

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, June 9, 2020 held in Yorktown Heights, New York 10598.

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

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

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked all to join him in a moment of silence to remember with our thoughts and prayers all of those serving overseas, frontline workers and first responders who continue to voice their desire for an open and equal society.

O'CONNOR DAVIES – 2019 AUDIT

Supervisor Slater introduced Nick DeSantis and Alan Kassay from the accounting firm of O'Connor Davies, as well as Town Comptroller Patricia Caporale, to discuss the 2019 audit.

Mr. DeSantis stated that his firm was engaged to audit the Town's financial statements for the year ending December 31, 2019; they have expressed their opinion in the financial statements and have given an unmodified opinion, which is essentially the highest opinion you can get. He stated that it is also referred to, in layman's terms, as a clean opinion in all financial respects. Mr. DeSantis stated that the Town is in excellent financial condition.

Mr. Kassay went through the details of the audit results. He first reviewed a retrospective look at the General Fund Fund Balance (past 3 years) and its components. Mr. Kassay said that the unassigned fund balance of \$16,688,000 represents about 54% of the 2020 budget. He said of the increase in the fund balance for the year (\$5,448,000), \$3.1 million was from the Spectra Energy contract; this contract ended so there will be at least a minimum of \$3.1 million less coming from this contract in 2020. (Note: this contract was never budgeted.)

Mr. Kassay then reviewed the summary of the General Fund Budget (the original budget, the final budget, the actual, and the variance with the final budget). The total between the original and the final budget remained the same: \$27.5 million. The actual came in at \$34.5 million, generating a positive variance of \$7,037,000. On the expenditure side, the original was almost \$30,000,000, the final was about \$30,147,000, the actual was \$27,321,000 – again, generating a positive budget variance of almost \$3,000,000. Mr. Kassay said that in terms of the revenues and expenditures, the excess of the revenues was almost \$7.2 million and combined this was a \$9.8 million budgetary variance. Mr. Kassay stated the Town ended the year with a total fund balance of \$19,837,000.

Mr. Kassay then went into greater detail of the General Fund budget and pointed out some of the key revenues: property taxes, sales taxes, license and permits, mortgage tax. Much of this is anticipated to be down in 2020.

Mr. DeSantis discussed the Spectra contract, which lasted three years at approximately \$3 million per year to the Town. He said the Town Board has put this money into its fund balance and in some instances has used some of that money for certain capital projects rather than issuing bonds. He said that in the expenditure side of the audit report, the amount of debt service is nominal. He said it is always best to use your fund balance for one-time expenditures unless you are sure you will be able to restore it back into the equity section of your balance sheet. Mr. DeSantis advised that as you are operating in 2020 and going into the 2021 year, it also helps to provide an economic bridge until the regional economy restores itself.

Mr. Kassay said the expenditures overall generated a positive variance; some of the key variances were government support, public safety, culture and recreation, employee benefits, state retirement, and police retirement. Some areas, i.e., culture and recreation, can be expected to go down in 2020 due to the pandemic. Total expenditures were up \$2.2 million or about 4.2%.

Mr. DeSantis commented on long-term debt; the Town has a little over \$14 million in outstanding bonds for various capital projects – all associated with the sewer districts. Short term borrowings (at the end of December 2019) there was \$3.8 million of bond anticipation notes for various capital projects and the interest rates on these are attractively low. He said when the Town looks at its ability to access financial markets for capital projects and current interest rates as they are, as well as utilizing the fund balance to help avoid any major fluctuations in property taxes or cuts in municipal services during 2020, these are all instruments at the Town's disposal.

Councilman Lachterman asked Mr. DeSantis if his suggestion is to look at possibly refinancing some of the higher interest rate bonds into something lower right now. Mr. DeSantis said he is sure the Town Comptroller looks into this along with Bond Counsel, but his answer to this would be yes. He said if the Town has any long-term projects that can be fit in along with the debt service, not to be hesitant to borrow in the current environment because the Town has enough fund balance to back it up. He said none of us know how we are going to come out of the pandemic, how the economy is going to react, and how long it is going to take to get back to full steam and the Town is going to need the fund balance to get to that point. He said the Town still has to provide municipal services and will still have to improve its infrastructure to encourage commercial development and to take care of the needs of its residents. It all comes in terms with a plan and how a long-term plan fits in with the Town's short-term needs.

Mr. Kassay pointed out that on the schedule of the bonds payable there are four different issues outstanding that were issued in 2002 through 2007, most of them – if not all of them – are probably eligible to be refinanced.

Councilman Patel said that total expenses are \$4.2 to run the Town and the inflation rate may be less – where do you get the money? Do you get it from the fund balance, makes cuts, etc. He said this is the only way to survive or is an increase in taxes to be considered. If you want a zero percent tax increase, meet tax caps, how are you going to do that?

Mr. DeSantis said the Town Comptroller has laid out a multi-year plan in which she has made certain assumptions and you have to revisit some of those assumptions and revisit your long-term needs for capital infrastructure, replacement of vehicles in Highway and Police Departments, as well as looking at labor costs because there could certainly be an anticipation of an increase in pension cost (although the market has recently rebounded), as well as healthcare costs. He said there are assumptions that the Comptroller has made in the financial plan that is critically important insofar as how you lay out capital needs.

Supervisor Slater asked Mr. DeSantis and Mr. Kassay if they have heard anything about healthcare increases – he said he has heard about double-digit increases.

Mr. DeSantis said on a recent client's budget review, NYSHIP had recommended the middle-most health increase at about 8 percent, but traditionally they have come in lower.

Councilwoman Roker asked what the current interest rate is that the Town could look at for refinancing some of the higher interest rate bonds.

Town Comptroller Pat Caporale said the bonds are mostly EFC bonds – the sewer bonds – and none of those are through a bank. Mr. DeSantis said that sometimes EFC does refinancing.

Mr. Kassay reviewed the information regarding government accounting standards that were implemented last year regarding post-employment benefits for retirees and active employees.

Mr. DeSantis and Mr. Kassay concluded that the Town's financial condition is very good.

Supervisor Slater asked if they had any thoughts on any tricks the Town might be able to look at to mitigate the hit of 2020. Mr. DeSantis said there is not a lot of flexibility regarding services provided to the Town; however, he suggested exercising caution where possible.

Supervisor Slater introduced the Board members and department members and apologized for not doing so earlier in the meeting.

301 ILLINGTON ROAD – MS4 STORM WATER MANAGEMENT AND TREE REMOVAL PERMITS

Town Engineer Michael Quinn said this is roughly a 2.5 acre undeveloped lot. The developer wants to build a single-family house with a detached garage. It would have private water so they would be drilling their own well and would be on a private wastewater disposal system – a septic system. He said his department has the technical reviews and is satisfied that all of their comments were addressed. Mr. Quinn said when it comes to the runoff from the roof leaders and gutters, it will be conveyed to an onsite bio-retention area – it will be a planted area to accommodate the storm water and allow it to infiltrate the ground so it doesn't run off the property. This property requires an MS4 Storm Water Management Permit and it requires a Tree Removal Permit. There are 29 trees that are being removed for the development; some of the trees are dead; some in the septic fields, which are exempt from the tree ordinance. Mr. Quinn said when you look at the trees that are to be removed to accommodate the house, utilities, and driveway, there are about 13 trees that have to be removed. Mr. Quinn said the developer is proposing a fee in lieu of mitigation – 13 trees at \$100 per tree would be \$1,300. He said there is also a woodland disturbance associated with the project and, based on 18,000 square feet, that would add up to another \$1,100. They are proposing to pay into the tree bank \$2,400.

