

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, February 9, 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
David Paganelli, Superintendent of Highways
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 Patel, the Town Board moved into Executive Session to discuss lease negotiations and departmental personnel issues. Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember all those who lost their lives due to COVID-19. He asked to remember our frontline workers, first responders, teachers, and all those who continue to perform essential services during this time. He also asked to remember our men and women in the Armed Forces who risk their lives protecting our freedoms.

INTRODUCTIONS

Supervisor Slater introduced members of the Town Board.

UNDERHILL FARMS

Supervisor Slater introduced the project team for Underhill Farms: Mark Blanchard, Joe Riina, Dr. Phil Greeley, Paul Guillaro, and Mike Oates.

Mr. Blanchard, Blanchard & Wilson, land use attorney for the project, said he thinks they are bringing a very interesting project to the Town (displayed slide). He said their inspiration goes back to 2010, as they are using one of the goals that was set forth in the Comprehensive Plan. They will be showing a walkable community in close proximity to the downtown Yorktown Heights business, which will strengthen those businesses. This project seeks to maximize existing open space while offering new recreational opportunities that will be open to the public, including the preservation of a significantly historical structure. Mr. Blanchard introduced the members of the team: Joe Riina (Project Engineer), Phil Grealy (Traffic & Roadway Improvement Engineer), Christopher Lessard (Project Architect), and Paul Guillaro (Managing Member, Project Owner & Sponsor).

Mr. Riina said the Underhill Farm site (formerly the Soundview Preparatory School) located at the northwest intersection of Underhill Avenue and Route 118 is bounded on the west by Glenrock Street. It is a 13.8 acre site, zoned R140. Mr. Riina described the site by using an aerial slide of the site. There are some wetlands on the property, as well as a watercourse wetland whose source is the drainage system on Glenrock Street, which runs west to east and feeds the pond on the property. He will discuss how they are going to maintain and enhance this feature in a later slide. They will be eliminating the secondary access road to Beaver Ridge that is on the wooded west side of the property but will reconstruct it in another location to continue to provide the secondary access. Mr. Riina said the project site is adjacent to other multi-family projects that were previously built. To the south, there are four projects, which range in density from 7.2 units per acre up to 12.3 units per acre. To the north, there is Beaver Ridge, which is 19.3 units per acre. This project will be 12 units per acre. The proposal before the Town Board is a mixed-use development, consisting of 165 residential units and approximately 12,000 square feet of retail or

commercial space that does not include the use of the existing residence. The project will be developed in two phases. The first phase will be the west side of the property, which includes 50 townhouse units. This section will have a separate entry drive ending in a cul-de-sac. There will be a building with 30 condominium units with parking, a clubhouse, and a swimming pool. The second phase of the development will be the construction of an apartment complex consisting of 85 units, including underground parking, swimming pool, and the retail/commercial space, which will be on the Saw Mill River Road side of the building. Mr. Riina showed the relocation side of the secondary access road, as well as the location of the senior center on the Beaver Ridge property. Parking for the senior center will be provided on the Underhill Farms property. The entrances to the complexes will be on Underhill Road and original elements will be preserved and maintained. The pond will be enhanced and walking paths and sitting areas will be around the pond. An enhanced wetland area will be constructed next to the pond. The existing watercourse that feeds the pond will continue to be the main source for the pond and will be reconstructed and enhanced with a footbridge so it will become a water feature of the site. A pocket wetland will be created next to the pond that will serve as a stormwater quality feature for stormwater generated from the west portion of the project. A landscaped area will be open to the public to use for walking, relaxation, ice-skating, etc.

Dr. Phil Grealy, Maser Consulting, and Traffic & Roadway Improvement Engineer for the project, said he is in the process of finalizing a traffic study for the area. Pedestrian and vehicular connectivity is very important to the project. He said in the area of the new senior center and Beaver Ridge is where the connection for both pedestrians and vehicles would occur so there would be some traffic control and pedestrian accommodations made on the site. The first phase is the 80 townhouse units on the west side of the property and access would be aligned opposite Rochambeau Court. Dr. Grealy spoke about the amount of traffic that could be generated from those 80 units. During phase one, certain improvements would be done to offset any traffic increases. This would be done by upgrading the existing signal by adjusting the timing and allocation of times on the light during peak hours. A new crosswalk would be added to the west of the main entrance to the site that would be a pedestrian crossing together with a rapid flashing beacon – a pedestrian activated flashing signal that would allow pedestrians to cross to the sidewalk on the south side of Underhill Avenue. The first phase would be traffic signal improvements, pedestrian enhancements, and sight distance improvements at Rochambeau Drive. Prior to any occupancy in the phase two, they have come up with a master plan to improve the intersection at Underhill Avenue and Route 118. Right now under peak hours there are long delays due to the lack of turning lanes. In phase one they can make improvements that would offset any increases from their traffic with signal upgrades and the items previously discussed. When they start looking at the traffic that will be added from the project, and before phase two advances, they will widen Underhill Avenue along the site frontage in order to develop a separate left-turn lane, as well as an opposing left-turn lane on the Town Hall side. This improvement would entirely replace the traffic signal and tie in pedestrian crossings on all approaches to meet DOT current standards.

