

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 11, 2020 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Vishnu V. Patel, Councilman
Alice E. Roker, Councilwoman

Also Present: Maura Weissleder, Deputy Town Clerk
Adam Rodriguez, Interim Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

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

LANDMARKS PRESERVATION COMMISSION – COMMISSION NAME CHANGE; CULTURAL HERITAGE TOURISM; YORKTOWN 250 COMMITTEE

Ms. Lynn Briggs, Chairperson of the Landmarks Preservation Commission, presented a resolution to change the name of the committee to the Yorktown Heritage Preservation Commission. She stated that they feel the current name is too restrictive to residents and feel that the new name is broader, more relevant, and better describes what they do. Ms. Briggs said the Commission has been doing the broader concept for a long time (i.e., lectures, community events, preservation month celebration month at Hallocks Mill, launched preservation symposium at Hilltop Hanover Farm, 2 programs currently underway – cleaning up grave markers, digital tours of our historic sites. Ms. Briggs said this is consistent with heritage and not just landmarks. Councilwoman Roker asked for the Commission to do a presentation of what they offer so the public can be aware. Ms. Briggs said the Commission received clearance from the State and is now seeking Town Board support. The Town Board voiced their support of the change, which will need to follow proper procedure. as one of the primary strategic drivers for revitalizing Yorktown. This would help the creation of Yorktown as a destination for people to visit and promote tourism and business for the Town. She stated that the range of our cultural heritage in Yorktown is not now fully appreciated or leveraged. Ms. Briggs enumerated what Yorktown has to offer in terms of history and culture. Councilman Lachterman mentioned a radio segment that was recently done on the Pinesbridge Monument. Councilwoman Roker mentioned a project that the Planning Director, John Tegeder, is working on. Mr. Tegeder said it is a historic trail that would start with a revolutionary war trail, which would have educational material and maps at the sites and could be expanded to encompass all of Yorktown's history. The Town Board voiced their support of the resolution, to be included on a future agenda.

The third resolution Ms. Briggs presented to the Board was to adopt the creation of the Yorktown 250 Committee to commemorate the 250th anniversary of the country in conjunction with state, regional, county, and local initiatives. Ms. Briggs said the Yorktown committee would work with local communities over the next six years to work events for the commemoration. She stated that this would be a subcommittee of the Landmarks Preservation Commission. Ms. Briggs said she would like to produce a definitive history of Yorktown. Councilman Lachterman said that this may be a good project for other community organizations, as well. The Town Board voiced their support of the resolution, to be included on a future agenda.

YORKTOWN STAGE

Mr. Barry Liebman, President, Yorktown Stage, came before the Board in order to pursue a liquor license, as it will bring in increased revenue for the theater. He said that every one of the people who came to a recently packed comedy performance requested beer or wine. Supervisor Slater said that he understands this, since it becomes part of the overall experience. Councilwoman Roker agreed that people would enjoy a drink at a performance geared for adults. Mr. Liebman said the theater would serve beer and wine only. The Town Board would have to pass a resolution

allowing this (establishing a policy) in the Town since the theater is Town funded. A discussion followed regarding the showing of old black-and-white-films.

BUILDING DEPARTMENT FEE SCHEDULE

Building Inspector John Landi asked the Town Board to review the Master Fee Schedule. He feels the schedule is too general; for example, a large company such as Lowe's can be charged the same as a small shopping center. Mr. Landi said it should be on a sliding scale, as done by other municipalities. Councilwoman Roker said that there have been many complaints regarding how the fees are being charged. Mr. Landi said he is only applying the fees that are in the Town Code. Supervisor Slater directed Mr. Landi to work with Interim Town Attorney Adam Rodriguez to review our fee schedule and do a comparison with other municipalities. Again, Mr. Landi stated that he is only charging what is in the Town's fee schedule. Supervisor Slater told Mr. Landi to come back to a future work session with the comparison.

PROPOSED SOLAR LAW

Supervisor Slater stated that the public would like to see this proposed local law formulated. Director of Planning, John Tegeder, said he would like to look at comparisons, make suggested changes and bring it back to the Board. He said right now solar use is considered an incidental accessory use for private residents; similar to installing generators. Councilwoman Roker raised the idea of visiting some of the local solar installations to get an idea of what the Town Board may be contemplating allowing in Yorktown. The Town Board agreed with this and will look at setting up visits.

COMMERCIAL WATER RATE - WATER DEPARTMENT

Mr. Ken Rundle, Water Superintendent, told the Town Board that there is a law in the Town Code that commercial meters have to be tested every three years and the results are sent to the Water Department. If they do not pass the tests and the water meters are inaccurate, the meters have to be repaired or replaced. His experience is that this has not been done. He said the Town now has a program that will accept all of the test results for analysis. Mr. Rundle said he would like to see the language in the Town Code regarding non-compliance of this testing change to include some type of penalty to ensure a response to a non-functioning water meter. This will ensure the fair share of payment and lessen the Town's water loss each year. He said there are approximately 350-400 commercial water meters in Yorktown.