Councilwoman Roker asked Mr. Quinn if there was no other way to do mitigation. Mr. Quinn said the site is already well planted with trees and didn't think it would be that effective to plant trees within already wooded areas.

Mr. Michael Molinelli said there are 29 trees within the area; 3 that are already dead. They are removing 26 trees and proposing to plant 13 new trees. For the trees they are not replacing, a fee will be paid based on the Tree Ordinance.

Mr. Quinn said that standard conditions are included in his recommendation to the Board.

Councilman Lachterman asked for John Tegeder's opinion because at last night's Planning Board meeting a conversation took place revolving around the tree law and mitigation and the fact they were not really taking into account how the work being done improved the area and that the tree mitigation is not a one-to-one mitigation. He wanted to know if this project is one where they have cleaned up the area more and that it is better for the ecosystem to thin out some of the area. Councilman Lachterman said he knows the area is very forested already.

Mr. Tegeder said he did not have any information that it is heavily forested, although it could be. He said that mitigation could be a number of things and when you have more than one measure of mitigation as part of a package, you do not have to do the one-to-one mitigation, which has its own formula in the tree law. Mitigation measures can include a number of things: invasive species removal, improving the understory of the forest, etc. All of those things can be taken together so someone who is knowledgeable in forestry, for instance, who says this is actually an improvement to what is there, could be considered by the Board as appropriate mitigation.

Councilman Diana asked if the Board had information to that effect – to what Councilman Lachterman raised.

Councilman Lachterman said no – it was based on a conversation at the Planning Board meeting. He said that he thinks it is important when looking at the tree law that the idea of this is to make the environment better.

Councilwoman Roker said she agreed with Councilman Lachterman and that she asked about the trees and mitigation because it was a recommendation of the Conservation Board that they replant trees and pay a fee.

Mr. Molinelli said they submitted their plan to the Conservation Board and they basically approved the plan, as is. He said their only comment was to specify the species of evergreen they would be replanting (hemlock). He believes they have met all the requirements of the various boards.

There were no comments from residents who were contacted regarding this project.

RAILROAD PARK CONCESSION VENDOR

Director of Planning, John Tegeder, said he was happy to report that the restoration at Railroad Park is nearing completion – up to more than 90% complete. He said there are a couple of things left to complete – some interior work and the alarm system. Mr. Tegeder said a discussion had taken place regarding how to use the building once it was completed and one of the things that was brought up was to use a part of it as a concession, which had been included in the mid/late 1990's refitting of Railroad Park. The use of a concession stand was anticipated and so a patio was created out front for seating. Mr. Tegeder said it is a great stop along the trail for anyone in Town and a concession would be a benefit and a help to the attraction of the Pinesbridge Memorial Statue.

Supervisor Slater said he has noticed the park has been more popular since the onset of COVID and a discussion as to next steps is important.

Councilwoman Roker said she felt it was important that this be handled by bid or RFP because so many people over the years have indicated an interest in being a vendor there.

Supervisor Slater said he agreed and wanted to make sure the Town has a comprehensive plan for having a concession there, as well as any of the building's other uses. He said he feels this is a good opportunity to bring the potential of Railroad Park to its fruition.

Mr. Tegeder said the three rooms are a waiting room, a ticket booth, and a baggage room. The ticket booth and the baggage room could serve as the concession and the concessioner could vend through the ticket booth and directly to the patio through one of the windows. The waiting room would serve as a way for people to go in and experience the building, its interior architecture, etc. He said we could also have rotating historical displays in there, marketing information for businesses in Town, such as the bike shop, the pizza shop, etc.

Supervisor Slater mentioned the great exhibit on the railroad the museum currently has.

Mr. Tegeder said it can also be the starting point on an historical trail by displaying a map of the historic sites in Yorktown.

Supervisor Slater said that this could be the catalyst to completing the historic trail by highlighting both the Pinesbridge Monument, as well as the railroad building itself.

Councilwoman Roker said it is a great opportunity to bring together groups like the Historical Society, the Museum, and Landmarks because the first exhibit that will be done will be the "grabber" for the area.

Councilman Patel asked if there would be a need for a restroom and water fountain at the building.

Mr. Tegeder said if we have a concession, we won't need the water fountain but one of the other things talked about pursuant to Railroad Park was to have a restroom there and that is still on the table. He said it is mentioned in the Comprehensive Plan and in our planning section of the Capital Plan. Mr. Tegeder said a public bathroom was also mentioned in the plans for Zino Barn. Mr. Tegeder said he thinks the Board should think about it.

Supervisor Slater said that constituents have mentioned placing additional trash bins at the location. He said that, obviously, if the Town were to have a concession there, additional trash

bins would be a requirement. Supervisor Slater said placement of the trash bins would also have to be looked at.

Councilwoman Roker requested that Sparkle Lake receive additional trash bins.

Councilman Patel asked about surveillance monitoring of the monument and new building.

Mr. Tegeder said the contract for the restoration of the station required an interior alarm system and that is going in there and will have a camera and motion detectors, as well. He said he is trying also to add two exterior cameras that will capture the Railroad Station and part of the Pinesbridge Monument. He said it may require an additional camera but wasn't sure about funding.

Supervisor Slater said the cameras make sense considering the vandalism the Town experienced in January. He said it makes a lot of sense for a lot of reasons.

Mr. Tegeder said he is considering the removal of an old stove in the middle of the waiting room that would require a stovepipe up to the ceiling, which would hamper any display/exhibit efforts. This would provide him with additional money that may be enough for the two cameras. He said he is hoping to do this with no increase or very little increase.

Councilman Diana asked if the stove could be placed in the Town's museum.

Mr. Tegeder said the stove could be placed closer to the existing chimney – just not in the place where it would have historically been. He said it could also be placed in the museum.

Supervisor Slater asked Mr. Tegeder to partner with Town Attorney Adam Rodriguez to draft an RFI/RFP for the concession to see what kind of proposals we get back and then the Board can make their decision regarding the concession stand.

FARMER'S MARKET – PROPOSAL FOR RAILROAD PARK

Councilman Patel asked who would run the Farmer's Market and was told by the Supervisor that this is one of the things the Board needs to discuss. He said, obviously, it would be through an RFP or an RFI for someone to operate and to see what proposals come in. Supervisor Slater said this was discussed with Director of Planning John Tegeder and Parks & Recreation Superintendent Jim Martorano in terms of what else could be done at Railroad Park now that the restoration is finished in order maximize what is a great asset to the community.

