

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, July 28, 2020 held in Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilperson Roker, the Town Board moved into Executive Session to discuss litigation and negotiations. 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 in a moment of silence to remember the men and women of our Armed Forces who are protecting our freedoms, as well as frontline workers. Today is the anniversary of the adoption of the Fourteenth Amendment, granting citizenship to all persons born or naturalized in the United States, including formerly enslaved people.

INTRODUCTIONS

Supervisor Slater introduced the Town Board, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Police Chief Robert Noble.

YORKTOWN FOR JUSTICE STATUS OF NYS EO-203

Supervisor Slater introduced Daks Armstrong, Rose Ann Harrigan, Justin Pruyne, from Yorktown for Justice, who were joined by Chief Noble.

Supervisor Slater explained that Governor Cuomo had issued an executive order regarding a comprehensive review of law enforcement and police policies. Part of the executive order was a promulgation of regulation from the Division of Budget, which has not yet been received by the Town. These promulgated regulations provide further clarity regarding compliance with the executive order. Town Attorney Adam Rodriguez said the order directed the Division of Budget in consultation with the Division of Criminal Justice Services to promulgate guidance that was to be sent to all local governments that fall within the purview of the order.

Supervisor Slater spoke of Yorktown for Justice's desire for change in both the community and school districts and introduced additional members Rachel Frederick, Amy Savino, and Marissa Ragonese. Supervisor Slater said tonight is a conversation with Yorktown for Justice and Police Chief as the Town waits for the promulgated regulations to be handed down.

Chief Noble said the department is very mindful of Executive Order 203 and while the police department is in a very good place because they are an accredited agency and their standards meet or exceed the Division of Criminal Justice Services standards, they are being proactive now regarding the executive order. He spoke about upcoming in-service training, Principled Policing, a version of Implicit Bias Training. He said they continue to have open dialogs with each Town Board member, as well. Chief Noble said he is proud of the department and the work they do for the community.

Supervisor Slater asked Chief Noble to be more specific about accreditation and the Chief explained the process to attain this particular standard of professionalism that only 30% of New York State

police agencies have maintained. Yorktown Police Department achieved this accreditation in 1991. He said it is actually more difficult to maintain accreditation than it is to attain. He was the program director for the last three successful accreditations. Their next audit is in 2021.

Supervisor Slater said there are 110 standards that need to be met/maintained and asked Chief Noble to give a few examples. Chief Noble said one of the main ones is Use of Force – both in policy and demonstrated use of force. He said all uses of force are documented and reviewed by a 3 member Use of Force Review Board, which is also reviewed by the Chief. Councilwoman Roker asked if use of force had to be reported elsewhere and Chief Noble replied that the reports are sent to the Division of Criminal Justice Services (DCJS). The processing and handling of evidence is another standard that has to be maintained, as well as many others. The DCJS wants to see how communication is established within the department, the handling and sealing of records, among many other standards.

Rose Ann Harrigan, member of Yorktown for Justice, asked about the standard on racial profiling and what the Yorktown Police Department has in place to make sure that is not happening. Chief Noble said that if an incident of racial profiling was reported, an investigation is begun into the matter; however, he said while he has been chief there has not been any complaints of racial profiling. He explained how personnel complaints are processed and the chain of command that is followed. Chief Noble either said a complaint is sustained (substantiated) or exonerated. If it is sustained, he would decide the corrective action, whether in-house or the Town Board for a hearing in the case of serious circumstances. He said the Town Board also reviews all complaints from the public every January. Supervisor Slater stated that racially profiling is illegal, to which Chief Noble agreed.

Daks Armstrong said it is difficult to prove. Sometimes there are cases that are mild but are difficult to show evidence. He said he has been racially profiled many times in his life that were difficult to prove. Councilwoman Roker said she understands that racially profiling is illegal but without camera evidence, is very hard to prove.

Chief Noble said there is a heightened awareness of racial profiling and hopes that with that awareness behaviors will change. Supervisor Slater asked if the DCJS deals with racial profiling and Chief Noble said there is not a specific policy about profiling because it is inherently illegal.

Mr. Armstrong said his hope for these discussions and actions is that Yorktown can be a model for other agencies and towns and show how we can come together as a community and support each other.

Councilwoman Roker said the Yorktown Police Department has a many-layered approach to hiring a new officer, which helps to weed out the “bad apples” before hiring. She asked the chief how many officers are involved in the interviewing process and he responded that there are 8 sergeants, 3 lieutenants, himself, and the detective who conducts a background investigation who are all involved in the hiring process.

