

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, April 14, 2020 held in 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: Diana L. Quast, Town Clerk
Adam Rodriguez, Interim Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Slater, seconded by Councilperson Patel, the Town Board moved into Executive Session to discuss the employment of a particular person(s) and Advice of Legal Counsel. Upon motion made by Councilperson Lachterman, seconded by Councilperson Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

Supervisor Slater announced that this is the first teleconferenced Town Board Meeting in the history of the Town of Yorktown in direct response to the coronavirus pandemic. The Supervisor was joined by the Town Board Members and Town Clerk: Councilman Tom Diana and Councilman Ed Lachterman. On the phone were Councilman Vishnu Patel and Councilwoman Alice Roker. Also in attendance were Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed to remember all those impacted by the ongoing pandemic - our neighbors in Yorktown who have lost their lives and, of course, the first responders who continue to answer the call whenever we have an emergency.

Supervisor Slater restated that he was located in the Town Board Room, although it was empty. He thanked the Town Clerk for making this meeting happen and for her leadership in bringing Zoom capability to the meetings. He reintroduced the Town Attorney and the Councilmembers. He also acknowledged Tom Sciangula, television producer, for making sure that people at home can view the meetings.

Supervisor Slater gave an update to the recent storm. He thanked Highway Superintendent Dave Paganelli, who he said probably was still cutting down trees. As of 7:15, Con Edison had 22 customers in the Town of Yorktown without power. NYSEG's number is down to 234. Route 202 was reopened. He said Highway Superintendent Dave Paganelli was out very late last night waiting for crews to arrive, but for the most part, most of our customers are either online or can expect to be back online.

Supervisor Slater said, regarding COVID 19, new numbers were released earlier today. The new number for today for the Town of Yorktown is 310 confirmed cases. In Westchester County, the new number is 20,191 confirmed cases; that is an increase in cases of 405. And in New York State, the number has now surpassed 200,000 – 202,208. That is an increase of 7,177. As a reminder, these are cumulative numbers. He said we do not get a breakdown of who is resolved, but our total is 310 in the Town of Yorktown.

Supervisor Slater asked each council member to introduce themselves, Tom Diana, Ed Lachterman, Vishnu Patel and Alice Roker as well as the Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Town Planner John Tegeder.

PROPOSED LOCAL LAW REGARDING BATTERY STORAGE

Supervisor Slater introduced the first item by saying this is something that has been “kicking around” since last year and something they have picked the ball back up on this year.

Supervisor Slater thanked John Tegeder and his staff for their efforts they have done on this topic and asked him to walk them through the latest amendments, which have been circulated to the Board. Mr. Tegeder said he has also been working with Adam Rodriguez on this. Mr. Tegeder said that basically the major change was in the latter part of January 2020 NYSERDA updated their battery storage model law and made some significant changes. Mr. Tegeder said the hallmark of the changes involved something they had recommended (and the Town of Yorktown had in its first several drafts of the law): three tiers of battery storage in terms of their sizes and their uses. Tiers 1 and 2 are generally used for smaller scale residential properties and Tier 1 was essentially what we see when we look at, for instance, the Gomer Street property that was before the Board a couple of times; a large-scale battery storage installation that is designed to provide a good amount of power back into the grid. What they (NYSERDA) have done in this second draft model law is compressed down from three tiers to two. So basically Tier 2 is the big stuff (600 kilowatts and above) and all of the other things that were in Tier 1 and 2 are now in that single tier. Mr. Tegeder said they have gone on to eliminate definitions and a lot of the descriptions of the smaller battery systems; for instance, there was a table that described types of batteries and their limitations (how much power they could provide). All of that has been removed presently. It does go on to remove a lot of definitions and add some pertinent definitions. So we (the Town) went through and modeled it after this latest draft and then we tailored it to some things that we know of to be important here in Yorktown. Mr. Tegeder pointed out in the body of the law there is a paragraph that in the model law says if you are in a flood zone, you need to get a flood permit and comply with all the flood stipulations. He said we are proposing for a Tier 2 battery storage installation, which is the big one that will provide a lot of power and will have a tractor-trailer type encasing, will not be allowed in flood zones. The Tier 1s, if they are serving a home (because a home can certainly be in a flood zone provided that it gets a flood permit) which mitigates the potential flooding, we did not want to eliminate that. But certainly a Tier 2, which is not going to supply additional electricity to a home or any users is really going to be giving it back to the grid, so we are suggesting that this not something you are really going to want to grapple with in a flood plain zone after a flood.

Supervisor Slater said this makes a lot of sense. Councilperson Roker asked if this was because of liability. Mr. Tegeder said he thinks it is, of course, liability but also there is a flood and it (the battery storage installation) is surrounded by water, this could begin to have it fail and if you actually have a fire or some type of failure, how do your emergency services handle it. Councilperson Roker said she agreed. Mr. Tegeder said if it is in the middle of water, he does not think that you may necessarily want to see it at all in those types of areas. Supervisor Slater said that it seems common sense to him to remove them from a flood plain. Councilperson Roker agreed.

Mr. Tegeder said also in the second draft model law, it was suggested that there is vegetation within 10 feet of an installation it should be cut back. He thought that was a little too close so he suggested 20 feet. He said if you have an issue with a Tier 2 battery system, you do not want to have too much vegetation within 10 feet of it or your emergency responders cannot get to it.

Mr. Tegeder said those are the kinds of things that are in there (the proposed draft). He said there is a lot of verbiage that changed but he thinks other than the collapsing from three tiers to two, he thinks much of the body and what they were doing is similar to what you saw before.

Supervisor Slater wished to make a couple of points. To clarify for those at home, Supervisor Slater said the approving authority for this legislation would be the Planning Board. Mr. Tegeder confirmed that this is what is in the proposed legislation. Supervisor Slater said that under "lighting" the language states "and shall be reasonably shielded and downcast." He asked if there should be more specific language in order to maximize shielding and downcast, or is the intent to leave it up to the Planning Board to determine what is reasonable versus maximum. Mr. Tegeder said that in this law he thinks it can remain flexible which makes some sense. He said he does not know if the Town will be experiencing large lighting installations for these but, nevertheless, this (battery energy installations) will have to comply with our Chapter 200, which is our lighting chapter that does require shielding, so he thinks we (the Town) are covered by it anyway. Mr. Tegeder said that certainly some flexibility in this regard is well founded.

Councilperson Roker agreed and said she thinks they should allow the Planning Board to be flexible because depending upon where the site is, they will apply the law to that site. Mr. Tegeder said that is correct. He said, for example, if it is very well screened and not visible from other areas, you can maybe achieve the lighting level by not having it fully screened. Even though you do that it may not have a negative impact to the surrounding properties. This is a possibility in situations like this.