Jim Martorano said this was discussed a few months ago as a great location for a farmer's market.

Councilman Patel asked where vendors would place their displays. He also asked if this is going to compete with Meadows Farm and local grocery stores because he feels they may be affected by this and should be notified.

Mr. Martorano said that perhaps Meadows Farm could participate in an RFP submission or help host the farmer's market. He doesn't see it as direct competition since it would only be for a few hours one day a week for a series of weeks. He sees it as an asset.

Councilman Lachterman stated that he believed it would bring more awareness to Meadows Farm. He also said that if Meadows Farm does not participate in the RFP process, perhaps they could be offered a complimentary space at the market, as part of their history in our Town.

Councilman Diana said last year there was a person who wanted to do a farmer's market, but due to the pricing structure of renting the park he had to walk away from the idea. Councilman Diana said this is something that needs to be addressed; he believes the fee was \$1,000 per occurrence and for a twelve-tent farmer's market he feels this is excessive. He said we have to get beyond this pricing.

Councilman Lachterman said it would make a lot of sense to rent it out ten times for \$100 than never for \$1,000.

Mr. Martorano said it was presented to him like a San Gennaro-type event. This would be a different type of event.

Sergio Esposito, President of the Yorktown Chamber of Commerce, said this is an idea that started with the previous supervisor who wanted to do something in the commuter parking lot. Many people have approached the Chamber with the same idea. He also mentioned that it is still something that is allowed under the New York on Pause program and thinks Railroad Park is a wonderful location. As far as Meadow Farms, Mr. Esposito said they would be able to participate as well as all of the farms in the area that might be interested in coming in and setting up as a vendor.

Councilman Patel asked if there was anything the Town could learn from the farmer's market that was held behind the firehouse.

Councilman Lachterman said the biggest lesson learned from that event is that if it is not out in the open, no one knows about it.

Councilwoman Roker said she would like the idea of a farmer's market to be put before our local farmers to see if it is something they would participate in. Supervisor Slater agreed.

Mr. Esposito said this does not have to be permanent – the frequency can be determined by how much it is needed. He said it's a great way to implement the social distancing rules, being out in the open, and there are a lot of benefits in the current environment, as well as moving forward. He sees no downside to this.

Councilwoman Roker said one of the upsides to this idea is that it would bring people who frequent the Peekskill and Croton farmer's markets on Saturdays and Sundays and we could work with a schedule of farmer's market days.

Supervisor Slater asked Councilwoman Roker to act as an intermediary with the farmers to which she agreed.

Mr. Tegeder said one of the reasons for his involvement, which addresses part of Councilman Patel's earlier question, is to see what fits there, to lay it out. He said we have to respect the North County Trail.

Councilman Lachterman asked if we do have a farmer's market and we also have a concession there, is there enough room to have a display of the local farms – the farm trail, advertising the local farms in the area, etc.

Mr. Tegeder said he would love to do that. He said it is a small area but he thinks we should try to make room for it. He said part of the reason to have a concession and the historical exhibits there is not just the obvious, but also to leverage the economic development potential of the bike trail.

Supervisor Slater said they will come back in a few weeks to determine the next steps.

HISTORICAL MARKER APPLICATION – SOUNDVIEW PREPARATORY BUILDING

Lynn Briggs, Landmark Preservation Commission, said a couple of weeks ago they filed for a grant with the William G. Pomeroy Foundation for two roadside markers. Last week she introduced to the Board Sean Grady who is doing the marker for the Andreas Miller house. This week she would like to introduce the Board to the student in the Professor Johanna Porr Yaun's Historic Preservation program at SUNY Westchester who will be submitting the draft for a second historic marker - Lycia Kougemitros. Ms. Briggs said that they are in the second phase of the project, which is to determine the installation of the signs, and getting the Highway Department's approval, and submitting their research.

Ms. Kougemitros thanked the Board for the opportunity to share her research on the Underhill Estate. She is a former history teacher at Soundview Preparatory School and felt there was no better place to have a marker than at the school – it is a “rich” site with architectural detail and history in terms of the people who lived there. She gave the background to the house first, going back to colonial times. She said, internationally, the Underhill family is one of the founding families of the United States. The patriarch of the family, John Underhill, worked for Queen Elizabeth as a cadet

in the military and in this country he helped start the Boston Militia and played an important role in our colonial history. His wife's family helped establish the First Amendment regarding freedom of religion and worship. His son, Nathaniel, moved to Westchester and becomes an important landowner and farmer. His son, Abraham, is the one who started the Underhill property and is known for attributed the "iron horse" to Westchester. Abraham's son was born on the Underhill property – Edward B. Underhill. Edward Underhill was a gentleman farmer who was also a mineral collector and investor in the railroad, including the Old Put. He was also a collector of Native American relics and donated them to various organizations upon his death. He also left a considerable amount of money for the construction of local schools and churches, one of which was the Oakwood School. He left money for the building of a town hall to be matched by the citizens of Yorktown. He was also mentor to Edward Kear, former Town Supervisor, Justice of the Peace, County Registrar, etc., who in his private life was founder of the Yorktown Telephone Company. Edward Kear was the son of Edward Underhill's housekeeper and inherited much of Mr. Underhill's money. Ms. Kougemitros said this house is a gem in terms of American Colonial history, Victorian architectural history, and American history in terms of a founding member of Yorktown history and the country's history through the Underhill family history. She mentioned a few connections to modern history, as well.

Councilwoman Roker said the Town has had two exhibits on the Underhill family, which included family artifacts. She suggested Ms. Kougemitros visit the Yorktown Museum and speak with the curator who could provide her with a lot more information. Ms. Kougemitros said she had done a lot of her research at the Yorktown Museum.

Councilman Lachterman asked if the Underhill family had a cemetery on their property. Ms. Kougemitros said no; many of the Underhill family were buried in further south in Westchester. She talked about a dark side of the family history regarding John Underhill and Native Americans in Bedford and Pound Ridge but eventually negotiated peace talks between the British and Native Americans, for which he received a huge land grant.

Supervisor Slater asked if the rumor about the remains of an underground railroad on the property were true. Ms. Kougemitros said she looked at Edward Underhill and Abraham Underhill's wills and said they did not seem to have slaves listed, although extended family did. The Underhills in Yorktown were very religious Quakers and did not believe in owning slaves. She believes that the rumors of an underground railroad are just that – rumors.

Ms. Briggs said the next phase ends on July 6 and they are well prepared to meet that deadline.

SUNRISE SOLAR SOLUTIONS – GRANITE KNOLLS SOLAR CARPORT

Supervisor Slater introduced Jim Martorano, Superintendent of Parks & Recreation; Matt Talbert, Parks & Recreation Commissioner; and Doug Hertz from Sunrise Solar. Mr. Hertz said he met with Superintendent Martorano, as directed by the Board, and received a positive vote to recommend that the Town move ahead with their application.

Superintendent Martorano said they debated the pros and cons of the project and voted to move ahead with the solar panels.