Mr. Armstrong gave background information on himself as a guidance counselor and Yorktown High School and co-chair of the Yorktown Central School District Cultural Awareness and Equity Task Force. He said in addition to these groups, there is also the Yorktown Central School District Alumni and Student Coalition, as well as Lakeland Alumni Group Yorktown for Justice embraces and work collaboratively with and hopes the Town Board will do the same. Mr. Armstrong outlined the mission of Yorktown for Justice and the task force. He said:

Yorktown for Justice brings together our residents and neighbors to work collaboratively towards equity and justice in our community through education, advocacy, and activism. This group is for people who are actively working to make structural change to address social inequalities in our local area. We partner with community members and various administrations in Yorktown on issues of inclusivity, adversity, and multi-cultural appreciation and celebration. We work within various facets of the community including town government, the local police department, parks and recreation, local event planning, and the Board of Education. We strive to work toward a material change in the quality of life for people of color living in Yorktown. The Yorktown for Justice Task Force intends to insure our community is following best practices within all aspects of town governance and policing by working in conjunction with and following federal and state regulations.

The following members of Yorktown for Justice introduced themselves, gave background on information on themselves, and spoke about what services they hope to offer to the Town and the police department, and their hopes of what their collaboration could achieve: Rose Ann Harrigan, and Justin Pruyne.

A discussion ensued among the Town Board, the Police Chief, and Yorktown for Justice regarding ideas for proposed changes, how to improve on issues, and the importance of collaboration.

Supervisor Slater stated that the Town Board wholeheartedly values Yorktown for Justice's input and participation and are looking forward to going through this process together as a community and with Yorktown for Justice as an integral part of that process and as soon as he has more information, he will share it with them.

CONVENE A PUBLIC HEARING TO CONSIDER THE WETLAND AND MS4 APPLICATION SUBMITTED BY PAUL FITZGERALD FOR PROPERTY LOCATED AT 1215 AUDRA COURT FOR THE INSTALLATION OF AN INGROUND SWIMMING POOL

Supervisor Slater convened a Public Hearing to consider the application for a Wetland and MS4 Stormwater Management Permit submitted by Paul Fitzgerald for property located at 1215 Audra Court for the installation of an in-ground swimming pool with filtering equipment, paver deck, and fencing within one hundred feet of NYSDEC designated wetlands.

Town Clerk Quast displaced the published Notice of Public Hearing.

Town Engineer Michael Quinn said this is an application for a new in-ground swimming pool before the Town Board because there are NY State wetlands on the property and the applicant is required to get a NYSDEC permit for a buffer disturbance since they will be working within the 100-foot buffer. He said his department has reviewed the project and submitted a memo to the Town Board for comments and a fee is due for the requested permit.

Supervisor Slater asked if Mr. Quinn reviewed the comments from the Conservation Board and if their concerns were addressed. Mr. Quinn said he reviewed their comments with the applicant's engineer and he is willing to do mitigation where they would work within the undisturbed buffer area, remove invasive species, and put some new, appropriate plantings within the buffer – essentially a one-for-one mitigation. They are proposing to do this but he has not received a mitigation plan yet. Mr. Quinn said this could be put into the permit as a condition in order to help these applicants through the process, since having to go through the state for a permit has already delay the project. He said when the DEC is involved, a representative has to come out and flag the wetlands. His understanding is that no one has come out yet, but is scheduled to come out sometime next week. He said that hopefully the DEC representative would confirm where the wetlands are, as shown on the submitted plans. Mr. Quinn said if the Board is amenable to the mitigation plans as described, he could prepare a resolution in that manner.

Stephen Ferreira, project engineer, confirmed that a DEC representative had come out and flagged the wetlands on the site and it is exactly where it was shown on the plan.

When questioned by Councilwoman Roker, Mr. Quinn said all of the Conservation Board's concerns would be addressed.

Mr. Ferreira said he would send modified plans to Mr. Quinn.

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

Mr. Quinn was directed to prepare the approving resolution for next week.

RECONVENE A PUBLIC HEARING TO AMEND CHAPTER 300 ENTITLED "ZONING" BY ADDING A NEW ARTICLE VII, SECTION 300-81.4 "SOLAR POWER GENERATION SYSTEMS AND FACILITIES"

Supervisor Slater reconvened a Public Hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled "Zoning" by adding a new Article VII, Section 300-81.4 "Solar Power Generation Systems and Facilities."

Supervisor Slater introduced Director of Planning John Tegeder and said this is a reconvene based on modifications from the feedback the Board received during last week's public hearing and asked Mr. Tegeder to review them.

