on a full-time salary, instead of board members being paid for part-time positions. He raised the

incident of a death in Town a few months ago and would like to bring more light to the accident. He said that his biggest concern is the amount of traffic and asked if money could be budgeted for speed reduction signs in Town. He would like to see the speed reduced to 25 MPH. Mr. Pichette would like to see money put into a safe driving campaign, as well as money to assist the Arts & Culture Committee, and a discussion with an outside consultant to make Yorktown a more walkable community.

- Mark Lieberman asked how grants are managed – is there a centralized grant management system? He asked for a list of outstanding grant requests and their status. What was applied for? What was received? He also asked the status of the Hallocks Mill Sewer District Extension project. What monies are budgeted for that? What is the status of the ARPA money – what has been spent and what has not yet been committed?

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilman Esposito and carried.

Supervisor Diana addressed Mr. Pichette's comments first. He spoke about the Traffic Safety Committee and the work they do and mentioned the presentation done by company called IDOL and their services to cut down on drunk driving. The Town is assisting them in how to apply for grants.

Supervisor Diana spoke about the garbage lawsuit. He said the contract called for a cost of \$288,000 per month plus start up fees, which led the Town to their current contract. Supervisor Diana said the solar panels have been at Granite Knolls for months and the company has not yet ordered their steel or broken ground and were supposed to start early November. He said that the projects must begin soon or the Town will have to take action. Regarding Unicorn and Parks and Recreation fees, Supervisor Diana He said that Unicorn is paying \$225,000, which was determined by the Planning Board because the development will have a recreational element. The \$225,000 will be used to offset recreation costs. Supervisor Diana said that paving will depend upon Extreme Winter Funds and CHIP money. Supervisor Diana explained how a resident's tax bill is broken down. He said the Town offers much for the amount that people pay in Town tax, given that the bulk of your tax bill goes to school taxes. He addressed open space and said that the Town cannot afford to assume any more because it has to be maintained by Town employees. He said the Hunterbrook sewer system issue is an intricate part of the Toll Brothers project, should that go through. If it does not go through, a tax may have to be considered to improve the pump station there. Supervisor Diana said this may be the Town's "ask" of the developer if they plan to continue to do the project. Supervisor Diana addressed the fluoride project and said that NWJWW is awaiting a particular program in order to proceed. He said there are a couple of things that need to be done before NWJWW would allow their trucks to deliver the fluoride, which is a caustic material. He said that a fluoride plant would not be opened until he is sure it is safe. Supervisor Diana said he and the Town Board are not holding up any projects (as were mentioned during public comment) and, to the contrary, they are anxious to either get started on new projects and to complete old ones. He said that the time of "band-aids" on projects has ended; if he is to fix a problem, it is to be once. He cited examples of how this was accomplished this past year, specifically at the Town's pools. Supervisor Diana spoke about Article 78s that have been filed against the Town, lawsuits, and attorneys' fees and reminded residents that as much as everyone has a right to file an Article 78, it is taxpayers' dollars that pay for them. He addressed the 485(b) tax programs and said that there are incentives and they can work. He cited the Unicorn project (Underhill Farm). He said in this instance the 485(b) program will take that bit of a tax break (approximately \$650,000 after three years) and improve the intersection of Route 118 and Underhill Avenue, which looks the same today as it did in the early 1900's. Unicorn Industries will put in the remainder of the \$1.2 million to pay for the improvements to the intersection that has become dangerous. He said that many of the businesses that receive the 485(b) exemptions have brought other businesses and revenue to Town. Supervisor Diana said the Town is now looking into putting solar panels on some of the flat-roofed Town buildings. The Town is undergoing an audit through the Climate Smart Communities Task Force to see what buildings would be able to support rooftop panels.

Supervisor Diana thanked those who made public comment.