Councilman Diana said he would like to shorten the length of time for the testing. Supervisor Slater said other municipalities have a penalty associated with non-compliance. Councilman Diana suggested testing be done every eighteen months to two years. Supervisor Slater asked if the Water Department staff could handle the increase of work that this change would bring. Councilwoman Roker said the first year would be difficult but should decrease as the years go by and owners become more compliant. Mr. Rundle said testing can cost approximately \$1,200 to \$1,600. He said sometimes the meters are too old and if they are not functioning properly, parts are not available to repair them. Mr. Rundle said the cost of the penalty may encourage the owners to put the money towards a new meter. Mr. Rundle said commercial buildings, condominiums, shopping centers, schools, etc. all qualify as commercial meters – 1.5 inch meters qualify as commercial meters.

Supervisor Slater directed Mr. Rundle to work with the Interim Town Attorney to come back to the Board with a more formal proposal.

Councilwoman Roker said a letter prior to the public hearing could be sent to the commercial users so they understand how they will be affected.

Councilman Patel said the commercial users can monitor their water usage to make sure there are no problems. Mr. Rundle said this is a good point. He said if, for argument sake, half of these meters were replaced it would be with the new technology for the radio reads. It exists right now for residents who can download an app and see their water usage. Mr. Rundle said he would like to bring in someone from the meter company to a future work session to explain all the latest technology available.

Councilman Diana asked how often backflow preventers are tested and Mr. Rundle said once a year. Councilman Diana said maybe this could be coordinated with the water meter testing and Mr. Rundle agreed.

Supervisor Slater asked how quickly Mr. Rundle could pull together the proposed changes and Mr. Rundle asked for the time in order to get all of the proper information and data. Councilwoman Roker said she wants the public to understand that this has nothing to do with their private water rates; and, in fact, will help them.

The Town Board took a five minute break.

CAPTURE POINT LLC - PURCHASE OF COMMUNITY PASS

Mr. James Martorano, Parks & Recreation Superintendent, introduced Tim Bracken from Capture Point LLC to present the Town Board with the Community Pass program that Parks and Recreation is proposing to use to enroll and pay for memberships and class registrations. Mr. Martorano said Capture Point does an incredible amount of business with local communities in Putnam and Rockland Counties and in Connecticut. The system allows residents to sign up for recreation programs online and the staff will use a POS (point of sale) system in the office. Currently the Town has a manual system, which is inconvenient for the residents. The hours of registration are 8:30 to 4:30 and the resident must bring a check or credit card.

Mr. Tim Bracken did an online presentation of the Community Pass program. It is a cloud-based program that only requires an internet connection. He said this is widespread and is used across the country. There will be a link on the Town's website to the Community Pass website. This website will have multiple areas of information pertinent to the resident. The webpage will also prevent accidental registrations and will print receipts online, which will also save Parks & Recreation office time. Mr. Bracken said all medical information will still need to be brought into the office.

Councilman Patel as to whom did the information provided through the system belong and Mr. Bracken said it is entirely the property of the Town, as reviewed by the Interim Town Attorney.

Mr. Bracken said one feature of the program is that it allows you to search by age, grade, gender, family filters, etc. for appropriate programs.

Councilwoman Roker said she heard a resident can enroll in a class at the last minute. Mr. Martorano said there is a huge decline in adult enrollment and feels this is one area in which those numbers may increase due to last minute class enrollment.

Supervisor Slater asked if there is data on growth. Mr. Bracken said it varies from community to community and that, at some point, Yorktown should see online registration be at 80-90%.

Councilwoman Roker said it also encourages people to voice their opinion on what classes they would like to see added to the schedule.

Supervisor Slater said Parks & Recreation is looking to implement this system in phases: 1- recreation programs, 2-camps, 3-pools.

Mr. Martorano said the system also could validate certain types of residents, which ensures proper enrollment.

Councilman Lachterman asked what type of protection is in place for this system and Mr. Bracken said it is PCI compliant and DSS compliant. He also stated that they have not had any issues for the 17 years they have been in business. He said that this type of use is not considered a high value target.

Mr. Martorano said that residents may still come to the office for registration and be able to pay by cash or check.

Supervisor Slater asked if there are training sessions for the staff and was told yes.

Mr. Martorano said he has been working with Mr. Rodriguez on the contract.

ENBRIDGE AGREEMENT

Mr. James Martorano, Parks & Recreation Superintendent, and Mr. Matt Talbert, Parks & Recreation Commission said the Commission approved a camera project, which has been implemented. There is one camera they are having issues with at Legacy Fields and the best location for the camera is on the

Enbridge gas line property. This proposed agreement will allow the Town to place the camera on the property. If Enbridge or anyone damages this particular camera, the Town is responsible for replacement or repair costs. The cost of the camera is approximately \$285.

