

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, September 8, 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
David Paganelli, Highway Superintendent
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilwoman Alice Roker, seconded by Councilman Thomas Diana, the Town Board voted to go into Executive Session to discuss Litigation. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, to move out of Executive Session and return to the Work Session.

PLEDGE OF ALLEGIANCE

Supervisor Matthew Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked everyone to join in a moment of silence to remember those lives lost on September 11, 2001 and for lives lost due to illness as a result of that day's events.

Supervisor Slater announced that Governor Cuomo extended the executive order allowing virtual meetings through October 6.

INTRODUCTIONS

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

REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater announced the 9-11 ceremonies that will be taking place throughout Yorktown this Friday. The ceremonies will be both in person and virtual and will be streamed on the Town's website and the government access channel. Supervisor Slater thanked Andrew Gmoser for his generosity in helping with the Illumination Ceremony that will take place at Granite Knolls. The ceremony will also include a memorial service for NYC Police Detective Michael Houlihan, a long-time Yorktown resident, who recently passed away due to a 9-11 related illness. Supervisor Slater said that due to COVID, Detective Houlihan's family was unable to have a proper funeral service. Supervisor Slater said the Town would also be displaying Twin Tower-type lights at Granite Knolls, as well.

Supervisor Slater gave a COVID update in Town, stating 14 active cases. He urged residents to follow safety protocols.

Supervisor Slater announced a new hours schedule for the John C. Hart Library, as well as a new webpage link for residents to use to browse their collection and reserve books. He also announced that in-person meetings at Town Hall and for Town Departments would be allowed; however, they will be by request and by appointment. He also reviewed the safety protocol for those entering Town Hall and Town facilities. Supervisor Slater announced that beginning next Tuesday Town Hall and Town Department hours now be from 8:00 A.M. to 4:00 P.M. After hearing from several department heads and residents, he feels these new hours would be more accommodating. The Senior Nutrition Center will continue to service seniors by delivering meals to homes. The Senior Advisory Committee meeting for September has been cancelled.

Supervisor Slater showed a photo of garbage buildup near the trailway. Supervisor Slater said that we needed to do better in taking care of the Town. He said this behavior is totally unacceptable and asked for visitors and residents to respect the Town. He also thanked the Building and Maintenance staff who helped him clean up the garbage.

NEW YORK STATE EXECUTIVE ORDER 203

Supervisor Slater introduced Police Chief Robert Noble and said this discussion is a continuing conversation the Board has been having since July when advocates came to the Town Board Work Session to discuss how to move the order forward. He said the regulations of the order have not yet been promulgated by the Department of Budget. A resource guide was released in August that included a timeline and provided a very good and flexible guideline, which he then reviewed. He said while they have not received the promulgated regulations, he felt it was important to have a conversation with the Town Board and the Chief to see if they can put a program together.

Councilman Diana said that we are a DCJS (Division of Criminal Justice Services) accredited police agency – an arduous task undertaken by all in the department.

Supervisor Slater said that when you read the planning portion, he said the Chief has already done much in preparation of these points and is essentially completed. He said the next portion; the “listening” portion is the portion that needs to be addressed. This would be Phase 2 of their timeline that are, according to the guidelines, “listening sessions engaging experts and requesting comments and information.” The Supervisor said he is looking for input from the Board to see how they feel about proceeding with these listening sessions.

Councilwoman Roker said the Yorktown Police Department has always done community policing – this is not new to Yorktown. She said she thinks it is important to gather people and listen but you have to filter out what does not apply to Yorktown. She does not believe there will be a letter from the governor differentiating DCJS accredited agencies from non-accredited agencies. Councilwoman Roker said you can shine whatever light you want on the Yorktown Police Department and it will illuminate and reflect brightly because of what they do. She said the guidebook does not even touch on all the things that the Yorktown Police Department does in the community.

Councilman Patel asked if the document is a public document and Supervisor Slater said yes, it is on the Governor’s website.