Supervisor Slater agreed that this makes sense. Councilperson Roker asked what category the battery storage facility at the Staples Plaza would fall into and Mr. Tegeder replies Tier 2 – the big one. Supervisor Slater asked for confirmation if we still had the three-tiered system, they would have fallen into Tier 3. Mr. Tegeder said this is correct. Supervisor Slater said this is the maximum capacity that is recognized under the law. Mr. Tegeder said 600 kilowatts is the minimum threshold that makes it into the larger category.

Supervisor Slater said the Town addressed noise by saying on average the noise cannot exceed 60 DBAs per hour. He said he looked it up and that is a normal “conversation level.” He asked Mr. Tegeder how that is measured. Mr. Tegeder said the manufacturer will typically have that information and will have specifications and cut sheets and do testing. Mr. Tegeder said you can also measure the DBAs but to remember if the 60 DBAs is an average conversation, what is pertinent is how far away from the unit you experience the noise level, so we will have to hone in installation by installation.

Councilperson Diana said that most home generators are about 68 decibels that run houses during power failures. They run between 60 to 70 decibels, so to just get an idea, it is like a lawn mower running.

Supervisor Slater said that it is important to put it into perspective. He also asked Mr. Tegeder about the height of the installations. He said on the special use permit section we talk about height for Tier 2 battery energy storage systems “shall not exceed 20 feet.” He asked Mr. Tegeder how are we measuring this – is it the total from the ground up? If the total is 20 feet, can you bury half and still have half above ground? How are we determining this? Mr. Tegeder said from the code perspective it is measured from the average grade around the installation. So in terms a building, you can have varying grade around the installation. So in terms of a building you can have varying grades across, particularly larger buildings or a residence or another type of building that is set into a hillside that would change where you would begin the measurement. Mr. Tegeder said in these (battery installations) he did think you would see too much of that since they will have to remain fairly level. If there are a number of pads with a number of trailers, they may set down a slope but he thinks you would measure those individually. He thinks in this situation you will not have too much of a weighted average grade around the installations that would change to a great degree what the 20 feet will be. That 20 feet will be measured from wherever that average grade is to the top of the major part of the structure. He said there may be some things that rise above that you do not count that should obviously not be counted, such as a conduit pipe that is bringing in or out some of the wires that are connecting to the grid. In most of these cases, the superstructure will be flat roofs and you will measure to that basic structure.

Councilperson Roker said she did not get a copy of what he is talking about but did have a question (she requested a copy). She asked if they distinguish which zoning district they can go in or can they go in all zoning districts. Mr. Tegeder replied, as it is written now, they can go into all zoning districts. He said one thing they do have is that there is in this draft a 30,000 square foot minimum lot size. If you are in an R1-20 zone which has a 20,000 minimum, in order to do battery storage you will have to find a piece of property that is three-quarters of an acre (or 30,000 square feet) not 20,000 square feet. Mr. Tegeder said the Town Board can think about this and make it larger, which the point is you want to have enough of a piece of property to be able to effectively manage the impact, i.e., screening, etc. He said that maybe 40,000 square feet is the right number. He then said he is proposing 40,000 square feet right now. He said he thought by sticking with the 20,000, in particular where you have a lot of neighborhoods in the half-acre zone, it makes sense that if you have a double lot and someone subdivides it and they have 20,000 square feet maybe that is not the best place to have one of these larger battery storage units. Mr. Tegeder said you would probably have trouble effectively mitigating some of the impacts, including the noise, if it is, in fact, 60 decibels (which he does not think it is) and effectively mitigate screening. A little bit more land area will give you flexibility in achieving that (mitigation).

Councilperson Roker agreed with Mr. Tegeder regarding the minimum of 40,000 square feet.

Supervisor Slater asked if the Planning Board would have purview over the site plan when looking at a proposal and Mr. Tegeder replied yes. Mr. Tegeder said what could possibly happen is although a battery storage company can propose an installation on a 30,000 square foot lot, the Planning Board would evaluate whether or not they can achieve the screening properly and be far enough away from

a neighbor or another property owner to effectively deal with the noise. They may determine that is just doesn't work on that property.

Councilperson Roker said this is where your site visits will have to come in. Mr. Tegeder said it would depend on the lay of the land, what is there, whether or not they can use all of the land. He said some of those 20,000 square foot lots could be encumbered by wetlands and/or flood plains so it has to be looked at lot by lot.

Supervisor Slater said we have gone through this piece of legislation for quite some time. He feels Mr. Tegeder has worked on it for quite some time, as well. He thinks we have covered a lot of the concerns that were raised originally. He said we have modified this in conjunction with the state's model ordinance as well as enhancing it on our own. He said, from his standpoint, this is the direction the state is going in and feels the Town needs to make a decision whether we are going to be part of that conversation or let that conversation go past us.

Councilperson Roker said she likes that they looked at something they did in July and felt they needed to change it. She said obviously there were issues there and she is very happy they did. She asked what the plans are for this (legislation) and suggested a referral.

Supervisor Slater said it should be referred out and said there may be agencies who did not get some of the other drafts. He said if the Board is comfortable with the changes, they can have a conversation about a public hearing and start gathering more public comment to see if we are heading in the right direction.

Councilperson Roker agreed. Councilperson Diana said what he doesn't like about the whole thing is that it can be put in residential areas and feels this is something they really have to consider. He said this is a business going into a residential area.

Supervisor Slater said they (battery storage installation companies) have to have specifications to be able to hook up to the grid; it's not like it can be popped into any residential neighborhood. Also, there are laws dictating certain parameters (such as 30,000 square foot lots, etc.). He said you also have to be within a certain proximity to the grid and high power tension lines. Councilperson Diana said he understood this.

Mr. Tegeder said he wanted to remind everyone that this will be a part of the utility infrastructure in the town and other towns and Westchester, as a whole. So for instance, Con Ed and NYSEG are both commercial concerns, for-profit organizations, and all of their infrastructure including other communication facilities ((cell towers, telephone exchange buildings, etc.) are allowed in residential zones. The reason being is they need to service from a close proximity all areas, not just commercial areas. If they are only limited to commercial areas, most of the power they will generate and give back to the grid will be used in close proximity to where it is. This is why if you do have them mixed around, it will be beneficial to more of the citizens of Yorktown – the electricity doesn't flow up to Albany; it will be used by those people who are closest to them. Mr. Tegeder said it is like water – it finds the least path of resistance.

Supervisor Slater said when the state is talking about resiliency, cleaner energy and more affordable energy, these energy storage initiatives are the things they are really starting to hone in on. He said NYSERDA is stating 1500 megs by 2025 just on energy storage alone so they are setting some pretty lofty goals and investing some significant dollars. By investing those dollars they are seeing ways they can make it better and enhance it which is to Councilperson Roker's point (regarding the change in their model ordinance from July). He said he sees this as an opportunity for the Town.