Christopher Lessard, Lessard Design and architect for the project, said he visited the site before committing to the project. He said what struck him about the site was the tranquility from the pond, the impact of the historic house and the basic entry sequence, which has remained intact in terms of the layout. He said this really set the tone of what would ultimately become the architecture. He said it is an age-targeted community with a focus more towards active adults, which shows in the architecture, with a hamlet feel. It is a mixed-use environment for the residents and also for people outside of the area. They think there will be great opportunity for retail but there also may be opportunities for medical offices because the residents will need it. The amenity space is significant (clubroom, fitness, etc.). Mr. Lessard reviewed the amenity space, facades, and floor plans in the buildings.

Paul Guillaro, President of Unicorn Contracting and developer of the Underhill Farm project, said residents may be familiar with the Caremount Building across the street from this project, which they recently completed. He said when he attended the opening of the Caremount Building, he was intrigued by numerous senior in attendance who spoke of a need for senior housing near the downtown area, which has become the main goal for this project – to provide senior housing in many different types of living units (apartments, condo units, and townhouses). He said of the 165 units, 135 of them will be senior-friendly and over half will be specifically for seniors. Another goal was to create access for all Yorktown residents who would be able to experience and enjoy the historic main building, the pond, and the grounds. Mr. Guillaro said his plan is to invest over

\$1.5 million in restoring and enhancing the existing historic building, pond, and grounds. The concept would be to create a pedestrian-friendly, park-like setting with walking paths from the original entrance that will meander through 3 acres of property where the pond and the house are situated. They are open to public-private partnerships to provide access to the public so residents of Yorktown and others can enjoy the rich history of the Underhill Estate. He said it is an ideal location for a museum or historical society. He said their plan initially will be for a coffee shop/restaurant on the first level and then, hopefully, the balance of the first floor will be some type of use like a museum or some type of town office. Mr. Guillaro said they are also amenable to providing necessary parking for a new senior center and Parks & Recreation Department offices, while also providing a much-improved second means of access to the Beaver Ridge complex. They are also prepared to work with the Town to make necessary improvements to the traffic intersection by providing funds to the Town for the design and obtaining approvals from NYS DOT, while also contributing to the construction. Mr. Guillaro said, lastly, this project will provide over \$1 million in additional tax revenue to the Town of Yorktown. He said they will be providing, at no cost to the Town, access to the grounds, the main building, senior center parking, and financial support for the improvement of the Underhill/Route 118 intersection.

Councilman Lachterman asked about the number of units that would be senior friendly. Mr. Guillaro said that roughly 80 to 85 units would be specifically designed for seniors. Councilman Lachterman asked how much the renovation would cost to the historic building. Mr. Guillaro said roughly \$1 million would be to renovate the house and the balance would be put towards the rehabilitation of the pond, walkway installation, etc. Councilman Lachterman asked if an archaeological survey was done to see what is historic and Mr. Guillaro said they contracted with Hudson Valley Cultural Resource Consultants and their report should be complete in a week or so. Basically the summary of it is the main building should be saved and possibly the chapel building. All of the other structures either are in poor condition or modified to the point where they do not have historical value any longer.

Supervisor Slater asked Dr. Grealy why he did not consider a roundabout for the intersection. Dr. Grealy said it is a possibility but there were a couple of things to consider, such as considering pedestrians at a roundabout is a little more complicated; also, they are trying to preserve the look of the retaining walls along the property. He said if you look at the intersection, it is not a square intersection, so you have a skew of Underhill Avenue and to try to create a roundabout with enough separation from the north leg of Route 118 and the easterly leg (Town Hall) of that becomes very difficult to fit a roundabout and still get both of those approaches.

Councilwoman Roker addressed Mr. Guillaro and said he is hoping the Town Board would put this property in the new overlay zoning district and wondered if he ever considered bringing it to the Town Board and applying for a rezoning. Mr. Guillaro said right now they just wanted to go under the current overlay, which would be more user friendly, but they would not be opposed to doing that.