Supervisor Slater said he agreed with Councilwoman Roker in that some of what the guidelines ask for is what the Town already does and some do not apply to Yorktown. He believes that people will be amazed by what the Yorktown Police do for the community and feels that this is more a process from his standpoint. Supervisor Slater said that, as the chief elected officer for the Town, he must convene some type of body, whether it is the Town Board some other panel, and he is looking for feedback from the Town Board and the Chief as to how they want to engage in that process.

Councilman Diana suggested an advisory panel that would report to the Town Board and then the Board would report to the Chief.

Both Supervisor Slater and Councilwoman Roker said that the Chief is already part of the panel. Supervisor Slater said the two people specifically identified as members of a panel are himself, as Town Supervisor, and the Police Chief. Supervisor Slater said they need ideas of who else should make up the panel. The Town Board would be the governing board. He said if the Town does not comply, state funding would be lost.

Councilman Diana suggested that the members of the panel include organizations like the Lions, the Elks, ASK, etc., who have worked with the police department and are familiar with the services they offer.

Councilwoman Roker disagreed because she said you want a broader audience to learn about what the Chief and the department do for the community and not just those organizations who already know.

Supervisor Slater said that he believes that will also be achieved through the process of the listening sessions.

Councilman Lachterman said he liked the idea of giving people the opportunity to speak.

Supervisor Slater said it is also important, from the Board's perspective, who would be receiving those comments, which is what he is trying to do right now.

Councilman Diana said that no matter how you look at this, it would come back to the Town Board since they are the Board of Commissioners for the police department.

Councilwoman Roker reviewed a portion of the executive order that calls for Supervisor Slater and Chief Noble and stakeholders in the community to develop a plan. She said every person who lives in Yorktown is a stakeholder and it is important for the community who may not be familiar with the police department to have a chance to learn about what they do. She said she is proud of the Yorktown Police Department, but maybe through this process we discover something more. She does not feel the Town Board is the appropriate agency. She said there might be residents who are hesitant to come before the Board but would not be hesitant to speak before another resident.

Supervisor Slater said it may call for a balance of the two and reminded that residents would have an opportunity to speak during the process. Supervisor Slater referred to the same portion of the order that Councilwoman Roker spoke about and read "and the standards promulgated by the New York State Law Enforcement Accreditation Program." He said that these are 110 standards that the Chief has complied with since 1991. Supervisor Slater said he would like to come back to the next work session with some possibilities of who would sit on the panel. He would like to see members be objective and, as Councilwoman Roker pointed out, keep the discussion to issues affecting Yorktown and not the national scene or national politics. He acknowledged that ultimately the Town Board would be responsible for ratifying what is submitted to the state government. He said the Board has an opportunity to broaden the engagement between the community and the police department.

REDEVELOP TOYS R' US

Supervisor Slater introduced John DeVito, Fred Koelsch, and Director of Planning John Tegeder to discuss a code modification that may be needed for the new tenant and the former Toys R' Us building. Mr. Koelsch said he has been working with Mr. Tegeder on the existing legislation that does allow self-storage in a C-1 district. He said the language of the law focuses on self-storage in a retail shopping center and that it should not be incompatible with the existing entrances, facades, storefronts, etc. and moves it to the back of that type of development. He said what they have in this project is a freestanding building so this is not an issue. The language of the law clarifies that this is a permitted use and you can have your entrance or loading dock visible from the front of the building because you do not have the same issue with compatibility, or lack of compatibility that you would have with a retail shopping center. He said this is the change/clarification they are seeking in the legislation.

Mr. Tegeder said his thoughts on this are in line with Mr. Koelsch's comments but wanted to clarify that the original legislation was written to protect the visual aspect of the C-1 district, which is larger lot, shopping center level projects, which are the heart and soul of the C-1, C-2, and C-3 commercial life in Town. He said this project comes in and is proposed for a stand-alone building, which the original legislation did not really allow and did not anticipate. He said his personal opinion of what is different now from what was written is that self-storage is evolving. He said his experience lately, from what he has seen and read, is that the product in terms of how the buildings are constructed has evolved from metal warehouses to much more well-designed and interior loaded buildings (he gave the example of the self-storage facility located at Staples Plaza). He said he worked with Mr. Koelsch to ensure the important facades are still looked at with care and that they speak the correct architectural language regarding the street (Route 6 and Bank Road). He said language was added, which he sent to the Board. The language basically says that you can do what is being suggested in a stand-alone building and it can be visible, provided that such elements are designed and/or buffered to the satisfaction of the Planning Board.