Councilperson Diana said he understands Mr. Tegeder's explanation of how the installations need to be in close proximity to where they can feed back into the grid. He said this explanation clears up the issue for him of installations locating in residential neighborhoods [sic].

Councilperson Roker said this is actually good in the event there is a brownout or a blackout that a neighborhood closest to the storage center would get power quickly. She asked for confirmation of this understanding from Mr. Tegeder who confirmed this was true. Supervisor Slater said this is part of the resiliency benefits of energy storage. Councilperson Roker said she is good with this benefit.

Councilperson Patel asked who would control where the power would go in the event of an emergency; would it go to Town residents or those surrounding towns whose residents were closer to the installation [sic]. Councilperson Roker said she believes that the state would control this. Councilperson Patel questioned the infrastructure being used and whether the energy is being stored or going back to the users. Mr. Tegeder said you have to think of it as if you were injecting additional water into a water pipe system. Where the valves are open is where the water will go. If you have some users in the area who have all their air conditioners on and are putting the strain in that area on the system and you are about to have a brownout, that energy will go up into the grid and find its way and push electrons into where that demand is. He said he did not know if you can actually control it but in certain areas where it (the installation) is located, it will minimize brownouts and will meet demand when demand gets high. Councilperson Roker said a lot of people talk about getting a new grid but thinks that will not happen in our lifetime – the incremental changes will make a big difference.

Supervisor Slater quoted from NYSEDA: From energy storage, nearly \$2 billion in gross lifetime benefits from to New York’s utility customers, avoiding more than one million tons of CO2 emissions, adding resiliency to the electric system by reducing the impact of outages. He said this is what they are trying to accomplish. Referring to Councilperson Diana’s concerns, Supervisor Slater said we want to protect our neighborhoods and communities while trying to find the balance and he thinks, in a large part, this does that. Councilperson Roker agreed with the Supervisor.

Supervisor Slater said this draft will be referred out to all agencies to get feedback and asked the members of the Town Board how they felt about taking the extra step and setting a public hearing. Councilperson Roker said you wouldn’t set a public hearing until June because you have to give the referral a month. Supervisor Slater said that is fine but wanted to know if there are any constraints given the Governor’s new executive order. Town Attorney Adam Rodriguez said under the new executive order all public hearings are postponed until June unless they are conducted via phone or video conference, so the Town Board could conduct one sooner. He said the fact that it is being referred out, as a practical matter, it probably makes sense to wait and see how that process plays out. Once the Board is comfortable, a hearing date can be set.

Supervisor Slater asked Town Clerk Diana Quast if she wanted to look at a calendar and look at the first Board meeting of June or would she prefer to wait. Ms. Quast said she felt the Board should wait because there are several hearings that were postponed in March and thinks all of those should be gone over before the Board sets another public hearing.

Supervisor Slater asked Councilperson Lachterman for his thoughts. Councilperson Lachterman said it should be definitely sent out for comment and would not be adverse to setting a public hearing but has the same concern about their backlog.

Supervisor Slater said they do have a backlog and if need be, he is not adverse to calling a special meeting specifically for public hearings so they can get back on track. Councilperson Roker and Councilperson Diana both felt this was a good idea. Councilperson Diana said he was not opposed to having an additional meeting to hear maybe three or four public hearings so the Board can get caught up. Councilperson Roker and Councilperson Lachterman agreed. Supervisor Slater asked the town attorney if there were any issues with this and Mr. Rodriguez said he thought this made sense since there is a queue and would have time to get public comment on the battery storage installation proposed law [sic]. Councilperson Roker said she would be okay with doing the extra meeting to clear the backlog and then setting this public hearing sometime in June. Supervisor Slater said he was fine with this. He told the Town Clerk he would work with her to set a special meeting sometime in May to try to clear the backlog of public hearings and, in the meantime, they will look to June to schedule the public hearing for battery storage legislation. All those present were in agreement. AR/VP

REFERRAL OF PROPOSED LOCAL LAW REGARDING BATTERY STORAGE
RESOLUTION #111

Upon motion made by Councilperson Roker, seconded by Councilperson Patel,

Resolved, the Town Clerk is authorized to refer out to agencies for their review and/or recommendation a Proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” by adding a new Article VII Section 300-81.5 “Battery Energy Storage Systems.”

Further Resolved, the Town Board declares its intent to act as Lead Agency.

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

PROPOSED LOCAL LAW BANNING SMOKING IN CERTAIN AREAS

Director of Planning John Tegeder asked to sit in on this topic since he did send the Town Board a memo from the Planning Board regarding the proposed local law today. Some of the Board members said they had not received it. Mr. Tegeder said it was sent late in the day.

Supervisor Slater said it was brought to the Board's attention that the smoking law in Town was obsolete; it did not recognize vaping or e-cigarettes and allowed employees to smoke in the kitchen in Town Hall, so needless to say, this is not acceptable. There is a proposed local law amending Chapter 90 that Town Attorney Adam Rodriguez has been working on. Supervisor Slater said it is a very clear amendment and identifies electronic cigarettes (e-cigarettes), smoking, and vaping and declared smoke and vape-free zones in the following town-owned areas and any area owned by the Town of Yorktown located within 75 feet thereof and are hereby designated smoke and vape-free zones. These are town-owned buildings, picnic areas, sport areas and fields that including but not limited to tennis facilities, tracks, volley ball facilities, baseball fields and basketball courts, pool facilities, playgrounds, and pavilions. Smoking and vaping are strictly prohibited in any smoke and vape-free zone within the Town of Yorktown.

Supervisor Slater asked Mr. Rodriguez if there was anything he would like to add. Mr. Rodriguez said effectively you cannot smoke within 75 feet of any town-owned building and any of the active recreation places but it would not cover smoking in other areas.

Supervisor Slater asked Mr. Tegeder to explain the Planning Board memo. Mr. Tegeder said they generally support the updating of the law and no smoking. They have three items they came up with:

- 1) Section 90-2, which is Definitions - the definition of smoking; it was suggested to replace the phrase "lighted tobacco" with "ignited tobacco."
- 2) They did not think it was clear when you talk about a town-owned building whether or not it meant just the building itself or the property on which it was. It sounds as though you are saying 75 feet from the building and they think this should bear some clarifying language to make sure there is no ambiguity.
- 3) The Planning Board suggested that you designate the smoking areas at the town-owned facilities somewhere outside of the building. Maybe that has to be 75 feet away.

Mr. Rodriguez interjected that he did not follow that and Mr. Tegeder said to establish designated smoking areas at the town-owned buildings (obviously outside of them).

Councilperson Roker asked why "ignited" rather than "lighted"?