Mr. Tegeder said, to be clear, these are modifications that were offered by him at the last meeting and were the result of discussions and commentary that had been received. Modifications include:

- Section B. "Statement of Purpose and Intent" under #4 it is proposed to add d. "Decreasing the use of fossil fuels, which reduced the carbon footprint of the town, aids in energy independence of the town and nation, and reduces polluting greenhouse gas emissions.
- Section B. "State of Purpose and Intent" under #4 it is proposed to add e. "Increasing resiliency of the energy grid during storm events and times of peak energy demand."
- E. "Solar as an Accessory Use or Structure" a. last sentence to read "Where a solar energy system will require a tree removal permit, the application shall be referred to the Tree Conservation Commission."
- E. "Solar as an Accessory Use or Structure" c. (Ground-mounted Solar Energy Systems) add v. "Landscape screening and buffering shall be required. Ground-mounted solar energy systems shall be fully screened from adjacent residential properties, streets or roads on which it fronts or is visible from, and any other views, in which the Planning Board determines it necessary."
- F. "Approval Standards for Large-Scale Solar Systems as a Main Use permitted by Special Permit" a., adding a last sentence to read "Where a solar energy system will require a tree removal permit, the application shall be referred to the Tree Conservation Advisory Commission."
- F. "Approval Standards for Large-Scale Solar Systems as a Main Use permitted by Special Permit" adding v. to read: A statement detailing the loss of trees and other vegetation to be removed and the quantity of carbon sequestered by said trees and vegetation using the "Method for Calculating Carbon Sequestration by Trees in Urban and Suburban Settings" of the U.S. Department of Energy, or other recognized methodology and a comparison of this data to the reduction of carbon emissions representative of the electrical output of the proposed facility that would have been produced from a traditional fossil fuel electrical generation plant."
- G. "Abandonment and Decommissioning" c.4. add the following sentence: The Planning Board may require restoration of former forested areas using native species formerly on the site and at a rate that will ensure the survival and maturation of the forest.

Councilman Patel asked what would happen to the restoration plan if the solar company went out of business before the 25-year life span of the facility – who would be responsible for the restoration of the forest? Mr. Tegeder said the Planning Board can require a bond which will cover the cost of decommissioning.

Councilman Diana suggested requiring the bond and Mr. Tegeder referred him to Section G.a. which reads "The Planning Board in its sole discretion may require the applicant to file a decommissioning bond prior to the issuance of any permits." He said that this bond would, most likely, cover the costs of decommissioning the facility.

Councilwoman Roker suggested omitting the word "may" in the sentence. Mr Tegeder confirmed that it would read "shall."

Supervisor Slater raised the same wording issue in Section F(c)(vii) by replacing "may" with "shall" in the sentence "Native pollinator (birds, bats, bees, and multiple species of insects) habitats "may" be required to be established on a solar energy system where appropriate."

The following members of the public spoke:

Susan Siegel said she was surprised changes were made since last week's public hearing because the Town Board had not discussed the changes. She said that changes should have been discussed this evening and the hearing reconvened next week. Ms. Siegel said Section IV. Repeal had not been changed. Ms. Siegel proceeded to review the comments made at last week's public hearing that she felt were not addressed sufficiently such as the reason for drafting the law relative to two specific applications, the comparison of solar farms to utility infrastructure, the use of floating zones

for solar farms, etc. She felt there needed to be more discussion and wanted to know why the floating or overlay concept could not be considered. Ms. Siegel asked Mr. Tegeder about language that he was going to change regarding minimum for non-residential zones would be that of the underlying district (Section F) asked if that included canopies (ex. IBM) because subsection A says “Large Scale Solar Energy Systems are not permitted as a sole, principal use on properties within non-residential zones.”

Mr. Tegeder said he does not think this is contradictory because large-scale solar systems are not permitted as a sole, principal use on properties within non-residential zones means that they are directed or allowed on already developed or developing commercial or non-residential properties; they are not considered as the sole, principal use. If you have a vacant piece of commercial land in one of the Town’s hamlets, it is not offered for the development of this type of development as a single, sole principal use. Principal use would have to be such things as a BJs or a Staples Plaza in which you may see a battery storage facility (which you do), you may see solar on the roof (which you do) and would available for canopies over parking lots. It would not be an accessory use because it is no longer an accessory use once it becomes a large-scale energy system.