Councilwoman Roker talked about the changing use of storage units today versus years ago, which the current language of the code did not take into consideration.

Councilman Patel asked if the assessment of the building is different from other commercial buildings and Supervisor Slater said the Board would check with the Town's Assessor.

Supervisor Slater said the amendment should be brought back next week in legislative format to be referred out to the appropriate agencies.

DEVELOPMENT OF PLANNED DESIGN DISTRICT OVERLAY ZONE LEGISLATION

Supervisor Slater said this discussion involves the Planned Design District Overlay Zone Legislation because they are getting interested parties regarding future development in Town and many are curious about where the Town stands on this legislation. He would like to move this forward to a referral stage so a public hearing date could be set.

In response to a question from Councilman Patel, Supervisor Slater said this legislation would provide flexible zoning in certain areas of Yorktown for projects to occur in areas where they previously would not have been able to be built. He said there is a lot of interest in the Lake Osceola area and he and Mr. Tegeder have been busy fielding phone calls from people interested in developing projects.

Supervisor Slater asked Town Clerk Quast when a public hearing could be set. She said that it could be referred out this evening and has a 30-day period to receive comments from the various boards. Councilwoman Roker said it is not in referral form yet. Supervisor Slater said this would be done and a referral could take place at the next meeting.

PEEKSKILL SEWER DISTRICT

Supervisor Slater introduced Town Engineer Michael Quinn and representative of EDR (Bob Butterworth, Cosimo Pagano, and Mike Tamblin) to discuss the Inflow and Infiltration Flow Study Report done for the Peekskill Sewer District.

Mr. Butterworth said they had a metering program that took place in the district and was happy to find out that they do not have to look at everything in detail that the regulatory group wanted them to. He said there are approximately 320,000 linear feet of sewers and they found areas that needed further investigation – approximately 46,000 linear feet. He said they broke up the Peekskill Sewer District into 12 sub areas and had 12 meters, which helped them tremendously in finding out the suspect areas. Sub Areas 8 and 11 need further investigation. These areas have higher flow in general, especially during stormwater events. The aspects of the infiltration inflow and the work that has to be done in the field will tell what kind of water is seeping into the pipes in these areas and what kind of inflow may be coming in during rainfall. He said this is the next step to take. He also mentioned that a less immediate investigation should be done in Sub Area 10. Mr. Butterworth said their report and the next step is to develop a work plan, which will define next steps to be taken. These steps would involve internal investigation of the pipeline lengths and to go in and clean the pipes and “TB” them. He said the defects needed to be identified and then prioritized and based on that a plan for rehabilitation needs to be established. Mr. Butterworth said the DEC must receive a work plan within 60 days of when the report is to be delivered; it then needs to be approved. He said the DEC might push for more work than what is in the report, however, EDR will be there to push back because they used standards to do the inspection. He said there is work to be done that would involve either smoke testing or dye testing that would reveal other defects. Mr. Butterworth explained what is involved in some of this testing. He said after the DEC will review the work plan and give the Town 30 days to revise it, if needed. After approval, 18 months is given to complete all of the fieldwork. Mr. Butterworth said the goal is to take the 18 months and focus the CCTV inspections in the areas they want to evaluate when the weather conditions are best (i.e., wet weather).

Supervisor Slater said the Town expects a decision on the work plan by December.