Mr. Tegeder said the Planning Board lawyer felt using the "lighted" word would be better served by using "ignited" meaning actually on fire.

Supervisor Slater asked Mr. Rodriguez if we can better define town-owned buildings. He said he does not feel it is ambiguous but said he would be happy to look at it and clarify.

Mr. Tegeder said it is a minor thing that hit a couple of people who didn't understand it immediately.

Supervisor Slater, in regards to designating the smoking areas, he said he just wondered if that needs to be stated in law or can that be a policy of the Town.

Councilperson Roker said that would require someone to go to every building and walk out 75 feet. She said she wasn't sure if that is required. Supervisor Slater said he wasn't "married" to the idea but was trying to find a solution.

Mr. Rodriguez said after the law was passed, you couldn't designate anything within 75 feet of a town-owned building to be a smoking area. So if it is going to be within the 75 feet...Supervisor

Slater said it is not. Supervisor Slater said he doesn't think we have to designate smoking areas. Councilperson Roker agreed.

Mr. Tegeder said you could say that it is 75 feet except for designated areas and then you designate them by policy.

Councilperson Patel said if someone is smoking in a vehicle at the entrance to the building, how do you tell them that they cannot smoke if they are in their vehicle and feel they can do what they want.

Mr. Rodriguez said, no, they cannot.

Councilperson Roker addressed Councilperson Patel by saying people are people and they are going to do what they want sometimes but she thinks that 99% of the people adhere to the law.

Supervisor Slater said he thinks this is something they said earlier, especially with the New York on PAUSE and what they said with Chief Noble that it is not necessarily about enforcement, but a mindset. Councilperson Roker agreed. Supervisor Slater said what they are trying to do is frame and argument or frame a conversation geared towards reducing people from smoking because it is bad for your health.

Councilperson Roker said they had a lady at the YCCC vaping in the bathroom.

Supervisor Slater said he is fine with "ignited" and does not think we need to designate areas because they are dictated by the 75-foot parameter so he would like this referred and then questioned if this had already been referred.

Mr. Tegeder said the Planning Board had received this as a referral.

Town Clerk Diana Quast said we did refer this to Planning and Conservation early beforehand.

Councilperson Roker said she thinks everyone should get it being that every building is going to be in the mix.

Supervisor Slater said he was fine with a full referral – the same as the Battery Storage Local Law – with an eye towards a public hearing in June.

Councilperson Diana said Albany has a law that it is 50 feet from an entryway was as close as you could get to smoke (he said he and Councilperson Lachterman looked into this at one time). He thought this was a pretty good idea because who wants to walk through a bunch of people smoking to go into a restaurant and have a meal? Or who wants to walk through a bunch of people smoking to go wherever to get into a building? He said that may be something we want to include in this, if it isn't already.

Supervisor Slater said he was curious about enforcement and asked the Town Attorney if he had any thoughts on this. How do you enforce, especially on private property. Mr. Rodriguez said, to Councilperson Diana's point, the way the law is written right now, your suggestion would be different and that would have to be a change (to the proposed law). He said, in terms of on private property, the Town can't regulate conduct on private property.

Councilperson Roker said yes, we can't tell anybody what to do on their property. Councilperson Diana rephrased what he said by saying that this was a model for town buildings to make it 50 feet from any entry point to any town building. Supervisor Slater said this (the proposed law) is 75 feet which is actually greater.

Councilperson Diana said he knows it works in Albany in their buildings whether it is a restaurant or an office building or whatever the case may be. Mr. Rodriguez said, just to be clear, this law wouldn't regulate conduct on private property. So if the 75 feet at Town Hall, for example, would put you across the street at Michael Grace's property, the law doesn't say that – the law says 75 feet on town property and it would stop. If, for example, at the Capellini Center the setback from some prior property is at 40 feet, it would stop at the 40 feet mark.

Town Clerk Diana Quast said this was referred out and was one of those public hearings that was postponed so we can basically discuss setting the public hearing.

Supervisor Slater thanked Ms. Quast. Councilperson Diana said it was just a suggestion and was referring to the one he had seen up in Albany where they actually had it for all of their restaurants, bars, buildings, hospital entrances, etc. where they stay 50 feet. He said ours is 75 feet, which puts you at the double yellow line in front of Town Hall, which is a little bit of a stretch. He said it should be universal for our buildings and this is all he was referring to. He said 75 feet is a lot of feet – the frontage on most houses is between 75 and 100 feet. Supervisor Slater said he is fine with 50 feet – he had no preference.

Councilperson Lachterman said in Westchester County, the Board of Health does administer that borderline to restaurants, so a restaurant can actually get fined especially by the kitchen door if there are cigarette butts outside the kitchen door. He said it happened to a few restaurants in Town that he has worked with so it is definitely something that they will look at. He thinks they use 50 feet for the Board of Health in Westchester.

Supervisor Slater said let's just go with the 50 feet then. Councilpersons Diana and Roker agreed. Supervisor Slater told the Town Clerk they will use the special meeting since this is one of the ones (public hearings) in the queue. He said we will use the special meeting and schedule the public hearing for this law amending Chapter 90. Mr. Rodriguez said he will make the changes and recirculate.

REFERRAL OF PROPOSED LOCAL LAW AMENDING CHAPTER 90 "SMOKING" RESOLUTION #112

Upon motion made by Councilperson Roker, seconded by Councilperson Patel,

Resolved, the Town Clerk is authorized to refer out to the appropriate agencies for their review and/or recommendation a Proposed Local Law amending Chapter 90 of the Code of the Town of Yorktown entitled "SMOKING" by deleting the existing section 90-1 and 90-2, and enacting new sections 90-1, 90-2, 90-3, 90-4, 90-5, and 90-6.

Further Resolved, the Town Board declares its intent to act as Lead Agency.

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

PROPOSED LOCAL LAW REGARDING COMMERCIAL WATER METERS

Superintendent of the Water Department Ken Rundle said he had approached the Town Board about getting the commercial meter testing program kicked off and felt some problems were reflected in the Town Code so he has been working with the Town Attorney, Adam Rodriguez, and they have a change to the Town Code that the Board members should have which should do what they need it to do. Councilperson Roker said she had not gotten a copy of the change and asked Mr. Rundle to explain it. Mr. Rundle said that basically the Town Code originally said you had to have your commercial water meter tested every three years. There was no penalty for that (noncompliance). The only thing that was in the Town Code was the Water Department could come in and test the meter and be the middleman, which is really not efficient for his staff – they are not in that business. He said they needed a little "bit of bite" since commercial meters make up about 30% of their revenue, which is a big chunk, and they need to be accurate which many are not. Mr. Rodriguez and he put in some penalties - \$250 per day if you don't comply, not to exceed \$5,000 in a three year period. Supervisor Slater asked if that was per meter and Mr. Rundle said yes. Supervisor Slater asked how much it costs a property owner to perform the test. Mr. Rundle said there are different companies with different price structures but, for example, the Water District just had a 4-inch water meter tested and it cost about \$1,600.

