

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, May 26, 2020 held in Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney
John Tegeder, Planning Director
David Paganelli, Superintendent of Highways

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilperson Diana, seconded by Councilperson Roker, the Town Board moved into Executive Session to discuss individual personnel issues. Upon motion made by Councilperson Diana, seconded by Councilperson Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

Supervisor Slater: Good evening, Yorktown. Welcome to our Town Board work session. It is May 26, 2020. I ask everyone to rise and join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

Supervisor Slater: I ask you to join me in a moment of silence as we just paid tribute yesterday to the men and women who sacrificed their lives so we can live ours. We simply thank you on behalf of a grateful community. Thank you. Okay we have a pretty full agenda so we're going to be focused and efficient. We've got our Town Clerk, Diana Quast, playing DJ back there, controlling everything so everyone can get in and out. We're going to hear some great things tonight. We're going to start with Will Graves of Goldfish Swim School.

WATER SAFETY MONTH

Mr. Graves: Hey, guys. Everybody hear me all right?

Supervisor Slater: We got you.

Mr. Graves: Greetings everybody, thanks for taking the time. I'm going to pull up a screen share, if you don't mind. Let me make sure I can do that.

Supervisor Slater: And, Will, May is water safety month – correct?

Mr. Graves: That is correct. May is water safety month. This is usually a big month for us at Goldfish Swim School; however, of course, with the COVID incident, we are trying to do as much online training as we can around water safety. As you'll see from the statistics that I'm going to run through very quickly here, that drowning is by far the most – the largest threat to children in our community. Drowning is the number one killer out there of kids between the ages of one and four and number two between one and fourteen. I'm not able to share my screen – hold on, I'm going to try to do this a different way. It says the host needs to let me in. Can the host let me in?

Supervisor Slater: Hold on one second, Diana's going to do that. The folks at home don't realize all that goes into our Town Clerk – what she does to make these meetings go, so I really want to thank Diana for her help here.

Councilperson Diana: It's like Mission Control in there.

Supervisor Slater: Working like three computers, two phones – the whole bit – so we really appreciate all she's doing for us.

Councilperson Diana: And she had some good music on before.

Town Clerk Quast: Thank you.

Mr. Graves: I apologize – I didn't make it any easier. I tried using two computers.

Supervisor Slater: That's okay – we've got you up now. Show us what you've got here for Water Safety Month.

Mr. Graves: Okay – great. Just so you guys know, we've been open in Yorktown since December 2018. We're in the Triangle Center. Importantly, one thing people don't realize about Goldfish is we're a far larger organization. There's actually 124 locations in 31 states, we're the first one in Westchester County. There's going to be one in New Rochelle, but there's one in development in Brooklyn. And the important thing is that this is just a massive organization – 135 students, *[should be 135,000 students – on chart]*, 2,000 instructors, always talking about best practices during the COVID incident we've had overage calls pretty much every day. The entire premise of Goldfish is really educating children how to swim. That pool at Yorktown Heights, believe it or not, despite all the people who want to come in and go swimming, it's only 4 feet deep, it's 92 degrees water temperature, 90 degree air temperature – it's really built for people who weigh less than 92 pounds. We teach all year round; usually the springtime, importantly, is our biggest season by far, as parents get ready for the summer season. Kids want to get ready for camps, kids want to get ready for beach holidays, houses on the shore – you name it – this is usually one of our biggest time periods across the nation. So, unfortunately, we missed that. I think it really puts us in a little bit of danger as a community of parents and ones that are continually vigilant for our children. Water safety, as I was saying, is extremely important – it is the number one killer of kids under four years old, kills nearly 1,000 kids per year, and the scary thing is – actually, the blessing is this is entirely preventable. Kids can be taught how to swim extremely young. We start lessons as early as four months old. You can teach a kid who falls in the water to turn around and grab the wall. You can do that and, frankly, it's unfortunate that most people do not.

So, it's important, and I think community leaders need to think about some of the trends we're seeing within our system. The majority of drownings happen between June and August. Most of them happen in the backyard. They happen in the backyard of the children's' parents. Sixty-nine percent of drowning death in children happen when they're not expected to be swimming. And it's often those heart-breaking tales when the parent just turned around for a little bit and the kid lunged for a toy or the kid made a move – something distracted him – and they fell in. It can happen really that quickly. One thing that – believe it or not – I actually saw this afternoon. I saw my own three year old decided to jump in the water at his grandfather's house alongside a five year old. The three year old isn't ready for swimming – this is the first of the year – he jumped in and immediately tried to tread water and he was going under. I saw it, my wife was there very quickly. The scary thing – he didn't make a sound. We did not hear it. He sat there and was going under and you couldn't hear him. If we had had our backs turned, we wouldn't have known. It is really, really important that people understand this. And just to bring it close to home, Matt and I actually starting talking after some of the conversations that I saw – this is just from Yorktown families on Facebook, which is a great information-sharing source. You can see what parents are really interested in and look at this (shows Facebook page) – this is people who are asking about employing Intex pools in their backyard. We've seen a huge wave of work-from-home and play-at-home activities, which are entirely different than people anticipated – camps are closed, recreational activities are closed – so they're looking for outlets for their kids and this scares me; seeing this big an interest in outdoor pools within our community. These pools aren't permanent, they count as pools if they're over two feet deep, and I just worry that we set our community up for tragedy. Unfortunately, I would take a bet all day that across New York State we're going to read about accidents in these pools at some point this summer. So it's something we should be vigilant about.

So let's talk about some of the big ways to be vigilant. Of course, there's many of them out there. There's plenty of great resources. One of the most important things to really advocate to the community is that whenever there's kids around a pool, there should always be a specific water guardian. It just doesn't work to have adults. Increasingly, we're going to see larger and larger gatherings this summer and there'll be larger and larger parties and you need somebody who's watching kids all the time. Bode Miller, Olympic medalist and world champion skier, lost a two-

year-old within the last two years at a party with thirty people because nobody was paying attention. So, we also use something called a Water Guardian tag, and this is actually taken from my in-law's house, and we make the person who's in charge wear this. They can't have a beer or wine in their hand, they can't have their cell phone in their hand – they have to focus on the kids. It's a really simple solution and it's easy to hand off – “tag, you're it” – you've got it for five or ten minutes; let's keep the focus there.

Importantly, some other areas: a lot of toys make it into pools – people think those are great ways to keep kids afloat; they're not. The only thing that's really approved is a life jacket. In fact, many things in swim training we tend not to use at Goldfish are floaties or life jackets while we're teaching because it actually puts kids in what's called the drowning position. They're sitting up, they're trying to keep their head above water and then they go under. That's how they drown. The way that they swim is actually on their stomachs. So we try to discourage, but whenever you're in an open body of water, you should absolutely have a life jacket handy. And if you're going to have a kid who is jumping in and out of the pool, use a Coast Guard (lifejacket). If you're out in the community and see toys floating around in a pool, it's probably a knock on the door you want to make. Believe it or not, the American Red Cross, the number one way they say to prevent drownings is to enroll kids in swim lessons. I'm not talking on my own behalf; I'm in this for all the right reasons, but that is something that is the number one way to make sure kids are safe around water. We offer water safety programs – we're doing this online. We usually go into schools and we teach the basics to kids of all ages and we look forward to initiating more and more of those as we get closer to opening and we frequently educate Girl Scouts, Boy Scouts, and others. We look forward to that. Our water safety program is very detailed.

I'll show you some other things that we do. I really encourage you to check out the Goldfish website. We have blogs here, which are filled with information, and we introduce a program we call Goldfish at Home. At first this was for members only, however, we have now put basically all of our lessons online. Parents can go to YouTube and watch these live. There's all sorts of training activities that even start in the bathtub. And so, just some great resources and very true to the Goldfish science of swim and play methodology.

In the interest of time, I really encourage all of you to look up something called Levi's Legacy and this is from a blog, Scary Mommy, but this is an incredible story. Nicole Hughes, who has partnered with Goldfish, and she actually lost a son in a vacation home about two years ago, sharing this house with five other couples and every single couple had a doctor in the family. They lost a kid who just turned away; she literally was sharing a cookie with him, she went upstairs, she still had the cookie in her hand, came back and her son had passed. This is just an incredible story and she is an incredibly powerful resource. She has actually made so the American Pediatrics Association make sure that swimming and swim lessons have been brought into the importance of new moms and parents because it is, of course, the number one killer of kids - another great resource I recommend alongside Goldfish.

So that's a quick overview, if you have any questions.

Supervisor Slater: Will, thank you. Will, I got to tell you my four year old (he'll be five in October), he can't wait to get back to Goldfish. We've spent quite a few Saturday mornings there and you're 100 percent right – it all comes down to safety. As a parent, I've got Charlie, who's four, and Elizabeth's going to be nine months in two more days and these are real concerns that we have and your swim school and these tips are very, very helpful not just for me but my mom who watches them, and my in-laws, and family and friends. This is really important for people to pay attention to and I know my wife is going to love those at-home swim lessons in the bathtub.

Mr. Graves: There's a lot of good tips you see. A lot of these are the process – you see what a lifeguard really does and should do. Every time I look at this stuff I get a tear in the side of my eye because it is something that's really scary and particularly where we are in Westchester County – all the reservoirs and water – and you know that kids this summer are going to go on walkabouts and exploration.

Councilperson Diana: I'll tell you my granddaughter went there, she was somewhere between one and two at that point, and now she knows she's got to put her life vest on before she goes near the pool. They have a pool in their backyard so they wanted to start early. She's really good about it and loved going to Goldfish – she really did.

Councilperson Patel: Will, I have a question for you. This is Vishnu Patel – I was there at the ribbon cutting. Who taught the fish to swim?

Mr. Graves: That's a great question. Was it a miracle of nature? I'm not sure.

(Laughter)

Councilperson Patel: Wonderful. Thank you – good to hear from you. It's a wonderful program, really. Water safety is very important, no matter where you go.

Mr. Graves: Absolutely. We love what all you guys do in the community, as well, and we look forward to the Reboot and look forward to being part of it.

Supervisor Slater: Absolutely, Will. Well thank you so much for your time; we really do appreciate it and look forward to that Reboot and get you re-opened again, hopefully soon. So thanks again for all you're doing for us and our families.

Councilperson Lachterman: Matt, I'd like to jump in real quick because I agree with you and Tommy. My goddaughter's been there, Will, and thank you to you and Jillian for what you do in our community in helping our kids. I do want to throw in one thing from an important point of view I think some people forget especially with the small or above-ground pools – you do need to go for permitting for this and the permitting is not as much, in my opinion, for the Town but for your safety to make sure everything is installed properly (the fencing). There's so many factors – I know we've had a couple of deaths in Yorktown since I've been here where kids have gotten into pools and drowned. It's just tragic for something that could be prevented. So please make sure you do everything by the book there and invest in something where your children can learn, like Goldfish, which is equally as important so they understand it.

Councilperson Roker: You know my oldest son, we were living in Queens and that was one of the first things I wanted him to learn was swimming. There are a lot of YMCAs in Queens and that's where he learned, I think he was two years old. It's important.

Supervisor Slater: It's very important, without a doubt. We've got a great place here in Yorktown in Goldfish Swim School and so for all my fellow parents out there, please make sure you check it out. We look forward to them reopening and teaching our kids how to swim. Will, thanks so much for your time, we really appreciate it.

The Board: Thank you.

Mr. Graves: Thank you.

BATTERY STORAGE

Supervisor Slater: Okay. We're going to move on to our next item: Battery Storage legislative update. We are going by our Town Planner, John Tegeder – a constant on these meetings. It's always good to see John. We are also joined by – is Swarnav joining us? Swarnav Pujari?

Mr. Pujari: Yes. I'm here.

Supervisor Slater: How are you?

Mr. Pujari: How're you doing?

Supervisor Slater: For everyone at home, Swarnav is the chair of our Climate Smart Communities Task Force and I'm going to let you gentlemen take the rest of the reins here.

Mr. Tegeder: Do you want me to start, Swarnav?

Mr. Pujari: Yes, I'll let you lead it.

Mr. Tegeder: Okay. So we have been receiving comments – we did receive some great comments from the CSC (Climate Smart Communities) and we did have some discussions with Swarnav and

his troops and they had a comment, or a lot of the discussion revolved around one particular concern that they had I think was looming more important than others. I wanted to come and talk to you about it and outline it because it's a little bit of a bigger issue than just someone saying, you know, switch the minimum area of the lot from 30,000 to 40,000; it has a little bit more depth to it so I figured that it would be a good idea to get this into your heads you would have time to think about it because I know that the Battery Storage Law is moving fairly...with some momentum. It has to do with...the comment really was that in residential zones one of the major concerns that they have is what if there is...I'm going couch it as an example...what if there is a large property in a residential zone and you can fit oodles and oodles of battery storage containers on this property? It should be...the feeling was that maybe there should be a maximum amount that can go in residential zones on any particular single property, which I thought, was a very cogent thought and comment and so we started to think about it and bandied it about a little bit and we produced a short standard that will go in the special permit standards that will set a certain maximum for certain lots and there will be a hard maximum for any particular size property over a certain size so this way you won't get this very large array of batteries in a residential zone rather you will promote and get batteries that make sense for the surrounding area that it serves; that has the need – a residential area that is experiencing brown-outs, and so forth. It has to do with lot coverage and I think I'll just read it to you and then give you some examples to explain how I anticipate it will work. It will be in the paragraph labeled "J" Special Use Permit Standards, which on the latest law you referred around, is on page 10 and there is several standards there – the first one is lot size, the second one is setbacks, and I am proposing to insert this between those two. What I'm about to read to you will become Number 2, Setbacks will become Number 3, and it will be entitled "Lot Coverage" and it will say: "Lot coverage shall not exceed 15 percent of the area of the lot or 33,000 square feet, whichever is less. Lot coverage shall mean the area formed by the outermost perimeter of the footprint of all of the equipment and battery storage units including the clearance spaces between the individual equipment."