Councilman Patel asked how many feet of piping is involved and Mr. Quinn said there are approximately 60 miles of sewer pipe in the Peekskill district and the results of the field study indicate there are about 8 miles of piping that needs further investigation – about 15% of the whole system. Councilman Patel asked about cost and Mr. Quinn said every year they have been doing about two miles of sewer pipe cleaning and TV inspections as an ongoing process to keep sewer lines clear in Peekskill and Hallocks Mill. He said that, obviously, to do 8 miles is going to require a large setup to get it done within the 18-month timeframe. Mr. Quinn said that this evening’s discussion is to inform the Board of EDR’s findings. He said he would be working with EDR on the work plan, which will be sent to the Town Board. He said the report would be posted on the Town’s website. He also would like to get feedback from the DEC and possibly further discuss what they would like to see done. He said it would not be until early next year to get the fieldwork started.

Councilwoman Roker requested that the Town Board be kept in the loop regarding the work plan.

Mr. Butterworth said they would need the Town's authorization in order to proceed with the work plan. He said the actual work plan development said there are identified budgets in their agreement that they need the Town's authorization to proceed with the next step. Since he cannot predict what the DEC would come back with on the work plan, he is not able to determine the cost.

Mr. Quinn said the Town signed an agreement with NYS DEC in May 2019, which was negotiated with the help of EDR. Originally the Town received a Notice of Violation from the DEC because the Town reported over 20 sanitary sewer overflows within our system over the course of 18 months to 2 years. Any time wastewater leaves our pipes and comes up out of a manhole or broken pipe, the Town is required to report that. The state feels that the Town is not doing a good job of maintaining the collection system based on the number of reports that were made. The Town ultimately signed a consent order that obligates the Town to follow through on different milestones. The first milestone was to deliver a maintenance report, which the Town did. Another milestone was to submit a work plan to do the flow study, and now that we have completed the flow study this milestone was met. Mr. Quinn said a problem area that was identified is over by the Hunterbrook Pump Station. The flows at this station are much more than was originally planned and the station is being overtaxed. He said one solution would be to install bigger pumps but that is a very expensive proposition. He said if they can find if there are any cross connections where water is getting into the sewer pipes, they could repair them and solve the problem. Mr. Quinn said this is why this work is essential.

Councilman Patel asked if these problems are due to an aging system and Mr. Quinn said no. Mr. Quinn said 85% of the Town's sewer collection system is well within standards, with slight increases when it rains. He said the Town's pipes are not leaky pipes and have been installed with what are considered modern techniques even though some of the piping is 40 plus years old.

Mr. Butterworth wanted to remind the Board that this is only for the Peekskill Sanitary Sewer District - no other districts in Town are involved.

NY FUEL DISTRIBUTORS REDEVELOPMENT OF 3700 BARGER STREET

Supervisor Slater introduced the next project regarding the former Getty Station at the corner of Route 6 and Barger Street. He introduced Rich Williams and Leo Napior from Insight Design and Danny Porco, and Director of Planning John Tegeder.

Mr. Napior said this application is for the former Getty Station and is to remove the existing improvements and construct a new gas station with four dispensers, a canopy, and a convenience store – the auto service area would disappear. The application was first brought to the Town Board in December 2019. He said the application has been reviewed by the Westchester County Planning Board, the Yorktown Planning Board, ABACA, and the Conservation Board. Mr. Napior said the public hearing that was held in December 2019 discussed two items of interest: the prior contamination of the property and a traffic issue. A package was submitted to the Town Board in April 2020 that contained the remedial plans for the prior contamination, which has now been addressed by the DEP. They also included a traffic study based on discussions with Mr. Tegeder. The major change is that the northerly curb cut on Barger Street has been eliminated and there will be a one-way traffic flow through the site.

Mr. Williams proceeded to display renderings of the new plans that Mr. Napior discussed.

Councilman Diana asked Mr. Tegeder if a previous issue regarding the repositioning of the building had been resolved. Mr. Tegeder said yes and what was just presented showed the change, which would provide more room to maneuver in front of the building. He said they also moved the refuse collection bin to the side of the building.