Supervisor Slater said the point here is that it costs the property owner less to get the meter tested to make sure it's calibrated correctly than it does to pay the fine. Mr. Rundle said yes. He said the one thing he wants to stress to the Board and property owners of the commercial water meters is that when he had Sensus Water Meters come before the Board, they said the manufacturers of some of the water meters that are twenty or more years old said you cannot get parts for those meters. Mr. Rundle said he would hate to see somebody have a tester come out, pay them \$1,400-\$1,500 and the

meter fails, parts are not available and now they have to purchase a new water meter. He said they would be better off, if the meter is 20 years old, to just replace the meter and be done with it.

Councilperson Diana asked what it would cost to replace a 4-inch meter. Mr. Rundle said that to purchase a 4-inch meter would cost the Water District about \$3,300. Councilperson Lachterman said it would be about twice the price of the test but less than the fine. Supervisor Slater said it would be worth doing the testing. Councilperson Roker asked if it was possible to put in the Code that once the water meter reaches 20 years old, a new one would have to be purchased, or is this unreasonable. Mr. Rundle said he didn't think it was unreasonable, but he is comfortable with the verbiage he and Mr. Rodriguez came up with for the Code change, which could be subject to change. He said he thinks if there is a meter that is 20 years old and is still accurate, he would hate to see the property owner go through the expense of purchasing a new meter. Supervisor Slater said if you're going to test every 3 years, we are actually enforcing that the 3-year calibration will catch a faulty meter. Mr. Rundle agreed. Mr. Rundle said it makes up about 30% of their revenue and they need to be accurate because basically other people in the Water District could potentially subsidizing commercial users.

Supervisor Slater asked Mr. Rundle if they pass the law and it becomes active, what is his plan regarding implementation and enforcement. Councilperson Roker said we will have to make people aware. Supervisor Slater asked if he will be notifying commercial property owners that the law has been updated stating the following... He also said given the times we are in and the financial stress that people are under, if it makes sense to give them some lead-time before fining them on a daily basis - maybe give them the summer. Mr. Rundle agreed and said it does make sense. He said they envision sending out approximately 300 letters saying we're not sure if you're aware of it or not but the Town has this policy in place for you to have your meters tested, etc. Mr. Rundle agreed these are tough times and a lot of commercial places are having it very time and we don't want to make it tougher. However, we do need their meters to be accurate and comply with Town Code.

Councilperson Diana asked how long as it been since these meters have been tested. Councilperson Roker told Mr. Rundle that when we set the public hearing date, it is important to let these companies know there is a public hearing and if they have something to say, we (the Town Board) would like to hear it. She said not everybody looks at our public notices and thinks since we are doing something that we haven't done before, a copy of the public notice could be sent to these companies. Supervisor Slater agreed with Councilperson Roker.

Councilperson Diana asked again for the number of untested meters of the total of commercial meters in Town. Mr. Rundle said he understands that none of the commercial water meters have been tested since he started with the Water District 33 years ago.

Supervisor Slater repeated the number and asked how this could be possible.

Councilperson Patel said the conservation of water is so important. If you have a meter that tells you exactly what you're using, you might use less. We have to make everybody aware of conserving water. He said this is a good thing to be done and better late than never.

Supervisor Slater said one of the additions he read to the legislation, which was deleted, gave the Water Department the authority to have the meters tested, repaired, replaced and retested and having the Water Department bill back the property owner for the costs of the testing, repairs, all the procedures, etc. He asked if there is a reason we don't want to do that if they don't comply or is it just Mr. Rundle wants to focus on enforcement of the fine. Mr. Rundle said there are a couple of reasons that was deleted: for the staffing at the Water District - he said they don't want to be in the position of trying to gather meter companies to come in and go out to the location because if the property owner is not having the meter tested, there is a pretty good chance they are not going to let us in with a company to change the water meter. In his opinion, he doesn't think they should be going down that road or into that business. Mr. Rundle said he thinks we need to focus on our infrastructure and just focus on what the Town Code is and make sure everybody is paying their fair share of water usage.

Councilperson Diana stated that they own their own meters and the Code should leave the onus on who owns the meters and not get the Town staff involved in it. Councilperson Roker agreed. Supervisor Slater said the Board could move forward with this the way it stands and if they feel they need to go to the next level, then a conversation can take place. He said the fact that they

(commercial water meters) haven't been tested in 3 decades says this is clearly an issue that we have to rectify immediately. Supervisor Slater asked if this had been referred out already and was told by Town Clerk Diana Quast that it was not. Supervisor Slater made a motion to refer it out to all agencies and plan a June public hearing. Councilperson Roker asked for a copy of the proposed legislation.

REFERRAL OF PROPOSED LOCAL LAW AMENDING CHAPTER 280-15 "SERVICE CONNECTIONS AND METERS"

RESOLUTION #113

Upon motion made by Councilperson Diana, seconded by Councilperson Patel,

Resolved, the Town Clerk is authorized to refer out to the appropriate agencies for their review and/or recommendation the proposed Local Law amending Chapter 280-15 of the Code of the Town of Yorktown entitled "SERVICE CONNECTIONS AND METERS."

Further Resolved, the Town Board declares its intent to act as Lead Agency.

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

Councilperson Patel asked Mr. Rundle if there was any way, just for experimental purposes, to electronically monitor some of the older buildings' water usage. He also suggested advertising the new meters to let people know this is the way to save water and money. Mr. Rundle said one way to do that is to track their water usage after the installation of a new meter. If they were using 5,000 gallons a month on their old meter and now its 25,000 gallons, you can tell how much the Town was not being reimbursed for that water.

Councilperson Patel said people should be educated and this is their money. Councilperson Roker said Councilperson Patel is right and that most people don't understand that Yorktown is under permanent water restrictions. She said that at least this is a good way for Mr. Rundle to talk about water and the meters at the public hearing.

Supervisor Slater told Mr. Rundle to tell his whole staff they are doing an absolutely fantastic job. He said he was with them on a couple of water main breaks and they continually work. He said we all appreciate it and they're doing a heck of a job, considering the circumstances. Mr. Rundle said he was speaking for his whole staff when he said thank you for the Board's support in these troubling times and the tools they must use (masks, gloves); it really means a lot to the employees to know their Town government is looking out for them.

Councilperson Roker said they are going to recognize them when they get back to normal because people don't understand there are people still performing their jobs out there – they work in the winter, summer and certainly through this whole Covid mess. She said how much they appreciate them.