Commissioner Talbert said the presentation was done well and they voted to move forward.

Councilwoman Roker asked what some of the cons were and Superintendent Martorano said it had to do with whether the solar panels would look appropriate in a park. Commissioner Talbert said Commissioner Cumiskey thought the panels might be too industrial looking.

Commissioner Talbert said another question came up as to why this was not put forth in a Request for Proposals. He said he understands that Solar Energy is giving the Town their best price but is not sure it is *the* best price.

Mr. Hertz said, as he mentioned last year, the Town probably had time a year ago to do that (an RFP) but they are very much at the end of the ability of any entity to make this project happen and meet the timelines to get into the community solar blocks that Con Edison has reserved for them, as well as make the tax credit dates. He said since they had been before the Recreation Commission last year, the NYSERDA incentive has dropped one third. There were 7.1% "take up" of the community solar block, it is now in the mid-70% - a lot of projects have been using up the funds

and the block availability. Mr. Hertz said he thinks if the Town goes to an RFP, his concern is that the Town will run out of time for any entity to make this a viable project.

Commissioner Talbert asked what block the Town is working from now. Mr. Hertz said there are a couple blocks to think about. There is a single block available for community solar. Every utility was given an amount of megawatts in the original community solar plan and when that amount is used up, the monetary piece goes away and will be replaced with something yet to be determined. Essentially, he said, that which makes something like a carport viable is those larger revenue numbers that are available through the community solar tariff. Once that is gone, it is completely gone.

Commissioner Talbert asked if there is an identification to this block and Mr. Hertz said it is just the Con Ed Community Solar Block. There is no number; there is only one block. Mr. Hertz explained the difference with NYSERDA blocks and the incentives attached to each block.

Supervisor Slater said Yorktown is now in Block 7 since Block 8 just closed up. He asked how long Block 7 was open and Mr. Hertz replied 3 months. Supervisor Slater said he is just trying to understand the timing since there are still a couple of obstacles the Town has to get through. He said they are still not getting clarity from the Legislature on a Home Rule request. Supervisor Slater said they are not all on the same page about whether a parkland alienation is needed in order for the Town to move forward with this. He said one branch understands that we are discussing “air rights” and that it is really not parkland and so there is not much clarity coming from our partners on the State level at this point in time as to whether a Home Rule request and parkland alienation is needed. He said, regardless, the process to get that through still also seems murky because of the current situation with the Legislature and their calendar. He said he is still stuck on Block 7 and the timing for Block 8 and whether or not Block 8 is going to close in less than a month.

Mr. Hertz said he thinks the NYSERDA funds will be there for a few months, probably four months. He said the most important piece is to be able to be considered a community solar project under Con Ed’s Community Solar Block that exists now. Mr. Hertz explained the requirements to put in an application to do this and the funds that would be needed to lock in the Town’s position in the queue for the community solar block which will also allow the Town to apply for NYSERDA’s that incentive exists at that moment. Mr. Hertz said it would cost approximately \$35,000 to \$40,000 at that point.

Supervisor Slater asked what would happen if the application were submitted and the Legislature adjourns without addressing it. Mr. Hertz said he does not think this requires the action of the Legislature yet; he thinks this requires the Town to agree to option this subject to whatever approvals are necessary. Mr. Hertz said he believes the Town can draft an option agreement subject to whatever legal requirements (i.e., parkland alienation) as long as they are given the option to enter into a lease to complete this as soon as they can get all the approvals.

Commissioner Talbert said to Mr. Hertz that he (Mr. Hertz) had come up with a “guesstimate” of \$400,000 for the pavement for the parking lot. He asked what if that turns out not to be a true number because Mr. Hertz’s estimate on the lease option is reduced because of the parking lot? If the parking lot goes higher than that or lower than that, is there still room to move those lease options so the Town’s revenue is greater?

Mr. Hertz replied the number they had used was about \$275,000 – they had gotten a quote for about \$5.30/square foot on 51,000 square feet. They did not use prevailing wage. He said the answer on lease payments that they need to make lease payments commensurate with the amount of incentive money they get and the amount of money they have to spend additionally on the project.

Commissioner Talbert said he heard the Town has a price of \$125/ton on pavement, which is considerably less than what Mr. Hertz has quoted, and he does not want to see the Town be locked into something that could have been done cheaper. Mr. Hertz said he would be happy to write an agreement that if there were savings, they would go back to the Town. He said his company is not looking to make money on those pieces; they are looking at long-term leases and revenue from that.

Superintendent Martorano said we are just discussing the option to do this and details can be ironed out at another date. Mr. Hertz said that was his understanding.

Councilman Lachterman said he thought the Town could not pave up there (Granite Knolls) as part of the original agreement. Commissioner Talbert said part of the discussion was that the engineer for the project, Joe Riina, would want to see the proposal first before the Town moves forward. Mr. Riina and the Town would have to work with the DEP to confirm that the Town can pave there. Both Councilman Lachterman and Councilman Diana said they believed the DEP was adamant that there could be no paving at the site and were not even going to allow pervious pavement. Commissioner Talbert said Joe Riina has had second thoughts on that, which is why he would want to see plans prior to the beginning of the project.

Councilwoman Roker asked what if the Town could not pave?

Commissioner Talbert said some of the Commission's concerns were that the stanchions and footings for the solar carport would be in a precarious situation because of what has been witnessed at the site of driving on the gravel. The pavement seems to slow things down a little bit.

Councilman Patel asked who would pay for the drainage there. Mr. Hertz said they would work diligently with the Town to come up with a solution (not necessarily prevail) and they would do all the pieces that would be required, which includes the drainage.

Supervisor Slater said he is still struggling with why an RFP would prohibit the project from occurring. He is missing the timeline. He asked Town Attorney Adam Rodriguez how quickly an RFP could be put out and was told possible Monday (with a possible 30-day turnaround time, per Supervisor Slater). Supervisor Slater said he is more concerned about competing in Block 8 and is concerned that it will be closed in 30 days. Mr. Hertz said you can only lock those blocks in once you have gotten to that level which is four months after you have put in your application and spent your money. It is a Con Ed requirement. He said NYSEDA is not going to lock up any money until you (the Town) have shown that you have a mature project. The maturity level is when you have passed all of the utility reviews and you have an interconnection agreement with the utility and that requires you to pay 25% of the upgrade fee. This is a four to five month period.

Supervisor Slater asked what the impact of the extra four weeks (for the RFP) and Mr. Hertz said, at some point NYSEDA will drop another 10 cents (from 65 to 55 cents) and once the community solar block goes away (Con Ed), the energy value goes from 23 cents to 11 cents and that is a "walk away." He said when they were before the Town Board last year, 7% of the block was used; the last update is 71% of the block is used. They update only once a month. Mr. Hertz said there is a risk but it cannot be quantified. He said there is a risk that delaying at some point will not matter who you chose because no one is going to do the project. He encourages phone calling NYSEDA or Con Edison to understand the velocity of what those applications have been but they do not necessarily track what the curve looks like but may be able to provide behind the scenes information.