Town Clerk Diana Quast suggested referring this project again and then call for a public hearing. Councilwoman Roker said that since the applicants did what the Town Board requested in making their changes, she did not see the need for another referral. Town Clerk Quast asked if changes were made to the site plan that were different from the one previously submitted during the first public hearing and was told yes. Both Supervisor Slater and Councilwoman Roker said these changes were

made based on the comments that were heard during the first public hearing and done at the request of the Town Board.

NOTICE TO RECONVENE A PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR A GAS STATION LOCATED AT 3700 BARGER STREET

RESOLUTION #283

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

RESOLVED, the Town Clerk is authorized to advertise a public hearing to be reconvened by the Town Board, Town of Yorktown, Westchester County, New York on October 6, 2020 to consider the application filed by Danny Porco, NY Fuel Distributors, LLC for a Special Use Permit for a gas station located at 3700 Barger Street, Yorktown, New York, also known as Section 16.07, Parcel 1, Lot 43. The request is to demolish the existing Getty Automotive Service Station and replace it with a new gas station and convenience store with a 2,200 square foot canopy and associated appurtenances.

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

EQUIPMENT UPGRADES – STREET SWEEPER AND SEWER VACTOR TRUCK

Supervisor Slater introduced Highway Superintendent Paganelli to discuss a bid for a street sweeper and sewer vactor truck. Superintendent Paganelli said the sweeper is to replace a vendor the Town hires to sweep the Town because the productivity of the sweeping was not what it should have been. He said this year, for the same cost (\$36,000), they rented a sweeper for 4 months. He said the storm last month left the Town looking a little battered. The machine they have been renting is a 2018 model with 9,000 miles and 950 hours on it. Brand new this model costs \$235,000; it is currently available for \$140,000. With that being said, Superintendent Paganelli stated that this still requires a bid and he has been working with Town Attorney Rodriguez to get bid specifications completed.

Supervisor Slater asked Superintendent Paganelli if he had spoken to the Comptroller to make sure she is good with the purchase and Superintendent Paganelli said yes.

AUTHORIZATION TO ADVERTISE A BID FOR A STREET SWEEPER FOR THE HIGHWAY DEPARTMENT

RESOLUTION # 284

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

RESOLVED, the Town Clerk is authorized to advertise a bid for a street sweeper for the Yorktown Highway Department.

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

Supervisor Slater asked Superintendent Paganelli to discuss the request for a sewer vactor truck and Superintendent Paganelli said this a request for the future but wanted to make sure the Comptroller was aware of it. He said Sewer has a vactor truck and last year the Highway Department tested one they were considering may going in on half with Sewer – it is \$445,000. The one the Sewer Department has is a Mack and has a pre-computerized system and is relatively easy to work on. It is a 1996 model but they feel it is worth it. He explained the importance of a jetter, which this model has but needs work. It would cost approximately \$80,000 to refurbish the entire machine. He said, again, this purchase would be down the road and he just wanted to put it before the Town Board as a potential purchase.

Supervisor Slater asked if Sewer had plans to unload the truck, if not to Highway and Superintendent Paganelli said no, it is just sitting there. He said there is a need to have a secondary vactor truck in Town.

HIGHWAY HEATING SYSTEM AND PROPOSED UPGRADES

Superintendent Paganelli said, as of now, they are in for a preliminary review for the ventilation system. He met with Mr. Tegeder who drafted initial plans, which will need to be submitted for the DASNY grant. He said there are two parts: one is the ventilation system/building addition and the other is for the “Your Speed Is” signs for 16 locations, which are moving along very well.

Superintendent Paganelli said he has a major problem at the garage – no heat. There are 5 gas-fired boilers, which are unique. There is only company that works on these types of boilers and they told him that the boilers are shot and they would not work on them. He said he believes that this will have to be an RFP because there are various ways to address the issue. The cost would be approximately \$122,000. Supervisor Slater asked if the boilers were part of the ventilation system and Superintendent Paganelli said, yes, they are and that is part of a Catch-22. Supervisor Slater said you could not spend the money until they get approved by the state, which would most likely be too late before the cold weather begins.