Councilman Diana said the property north of Soundview is approximately 20 acres per unit and the south is approximately 8 to 12 and to the east is basically commercial. Planning Director John Tegeder said this was correct. Councilman Diana asked Mr. Tegeder if he was correct in that the Underhill Farms project would be generating about 12 units per acre and Mr. Tegeder said yes. Councilman Diana said why the Town would not want to put this in the overlay district. Mr. Tegeder said the overlay district adds more flexibility that allows you to have the retail component and allows the Town to talk about the historical structures and determine certain structures should be saved and also reused in a particular way. He said there is also the recreation/cultural component that becomes an amenity that can be used by the public. He said if it was under another zone, such as the R-3 zone, we have seen very few times in the past a pond open to the public in the way this one is shown to be, nor does he think it would be very likely to see the historic home be repurposed in a manner in which the general public can avail themselves and experience the house from both inside and out. Mr. Tegeder said all of these things taken together are why the overlay zone, as it is written now, makes sense for this project. He said the other part, with the advent of the senior center/Recreation office, the ability to work with the developer to provide the lion's share of the parking area is also important. All of this taken together renders the project realizable for both the desires of what the Town would typically be looking for and for the developer.

Councilman Diana asked if there were any current plans to fix our current traffic problems at the intersection of Underhill and Route 118 and Mr. Tegeder said not that he knew of and that Route 118 is a state road and a lot of Underhill in front of Town Hall is also owned by the state. He said they have not begun a conversation with the DOT because the Town has other intersections that are failing in a more dramatic fashion, which they are trying to address.

Councilman Diana asked Mr. Guillaro how much he anticipated in general maintenance and upkeep for this project per year. Mr. Guillaro said the public component to the property would be approximately \$350,000 per year. Councilman Diana said the Town's Tree Ordinance is very restrictive and asked Mr. Guillaro if he would be able to comply with the code and Mr. Guillaro said their consultant has already reviewed that and said that there will be about 300 protected trees that will have to be replaced, which they are prepared to do. Councilman Diana asked if it was true that this project would bring in approximately \$1 million in tax revenue to the Town and Mr. Guillaro said yes, at a minimum. Councilman Diana asked if, in the historic building, he would be open to possibly giving a room to the Yorktown Historical Society and Mr. Guillaro said yes.

Supervisor Slater said he wanted to make clear because he has had several questions about it, the way the plan is proposed, the main building is, in fact, being preserved. He wanted to be 100%, crystal clear on this. Mr. Guillaro said the building would be preserved and restored. Supervisor Slater said the area of the pond and walking trails is basically a park and wanted Mr. Guillaro to confirm that this is a park that he is willing to maintain for the Town and Mr. Guillaro said yes. He said he will not donate the land to the Town because the house sits on that but he will open it up to the public and is willing to talk to the Town about what uses they could see on the first floor of the main building, which is handicapped accessible. Supervisor Slater confirmed the main building and the public portion of it, which are the trails going around the area. Mr. Guillaro said yes, the pond, the access down to Route 118 and Underhill Avenue – approximately 3 acres. Mr. Guillaro said it would be walkways, sitting areas, and a footbridge over the stream. Supervisor Slater wanted to make sure the responsibility would not fall on the Town and Mr. Guillaro said the Town would not have to maintain anything on the site.

Councilman Patel asked about the cost to live in the units and if they were to be privately owned or rentals. Mr. Guillaro said the condominium units and townhouses would be privately purchased and the apartment units would be rentals. Mr. Guillaro said they did not have any purchase price estimates at this time.

Councilman Lachterman asked Mr. Tegeder if they do not get the parking spaces for the senior center area what that would do to the project. Mr. Tegeder said he has had some discussions with both the Parks & Recreation Superintendent, Jim Martorano, and Patty DeMarsh, who manages scheduling the senior programs at the AACCCC, and the determination was that on the heaviest days of attendance there could be about 50 parking spaces needed so in order for it to work, you would need at least 30 spaces available on a regular basis. Without that, Mr. Tegeder said he does not think the senior center would function properly. Councilman Lachterman said that under the current zoning, he was under the impression that if Mr. Guillaro was to come in and say let us keep the current zoning, they could take down the historic aspects of the property without any issue; there's no protection written in. Mr. Tegeder said there is no protection written in for any building other than legislatively adopted landmarks to prevent it from being demolished by an owner. He said that is a building permit application, which is a ministerial action. Councilman Lachterman asked if there were any protections in an R-3 zone and Mr. Tegeder said no – there are no protections in any of the Town's zoning. Councilman Lachterman said it was commendable on Mr. Guillaro's part that he wants to preserve the building and land and is making the commitment to spend close to \$1 million, plus the upkeep, and thanked him for including it in this plan.