So how that works first with the perimeter, you're basically going to draw a perimeter around the equipment – the storage units and the ancillary equipment. If there is space between that, that counts, but you're not going to take additional space beyond that. That's what defines the lot coverage in this particular case and so if you take a one acre piece of property, 15 percent of that is 6,534 square feet; it's a lot less than 33,000 square foot maximum, but in that 6,534 square feet you could probably, in most cases, produce or install a system that was similar to what you saw in the Gomer Street system, which is not the biggest system in the world, by any means – it's a size that you would expect to find where there is an area that's in need and has some brown-outs.

As it goes up, 2 acres – 15 percent you'd get to around 13,000; 3 acres would be about 19,000 – still under the 33,000. It's when you get to the 5 acre lot where you would be limited to 32,670 square feet. Above 5 acres, you would not become limited by the 33,000 square feet. So if you had a 10 acre lot, the only land that would be available to you to place your battery installation is 33,000 square feet – and remember, that includes all of the ancillary equipment and any clearance spaces between the units.

So I proposed that to Swarnav and Swarnav, in his experience, seemed to think that was a reasonable approach and that's what we're thinking about now, which I happen to think placing a maximum is a laudable idea.

Mr. Pujari: I think you hit it right on the head there.

Supervisor Slater: Swarnav, if you could give us some insight from the technical aspect? Again, if you wouldn't mind also, just reminding folks at home your professional skillset in this specific arena.

Mr. Pujari: So, my background is in the last 8 years I've spent it in the energy space working everything down to residential energy management and solar all the way up to utility scale, solar, and storage projects all the way from the engineering side all the way down to procurement and construction, and we've worked all the way across the nation, predominantly in California but it kind of applies everywhere, as whole.

So on this specific project, as it relates to when it comes to the safety aspect, because I know when we were having a conversation with John about the current legislation drafting, a couple of members (they) brought up some really interesting points about limiting the lot size, specifically

in residential for the reason of safety. Naturally, as it comes with any kind of new technologies, they come with their positives and negatives – usually more positives – and the same goes for battery storage. They are flammable, they do have fire risk though very occasional or to a level where we never see those, where it's a rare occurrence. These batteries have improved drastically over the last few decades. Nonetheless, we don't want to have a utility-scale battery storage installation happening in a residential zone and that's what we intended to try and achieve with this kind of modification.

In the current stance or way it's been drafted, it's really helpful from the standpoint of ensuring that we aren't limiting battery sizes or limiting or prohibiting the utilities or whatever EPC is coming in from designing a system that 1) helps support resilient and greener efforts across the grid. We don't want our residents stuck in a situation where we're all plugged in to electric vehicles and now the grid can't sustain those. Batteries of this size in this case would really help with that. Offering an acre plot of land - it's restricting both the size of the system that we can put in with current technology, but it kind of future-proofs the Town, as well, in terms of going forward as the technology improves year over year, getting bigger, getting safer, and more resilient to help the utility deliver us a reliable and safe source of power for us to use.

So, as a whole, and I'm happy to answer any questions that might be there on the technical front, but fundamentally what this is doing is it's keeping a nice enough perimeter around that not only are we going to be able to keep our residents safe, but at the same point, it's not prohibiting any new developments that could be beneficial to our residents at the same time. So I think this really fits both ends of what we would want to achieve here with this legislation.

Councilperson Patel: I have a question, Swarnav. This is Vishnu Patel. The one acre, two acre – is that the fixed model, like a two acre is double the size. I mean a two unit, three unit, or these are all custom built units for each size of the land?

Mr. Pujari: So, again, if I didn't get your question right, let me know, but I think what you're asking is are these custom-designed systems – they aren't modular? The answer to that is the way these battery systems are built, these come in packs, pre-designed, pre-certified modules. These modules are then stacked together to build the size of the battery you want. So if you have one 10-kilowatt battery, if you put ten 10-kilowatt batteries together, you get 100-kilowatt hours of energy storage there, or battery storage. These things just stack really well together and, obviously, you need additional electronics but those are pretty standard built into the battery to handle that scale.

Councilperson Patel: These are all the solid-state batteries, not acid. Any acid or anything else, right?

Mr. Pujari: These aren't lead acid batteries, no. I would imagine these would all be lithium ion-based, and we haven't factored for things like flow batteries or other new emerging technologies but they still remain in the emerging stage. I don't think we'll see those in utilities for at least a few years.

Councilperson Patel: They have really very nice batteries now. They have this carbon-something coating, you know. There was another prize given last year (?) in technology – have you (?) of that? Maybe they'll come and it'll be pretty safe.

Mr. Pujari: Yes, so there is a graphene-based company that's building super caps integrated with these lithium batteries. They are proven to be a lot better, or safer, but the last I heard of it is they were raising capital to just get into public pilots. So I don't think they're manufacturing on that scale yet but if they do get out there, I'm sure we could re-visit adding something in from a safety standpoint by dealing with NYSERDA, the CSC Taskforce, and obviously working with you guys, as well, on this.

Councilperson Patel: How much is the (?). Is there a number you have on the smallest unit, the storage loss, and the noise and vibrations, anything else?

Mr. Pujari: I'm not sure I understood the question, would you mind repeating that?

Councilperson Patel: The loss in the battery when it's fully charged, and it's not charging and it's shut off, is there any electrical power loss to the heat or whatever reaction is happening in there?

Mr. Pujari: Yes, I mean there is energy efficiency loss. It's like if you charge any device with a battery, it takes time for it to discharge over a period of time but, for the most part, the utility or the EPC that's handling this project, will have all the intelligence within the batteries to make sure it's not getting too low or too high so those risks shouldn't be something we would have to contend [sic] with.

Councilperson Patel: What about heat? Is there a byproduct... Is there any heat coming out of there? Is there any increase in the temperature?

Mr. Pujari: From basic science, yes, there is heat but it isn't anywhere near a point to where it poses a concern. It's like your phone heats up when you might be charging it.

Councilperson Patel: Well, bring it in then; we need it.

Mr. Pujari: Right – agree.

Councilperson Patel: Thank you.

Councilperson Roker: Can I ask one question?

Supervisor Slater: Yes, of course.

Councilperson Roker: I just want Swarnav to explain to the public why it's important to have battery storage in residential areas.

Mr. Pujari: Yes, absolutely. So the value of energy storage, naturally – I think we all know the idea of the climate change kind of stuff, and more adoption of solar, wind, and renewable sources so I'll spare you guys that conversation, but fundamentally where battery storage plays a really big role is in solving the problem of the sun sets in the evening and only gets up in the morning and we use power 24-7. So in order for us to make a full transition towards renewable energy, battery storage allows us to use that solar power or wind power that might be coming from a farm miles away within our community. On top of that, there's a second factor, which is resilience, which makes, to put it simply, rather than losing power or intermittently losing power when, throughout the day your lights might fluctuate at home (those are called brown-outs) or you may have a full black-out event where the utility has to shut the entire grid down. A great example of where the grid is headed today if we don't include battery storage, you could take a look at California and their wildfire and power safety shutoff events that happened up in the northern California area. Battery storage within residential zones could have saved that from ever happening. Rather than businesses and homes being in the dark for weeks on end with only 48-hour notice, that could all have been avoided with battery storage. So battery storage allows us to not only help bring more renewable power to the Town but it also allows us to ensure that we don't deal with a situation like northern California dealt with when it came to black-outs. So it's a quality of life and environmental impact.

Councilperson Roker: Thank you so much.

Supervisor Slater: Swarnav, I just got to say thank you again and really this is one of the reasons I was so excited for the Climate Smart Communities Taskforce because we're going to be able to bring people like you to the table and help brainstorm – and your whole taskforce – because we had a full taskforce meeting to discuss this very specific issue and legislation and John was, of course, included in that. But to be able to collaborate on something like this and help provide additional insight through your professional and personal experience is so meaningful to this community. The same with all your members, and so I really do want to thank the Climate Smart Communities Taskforce for their continued work, they're doing some really exciting projects, which when we get back to meeting as we normally do, very excited to have the taskforce present some of those projects to the Board; I know some of them are still in development. But this Town has a lot to be excited about; especially in this renewable energy/green energy front and that all has to do with this taskforce you're leading and I really do want to thank you and tell you how much I've appreciated you educating me on these things and how much I've enjoyed our conversations with the entire taskforce.

Mr. Pujari: I echo that as well; that sentiment goes both ways. I think I speak on behalf of the full taskforce and the team we have that working with you guys and having a very forward thinking Board to come to and Town has been immensely valuable. So, as long as we can do our job to help educate and make sure we're doing it the right way, I think we're doing our job. So, I do appreciate that.

Supervisor Slater: This has been referred out, as we've said earlier. We are slated for a public hearing – Diana, I believe that's the 9th? Does my memory serve me correctly there?

Town Clerk Quast: June 16th.

Supervisor Slater: June 16th – excuse me, the following week. So June 16th we're on the docket for a public hearing on the battery storage law and we appreciate everyone's efforts as we try to move this down the field. All right, thank you very much, Swarnav. Really appreciate it.

Mr. Pujari: Awesome.

Councilperson Diana: Thanks, Swarnav.

Mr. Tegeder: Thanks, Swarnav. Talk to you soon.

Mr. Pujari: Talk soon, John.

SOLAR PERMITTING

Supervisor Slater: Swarnav, I don't know if you want to stay or not but we're going to move over to solar permitting legislation. We're going to have an introduction to solar permitting by John Tegeder. John?

Mr. Tegeder: Thanks. So this is a re-introduction of the solar law, which has been referred out a number of months ago and has been gathering less and less steam but we're bringing that forth; one of the reasons is because in the next two agenda items you'll see solar still remains a very intense area in the development of our region and New York State. Really, just my point here right now is to re-introduce it and tell you that it's coming your way in the next week or so, whenever we can get on the next meeting. I'll have some modifications to the law; it's going to be more of the technical side and it's going to be a lot of jargon which I am receiving help on from some experts in the area, including Swarnav. It's going to be coming your way with some revisions and, as you'll see in the next couple of minutes, that this is still a hot, hot area – no pun intended – in development, in particular, in the Town because we happen to be in an area of Con Ed that still has some available land and that makes it attractive for this part of the County, at least. That's really my introduction, the long and short of it, for tonight.

Supervisor Slater: Very good. Very good. I know that you're going to be working with Swarnav and the Climate Smart Communities Taskforce as we dive deeper into drafting legislation and I've been part of some of the conversations you've had with our outside experts who we brought in this time around and they've been tremendously helpful, as well, with incredible insight, so I think it's another exciting project for this Town.

Mr. Tegeder: Absolutely, and they've been able to sort of take some of the confusion out of some of that esoteric knowledge and jargon, so it's been very helpful.

Supervisor Slater: Awesome. Very good.

Councilperson Roker: I think that's wonderful.

Supervisor Slater: Questions from the Board on the solar legislation before we move on to our next agenda item?

Councilperson Diana: Nope – just waiting to see it.

Supervisor Slater: Councilman Lachterman, I don't know if you were trying to ask a question – you're muted.

Councilperson Lachterman: I don't know why it's not unmuting but, John, I just wanted to say you're doing great work on this. I know you've been chasing the tail for quite a while here trying to (?) so thank you for everything you've put into it.

Mr. Tegeder: Thank you for that. Sometimes I do feel like I'm chasing my tail. Eventually we come out of it and make some progress but, thank you, I appreciate that.

Councilperson Patel: Very good job, John. Thank you.

Mr. Tegeder: Thank you.

Councilperson Roker: Matt, I have to tell you I look forward to hearing from the Committee because there are so many things that the Town can do to help ourselves in terms of energy. As I said, I'm looking forward to the presentation by your committee.

Supervisor Slater: Yes, they've really ... they're charging, they're very aggressive. You, me, and John went to NYPA's presentation right before COVID hit and we were really excited about the things that they were bringing to the table, being NYPA, and a lot of those aspects are continuing to be discussed and explored independently by our CSC – our Climate Smart Communities Taskforce. For the folks who recognize the value of renewable energy and protecting our environment and protecting our planet, I think we've got some very exciting things coming down the pipe that I think are going to peak a lot of people's interest.

IBM SOLAR CARPORT

Supervisor Slater: So we're going to move on to our next item – look at this, I'm already ahead of schedule – we're going to bring back our friends from IBM to discuss their solar project, and we have John Tegeder, our Town Planner, Adam Rodriguez, our Town Attorney. We have Dennis (Phayre), Art (Taylor) – who else do we have as well? Craig (Paeprer)?

Mr. Paeprer: Hey, Matt.

Supervisor Slater: How we doing?

Mr. Paeprer: Great. Yourself? Hello everybody.

Supervisor Slater: Dennis, can you hear us?

Mr. Phayre: Yes, I can. Can you hear me alright there, Matt?

Supervisor Slater: We got you – perfect.

Mr. Phayre: Great. Alright, then I'll kick it off. On behalf of IBM and EnterSolar, I'd like to thank the Town and the Town Board for the prompt action that you're taking to address this urgent need to secure state funding for the proposed IBM project. This is really the kickoff meeting to a much longer permitting process for a solar carport installation that will be going in at the IBM Watson Research Center. This evening is about the SEQRA designation of a Type II action for the project as designated by the DEC and NYSERDA. The Type II designation specifically applies to, among other things, parking lots with solar arrays of less than 25 acres on them. So, if I may, I will present just a couple of slides.

Supervisor Slater: Great. Diana, can you give Dennis access? Thank you.

Mr. Phayre: Can you guys see my screen?

Supervisor Slater/Mr. Paeprer: Not yet.

Mr. Phayre: Okay. I'll hold off here for a second. Just let me know when you see it.

Councilperson Patel: Is this the same thing you brought to us before? This is Vishnu Patel.

Mr. Phayre: Yes sir. It's very similar – I'll be brief. I know you have a lot to get through.

Supervisor Slater: Dennis, why don't you try sharing your screen again for us, if you don't mind?

Mr. Phayre: Sure. Share screen – hit the button. Let's see.

Supervisor Slater: There you go.