Councilwoman Roker said she feels totally rushed by this and is not certain they (Sunrise Solar) will be able to pave at Granite Knolls. And what if they cannot?

Mr. Hertz said the pavement is a request from the Town and the Recreation Commission and does not affect them.

Commissioner Talbert talked about alternatives to full paving at the site.

Councilwoman Roker said she does not understand if and why paving is needed.

Commissioner Talbert said it increases parking spaces and calms down some of the type of driving up there.

Supervisor Slater said he tends to agree with Councilwoman Roker in terms of the rush and also feels, at the same time, the Board has a bit of a blindfold over their eyes because they do not have a full grasp of this community solar block and the timeline. He said he fully recognizes the benefits this will bring because clearly it will bring community benefit, it is great for the environment, it will be helpful for Con Ed consumers (10% off their bill if they opt in to it); yet he feels they are walking around blindfolded because of the details.

Supervisor Slater asked Town Attorney Adam Rodriguez if he had any thoughts on this and Mr. Rodriguez said he would be happy to look into the community solar block issue and brief the Board on it in the next day or so.

Councilwoman Roker asked Mr. Hertz if he provided members of the Recreation Commission with information that they and the Board could look at and Mr. Hertz said he provided a proposal to both the Recreation Commission and the Town Board.

Supervisor Slater said the question the Board needs to determine is whether they want to sign the option to allow Mr. Hertz and his team and Adam Rodriguez to engage in the specifics of what the particulars are going to be.

Councilwoman Roker asked what the time period is for this in terms of how long they are signing for. Mr. Hertz said that typically they ask for a 25-year lease with at least one 5-year extension. The community solar tariff they get from Con Ed is a 25-year period where they know what the rate structure is; after 25 years it defaults to the “then applicable amount” and they have no idea if that is going to be a big number or a little number. He said the reason the Public Service Commission chose that is because it is approximately the life span of a typical solar system and with a little “TLC” you can usually get an additional 5 years out of the system.

Town Attorney Adam Rodriguez said, just to be clear on the structure of the option, there is a two-year option period where they have the option to exercise the option and enter into the lease agreement; then there is a two-year construction period, and when it is commercially operational is when the 25 years begin. He said, as it is structured right now, or as requested, there are two 5-year options on the back end so, in theory, it is 39 total years as it is written down.

Mr. Hertz said the reason for that is it can sometimes take quite a while to get their permits. He said that sometimes with construction, they will be working with the Town, and as is the case with the Recreation Commission, the request is to start construction in the winter so as not disrupt seasonal activities in the warmer weather. The ideal time would be to put the foundation in December and to erect the structure over the ensuing months before spring. This could be potentially the winter after the coming winter if they cannot get their permits in time.

Councilman Lachterman said he does not see where it would hurt to move this ahead and make this happen and made a motion to sign the option, the Home Rule. Councilwoman Roker agreed and seconded the motion.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Motion carries.

Mr. Hertz thanked the Board and said his company will work to make sure they gain the Board’s trust and make this a successful project.

Supervisor Slater said the option is subject to Town Attorney revisions.

PLANNED DESIGN DISTRICT OVERLAYS

Director of Planning John Tegeder said that planned design district overlays were part of the comprehensive plan. There are three areas that exist in the comprehensive plan but were never committed to any legislation or adopted in any way. He believes that they are coming back up with some earnest because of what is happening due to COVID – flight from NYC for both residential purposes and business purposes. These districts are designed to identify areas where the Town thinks need special attention in which you can put your own fingerprint on what you expect to have there. You can then incentivize, to varying degrees, for developers. Some incentives could be a streamlined approval process, additional square footage in certain buildings or unit count – there is a whole host of things you can do. He said basically it is an additional method of additional control of what you can expect to get and how you design certain finite areas within the Town. The three areas are the Jefferson Valley district around Osceola Lake – a country recreational zone; one around the Bear Mountain Triangle – a mixed-use district; and one in Shrub Oak, which is around the office district that is at the corner of the Taconic Parkway and Route 6, behind the Barger Street properties.

He said they are starting to look at areas in Town and think that there is a need for some expansion and discussion relative to what is coming up in the market forces that are changing the land use landscape.

Supervisor Slater said when he met with the Business Council of Westchester in the winter, this was one of the things they were talking about – these types of overlay districts to help spur economic growth. He said when he brought it up with John (Tegeger) and his team, it was with the comprehensive plan as a tool in the Town’s tool belt that we can start using. He feels it is important to take this first step.

Councilwoman Roker said this is a very smart idea. One of the things that some of the businesses moving out of the city are doing is looking at satellite offices in other areas. Mr. Tegeger said that is also one of the things that came up as one of the target uses that would behoove us to get in front of rather than be reactive to when it does come to the Town. He said, not to mention, when we do lay the groundwork for these types of things that we may attract them before others. There may be some competition that the Town should be thinking about.

Supervisor Slater said he thinks they should move forward with this. He said he is looking forward to seeing what the team comes up and brings back to the Board.

Mr. Tegeger said he would develop some maps that would show the proposed areas and include a list that would be of the expected parameters of those individual districts.

Supervisor Slater said what is good about this is that each one can be curtailed to make sure it fits that specific hamlet or portion of Town. He said we can get very creative with these and make sure they are not obtrusive to the existing community.

Mr. Tegeger said one of the great aspects of these overlay districts is that in a certain district, rather than relying on broad zoning parameters, you can really hone in on what you wish to see in that area. You are sort of pre-designing the area, which allows you to streamline the process so that when you do get a developer, you can actually partner with them because you have your desires on the table.

Councilwoman Roker said one of the good things is that stakeholders get to be heard and to see what they want in that area.

Supervisor Slater said the comprehensive plan needs to be updated but it also gives the Town great tools to use but for whatever reason, they have not been implemented.

Mr. Tegeger said the comprehensive plan is one of the things of which he is very proud.

PROPOSED AMENDMENTS TO CHAPTER 248 & CHAPTER 178

Director of Planning John Tegeger said these are amendments to Chapter 248 (Erosion and Sediment Control) and Chapter 178 (Freshwater Wetlands) that were proposed along with the Tree Law that was adopted in 2019. Mr. Tegeger said we have had several applications that did not require a tree permit although they were taking some trees down because, for instance, they were either getting a stormwater permit or they were in a wetland and getting a wetland permit. There is a provision in the tree law for both of those issues with certain thresholds in which you need not get an additional tree permit, but you have to mitigate properly for the tree loss and you could utilize the mitigation measures cited in the tree law. These two amendments were offered but not adopted. They are mostly targeted to be consistent with the tree law and, as such, are not deep in technical issues. He said the idea is to bring them back for the Board’s consideration and to make sure the proposed language is workable.

Town Engineer Michael Quinn said he has gone through the changes and, in general, they clean up some discrepancies between the three codes: wetlands, tree, and stormwater management. He said having worked with the tree code for the last six months he has found a few issues they see with the tree code. Some of the definitions in the tree ordinance conflict with the definitions in the wetland code and some of the approaches need to be looked at a little bit deeper. He suggests that the committee that put together the tree ordinance reconvene and go through some of the comments that need to be cleaned up, definitions, and enforcement. He voiced his concerns over the requirements for permits and feels that it should be discussed.