Town Attorney Rodriguez said it would be a bid because it is a replacement. Superintendent Paganelli said he thought it would be an RFP because there are no specific bid specifications for these types of boilers and there may be different ways of approaching the replacement. He said this is not “part and parcel” to the ventilation bid – the ventilation is an exchange of air in the building so there is not a carbon monoxide buildup, not the heating.

Supervisor Slater asked Councilman Diana, since he is in this type of business, for his opinion since the Highway Garage needs to have heat. Councilman Diana asked Superintendent Paganelli questions about the current heating system.

Supervisor Slater asked if would make sense to have a facilities assessment so the Town is aware of failing systems before they actually fail. Superintendent Paganelli said they had this conversation but at the time there was a money issue. Superintendent Paganelli said to not lose sight of the fact that the Town has been on a spending lockdown since March 17th. He said, unfortunately, it is now September and given the length of time it takes for a bid to go through, they need to make a decision.

Supervisor Slater said that, at the end of the day, the Town would be \$1 million in at the Highway Department with the addition, the ventilation system, and the boilers in a building that was erected in 1950. He said it concerns him that the Town is putting nearly \$1 million into a building and they do not know to what end. Supervisor Slater said he thinks it would be in the Town’s best interest to figure out a way next year to do a facilities assessment. Superintendent Paganelli agreed. Supervisor Slater said the last facilities assessment was done in 1995 and the Town Board should have a discussion about having one done in order to be able to make the right decisions.

Councilwoman Roker said in addition to a facilities assessment, an equipment study needs to be done as well, as evidenced by Superintendent Paganelli’s discussion about the sewer vector truck. These are items that should also be included in a capital planning budget.

Councilman Lachterman said they should be looking at a way to get heat without having to replace everything. He agrees about needing a facilities assessment. He said you could be dumping 10% to 20% of the cost of a new garage into a 70-year-old building and in 5 years and still be looking at doing more and more.

Supervisor Slater said that there really is no true number for the Town to work with on a new garage – discussions never got that far.

Councilwoman Roker said it is not just the Highway Garage – it is other buildings in Town that need to be reviewed. She said Town Hall is old, too.

Supervisor Slater remarked that Town Hall has no elevator and people who need assistance cannot come to his office.

Councilwoman Roker said that Superintendent Paganelli is very smart with his money and does not come to the Board until he can offer a solution. Supervisor Slater agreed.

Town Attorney Rodriguez said this should be a bid as soon as the scope is determined.

Councilwoman Roker said a bond could also be considered over a certain amount.

Town Attorney Rodriguez suggested holding off until next week to vote on authorizing the bid until the scope is reviewed.

SOLAR AND BATTERY LEGISLATION

Supervisor Slater reminded the Board that both of the public hearings on this legislation were closed. Director of Planning John Tegeder said these were reviewed in July. Modifications for the solar law included screening and the sizes of systems. Some of the nomenclature was changed to keep in line with the model law. Modifications on the battery storage law were made to respond to some of the comments from some of the advisory boards in terms of setting limits and minimums on the size of property that the installations can be placed on. The modifications were made to ensure that these types of installations (both solar and battery storage) could be done while at the same time protecting our community's neighborhoods to the greatest extent. He said lengthy discussions took place on each and every modification.

Councilwoman Roker thanked Mr. Tegeder for the information he said on solar laws in other jurisdictions. Mr. Tegeder said the articles he sent included some good background knowledge on how solar and the issue of removing trees in terms of their ability to sequester carbon compare.

Supervisor Slater said the modified version of the law included the issue of carbon sequestration calculations being a requirement if trees or woodlands were to be disturbed.

Mr. Tegeder asked if the Town Board would be moving these pieces of legislation to a vote any time soon.

Supervisor Slater, Councilwoman Roker, Councilman Diana, and Councilman Lachterman said they were comfortable moving forward. Councilman Patel wanted to make sure that a particular resident's concerns were addressed. Supervisor Slater said he had spoken to the resident in question and directed him to the proper authority regarding his concern, as it was a county issue.