Councilman Patel asked if the law had a provision if a condominium complex wanted to add solar to their property for use by the owners and possibly sell to the grid. Mr. Tegeder said to remember in residential zones you cannot have two main uses on a single lot so what they would be able to do is solar as an accessory use, meaning that it would be primarily generated at a rate that their demand requires (under NYSERDA’s incentives you have to be 110% of your demand for a year in order to be considered for the incentives) and that makes it accessory. In other words, you are generating a similar amount of electricity to what you use on your site. He said to the extent that you are generating electricity and it is going into the grid and you are not using all of it, you are selling it to the grid but it is not a large-scale solar energy system that would be in front of the meter for direct sale to the grid and the power provider. Councilman Patel said they are restricted from making a profit to use towards maintenance of the condominium complex and asked if this a Town restriction. Mr. Tegeder said if they are generating somewhere near 100% of their electricity, their electricity bills would go down and they would receive that benefit but they would not be able to do a large-scale solar farm but they would not be able to sell energy to a power company.

Ms. Siegel asked what the objections are to a floating zone.

Councilwoman Roker asked Ms. Siegel why the board would consider a separate zone for this and Ms. Siegel said you are telling the Planning Board anything over the 2-acre minimum would be considered for a large-scale solar system and there are well thought out preferences (land that is already cleared). Ms. Siegel said this is tantamount to approving it as long as they meet the standards and the standards are minimal and the standards do not include the preferred sites.

Supervisor Slater asked Town Attorney Adam Rodriguez if there is component of SEQRA that is being overlooked and Mr. Rodriguez said SEQRA requires an analysis of alternatives and Ms. Siegel said that is if you are doing an Environmental Impact Statement, which is not frequently done. She said the applicant is going to the Planning Board because they have chosen a site and the Planning Board does not require a full Environmental Impact Statement. Mr. Rodriguez said the Planning Board could, at its discretion in appropriate circumstances, require an EIS, render a positive declaration in which case alternate lots would have to be considered. He said this is going to be done on a case-by-case basis. Mr. Tegeder said, particularly since it is in the law, the Planning Board, in their discretion under SEQRA as well as under this law, can ask for those alternatives, and ask if the applicant has done some due diligence according to the preferences laid out in the law. Mr. Tegeder said, secondly, to the point regarding the floating zone, when a Town Board does their zoning map and they have, for instance, 5% in commercial and 95% in residential, in that case they are saying commercial is not appropriate in 95% of the areas. He said he thinks that with a floating zone it is quite different and is more similar to what Ms. Siegel has been saying that a special permit does – it is saying that as a floating zone, it can go everywhere or selected areas in town and that in those areas, the Town Board is saying that it is appropriate for this type of use in those areas. He does not think the discretion that Ms. Siegel thinks exists under the floating zone does not really exist. He said he thinks that the Planning Board, by adopting the floating zone, is making come partial determination of where these things will be allowed, as it would with the special permit. Mr. Tegeder said in the case of regular zoning that is not the case and that is where, in his view, full discretion comes into play. He said he also thinks it is dangerous ground that the Town Board could say this is inappropriate on this piece of property largely because you are removing trees when the

underlying zone will allow use in which you can remove trees and develop the “as of right” use. He does not think this is a sound reasoning alone to deny those things.

Ms. Siegel said she knows from having sat in on many Planning Board meetings, everything ends in a Negative Declaration; therefore, she has no confidence that the Planning Board would require an Environmental Impact Statement. The applicant is not interested in looking at alternate sites.

Councilman Lachterman requested that the Board move past these arguments. The Town has its professional saying something and it then becomes an argument, which he feels is inappropriate. Councilman Diana agreed and asked if there were any other comments from the public.

Town Clerk Quast said no.

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

PLANNED DESIGN DISTRICT OVERLAY ZONES

Supervisor Slater said this is an introduction of legislation he worked on with the Town’s Planning Department (John Tegeder and Robyn Steinberg) and Mr. Tegeder will give an overview of the legislation.

Mr. Tegeder said draft legislation has been developed for the Planned Design District Overlay Zones, which the adopted Comprehensive Plan identified three designed district overlays that had never been developed up until now and this is a furtherance of that. This law is designed to lay out the basic parameters of how the design district will operate, things that will be in place whichever design district you happen to be in, and then for each design district they will develop at a later date the particular language for the individual design districts. This is designed to promote flexibility of design in the districts (Osceola Lake, small section of eastern part of Shrub Oak, Bear Mountain Triangle). It will give the Planning Board the authority (as it does in clustering and flexibility) to modify some parameters of zoning in order to invite and incentivize the best development projects and the ability to manipulate them into the best layout, the best use, which is the most advantageous in moving the Town forward, given the things that have happened in the last number of years – the changing retail market landscape and also COVID, which we understand has resulted in significant flight from urban areas for both residential and businesses. Businesses are allegedly (as we do see evidence of this) searching for satellite offices or main offices that are outside of urban areas and this is designed to make it flexible so the Town can meet the types of development that will be seen in the region and probably across the country, which exact parameters are not yet known.