Mr. Phayre: So this is an overlay of what the project will look like over the IBM parking lot there. This is a 5.4 megawatt solar carport covering about 8 to 10 acres and about 1300 parking spaces and this will provide IBM and its employees solar energy credits and provide some greater reliability to the grid as a distributed generation asset within a somewhat stressed section of Con Ed's network there. It's a Y-canopy design that incorporates under decking and this will collect the rain and snow melt and deposit that into the existing stormwater drain system. There are currently no batteries planned for the system but we have acquired capacity on the network to be able to do that later if IBM so decides to do so. The project will be fully contained within the IBM campus and will be integrated into the existing infrastructure, including the stormwater drain system. That's pretty much what I have to say. I'll show you just a couple of more pictures here of what it looks like. This is a rendering of the facility and you see it has that Y design on top of it there; looking at from the building out towards the parking lot it integrates very nicely with the facility, and there's just one more view of it. There'll be minimal disruption to the facility in terms of cutting down of any of the trees. All of those trees are on the north side of it and there's just a couple trees in the middle of the lot there, but pretty much it's on a paved parking lot and not really going to change the existing use of the facility – it will still be a parking lot. And I'll stop there and answer any questions you have.

Supervisor Slater: Questions from the Board?

Councilperson Diana: Yes, Dennis, is the water runoff and so forth going into underground storage and then being distributed out into the storm drains? Or is it just directly into storm drains and into normal flow?

Mr. Phayre: It'll flow towards the center into sort of a rain gutter, you know just like you would have on a house, and then it would come down into the stormwater drains beneath it. We'll add some more drains on the ground to accommodate the runoff from the array but everything will be integrated into the existing plan, as it was designed.

Councilperson Diana: Is that Craig, my old maintenance partner, there?

Mr. Paepre: Yes it is – I was just going to say something. How are you?

Councilperson Diana: I am good, Craig. How are you?

Mr. Paepre: Great. Been a long time. Good to see you there.

Councilperson Diana: Yes, it has. Same, same.

Mr. Paepre: Actually, on this drainage system we have a significant project on the books to upgrade this system because we feel there could be more flow going through it, plus it's just a good time for us to do so.

Councilperson Diana: Yes – is it infiltrated and stuff, Craig, underneath the ground or is it just drainage that runs out into the natural watercourse?

Mr. Paepre: No, it runs underneath the building, flows out to the rear of the stream and it definitely runs through our whole property.

Councilperson Diana: Probably right down by that old sewage treatment plant out there.

Mr. Paepre: Exactly – there's the sewage treatment plant out in front of the building.

Councilperson Diana: Okay. Great, great.

Supervisor Slater: Hey, Dennis, you said earlier that it was timely, in a sense. I just think it's important for folks at home to understand what you mean by that and why it's so important.

Mr. Phayre: That's a very good point. So, NYSERDA (New York State Energy Research & Development Authority) has blocks of grants that they allocate towards solar projects and when we began the project last year, we started out in Block 6 and fully expected that we would be well within Block 7 by the time we go to the permitting stage which would allow us to apply for the incentive from NYSERDA. The only thing we're missing at this point is the designation on the SEQRA side; we still have all of the regular permitting process that we need to go through with the Town, but without that designation we could not apply to NYSERDA and the block is getting towards the end of Block 7 and we figure it's about two weeks away from slipping into Block 8, which would be a substantial loss of state incentives to the project, on the order of several hundred thousand dollars. It could jeopardize the entire project – it would certainly change the economics dramatically. So without this prompt action by the Town, there's no way we would have met that schedule; it would have been a major blow to the project and so we're very grateful for the prompt action you're taking.

Supervisor Slater: And I really want to give our Town Attorney, Adam Rodriguez, and our Town Planner, John Tegeder, a lot of credit because when we realized where we were in that timeline, I don't think anyone expected to be at the end of Block 7 at this point in time, and they quickly did what they do best and provided a solution to getting into a position that we hope will, in a sense, protect the project to make sure it moves in the right direction. Other questions by the Board?

Councilperson Roker: I'm good with it.

Councilperson Lachterman: Just a quick question one of our constituents had asked at one point: is there any protection or any type of prevention from migrating birds? Have they had any problems with them at other carports to prevent them from hitting into this?

Mr. Phayre: No, these are non-moving structures, these are not like windmills or anything like that. They're, at most, 20 feet off the ground, as per code, and they will present no problem to birds because birds will be able to see them. In fact, if anything, the birds – in some locations when solar installations are near the ocean, you have a problem with bird poop on them, but we don't expect that to be a problem here with this installation. So no problem, either way.

Councilperson Lachterman: Right. I would imagine, actually, you'll wind up with a nesting problem underneath, if they can.

Mr. Phayre: It's going to have decking underneath so it won't be accessible to them, but birds do have a way of finding niches, of course, but we'll do our best to keep that from being a (problem).

Councilperson Diana: It's a nice looking and functional ground array project unlike a lot of the ones that you see that are just kind of stuck in a field. This one has function, it has two-fold - at least - function: it has car protection and it's helping the environment. I like it; I think it looks great.

Mr. Paepre: Tom, I tell you we toured several and all our occupants look out to this, right, it's a main employee parking lot, so this is the ... I agree – this is the nicest one we've seen. We're obviously paying a premium for it but it's going to be there for a long time.

Councilperson Diana: Yes, it's an attractive thing. I wish we had one when we had those snowstorms and rainstorms and we had to walk out to the parking lot to get to our cars.

Mr. Paepre: And you forget where you parked!

Councilperson Diana: Yeah, right!

Supervisor Slater: Adam Rodriguez and John Tegeder, if you can advise next steps from the Board's perspective, please.

Mr. Rodriguez: There's a draft resolution that we have that would essentially designate the application exempt under SEQRA as a Type II action.

Supervisor Slater: Thoughts from the Board?

Councilperson Patel: I agree.

Supervisor Slater: Then I will make the following motion. We have a resolution that I will read:

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

WHEREAS, the Town Board has received an application for a solar carport project proposed to be installed over the main parking lot of the IBM TJ Watson Research Facility located at 1101 Kitchawan Road and known on the tax maps of the Town of Yorktown as tax map id# 69.16-1-1, prepared by RBI Solar, dated October 18, 2019 and Spotts, Stevens and McCoy, no date; and

WHEREAS, a Short Form Environmental Assessment Form dated May 22, 2020, has been submitted and reviewed; and

WHEREAS, the plans and EAF indicate that the project will be installed over an existing parking lot and cover 11.5 acres of said parking lot; and

WHEREAS, pursuant to subsection 617.5(c)(14) of 6 NYCRR Part 617 State Environmental Quality Review which specifies “installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites:.. (vi) parking lots or parking garages;” are not subject to review under SEQRA; and

WHEREAS, this action is not a Type I action as defined in Section 617.4 of 6 NYCRR Part 617 State Environmental Quality Review; and therefore

BE IT HEREBY RESOLVED, the Town Board determines that this project is considered a Type II action under 6 NYCRR Part 617 State Environmental Quality Review and is not subject to further review under SEQRA.

Councilperson Lachterman: So moved.

Councilperson Patel: Second.

Supervisor Slater: All in favor?

Town Board: Aye.

Supervisor Slater: Any opposed? Okay, then we are good to go. Motion passes.

**SOLAR CARPORT PROJECT- DETERMINATION OF TYPE II ACTION
RESOLUTION #167**

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

WHEREAS, the Town Board has received an application for a solar carport project proposed to be installed over the main parking lot of the IBM TJ Watson Research Facility located at 1101 Kitchawan Road and known on the tax maps of the Town of Yorktown as tax map id# 69.16-1-1, prepared by RBI Solar, dated October 18, 2019 and Spotts, Stevens and McCoy, no date; and

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WHEREAS, this action is not a Type I action as defined in Section 617.4 of 6 NYCRR Part 617 State Environmental Quality Review; and therefore

BE IT HEREBY RESOLVED, the Town Board determines that this project is considered a Type II action under 6 NYCRR Part 617 State Environmental Quality Review and is not subject to further review under SEQRA.

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

Mr. Phayre: Thank you all. Appreciate it.

Mr. Paepre: And an impressive taskforce you got there; Swarnav really knows his stuff.

Supervisor Slater: Oh, yeah – we bring out the best, don't worry.

Mr. Paepre: You guys are great – thank you so much.

Goodbyes were said by the Town Board and applicants.

SUNRISE SOLAR SOLUTIONS

Supervisor Slater: We're going to move on to our next agenda item, Sunrise Solar Solutions. Joining us are Doug Hertz, Tighe O'Donnell, and Logan Peters – early this afternoon he was on a boat – glad to see you're back indoors.

Councilperson Diana: Does somebody have a microphone on or a radio or television?

Supervisor Slater: If we could make sure everyone is muted. Someone's got the video back there or on the website or somewhere. Again, we're joined by Sunrise Solar Solutions – Doug Hertz, Tighe O'Donnell, and Logan Peters – thank you very much. Also with us, I see we have one of our Parks & Rec Commissioners, Matt Talbert; we have our Parks & Rec Director, Jim Martorano; and once again, our Director of Planning, John Tegeder.

So we are talking about a solar carport proposal for the Granite Knolls parking lot. Doug, why don't you take us away, please?

Mr. Hertz: Yes, thank you so much. So item three for solar tonight, so you guys are all warmed up. We have been in conversation with the Town for the better part of a year to discuss leasing basically the air space over the parking lot at Granite Knolls. We presented to the Rec Commission back in September and this is a continuation of that discussion. I'm going to share my screen and quickly go through a couple of things here. So you let me know if you can see this.

(Begins a slide presentation)

So I'll go through this quickly but what we're proposing are carports – basically this is an aerial view of the Granite Knolls parking lot with the carport superimposed. They're actually very, very similar to what Dennis just showed you for the IBM facility. These are some typical images so we can give you a sense of what things are from a design perspective. We're going to be using both single-tilt and dual-tilt. The single-tilt is going to be over the area farthest away from the field. It provides us with the best ... basically with the best output for the system. We'll have a single row of dual-tilt where we're closer to the field because if you notice what happens when you approach the field, there's a quick hill – a short rise, if you will – from the parking lot up to the field level and we want to make sure the low end of that carport doesn't interfere with that rise. Right now the parking lot is unpaved and we discussed with the Rec Commission the desire to include paving in this. So that discussion just happened recently, so these numbers don't reflect that, but the intent is going to be to try to pave that parking lot as part of this project.

Just a sense of what this looks like – it's approximately \$60,000 a year in value going to the Town for this. It's a 25 year lease; typically we put on two 5-year options with an inflator and over the 30 years of the project, which is the functional life of the system that we generally look at, although

we give ourselves the chance of having an extra 5 years if everything is going well, the Town is going to make over \$2 million dollars.

From a benefits perspective, there'll be a community solar farm - so it sounds like everyone is fairly well versed in what a community solar is – but basically all that energy is going to go into the grid and it will be available to Yorktown residents and what we would do is agree to have a subscription time so Yorktown residents would have the first opportunity to buy into the system and to get those benefits. Only if they had decided there was still availability left, would we open it up to other people.

This presentation was done before the discussion with the Rec Commission so “no new impervious surface” but if the desire is to pave the parking lot, obviously there will be impervious surface because of that desire.

No trees to be removed – similar to what we just looked at with IBM

Shading the cars underneath – imagine you're going to a football game in the summer, going there in the summer, parking your cars out in the sun for a couple of hours, you'll come back and have a nice shaded car.

From a CO2 equivalent, it's actually pretty stunning. The offset of a system this size is equivalent to what 1,249 acres of mature forest do from a CO2 offset perspective each year so it's a win for the Town, it's a win for clean energy and for the environment and because we are installing electrical infrastructure up and around the parking lot, it also gives the opportunity for the Town to install car chargers at that location if that's something that's desired. We'll have trenches open and it's easy for us to do. And, there'll obviously be energy that's readily available.

Supervisor Slater: Our Smart Communities Taskforce will love that.

Mr. Hertz: Yeah, absolutely. This is a quick idea of a rent table, you know, of what this thing can do. So there's both a rent and there's an electricity discount. We get both combined it's just under \$60,000 in the first year and it increases over time.

From a Process Perspective and we've discussed this – I had already provided to Adam a copy the agreement. We signed an option to lease, which gives us the ability to, again what was discussed earlier, lock in the NYSEDA incentives. More importantly, we want to lock in the ability to be in the community solar block at all because, all of a sudden, these things, as was mentioned in the previous application, the number of projects going in has skyrocketed and the money is going out quickly. So we want to make sure that this thing maintains its economic viability by being able to get into the queue at this early moment. We'll explore ... we pay the Town the minimalist (minimal?) amount during – sort of an option amount – during the period where we'll explore the due diligence we'll have to go through and figure out all the planning permitting, drainage, if we're going to do, etc., etc., we'll sign a site lease, obtain the permit, build the system and then the Town will receive lease payments and be the host site for a community solar farm, which is really a fantastic thing.

Just a little bit about us: We're the largest and oldest installer in Westchester. We have residential, business, and O&O divisions. I've done megawatt community solar projects in Westchester we actually built. We just finished building the first system in New York State, by a week we turned on the second system in New York State. So we've been in it since the beginning. We have a very long relationship with SunPower; SunPower is going to be our partner on the build part of this. SunPower builds some of the nicest and is one of the more established carport installers/manufacturers and designers in the business. And Sun Power, as you probably know, is the premier solar company in the world, chosen by in the US eight out of ten of the top corporate users, including Apple. The biggest system in the area is the Dow Jones – they did the entire Dow Jones campus, which you may have visited which is really an astonishing thing. It's backed hundred billion multinational.

Just a little more about us: We've been doing this for a long time. We are an Elite SunPower dealer and that allows us to work within a little leverage there. They have a very deep in-house experience in building these. We're excited with the project and the other thing, we get these twenty-five year design build warranties when we're using SunPower systems, so it's a premier

system but it produces more energy in the same area which provides you all with more revenue. So, a little bit about us.

From a process perspective we've been in front of the Rec Commission, we've had preliminary discussions with Matt and with John, with the village attorney, and now we're looking to the whole Board to hopefully approve our leasing of this site so that we can move ahead and build a solar system that the community will benefit from.

Supervisor Slater: Questions from the Board?

Councilperson Patel: How much power is it?

Mr. Hertz: I'm sorry?

Supervisor Slater: How much power will it generate?

Mr. Hertz: The system will generate about 1.25 to 1.3 megawatt hours a year.

Councilperson Roker: Does he want to explain subscriptions?