Councilwoman Roker said the Town has enough trouble keeping up with the property they have and why would the Town want to take this over. It is best that a developer has the property and not the Town.

Councilman Patel asked Mr. Tegeder how the architecture of the proposed buildings fit into the surroundings and Mr. Tegeder said he thinks they fit in terms of the units per acre, they are in the proper area that has already been selected by a number of multi-family developments (Beaver Ridge and some of the ones directly to the south), which makes sense because these are transitional properties that move from a commercial area to a single-family residential area and they provide that transition and border and boundary to that, so in that way it makes sense. Architecturally

speaking, he said the designs are so far are very pleasing and thinks that they replicate and are reminiscent of the architecture that is in the Underhill house. Mr. Tegeder said he thinks they are the very type, in terms of their material and architectural form, which is desired in Yorktown, more often than not. He thinks it is a very sensitively put together group of buildings that fits in well with much of the buildings we treasure most in Yorktown, whether historical or modern.

Supervisor Slater thanked Mr. Guillaro and his team for their presentation.

PLANNING BOARD TRANSPARENCY

Planning Director John Tegeder said they had a member of the public suggest to the Planning Board to televise their work sessions and to publicize on their website the packages they receive from the Planning Department in order to conduct their meetings. Supervisor Slater said that televising the work sessions makes sense, especially because the Town Board televises their work sessions. He asked if his understanding is correct in that the Planning Board is supportive in doing this and Town Planner Robyn Steinberg said yes. Supervisor Slater asked if publicizing the packages can be accomplished and Ms. Steinberg said it can definitely be accomplished but not necessarily with the products they have now because the books can range over 200 pages and they are generally between 100 and 200 megabytes and the limit on our website is 32 megabytes for attachments, which is plenty for normal work. She said she has been looking into the company who does our website, as well as the company that streams our meetings, because both have products called Agenda Meeting Suites. She has started preliminary conversations with them to see what parts we need to add and how it would best work for what we do. They both do pricing by the population of the Town and it could be used for Town Board, Planning Board, and Zoning Board. You can select a public view packet and a Board member view packet for executive items. Mr. Tegeder said all of the documents are still available since they are public documents; this would just add more accessibility. Ms. Steinberg said we do publish small webpages for the projects when they have public hearings and we post all of the documents the applicant has submitted and it says in the notice that you can go to that page and look at the information.

Councilwoman Roker said it is up to them but thinks it is a good idea. Councilman Diana agreed.

Councilman Lachterman said it is particularly good for the work sessions since the AACCCC building is currently closed to the public. Town Clerk Diana Quast said their work sessions would have to be done at the Town Hall and televising would be at their cost. Councilman Lachterman asked if any of the documents are proprietary that could not be published before their hearing. Mr. Tegeder said if it is going into a Planning Board book, it is in the public information domain except for correspondence from the Planning Board attorney pursuant to items that are confidential under the law.

Councilman Patel said many of the designs and plans are public information because they are very similar. Mr. Tegeder said the designs are copyrighted but once they come into his office and go into the book, they are public documents.

Supervisor Slater recommended they have a conversation with the Town Comptroller on the budgetary side since neither of these was for 2021 and it is important to understand, to the Town Clerk's point, what the additional costs would be for taping the work sessions. He also recommended that Ms. Steinberg have a conversation with Town Clerk Quast regarding the taping of the sessions. Supervisor Slater said, conceptually, the Town Board is in support of this; the funding just has to be figured out.

Councilwoman Roker asked a question of Mr. Tegeder regarding Underhill Farms. She asked if in their proposal documents they would have to show that the Town has the appropriate infrastructure to meet their needs and Mr. Tegeder said that is correct.

Supervisor Slater thanked both John Tegeder and Robyn Steinberg for their help. He said he received a letter from an applicant, IBM, who commended the both of them on how well they represented the Town and the help they provided. Supervisor Slater thanked them for their high level of representation that they always give to both the Town and the residents.

Councilman Patel and Mr. Tegeder had a brief discussion of the IBM solar project. Mr. Tegeder said it is a model solar project that is both interesting and instructive.