Supervisor Slater said the purpose for this evening was to reintroduce the technical amendments of the Town code. He said Mr. Quinn's comments are important and warrant a discussion but is not sure this is what the purpose of this evening's discussion.

Linda Miller said there is no question that there are things need to be tweaked in the Tree Law but thinks that is for a different discussion. The way it (the tree law) is set up now is that it needs to work with Chapter 248 and Chapter 178 and it can do that better with these amendments. The amendments mostly reflect language that is already in the tree law. The amendments have put definitions into Chapter 248 and Chapter 178 that are established in the tree law so that you do not have to go back and refer to the tree law. Ms. Miller said now that Chapter 248 and Chapter 178 have been given the responsibility for protecting woodlands, she thinks there should be language in those laws that point out what exactly it is that they are supposed to be protecting.

Mr. Tegeder said as far as the stormwater law is concerned, if you have a stormwater permit, the only time you do not need a tree permit if you are taking down trees, is if you are between 5,000 and 10,000 square feet of disturbance, which is an administrative permit. He said you have to keep in mind in the wetland law there is already a threshold in there for removal of trees, which would require you to have a wetland permit. Mitigation under the wetland law is already required if you take down 3 or more trees within an acre. That would be wetland mitigation but members of the tree committee made the point that there is possibly a difference between some of the forest that buffers wetlands than just regular wetland mitigation that is provided in there may not address. The idea was to go to the tree law and pick up some of the mitigation measures. He said for the wetland and tree law only, not the stormwater law, if you have tree removal in a wetland and you are still required to have a tree permit, you will have two laws that you are looking at independently, which will both have a required set of required mitigation and that can happen only when you are only proposing to take trees down in the wetlands or wetlands buffer and that is one of the primary reasons for not requiring that additional permit. Mr. Tegeder said, at the time, it seemed to be an advantage in terms of not overregulating.

Councilman Lachterman said that Mr. Quinn made a point of trying to track it – it is easy enough to track it based on the one sheet. You could code it differently in the computer; you could even set up a simple spreadsheet, so he said he does not see the need for all these different permits going through that motion, either.

Mr. Quinn said his point is that it is one activity. If there is to be tree removal in a wetland, as John explained in his example, it is one permit – the permit is for a wetland and tree removal. It is no different from one new house that may involve a stormwater permit, a wetland permit, and a tree removal permit. He said he thought that maybe that concept was not fully understood by the committee at that time.

Mr. Tegeder said they did understand that and he wanted to stress that now you may end up having two sets of mitigation because you are now slave to two laws for the same activity.

Councilwoman Roker asked if the one piece of paper looks at woodlands as well and Mr. Tegeder said it should. Ms. Miller said that on the tree permit application there is not a requirement to put down the amount of woodlands on the site. Mr. Tegeder said that it does not need to because it is required in the law. He said that it would make sense to have it on there but we are not missing anything because the requirement is governed by the law, not by the application.

Ms. Miller said she was pretty sure the amendments had a public hearing in July. Town Clerk Diana Quast confirmed that both local laws had public hearings on July 9, 2019 and both were adjourned.

Supervisor Slater asked Mr. Tegeder if he would like to see these reconvened or can they use the previous legislation for the amendments or does the Town Attorney have to revise them in any way. Mr. Rodriguez said he would need to do a new local law.

Councilwoman Roker said she did not think the Town needs to do new local laws. She asked Mr. Tegeder if he recalled the amendments that had the public hearings. He said he was there for supporting the public hearing. Councilwoman Roker said the law that we have now is sufficient. Mr. Tegeder said he thinks it is sufficient and can be reintroduced as that law. This Board may take

a look at it and gain some commentary from the public and other stakeholders and decide that some of the language might be changed from last July. Councilwoman Roker said that is why you open it again. Mr. Tegeder said that Michael Quinn has some things that he has commentary on, so he may have some good things to add or change.

Councilwoman Roker asked Mr. Quinn if he wants to add his comments to a new law and he said he could; that he was advocating getting together with the committee to try to work behind the scenes but if the Board does not want to do that, he said he would then go directly to that. Mr. Quinn said he was just trying to streamline the process so they could do a little bit more of the minutiae behind the scenes. Mr. Quinn and Councilwoman Roker discussed whether to have these discussions first or have these issues come up when the public hearings are reconvened.

Supervisor Slater wondered if it would be worth trying to get the tree committee back together via Zoom to hear Mr. Quinn's additional proposals to see if they should be added to the amendments and that if not, they could take them one at a time.

Ms. Miller said she believes it will be difficult to get the tree committee together again and that it will take a lot of time. She feels that the amendments should be cleaned up and then, as a separate exercise, address changing the tree law.

Supervisor Slater asked Mr. Quinn if either of the two technical amendments address any of the issues he wants to put forward or would he still need to have a separate conversation about implementation issues. Mr. Quinn said he would still need to have a further conversation because given his practical experience of six months working with the code, when he gets random phone calls from developers and property owners asking to understand the new code and what they can and cannot do – that is the language that needs to be cleaned up. He said if we are going to regulate woodlands, some consideration needs to be given to show people where these woodlands are located, such as a map. He said a woodlands map would be incredibly useful. He cited a few more examples of what needs to be cleared up.

Supervisor Slater asked Ms. Miller for suggestions on how to have the conversation Mr. Quinn is requesting if the tree committee cannot be easily brought together.

Ms. Miller said she would like to see these two amendments enacted and then it is up to the Town Board to decide what group it wants to get together in order to work on the tree law. It could include those individuals from the original tree committee that feel they may want to participate or any other group – the Board could start a new group.

Mr. Tegeder said you would need to have members from the old group because there is a shared history of the process. Ms. Miller said this should not hold up the passing of the two amendments.

Supervisor Slater held a discussion as to how to re-engage in a productive conversation to address Mr. Quinn's concerns. Ms. Miller said a Zoom meeting might make it more possible.

Mr. Tegeder said a good first step would be for Mr. Quinn to type up what his changes would be and the reasons for the changes and then share that at a staff level possibly including Ms. Miller. This would keep it tighter at the beginning in order to understand what his issues are and what the original intent was and they can formulate a more efficient path from that knowledge.

Mr. Quinn and Ms. Miller agreed. Supervisor Slater asked that Town Attorney Adam Rodriguez be copied on correspondence so he can be brought up to speed.

Supervisor Slater asked the Town Clerk the proper steps to take in this situation. Town Clerk Diana Quast said if you are reconvening based on the old law that was proposed, she will simply re-advertise and reconvene. She said if you are changing the law substantially, it has to be referred out and a public hearing set.

Supervisor Slater said the Board can move forward with the proposed original amendments as they were proposed and run a parallel track with Mr. Quinn and Ms. Miller and the team to consider improved implementation. Mr. Tegeder agreed.