Mr. Hertz: Sure. So, community solar systems, basically what we do is we will provide energy to anyone who'd like to become a member of the system and they get a 10 percent discount off of Con Ed. So, it doesn't change the way ... you're still a Con Ed customer, but rather than getting billed at full boat from Con Edison, now you will become a member of the system. We'll try to provide you with as close to 100 percent of your energy need at a discount to the price you're currently paying. So essentially for every \$100 you're paying Con Ed, if you subscribe to the system, you'd be paying \$90 for that energy.

Supervisor Slater: I think it's important for the folks at home to understand because the Town of Yorktown is split between utility providers – so half of the Town is Con Ed, other half are NYSEG customers – so this will only apply to Con Ed customers.

Mr. Hertz: That's correct. I wish we could do it across utilities but the Public Service Commission does not allow that at this point. The site sits in Con Ed so it would be Yorktown residents who have Con Ed accounts.

Councilperson Roker: So anybody in Yorktown that's Con Ed customers, regardless of where they live, they can subscribe?

Mr. Hertz: Absolutely, and ... yes?

Councilperson Roker: Thank you.

Councilperson Diana: The only question that I have is that now ... these are going to be V-top or some are going to be V-top like we saw with IBM and some are going to be leaning one direction or the other?

Mr. Hertz: So the one on the left, if you will, the one closest to the field has that V configuration, the other ones are single tilt. Largely, what the IBM – it makes a lot of sense for. So if you have a campus situation where you're parking all year round, particularly in winter, one of the big advantages of V-top is that it filters snow to the center so you don't have a snow shed event and it can drop that to the center. We don't really have that issue here because this is not a parking lot typically used in the winter so we don't need to go to the extra time and expense to do that. We certainly could; the downside of it is you lose a little bit of energy because you're going to take some of that rooftop that well oriented towards the sun and you're going to tilt it slightly away. So you pay a little bit of a penalty in terms of efficiency.

Councilperson Diana: Now with regard to water runoff and so forth, historically (and John Tegeder can back me up on this one) we've had a lot of – I'm going to call it blow-out – onto Stony Street at that location from water running down that hill. So that particular end panel, I guess that would be the easterly side, the very east panel row, would be draining water to run down that hill directly.

Mr. Hertz: No, no – that water is going ... So what we discussed, that water is probably going to be what we had discussed earlier with the Parks Department was the idea that they wished to have the parking lot paved. So what we'll probably do is a water management system that collects the water from there and diverts it through gutters and downspouts into the existing storm drain system that was installed in the corners of the parking lot.

Councilperson Diana: Okay, very good. Thank you.

Mr. Hertz: We're never ... any construction, just so you know, is required by NYS code never to allow more water than currently moves offsite to move offsite. So, solar or not, you're always required to show that you can contain water and not exacerbate the situation.

Councilperson Diana: That was probably the only question I had because I know that particular hillside, as you get down towards Stony Street, taxes the Highway Department sometimes during those deluges you get in the spring and fall where it's actually putting the rocks, and so on and so forth, and major amounts of dirt out onto Stony Street. So I just wanted to make sure we weren't going to get that.

Mr. Hertz: No. Believe me, that's the last thing we want to do here. We don't have all the designs done – this is an early stage part of the process where we're going to work with the Town – we're going to look into what the storm retention basins that were designed for the parking lot are and are they adequate, do we have to do some enhancements – that will all get looked at deeply.

Councilperson Diana: I kind of figured you had it on your radar but just in case you didn't, I wanted to put it there for you.

Mr. Hertz: Thank you.

Supervisor Slater: It's not Councilman Diana knows a thing or two about Stony Street – right, Councilman?

Councilperson Diana: No, I don't know anything about Stony Street!

Councilperson Roker: Now that's an area of DEP jurisdiction, am I correct?

Supervisor Slater: Yes.

Councilperson Patel: Let me as a question.

Supervisor Slater: Where's John Tegeder? John, is that DEP over there? I believe it is.

Mr. Tegeder: Yes, it is.

Supervisor Slater: I was talking to Diana. They gave our guys a hard time (?)...

Mr. Tegeder: Those DEP line goes through the Shrub Oak International School site. So most of this, if not all, is within DEP.

Mr. Hertz: We're fairly used to working with DEP and DEC and providing SWPPPs and anything that will be required for that (water treatment management).

Councilperson Patel: I have a question for the presenter. Let me ask you something. Is it power directed – is there any storage over there or directly put into the line?

Mr. Hertz: At this point, we don't anticipate doing any battery storage. We certainly could but it's not ... right now, the incentives for battery storage are (?) so unless we can play – you know the battery storage project that you were looking at is at a much larger scale than we would have for this project. So, we're not intending to do battery storage, but it's something we can certainly look at. At this point, depending on exactly what incentives are going to be available, when the project hits its engineering review, we could possible do that but as it's designed, it's not intended to be a battery storage project.

Councilperson Patel: So we cannot use any power from Granite Knolls for Granite Knolls itself, right? Will we be able to use anything at all?

Supervisor Slater: Any of the power that you are generating will be used to light the field?

Mr. Hertz: Yes, so what will happen is that even though it won't be the same electrons, part of the offer is we can provide up to 40 percent and we are as part of the offer, up to 40 percent of the output of the system to Con Ed accounts the Town has. So for instance, the Town has the account right at the site, so we'll be providing energy to that – it's just that the electricity will go into the grid during the day and you'll be drawing from the grid at night. The Town will be a member of the community solar project in the way that a residential customer would, as well.

Councilperson Patel: But this credit is only for that site only or the entire Town's properties and buildings?

Mr. Hertz: So most of the Town's electrical needs are provided through a) they're in NYSEG and I believe you're also NYPA customer, so you have a combination of two things make it nearly impossible for us to (?) the accounts. Any accounts that are directly paid through Con Ed, and for instance, if you wanted to put in car charges those would also be an additional Con Ed meter, those could be provided for through revenue or through electricity directly from this system.

Councilperson Patel: So today, we have \$50 something million (?) thousand and then after 30 years \$2.2 – how much today's money will be in 30 years? I'm not going to be around by then, okay?

Mr. Hertz: The nice thing is, these things continue to give. One of the wonderful things about solar is that it has no moving parts – it only requires the sun to come up in the morning.

Councilperson Patel: (?)

Mr. Hertz: I'm sorry, I didn't hear you.

Councilperson Patel: Return on the investment, you know, I mean it's \$2.2 million, 30 years, it's nothing.

Mr. Hertz: Return on investment is infinity because your investment is zero.

Councilperson Roker: Sure. Exactly. We're not spending any money.

Mr. Hertz: Right. All you're doing is leasing some air rights and then we're providing an amenity. We're providing some shade to the cars underneath and the Town will get revenue off of that, and you'll be doing a wonderful environmental thing by having this wonderful CO2 offset.

Supervisor Slater: Doug, can you talk about timeline because I do have some concerns just on the timeline side because from our conversation earlier today and we've done a lot of work – in what, 5 days – because, again, when you told us that the funding was an issue, right? So, we're expecting a parkland alienation requirement, is that right, Mr. Rodriguez?

Mr. Rodriguez: Yes.

Councilperson Patel: Can you explain to me what is the meaning of parkland alienation, here, in this particular project? I need to know that.

Mr. Rodriguez: They're asking for a lease agreement and it would be a lease over parkland so it would require alienation legislation.

Councilperson Patel: But you (Mr. Hertz) don't have the land, right?

Supervisor Slater: No, he's leasing the land.

Councilperson Roker: We have to ask New York State for permission.

Supervisor Slater: Correct. And Councilwoman Roker, as you know, it's good and bad because we have to ask for permission. The good part is that we're at the end of their legislative session where they do all these types of laws. I emailed both Senator Harckham and Assemblyman Byrne because they're going to have to carry that legislation. I don't know if we've missed their deadlines on bill submissions and so we're going to be working with their staff on that because that's clearly a prerequisite in this entire equation. We also don't – their schedule because of COVID has been completely thrown off course here, so we don't know – I know they're back this week in Albany in legislative session. It's unclear what other legislative items they plan on taking up at some point, which is a major concern, I think in this instance because we need the State to approve the alienation in order for this to go through. So my question, again going back to Mr. Hertz, is what timeline are you looking at and how does that alienation process impact your timeline?

Mr. Hertz: So the most important timeline for us has to do with Con Edison and primarily what we need is the option agreement so that we can put in the interconnection agreement and have the ability to do that. Con Ed will take about 4 months to do its interconnection review and when that process is finalized, it will give us the opportunity to lock in our position at the very end of the community solar block. That's the biggest piece of the revenue puzzle – is locking ourselves in for the ability to build on that. Once that's locked in, we don't have to build the system immediately; we can go through the rest of the permitting process. The second part of that, is once we're at that same phase, it'll allow us to lock in the NYSERTA incentives and it'll allow us to do some work with regards to safe harboring the tax credit that's available for 2020 before it lowers. So, we're able to do those three actions if we move quickly.

Supervisor Slater: How quickly is quickly? Is it a week? Is it two weeks?

Mr. O'Donnell: Last week.

Mr. Hertz: I would agree that it's last week. You know, there's no clock on this that's predictable. What we've typically seen is NYSERTA blocks – they go, they go, they go and all of a sudden when they get to the last 20 percent, they shoot up. No one's really seen what happens with this community solar block because this is the first time anyone's seen it, but it's not a block like there's another block. Once the community solar piece is gone, that's it and then everyone looks to ask the PSC – okay, what are we going to do now? So that's the most important piece; we expect to probably drop to the next block for NYSERTA because that's going to happen well prior and we don't have the ability to do that.

I would say, particularly in regards to alienation, we have to move very, very expeditiously.

Councilperson Patel: Let me tell you before you talk, I must know every detail about the alienation. When we bought the land, the gas company wanted one acre; it just came in like that so I am with this project, but please, I must be included with exactly whatever you have to do – okay? It's a very good project and I have no problem at all, but I must know whatever wheeling and dealing is going on here, okay?

Supervisor Slater: We only got the draft contract around 4:00 this afternoon so, I think, obviously, we're all trying to get through this as quickly as we can but also make sure no mistakes are made. Councilman Diana, you wanted to chime in on something?

Councilperson Diana: Yes, maybe there's a possibility there that we could license it until such time as we could get it into alienation, if it did have to go that way. This way, if there is a stumbling block in time, we'll gain a little time. So we'll license it, license the land usage for a certain period of time – that's basically what we did with the gas company; they didn't just come in and walk all over everything.

Supervisor Slater: I don't know. Mr. Rodriguez – any thoughts on that? Is that possible?

Mr. Rodriguez: Well, as a general matter, license agreements don't necessarily trigger alienation. In this situation, I'm not sure – we would have to have a discussion with the company to see if they're interested in that sort of scenario. The long-term problem I see with that is I'm not sure that they going to want to have a revocable license agreement and spend the money on installing the infrastructure.

Mr. Hertz: In terms of the way the process works, we know that there are any number of hurdles that have to be met, and those hurdles include the alienation process. We have to get through the Planning Board, we have to get through DEP and DEC. Con Ed has to approve that the circuits feeding the system or feeding that area are adequate and large enough that the substation continues to have the ability to entertain (the system). So there are any number of steps that have to be met and if any of those things turn out to be not soluble, or insurmountable, then no harm, no foul – we've invested some money, we've invested some time but the project can't continue. The hope is that we can solve the issues that come before us so what we generally have is an option agreement so that we can invest the time and the energy to push to process forward with the expectation that, if we can get over these hurdles, that we can lease the property and, at the end, build the system. So generally, it's just an option agreement that starts things off and then we dig in, and it sounds like because of timing the alienation, you know, we'd like to have that happen quicker rather than not, otherwise we wait, we lose quite a bit of time. You know, half a year.

Supervisor Slater: Have you done these option deals with other municipalities?

Mr. Hertz: Not with other municipalities. We've done them with lots of private landowners.

Supervisor Slater: I just want to see if Matt Talbert, Parks and Rec Commissioner, or Jim Martorano, our Parks and Rec Director want to provide any comments.

Mr. Talbert: We had a little bit of an email between the Commission and they still have questions and I know we're in a time crunch. I'm just wondering if we can get a meeting, maybe Zoom or whatever, so we can get these questions answered with the Commission so we can have everyone on board. The other thing that you talked about before was the battery storage. I know when we spoke back in September we weren't interested in having battery storage up there. You were telling us that it was solely going straight to the grid, so I wouldn't want to see it as an option up there to do battery storage.

Mr. Hertz: That's fine. We've removed it from our option agreement because of those statements, but again if the Town had a different opinion and wanted battery storage, we could certainly look at it. It's not something from an economic perspective that we're interested in at this point.

Mr. Talbert: Well, being what the facility is, that's what the concern was.

Mr. Hertz: And we don't want to take up any more space than we need to.

Mr. Talbert: The other question that was posed was the wind load. What are these rated for? Because Granite Knolls is windy.

Mr. Hertz: We build them to the wind load. They'll be designed specifically for the specific wind load for that site, as well as the soil testing. So there'll be a combination of – you know, we'll look at the wind up there but you can put these in hurricane zones. You just have to build them a little bit stouter.

Mr. Talbert: Another one of our concerns, and we touched on it a little bit earlier, was a building timeframe and if we're not able to do it in the winter, what kind of disruption to the park would it be?

Mr. Hertz: It's a good question and I don't have a definitive answer. We can do a timetable for you. It's not that large a system and they go in on cassettes so once the groundwork is done and the structure is basically ... the piers have hardened and we put the steel in for the uprights; the top piece is built on the ground and lifted. So those go up relatively quickly and once that's in place, we basically have to go around underneath it and do the final wiring underneath and the final work. So it's possible to stage that in the parking lot so we can have half the parking lot up and half not, but obviously we'd love to see if we can make it work so that we can do this, possibly, break ground and get those in before the winter so we can build before the winter. That would be the hope – I just ... right now there are so many variables.

Mr. Talbert: Another major concern and you tried to explain it to us but if you wouldn't mind explaining it again, what would you do for the 25 year decommissioning? You said you would make a deposit before ... would there be a bond held?