Supervisor Slater said that even if there were to be approved, the applicant would have to begin at the Planning Board process point and adhere to the tree law and the wetlands law and all other regulatory requirements the Town already has in place, in addition to the regulatory requirements in these two pieces of legislation. Public hearings and public comments would follow. He said the Planning Board would be able to make a fair and accurate assessment as to the application. Mr. Tegeder agreed. He spoke of a conversation he had with Swarnov Pujari of the Climate Smart Communities Task Force about micro-grid technology, which in reality is not too far way. These solar and battery storage systems are components of being able to institute micro-grid technology. He said if that is what the Town wants to see to make sure its grid is resilient, not to mention positive environmental impacts, the Town has to start somewhere, and this would be the first step towards both of those.

Supervisor Slater said this would be brought back at next week's meeting to consider a vote.

FITNESS COURT AT GRANITE KNOLLS

James Martorano, Superintendent Parks and Recreation, Alex Golden, Matt Talbert
National Fitness Campaign

Parks & Recreation Superintendent James Martorano said that Parks & Recreation Commissioner Matt Talbert introduced him to the National Fitness Campaign and loved the idea and thinks it is a perfect opportunity and perfect location to have this installation at Granite Knolls.

Trent Matthias from the National Fitness Campaign showed a video that explained the program they are offering. It is described as an outdoor gym offered in the community and offers training camps, fitness programs, etc. They use sponsors to raise money to support their programs. After the video, Mr. Matthias gave a slide presentation. They are company based in San Francisco and their mission is to design healthy infrastructure for towns and cities to improve the quality of life for people. The first half of the program is to build the infrastructure and the second is to offer Annual Campaign Services that is a collection of resources and services designed to activate, encourage, and support participation in outdoor fitness activities. Municipalities who are awarded into the program receive all products, tools, and services as outlined in the presentation. Mr. Matthias said there are many ways to fund this program through grants. Qualified municipalities would receive \$30,000 in grant funding from NFC per fitness court and local campaign. NFC would assist the community in how to raise funds for the Campaign portion of the program. The total program cost is \$130,000 minus the \$30,000 grant. The remaining \$100,000 is sourced from local funding.

Superintendent Martorano asked Supervisor Slater if the corporate sponsor signage on the sides of the court would require special permission from the state. Supervisor Slater said he would have to check.

Commissioner Talbert said that when COVID hit they lost their steam in terms of funding. He is bringing it to the Town Board because of DEP regulations (SWPPP) due to the concrete slab that would be required and the funding issue and regulations on sponsors' signage.

Town Attorney Adam Rodriguez asked who will own this and Superintendent Martorano said the Town will be the owners. Maintenance of the structure would be the Town's responsibility.

Councilman Diana said the Town Board would have to approve the project and then approve the money. He said after you add on the installation costs, it would probably be closer to a total of \$130,000 to \$160,000.

Councilwoman Roker said she likes the program but is concerned about how much money the Town would have to invest, and she does not want to make a commitment yet. Superintendent Martorano said he would have to talk to the Parks & Recreation Commission about monies in the Trust and Agency Fund.

Supervisor Slater said he would love to be able to say yes to these types of projects but the state just pulled back \$285,000 out of the Town's pockets. He said, thankfully, the grant opportunity does not expire for another 18 months so an immediate decision is not needed and they can spend some time in conjunction with the Parks & Recreation Department and the Commission to figure out the financing. He said he and the Town Attorney would look into any state requirements regarding the signage.

Commissioner Talbert asked Supervisor Slater if he had a chance to discuss the Kobota with the rest of the Town Board and was told no. Supervisor Slater asked Councilman Diana where they had left off in their discussion. Councilman Diana said it seems like a laudable amount of money to not have to put into it to get a new one. He said the more he researched it, he thinks he would like to call the manufacturer and talk to them because he wants to get the service records on it before the Town Board needs to make a decision. Superintendent Martorano said he would get those.

