

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, February 2, 2021 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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews for facilities assessment, the employment of a particular person and Litigation. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, 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 if everyone would join him in a moment of silence to remember all of the Americans we have lost due to the COVID-19 pandemic and those who continue to battle the virus. He also asked to keep in our thoughts and prayers our sanitation workers, all of our highway workers, who are out right now treating our roads, all of our first responders and front liners and, of course, the bravest men and women the world has ever known: our men and women serving in the Armed Forces protecting our freedoms.

INTRODUCTIONS

Supervisor Slater introduced himself and the Town Board members, as well as Town Clerk Diana Quast, and Town Attorney Adam Rodriguez.

DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater said the recent winter storm has left its mark. It is being considered the largest blizzard in the past five years. Our snow emergency for the Town of Yorktown has been lifted. He spoke with the County Executive earlier in the afternoon and there still remains a state of emergency for Westchester County. If you are going out, please so do carefully. According to Highway Superintendent Dave Paganelli, the official total for Yorktown was 16 inches, which may vary depending upon your location in Town. Supervisor Slater expressed his gratitude to the entire Yorktown labor force – they have been working in Town nonstop, 30 out of the last 40 hours moving snow. They have been working around the clock. They are led by Highway Superintendent Dave Paganelli – he is out there in his truck working, as well. Supervisor Slater again, addressed a big “thank you” to Superintendent Paganelli and the entire labor staff on behalf of our entire Town. He said that they have done a phenomenal job, and he knows the residents appreciate it.

Supervisor Slater announced changes to garbage pick due to the storm. This information is on the Town’s website. Supervisor Slater encouraged residents to sign up for public notice emails, as it is a very useful tool, especially during weather events.

Supervisor Slater announced that the gate at the bottom of Granite Knolls driveway has been shut due to the amount of snow and the inability to clear the top parking lot properly. Supervisor Slater said the Water Department has reported a number of water main breaks in recent weeks. Water Superintendent Kenny Rundle will be joining the Town Board work session next week. Supervisor Slater asked him to quantify the number of breaks for the month of January and provide a comparison over previous years. Supervisor Slater said he has spoken with crews working on the breaks and they cite the temperature as a cause. He said it is not necessarily the state of our

infrastructure but the ground is shifting as it continues to be cold – the ground shifts but the pipes do not. This is why we have seen so many breaks in the last month. He said the staff work on the breaks are so dedicated that after they finished working on the breaks, they jumped into plows to help with snow removal. Supervisor Slater asked to public to drive safely and slowly when they see laborers working on the road.

Supervisor Slater said he had some exciting news about the Hallocks Mill Sewer Project. He said he was happy to report that they have achieved another milestone for the project. After speaking with DEP representatives, last week our team met with members of the County Planning Department and they are now satisfied with the work we have been able to do and they are beginning to craft the necessary MOU (Memorandum of Understanding) that will be signed by both the Town and the County of Westchester. This will give us access to the coveted \$5 million from the East of Hudson Corporation. This is a really important step forward to see that project come to fruition. Supervisor Slater there is a resolution on tonight's agenda authorizing an RFP for an inflow and infiltration study for Hallocks Mill, which we believe is a necessary regulatory step specifically to help with the permitted flow that is regulated by DEP, i.e., how much wastewater we are allowed to collect. He said we still have a very long way to go (2-3 years) but we are making steady progress.

Supervisor Slater gave an update on the culvert projects. We have three significant infrastructure projects underway: the emergency on Greenwood Street, Veterans Road culvert, and Hill Boulevard culvert. The projects on Greenwood Street and Veterans Road have been progressing nicely. The recent bout of weather will slow the contractors down but anticipate both projects to be completed on schedule. The Hill Boulevard culvert project is still awaiting approval from the Westchester County Department of Health. The prep work has been done and as soon as we receive the necessary regulatory approval, the residents in Jefferson Village, High Meadow, and the Jefferson Valley Mall, and any business that might be impacted will be notified.

Supervisor Slater spoke about the Community Solar effort and thus far, in partnership with Sustainable Westchester, we have over 270 Yorktown residents who have enrolled in the Community Solar Program. This ranks number one of all participating communities. Links to the program will be posted on the Town's website.

Supervisor Slater addressed some comments that were made at the last meeting. He said that he and the Board, as a whole, wholeheartedly welcome constructive criticism and any collaborative opportunities that residents bring to the Board. He said after reviewing comments that were made following Courtesy of the Floor last week (January 19), they could have been better articulated. He thanked those who brought thoughtful and constructive comments and assured them they were not dismissed by any member of the Board. Supervisor Slater said every member of the Board makes themselves available to every member of the public. No one needs to wait for Courtesy of the Floor when there are subjects that require more than 3 minutes to deliberate on and to have a conversation. He said, in addition, our staff always makes themselves available to members of the community and he gladly connects the staff to residents because he has confidence in their ability and knowledge. He said, to that end, in regards to the proposed overlay districts, we have had members of our Planning Board and Zoning Board join us for an open conversation. We have also had our Planning Department provide several presentations, one just last week. We are committed to continuing this journey in an open and productive manner in an effort to listen, to learn, to educate, and ultimately, to improve our community. Supervisor Slater said this mindset is the same that is used for every issue that they tackle and the public's participation really plays a pivotal role.

REPORTS FROM TOWN COUNCIL

Councilman Lachterman said he received several phone calls telling him how impressed residents are with the snowplowing that was done during the snowstorm by town employees. He announced that the Sons of the American Legion are getting ready to do their military tribute banners again. The banners hang from Memorial Day to Veterans Day. The American Legion will have to forego their Four Chaplain Ceremony, honoring four chaplains who gave up their life jackets and kept the crew calm during the sinking of Army transport *SS Dorchester* after it was torpedoed in 1943 – only 230 survived out of 902 lives. The American Legion Post #1009 will be doing a virtual ceremony on their website. Councilman Lachterman reminded everyone this is Black History Month and there are many influential black leaders in all areas: arts, science, and politics, etc. He encouraged taking the time to learn about some of them.

Councilman Patel said that life and time are the world's best teachers. Life teaches us the use of time and time teaches us the value of life. He also asked residents to clean the snow off around fire hydrants.

Councilwoman Roker thanked resident Dan Strauss who takes care of all of us by picking up litter around Town. He writes to all of the Board members about a major concern of his, which are the shopping centers. She said she has told him that she hears Councilman Patel and Councilman Diana, week after week, reminding people not to throw their masks and gloves on the ground, which is something she thinks adults should not have to be reminded to do. She told Mr. Strauss that the Town does tell the shopping centers to clean up when they feel it has gotten dirty but now feels that something else needs to be done. Councilwoman Roker said she researched the Town Code, which says the shopping centers do not have to do anything until they are ordered to do so by the Building Inspector. She thinks the Code should be changed and make the shopping centers use their personnel and have them go out and see if the shopping center needs to be cleaned; if they're not willing to do that then they will be fined.

Supervisor Slater agreed and said they had been talking about a letter going to commercial property owners as well, regarding this. He said that he sees Mr. Strauss out there all of the time picking up garbage along the road and sidewalks and said he is doing a great service for the Town. Councilwoman Roker said Mr. Strauss will not go into the shopping centers because he feels they make money and can afford to clean up. She said he is such a wonderful asset to the Town and the Board will work on something that will change the way shopping centers look at their properties.