Mr. Hertz: Yes, so typically what those things are (and most solar laws have a requirement for this anyway), there's a decommissioning plan and it will be specific for the project. So we'll say everything to a foot below the surface will be removed, it'll be taken offsite, recycled – whatever those things may be. You know, the steel may be taken apart from the solar panels, etc., etc. Generally what we do is put together an analysis of what that would cost, and by the way, in the first few years the value of the systems is higher than the decommissioning cost so the actual value of the thing is taken apart and sold to South America – you know, you can get someone to come in – it's only when you get to this sort of end of life, this stuff doesn't really have much...it has no resale value; it has scrap value. So, it's a labor question – we've got to bring in trucks, truck out the steel, cut it apart, pull it out. So what we do is put together a decommissioning fund that either looks like a deposit or looks like a bond, depending. The way these leases are written, it's in a form to be accepted by the ... in this case, the Town. Whether that's a bond or whether that's in escrow ...

Mr. Talbert: I think the major concern is not necessarily the steel, even though we would like it restored to the way it was, but the hazardous materials from the solar panels.

Mr. Hertz: Solar panels are glass, they're sand – silt (?) kind of sand – so there's nothing hazardous in a solar panel. Solar panels you can throw in a dump – it's really unfortunate – but there are any number of companies who have risen up now to recycle solar panels. So those would be taken offsite, the steel would be recycled, we would restore the parking lot, and then reinstall the lighting stanchions, and the lighting system.

Councilperson Patel: Can I say something? Solar panels are not glass only, there are so many metals, different kinds of metals to make interconnection. So don't say that.

Supervisor Slater: All right, let's just stay focused here because we're way over time, as it is.

Councilperson Patel: No, I understand, but you have to make sure. This is the first time I'm hearing and he's telling me – I have to know because I'm the only person with my work (?) I want to make sure we do it right for all of us and I'm with you.

Supervisor Slater: That's what we're trying to do; there's no doubt about it, Councilman. Any other questions from the Board?

Mr. Talbert: I'm not sure if we can get Doug (Hertz) back in front of the Commission?

Mr. Hertz: Any time.

Supervisor Slater: I think it's a timing issue. Your Commission doesn't meet until next month – I believe, what, the 9th? Is that correct, Jim?

Mr. Talbert: The fourth.

Mr. Martorano: The fourth.

Councilperson Lachterman: Out of curiosity, Matt, and I don't mean to like put you on the spot but this has been on the table since September.

Mr. Talbert: Yes, but things happened since September til now – besides COVID, besides an election and other things. And on top of that, we were waiting for the solar law to be passed.

Mr. Martorano: You had a change in superintendent and change in supervisor, as well, during that time.

Mr. Talbert: A lot going on.

Councilperson Lachterman: Yeah, I understand that but it's not the first you heard about the plan, in general, so.

Supervisor Slater: Let's just stay focused, if we can, gentlemen – thank you. So, Doug – Mr. Hertz – the Commission's not meeting until the fourth, which could put you back on an agenda on the ninth, if that's possible. And that also gives us enough time to digest the contracts. Is that something you think we can wait that long?

Mr. Hertz: Well, I want to make sure that everyone get the answers that they need but everything's a gamble with time – I'm concerned. It certainly would push the alienation process to a year from now, so we certainly would...

Supervisor Slater: But at the same time next week we can do a home rule reso (resolution) for the legislature and we can try to get them to introduce the home rule requests – we can work on them this week and do the home rule reso next week once they get bill numbers. So there's going to be an issue, regardless, on the home rule side.

Councilperson Roker: Peter (Senator Harckham) is back in Albany today working. He wasn't sure what they'd be working on so it's certainly worth a call.

Supervisor Slater: I reached out to him today. I had a conversation with him via email; same with Kevin (Assemblyman Byrne) and I know that the Assembly's deadline passed. The Senate's a little bit more fluid but it doesn't mean that they're not going to take it. We've got to see what we can do. If we can push to the ninth, I think it would provide everybody with more time to digest and get answers to some of the questions.

Mr. Hertz: If I may make a suggestion? Just two quick thoughts: the first is, we'd be happy if you wanted to have a special meeting just on this prior to that, Matt. We'd be happy to do that to speed things up and then I think, also maybe John Tegeder, would be useful to some of those questions because the draft of the solar law that John is working on very specifically requires decommissioning plans and things like that. So it's not going to be subject to us just saying this is what we're going to do; the Planning Board is going to have to weigh in, vis a vis site plan, I believe, if – and, John, please stop me if I'm incorrect here – and they're going to require a fully formed decommissioning plan that meets all the requirements of the solar code that's being envisioned at the moment.

Mr. Tegeder: Yes, I concur with that at the present.

Mr. Talbert: I'm not sure, Supervisor, if the Commission has to wait for that meeting on the fourth. Or can we legally have a Zoom meeting with Doug and move it along quicker?

Mr. Rodriguez: It would have to be noticed.

Supervisor Slater: Yes, as long as it's noticed. I think you can work with Adam on that and Jim.

Mr. Martorano: No problem, Adam. I'll reach out to you tomorrow on that.

Mr. Rodriguez: Sure.

Mr. Martorano: I have a question for the Town Board, if you have a second.

Supervisor Slater: Yes, quickly, because we're very far over.

Mr. Martorano: In regards to the revenue coming in, is this something going back to turf replacement? Are you thinking about ...

Supervisor Slater: We haven't made [sic] any decision about where that revenue's going because this only fell on my plate 5 days ago. So considering 5 days and we're trying our best to help keep the project alive, those conversations have not been had by the Board.

Mr. Martorano: But you would see it leaning towards parks?

Supervisor Slater: Again, those conversations have not even been had amongst Board members or with anybody else. Right now we're trying to save the project before it falls off this block and we keep it financially viable.

Mr. Martorano: Sorry for putting the cart before the horse.

Supervisor Slater: It's all good. I know where you're thinking, Jim. Don't worry – I hear it loud and clear.

Mr. Martorano: Thank you. I wanted to put it on record.

Supervisor Slater: You got it. All right, so we're going to circle back offline, let's push this off for a little bit of time so we can get more answers to the some of the questions that are out there. Doug and Tighe and Logan, thank you very much for your time – we really do appreciate it.

Mr. Hertz: Thank you so much.

Mr. O'Donnell: Thank you.

Mr. Martorano: Thanks, gentlemen – appreciate it.

WEYANT DEVELOPMENT

Supervisor Slater: Okay. We are moving, since we're behind time, my apologies to everyone, (that is a very exciting project) – Weyant. Welcome back – I see we have John DeVito, I have Joe Riina, of course we still have with us our Town Planner, John Tegeder. I see that our Highway Superintendent Dave Paganelli has joined us – he hasn't blinked since he showed up, but that's okay...

Superintendent Paganelli: Very quiet again.

Supervisor Slater: Yes, you are. And you don't blink – it kind of scares some people. So let's talk about Weyant. Mr. DeVito, please, Mr. Riina – the floor is yours.

Mr. Riina: Good evening, everybody. A couple of reasons we were looking to get on this evening: 1) to resume a conversation we were having earlier in the year about the possibility of this project being both as a rental community and as a for-sale community. We were looking for some type of affirmation, short of our final approval, which we can't get right now because we need to complete our DEP approval and DOT approval but we would like to be able to proceed with chasing down through the Attorney General's office, or at least getting the process going, where we can get the designation we need for-sale as part of the project. And the other thing I was looking to do was update on where we stand as far as our approvals go.

Supervisor Slater: Well I think, and John Tegeder, just please if you don't mind jumping in here at any point in time, but I mean we did have this conversation at the beginning of the year regarding, again, the option for you to sell the units for ownership. I don't know if the Board's position has changed and, again, that's why I thought it was appropriate for us ... you did send the request May 8 to be on a Town Board agenda, so that's why I thought it was appropriate for us to bring it back to the Board. I don't if the Board has any comment they want to provide. Any concerns if they were allowed to own those units – the units behind the Roma Building.

Councilperson Lachterman: You know, I think that our senior population has been asking for that as part of this project. I think it does us well to listen to our constituents and open that door and see what the market bears and what they're looking to do.

Councilperson Roker: I agree with Ed.

Councilperson Diana: Yeah, and as far as seniors go and so forth, it's a great thing and not only that, I think there's pride in ownership where they're going to actually, you know, feel good about what they own.

Supervisor Slater: Yeah, I don't think our position's changed. Councilman Patel? I don't know if you've had any thoughts – Councilman Patel? Councilman, any thoughts on the matter? I don't think the Board's position's changed.

Councilperson Patel: Let me just wait – I really not sure. I went to the bathroom and came back and I did hear what was directed to me, you know? Has anything changed – I want to ask you.

Councilman Diana: No.

Supervisor Slater: No, no change. They're just once again requesting to allow ownership of their units over at the Weyant and if there's no change in the feelings of the Board, I don't ... John, other than their final approval, I thought this was going to be baked into their final approval.

Mr. Tegeder: Well, typically that's where you would see it, but you know the question for Joe and John and Kyle is do you think there's something you need in order to move forward with the State or paper or anything of that nature that we don't necessarily understand quite yet?

Mr. Riina: Without starting the process, I'm not sure that there is, but again, it's an investment to go through that process because you've got to hire an attorney to do that and, you know, it's involved so we want to make sure we're all on the same page before we proceed. In the event we need something, we may come back to you and say would you be willing to put something in writing for us to give to the Attorney General's office.

Supervisor Slater: Adam Rodriguez, would a simple resolution stating the Board's position suffice?

Mr. Rodriguez: I can't say whether that would suffice for them, but you're certainly free to do that.

Supervisor Slater: I'm just trying to give you ... because this is the second or third time you've come back so I just want to make sure you have what you need so we can get this thing squared away.

Mr. Tegeder: Well, you'll have the minutes that will show the Board, as a whole, has endorsed the ownership.

Supervisor Slater: Clearly, yes. But again, to other members of the Board, I mean do you want to go as far as a resolution? We can easily just make that motion.

Councilperson Lachterman: I think we can – so moved.

Councilperson Roker: Second.

Supervisor Slater: We have a motion; we have a second. Again this is a resolution stating the Board's support for the Weyant property to engage the Attorney General's office in next steps for the potential sale of their units. We have a motion; we have a second – all in favor?

Councilpersons Roker, Diana, Lachterman: Aye.

Councilperson Patel: Mine is No because I do not understand the difference between ownership and rental as far as the taxes are concerned. I need to know that.

Supervisor Slater: Councilman, I think Kim Penner addressed that earlier in the year – we asked her that question.

Councilperson Patel: That was one unit or something. These are all the units or one unit – like that, you know?

Supervisor Slater: These are for individual units.

Councilperson Patel: All the units?

Councilperson Diana: John might be able to answer that – John DeVito.

Mr. DeVito: No matter who owns them, whether we retain ownership of some of the units or they're sold individually, it has no bearing on the tax burden – the owner is the owner, and it's just whose name it's recorded on.

Supervisor Slater: It doesn't change the taxes.

Mr. Rodriguez: That's correct.

Councilperson Roker: John, how many units to you want to sell vs. rent?

Mr. DeVito: To be honest with you, it really depends on the market. As we all know, in the past three months, the world has changed, to say the least and developing right now – it's for all of us, not just from my side of the fence but from all of our sides of the fence; particularly the topic you just brought up about taxes. It's a different ballgame now. It really is – I don't want to get on a soapbox here, but ...

Supervisor Slater: I hear you. Well, you have a resolution, four to one, in support of allowing you to move forward with the AG's office to get the authorization to do what you like with your units.

Mr. DeVito: We appreciate that, thank you.

Supervisor Slater: Did you want to provide a brief update, Joe?

Mr. Riina: Yes – Diana, can I share my screen?

Town Clerk Quast: Yes.

Mr. Riina: August will be one year that we've had an application in to the DEP – it's a difficult process, it's a lengthy process. They're very demanding and they're very, I think, unsure of things themselves because they change like the wind. But, to say the least, we've been struggling to get them to agree to our stormwater plan, we're in the midst of redesigning it again to try to come up with another solution. There's one thing in particular that I want to bring up to you in that this has been an issue on every project that we have done in the downtown area in other parts of Town because we're in a Main Street-designated area and we've been able to deal with it on other projects but this we've come to a bit of a road block and we may ask the Town, if they're so inclined, because this is more than the Weyant – this is going to come up over and over again. I know of another project that's looming in the background that we're not doing that's facing this same problem.

Supervisor Slater: What's the problem?

Mr. Riina: What that is, in particular, and it seems like a small thing but to them it's a showstopper. So we're extending the sidewalk right here (*pointing to shared screen*) from our new entrance, and this is the Roma Building property line. So we're extending the sidewalk there. They're expecting us to provide water quality treatment for that piece of sidewalk, even though it's going to be in a public right of way and it's for public use. So they're asking us to provide treatment for it and we're finding it virtually impossible to find a means to do that. So if you can visualize this, Crompond is sloping down at this point pretty radically here and this area up here is much higher, so we have nowhere to take this stormwater. Again, this is something that comes up on every project and, even though the Town is asking us to put in a sidewalk and we've found a way to address it on these other projects, on this one we can't and it's becoming a point where we can't pass them on it. In a way, I'm kind of alerting about it; in a way I think it's something the Town should think about getting involved in, then sitting down with the DEP and saying to them "Look, we're trying to develop our community, we're interested in commerce; we can't have you – for what I consider and inconsequential improvement – stopping these projects from proceeding forward." I don't know if you've ever sat across the table from them, but it's pretty tough negotiating or getting them to move off their positions. Anyway, I kind of just wanted to bring that to your attention - I'm not asking you to do anything right now about it – but John Tegeder and I have been talking about it.

Supervisor Slater: Why don't we have an offline conversation about what the Town can do and I'm more than happy to call anybody and have a conversation with them on behalf of the community.

Mr. Riina: I think you should know about it and, like I said, I know another project – an important project in Town – is going to face that also. That's it and I just wanted to bring you up to date, and that's where we are.

Councilperson Roker: Joe, so they were stopping your whole project because of the sidewalk?

Mr. Riina: They will stop the whole project. Yes, they've already told us they will stop the whole project. They will not issue an approval if we can't come up with a solution. What's even worse, Alice, they're also kind of ... we've been pushing back on this future expansion once this Master Plan is in place. They're asking us to take that into consideration also, but we've been pushing back on that saying "Well, look, that's part of a Master Plan by the DOT" and so we're kind of arguing and we might win that one but this one so far we're not winning.