SUSTAINABLE WESTCHESTER

Nina Orville, Director Elect of Sustainable Westchester, and Dan Welsh who runs the Westchester Power Program for Sustainable Westchester, came before the Board to give an update on Community Solar. Mr. Welsh will give a presentation on the Westchester Power Program. Ms. Orville said the community solar farms the Town enrolled in a couple of months ago are now producing power in the town of Tioga and those are projected to give the Town a savings of over \$25,000 per year for the 25 years of the contract for a total of over \$625,000 in savings to the Town. She said, in addition, the Town partnered with them in a Community Solar campaign to bring the same kind of savings to the residents. There has been a lot of outreach in this campaign and more people in the Town of Yorktown have enrolled than in any other town in Westchester County. She said the numbers had been about 300 but had not been updated yet. Ms. Orville said the enrollees will be saving approximately 10% on their electricity bills and it will have a significant environmental impact. There are opportunities for both NYSEG and Con Edison customers. Ms. Orville also mentioned another opportunity for the Town to enroll its small electricity accounts in Community Solar under the identical contract in which the residents enroll. Supervisor Slater said the finance department wants to get comfortable with the large contracts before they reach out for the smaller accounts, but they have plans to do so in the near future.

Supervisor Slater suggested that Ms. Orville do another one of her Zoom webinars to reach out to residents who were not able to attend the first one, due to a winter storm that hit the same day. Ms. Orville said she would work on that with his office.

Ms. Orville said another opportunity that she wanted to share is one that has unparalleled environmental impact is to consider joining the Westchester Power Program, run by Dan Welsh for Sustainable Westchester. There are 28 municipalities currently participating in that program with both NYSEG and Con Edison and more are in the process of joining.

Dan Welsh said you could say that Sustainable Westchester was born in the basement of the Yorktown Town Hall about 12 or 13 years ago with the formation of the Northern Westchester Energy Action Consortium. He said the Westchester Power Program is one of the fundamental core programs of Sustainable Westchester and it is about reducing our CO2 footprint. It is a basic supply program and is about bringing renewable energy to residents and small businesses in a most economically effective way as possible. It is a program that was piloted by them and has become the de facto community energy structure in New York State and is completed aligned with the state's energy policy goals under the Climate Smart Community Program, which was just recently reinforced with the issuance of the new Clean Energy Community guidelines. Mr. Welsh said he knows Yorktown 100 is working towards an emissions-free grid. He presented the numbers that are the opportunity in Yorktown. The State maintains a registry of these numbers; they require the utility companies to submit them. The target sectors of this program are the small customer or residential accounts and small business accounts. The program aims to achieve a goal of 70-85% of the sectors enrolled, which would represent a huge impact of CO2 avoidance. Mr. Welsh said the approach is called Community Choice Aggregation (CCA), otherwise known as the Community Energy Program. The principle is pretty basic – it is a bulk-aggregated purchase and the point of that is they can be proactive about what they do with their power. They buy clean power and are doing it on behalf of communities to get more leverage and it is a proven program that has been going since 2016. They have 28 towns (and just added Tuckahoe) that represent 60% of the municipalities in Westchester County. The unique feature of it is that it is an “opt-out” program. It becomes the default for the community; it substitutes for the original utility supply but you retain all the options you had. A resident is free to opt out and go back to the original utility supply. If the Town is interested, they would begin with a few information sessions so the Board would have a chance to learn about it and give feedback. Mr. Welsh showed slides describing the history of the program and an overview of the program: Cities, towns, and villages buy electricity in bulk for their residents and small businesses; the program sets the criteria that energy companies must meet in order to supply the program (there are two supply options: green and standard and it has fixed rates), and it is a vehicle for education and advocacy for clean energy. Mr. Welsh reviewed the energy landscape and goals for New York State. Mr. Welsh explained how the billing would work: the bill is made up of two major pieces – one for delivery (figuring out how to get the electrons to your door) and one for supply (the customer decides who they want to pay to dump the electrons in the grid). They are taking advantage of that opportunity to maximize their impact on the supply side, bringing the customer the benefit of a fixed rate and clean energy. Mr. Welsh said the vehicle they use for obtaining the most favorable rates possible in the market is an online reverse auction platform. The bid request criteria includes a “not to

exceed” price cap; it pits suppliers against each other in real-time bidding; it provides total transparency since stakeholders can watch; it attracts more bidders; and there is a record of the proceedings. Mr. Welsh said eligible customers are residential and small business accounts that are not already in contract with other subsidized plans (ESCO, HEAP). He proceeded to explain how the “opt-out” format works. Mr. Welsh said the Westchester Power Program is a vetted community program that provides cost control and stability, advocacy, and education, all while pursuing the mitigation of climate change. He explained the procedures the Town would have to take in order to participate in the program (public hearing, outreach, approval of the Department of Public Service) and the participation options.