Supervisor Slater said he wanted to point out one of the things they added, which is putting an emphasis on pedestrian friendly and bike friendly streets in our downtown to help create a walkable downtown, not just in one hamlet but also in all of them. What the Town Board is reviewing this evening is the structural foundation and the idea is to go through and identify specifics within each of the hamlets. Supervisor Slater said the Comprehensive Plan identified three areas and he suggests that they go beyond that and recommend the Heights area (including Front Street) and look at specific incentives, flexibility, and parameters for each of these areas because they are unique. He said that would allow them to curtail the Board’s desire for future development or revitalization in those areas and be very specific for each area in town.

Councilwoman Roker asked Mr. Tegeder to envision the concept of “overlay” so the public would understand the discussion. Mr. Tegeder said that in the Comprehensive Plan there was a land use map and on it the three zones he mentioned were on the map with borders around them so you knew which properties were included in the zones. These areas would be codified onto the Town’s zoning map shown in a similar or same way and there would be sections of this law that have yet to be written that would be specific to those areas. Essentially, it is zoning that is supplemental to what is already there with flexible regulations and limitations. Councilwoman Roker asked, for instance in Lake Osceola, what could he envision in a property there. Mr. Tegeder said Osceola is a unique area and has quite a resource in the lake and could see businesses more entertainment oriented (restaurants, etc.). You would leverage the natural resource of the lake and, in this case, you may need to modify setbacks to take advantage of the lake for a restaurant in which you could produce outdoor dining that is taking advantage of views of the lake. He said you could ask for developers to create some type of walkway along the shore of the lake that all residents could enjoy.

Councilwoman Roker said this helps because she does not want a resident to think that the Town is trying to put something there that does not belong.

Councilman Patel voiced some concern about the size of available land around the lake and the narrowness of the road.

Councilman Diana mentioned plans that George Roberta had at one time for the lake area but could not connect to sewers and his plans fell through.

Councilwoman Roker commented on how doing business has changed (via the Internet) and the effects of COVID and thinks that this is a smart thing to do. She said the problems in Lake Osceola area are the drainage and the lack of sewers and thinks it would be very nice to have some infrastructure in that area. Supervisor Slater said the overlay district zoning and the Local Waterfront Revitalization Plan are two things that could help accomplish that.

Supervisor Slater said he thinks that they have to be very methodical and deliberate in their approach and for those at listening wanted to make sure they knew that the Board is not looking to change the current zoning; this would be layered on top of it and is focused on business hamlets. Supervisor Slater said that Paul Moskowitz raised an issue during the solar hearing that pertains to the overlay district zoning that pertains to including green building standards as part of the Planning Board's review for new buildings that could be incorporated into this legislation.

Councilman Patel asked if flexibility would be applied on a case-by-case basis or could anybody apply for flexibility for land development. Supervisor Slater said it would be individual based on the zone. He reminded the Board that what they are discussing this evening is the structural foundation for the legislation and once they approve this, they would be able to go into each individual zone and establish boundaries as to where the overlay district would be and then the flexibility incentives would only apply to those areas.

The Town Board motioned and seconded the decision to refer the proposed legislation to the appropriate agencies.

AUTHORIZE TOWN CLERK TO REFER OUT PROPOSED LOCAL LAW TO CREATE PLANNED DESIGN DISTRICT OVERLAY ZONES
RESOLUTION #254

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the proposed Local Law to create Planned Design District Overlay Zones.

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

TOYS R US BUILDING REUSE

Supervisor Slater introduced Fred Koelsch and John DeVito, developers for the proposed project.

Fred Koelsch said they have signed a contract with a partnership, Wegman Companies, who is the developer and are getting their financing from Columbia Pacific. He said they are two very well established businesses. They want to use the old Toys R Us building for a self-storage facility, which is something they have done in other parts of the country, including in New York. The property is zoned C-1. The zoning code allows self-storage to be approved by the Planning Board in C-1 by special permit. Mr. Koelsch said it seems that it seems the zoning was drafted to allow self-storage and retail centers but did not want them in the front. It did not want self-storage to break up the retail façade (he cited the location of the self-storage business behind BJs so it would not be in front). The Toys R Us is a freestanding building and there would be no issue in breaking up a retail façade and it is on a cul-de-sac. He said the concerns put in the zoning code to avoid compromising a retail center do not apply in this case. Mr. Koelsch said they are before the Board to begin the process and see if there is any language in Section 375 that they need to better clarify and if this is permitted and any regulations that apply. He believes that they do fit into this definition.