Councilman Diana agreed with Councilwoman Roker in that adults should not have to be told to pick up their masks and gloves and put them in the proper receptacle. He suggested keeping a bag in your car to throw out used masks and gloves and dispose of the bag in your garbage. He also thanked the Highway and Water Department workers for making sure our infrastructure and roadways are safe and clear. The water main breaks that we have had are not infrastructure problems but the heaving of the ground that is causing them. Councilman Diana reminded the private plow companies in Town to please clean up after themselves – not to push the snow across the street onto another neighbor's property. Pushing the amount of the snow we have been having narrows the roadways, which will then freeze and potentially cause an accident. He discussed the hazards of driving too fast during this type of weather and the potential harm to town workers who are out doing their jobs. Councilman Diana also thanked Mr. Strauss, who is out there most every day.

Supervisor Slater said County Executive George Latimer announced that the County Center and White Plains Health Clinic will be administering vaccinations tomorrow. If you have a vaccination appointment for tomorrow, you are still scheduled. If you had an appointment for Monday or Tuesday that was cancelled, they will be rescheduling your appointment.

PROCLAMATION

Supervisor Slater said the following proclamation would be read by Councilwoman Alice Roker regarding Black History Month.

Councilwoman Roker first read the following quote by John Lewis, the Congressman from Georgia who passed away last year: "You must be bold, brave, and courageous and find a way to get in the way." She said he was the man who said "make good trouble."

Councilwoman Roker read the following proclamation:

DECLARATION OF FEBRUARY AS BLACK HISTORY MONTH RESOLUTION #44

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

WHEREAS, Black History Month was first celebrated as Negro History Week on February 1, 1926; and

WHEREAS, it became a nationally recognized month in 1976 to pay tribute to African-Americans who struggled through an oppressive society; and

WHEREAS, the Town of Yorktown recognizes and acknowledges that Black History is in fact American History; and

WHEREAS, Black History Month gives our community time to reflect on the struggles and triumphs of African-Americans throughout our national society; and

WHEREAS, African-Americans have made invaluable contributions to the American cause, including protecting our liberties and democratic society; and

WHEREAS, the Town of Yorktown acknowledges and applauds the many contributions that African American members of society have made including but not limited to John Sweat Rock, Frederick Douglass, W. E. B. Du Bois, Martin Luther King Jr., Thurgood Marshall, Duke Ellington, Maya Angelou, Guion Bluford, and Jackie Robinson; and

WHEREAS, the John C. Hart Library has assembled a collection of material for residents of all ages that highlights and celebrates the history, cultural experience, and perseverance of African-Americans throughout society; and

NOW THEREFORE BE IT RESOLVED, the Town of Yorktown recognizes February as Black History Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands as a community of hope, generosity, and acceptance to everyone regardless of religion, race, national origin, ethnicity, culture, or orientation.

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

Councilwoman Roker said she always loved the fact that African American history is American history. Supervisor Slater agreed and thanked the library for putting together a selection, which is being highlighted for the month. He said that Town's community calendar has posted on February 6, there is a virtual benefit at the Yorktown Stage celebrating Black History Month, as well as a number of other events.

POET LAUREATE

John McMullen, Poet Laureate, read his original poem, "This is Our Year."

COURTESY OF THE FLOOR

Supervisor Slater reminded everyone that residents do not have to wait for Courtesy of the Floor every two weeks if they have any issue the Board can help address. Residents may contact the Supervisor or Town Board members directly who are always willing to have a conversation to hear concerns or ideas.

The following members of the public spoke:

John Flynn, resident, spoke about the recent press releases regarding statements made by the Town Board and Planning Board Meeting about permit applications. They speak often about the proposed Yorktown Heights Planned Design District Overlay Zone as conforming with, supported by, or otherwise in sync with Yorktown's 2010 Comprehensive Plan. He believes this is simply not so. The Yorktown 2010 plan never suggested an overlay or design district for the Yorktown Heights hamlet. The 2010 plan discusses three types of overlay zones. One is a conservation overlay zone to protect the unique natural resources of Yorktown. The second is a farmland preservation overlay zone to promote conservation of historical farms. The third is a planned district overlay, which might sound like a fit for the Heights hamlet, but consider some of the specifications for that planned design district overlay. Mr. Flynn quoted from the planning document: "a significant open space requirement, not less than 35% of the site....all residential development would not be allowed to exceed the yield permitted by the underlying zone....the only residential use is senior housing." He said this does not sound much like the proposed Yorktown Height Planned Design District Overlay Zone that is before the Board. Mr. Flynn wanted to remind the Board there is a big disconnect between what is presented in that plan and the overlay district legislation the Board is considering. He said there is another aspect to consider:

in 2010, the plan's section on economic development mentioned overlays just twice – once in connection with Crompond and Route 202 and once in connection with Shrub Oak. The section on Yorktown Heights makes no mention of overlay zones or design districts. He said he hopes the Board finds his thoughts helpful and constructive; his intent is not to disparage either the Town Board or Planning Board.

Diego Jaramillo, resident, spoke about how the proposed Yorktown Heights overlay district could affect the downtown area. He said, as someone who lives less than a third of a mile from downtown, he does not view the Soundview property as part of the category for the overlay district. He views Soundview as a well-situated parcel of land that is perfect to be developed without any municipal fast tracking. He said the density that is being proposed (12 units per acre as opposed to one unit per acre and the additional 20,000 square feet of retail space) will require methodically and well thought out approach by the Town Board. He asked that the Town Board take the residents thoughts and feelings into consideration. There are townhomes nearby that already contribute to the density, as well as existing traffic conditions. As he understands it, there are approximately 6 different major plans and developments being considered for the Yorktown Heights District, each with a substantially higher utility demand. He said we are so lucky to be in a Town that does an amazing job of responding to water main breaks and water issues, but he would like to understand the construction and the long-term additional use would do to the Town's infrastructure. Mr. Jaramillo also stressed understanding the environmental impacts that allowing these developments would have in the area. He asked that the Town Board consider removing the Soundview property from the proposed overlay district in the Yorktown Heights area.

Dr. Regina Kaishian, resident, also thanked the town workers for keeping the roads plowed and the work on the water main break. She also commended the Board for their efforts in generating interest in development in Yorktown. She agrees that fast tracking certain projects and being more open to flexible planning and zoning will have developers flocking to Yorktown. She said she was also pleased to see plans in the works for the former K-Mart spot, although she was a little taken aback by the grand scale of that project. After consideration, Dr. Kaishian believes it is in keeping with the spirit of the Town's comprehensive plan and makes sense and is appropriate to a downtown overlay zone. Revitalizing business, bringing mixed-use zoning – this is reflective of the Town Board's attempt to be innovative and respond to changing needs in the Town. Dr. Kaishian asked the Town Board to seriously consider and respect both the letter and spirit of the comprehensive plan when it comes to the overlay district for a property that is complex and so much more sensitive, such as the Soundview property. Dr. Kaishian said that, according to the land use section of the comprehensive plan (policy 2-4), it basically instructs the Town to “re-evaluate and update so it remains current and relevant and that the Town should establish a reasonable time horizon for a reasonable update.” She feels there was no “reasonable time horizon” or careful consideration or opportunity for community input to draw this overlay zone in the downtown section. She asked why wouldn't the Town do a targeted update of the comprehensive plan; she knows a full update could take years but a targeted update to just those overlay zones and where they should go would be welcomed. Dr. Kaishian referenced a letter from Supervisor Slater, dated January 31, when he quoted the Business Council that overlay zones are cited as one of the most effective tools for reinvigorating existing commercial areas. Soundview is not an existing commercial area; the K-Mart site is. She said another item in the land use policy is item 2-5, where it first makes reference to overlay zones and it literally says “consider using overlay zones to protect unique resources from the impacts of development” and goes on to say “the Town should study new areas where overlay zones may benefit the environment or the community.” She said that is what she thinks we are lacking – the time to study it. Dr. Kaishian summarized that really good things are happening in Yorktown; she just does not want the Town to get swept up in the new developments and end up circumventing our own goals for the Town. The vision statement in land use says that we should “recognize the need for vitality in our business hamlets” but that “development should be carefully balanced with natural resources, conservation, scenic and historic preservation, and the promotion of recreational opportunities.” She said it all comes down to balance. She said that, yes, our seniors absolutely need more housing. She asked that the Town Board not be fooled by developers who use buzz words, like calling something “Underhill Farms” when it is going to be something like 165 units and 20,000 square feet of commercial space – just like our Yorktown Green isn't very “green.” She urged the Board to take the time, do the process, and do the study.