Councilman Lachterman spoke about security at the Town Board meetings as being a necessity in the case of an active shooter event. He said it is for the safety of the residents and the Town Board and would never vote to have this removed from the budget. The other members of the Town Board

agreed. Councilman Lachterman said the sales tax increase is more reflective of what was collected in 2021 and 2022; 2023 has not been calculated yet. He said that the Town Board was very conservative, due to COVID and not knowing what would happen. He said that town tax percentage is important because that is how the state measures the tax cap. He said that if we break the tax cap, all of our refund money on our property taxes from the state goes away. He said this is an extremely important number. Councilman Lachterman said the fund balance is a balancing act – some say spend it down, others say to save it. He said that we should not have a tremendous amount in the fund balance; there is a percentage recommended by the state and that is what we try to achieve. He said that this year we added money to the fund balance and every year it is reassessed, re-evaluated, and re-planned. He addressed the comment that with all of the new development in Town, why aren't taxes going down by saying expenses are going up but taxes have been kept either flat or low increases. Councilman Lachterman said that 485(b) is an incentive on additional taxes; it does not affect the existing taxes. He said that it actually means the Town is making more on taxes, as it is a percentage of new realized taxes. Councilman Lachterman said if a developer is building new commercial space, there must be a demand. He said that the Parks and Recreation fee is addressed in a law; they cannot say this is what we would like to do even though you comply with the law. He said that the law is something the Town Board would like to look at in the next year.

Councilman Esposito said there are active conversations among the Town Board members regarding the Parks and Recreation Law. He said that he would like to make it not 100% mitigated. He said that the law says if you provide "X" and you can prove it and it is acceptable, then the fees get 100% mitigated. He would like to see it on a scale so that there is always money coming in. He said when park fees are collected from a development, they have to be used at parks in the immediate area of the development. Councilman Esposito said that he does not like that part of the law. He went on to explain that the \$225,000 that Unicorn is gifting to Parks and Recreation can be used as the Town determines. Councilman Esposito addressed the comment about taxes going down due to development and repeated his own comment about the PSC agreeing to a 30% increase for NYSEG – expenses are going up. He said that they are trying to find the "unique window" for the solar panels to be installed at Granite Knolls because of the disruption to the sports schedule. He said that the Town is trying to build diversity in housing stock. He said not all proposed projects for all types of development are not approved or wanted by the Town. He said that one of the things that he likes about the Toll Brothers project is that they are willing to gift money to fix up Hunterbrook. He also cautioned that all lawsuits cost the Town money and asked people to consider any lawsuits just because you do not like the decision of the Town Board. Councilman Esposito said the IT new hire was removed from the budget because the Town decided to stay with outside consultants. Councilman Esposito said that they are anticipating \$300,000 from the bond from Competitive Carting and that was put into the budget and go out to the taxpayers to mitigate the costs. He said that the Town is in the process of suing the bond company and a settlement hearing has been set. Supervisor Diana made some comments regarding the lawsuits the Town has against Competitive Carting and how monies received will reduce the amount of the costs to the taxpayers.

Councilwoman Haughwout deferred her responses to department heads who could address the comments more thoroughly.

Comptroller MacNeill spoke about the process of how each line is examined and projected based on the history of the line (3 years) and projected expenses. She said the reason the sales tax increased so much because in 2021 the sales tax rate was raised one percent and the previous comptroller kept the tax revenue flat because we did not know how the increase would impact the Town. She said we have surplus because the Town was projecting low for the last 3 years. She is projecting this year to come in a \$9.2 million and conservatively budgeting \$720,000 of wiggle room in case the Town does not meet the projection. She said there was a significant drop in the mortgage tax which accounts for the decrease. Comptroller MacNeill said the Town has to follow New York State law regarding the investment of public funds and is only allowed to invest in funds that are legal, safe, and liquid. She said that, basically, it is three types of deposit, which are time deposits and CDs. She said that when they put money back into the General Fund from the budget, many times the money is used to fund upfront money from grants received. She said that the Town received \$3.7 million in ARPA money; \$1.8 million has been allocated by resolution to projects and the remaining money has not been officially allocated but there are certain projects that the Town would like to designate towards the remaining balance. She said that the funds would have to be encumbered by the end of next year and be spent by 2026. If the money is not spent, it would be lost.