Councilperson Roker: Okay.

Councilperson Lachterman: Hey Joe, can you zoom out a little bit so I can see more of the plan? Thank you.

Mr. Riina: So we're building all this sidewalk here from one end of the site to the other but this is the stretch here that's contentious.

Councilperson Diana: And this was always the emergency exit-entrance at that point – is that cross-hatch on the sidewalk there just to delineate that?

Mr. Riina: That's the pedestrian crosswalk – is that what you mean?

Councilperson Diana: No – the lines – there you go, "install striped sidewalk (see detail)."

Mr. Riina: Yeah, that's a pedestrian crosswalk – the striping for a pedestrian crosswalk.

Councilperson Diana: Oh, that goes across the emergency gated entrance?

Mr. Riina: Right, but this is really, when all's said and done, this is going to be the primary entrance.

Councilperson Lachterman: Alright, so that's just because of the fact that we haven't gotten the final approval?

Mr. Riina: From the DOT, correct.

Councilperson Diana: And then that back entrance will become the emergency, correct?

Mr. Riina: That will be gated and then we, frankly, it wouldn't even take this configuration any more where we have this sweep - it'll just be a straight gravel road, or pavers, or grass pavers, or something with a gate across it because it's only going to be there for emergency exit or access.

Councilperson Diana: But this is the way it'll go in for the entrance for the time being?

Mr. Riina: Yes.

Councilperson Roker: Remember we promised those people to get rid of that one as quickly as we could. All right, Joe...

Supervisor Slater: Joe, thank you.

Mr. Riina: Thank you very much.

Supervisor Slater: All right, we're going to move on to our next agenda item. We've got our Town Engineer, Mike Quinn, with us.

Mr. DeVito: Thank you, good night.

Supervisor Slater: Joe, you're sticking around for this thing, right?

Mr. Riina: Yes.

Mr. DeVito: I'm out.

Supervisor Slater: John, take it easy, okay? Best to the family.

(Town Board members said good night to John DeVito.)

TOWN SUPPORT OF THE WEYANT PROJECT AS EITHER RENTAL OR SALE COMMUNITY
RESOLUTION #169

Upon motion by Councilperson Lachterman, seconded by Councilperson Roker,

Resolved, that the Town of Yorktown supports the Weyant, a proposed development at 2040 Crompond Road, as either a rental community or a sale community.

Slater, Diana, Lachterman, Roker Voting Aye
Patel Voting Nay

Resolution Adopted.

LOW PRESSURE SEWER SYSTEM

Supervisor Slater: We've got Joe Riina from Site Design, Mike Quinn, our Town Engineer, John Tegeder, Town Planner. This is regarding the Low Pressure Sewer System. This was an issue with the Featherbed Subdivision that we've explored. Mike, can you give us an update and then walk us through the proposal?

Mr. Quinn: Sure. The language which we developed, and let's call this our first draft for this Town Code sewer and, again just to back up a sec, currently the sewer section of the code does not address low pressure sewer systems, so we're proposing to add a section to address it. Right now, before us is the Featherbed project but there'll be other projects that may want to consider this type of a system as well. We've laid out a couple of parameters as to when it should be considered. In general we always want gravity sewers so there's no pumping involved. In larger developments or areas that could service large amounts of properties, you'd probably put in a town-owned pump station – there's currently 17 pump stations in the two Town sewer districts, as it is. But there are certain applications, like Featherbed, where both of those first options don't make good sense and so that's why we want the flexibility to have a low pressure sewer system in place.

We laid out in this first draft a couple of parameters about when it would be considered. As far as the elements of a system, we want to clearly lay out that the homeowner, the property owner, is going to be responsible (initially, it will be the developer paying for the installation of the entire system). Over time, it is going to be the property owner that's responsible for the operation and maintenance of the force main and the pump system that will be on their property.

The last time I spoke to the Board, which I believe was last week, after that – I think it was last Wednesday – Joe and I had a meeting with the Health Department and we talked through some of the parameters of our draft code here and I think the Health Department is on board with these changes we are proposing. Essentially, we told them that for Featherbed there's emergency generators – permanently installed emergency generators – that will be in place. They said in lieu of that the developer might consider a holding tank so it's one or the other, not both. So we think that will definitely help some of the development moving forward. We're still back and forth with the Health Department on a couple of details but right now they dropped their requirement that the Town would have to bring in a mobile generator to each property to pump them down. So the requirement would be if they don't have an emergency generator installed, that they'll put in a plug like a quick connect so that it would be able to be connected to a mobile generator, but again, there is no obligation on the Town's part to do that on a regular basis.

The only issue that we're still working with the Health Department on is this requirement that they put in a comment letter that if the owner fails to repair their pump system that the Town, after giving them 24-hour notice, is going to go in there and make the repair and back-charge them. So we questioned that comment; they said that that's a standard that they have and we said can you show us an example. The example that they had given us originally was from North Castle ...

Supervisor Slater: Which is what this draft is based off of?

Mr. Quinn: Yes, correct. And after going through that code, we said, "Look, we cannot find that requirement" and they said, "Yeah, you're right; that's not in that particular development site" and they were going to get us another one. The reason they said it wasn't in the North Castle project was because I guess it was an existing subdivision that was built out a little bit more, so they were trying to make a qualification on that but we're still pursuing that with them and, ultimately, when we have a final draft, we want to address that matter in the code, as far as which way it would have to be.

Supervisor Slater: Very good. Questions from the Board?

Councilperson Roker: I'm good with that.

Councilperson Patel: What is the benefit to the Town, in reference to this? Other people have to pay their sewer tax and the wastewater goes to the County. What do we get for the Town?

Mr. Quinn: Well, if you're talking specifically about the Featherbed development on Jacob Road, they're part of the Hunterbrook District so they pay sewer taxes to the Town through the Hunterbrook Sewer Tax that's on their tax bill and we use those funds for Yorktown costs that are incurred to run the Hunterbrook Pump Station, for example. Wastewater from this project (the original project of discussion – Featherbed) would be going into the Hunterbrook Pump Station and we would be paying for all those costs through the sewer district – Hunterbrook.

Councilperson Patel: And maintenance is done by only those four or six homes or it will be the entire sewer district?

Mr. Quinn: Right – so Vishnu – the way this is planned out right now is that the six homes would be responsible for their own pump system. They'd have to pay if there was ever a repair or replacement – that would be their cost. So it would not be a responsibility of the other district people in Hunterbrook.

Councilperson Patel: But they will bring it all the way over to where there's a sewer connection near the Field Home, by there – right?

Mr. Quinn: Right, so the developer would put all the infrastructure in and then he would give all the work that's in the Town right away, or on Christine Road, would be turned over to the Town and we would have to operate and maintain that.

Councilperson Patel: What will happen in the Sparkle Lake area? There are so many people requiring pumping because there is a low area – are they going to use the same thing? Or won't they be able to do all these things? How are we going to handle that one?

Supervisor Slater: Whatever decision is made, whatever we apply to the Featherbed is also applicable for Sparkle and the Hallocks Mill sewer district, so when they were asking the Town to do all these crazy things for the subdivision at Featherbed, we'd have to do the same for the Hallocks Mill Sewer District. Mike, am I correct in that?

Mr. Quinn: That is correct, Supervisor. When we laid out the Hallocks Mill Project, the elements of that project are incorporated in this draft code that we have – that the pumps would be privately owned.

Councilperson Patel: Is there any consensus that the people will spend this kind of money? I know some people are so desperate over there and some people say they paid their taxes – everything is included in taxes - that includes death certificates and funeral expenses and

everything else! How do you explain to these people; I know we should be very clear. People don't know they will have to put the pump in their home. Shouldn't we communicate to them very clearly to them that this is the only way you will be able to get the sewer like other people – like poor people cannot and rich people can. It's like that – can we explain that to people in the Town?

Supervisor Slater: I think we're going on a bit of a tangent here on Hallocks Mill which, I agree, we need to have a conversation about. In regards to the Low Pressure Sewer System, I think this is good work and I think it gets us much closer to where we want to be. It really states our position and, again, it really shakes off the unfunded mandates that the County was putting on us that I thought really, and I think the Board as a whole felt, was a very dangerous precedent for us to really set. So what I'd like to see happen is that I'd like this to get this over to the Town Attorney, let's put it in legislative format, and then hopefully, if not next week then the week after, we can refer it out and start collecting comment on it.

Mr. Quinn: Sounds good.

Supervisor Slater: Questions from the Board regarding that so we can move forward?

Councilperson Diana: I think you've summed it all up.

Councilperson Roker: I understand Vishnu's concern but what, if we didn't do this, Vishnu, there's no way that our Sewer Department could every time there's a storm or a blackout could run around to all these individual properties and pump out their sewer. I think that'd be a burden we'd be putting on the Engineering Department.

Councilperson Patel: We cannot use non-district people's (?). You don't know how many times it will happen, how often; you never know. The environment is very difficult now – storms come, may drought will come – you never know. So I don't know if whether you want to use other taxpayer money and then you can collect it or rent it out to them, how often you're going to do, so what's supposed to be done with the current employee, with the current homeowner, the sewer he will be doing for somebody else and they will be short over there – maybe they need to have more people? All this will come so we should discuss this thing.

Supervisor Slater: I wasn't trying to be dismissive of your thoughts at all, but I think Councilwoman Roker explained it well: there's a cost to the way the County health department wanted us to enact these low pressure sewer systems, and it's not just for (and this is what the Board discussed previously – twice now) the Featherbed Subdivision, which is six units – six houses – it's ninety with Hallocks Mill and the sewer expansion we want to do in the Hallocks Mill Sewer District. So whatever we do for the six, we have to do for the ninety. If our Sewer Department and our Engineering Department are telling us that the cost and the responsibilities of implementing what they wanted in the six was going to be a problem, then the cost and the implementation for the ninety-six were going to be nearly impossible – not to mention an unfunded mandate – and so what the engineer, Michael Quinn, and Joe Riina have put together, I think, really stakes out the Town's position, which I think Councilman Diana was leading the charge on this, which is that the Town ...

Councilperson Patel: Councilman Diana – I've been here, you've been here and every second you talk about the councilman – he's not an engineer...need an engineer expert and the County requirement to be fulfilled and do not want to increase any money for the taxpayer and the others who will be (?). We should be doing that one. Until now, we have never heard this sewer system issue before and why it came up right away at the end. We should be (?) from the very beginning.

Supervisor Slater: Councilman, with all due respect, we've talked about their sewer issue for almost four meetings now so this has very much been an issue we've discussed. It's also, and, Mr. Quinn, correct me if I'm wrong, the first low pressure sewer system the Town's had to deal with within two decades.

Mr. Quinn: Yes. The last one was in 2001.

Supervisor Slater: Since 2001 – the first time.

Councilperson Roker: I think I agree with Vishnu in terms of this wasn't made clear when we were discussing the creation of the new Hallocks Mill Sewer District but I think tonight is – we don't have any legislation at this point and the discussion can be held when we have the legislation.

Councilperson Diana: I couldn't see us having to use public funds to help a private citizen unless there was an extreme emergency. I mean it almost becomes a gift of public funds even though it was an unfunded mandate by the Health Department, which is absolutely ridiculous. And then we have the other 90 that are up on the hill and what, we have to go up and pump each one of those also. It got crazy - it would have been crazy. And I don't know what you're talking about, Vishnu, about eleven years but I'm speaking from experience – I don't have to be an engineer.

Councilperson Patel: I had a project in 1986 in the Master Plan; there were six engineers, me, and I was the chairman – water, sewer, and impact on the environment in the Master Plan. I have those old papers and my signature on that one, so don't tell me I don't know anything about it.

Supervisor Slater: I don't think anyone said that, Councilman, I don't think anyone said that regarding the Hallocks Mill Sewer District...

Councilperson Patel: Money does not grow on trees and if I can manage it (?). People don't have the money and we have to protect the water. I spent too much money on my own for my education and helping the environment and I am very, very dedicated to water, sewer projects.

Councilperson Diana: As we all are.

Supervisor Slater: Councilman, no one's denying that.

Councilperson Patel: (?) what about other people's money we cannot give away.

Supervisor Slater: ...exactly what we're doing.

Councilperson Roker: Vishnu, I think we all agree this is certainly an issue that we hadn't had to deal with before but it's before us now and I think that we need to be able to do the larger conversation once we see what kind of legislation is done. I agree with you when you talk about the people in Hallocks Mill – certainly I agree with you. I don't know how this will affect them and Michael will have to come back and tell us how these 90 people will be affected by this change in legislation. But I think, at this point, there's not a whole lot we can do.

Supervisor Slater: Councilwoman Roker, I agree. Thank you. We're going to move on to Madison Court. Is everyone okay with that?

Councilpersons Diana, Roker, Lachterman: Yes.

MADISON COURT RESIDENTIAL SITE PLAN

Supervisor Slater: Mr. Quinn, Mr. Tegeder – this is again regarding Madison Court. This is an update from the public hearing. Mr. Quinn, do you want to provide us an update? Thank you.

Mr. Quinn: Yes. In the discussion last week, I think the Highway Superintendent Dave Paganelli brought up that the tree removal already occurred on site. The trees that were indicated in the application are, in fact, the trees that were removed so there were no additional trees removed. The applicant did not have a permit and that's obviously part of this application, so they should not have removed the trees. After the meeting last week, I did speak to the applicant, asked them why the trees were removed, they said that the owner sent in a check for the tree bank fund, he thought that it was okay or acceptable and he could proceed with the tree removal, which of course, is not the case. What I talked to them about and what I wanted to present to the Board tonight is that they're agreeing to post a \$1,000 performance bond as a guarantee, if you will, if for some reason this project doesn't move forward, they'll replant the trees in an appropriate way to make up for the trees that were removed. Now, obviously, the plan is to build the house and they're hoping to get the approval from the Board, but I think if they post this \$1,000 that would be an additional assurance that the Town won't be left with a lot that has all the trees removed and no development occurring. So that's what I wanted to present to the Board tonight.