Elise Graham, resident, asked the Board to remove the Soundview property from any potential overlay district. She said this property is of enormous historical and architectural distinction. It

is a pastoral park-like property situated at the gateway to downtown Yorktown Heights and requires close scrutiny as it comes up for rezoning from one-acre, single-family homes to dense multi-family and retail/commercial development. She asked the Town Board, as elected representatives of the residents, to be the leading body to determine the future of this property. She said there seems to be several significant projects proposed for the Heights area, which is great news. The Town Board now has the unparalleled opportunity and responsibility to transform the downtown into a modern, economically vibrant, revitalized center for the community and for others outside our community to enjoy. She cautioned that there will be pressure from developers to move along quickly but time is the key to getting this right. Ms. Graham stated that she has confidence in the Town Board and the Supervisor and asked that they take the long view into the future to make their decisions and look to past mistakes so that they are not made again.

Mrs. Ziedens, resident, thanked Superintendent Paganelli and the Highway Department for the work they are doing. She said it is not a resident's right to put snow in the street when they are plowing or on someone else's property. She spoke about seeing people blow snow into the roadway and would like the Town to address the problem. Mrs. Ziedens also spoke of how dangerous it is to leave snow on the roof of the car and how much of a hazard it is to other people.

Jay Kopstein, resident, said several people spoke about safety and snow plowing. He said there is another issue regarding private snowplows. They should have a flashing or revolving light in amber on top of their vehicle so that when somebody using a snow blower or shovel can see it coming down the street. When all you see are lights coming, you do not know there is a blade in front of it.

Jennie Menton, resident, said that her neighbors are fantastic in helping her and her husband handle their shoveling and wanted to say if you have a senior in the neighborhood or next door and it is possible for you to help them, please do. It is very difficult for seniors to handle snow removal. She said she would be reaching out to the schools to see if there's any help from some of the teenagers.

Tony Grasso, resident, thanked the Town Board for the proclamation on Black History Month. He grew up in an integrated area and appreciated the proclamation. He commented on a recent work session item regarding the Croton Overlook project, which was referred to the Planning Board. Mr. Grasso said he is familiar with the Soundview house and said it is a beautiful house and should be saved. He feels the Town would be able to do something there, as long as the developer would work with them. The overlay districts were in the comprehensive plan. The Soundview property could work in the overlay zone if the house was saved and he is waiting to see plans. Mr. Grasso said there are problems on that property, which may have been Town-inflicted. He walked the property years ago and has some recollection of what he saw. He said, most importantly, he agrees with the Historical Society that we should save that building and use the property in a way that we all take part in.

Sergio Esposito, resident and Chamber of Commerce President, said everybody is talking about Yorktown and there was a very flattering article about the work that is being done in Yorktown. He said the Town needs to get the details on the Soundview project before decisions are made. He said there is a lot written about the proposed development, but no one really knows much about it. An honest discussion can only take place when the details are known. Mr. Esposito said he has spoken to a number of seniors in Town and they are excited about moving into a senior-focused neighborhood. He understands that the comprehensive plan from 2010 is being referred to and said it is not 2010 anymore. He spoke about how shopping patterns and habits have changed. He said it is important that the Town move ahead with the overlay districts, as this is a very valuable tool for a Town like Yorktown to have in order to remain vibrant. He said this would help to create a vibrant downtown area and the only way to help do this is to bring people in to where you want them to shop. Once stores come in, nice restaurants will follow, etc.

Howard Frank, resident, spoke about new water meters in Town and accurate readings on current meters. He said the Water Department should implement water seals on meters to help prevent bad readings.

Lanny Gilbert, resident, thanked the Highway Department for their excellent work during the storm, as well as Supervisor Slater for his updates on Town services during the storm. He said comments he made a couple of weeks ago during Courtesy of the Floor may have been

misconstrued and he wanted the Board to know he had no intention of being negative towards anyone on the Town Board. He said he could relate, having sat on the Town Board on other projects, particularly the project in Jefferson Valley when he had been told by constituents that it was a done deal although he had emphasized that it was not and that there was a lot of input that needed to be reviewed. He said he knows how it feels to be accused or misrepresented and he apologized if his comments had that tone. He agrees with Mr. Flynn's comments that the overlay districts are very relevant in terms of the comprehensive plan. He also agrees with Mr. Esposito in that we are not living in 2010 anymore but with that said, he has major concerns that the Board makes sure and be careful to examine all of the issues, particularly the infrastructure. We have to make sure we can support proposed developments; the Town has to get its SPEDES permit expanded. The Town is facing certain constraints with its infrastructure and before we can have major development, we have to make sure and let the developers know that there are certain limitations that the Town has in terms of its infrastructure. They have to be realistic and not say a year into the project "why didn't you tell us that at the outset?" Mr. Gilbert thanked the Town for the three-way stop sign at Stony Street in Shrub Oak and asked if a sign saying "three-way stop" could be erected so people get used to the new stop sign.

Patricia Sullivan-Rothberg, resident, spoke about the procedure and where the responsibility lies, as relates to the overlay districts. She believes it is the responsibility of our elected Town Board members to make zoning decisions that impact our daily lives, like deciding which neighborhoods are appropriate for single-family homes and which are for higher density multi-family developments and where it might be appropriate to mix residential and commercial use. Zoning decisions are one of the most important jobs and one of the most important responsibilities of our elected Town Board and that is where she feels the responsibility should lie. Ms. Sullivan-Rothberg said her concern is that by proposing this Yorktown Heights overlay district, it is shifting the Board's responsibility and placing it with Planning Board. The Planning Board is not made up of elected officials – they do not answer to the residents and citizens of Yorktown; that responsibility resides with the Town Board. She is worried that this may be getting the Town Board "off the hook" from making these critical decisions and responsibility and shifting it over to another department. She said it does not square with what she thinks when we elect people we want them to do. For these reasons, she asks the Town Board to take the Soundview property out of the proposed Yorktown Heights overlay district. It was never in the comprehensive plan in 2010. It is a special property and any changes should be made by the Town Board.

Sarah Wilson, resident, said when she watched the Town Board meeting two weeks ago, she was struck by the consensus of the comments during Courtesy of the Floor regarding the significance of the Soundview property. She said relatively across the board the speakers emphasized that in addition to an excellent Planning Department, the governing body responsible for evaluating and ultimately approving the development for this important, environmentally sensitive, and historically significant property should be our elected officials – the Town Board. There was also broad agreement that the residents of Yorktown want to learn more about the various proposals and want to have plenty of input, as seen tonight, on these plans. The purpose and intent, as outlined in the proposed Section 300-255 Yorktown Heights Planned DDOZ (Design District Overlay Zone) legislation is clearly intended to address the downtown hamlet areas that have already been developed and to streamline the rezoning and the redevelopment of those properties. The draft law states, "this area was once the center of commerce in the Town but it was redeveloped during urban renewal to accommodate automobile-centered life with many large commercial buildings and vast, paved parking areas. Many of these buildings are vacant, as lifestyles and buying habits have transitioned to digital consumerism, making this area ripe for other types of redevelopment." Ms. Wilson thinks most people understand, as Sergio said, and favor the proposal to address the shift to online shopping, which has resulted in so many empty storefronts. As a member of the Community Housing Board, she encourages the development of both affordable and market-rate housing in the commercial area, which encourages walkability. She also favors the purpose and intent of the DDOZ, but 370 Underhill (the Soundview property) does not fit the DDOZ definition – it wasn't redeveloped during urban renewal, it doesn't consist of vast, paved parking areas, or commercial buildings that are now vacant because we all shop online. She said in the letter she emailed to the members of the Town Board on January 26 that she highlighted several of the specific objectives that were stated in the DDOZ draft that do not apply to 370 Underhill. Ms. Wilson concluded that the Soundview property is not like all of those other parcels in the DDOZ and that is why it should be removed.