Mr. Tegeder said when you read that section of the code they do fit in but thinks there is language in paragraph A that has some wording that may need to be modified. He said what you see more

often now are self-storage facilities within the walls of a building with a façade and a main entrance. Mr. Koelsch confirmed that this is what their proposed facility would look like.

John DeVito said they have spent two years marketing the Toys R Us building and, unfortunately, it is a big building that does not work for many uses.

Councilman Diana asked if there would be any outside storage and Mr. Tegeder said that would be prohibited by current legislation. Mr. DeVito mentioned that this kind of a facility has very low traffic use.

Mr. Tegeder said the next step is for Mr. DeVito and Mr. Koelsch to review the legislation and talk specifics. If there are requirement modifications, they would propose them to the Town Board. Mr. Tegeder said this may be able to be done internally without having to petition a change in zone.

Supervisor Slater asked Mr. Koelsch for a timeline and he said the company would like to be in the building and working on it by the end of this year and open by the end of the first quarter of next year.

Mr. Koelsch asked if it could be run concurrently with the Town Board and the Planning Board and Mr. Tegeder said yes.

Supervisor Slater directed Mr. Koelsch and Mr. DeVito to submit their application and suggested amendments to John Tegeder. He said they will try to get any amendments on the first work session in September.

MASTER FEE SCHEDULE PROPOSED MODIFICATIONS

Supervisor Slater said Highway Superintendent Dave Paganelli raised this issue with the Town Attorney to be brought to the Town Board and asked him to give a summary.

Superintendent Paganelli said he would like to adjust his department's permitting fees, inspection fees, and road cut fees. He said he has already raised Con Edison (unaware that he could not raise them) and Cablevision's open permits for the year from \$5,000 (set twenty years ago) to \$20,000. He said he thinks it is important that the Town Code reflect what Highway charges.

Town Attorney Adam Rodriguez confirmed that he is working on the legislation amendments.

Councilman Patel asked if the goal here was to increase revenue and Superintendent Paganelli said it is to increase the road restoration by whomever when they have to cut the Town's roads. He said there have been numerous occasions where our roads were not restored in a proper manner of time and the Town has to correct the issue at their expense. He said it is more a question of resident service than it is increasing revenue. Superintendent Paganelli said the cost of making repairs has gone up in the last 15-20 years. He said these fees have been relatively stagnant and he wants to make sure that if his department has to go out (which they have) and do the restoration themselves, it would not come out of the taxpayer's pocket.

Building Inspector John Landi said that after working with the current fee schedule for almost three years, he would like to realign the schedule to make it more fair and equitable. He said the Town is charging almost the same amount to someone building a home as we are to someone building a commercial building. COVID had put this issue on the back burner and he is glad to see it back on the agenda.

Superintendent Paganelli said that Mr. Rodriguez had sent an email to all of the department heads asking for their thoughts on changes to their fees so this could be done all together, but he has not heard from many of them.

Councilwoman Roker said it is important to cover our costs with fees, but also to be fair.

Supervisor Slater said he would like to bring amendments back to the Board in September.

Superintendent Paganelli asked if he could discuss his resolution on the agenda tonight to award the bid for asphalt laid-in-place and milling. He said that this year he is splitting the bid, as he did with the street signs bid, because he anticipates milling about 36% of Town roads this year and one person

was substantially less on the milling and another person was substantially less on the laid-in-place material.

MUNICIPALITY SOFTWARE PROGRAM UPGRADE

Supervisor Slater said that Building Inspector John Landi and his staff have been consistently plagued by the system's software deficiency.

Mr. Landi said they are currently using the first version of Municipality, which is currently up to number five. He said they cannot even get proper tech support for the first version. He said they are plagued by problems every day and his clerical staff has to keep the numbering for the permits by hand because the software is mixing up the numbers. Mr. Landi said this takes an extraordinary time to process permits because of these problems and right now they are receiving record numbers of permits. Mr. Landi said every town is using more current versions.

Councilwoman Roker said Mr. Landi should consider putting software upgrades into his yearly budget. Mr. Landi said he was reluctant to move to an upgrade because number five of Municipality did not work with Laserfiche but now that problem has been solved.

Councilman Patel suggested replacing hardware as well as the software. Mr. Landi said this is iCloud based software and was not sure if hardware is needed. He said the cost of the software is approximately \$80,000 for the startup, including storage. There is also a yearly maintenance fee. He is working on narrowing down the cost based on how many users. He said he is currently working with Engineering to put their permits on the same system.