Sole Assessor Kim Adams Penner said that what residents have to remember is that taxable value is not something she can control because that includes all exemptions. She said that the Town had an increase in Senior Exemptions of 262 people who had filed (that is the lower income). She said that our actual total value increased by \$489,913 in assessment, which is close to \$28.5 million in market value.

Receiver of Taxes Barbara Korsak reported that approximately \$4 million is owed in back taxes. She said that the Town has tried to reach agreements with the residents who owe but it is at the point they cannot meet the agreement.

Director of Planning John Tegeder said that when a residential development comes in, the Planning Board must determine if it creates a demand for recreational opportunities. If it does, they have to see if the development can provide those opportunities on site or nearby. He said there are requirements regarding the type of land (i.e., level) and only when it is determined that they cannot provide the recreational opportunity on site can you then go to the money “in lieu.” He said that this is embedded in New York State law. He said Councilman Esposito is correct when he said that when the Town does take in that money, it must be used to provide the recreational opportunities that the development is creating, so it is typically nearby. Mr. Tegeder said in terms of open space, passive recreation counts towards the recreational opportunities that can be provided. He said that sometimes, not very often, the Planning Board does accept land when it is near other passive recreational amenities, such as Turkey Mountain, or opportunities for trails. He said that typically this is not the case. He said that very often you will see an easement where those recreational opportunities will be provided but the land will still be owned by either the future owners in the development or the developer/applicant. Mr. Tegeder said open space comes to the Town in a variety of ways, not just in the development process. He said that they do not look at open space just because it would look nice, it has to provide opportunity (i.e., nature trails).

Water Distribution Superintendent Ken Rundle gave an update on the water meter project. He said that 4500 meters were contracted for and, to date, there have been 3500 installed with scheduled appointments for the remaining meters. He said that they will be addressing replacement of commercial meter replacement once the residential piece is complete.

ADOPT PRELIMINARY BUDGET AS THE ADOPTED BUDGET FOR FISCAL YEAR BEGINNING JANUARY 1, 2024
RESOLUTION #591

Upon motion made by Councilman Esposito, seconded by Councilman Lachterman

WHEREAS, Supervisor Thomas P. Diana, acting as Budget Officer, did on the 24th day of October, 2023 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2024, and

WHEREAS, a public hearing was called and duly held on the 5th day of December, 2023, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget and be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2024, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of

conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

Supervisor -	\$136,470.00
Councilman (4) -	\$ 25,080.00
Town Clerk -	\$115,575.00
Superintendent of Highways -	\$148,977.00
Town Justice (2) -	\$ 46,025.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll-call which resulted as follows:

Supervisor Thomas P. Diana	Voting	Aye
Councilman Edward A. Lachterman	Voting	Aye
Councilman Sergio Esposito	Voting	Aye
Councilwoman Luciana Haughwout	Voting	Aye
Councilman Mary L. Capoccia	Voting	Aye

The resolution was thereupon declared duly adopted.

Supervisor Diana said that there will be no Town Board meetings on December 19, 2023 and December 26, 2023.

A discussion took place regarding the following resolution as to the amount of time the Heritage Preservation Commission is authorized to use Room 226 in the Albert A. Capellini Community and Cultural Center for the storing and researching of documents related to their work. Town Clerk Diana Quast explained that it was not possible to store their boxes at the records center at this point because work is being done at the center. The contents of the boxes need to be reviewed, scanned, and brought to the records center when it is possible. It was decided to approve a two month time period.