Susan Siegel, resident, said that when some questions were raised about the Underhill Farm project (Soundview property) at the January 19 Town Board meeting, someone asked for evidence. She said the evidence is in a timeline she wished to share on screen. Town Clerk Quast stated that the Town Board has decided not to allow screen sharing during Courtesy of the Floor. Ms. Siegel stated that she is member of the Committee for a Sound Plan for Soundview and they have developed a timeline of the Underhill Project that is based on publicly available documents. She said she would make a copy of the timeline available to all of the Town Board members and anyone in the community. She said the committee may be emailed at soundviewplan@gmail.com. Councilwoman Roker asked Ms. Siegel to read the timeline to her and Ms. Siegel said it is a lengthy document that cannot be gone over in three minutes, which is why she is going to proceed with some general comments. Ms. Siegel said that in May 2020 Unicorn signed a contract to purchase the Soundview property with the intention of seeking a zone change from one-acre single family to multi-family but Unicorn never met with the Town Board, at least not in an open meeting, to see if the Board was receptive to rezoning the property. She said they never filed a rezoning application. One month after signing the contract, Unicorn proceeded to prepare a multi-family site plan. Ms. Siegel said the question is why would Unicorn prepare a multi-family site plan for a single-family zone and not file a rezoning application. Ms. Siegel said this does not make sense unless Unicorn knew something that the public didn't know. She said at the December 21 Planning Board meeting Unicorn thanked the Planning Department for its help in preparing their site plan. Ms. Siegel questioned if it was at one of these "helpful" meetings that Unicorn was advised not to bother submitting a rezoning application or when Unicorn learned about the proposed overlay district for Yorktown Heights that would allow for multi-family density in a single-family zone. She questioned if this is why Unicorn felt comfortable as early as June to invest its time and money to prepare a multi-family site plan. Ms. Siegel said that on November 5 when the Town Board approved the overlay law, there was no mention of a Yorktown Heights district and that, in fact, it was just the opposite; the first overlay districts were going to be Bear Mountain Triangle, Shrub Oak, and Jefferson Valley. She said, in fact, on December 8 was the first time the public learned about a proposed overlay district for Yorktown Heights – 5 months after Unicorn prepared a multi-family plan. Ms. Siegel said, clearly, Unicorn knew something the public did not know. She said when the Town Board adopted the framework for the overlay law, it stated twice that the Town would not process applications in an overlay district until the boundaries and standards for that district were adopted, but on January 22 the Town accepted a formal application for Underhill Farm and added the application to the Planning Board's January 25 agenda. The Town Board has not adopted an overlay zone for Yorktown Heights, so why was the application even accepted? Ms. Siegel said what she has stated are facts and this is the evidence asked for.

Tricy Kushner, Alliance for Safe Kids, said by receiving the partnership between ASK and the Town, they will now be able to accept the County's funding that will bring in programming, as well as some additional grants that they would previously not been able to accept. She said this is a tremendous asset for the community. In addition to other Black History Month events, Ms. Kushner said that at one of the meetings they had with faith-based leaders, they had discussed using the entire year to coordinate different community voices so that next year on January 17, 2022, they could create a Yorktown MLK Celebration Day of Character and Service. Ms. Kushner said they will begin facilitating those meetings this month and they will work on bringing in information they can use for character and thoughtful service. Ms. Kushner referred back to comments made earlier by Ms. Menton regarding helping seniors. She said this could be put in place and every month they can talk about ways to improve the content of our character and add additional service opportunities for our youth, adults, and seniors. She said she looks forward to January 17, 2022 where numerous opportunities can be shared to increase service.

Liz Talbert, Alliance for Safe Kids, said she was pleased to offer updates on the Mental Health and the Diversity, Equity, and Inclusion (DE&I) Community Action Projects. Since last here, she has been in touch with professionals and representatives from evidenced-based programs and they are planning two virtual community events. She has been working with Dr. Michael Fallon to plan a DE&I virtual event and, in addition to that, he has committed to working with Yorktown and the committee they are putting together to plan action projects that will carry on once they have a community conversation that will be scheduled in March. Ms. Talbert said they want to be able to show some action in the community and have positive outcomes. She said she is also working with the Youth Mental Health Project to work in the community, strengthen the parent support network that is already in place to offer, perhaps, some virtual options and wider variety of meetings to encompass all age groups. She said another program she was excited to talk about is the program they are doing with local college students who are working on a college wellness

resource guide, procuring resources they feel are valuable to them and sharing them with their peers. Ms. Talbert introduced Juliana Caputo, one of the college students participating in the resource guide, to speak about the project.

Juliana Caputo, resident, said they are currently working on the wellness guide for college students. She said much of what the colleges offer to students is information about how to seek help and crisis intervention. Their resource guide differs in that it offers more information about how to help yourself before getting to the point of crisis, as well as offering hotlines and connections to online therapy. She said the college scene has changed and feels this offers important information, given those changes.

Upon motion made by Councilwoman Roker, seconded by Councilman Diana, Courtesy of the Floor was closed.

Supervisor Slater thanked those who spoke and said how important it is to hear constructive comments and collaboration, especially as the Board continues to deal with issues like the overlay districts.

Councilman Lachterman addressed the comment regarding a councilmember would be shirking their responsibility to vote. He said by voting for the flexibility of the overlay districts and voting on the districts, should tell the public how they think about it. He said his door is always open if a resident wants to have a conversation about the issue. He said there are a lot of questions and would like to see the full plan and was disappointed when the presentation was taken off last week's agenda. Councilman Lachterman said there was a lot of talk about "appropriateness" and what the Town would be saving. He said he doesn't think that people understand that if the Town stays with the current zoning (R1-40), a contractor could come in tomorrow and take out a demolition permit on the Underhill house and there is nothing anyone could do about it because that is their legal right of land use. He said one of the things the flexibility of the overlay district will allow the Town to do is to be able to work within the framework of historical preservation, especially with the house.

Councilwoman Roker said everyone would have to attend a public hearing should the Town Board decide to institute the overlay districts; they are not law now. They will have to go through a public hearing and they do not have the final code version of the proposed legislation at this point; however, they will soon. She said she is happy the speakers attended this evening but they will have to come back again for the public hearing because nothing has been adopted regarding the overlay zones.