Councilwoman Roker asked what happens because she joined a solar company through NYSEG under the Community Solar Program last year and Mr. Welsh said they have a lot of sympathy for people being faced with all of the different options. He said these programs are distinct but work together very well. The Community Solar Program is not an electricity supply program; it is a participation program where, as a subscriber, you get financial credits on your bill and is a totally separate track. Your choice of energy supplier is completely distinct from that. The programs really meld well together because you want to achieve nominal emissions-free status, and that is only going to happen on the supply side. The Community Solar Program, in some ways, is more impactful because you are actually putting a new facility online and driving new energy into the grid and it is more locally based and that is a very impactful thing, but to get credit for the emissions-free status, you have to have what they call the “renewable energy certificate,” which has to be part of your supply and that is what happens with the supply program. Together – the supply with the fixed rate and community solar with the guaranteed discount – they are a really powerful combination.

Supervisor Slater asked what the fixed rate currently is and Mr. Welsh said today Con Edison’s rate of 7.405 cents for the renewable, standard is about .7 cents less at 6.7 cents. NYSEG’s is 7.19 cents for the renewable and he thinks the standard may be around 6 cents.

Councilman Patel asked at what point in the future would the energy from solar replace the energy produced by Indian Point and Mr. Welsh said the program right now procures renewable energy certificates that are primarily hydroelectric power; those are the most economical and they are all based on upstate hydroelectric facilities. Their ultimate goal is to drive the “dirty” electrons out of the local grid and eventually they will need a bigger pipeline from upstate and they have been talking to all of the different players who are part of that about trying to get new transmission capacity to Westchester. Mr. Welsh said we will never have enough renewable energy produced here in Westchester; we are going to have to bring some of it in from outside.

Supervisor Slater commented that this seems to be a continuing evolution from the community solar option that the Town provided that advances us. Mr. Welsh said it is definitely part of this continuum and, in some sense, Yorktown jumped ahead in terms of what most municipalities have done and went right to the Community Solar Program. The supply program is critical if one of your goals is to try to zero out your emissions and achieve Climate Smart Community status. Mr. Welsh said this is the program that reaches “all consumers” and provides that first opportunity to be part of the solution and to be part of the dialogue.

Councilwoman Roker said she thinks this would be a great educational program for many people because it can be somewhat confusing.

Supervisor Slater asked Ms. Orville and Mr. Welsh if they have a model ordinance that other municipalities have passed and they said they would send it to him.

Councilman Lachterman asked Mr. Welsh if there were any safeguards in place to prevent rigging of the bids. Mr. Welsh said they have a cut-off that has to beat their target price and they have not seen anything of that sort in the process. Ms. Orville said it is important to know the bidders do not know who the other bidders are; they can see the price ratchet down, but not who it is. Councilman Lachterman said you could backtrack that from past auctions to see who is bidding and eventually work around it. He said, from his background regarding bids, you worry about people getting together and colluding regarding the process and prices.

Councilwoman Roker said she and the Supervisor were talking about the Town’s fleet and our carbon footprint and looking at what the state has as their energy goal, this may be something we

may want to consider for the Town in terms of something to encourage people to participate. Mr. Welsh said on the fleet side they have a tremendous amount of activity going on with the electric vehicle side of things, including charging stations that many municipalities are beginning to use.

WATER DEPARTMENT REPORT

Kenny Rundle, Water Superintendent, and Joe Zongol and Jeff Budrow from Weston & Sampson, came before the Board to discuss the partnership with Weston & Sampson. First, Mr. Rundle asked to speak about the recent water main breaks the Town has been experiencing. He said, just to put it in perspective, in 2020 there were 28 breaks, 2019 had 30 breaks, and 2018 had 50 water main breaks. He said most breaks occur in the winter time and happen mostly to the cast iron pipes that become brittle in the cold and then crack. He took a look at this same time period last year and from December 2019 through January 2020, there were 7 water main breaks and from December 2020 through January 2021 there were 19 water main breaks and there have probably been about 6 more since January 31, 2021. Mr. Rundle said the lines of communication are much more open now regarding information on water main breaks, which make them much more visible. This is a good thing because we want the residents informed but he wanted to assure that the infrastructure is not crumbling, although it is not getting any younger, but if that were the case, the numbers would just consistently go up if the infrastructure were failing. He said the cold weather and the ground shifting are the causes for the breaks.

Councilman Patel said we would have to invest the money at some point in improving the pipes since corrosion is also an issue.

Mr. Rundle introduced the men from Weston & Sampson. Mr. Zongol said he has been working with Ken Rundle for several years, particularly on the cement relining project. He said they prepared a brief PowerPoint presentation to support the discussion regarding On-Call Water Engineering Support. Mr. Zongol gave a brief history of his company, as well as their credentials in the field. He introduced Weston & Sampson's principal personnel via an organization chart. Jeff Budrow, PE and Principal-in-Charge introduced himself and spoke about his role in the company and projects he has done. Mr. Zongol said they are planning to have a comprehensive team focused on water system planning and engineering. They want to utilize their local support and local knowledge of the area and familiarity with the Department of Health. They have gotten the cement lining project permitted through the Health Department using their knowledge of local regulations. He said they are there to provide responsive service to the Town and cost efficient solutions and long-term planning.