PROPOSED LOCAL LAW REGARDING LITTERING FINES

Supervisor Slater said littering has always been an issue and has gotten way too much and has grown exponentially because of the NY on Pause. He said Councilperson Diana has taken many pictures of the disgusting gloves and face masks in the Shrub Oak parking lot; it is absurd. Councilperson Diana said he went on a rant over this; it was so ridiculous. He said people take them off and throw them on the ground – take them home and dispose of them properly. He said there was a receptacle right where the gloves were thrown. He said it was disgusting. Councilperson Roker said she gets very angry when she sees this. Councilperson Lachterman said it is a lack of consideration and very dangerous. He said we wear gloves to protect ourselves and then throw them on the ground where someone else may get infected.

Supervisor Slater said he signed an Emergency Order doubling the fine – it is now \$1,000 if you litter and he said he is so sick of it that he feels it shouldn't just be an Emergency Order. He thinks they (Town Board) should enhance the fine associated with littering. He wanted to talk to the Board about doubling the fine of \$1,000 the law for the Town of Yorktown. Councilpersons Diana and Roker agreed. Councilperson Roker said it should be put into the law and asked the Town Attorney to put it into law. She said if people are so hesitant to use a garbage can, let's give them a reason to want to use it.

Mr. Rodriguez said there are two fines in the Code. The first is offense is \$500 and/or up to 15 days in jail and then there's one for repeat offenses (if you are convicted twice in the same year), it is \$1,000 a day and/or up to 30 days in jail. Supervisor Slater and Councilperson Roker both said to double both the fines and the punishments. Supervisor Slater said he has been working with the Building Department and Code Enforcement to try to get more litter cameras – one person caught on a litter camera pays for 10 more litter cameras. He said the conduct of some people has become simply egregious – we live in an absolutely beautiful community and Town and we have to maintain that. If it means that the law has to be enhanced and levy a very hefty fine to teach people you can't litter, then so be it.

Councilperson Roker said for those of us who live on a corner, you get up in the morning and see this stuff (litter) on your lawn – it is really upsetting. Councilperson Patel brought up the bacteria that accumulates on litter and then gets into the soil and stormwater drains.

Councilperson Lachterman directed a comment to the Town Attorney: due to the Bail Reform Act and the fact that they are not prosecuting or jailing people for quality of life crimes right now, perhaps we could look at something similar to what they do in Youth Court with community service – instead of jail time. Both Councilperson Roker and Councilperson Diana thought this was a good idea and let the offender pick up the litter. Supervisor Slater asked the Town Attorney to work on this since it needs to be addressed. Supervisor Slater asked for a draft to be prepared for the next work session, refer it out, and then set a public hearing and get it done.

Councilperson Diana reminded everyone the Code Enforcement Officer is also checking for parking in fire zones. Supervisor Slater said that yes, Code Enforcement and Fire Inspectors are clamping down on this issue, as well.

GREENWAY GRANT APPLICATION FOR PEDESTIAN LIGHTS AT THE MOHANSIC TRAIL (ROUTE 118 AND DOWNING DRIVE)

Susan Siegel, member of the Yorktown Trailtown Committee, is requesting a pedestrian light for the Mohansic Trail. Ms. Siegel said everybody knows that the trail is becoming increasingly popular (as all of the trails are) and crossing at Route 118 and Downing Drive is becoming a problem. She spoke to the Department of Transportation because it is a state road about permission to get crosswalks and they suggested RRFBs (rectangular rapid flashing beacons), a pedestrian activated system – you press a button (like what we have in other parts of Yorktown) and then a light would flash that would be powered by solar batteries and it would basically caution the cars to slow down. It is not a traffic light, but a cautionary light and you would see it coming both north and south on Route 118. Ms. Siegel said she checked the cost with the vendor who is on the DOT's approved list already and the system that seems to be appropriate for this intersection would be approximately \$7,200. She said there is a grant and she has checked with the Hudson Valley Greenway who have given us two grants (one to the Town and one to the Yorktown Trailtown Committee to construct the trailway) and these lights would qualify as a construction grant related to the Mohansic Trailway. It is a 50% match so if you put in a grant for \$7,500, the match would be roughly \$3,500. Yorktown Trailtown Committee doesn't have those kinds of funds so they would look to the Town to provide that cash. Ms. Siegel said she realizes the Town is going to be strapped for cash because of the virus situation, so it is with a lot of reluctance and humility that Trailtown is coming to the Town Board to ask for a potential of spending \$3,200, whether it could be done in 2020 or pushed into 2021 but they feel this is a pedestrian safety issue and whether the Fund Balance can carry it. The cost includes the poles on two sides of Route 118 and she sent a link to a YouTube video to show how it works. She said she was told the local Highway Department would be able to install the system and shouldn't need any outside vendor support.

Supervisor Slater asked Ms. Siegel if she was talking about a pedestrian crosswalk from Downing Drive to the trailhead. She said roughly from the Burger King Side to the opposite side (a grass strip). There would be poles with buttons and solar panels on top. The solar battery only draws energy when the button is activated. Supervisor Slater addressed Councilperson Diana by saying he thought this was proposed to the Traffic Safety Committee at some point and asked what his thoughts were. Supervisor Slater said we're not just talking about a light but a crosswalk across Route 118. Ms. Siegel said the light is separate from the crosswalk. If they get permission from the DOT, the crosswalk would enhance the system and the two would go together. Councilperson Roker said one of the things that they spoke to DOT about was not only the traffic near the Roma Building and the DeVito property but also across the street where Mr. Faulkenburg has his property and they were

exploring a left hand turn in the area. Mr. Tegeder said there is a road right-of-way that goes from Route 202 (the current Verizon store) and it comes down and turn onto the right-of-way, which was the old railroad bed that is inhabited by the Mohansic Trail currently. So there would be a turn there and it would form a four-way intersection with Downing and Route 118. This has been a proposed road that has been proposed for many years. Mr. Tegeder said the discussions they had when they were looking at the Roma and Weyant projects together, pulled in other property owners including Mr. Faulkenburg (Cablevision property site) and he agreed to make some amendments. The road would provide some benefit and relief from the major intersection that Roma and Weyant are affecting.

Councilperson Diana said this was part of the mini Master Plan that was done a couple of years ago. Ms. Siegel said added to that, there was a proposal a long time ago in 2007 or 2008 when a bank was proposed for the corner at 118 and there was even talk about a traffic light and she believed a warrant had been done to justify the light. Ms. Siegel said these are all long range plans, even the one connecting the Roma and the Weyant. In the meantime, investing \$3,200 for something that is going to be there immediately for traffic safety, she thinks is something for the Board to consider rather than wait 5-10 years.