Supervisor Slater asked Planning Director John Tegeder to join him. He asked Mr. Tegeder to provide any insight to the comments that were made. Mr. Tegeder said he does not disagree with the things Mr. Flynn cited but he wanted to remind everyone that the comprehensive plan is a living document. One of the speakers outlined that very well by quoting policy 2-4 and 2-5, in particular 2-4, talks about updating the comprehensive plan at a regular clip and a very typical "clip" or time horizon is about every ten years. He said it can be sooner and the Town Board has a lot of latitude on this – they can take a look at it every two years, if they wanted. He said some of the comments made this evening about changing demographics and changing trends, etc., shows that the comprehensive plan could stand some updating. He said between 2001 and 2005, when the comprehensive plan was being developed, that there was a lot of intense discussion about density, population, etc. He said this was a very big thread that came out of the adopted plan that was adopted in 2005, which was then adopted without very little modifications in 2010. He said this was related to single-family zones in terms of upzoning and there was an upzoning that was done in 2011. He said his point is that even though there is a lot of that in the comprehensive plan about density, etc., which John Flynn cited, it does go on in a manner contradicting itself to promote in and around the hamlets diversity of housing stock, multi-family, etc. Mr. Tegeder said you would think that they are diametrically opposed, but they are not because the comprehensive plan needs to be looked at holistically; it is not just talking about singular things and you cannot pick out one or two policies and draw very solid conclusions – you really have to read on. Mr. Tegeder said on the next page after what Mr. Flynn cited, it goes on to say "mixed use surrounding residential areas should have a mix of housing types with a gradual transition of intensity out from the commercial core." He said this tells you that a property such as Soundview, and there are one or two others in the draft map, are exactly that – they are about border and transition between

different areas of development. Mr. Tegeder said this is something he feels the Town Board needs to pay attention to.

Supervisor Slater said he and Mr. Tegeder has spoken many times about the appropriateness of including the Soundview property in the overlay zone. Mr. Tegeder said that his professional opinion on this is that it is appropriate for what the property is and what the property currently houses. It is a transitional property, it is on a highly trafficked state road – it is not necessarily appropriate for single-family (yards and outdoor living in a family style). He said it has a very beautiful historic and architecturally prominent structure on it, which through this overlay district, can be saved. However, there are tradeoffs – he does not think all of the buildings can be saved and he does not know if all of them have the same significance and prominence as the Underhill house. Mr. Tegeder said, for those reasons, he felt it was a perfect property to be considered under the overlay and to think of it as a transitional property. We have a transitional zone and this would fit into that – it is a piece of property between distinct areas that beg for some other scrutiny to find appropriate uses because the underlying zone or the zones on either side of it don't necessarily fit for that property. The transitional zone would do exactly the same thing. This is the reason he feels it begs to have the flexibility that the law, as currently written, will provide.

Councilwoman Roker said she still has her concerns. She said she is still not convinced, at this point. She referred to the mini-Master Plan that was done for the Weyant property.

Supervisor Slater spoke about how to help seniors and said he had a conversation with the schools to help provide direct assistance to our seniors and looks forward to future progress.

Councilman Diana thanked Mr. Esposito for bringing up the article in The Journal News because it is a nicely written article about the overlay districts. Basically, it says the Town Board members are doing their jobs. He said there is nothing etched in stone yet. Councilman Diana said there are a lot of aspects to that property: it is a historic home, the pond on the property may have some historic value. The Town could lose it if it is not done properly and that is why the Board is taking their time. He said this is a process that has to go through the Board, through Planning, and through Zoning. The fast-tracking comments are inaccurate – the Town Board is just trying to get their job done properly for the people of Yorktown. He also thanked Ms. Kushner and Ms. Talbert for the work they do with our young people.

Supervisor Slater said he spoke with the school superintendent, Dr. Hattar, who said they have had to hire additional counselors because of the effects the pandemic has had on the mental health of children.

Councilman Patel said Alliance for Safe Kids is a wonderful organization. He said our children are a wonderful investment in our future. We have a responsibility as a society to nurture and encourage them.

Councilwoman Roker thanked the two County Legislators for their assistance in obtaining money in order to keep ASK running.

CONVENE PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 275 OF THE TOWN CODE ENTITLED “VEHICLES AND TRAFFIC” BY ADDING THE FOLLOWING NO PARKING AREAS: COMMERCE STREET, BOTH SIDES FROM ROUTE 118 TO HANOVER STREET AND WHITE HILL ROAD, BOTH SIDES, FROM MOHANSIC AVENUE TO HUNTERBROOK ROAD

Supervisor Matthew Slater convened a public hearing to consider a proposed Local Law amending Chapter 275 of the Town Code entitled “VEHICLES AND TRAFFIC” by adding the following no parking areas:

- Commerce Street, both sides, from its intersection with Route 118 to its intersection with Hanover Street
- White Hill Road, both sides, from its intersection with Mohansic Avenue to its intersection with Hunterbrook Road.

Councilman Diana said the Public Safety Committee discussed how this area is so problematic and how needed this legislation is.

Supervisor Slater asked Town Clerk Quast if there were any members of the public who wished to speak and she replied she had no requests to comment.

Jay Kopstein, resident, asked to speak. He said the issue on Commerce Street calls for this legislation and is desperately needed. He said the establishment in question, rather than getting more cooperative, has gotten less cooperative. He said there are more products (cars) being sold at the site that do not have registrations and are being sold on the street.

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.

ADOPT LOCAL LAW NO. 3 OF 2021 AMENDING CHAPTER 275 OF THE TOWN CODE ENTITLED "VEHICLES AND TRAFFIC" BY ADDING THE FOLLOWING NO PARKING AREAS: COMMERCE STREET, BOTH SIDES FROM ROUTE 118 TO HANOVER STREET AND WHITE HILL ROAD, BOTH SIDES, FROM MOHANSIC AVENUE TO HUNTERBROOK ROAD
RESOLUTION #45

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

WHEREAS, a public hearing was held on the 2nd day of February, 2021, pursuant to notice duly published as required by law amending Chapter 275 of the Code of the Town of Yorktown entitled "Vehicles and Traffic" by adding the following No Parking areas:

Section 275-4(A) of the Code of the Town of Yorktown is hereby amended by adding the following no parking areas:

Commerce Street, both sides, from its intersection with Route 118 to its intersection with Hanover Street.

White Hill Road, both sides, from its intersection with Mohansic Avenue to its intersection with Hunterbrook Road.

RESOLVED, that Local Law 3 of 2021, amended and annexed hereto, be and is hereby adopted.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Local Law 3 of 2021 was thereupon declared adopted.

CONVENE PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 135 OF THE TOWN CODE ENTITLED "BUILDINGS, UNSAFE" BY ADDING A NEW SECTION 135-13 "YORKTOWN ZOMBIE PROPERTIES LAW"

Supervisor Matthew Slater convened a public hearing to consider a proposed Local Law amending Chapter 135 of the Town Code entitled "BUILDINGS, UNSAFE" by adding a new section 135-13 "Yorktown Zombie Properties Law."

Councilman Diana said this law is a long time coming and gives Code Enforcement and the Building Department the "teeth" to be able to do what they have to do to remedy situations not only in commercial areas, but also in neighborhoods regarding abandoned homes. It gives the Town the opportunity to reach out to the banks to be in touch with homeowners.

Town Attorney Adam Rodriguez said this law requires properties that are in default of mortgages to register with the Building Department and pay a semi-annual fee, maintenance of the property is required, as well as security of the property through the use of property managers. There are enforcement capabilities through the Building Department.

The following members of the public spoke:

Susan Siegel, resident, applauded the efforts to tackle this issue, which has been long standing. Ms. Siegel asked if the Planning Board commented on this issue. She said Councilman Diana said this law applies to abandoned properties, but it seems to address both abandoned and occupied buildings. She said if you look at Section 135-13(b), it refers to mortgages in default and the next page in Section 135-13.1(e) says failure of the mortgagee and/or property owner to properly maintain the property... She asked if this law is only for properties that are in default of their

mortgage because what about properties that never had a mortgage but may also be in need of code enforcement. Ms. Siegel asked, regarding property maintenance, since we have a property maintenance code, why isn't that being used to deal with this issue. Ms. Siegel said the section on immunity (Section 135-13.3), which says the Building Inspector can enforce this law and basically go into properties and check out the problems seems to contradict meetings she has sat in on where it was said the Building Inspector did not have this right. Ms. Siegel asked if this law changes that and what legal right does the Building Inspector have to go in even if the owner does not allow entry. She believes it is a well-intentioned law but there are clarifications needed.