Supervisor Slater said it is important to engage other departments because there were some concerns raised and for the Town to invest \$80,000 more information is needed. He said he recognizes the need for the software and would like to see other departments brought in on the conversation before the money is spent. Mr. Landi suggested bringing the person he is working with on this to speak with the department heads possibly to narrow the price down even more.

SEE CLICK FIX - CONSTITUENT RELATIONSHIP MANAGEMENT PROGRAM

Supervisor Slater said that when he took office he was struck by the fact that the Town did not have a CRM (Constituent Relationship Management) system. He said basically when a person calls the office, if it is not on a Post-It note or some type of filing system, you do not have it. He said it is also difficult to track prevalent issues, which is important data to collect and share with the community. Supervisor Slater introduced Carlos Galo from Click Fix to discuss their program.

Mr. Galo made a presentation of his cloud-based software system that can be logged into remotely. It is a system built to connect residents with local government surrounding quality of life issues. In addition to providing access to services, it also assists town leaders in learning how they are responding to issues and problems. Mr. Galo showed examples of how other cities are using their portal for residents, as well as staff members. He discussed how it could be used as a collaborative effort between residents and town offices to address issues and problems. Supervisor Slater mentioned how this is important because very often his office will get calls from a resident who will tell him they contacted another department about a problem and his staff has no way of connecting with that department's progress on the problem. This system would allow a connectivity that currently does not exist.

Mr. Galo said when a problem is reported, the resident would get an email telling them the number that has been assigned to a particular person and, in that way, a problem could be tracked. He also tells the resident that they have been heard.

SHRUB OAK INTERNATIONAL SCHOOL STUDENT INTERNSHIP PROJECT

Supervisor Slater introduced members of the Heritage Preservation Commission: Brendan Murphy, Thomas McLoughlin, and Chairwoman Lynn Briggs to discuss the Shrub Oak International School Student Internship project that involves monument and cemetery cleaning. Mr. Murphy introduced Candice Baugh and Katie McDermott from the Shrub Oak International School. (*Supervisor Slater displayed a slide presentation submitted by Lynn Briggs.*) Ms. Briggs said this is a student intern project with the Shrub Oak International School – a therapeutic day and boarding school whose students are anywhere from eight to thirty on the autism spectrum. Ms. Briggs reviewed the following slides:

- Project Partners and Roles (Shrub Oak International School, Community Church of Yorktown, MonuMedic, Inc., Yorktown Heritage Preservation Commission);
- Project Objectives (map the cemetery in quadrants, clean the cemetery grounds, clean the grave markers, build out the identification and location spreadsheet).
- Tools and Materials needed
- Project costs (total estimate for 550 graves - \$2,000)
- Training the Team
- Students participants and progress

Ms. Baugh spoke about how the volunteer students worked within groups with teachers and staff supervising. In some cases, this project was part of their curriculum. She described the process used to identify the interred and their locations. Ms. McDermott spoke about how the students created spreadsheets into which they imported Findagrave.com data. She said the purpose of this was to have all of the information accessible to residents. This information will then be triangulated with historic church cemetery records.

Ms. Briggs spoke of the benefits of the project: assist students in acquiring job skills; provide socializing venue for students; create community good will; design a model for cleaning other local cemeteries; inspire others to volunteer. Ms. Briggs introduced Joe Vigilante, the Pastor for the Community Church, where the cemetery is located. Pastor Vigilante spoke of how wonderful the project has been for the cemetery and making it more accessible to the public. Ms. Briggs said the project would continue in the fall.

Supervisor Slater asked if the spreadsheet information would be available to the public and Ms. Briggs said yes. She said other churches with cemeteries have expressed interest in the project, as well. A discussion took place between Councilwoman Roker and Brendan Murphy about an alleged area of the First Presbyterian Church cemetery that was for slave burials. Mr. Murphy said, as of right now, there is no evidence that there are any enslaved burial grounds in Yorktown. He said he is continuing his research into finding evidence.

YORKTOWN LANDMARKS MARKER REPLACEMENT PROGRAM

Ms. Briggs continued her presentation by moving on to the Yorktown Heritage Preservation Commission Marker Replacement Program. She said Yorktown has fifteen official landmarks that have been locally designated. She said that three of the fifteen are also listed on the National Register of Historic Places and two more are eligible. She said that in 1998 markers were fabricated and installed for eleven landmarks but many of these markers are faded and not readable. Ms. Briggs displayed a picture of the new markers that would be placed for all fifteen landmark (cost of \$1,900 each). She talked about the placement plan for each of the markers. She said that their next steps are to fabricate the markers and plan installation events.