Councilperson Diana said that, although this is a laudable cause, there is no safe haven for people in the center of this roadway where if they can't get across or need to stop to get across, either they're unable to get across or incapacitated in the middle of the road. He said there are other considerations rather than just a couple of lights being put up. He said he is all for the safety of the pedestrians going across there, but he wants to do it properly. He said he is not going to go "willy-nilly" into this and wants to make sure that it's done right so that the motoring public knows that there are pedestrians there and that we protect the public who are going across the road where if they can't make it because of incapacitation or a car is speeding down on them, there is a safe place for them to go. He said putting up a couple of lights isn't going to cure this situation or make it safer for the people; a whole plan has to be in place.

Supervisor Slater asked Mr. Tegeder when they went to DOT, if they had a conversation about this and Mr. Tegeder said he thought they had a conversation about the bank approval. They didn't have a conversation about a pedestrian crossing or the trailway or the safety issues relative to that. Mr. Tegeder also added that permission from the DOT is going to take the form of a highway work permit, which you will probably need to show professional drawings, etc., and it's not an easy task all the time so he doesn't think they just give permission by saying they endorse that (the light project). He said there will be some cost there unless you get somebody to do it pro bono. He also suggested that if you are going to go for a grant, maybe go for more money to cover the installation costs as well.

Councilperson Diana agreed and said Mr. Tegeder was 100% right. He cautioned that this is a New York State road, not a Town road and maybe they should bear the brunt of the installation cost on this.

Ms. Siegel said Councilperson Diana's point is well taken about in the ideal world it would be nice to have a median in the middle of the road but she doesn't think Route 118 is wide enough. Ms. Siegel said it was actually the DOT who suggested these lights when all she was calling about was a painted crosswalk and they have approved it in other locations. She said she was told that Port Chester and Mount Vernon either have these lights installed or are in the process of getting them installed. In terms of the ability of getting across, Ms. Siegel said she thinks the only people who are likely to make that crossing are people who are basically interested in walking and hiking. She does not think we are going to have a lot of elderly people crossing there. This is designed with flashing lights as a caution for the cars to stop, although this is not a requirement. She said the DOT made it clear that this is not a traffic light where they are required to stop but when you see flashing lights and a painted crosswalk and people walking, she thinks it's logical that cars will stop. Ms. Siegel said the perfect solution would obviously be a traffic light like the one at Route 6 and Lee Boulevard but to be honest we are not going to get the traffic light there for 5 or more years. She said in the meantime the trail is being used and she thinks that although this isn't the perfect solution, it would certainly make it much, much safer for the people using it. She also said with the Empire State Trail coming on board, which was supposed to be this spring but with the virus situation that is going to be pushed back, there is likely to be more pedestrian traffic on the North County Trail that would cross over to this (the Mohansic Trail). Ms. Siegel said she discussed this with Dave Paganelli (Highway Superintendent) and said initially her goal was to have a meeting with the Traffic

Safety Committee but at the time Councilperson Diana was out with the flu and Mr. Paganelli told her to check out this option and she suggests that the Town Board refer this out and get Phil Greeley's opinion. She said they are on a deadline of May 8 to get out the submission to the Greenway for the grant. Ms. Siegel said she will tell them in the application that they will be submitting for the highway work permit with the DOT but because of the coronavirus they couldn't get it done. She said they have all of the specifications.

Councilperson Roker said you have a similar situation on the Route 118 where people park and cross the street and go into the trailway over there. She said she is aware there is a crosswalk there and people cross at this spot. She said she was driving there early one morning and going really slow and a child of about 3 or 4 took off in front of her car. She said when she thinks about the spot at Downing Drive and Route 118 it is frightening. Councilperson Roker said she knows that Ms. Siegel said the Mohansic Trail is mostly for people hiking but oftentimes they bring their children and that's what frightens her. Ms. Siegel agreed and said people have to be careful, especially those with children. She said all she could say is that the trailway is there, the Town committed itself to the trailway project, and people are using it and will continue to use it. This will increase the safety. It is up to the Town to decide since the Trailtown Committee does not have those kinds of resources to pay for this.

Supervisor Slater asked Ms. Siegel if this is the only round of dollars that they're (the Greenway) offering for this kind of grant or is there another round later in the year. Ms. Siegel said there will be another round in November but the circumstances won't change, they'll be the same.

Councilperson Roker asked if anyone has heard from the DOT as to whether or not this is possible. She said she understood that Ms. Siegel wouldn't say anything that's not true or fair but she would like the Town to get some kind of indication from DOT as to whether or not they would want to do this because it's their liability and not the Town's liability.

Councilperson Diana said Councilperson Roker was 100% right. He said it is a state road and he thinks the onus should be the state. He thanked Ms. Siegel for her efforts with the trailway. He said if the trailway members want to get the grant, they should then have the state do the work. Ms. Siegel said they are not going to be able to get the state to pay for this. Councilperson Roker agreed but said that at least we would have them chiming in as to whether or not they want this to happen on their road.

Supervisor Slater said this is a little simple for him. He said the Board spent all last week with their finance team tightening the belt any way they could with every department head in the Town of Yorktown to the tune of several million dollars. If there is another round of dollars that are going to be available in November, he said he would be more comfortable deferring to that round. In the meantime, he said he would like to continue working with the Planning Department and the Trailtown Committee because the trails are proving to be an incredible asset within our Town so we have to make sure that we're doing our part to uphold our commitment to protecting our trails and enhancing our trails, but it is a bit more complicated in the short term, financially. He said he would like to see a commitment from that this is something that can actually be accomplished. Supervisor Slater said from a financial standpoint, even though the amount of \$7,200 seems small, every bit we are trying to squeeze right now matters until we have a better footing of our financial situation. He said his feeling is that we should try to work with Trailtown, hand in hand, to get DOT to give us written approval and then be ready to go for a grant application in the next round. Supervisor Slater said the Planning Department and the Highway Department would be included in this, as well.

Councilperson Lachterman suggested having Councilperson Diana go back to the Traffic Safety Committee and find out what they say about the effectiveness of this because he was thinking of the North County Trailway that has the same type of flashing sign and just to find out what their thoughts are – is it a help or a hindrance where kids think cars have to stop for them and they fly across. He would like input from Traffic Safety and the police, as well.

Ms. Siegel said she can postpone the application for the next round but asked Supervisor Slater if he would like her to make the application to the DOT for the highway work permit since that's they only way they would actually approve it. Supervisor Slater said he is fine with that as long as it's done in conjunction with John Tegeder and Highway Superintendent Paganelli. He said it is important to get DOT onboard.

Ms. Siegel said she will begin work on that, as well as try to arrange a meeting with the Traffic Safety Committee and suggested Mr. Tegeder be present. She said if that group feels it is worthwhile pursuing, the application for the highway work permit will have to come from the Town, but she will start the paperwork for that. She said by then the Town may have a better sense of their finances and they can re-evaluate this in September.