Councilman Patel said suppose someone owns a house and for whatever reason they cannot keep up the maintenance and did not pay the taxes. Would we be looking into why the property is not maintained because, in the end, if they do not pay the taxes and do not maintain it, the value of the property may fall below the amount of the taxes? The Town loses in the end. If the value of the property is less than the taxes, we are all going to be sharing the loss.

Councilwoman Roker asked if the Building Inspector came back with any comments on this and Supervisor Slater said he was not aware of any comment or memo.

Susan Siegel, resident, said the proposed legislation also says when the property is in default, the mortgage holder has to register with the Town and asked if there was a process that tells the Town when the mortgage is in default because if the mortgage holder is paying the taxes, then how does it know the mortgage is in default since the mortgage is with the bank. She said the Town is going to penalize somebody for not reporting but how do you know they were supposed to report in the first place?

Supervisor Slater asked Town Attorney Rodriguez to comment. Mr. Rodriguez said if they do not report to the Town, there is a penalty that can be levied in addition to the registration fees. This applies to both occupied and vacant buildings. In terms of non-mortgaged properties, there are other Town laws that can be used to address those issues. He said on the immunity question and the authority of the Building Inspector, there is nothing here that would require the Building Inspector to go into the home and this does not provide for that authority – it doesn't change anything.

Sergio Esposito, resident and Chamber of Commerce President, said if the Town Attorney has reviewed the law and along with everything else the Town is trying to do, the Zombie Property law is important. He said the goal is to make Yorktown a better place, and if this law can even do a little bit of that, he thinks it is very valuable and the Board should move forward with it.

Councilwoman Roker asked Mr. Rodriguez regarding a long-time vacant house that is next to her – under this law, what would be done? Mr. Rodriguez said the first thing he could do is find out if there is a mortgage and if it is in default and once the law goes into effect within thirty days it would require mortgagees to report to the Town any properties that have within the Town's jurisdiction that are in default and then follow the process laid out in this law (i.e., property managers, etc.) He said, alternatively, if we find out there is no mortgage on the property, the Town can proceed under other Town Code provisions, one of which in Chapter 135, that allows the Building Inspector to report to the Town Board any unsafe buildings and the Town Board can determine by resolution that repairs need to be made on the property in order to address blighted properties.

Councilman Diana said he believes this basically starts with a complaint, which would go to the Building Department. The Building Department would start the process, which then go on to the Town Attorney.

Sergio Esposito:

Mr. Esposito said he is looking at this on a commercial property level – those commercial properties that have been left vacant and are not being maintained. This would be another very important focus of this law.

Councilman Diana said one of the numerous issues that prompted this law was InterCity Tire, which was left in terrible shape. The building has been at least boarded up, at this point, so that it does not pose a safety threat.

Councilwoman Roker said, in terms of the commercial properties, the best we can do is have them continue to pay taxes. Not every vacant business is going to be boarded up.

Supervisor Slater said he did not receive a Planning Board meeting yet, and if the Board would like to adjourn the meeting until it is received, he would do so. Councilwoman Roker asked if the Building Inspector would also write a comment and submit it to the Town Clerk's office, as well.

Ms. Ziedins, resident, asked if Yorktown really had a lot of these commercial properties in this kind of shape. She said some commercial owners leave their properties in good shape, but others do not. She would like to know if this law would cover those. Ms. Ziedins also spoke about the conditions of some private homes that are not in good shape and should be reported.

Supervisor Slater said the hope and goal of this is to provide a tool for the Town to use to hold property owners accountable and to make sure these properties are safe.

Upon motion made by Supervisor Slater, seconded by Councilman Lachterman, the public hearing was adjourned.

AUTHORIZE SUPERVISOR TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH YORKTOWN OMNI GARDEN OF HOPE, INC.

RESOLUTION #46

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

RESOLVED, that the Supervisor is authorized to enter into a revocable license agreement with the Yorktown Omni Garden of Hope, Inc., to enter upon Town Property to perform certain gardening, community programs, and farming work, as approved by the Town. The term of the agreement shall expire on December 31, 2026. Either party may terminate this license, with or without cause, on at least ninety (90) days prior written notice to the other party.

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

AUTHORIZE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ALLIANCE FOR SAFE KIDS, INC., FOR THE PROVISION OF A COMMUNITY-BASED MENTAL HEALTH, DIVERSITY, EQUITY, AND INCLUSION PROGRAM, IN AN AMOUNT NOT TO EXCEED \$15,000

RESOLUTION #47

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

RESOLVED, that the Supervisor is authorized to enter into an agreement with Alliance for Safe kids, Inc., for the provision of a community-based mental health, diversity, equity and inclusion program, in an amount not to exceed \$15,000 (which funding shall be in addition to the \$18,000 that Westchester County has earmarked for the effort). The term of the agreement shall be February 1, 2021 through December 31, 2021. The Comptroller shall also be authorized to transfer \$15,000 from Contingency A1990.499 to 1220.490 professional services.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A REQUEST FOR PROPOSALS FOR THE SERVICES OF A PROFESSIONAL ENGINEERING FIRM TO PERFORM A FLOW STUDY

RESOLUTION #48

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

RESOLVED, that the Clerk is authorized to advertise Request for Proposals for the services of a professional engineering firm to perform a flow study that will quantify the amount of inflow and infiltration that is occurring within the collection system of the Town of Yorktown/Hallocks Mill Sanitary Sewer District.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A REQUEST FOR PROPOSALS FOR A FIRM TO PROVIDE THE TOWN WITH SMART UTILITY SERVICES REGARDING PUBLIC WATER SUPPLY AND DISTRIBUTION SYSTEM
RESOLUTION #49

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

RESOLVED, that the Clerk is authorized to advertise Request for Proposals for a firm to provide the Town with smart utility services to assist the Town in managing its public water supply and distribution system.

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

APPROVE GARBAGE LICENSE FOR SANI-PRO DISPOSAL SERVICES CORP/ SUBURBAN CARTING CO. TO SERVICE COMMERCIAL PROPERTIES IN THE TOWN OF YORKTOWN FOR THE YEAR 2021
RESOLUTION #50

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

RESOLVED, that Sani-Pro Disposal Services Corp/Suburban Carting Co. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2021.

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

AUTHORIZE COMPTROLLER TO PAY THOMAS TRAVIS THE CASH VALUE OF UNUSED TIME UPON HIS RETIREMENT
RESOLUTION #51

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Thomas Travis the cash value of unused time as of his date of retirement:

Rate of Pay: \$30.1499

Sick	413.5 hours	@	50%	=	206.75 hours
	206.75 hours	x	\$30.1499	=	\$6,233.49
Vacation	71.75 hours	x	\$30.1499	=	\$2,163.25
Personal	10.25 hours	x	\$30.1499	=	\$ 309.04
Float	6.75 hours	x	\$30.1499	=	\$ 203.51
Total					\$8,909.29

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

A909.8 General Fund Reserve Employee Accrued Benefits \$6,233.49
 A1410.110 Town Clerk Part Time Salary \$2,675.80

To:

A1410.108 Town Clerk Lump Sum Payments \$8,909.29

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

AUTHORIZE RELEASE OF PERFORMANCE BOND TO MOHEGAN LAKE MOTORS D/B/A MOHEGAN LAKE AUDI IN THE AMOUNT OF \$100,0000

RESOLUTION #52

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

WHEREAS,

1. Mohegan Lake Motors d/b/a Mohegan Lake Audi as applicant, provided the Town with Philadelphia Insurance Companies Bond #PB00002700043 in the amount of \$100,000, which was accepted at the Town Board meeting of April 16, 2019 to serve as the Performance Bond for permit #WP-FSWPPP-003-19 at the Route 6 location, and
2. The applicant has requested the money be released as the site development work is now complete.
3. 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 Performance Bond be released to Mohegan Lake Motors d/b/a Mohegan Lake Audi, P.O. Box 965, Mohegan Lake, NY 10547, Attn: Mr. Barry Rost.