AUTHORIZE THE USE OF ROOM 226 IN THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER BY THE HERITAGE PRESERVATION COMMISSION
RESOLUTION # 592

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

Resolved, that the Heritage Preservation Commission is authorized to use Room 226 in the Albert A. Capellini Community and Cultural Center for the storing and researching of documents related to the work of the Heritage Preservation Commission for a period of two months.

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

AWARD BID FOR ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICE FOR BOILERS, BURNERS, AND FURNACES AT VARIOUS TOWN BUILDINGS
RESOLUTION #593

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

Whereas, invitation to bid for Annual Maintenance and Emergency On-Call Service for Boilers, Burners, and Furnaces located at various Town buildings/locations was duly advertised; and

Whereas, said bids were received and opened on December 4, 2023, with the bid amounts for the above-referenced bid summarized as follows:

<u>Name of Bidder</u>	<u>Annual Contract</u>	<u>Hourly Labor Cost (1st hour/additional hours)</u>
ThermoDynamics Corp	\$44,100.00	\$150.00/\$150.00
Guglielmi Plumbing & Heating	\$15,000.00	\$195.00/\$150.00

Therefore Be It Resolved, that upon the recommendation of the Building Maintenance General Foreman, the bid for the Annual Maintenance and Emergency On-Call Service for Boilers, Burners, and Furnaces located at various Town buildings/locations is awarded to Guglielmi Plumbing & Heating, Inc., the lowest responsible bidder.

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

BUDGET TRANSFER FOR PAYMENT TO BLEAKLEY PLATT & SCHMIDT, LLP FOR EXTRAORDINARY LEGAL SERVICES
RESOLUTION #594

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

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

From: A.1990.499.1	Contingency Capital Projects	\$53,338.75
To: A.1420.426	Legal – Outside Council Fees	\$53,338.75

for payment to Bleakley Platt & Schmidt, LLP for Extraordinary Legal Services as set forth in the agreement with Bleakley Platt & Schmidt, LLP.

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

APPROVE THE BELOW LISTED EQUIPMENT TO BE DEEMED OBSOLETE AND SOLD AT AUCTION BY ABSOLUTE AUCTIONS & REALTY, INC.
RESOLUTION #595

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

WHEREAS, the Town of Yorktown Police Department has found the following equipment to be obsolete and no longer needed for public use by the Town of Yorktown, and

WHEREAS, the Town of Yorktown Police Department recommends to the Town Board that the listed equipment be deemed obsolete and sold at auction by Absolute Auctions & Realty, Inc.

- One (1) Crown Victoria Setina prisoner partition with misc. panels
- Three (3) unknown prisoner partitions
- Twenty-Two (22) misc. Whelen interior lighting for Crown Victoria vehicles

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

AMENDMENT OF START DATE FOR THE APPOINTMENT OF POLICE OFFICER FERNANDO DENIS
RESOLUTION #596

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

Resolved, that the Town Board Resolution dated November 21, 2023 appointing Fernando Denis to permanent Police Officer in the Town of Yorktown is hereby amended with a start date of December 6, 2023.

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

AUTHORIZE THE PURCHASE OF A TEMPSTAR DISHWASHER FROM SECOND & BROAD SALES ST. CORP. D/B/A JOSEPH FLIHAN CO. OFF NYS CONTRACT #23153
RESOLUTION #597

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

Resolved, the Senior Services Department is authorized to purchase a Tempstar Dishwasher from Second & Broad Sales ST. Corp. d/b/a Joseph Flihan Co. NYS Contract Award #23153-OGS

Contract PC68659 for \$9,919.16. In addition, Hanover Electric will install for additional \$750. Plumbing will be done by Keiling Construction, Inc for \$700.00 for a grand total of \$11,369.16.

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

From:	1990.499.1	Contingency Capital Projects	\$11,369.16
To:	A.6772.0201	Equipment	\$11,369.16

for the purchase of the above-referenced dishwasher from Joseph Flihan Co.