Councilperson Roker: So you're saying these trees represent \$1,000?

Mr. Quinn: Well, that's a performance bond but they're agreeing they're going to replant the trees if the project doesn't move – if they don't obtain a building permit within one year, they'll replant trees on the property. The \$1,000 would be a guarantee, if you will. If they refuse to plant the trees after making this agreement, then the Town would keep the \$1,000 – it would go into the tree bank fund.

Supervisor Slater: I think the other thing – I know Highway Superintendent Paganelli is joining us – I know, Highway Superintendent Paganelli, you went over to the property, you counted the trees to ensure that it was only 11 trees, there were 19 trees in total, 8 were taken down prior to the current owner's involvement, is what you reported.

Superintendent Paganelli: Correct. There were 19 trees down, of which 8 were done prior to this owner's involvement, so they were correct at 11 trees. Nineteen trees, 8 trees were removed prior to their involvement.

Councilperson Roker: Thank you, David.

Councilperson Patel: Thank you, David.

Superintendent Paganelli: You're welcome.

Supervisor Slater: Okay. There's still a public hearing ongoing on this but Mr. Quinn wanted to provide an update to the Board and I know Mr. Paganelli wanted to, as well, considering his involvement. So we can include this as a potential part, depending on the Board's decision once we close the public hearing. Any questions, any concerns on that?

Mr. Tegeder: Just one, if I may. I know, Mike, you have a draft resolution, I believe?

Mr. Quinn: I have here an added condition that I was going to add to the approval resolution, so the approval resolution would be prepared for the Board next week. If they're okay with this concept, then I would add that language to the approval resolution for next week's action.

Mr. Tegeder: There might be a couple of housekeeping items that I might want to talk to you about before we get into the early part of next week – maybe towards the end of this week, if you have time.

Mr. Quinn: Okay.

NESTLE

Supervisor Slater: Very good. We're going to move on to Nestle. We have Joe Riina still with us, we have now with us our Building Inspector John Landi. Mr. Riina, the floor is yours. This is regarding a temporary certificate of occupancy for Nestle, which is now on 202.

Mr. Riina: As you know, this project has been moving along pretty rapidly. They've been working extended hours to try to get this project complete so they can utilize this building prior to the end of this month because they need to be out of where they are now. The project is substantially complete. The project manager submitted a letter to the Board explaining what the status of the project is, things that are left to be done, as well as describing some of the bonds that they are posting, and what the proposed operation is going to be once a TCO is issued, which is full occupancy and operation of the site. I believe John Landi, the Building Inspector was going to take a look at the site and see if there were any issues other than those that are listed that may need to be rectified before the TCO within the building, which is outside of what I was dealing with, I was just looking at what has to be done on the site. So from my perspective, as far as on site outside the building, there are some light poles that need to be installed and they're waiting on delivery of those poles. There's some lights on the building that they're waiting on that need to be installed. There's an ADA walkway, porous pavers that are supposed to go in front of the building – that work is only partially complete so they were going to create a temporary ramp for ADA access. They still have to clear some vegetation and clean up some debris behind the fence in the Town property – 15 feet off the fence line, which brings them right to the edge of an existing

drainage channel that's back there (stormwater drains). They are waiting on catch basin inserts, which are supposed to provide water quality treatment: removing large debris, sediment, and hydrocarbons from any discharge that might be from trucks onto the pavement that might make their way into the catch basins. They still have to install signage in the parking lot, like handicapped signs, stop signs, etc.

Supervisor Slater: When do they expect that list to be done, Joe?

Mr. Riina: Some of the items they expect to be done by the end of the week; some within five to seven days. The items that they're bonding – the plantings in the DOT right of way that's subject to a DOT permit – that's going to take quite a while. The Planning Board has agreed to allow the Certificate of Occupancy to go ahead as long as there's a \$3,500 bond posted – a cash bond. And they're going to replace the chain link fencing along the front of the site with steel picket-style fencing and that's being bonded because of the delays in getting the material delivered to the site. That's got a 45-day window on that.

Supervisor Slater: John Landi, you've visited the site. Any issues or concerns?

Mr. Landi: Well, I was originally asked to visit the site because they just wanted to use the storage area so I only looked at that specific area for storage use and that's what I came to the Town Board for a TCO for them. Since then they've expanded into wanting to use the whole building and open the building for distribution. As Mr. Riina said, they're getting evicted or they have to leave the area that they're at now. I have plans to be at the building tomorrow at 1:00 and go over everything within the building.

Supervisor Slater: Mr. Tegeder, any concerns from the Planning Board or Planning Department?

Mr. Tegeder: I just have one question for Joe or whoever. In the construction associate's letter, item number 4 – the back ordered wall mounted floodlights on the exterior – is that a 45 day item or is that in a week – do you have any idea because it doesn't list any time that you expect that might be installed.

Mr. Riina: Gina, do you have an answer for that?

Gina/Nestle: Actually, I don't have the list in front of me because things have been coming in bits and pieces. If I recall correctly, I believe it's due to ship on the 11th and we've paid extensive overnight fees for everything and we're tracking – a girl in my office is tracking piece by piece, as they ship – so within days of June 11th. The poles are already...oh, no – those will just go right up on the building so we're ready to put those up the minute they arrive. So I would say June 15th is a safe date.

Mr. Tegeder: Okay. If you could just put that in an email, that would be helpful.

Councilperson Lachterman: If I'm not mistaken, John, I thought you gave them 45 in the Planning Board meeting on that and they thought they could adhere to that and that if there was anything that came up that needed a delay, they would come back to the Board.

Mr. Tegeder: Yes, the 45 days is fine and most of the other items in that letter do cite the 45 days; this one was silent on it, so that's why I asked the question.

Councilperson Roker: Can I ask a question? John Landi – so you'll be able to go there tomorrow and work out your own punch list of what needs to be done. Are you familiar with the other resolutions we've used for TCO's?

Mr. Landi: I know that we've used a few during my time here but that's all I know of.

Councilperson Roker: All right. So would you be able to look it over and be able to give us a resolution by next week because I would assume that nobody planned – they didn't plan not to be in the building now; probably work stopped because it had to stop and we want to accommodate them.

Mr. Landi: No, they never stopped. They had the clearing from the State to continue working so they never stopped. From what I understood from the last TCO all the Board did and from what the code says, is all the Board has to do is give me permission to issue a TCO.

Councilperson Roker: I understand TCO's. I can talk to you tomorrow.

Mr. Landi: Okay, no problem.

Councilperson Patel: I have a question for Mr. Landi, our Building Superintendent. How long is the temporary certificate – it can go forever, too?

Mr. Landi: The first TCO, I believe, is 180 days. You get one renewal for 90 days after that.

Councilperson Patel: And if it doesn't work out for some reason, they're off the hook? I mean I don't understand how if we want the business to come and if they do everything that needs to be done, we will give them A+. Why are they giving a little information at a time – piecemeal? And then they are the ones telling us they are putting on the brake – you know what I mean? We want to help them. This is a good thing coming in. And I have another questions about the safety on the road – I don't know how large the vehicles are coming in and so there's only one line going and one line coming and if somebody wants to make a left turn and a big truck's behind them or in front of them, the whole traffic will go back up to the red light on Lexington Avenue or how far – I don't know.

Mr. Landi: This site was a facility for Verizon who did that coming in and out of there prior.

Councilperson Patel: But those were the smaller trucks. Are these really large because I don't know what kind of stuff they're bringing in.

Mr. Riina: Vishnu, let me just clarify that for you. The tractor-trailer deliveries occur between 8 and 2 a.m.

Councilperson Patel: I go to sleep at that time – no problem, okay?

Mr. Riina: So you don't have to worry. And the route trucks are off the site between 7 and 7:30. The route trucks are off the site. So all the traffic – and they're all making virtually – most of them are making a right turn out anyway. But as far as the tractor trailers go, they're coming way after any kind of rush hour traffic is going to be going through there.

Councilperson Patel: Thank you.

Mr. Riina: You're welcome.

Supervisor Slater: Joe, when is Nestle looking to occupy? Next week?

Mr. Riina: They want to occupy this week. They need to be out of where they are by the end of this week and want to be able to move in.

Supervisor Slater: I don't think they have much of an option. We have their punch list; they've got bonds associated with the punch list. We're going to have Mr. Landi go tomorrow and do a walk-through, another walk-through.

Councilperson Lachterman: If our Building Inspector feels comfortable granting the TCO, I'm fine with moving it and leaving it in his hands to get that taken care of.

Councilperson Roker: I agree.

Councilperson Diana: Structurally and safety-wise, as far as you know, John, it's okay?

Mr. Landi: From what I saw of the last part of the storage area, yes, and they weren't too far off in the other areas – they should be really close to done, if not done. I know they were having the fire alarm system tested today and they were going to have a certificate for me tomorrow. So we should be in pretty good shape with that.

Councilperson Diana: Are they sprinklered there?

Mr. Landi: I don't recall off the top of my head. I will find out. Probably not because it's a water storage area.

Mr. Riina: No.

Councilperson Diana: Joe says they're not.

Councilperson Roker: They would have probably included that in their punch list if the sprinklers weren't there.

Mr. Landi: Well, they would have had a sprinkler test done, too. I would have needed that certificate also. I spoke to the contractor, Chris, today and he was going to have the alarm system all certified today. I don't think there is a sprinkler system.

Supervisor Slater: No, they're saying there's not.

Mr. Riina: There is no sprinkler system.

Supervisor Slater: I've got no problem putting a motion forward – I'll make a motion that the Building Inspector is authorized to issue a Temporary Certificate of Occupancy for Nestle Waters Company, 3375 Crompond Road.

Councilperson Diana: So moved.

Councilperson Roker: Second.

Supervisor Slater: I have a first, I have a second, all in favor?

Town Board: Aye.

Supervisor Slater: Any opposed? Any abstained?

Mr. Riina: Thank you very much.

Mr. Landi: When I'm done with the inspection, I'll let the Board know what I find.

Supervisor Slater: Please. Motion carried. TCO can be issued to be authorized by our Building Inspector upon his inspection.

Mr. Riina: Thanks very much – goodnight, everybody.

TEMPORARY CERTIFICATE OF OCCUPANCY FOR NESTLE WATERS, 3775 CROMPOND ROAD
RESOLUTION #170

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

RESOLVED, the Building Inspector is authorized to issue a temporary certificate of occupancy for Nestle Waters Company at 3775 Crompond Road.

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

YORKTOWN LANDMARKS PRESERVATION COMMISSION

Supervisor Slater: Okay, we're going to move along. We've got 3 more items. I'm happy to welcome Lynn Briggs from the Yorktown Landmark and Preservation Commission out there in sunny California. Lynn, how are you?

Ms. Briggs: I'm good. How're you doing?

Supervisor Slater: Good. Is Brendan Murphy with us? Great. This item is a name change. This is something the Landmark and Preservation Commission had asked for and, Mr. Rodriguez, if you wouldn't mind, take it away. And off of mute.

Mr. Rodriguez: Sorry – I'm having problems flipping back and forth between documents and applications here. I was pulling up a pdf of the local law but ultimately it's pretty straight forward. I basically went through Chapter 198 to modify the name of the Landmarks (LPC) to the new name: Heritage Preservation.

Supervisor Slater: Heritage Preservation Commission.

Mr. Rodriguez: Correct.

Supervisor Slater: Very good. Lynn, any questions, any thoughts? Brendan, as well, if you have any questions or thoughts while you have us.

Ms. Briggs: So basically, in terms of changing the code, it has been changed now – physically changed?

Supervisor Slater: No. This is the proposed legislation to do that name change.

Councilperson Roker: We have to do a public hearing, Lynn.

Supervisor Slater: Correct.

Ms. Briggs: All right, great, I got it. But related to that will be some website links and our FaceBook set up and we've got an email address with the land records people but that's all doable. So, all right, I got it.

Councilperson Roker: I like the name change. It makes a lot of sense.

Councilperson Patel: Is it easier to get grants or something that people decided to get a new name?

Supervisor Slater: It encompasses more, correct, Lynn? It's more than just history.

Ms. Briggs: We found that over the last couple of years (very netted out) calling ourselves Landmarks was limiting and restrictive and sort of pushed people away, and Heritage, which is a very common term now is more relevant and appropriate to what we do. So Heritage really encompasses anything that's a natural built historical cultural asset. Our work has touched all of those things – not just signage – and so we thought it was appropriate and we ran it by the State; they said if you guys feel it's better for you, go for it. It really helps people, and when you all approved the Cultural Heritage resolution in February, as a strategic driver, it marries up really nicely with where we're trying to go with the Town.

Supervisor Slater: Absolutely. I think it's great; we'll refer it out and set a public hearing.

Ms. Briggs: Okay.

Councilperson Roker: I agree.

Councilperson Diana: I'm good.

Supervisor Slater: Okay. Very good.

Ms. Briggs: Thank you very much.

HISTORIC MARKER

Supervisor Slater: You're welcome. Don't go away because now we're going to welcome with us Sean Grady and Joanna – is Johanna with us as well?

Johanna Porr Yaun: I'm here.

Supervisor Slater: Hello, hello. And Brendan, with his amazing beard. Johanna, do you want to provide a quick briefing for us about your class and the course you are providing and how this came about for Mr. Grady.

Ms. Porr Yaun: Sure. So I'm the Orange County historian in Goshen across the river but I teach at SUNY Westchester, so my students are from various places around the Hudson Valley – they tend to be centered around the Peekskill area and one of the assignments – the first assignment this semester – was to write an historic marker and fill out the grant paperwork for the Pomeroy Foundation. Pomeroy, for about the last ten years or so, has offered a grant program where they pay for the full cost of an historic marker. So we had lots of students present various historic markers but two of them went on to follow through and they happen to be the two who are involved with your town. Lucky for you, you'll have two complete applications to submit.

Supervisor Slater: Beautiful.

Councilperson Diana: Very good.

Councilperson Roker: That sounds great.

Supervisor Slater: Great and, Sean, how're you doing?

Mr. Grady: I'm good, how are you?

Supervisor Slater: We're good. Thanks so much. I think you and Brendan are competing for beards.

Mr. Grady: Yeah, he's got me by about 4 inches.