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

APPROVE REDUCTION IN PERFORMANCE BOND FOR YORKTOWN JAZ, LLC (LOWES) TO \$100,000.00

RESOLUTION #53

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

WHEREAS,

1. Planning Board Approval Resolution #16-22 referenced bonds to be posted for Erosion & Sediment Control, Performance and Wetland Planting Bond. In lieu of the providing individual bond amounts, the Town agreed that the Applicant could provide one Project Performance Bond in the aggregate amount of \$1,000,000.
2. Yorktown Jaz, LLC, as Applicant, provided the Town with The Guarantee Company of North America's Site Improvement Bond #76154779, in the amount of \$1,000,000, to serve as the Erosion & Sediment Control bond, Performance Bond, and Wetland Planting Bond for permit #WP-E-028-10, for the Lowe's Site Development Plan located on Route 202.
3. In a prior resolution dated 11/19/19, the Town Board approved a reduction in the Project Performance Bond from \$1,000,000 to \$250,000. At this time, Yorktown Jaz, LLC is requesting the Performance Bond be further reduced, from \$250,000 to \$100,000.
4. We note that Pad B was recently completed and Pad A is currently under construction. The only remaining construction to be performed as part of this project is Pad D (currently an undeveloped parcel). Since the entire project is nearly complete, the Engineering Department believes a further reduction in the Project Performance Bond is warranted.

NOW, THEREFORE BE IT RESOLVED, the Performance Bond is hereby reduced to \$100,000 (\$250,000 - \$150,000 = \$100,000). The remaining funds (\$100,000) will be held until all remaining project work has been completed and the warranty period has elapsed.

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

RELEASE TREE & WETLAND PERMIT APPLICATION FEE IN THE AMOUNT OF \$800 TO THE WESTCHESTER LAND TRUST IN CARE OF BRENDAN MURPHY

RESOLUTION #54

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

WHEREAS,

1. Brendan Murphy as applicant for Westchester Land Trust, posted check #1733 in the amount of \$800 to serve as an application fee for a Tree & Wetland Permit, which was deposited to the A2116 account on March 13, 2020 for work to be performed at the Beekman Court residence.
2. The applicant has requested his application fee be released as the work will not be moving forward.
3. The Town Engineer has reviewed the above and recommends that the \$800 application fee be released since no work will be performed.

NOW, THEREFORE BE IT RESOLVED, that the above referenced fee be released to Westchester Land Trust, Attn: Mr. Brendan Murphy, 403 Harris Road, Bedford Hills, NY 10507.

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

AUTHORIZE COMPTROLLER TO RELEASE PROFESSIONAL REVIEW ESCROW FEE IN THE AMOUNT OF \$750.00 TO PCSB BANK
RESOLUTION#55

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

WHEREAS, PCSB Bank, as applicant to the Planning Board, submitted a Professional Review Escrow fee in the sum of \$750.00, Check# 71719 dated April 24, 2018, which was deposited into the T100 Account on May 8, 2018, as part of the Planning Board site plan application, should there have been a need for the Town to hire an outside consultant to review portions of said application, and

WHEREAS, a request to release this fee was received on January 21, 2021 from Jose F. Cabello, FVP, Procurement Officer for PCSB Bank; and

WHEREAS, the Director of Planning has informed this Board that no outside consultants were hired by the Town to review this application and that the \$750.00 for professional review escrow may be released,

NOW THEREFORE BE IT RESOLVED, that the above-described Professional Review Escrow fee in the amount of \$750.00 be and is hereby released to PCSB Bank, 2651 Strang Boulevard, PO Box 712, Yorktown Heights, NY 10598.

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

AWARD BID FOR WATER MAINTENANCE MATERIALS FOR THE WATER DEPARTMENT
RESOLUTION #56

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

WHEREAS, invitation to bid for the Water Maintenance Materials was duly advertised, and

WHEREAS, said bids were received and opened on January 5, 2021, and

RESOLVED, that upon the recommendation of the Distribution Superintendent, Ken Rundle, the bid for the Water Maintenance Materials be hereby awarded to:

Item 1: Kennedy K81 AW Screw-in Hydrants – Carmel Winwater:

<u>4 1/2" 5 ft.</u>	<u>4 1/2" 6 ft.</u>	<u>5 1/4" 5 ft.</u>	<u>5 1/4" 6 ft.</u>
\$2,830.00	\$2,973.00	\$2,915.00	\$3,063.00

Item 1A: Mueller A421 & A423 Hydrants Ductile Iron – Core & Main or Schmidt's Wholesale:

<u>4 1/2" 5 ft.</u>	<u>5 1/4" 5 ft.</u>
\$2,364.00	\$2,491.00

Core & Main:

<u>4 1/2" 6 ft.</u>	<u>5 1/4" 6 ft.</u>
\$2,449.00	\$2,600.00

Item 2: Mueller/Kennedy Resilient Wedge MJ DI Gate Valve – Carmel Winwater:

<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>	<u>16"</u>
\$619.60	\$986.87	\$1,538.82	\$1,947.18	\$6,764.25

Schmidt's Wholesale:

24"
\$19,827.11

Item 2A: Powerseal Cut-In Sleeve Model #3520 w/kit - Schmidt's Wholesale:

<u>4"</u>	<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>
\$312.70	\$381.45	\$413.33	\$593.77	\$832.94

Item 3: Smith Blair Style 441 Malleable Iron Couplings – Core & Main and Carmel Winwater:

8"
\$98.00

Carmel Winwater:

<u>6"</u>	<u>12"</u>	<u>16"</u>	<u>24"</u>
\$69.25	\$154.00	\$268.00	\$495.00

Core & Main:

10"
\$127.00

Item 4: Powerseal Repair Couplings (3121AS) -Schmidt's Wholesale:

<u>2"x8"</u>	<u>2"x10"</u>	<u>2"x12"</u>	<u>6"x8"</u>	<u>6"x10"</u>	<u>6"x12"</u>
\$38.18	\$51.20	\$55.59	\$49.56	\$66.63	\$71.66

<u>8"x8"</u>	<u>8"x12"</u>	<u>10"x12"</u>	<u>12"x12"</u>	<u>16"x16"</u>	<u>24"x16"</u>
\$58.15	\$81.18	\$93.02	\$96.31	\$245.03	\$389.17

Item 4A: Powerseal Repair Couplings (3131AS w/1"cc) - Schmidt's Wholesale:

<u>2"x8"</u>	<u>2"x10"</u>	<u>2"x12"</u>	<u>6"x8"</u>	<u>6"x10"</u>	<u>6"x12"</u>
\$53.07	\$66.10	\$70.48	\$64.46	\$81.52	\$86.55