Mr. Zongol said Ken Rundle asked him to talk about two items; the first being the cement lining project. He said they were originally commissioned to do design in 2014, which was completed in 2016 and permitted by the Westchester County Department of Health. The reason it took so long was the district kept finding additional sections to add on to the design and the idea was to have a phased approach to implement the work. It never was constructed and they recently filed for an extension through the Health Department, which they granted for an additional year. This is still an option if the Town would like to proceed with that. Mr. Zongol believes the Town is now looking to get potential funding for the project, either through grants or through other sources. He said there are a few things that go into grant applications but the primary one is an EFC compliant Engineer's Report, which is a very comprehensive report and asks for information that may not be needed or is applicable for your project but demonstrates that the project is being done in the most cost effective manner, ensuring that you are spending grant money properly. Mr. Zongol said they provided Ken Rundle with a proposal to put together a report for that, as well as additional items that are required for an EFC grant. He said they would also like to provide guidance for phasing if the Town is able to secure the funding because this project is comprehensive; there are almost four miles of 6" and 8" cast iron pipe that is scheduled to be relined. The reason that you target cast iron pipe is because cast iron pipe of this vintage did not come with the cement lining installed. Today, ductile iron pipe is specified to have cement lining, which prevents or limits the amount of tuberculation that builds up in the pipe. He said without this lining, the 6" and 8" pipes are actually operating more like 2" or 4" pipes, which limits your supply, limits means for firefighting, etc. Mr. Zongol said he also provided Ken Rundle with an outline of what a capital improvement plan would look like because the questions he is asking them about maintenance scheduling and which problems to attack first all goes into a capital improvement plan where you analyze the entire system and look at it from a flow basis and an analytical basis based on the report Ken just gave earlier: where are you seeing more of the breaks, where are you getting complaints on low flows, etc. You put all that information together and put

together a phased plan so that you are not reacting on an emergency basis but allocating money over the course of a few years and you can set up your funding in a smart, targeted way. The first step in doing this is developing a hydraulic model using GIS data. Mr. Zongol proceeded to explain how this model is created and its benefits. Mr. Budrow spoke about the necessity of having the proper flow and the hazards of not having it – fighting fires are critical to having the proper flow of water. The Yorktown community needs to be able to stay ahead of this issue. Mr. Zongol said the hydraulic model is not just a paper report that they will hand to Ken Rundle, Water Superintendent. The intent is that this is a tool that Ken and his staff can use from the day it is created and moving forward.

Supervisor Slater said that funding is available; it was made available in this year's budget and part of the thought process is that the Town may be able to double its money by going for some state funding, which is the reason for the EFC compliant Engineer's Report. He said this is the first time the Town is putting money towards it, which is great, and one way or the other the Town wants to do something because they recognize the need and Weston & Sampson's report is what they will base that on.

Mr. Zongol said the last thing he wanted to discuss about the hydraulic model is that it also helps determine the impact of future development. It provides a tool for the Town that Ken and his staff can use so if, for instance, you have a new subdivision that is going in and reviews are being done, it is more than just "is there a water main in the street – great, we can connect to it." Ken Rundle is going to want to see how the infrastructure reacts when you add 20 or 30 residences to it. It provides leverage for the Town so that when a new business or development wants to come into Town, the Town can say to the builders that they will have to support infrastructure improvements and here is the reason why.

Councilwoman Roker said she thinks they are all on board with this because they recognize that the Town has to do something.

Supervisor Slater said he and Ken Rundle spoke with the Town Comptroller earlier in the day and they have a plan moving forward on the financing. The Town has the money in the budget this year to start the relining project, in addition to the Hydraulic Model.

Councilwoman Roker asked if the Board could get Weston & Sampson to move forward on an EFC compliant Engineer's Report. Mr. Zongol said he provided Ken Rundle with a proposal and he just needs his signature to initiate the process. Supervisor Slater said this was reviewed today with Ken Rundle, the Town Attorney, and the Town Comptroller. Mr. Zongol said they have had success on both the water and wastewater sides of getting EFC grants, which are currently not available. EFC grants on the wastewater side offer up to 25% of project costs; on the water side they offer up to 60% of project costs with a cap of \$3 million. EFC also offer low and no interest financing. He said if those are routes the Town is interested in, the EFC is a requirement, and they can help walk the Town through those steps.