Town Clerk Quast suggested that they send out the law that was proposed back on July 9 and advertise for the reconvening of a public hearing.

AUTHORIZATION TO ADVERTISE FOR THE RECONVENING OF A PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 178 AND A PROPOSED LOCAL LAW AMENDING CHAPTER 248
RESOLUTION #188

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

RESOLVED, the Town Clerk is authorized to advertise the reconvening of a public hearing to consider a Proposed Local Law amending Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” and a Proposed Local Law amending Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control.”

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

CLEAN ENERGY SOLAR – LOCKWOOD ST. SOLAR FARM PROPOSAL

Supervisor Slater said this is a discussion on the Lockwood Street Solar Farm proposal. Supervisor Slater introduced attorney, Michael Grace.

Mr. Grace said Clean Energy Solar put an application in front of the past Town Board to get a permit on the Lockwood property and a property on Underhill Avenue. He said there is less enthusiasm for the Underhill property since panels can be seen from Turkey Mountain but the Lockwood property is fairly straightforward. His understanding is that an application fee was paid and it was put on hold pending the adoption of the tree ordinance. Mr. Grace said his client was very willing to do a mitigation plan for tree loss on the Lockwood property. He said he knows there is a draft ordinance in terms of permitting solar and it is the model ordinance. Mr. Grace then gave his opinion about the model ordinance, which gives no restrictions at all. He said the real impact with these solar farms is visual and that language should be added to the ordinance that these sites need to be properly screened and buffered. He proceeded to describe what sort of conditions should be taken in consideration when considering how the ordinance should be written.

Mr. Grace said his point this evening is to move this project ahead under the existing law (sedimentation and erosion control permitting) or work through a complete application to flush out what issues the Board may have in future applications. He said he has no problem putting both applications before the Board because he thinks the Board can draw some good lessons out of the Underhill site, which may require a substantial detention basin as it has a steep slope. It may also be more problematic visually. Mr. Grace said to restrict it based upon the fact it is visual from a trail on Turkey Mountain may be much more difficult for the Board to uphold. He said he had his client do topo’s (topographical maps) and sketch out the slopes on both pieces of property so the Board may want to have a different regulation when it comes to installing these on slopes, although the advantage to doing these on slopes is that you have less tree removal. He then discussed the viability of solar projects for the future. He said given the current state of affairs in New York State, the funding for these may dry up. He said he does not know if there is going to be a change in direction in terms of solar energy and solar arrays – if they are going to go out of favor – but they are a hot commodity right now because of Indian Point. He said many of the properties that you are going to see in terms of solar farm arrays are environmentally restricted.

Supervisor Slater asked if there was a public hearing on this and Mr. Grace said no, there was no need.

Councilwoman Roker asked if Mr. Tegeder had an update on the solar law to hand out and he said he is currently working on it. Mr. Grace said it is fairly permissive and benign – basically the model ordinance that had been passed out and promoted by NYSERDA, which was really to promote and make these things unrestricted.

Councilwoman Roker said she knows of two residents who own farms and want to do solar on their property. She feels it is a great use for today’s property. She said we are not going to get a new grid so we need to look at new sources of energy.

Mr. Grace said if your goal is to participate in creating green energy in consideration of Indian Point going away, then you have to be very permissive in your law. He said the issue you are going to have is the fact that to put in these arrays, you are going to have to take down trees and cautioned about exempting solar energy from the tree law because if the Board does that, they might run into trouble regulating other activities.

Mr. Grace referenced the YKY solar farm, which was done under the erosion control law (disturbance greater than 5,000 square feet). The discussion during this permit was the amount of tree removal. He said there will be impacts on your consistency of regulating other properties (in terms of the tree ordinance) if you exempt solar arrays from it. Mr. Grace said his clients have been in limbo for two and half years. He said they have paid a permit fee already and have submitted very detailed plans. Mr. Tegeder said he is in receipt of their documents.

Councilwoman Roker apologized because she feels the Board may have forgotten about this project. Mr. Grace said the Lockwood Street should present no problem for the Board.

Councilman Lachterman said this goes back to previous discussions at both the Planning Board and Town Board about what is being done to a piece of property is actually better for the ecosystem. He said in this applicant had talked about replanting pollinator plants on the site around the solar array when they came before the Board in the past.

Mr. Tegeder said by the time the solar law is enacted, this project would probably not yet be ready for approval. He said this is 14-18 acres of development and agreed that it has benign impacts, especially after it is constructed. He said you have to pay attention to the main use or its accessory use that Mr. Grace alluded to.

Councilwoman Roker asked the Town Clerk when this had been before the Board and Ms. Quast confirmed the July 9, 2019 public hearing, which was adjourned.

Mr. Tegeder confirmed that they came before the Town Board and the Planning Board several times, primarily on an informal basis. He said that there is no main use for this and it is hard to accept a formal application for which there is no authority to do so.

Mr. Grace was able to get his client, Joe Shanahan, on the phone and Mr. Shanahan said his application was submitted in April 2019. He said six or eight months ago he submitted a detailed proposal to address the mitigation under the new tree law, which was very generous and liberal, because he wanted to make sure that when the tree law was adopted they were in compliance. He said they also submitted a detailed pilot payment in lieu of tax proposal to the Town that provided over \$1 million in pilot payments over the life of the project. Mr. Shanahan said he understands the Board had a lot of issues surrounding the tree law, the erosion control law, etc., not to mention COVID-19, but he said he is now afraid all of the information they presented has been forgotten.

Mr. Grace suggested that Mr. Tegeder took the application fee as a site plan application and Mr. Tegeder said he had nothing else to take it as a fee. Mr. Grace said it can be considered under sedimentation and erosion control because all they are doing is disturbance – they are not putting up a building or putting in parking. Mr. Tegeder said it has to be looked at to make sure it falls under all of the parameters of our code as a main standalone use – he thinks that is the issue.

Supervisor Slater recapped by saying Mr. Tegeder would repackage this and circulate it to the Board for their review and determination. Mr. Grace said this application would be a good practical exercise to do in conjunction with the new solar law. Mr. Tegeder said he would also have a conversation with the Town Attorney regarding this application.

APPOINT PEGGIANN THORP TO THE POSITION OF ASSISTANT COURT CLERK
EFFECTIVE JUNE 29, 2020
RESOLUTION #189

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

BE IT RESOLVED, that Peggiann Thorp is hereby appointed to the civil service title, Assistant Court Clerk, job class code 0050-01, from Eligible List No. 62-861, in the Town Court Department, effective June 29th, 2020, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 8, Step 5, which is \$64,161.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 29th, 2020.