<u>6"x16"</u>	<u>6"x24"</u>	<u>6"x30"</u>
\$95.78	\$143.81	\$180.00

<u>8"x8"</u>	<u>8"x12"</u>	<u>8"x16"</u>	<u>8"x24"</u>	<u>8"x30"</u>
\$73.04	\$96.07	\$108.28	\$162.64	\$203.30

<u>10"x12"</u>	<u>10"x16"</u>	<u>12"x12"</u>	<u>16"x16"</u>	<u>24:x16"</u>
\$107.91	\$142.50	\$149.50	\$260.99	\$405.13

Item 5: Cement Lined Ductile Pipe Push-on Joint (price per foot) – Carmel Winwater:

<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>	<u>16"</u>	<u>24"</u>
\$17.25	\$24.00	\$31.50	\$39.75	\$57.50	\$97.25

Item 6: Type K Copper Water Tube (price per foot) – Schmidt's Wholesale:

<u>3/4"</u>	<u>1"</u>	<u>1 1/4"</u>	<u>1 1/2"</u>	<u>2"</u>
\$4.03	\$4.38	\$6.63	\$7.51	\$10.60

Item 7: Mueller Curb Stops (H15214N) –

Core & Main LP:

3/4" 1 1/4"
\$65.70 \$167.50

Carmel Winwater: Alternate item: AY McDonald #76100

1" 1 1/2" 2"
\$92.25 \$230.75 \$355.50

Item 7A: Mueller Corporations Mueller (H15000N) – Carmel Winwater:

Alternate item: AY McDonald #74701

3/4" 1" 1 1/4" 1 1/2" 2"
\$26.50 \$40.50 \$122.75 \$128.00 \$223.86

Item 7B: Mueller Curb Stop Mueller (H15219N) – Carmel Winwater:

Alternate item: AY McDonald #76100Q

3/4" 1" 2"
\$69.25 \$98.25 \$326.25

Core & Main LP:

1 1/2"
\$236.75

Item 7C: Mueller Corporations Mueller (H15008N) – Carmel Winwater:

Alternate item: AY McDonald #74701Q

3/4" 1"
\$28.50 \$43.00

Item 7D: Mueller Corporations Mueller (H15013N) – Carmel Winwater:

Alternate item: AY McDonald #74701BQ

1 1/2" 2"
\$124.00 \$205.00

Item 7E: Mueller 3 Pt Flare/Flare (H15400N) – Carmel Winwater:

Alternate item: AY McDonald #74758

3/4" 1" 1 1/4" 1 1/2"
\$14.75 \$25.75 \$52.75 \$77.00

Schmidt's Wholesale:

2"
\$100.96

Item 7F: Mueller Comp Union (H15403N) – Carmel Winwater:

Alternate item: AY McDonald #74758Q

3/4" 1" 1 1/4" 1 1/2" 2"
\$16.00 \$18.25 \$31.50 \$60.75 \$82.25

Item 8: Mueller Curb/bx Ext. Type w/Rods - Carmel Winwater:

Alternate item: AY McDonald

#5604 #5607LR

H10386 H10314
\$39.25 \$38.75

Item 9: 5' Main Valve/Bx Slide/Lid Mark/Water - Schmidt's Wholesale: \$58.56

Item 9A: Main Valve Box Tops 2' – Carmel Winwater: \$28.00

Item 9B: Main Valve Box Lids/Marked Water 5 1/4" – Core & Main LP: \$8.50

Item 10: Fixed Valve Box Riser or Rite Heights 5 1/4" – Carmel Winwater:

1" 1 1/2"
\$5.20 \$7.15

Schmidt's Wholesale:

2"
\$7.78

Core & Main LP:

3"
\$9.75

Item 11: Hymax Couplings (Series 2000) - Core & Main LP:

<u>2"</u>	<u>4"</u>	<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>	<u>16"</u>	<u>24"</u>
\$88.00	\$149.00	\$197.50	\$223.00	\$286.00	\$338.00	\$945.00	\$1,279.00

Item 12: Mueller (or approved equal) Safety Flange Repair Kit – Carmel Winwater:

<u>A300 4 ½ MVO</u>	<u>A301 5 ¼ MVO</u>
\$123.00	\$130.00

Item 13: Kennedy Collision Repair Kit (#K8149) – Schmidt's Wholesale:

<u>4 ½ MVO</u>	<u>5 ¼ MVO</u>
\$161.00	\$161.00

Item 13A: Mueller Super Centurion Fire Hydrant Extension Kit - Carmel Winwater:

<u>A319 4 ½ MVO</u>		
<u>6"</u>	<u>12"</u>	<u>18"</u>
\$282.60	\$330.00	\$357.00

A320 5 1/4 MVO

<u>6"</u>	<u>12"</u>	<u>18"</u>
\$311.00	\$366.00	\$415.00

Item 13B: Heavy Duty Fiberglass Hydrant Markers 5 ft. Standard Marker Flat Bracket w/spring – Ferguson Waterworks: \$25.95

Item 14: Curb Box Extension w/Set Screw 1" Box -

Core & Main LP:

<u>3"</u>	<u>6"</u>	<u>9"</u>
\$5.00	\$5.85	\$7.00

Ferguson Waterworks:

12"
\$7.84

Item 14A: Mueller Curb Box Lids Two-hole H10310-89982 – Carmel Winwater: \$6.95

Item 15: Foster Adaptor (Mechanical Joint Adaptors) - Carmel Winwater:

<u>4"</u>	<u>6"</u>	<u>8"</u>	<u>10"</u>	<u>12"</u>
\$67.50	\$84.25	\$122.25	\$179.25	\$184.25

Item 16: Positive Displacement Meters – Core & Main LP:

<u>5/8"x3/4"</u>	<u>1"</u>		
<u>Indoor Set</u>	<u>Outdoor Set</u>	<u>Indoor Set</u>	<u>Outdoor Set</u>
<u>MXU M2 sp/tc</u>	<u>MXU M2 pit sp/tc</u>	<u>MXU M2 sp/tc</u>	<u>MXU M2 pit sp/tc</u>
<u>hr/leak det. 510</u>	<u>hr/leak det. 520</u>	<u>hr/leak det. 510</u>	<u>hr/leak det. 520</u>
\$378.84	\$379.44	\$495.09	\$495.69

Item 17: 510M Smartpoint M2 TC SP Single Port Touch Coupler (House MXU only) - Core & Main LP: \$188.65

Item 18: 5250M Smartpoint M2 Pit Ver. Single Port Touch Coupler (Meter Pit MXU only) - Core & Main LP: \$189.25

Item 19: iPERL Touchpad for 510M Radio – Core & Main LP: \$32.41

Item 20: iPERL Smart Water Meter (Electromagnetic Flow Measure System) –
Core & Main LP:
5/8"x3/4" 1"
\$165.15 \$237.99

Item 21: 20" Round Meter Pit Covers with Remote Hole - Ferguson Waterworks:
\$135.00

Item 22: Straight Meter Installation Couplings – Core & Main LP:
5/8"x3/4"
\$8.50
Carmel Winwater
1"
\$6.00

Item 23: 2" Extension Ring – Ferguson Waterworks: \$80.00

Item 24: 3-Ply Remote Wire copper (Price per Foot) – Core & Main LP: \$15.00

Item 25: Stargrip Series 3000 Mechanical Joint Wedge Action Restraining Glands with Accessory
Pack - Schmidt's Wholesale:
6" 8" 10" 12"
\$29.78 \$40.59 \$57.71 \$77.56

Item 26: Anti Rotation T-Bolts w/nut – Ferguson Waterworks:
3/4" x 4" 3/4" x 6"
\$5.06 No Bid

FURTHER RESOLVED, said bid shall remain in effect with a fixed price for a binding period of
one (1) year after execution of contract.

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

ADJOURN

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