AGREEMENT WITH ALGONQUIN GAS TRANSMISSION, LLC FOR TOWN
INSTALLATION OF SECURITY CAMERA
RESOLUTION #59

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

Resolved, the Supervisor is authorized to sign an agreement with Algonquin Gas Transmission, LLC to permit the Town to install a new security camera on Algonquin's existing cathodic protection rectifier panel, subject to approved amendments made by the Town Attorney.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

LIEN RELEASE AGREEMENT

Mr. James Martorano, Superintendent of Parks & Recreation, raised the issue of the lack of a lien agreement for the Town. This came up for him with a contractor at Granite Knolls. Interim Town Attorney Adam Rodriguez explained that it is basically like a receipt for payment – you generally do not release funds under a contract until you get a lien release waiver and it is usually done in stages or progress payments under a construction project; for example, if a project is 25% done, before you pay the 25% you get a lien release for 25% of the amount. It is a release of any right to lien against the property or project. Mr. Talbert from the Parks & Recreation Commission said it helps keep the Town from being liable. Mr. Rodriguez said he is coming up with a boilerplate document that will be modified from project to project. He said the Town does not sign this document, the contractor does.

Councilman Patel asked if the Town has warranties on the work/equipment at Granite Knolls and Mr. Talbert said yes; some of them are in the invoice themselves.

Supervisor Slater said he would like copies of the warranties submitted to the Interim Town Attorney's office.

TOWN CODE UPDATES

Mr. James Martorano, Parks & Recreation Superintendent, brought before the Board some ideas of code changes that affect our fields. Ballfield lights: Mr. Martorano said the Town has always been told that it is illegal to advertise on our own fields; however, it can be done through state legislature. However, he said the Town Code must also be reviewed regarding signage and what can be put up as signage. Supervisor Slater said the legislative session ends early this year so the Town must move quickly, as we need authorization from the state. In the meantime, Supervisor Slater will work with department heads on the town code and have a resolution on next week's agenda. Supervisor Slater questioned where the revenue from such signage would go and said he would like to see it go back into turf replacement. Each turf field costs approximately \$500,000 to \$600,000 each to replace every 12-15 years. Mr. James Martorano said right now the budget is \$250,000. Supervisor Slater identified Granite Knolls and Legacy Fields as locations where this signage could be done and wants to see revenue devoted to turf replacement solely.

Mr. Martorano raised the issue of the Lighting Code, Chapter 200-6(H) that requires lights on sports fields to have shields on them. He said that the Town has the most high tech LED lights that exist that do not have light shields. Mr. Martorano suggested that the language "fully shielded" be removed from this section of the Town Code.

Supervisor Slater suggested that Director of Planning John Tegeder and Interim Town Attorney Adam Rodriguez weigh in on this to see if this is an outdated code that needs updating.

Mr. Martorano suggested that the Town Board address the Town Code relative to a smoking and vaping ban in Town parks. He presented the Board with a sample of the Town of Lewisboro's code that he feels is a good ordinance regarding this subject.

Councilman Lachterman agreed that this is an antiquated law and needs to be redone and Supervisor Slater commented that it is not even compliant with the Clean Air Act.

The Town Board agreed that this section of the Town Code needs to be updated.

Mr. Martorano said he is working with the Town Comptroller on trucks for the department. They are in need of a utility vehicle and received a purchase order for a specific truck last year. Unfortunately, County Ford Mercury Inc. does not have the utility truck any longer. Mr. Martorano said they put together a mini bid and had the results of the bid. He is requesting the money back from the purchase order so he can award the mini bid. A resolution will be prepared for next week's meeting.

PAR 3 GOLF COURSE UPDATE

James Martorano, Parks & Recreation Superintendent, said there has been some movement on the progress of the golf course. He said they met with RC Recreation Development and John Tegeder for the tree, stormwater, and parking plan. There will be a meeting with Town Engineer Michael Quinn regarding the DEC violations, which were non-financial violations. They have pulled together the necessary documentation, filled out the paperwork and are now waiting for the permit. Not much can be done until the permit is received.

They will be meeting with the Planning Board work session on February 24, 2020.

Councilwoman Roker asked that once the project is out of DEC's hands, what are the next steps. Mr. Martorano said then the planning process begins; going piece by piece with the Planning Department so that we have the appropriate parking, storm water aspects of the drainage. Councilwoman Roker said RC Recreation Development should be meeting with our Planning Department and Board – they should bear some of the responsibility for this as the leaseholder.

APPOINTMENT OF DENNIS M. FLYNN AS LABORER – HIGHWAY DEPARTMENT
RESOLUTION #60

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

Be It Resolved that Dennis M. Flynn of Carmel, New York, is hereby appointed Laborer, Job Class Code 0425-05, within the Highway Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$44,154.00 annually;

Be It Resolved, contingent upon successful completion of a drug test and reference checks that Dennis M. Flynn will report to work at the Highway Department on February 24, 2020 and this date will be used as the first date of appointment;

Be It Further Resolved that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on February 24, 2020.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

ADJOURN MEETING

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

MAURA WEISSLEDER, DEPUTY TOWN CLERK
TOWN OF YORKTOWN