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

AUTHORIZE LANDMARK PRESERVATION COMMISSION TO APPLY FOR THE WILLIAM POMEROY GRANT FOR HISTORIC SIGN AT THE SOUNDVIEW PREPARATORY SCHOOL
RESOLUTION #190

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

RESOLVED, that the Yorktown Landmark Preservation Commission is authorized to apply for a William Pomeroy Foundation grant for a roadside historic sign at the Soundview Preparatory School.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR WELLNESS IN NUTRITION SERVICES REIMBURSEMENTS IN THE AMOUNT OF \$9,357.00 AND ESTIMATED NUTRITION SERVICES INCENTIVE PROGRAM REIMBURSEMENTS IN THE AMOUNT OF \$2,771
RESOLUTION #191

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County for WIN (Wellness in Nutrition) services reimbursements in the amount of \$9,357 and an estimated NSIP (Nutrition Services Incentive Program) reimbursements in the amount of \$2,771. This is for the period 4/1/20 through 03/31/21.

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

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR SOLID WASTE AND RECYCLABLES DISPOSAL FOR REFUSE DISPOSAL DISTRICT NO. 1
RESOLUTION #192

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Inter-Municipal Agreement with Westchester County for solid waste and recyclables disposal for refuse disposal district No. 1. The term of the agreement is retroactive to October 22, 2019 through October 21, 2024. The current tip fee of \$29.28/ton will be subjected to an adjustment factor per the C.P.I. each October beginning in 2021.

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

AWARD BID FOR CUMMINS ENGINE OEM PARTS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #193

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

WHEREAS, invitation to bid for the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2, 2020, with the bid amounts for the above-referenced project summarized are as follows:

Diehl & Sons, Inc., d/b/a New York Freightliner- 18.12% to be discounted from price list.

Campbell Freightliner of Orange Cty LLC – 12%/10% to be discounted from list price.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Cummins Engine OEM Parts be and is hereby awarded to Diehl & Sons, Inc., d/b/a New York Freightliner, 129-01 Altantic Ave., Richmond Hill, NY 11418 as the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on June 16, 2020 and terminate on June 16, 2021. The Town shall have the option to extend this contract at the same price for (5) consecutive one-year terms, which will be 2020/2021, 2021/2022, 2022/2023, 2023/2024, 2024/2025.

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

AWARD BID FOR PAVEMENT MARKINGS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #194

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

WHEREAS, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2nd, 2020, with the bid amounts for the above-referenced project summarized below:

	Double Yellow Lines per mile price	Single White Lines per mile price
Accent Stripe Inc.	\$2,300.00	\$1,400.00
Safety Marking, Inc.	\$2,724.48	\$1,488.00

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings Bid and is hereby awarded to Accent Stripe, Inc., 3275 N. Benzing Road, Orchard Park, NY 14127, the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 1, 2020 and terminate on July 31, 2021. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms, which will be 2020/2021, 2021/2022, 2022/2023.

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

AWARD BID FOR STREET & TRAFFIC SIGNS FOR THE HIGHWAY DEPARTMENT
RESOLUTION #195

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

WHEREAS, invitation to bid for the Street & Traffic Signs Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2nd, 2020, with the bid amounts for the above-referenced project attached.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street & Traffic Signs Bid and is hereby awarded part to Glenco Supply Inc., POB 638, Oakhurst, NJ 07755 and Traffic Lane Closures, 1214 Rt. 52, Brewster, NY 10512.

BE IT FURTHER RESOLVED, the contract is to begin on August 1, 2020 and terminate on July 31, 2021. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms, which will be 2020/2021, 2021/2022, 2022/2023.

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

EXTEND BID FOR JOHN DEERE OEM PARTS AND CONSTRUCTION EQUIPMENT FOR THE HIGHWAY DEPARTMENT
RESOLUTION #196

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

WHEREAS, invitation to bid for the John Deere OEM Parts and Construction Equipment for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 22, 2015,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere OEM Parts and Construction Equipment for the Town of Yorktown is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be June 22, 2020 to June 21, 2021.

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

AUTHORIZE COMPTROLLER TO RELEASE CHECK #2493 WHICH SERVED AS A PERFORMANCE BOND FOR WORK PERFORMED AT 623 BIRDSALL DRIVE IN THE AMOUNT OF \$250.00
RESOLUTION #197

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

WHEREAS,

1. Stefan Destito as applicant, posted check #2493 in the amount of \$250 which was deposited to the T33 account on June 11, 2018.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool.
3. The applicants have requested their money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Mr. Stefan Destito, 623 Birdsall Drive, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE CHECK #5322 WHICH SERVED AS A PERFORMANCE BOND TO NEJAME POOL SPECIALISTS, INC. IN THE AMOUNT OF \$250.00
RESOLUTION #198

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

WHEREAS,

1. NeJame Pools as applicant for Bose, posted check #5322 in the amount of \$250 which was deposited to the T33 account on February 28, 2019.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool.
3. The applicant has requested the money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to NeJame Pool Specialists, Inc., P.O. Box 172, Verbank, NY 12585.

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

AUTHORIZE COMPTROLLER TO RELEASE CHECK #127 WHICH SERVED AS A PERFORMANCE BOND FOR WORK PERFORMED AT 1358 KITCHAWAN ROAD IN THE AMOUNT OF \$250.00
RESOLUTION #199

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

WHEREAS,

1. Joseph Kielb as applicant, posted check #127 in the amount of \$250 which was deposited to the T33 account on March 8, 2019.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool.
3. Joseph Kielb has requested his money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Mr. Joseph Kielb, 1358 Kitchawan Road, Ossining, NY 10562.

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

AUTHORIZE COMPTROLLER TO RELEASE CHECK #1179 WHICH SERVED AS A PERFORMANCE BOND TO CONTE HOMES, INC. IN THE AMOUNT OF \$500.00
RESOLUTION #200

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

WHEREAS,

1. Conte Homes, Inc., posted check #1179 the amount of \$500 which was deposited to the T33 account on June 24, 2019.
2. \$500 of this money was posted to serve as the Performance Bond for construction of a home.
3. The applicant has requested the money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$500 bond be and is hereby released to Conte Homes, Inc., P.O. Box 142, Croton-on-Hudson, NY 10520.

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

AUTHORIZE COMPTROLLER TO RELEASE CHECK #121 WHICH SERVED AS A PERFORMANCE BOND FOR WORK PERFORMED AT 3553 FLANDERS DRIVE IN THE AMOUNT OF \$250.00
RESOLUTION #201

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

WHEREAS,

1. Patricia Mead, as applicant, posted check #121 in the amount of \$250 which was deposited to the A2116 account on October 25, 2018.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool.
3. Patricia Mead has requested her money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Ms. Patricia Mead, 3553 Flanders Drive. Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE CHECK #836 WHICH SERVED AS A PERFORMANCE BOND FOR WORK PERFORMED AT 272 BIRDSALL DRIVE IN THE AMOUNT OF \$250.00
RESOLUTION #202

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

WHEREAS,

1. Richard & Tammy Nastasi as applicants, posted check #836 in the amount of \$250 which was deposited to the T33 account on February 28, 2019.
2. \$250 of this money was posted to serve as the Performance Bond for construction of a pool.
3. The applicants have requested their money be released as the site is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Mr. & Mrs. Richard Nastasi, 272 Birdsall Drive, Yorktown Heights, NY 10598.

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

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board Meeting was adjourned.

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