Supervisor Slater asked if all of the financing had been secured for the first round of markers, and Ms. Briggs said yes.

ZINO BARN PURCHASE TRAILER

Ms. Briggs gave a brief summary of the current state of the Zino Barn timbers that had been saved (circa 1830 working farm). The plan was to erect it in Railroad Park to revitalize the hamlet in conjunction with restoration of the railroad station. The timber frames were stored at the Greenwood Street. She said they needed to assess the condition of the timbers. She turned to discussion over to Tom Clemmens who has been in the historic restoration business for 40 plus years. He reviewed the timbers and said it is imperative to get the timbers better covered and out of the weather in order to preserve them. He suggested a type of Quonset hut structure.

Ms. Briggs said the goal would be to have one trailer, buy one, and get rid of the rentals on both trailers and install the Quonset hut. She said the first step would be agree to buy the trailer and get rid of the rental on the first one. The second step would be to agree to the Quonset hut and strap it over the trailer, move the other timber off, and get rid of that trailer.

Supervisor Slater asked Mr. Clemmens if, in his opinion, the timbers are still usable after having been exposed to the elements. Mr. Clemmens said he felt they were still usable because it is incredibly durable chestnut wood. However, the longer they stay exposed, the greater the risk. He suggested getting new tarps to throw over the wood until the Quonset hut could be installed.

Councilman Diana suggested purchasing a box trailer first – they are less expensive.

Supervisor Slater directed the Town Attorney to work with the Town Comptroller to write a resolution to authorize the Town to purchase the trailer. He asked Councilman Diana to research the box trailer and to speak with the Highway Superintendent about his thoughts on the Quonset hut at the Greenwood Street facility.

AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENT WITH SUSTAINABLE WESTCHESTER RESOLUTION #255

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

RESOLVED, that the supervisor is authorized to execute an agreement with Sustainable Westchester for a joint campaign of community solar outreach. The term of the agreement will be August 1, 2020 through December 31, 2021.

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

AUTHORIZE LIBRARY DIRECTOR TO SIGN AGREEMENT WITH D.P. WOLFF INC. FOR HVAC SERVICE AND MAINTENANCE RESOLUTION #256

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

RESOLVED, that the Town’s Library Director is authorized to sign an agreement with D.P. Wolff Inc. for the provision of HVAC service and maintenance in an amount not to exceed \$1,835 for services rendered. The term of the agreement will be August 1, 2020 through July 31, 2021.

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

RE-APPOINT CATHERINE RICHEY AS A MEMBER TO THE JOHN C. HART MEMORIAL LIBRARY BOARD RESOLUTION #257

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

RESOLVED, that Catherine Richey is hereby reappointed as a member of the John C. Hart Memorial Library board for a term beginning on September 1, 2020 and expiring on August 31, 2025.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR STATE AND MUNICIPAL FACILITIES GRANT #19283 TO PURCHASE MATERIALS AND INSTALL RADAR SPEED SIGNS AT DESIGNATED SCHOOL CROSSINGS RESOLUTION #258

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

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

From:

A1990.499.1 General Fund – Capital Contingency \$65,237.00

To:

A3310.429 Street Sign Marking \$65,237.00

Be It Further Resolved, that the Highway Department will provide the Labor for the Installation of the radar speed signs totaling \$5,480.50, and

Be It Further Resolved, this is for the purchase of materials, and to install radar speed signs (radar speed signs, sign poles, mounting kits, etc) which will be reimbursed by a State and Municipal Facilities Grant #19283 for the total amount of \$70,717.50.

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

AWARD BID FOR ASPHALT LAID-IN-PLACE AND MILLING – HIGHWAY DEPARTMENT
RESOLUTION #259

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

Whereas, invitation to bid for the Asphaltic Concrete Laid-in-Place and Milling
for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened on July 7, 2020, with the bid amounts for the above-
referenced project summarized in the attachment, now

Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent, Dave
Paganelli, the bid for the Asphaltic Laid-in-Place Section be and is hereby awarded to Kect
Construction Corporation, PO Box 201, Patterson, New York 12563, now

Be it Further Resolved, that upon the recommendation of the Highway Superintendent, Dave
Paganelli, the bid for the Asphaltic Laid-in-Place “MILLING” Section of the bid be and is hereby
awarded to Intercounty Paving Company, Inc. PO Box 360, Carmel, New York 10512, now

Be it Further, Further Resolved, the contract is to begin on August 1, 2020 and terminates on July
31, 2021. The Town shall have the option to extend this contract at the same price for (3) consecutive
times, for a total of four (4) years through July 31, 2024.

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

ADJOURN MEETING

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

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