Councilperson Roker said when the application for the highway work permit is submitted, the Board will get an idea of how DOT feels about it.

Supervisor Slater said at that point we will have a better understanding of our financial situation. He said they have made it through the end of May with the finance team and have made excellent progress from a spending standpoint and he receives figures daily from the finance team and the Comptroller, Pat Caporale. They are doing a tremendous job for the taxpayers in Yorktown but we have to stay on this track for as long as we can. He said if we can work and get the bureaucracy out of the way first and check the boxes there then have it ready to go so it is "shovel ready," we can just apply for the grant and that would be terrific.

Ms. Siegel thanked the Board for their time and consideration. She will follow up with the Traffic Safety Committee and Mr. Tegeder.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH LABERGE GROUP FOR A FUNDING NEEDS ASSESSMENT FOR THE TOWN IN AN AMOUNT NOT TO EXCEED \$5,000.00

RESOLUTION #114

Upon motion made by Councilperson Roker, seconded by Councilperson Diana,

RESOLVED, that the Supervisor is authorized to sign an agreement with Laberge Group for the preparation of a Funding Needs Assessment in an amount not to exceed \$5,000.

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

Councilperson Patel pointed out a typo in the following resolution (which has been corrected).

AUTHORIZE SUPERVISOR TO SIGN A STORMWATER MAINTENANCE AGREEMENT WITH PCSB BANK LOCATED IN 1990 COMMERCE STREET

RESOLUTION #115

Upon motion made by Councilperson Lachterman, seconded by Councilperson Diana,

WHEREAS,

1. The Applicant, PCSB Bank, recently completed construction of the PCSB Bank Project located at 1990 Commerce Street. There was a Stormwater Pollution Prevention Plan (SWPPP) in place to manage stormwater during the various construction activities. As part of the SWPPP, the Applicant was also required to implement post-construction stormwater collection and treatment devices. The Town wishes to execute a Stormwater Maintenance Agreement to memorialize the responsibilities of the Applicant for long term inspection and maintenance of these devices.
2. One of the requirements of the Stormwater Maintenance Agreement is for the Applicant to file an annual compliance report with the Engineering Department. The Town needs to track these measures as one of the conditions of our MS4 Town-wide Stormwater Management Program.
3. The agreement will be subject to the review and approval of the Town Attorney.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Stormwater Maintenance Agreement with PCSB Bank located at 1990 Commerce Street.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR CUMMINS OEM PARTS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #116

Upon motion made by Councilperson Lachterman, seconded by Councilperson Patel,

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on June 2, 2020 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Cummins OEM Parts. Specifications may be obtained at the office of the Town Clerk in said Town Hall or on the Town's website, www.yorktownny.org under "Bids and RFPs."

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **"Bid: Cummins OEM Parts."**

The Town Board reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR JOHN DEERE OEM PARTS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #117

Upon motion made by Councilperson Lachterman, seconded by Councilperson Patel,

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on June 2, 2020 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for John Deere OEM Parts. Specifications may be obtained at the office of the Town Clerk in said Town Hall or on the Town's website, www.yorktownny.org under "Bids and RFPs."

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **"Bid: John Deere OEM Parts."**

The Town Board reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

Supervisor Slater said the following resolution is not on the agenda because it was discussed in closed session. He said as everyone knows, April 30 is the tax deadline for the Town of Yorktown and there has been a lot of discussion regarding taxes considering the ongoing pandemic of the coronavirus. For the record again, the Town does not have the authority to extend its own tax deadline nor do they have the authority to waive its penalties and fees; that has to come from our partners in government above us, so the Town Board has a resolution that it would like to introduce and pass. Supervisor Slater read the resolution in its entirety as follows:

SUPPORT THE PROPOSAL SET FORTH BY WESTCHESTER COUNTY EXECUTIVE GEORGE LATIMER TO ELIMINATE ALL PENALTIES AND LATE FEES ASSOCIATED WITH THE PAYMENT OF REAL PROPERTY TAXES FOR THOSE TAXPAYERS FINANCIALLY-IMPACTED BY THE CORONAVIRUS
RESOLUTION #118

Upon motion made by Councilperson Lachterman, seconded by Councilperson Patel,

WHEREAS, on March 13, 2020 the Town of Yorktown was the first municipality in Westchester County to declare a state of emergency in response to the Coronavirus pandemic; and

WHEREAS, in an effort to protect local residents Yorktown remains subject to the New York on Pause order and the true impact of this pandemic on the lives of Yorktown residents and taxpayers has yet to be fully realized; and

WHEREAS, the federal and state income tax deadlines have been extended to July 15, 2020 to provide relief to Americans and New Yorkers; and

WHEREAS, notwithstanding the extension of the federal and income tax deadlines, Yorktown's property tax deadline remains April 30th as set forth by New York State law; and

WHEREAS, Yorktown seeks relief from New York State and Westchester County for those financially impacted by the Coronavirus epidemic; and

NOW, THEREFORE, BE IT RESOLVED, Yorktown, by the instant action of the Town Board, supports the proposal set forth by Westchester County Executive George Latimer to eliminate all penalties and late fees associated with the payment of real property taxes for those taxpayers financially-impacted by the Coronavirus; and the Town intends to take action consistent with measures properly enacted by Westchester County through the Board of Legislators or duly ordered by the County Executive to provide real property tax relief to Yorktown taxpayers; and

BE IT FURTHER RESOLVED, the Town of Yorktown, by instant action of the Town Board, requests that Governor Andrew Cuomo and the State Legislature provide assistance and relief to local governments financially-impacted by the Coronavirus for the benefit of residents and property taxpayers; and

BE IT FURTHER RESOLVED, the Town of Yorktown requests the federal government provide assistance and relief to local governments financially-impacted by the Coronavirus for the benefit of residents and property taxpayers, as well as repeal the \$10,000 cap on the State and Local Tax deduction to provide financial relief for Yorktown individuals and families; and

UPON SUCH ACTION OF THE TOWN BOARD, the Town of Yorktown hereby recognizes and commends the fortitude and compassion of all of the residents of Yorktown during the Coronavirus pandemic.

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

Supervisor Slater said that as a point of information for those at home, the Westchester County Board of Legislators are poised to vote on Friday to reduce penalties and fees for late payments for property taxes; that is expected to take place on Friday and, of course, the Town of Yorktown is going to implement any relief efforts that are handed down by either Westchester County or the State of New York.

Supervisor Slater said there is no other new business before the Board and will entertain a motion to adjourn.

ADJOURN MEETING

Upon motion made by Councilperson Lachterman, seconded by Councilperson Patel, the Town Board meeting was adjourned.

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