Supervisor Slater said the Kobota for the Parks Department has been broken down and has been breaking down since 2017 and have to make a decision to either fix it for approximately \$9,000 or sell it back and spend a total of \$19,000 for a new one. A Kobota is narrow excavator and is a critical piece of equipment for the Parks Department. He said he asked Councilman Diana, with his expertise in machinery, to take a look and help guide them through the process of making a decision. Councilman Diana said what they would give the Town on a trade-in is very low and feels the dealer could raise that since he feels they knew it was a problem.

Supervisor Slater said the time has passed to invoke the lemon law and there were concerns from the staff due to their current relationship with the dealer. Both Councilman Diana and Commissioner Talbert felt if they put \$9,000 into repairing the Kobota this year, it would cost them another \$9,000 next year. Commissioner Talbert pointed out that if they spent the \$9,000 in repairs, there would be no warranty. Councilman Diana and Superintendent Martorano said they would work on the situation and come back to the Town Board regarding any needed budget transfers.

NATIONAL FOOD TRUCK ASSOCIATION

Supervisor Slater gave a brief description of the program that gathers food trucks together for an event. He said this is a growing commodity and might be something in which the Town would be interested.

Councilman Diana asked if veterans are given special locations and the Town Clerk responded that they are able to use state (numbered) roads.

Further discussion was tabled, as the parties involved were not present.

AUTHORIZE RELEASE OF BOND IN THE AMOUNT OF \$20,000 TO CONSTRUCTION SERVICES, LLC, CONTRACTOR FOR NESTLE WATERS NORTH AMERICA, INC.
RESOLUTION # 285

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

WHEREAS, Construction Services, LLC, contractor for Nestle Waters North America, Inc., heretofore provided the Town with Check No. 18239 in the amount of \$20,000 to serve as the cash bond to ensure installation of a fence as shown on the approved site plan along the front of the property on Route 202, and

WHEREAS, the Planning Department has informed this Board that they have inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$20,000.00 may be released; and

NOW THEREFORE BE IT RESOLVED that said Bond, in the amount of \$20,000.00 be and are hereby released to Construction Services, LLC, 3 Woodstone Court, Danbury, Connecticut 06811.

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

AUTHORIZE SUPERVISOR TO ENTER INTO A REGIONAL KITCHEN AGREEMENT WITH THE TOWN OF CORTLANDT TO PREPARE APPROXIMATELY 60 MEALS PER DAY FOR HOMEBOUND SENIORS

RESOLUTION # 286

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

RESOLVED, that the Supervisor is authorized to enter into a Regional Kitchen Agreement with the Town of Cortlandt for the Town of Yorktown to prepare approximately 60 meals per day for homebound seniors for \$4.50 per meal (WIN Program). The term of the agreement is October 1, 2020 through March 31, 2021.

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

AUTHORIZE SUPERVISOR TO ENTER INTO A REGIONAL KITCHEN AGREEMENT WITH THE TOWN OF CORTLANDT TO PREPARE APPROXIMATELY 60 MEALS PER DAY FOR NON-HOMEBOUND SENIORS

RESOLUTION # 287

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

RESOLVED, that the Supervisor is authorized to enter into a Regional Kitchen Agreement with the Town of Cortlandt for the Town of Yorktown to prepare approximately 60 meals per day for non-homebound seniors for \$4.50 per meal (IIC Program). The term of the agreement is October 1, 2020 through March 31, 2021.

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

AUTHORIZE SUPERVISOR TO ENTER INTO AN AMENDED AGREEMENT WITH THE WESTCHESTER BALLOT CENTER TO REMOVE ROOMS 223 AND 228 FROM THE SCOPE OF THE PREMISE UTILIZED AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER

RESOLUTION # 288

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

RESOLVED, that the Supervisor is authorized to enter into an amendment of the agreement with Westchester Ballet Center to remove rooms 223 and 228 from the scope of the premises utilized at the Albert A. Capellini Community and Cultural Center and reduce the annual fee in the amount of \$17,967.91.

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

ADJOURN MEETING

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

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