Mr. Murphy: Don't worry – I'll be cutting off a little bit so we'll be even.

Supervisor Slater: Sean, why don't you give us a quick synopsis of your research and then how the Board can be supportive?

Mr. Grady: My name is Sean Grady; I grew up in Yorktown, I was educated K through 12 in the Yorktown school system. I happened to have a great Social Studies teacher named Mike McCracken who incorporated local history into his lessons and one of the ...

Supervisor Slater: I had Mr. McCracken.

Mr. Grady: You had Mr. McCracken? He is the man. So he probably told you about how Major Andre walked passed the school on Route 202 and spent the night in Yorktown and his last days as a free man in Yorktown Heights. I was hooked on the story since 7th grade, studied history in college, and went on to become a Social Studies teacher at Ardsley Middle School, got into living history, met a guy who is an "Arnold-phile" and the two of us created an "Andre-Arnold" show, which we performed in Yorktown a couple of times and we've highlighted sites in the area. Of course, we teach about the same topic and when I took Professor Yaun's course, this assignment came up and immediately I thought of the site for the Andreas Miller House where Andre slept with his boots on and thought it would be a great place to highlight because there is no signage there and Yorktown did play such a vital part in the Andre-Arnold conspiracy and it would be nice to see that site marked as such.

Supervisor Slater: Couldn't agree more. So how can the Board support your application?

Mr. Grady: In order to receive the money you have to have an organization to accept the money, or the Town has to be willing to accept the money, if the Town is awarded the grant for the sign. I've created several drafts of the sign and I presented it to the Landmarks Commission with Lynn and Brendan and, along with the research that I've found to support that the house was, in fact, in the area, I guess we would need permission from whoever owns the land where it would be. The sign looks like it would be on Old Crompond Road, that would probably be...I guess...when I was talking to people about it, even Lynn and Brendan, you know there's issues with the road – 202 –

it being on such a main thoroughfare as opposed to more of a local road. There might be traffic concerns or maintenance concerns with the sign if it's on 202. So wherever you might think it would be best.

Ms. Briggs: Brendan can comment on this. One of the requirements when we did the applications, is you have to get a Letter of Intent and a letter from the property owner saying it's okay to place this sign here, but if we could place this sign in a high visibility area instead of a town road, it might be easier for us to pursue that. A friend of mine (communication break up)...

Mr. Murphy: So the geographic area that we're talking about is behind where the Town Line Motel is off Route 202.

Supervisor Slater: Old Crompond Road back there?

Mr. Murphy: Yes. It's also not far up the road and if the maps are to be believed, it looks like Miller owned the property that abuts where Route 202 would be in the 1700s. So most of that property would be owned by him and the home would probably be very nearby where the Town Line Motel is at this moment. I'm going to go up there tomorrow or probably sometime this weekend and see if I can get a GPS placement of a couple of locations that would be as close to the location as possible but would also be something that would be visible from the road or to anyone passing by.

Supervisor Slater: Great and I know we have our Highway Superintendent – Mr. Paganelli, any thoughts or issues?

Superintendent Paganelli: Yes, actually the part behind the Town Line Motel is in Cortlandt so that would be an issue.

Supervisor Slater: That would be an issue.

Superintendent Paganelli: From Quarry Acres heading east is where the town line for Yorktown begins. From Quarry Acres heading west towards 202 is the Town of Cortlandt. So we'd really like to have it in Yorktown, I think.

Supervisor Slater: Yes we would. Brendan and Sean – may you could work with Highway Superintendent Paganelli on placement just to ensure that it's obviously within Town borders. That's obviously very helpful. Maybe you could work with him on placement – where you would like to see it. I have no issues whatsoever; I'd be happy to make a motion for us to support the application and Lynn...?

Ms. Briggs: There's two ways to bring it forward. One is the Town brings it forward. The other is with the students. We've talked with (?) and it may be easier [or more streamlined] would be to have the Town bring it forward. (Communication breakup). I've worked with Pat, I've got the EIN, tax ID number and whatnot. I'm teeing that up as a decision point, I guess, for the Town Board in terms of (?). And maybe, Professor, would you like to comment on other municipalities and how it worked for them, what works well?

Ms. Porr Yaun: I find it best if the municipality is the one that sends that paperwork just because there's one point person within the government to collect the money and make sure the DPW or whoever is putting the sign up is taking care of it. And obviously, Sean's going to get credit for writing the marker - that's no issue at all – it's just a matter of who fills in that paperwork or completes that paperwork and sends it in and authorizes it. And the Pomeroy Foundation is very easy to work with, so if they feel there's something missing from your application, they will go back and forth with you and work with you on it so don't be afraid to get the ball rolling, just make sure it's in by the deadline and then work with the Pomeroy Foundation on the details.

Ms. Briggs: And in the end, Matt, what happens is the foundation, if it's approved, sends it to the Town and it's our job to order the marker with the (?) and follow up. So that's how it works.

Ms. Porr Yaun: In the past they've given me a sample of whatever company does the casting. So they'll give you a choice. You can order from a casting company in Kingston or you can order from one across the river – they'll give you a few choices and then you'll make your decision but

it's about \$1,200 approximately and they provide the full amount of the money that you just then turnaround and give to the casting company.

Supervisor Slater: That's great.

Ms. Briggs: We have an opportunity to apply actually for 5 in this grant so there are other candidates, but we wanted to mail the process and get this one done and in the works.

Ms. Porr Yaun: Several municipalities apply every single year, they just make it a rotation. It's a grant that they apply for – they put in 5, they get maybe one each year or two each year – but Walden, NY is a good example where they always put in every year; there's a few other examples.

Supervisor Slater: I know the old mayor over there – he's a good guy.

Councilperson Lachterman: Well, I must say that when I ran for public office, if you ever told me you would be making the Town Line Motel a historic landmark, I wouldn't have believed you!

Councilperson Diana: Well, for some it may have been, Ed.

Mr. Murphy: Well, to put it into perspective in terms of the history, I know Sean will back me up on this, the Andreas Miller house was a little ways up on Crompond Road and it was the only friendly location that Andre and Joshua Hett Smith could find at such a late hour. Across the street, I find this an irony of history, across the street from where Andreas Miller lived (and it's now a little bungalow with a stone wall in front of it) that property was owned by the Van Wart family. If you know the story of Andre, Van Wart is one of the soldiers who captured him. The man who owned that property was his grandfather. So that whole area there was both a farm, which encompassed the Town Line Motel and the gas station that's over there, and then across the street was the Miller house, which was also a tavern.

Supervisor Slater: That's awesome, that's incredible.

Ms. Porr Yaun: So there's more markers in the future.

Supervisor Slater: Yeah – there's definitely more markers in the picture.

Councilperson Lachterman: When this gets approved (?), I'm hoping you will come in and do a presentation when we are unveiling the marker.

Supervisor Slater: Absolutely. That would be great for everyone here. So I think at this point, we'll make a motion to authorize the application to be submitted. And I think that Lynn, if you could work with – Lynn and Sean and Brendan – if you could work with Highway Superintendent Paganelli on the placement and you can work with our Planning Department on the application, I think that would be the best way to do it. Motion to authorize the application?

Councilperson Diana: So moved.

Supervisor Slater: Do we have a second?

Councilperson Lachterman: Second.

Supervisor Slater: All in favor?

Town Board: Aye.

Supervisor Slater: Any opposed? Any abstained? All right – application is authorized. Sean, great job.

Mr. Grady: Thank you, Professor, for helping out – I really appreciate it. Thank you to the Board; thank you to everybody.

Ms. Porr Yaun: Thank you for following through.

The Town Board thanked all participants.

AUTHORIZATION FOR YORKTOWN LANDMARK PRESERVATION COMMISSION TO APPLY FOR GRANT FOR HISTORIC SIGN RESOLUTION #171

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

RESOLVED, that the Yorktown Landmark Preservation Commission is authorized to apply for a William Pomeroy Foundation Grant for a roadside historic sign at the Andreas Miller House.

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

ADVISORY BOARD & COMMISSION MEMBERSHIP

Supervisor Slater: Last item on the agenda is Advisory Board and Commission Membership. Look at this – right on time! I don't know how we pull this off every time. Legislative proposal – actually, Mr. Lachterman, do you want to take the floor on this?

Councilperson Lachterman: So we were having discussions about the role of elected officials on commissions and town boards where there has been a lot of questions to what is appropriate and looking down the road to see where we should be. Personal feeling is that all elected officials are resourced to the Town Boards and the Commissions so we're better served, in my opinion, by having those seats open to people in the community with a different set of experiences and lifestyles that will help us to make the Town a better place.

Supervisor Slater: Mr. Rodriguez, do you want to discuss what the draft law states?

Councilperson Patel: Can I say something before the Town Attorney?

Supervisor Slater: Of course.

Councilperson Patel: What I want to say is how about the Planning Board, Ethics Board, Zoning Board – people have to really love their community and is better than people who have some kind of business interest. This kind of understanding to appoint people – no matter where they come from, what kind of background – some people are very dedicated, you know? They will tell it like it is and some people are looking out for their own private interests. We should think about this and if somebody comes in and wants to volunteer, we should welcome them – anybody – and make sure we have a mix of people and backgrounds. That would be very good because, you know, the same people on the Planning Board who have a business or a relative or are in real estate or whatnot – that's really not very good. Ordinary people do extraordinarily well many times. They can put in a little extra time (?). So this is my view for volunteering board appointments. Because if you know somebody else and say, hey, whatever the interest – I don't want to say anything else now. Let's move forward with whatever you have to say.

Superintendent Paganelli: Would it be alright if I spoke?

Supervisor Slater: Yes.

Superintendent Paganelli: Okay. I have made a decision that I'm going to resign from the Rec Commission. That being said, I don't resign because I feel that, as an elected official, I cannot serve the Town in more than one capacity. We have saved tens and tens of thousands of dollars by Highway working with Parks and Recreation, working with Water, working with whomever, Sewer Department – taking down 14 trees at the sewer plant, taking down 17 trees for the sewer line to go up to Granite Knolls, doing the footings for the foundation – I will continue to do that. I just do not want to be part of the bureaucracy. And that being said, that's where my stand is. I appreciate the dispensation that was written into the law – I wish it would allow me to serve out my term, but with that being said, I am prepared to resign. I appreciate it. Thank you – that's it.

Councilperson Patel: Thank you, again and anyplace you see needs help, please help. [sic]

Superintendent Paganelli: Of course.

Supervisor Slater: Councilwoman Roker, you wanted to say something?

Councilperson Roker: Yes. David, I'm sad for the Commission. I'll have a lot to say at the public hearing but I think that there are so many presumptions about elected people here. I'm not fighting because I'm against it, I'm just fighting because I don't think this is an appropriate thing to do. There are a lot more things Town Boards could do, like only appointing people of a certain political party to a board. There are so many different things that a Town Board has the power to do and if you don't want to appoint somebody who's elected, you don't appoint that person. I'll have more to say at the public hearing.

Superintendent Paganelli: I appreciate it, Alice, thank you.

Councilperson Lachterman: Dave, if I may, I appreciate what you're saying; I notice some of the bureaucracy, per se - the last go-around - and I see exactly where you're coming from but I would say your expertise is what is more relative to Parks and their maintenance better than mine, so I'm curious to know if you would consider taking over the liaison position as I think the Recreation Committee would be better served having you as their sounding board. I will still be available but you might be a better "boots on the ground" type person for them.

Superintendent Paganelli: I appreciate that, Councilman, thank you. That is something I would probably enjoy.

Councilperson Lachterman: I don't know if we can bring that up today, Matt, for a vote.

Supervisor Slater: Why don't we add it to Tuesday's meeting and we can do it formally?

Councilperson Lachterman: Sure.

Supervisor Slater: Adam, do you want to amend your legislation considering Superintendent Paganelli's resignation?

Mr. Rodriguez: I can do that, certainly, and recirculate a new draft.

Supervisor Slater: You want to recirculate it or put it out for referral?

Councilperson Patel: Just put it out, please?

Supervisor Slater: Mr. Rodriguez, any thoughts on that?

Mr. Rodriguez: I'll amend it and then it can be referred out.

Councilperson Patel: Thank you.

Supervisor Slater: Okay. Are there any other matters? Yes, there are. There are a few resolutions for us to pass.

Superintendent Paganelli: Yes – don't forget about those resolutions!

Supervisor Slater: I got you, Superintendent!

Councilperson Diana: We're going to do away with that first one!

Superintendent Paganelli: We may as well – we don't have any money anyway!

Supervisor Slater read the following resolutions:

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR ASPHALT LAID-IN PLACE –
HIGHWAY DEPARTMENT
RESOLUTION #172

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

Resolved, that the Town Clerk is authorized to advertise bid for Asphalt Laid In Place for the Highway Department.

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

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCEL 16.09 BLOCK 2 LOT 6,
ACCOUNT NUMBER 0109500 - 1450 EAST MAIN STREET
RESOLUTION #173

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

WHEREAS, Tax certiorari proceeding was instituted challenging the assessment for parcel known as Section 16.09 Block 2 Lot 6, 1450 East Main Street on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.09 Block 2 Lot 6 Account Number 0109500, owned by Doron and Rachel Avgush for assessment roll year 2019 is settled as set forth in the proposed stipulation as follows:

Roll Year	Assessed Value From	Assessed Value To	Reduction
2019	8,600	4,300	4,300

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
FOR THE MOHEGAN BEACH PARK DISTRICT
RESOLUTION #174

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

Be It Resolved, that the Town Board authorizes the following Budget Transfer for the Mohegan Beach Park District:

From:		
MB.909	Fund Balance	\$8,000.00
To:		
MB7180.110	Temporary Help	\$8,000.00

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

Supervisor Slater: Do I have a motion?

Councilperson Diana: So moved.

Councilperson Roker: Second.

Supervisor Slater: We have a motion, we have a second. All in favor?

Town Board: Aye.

Supervisor Slater: Any opposed? Any abstained? Motions carried. With that being said, entertain a motion to adjourn.

ADJOURN

Upon motion made by Councilperson Diana, seconded by Councilperson Lachterman, the Town Board Meeting was adjourned.

Supervisor Slater: Goodnight,

Town Board members said goodnight.

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