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

AUTHORIZATION TO EXECUTE SECOND AMENDMENT TO LEASE AGREEMENT WITH CINGULAR WIRELESS PCS, LLC

RESOLUTION #598

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

Resolved, the Town Supervisor is authorized to execute a second amendment to the lease agreement with new Cingular Wireless PCS, LLC, to authorize a sublease to Dish Wireless L.L.C., including 70 square feet of land, for an additional \$500.00 per month, to escalate at 5% per year.

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

AUTHORIZATION TO EXECUTE ALL DOCUMENTS NECESSARY TO PROCURE A \$50,000 NYS AND MUNICIPAL FACILITIES PROGRAM GRANT

RESOLUTION #599

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

Resolved, the Town Supervisor, Town Attorney, and Town Comptroller are authorized to execute all documents necessary to procure a \$50,000.00 N.Y. State and Municipal Facilities Program grant for the purchase of a Police Vehicle and Equipment.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A REQUEST FOR PROPOSALS (RFP) FOR GRANT SERVICES FOR THE TOWN

RESOLUTION #600

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

NOTICE IS HERE GIVEN, that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on January 11, 2024 at Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for grant services companies and the like to submit proposals for the performance of 2023-24 grant services for the Town.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A REQUEST FOR PROPOSALS (RFP) FOR LAKE MOHEGAN AQUATIC PESTICIDE TREATMENTS

RESOLUTION #601

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on January 11, 2024 at Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Lake Mohegan Aquatic Pesticide Treatments.

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

ACCEPT CHECK #14778 IN THE AMOUNT OF \$220,000.00 TO SERVE AS THE ROW ESCROW FOR OFF-SITE WORK FOR ROADWAY IMPROVEMENTS FOR THE WALGREEN'S SITE PLAN
RESOLUTION #602

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

WHEREAS, J. Nazzaro Partnership, L.P., posted check #14778 in the amount of \$220,000.00 to serve as the ROW escrow for off-site work for roadway improvements,

NOW, THEREFORE BE IT RESOLVED, the above referenced check is hereby accepted to serve as the ROW escrow for off-site work roadway improvements for the Walgreen's Site Plan.

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

AUTHORIZE SUPERVISOR TO SIGN CHANGE ORDER NO. 3 FOR THE CEMENT RELINING BID AWARDED TO MICHELS PIPE SERVICES FOR THE STRAWBERRY ROAD AND HANOVER STREET FOR A NET INCREASE OF \$10,383.83
RESOLUTION #603

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

WHEREAS, there is a net increase of \$10,383.83 in the cement relining contract value for scheduled and installed quantities for the unit price items for Strawberry Road and Hanover Street sections of the project; and

WHEREAS, overages were primarily due to exceeding the anticipated scheduled values for pay items: HS11 additional NYSDOT Type 2 select fill, HS13 pavement restoration, HS14 exploratory excavations and HS17 additional fitting; and

WHEREAS, additional test pit was needed because Michels encountered some unmarked obstructions (bends) that were not on the record maps and the Water District directed Michels to replace a few of the existing wet taps and some existing tees for the paper streets; and

WHEREAS, when the additional test pit was needed to find/replace the fittings, this resulted in the need for additional fittings, backfill, and pavement.

WHEREAS, Ken Rundle, Water Distribution Superintendent, requests that the Town Supervisor sign the Change Order No. 3 to be attached to the cement relining bid awarded to Michels Pipe Services for reconciliation of scheduled and installed quantities for unit price items for the Strawberry Road and Hanover Street sections of the cement relining project resulting in a net increase of \$10,383.83; and

THEREFORE, BE IT RESOLVED, that upon the Water Distribution Superintendent's recommendation, the Town Supervisor is authorized to sign Change Order No. 3 to be attached to the cement relining bid awarded to Michels Pipe Services.

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

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss personnel and/or litigation matters and adjourned thereafter.

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