Councilman Patel asked if there was any funding available on the federal level and Mr. Budrow said he was not aware of any money available on the federal level; most of it is being channeled through the state-revolving fund. He said they are advising their clients to get their projects as close to shovel-ready as possible because they are hoping there will be some stimulus funding to jumpstart not only the economy but to make a real dent in a terrible need that all communities have with their infrastructure.

There was a brief discussion about the timing of the reports and the application for funding, as well as the phasing of the project.

Ken Rundle said the hydraulic model is like when you are building a house; the hydraulic model is the foundation of the house. Right now it basically comes down to institutional knowledge – what areas of the Town have the main breaks – but his will allow them to run formulas and possibly predict where the breaks could happen. He said he is not an engineer, but having this model to start with is invaluable and is a great move for the Town and the Water District to make. Mr. Rundle said we should do the hydraulic modelling and discover deficiencies throughout Town, prioritize what needs to be addressed first so we can plan and budget for the infrastructure repairs and move forward. He thanked the Board for the time to speak, as well as Joe Zongol and Jeff Budrow from Weston & Sampson for their presentation.

ATV LAW

Parks & Recreation Superintendent Martorano said he is being inundated with illegal ATV and dirt bike usage since the pandemic hit. He said it seems to have become a new favorite pastime but is having a negative impact on our parks and hiking trails. He said they looked at the town code to see what was on the books here for ATV use and found it is a portion of the code that has not been updated since the 1970's. Chapter 275 "Vehicles and Traffic" Part II under Registered Vehicles, Article IV, subsections 25 through 37 does not have an updated definition of what an ATV or dirt bike is, there are no real repercussions or listed fines when it comes to using an illegal or unregistered vehicle in our parks or on our trails. Mr. Martorano read from the code demonstrating the lack of repercussions.

Councilwoman Roker said it really takes department heads to point out the insufficiencies in the code and work with the Town Attorney to come up with a proposal to give to the Board.

Superintendent Martorano said the issue is two-fold; not only is there destruction to parks and trails, but it also raises a health and safety issue on the trails to both the riders and the hikers. If there is an incident on the trails, the issue of how to get an emergency vehicle to the location was also raised. When you have high speed on these trails in the middle of the woods, bad situations can occur. He said part of this is also education that needs to be brought to the public that it is illegal to use these vehicles on fields and hiking trails.

Walt and Jane Daniels, Yorktown Trailtown Committee, presented a PowerPoint presentation recapping much of what Superintendent Martorano had said. Examples of where abuse can be found are the Town parks around the Taconic, the gas line through Town parks, Con Edison power line areas, FDR State – Mohansic Trailway, the playing field at French Hill School, the Mohansic Golf Course, the Yorktown Trailway (on DOT land). They showed riders on the field, as well as the damage caused by the tires.

Parks & Recreation Commissioner Matt Talbert relayed an incident at Legacy Fields in January where six ATVs were offloaded from a pickup truck for riding on the fields. He said beside the fact that they are destroying the grass that is there, if one of the vehicles gets on Legacy Fields or Granite Knolls Fields, you are looking at \$1 million worth of damage. If they do it to Granite Knolls, it would be \$1.5 million. He said there is no "bite" in the law. They and the police have had conversations with the pipeline companies and all they have been able to charge the riders with is trespassing. Commissioner Talbert said he has witnessed riders coming from the pipeline onto Granite Knolls, as well as driving on Stony Street, at a high rate of speed and it is increasingly becoming extremely dangerous.

Jane Daniels presented their goals: review existing laws in other municipalities and the state; build on the State law that defines ATVs and determines where they can and cannot be used; write a law which supplements the State laws and impose penalties such as fines, restitution, and confiscation; force payment of property damages; make police enforcement effective and not too onerous; have a coordinated effort with non-town owned land managers. Ms. Daniels also presented typical restrictions that can be added to the Town law, as well as what surrounding municipalities are doing. She and Walt Daniels concluded by presenting what they believe the next steps should be: keeping parking issue portions in Section 275 and move the rest into a new ATV law; determine range of offenses and penalties; talk to town police about what evidence is needed to charge violators (without chasing); write a draft of the new law; update the Parks & Recreation Commission; update the Town Code; and educate the public.

Chief Noble, besides the 40 square miles (they cover) and working very hard to get in compliance with Executive Order 203 and an impending accreditation coming up, he said he did not have much to contribute on this. He said they could put trail cameras in the locations, which would be a start, update the Town Code to make it more severe. Chief Noble said good points were brought up – ATVs must be registered in New York State, as well as insurance (unless being used on your own property). He said, at this time, he does not have anyone to put out in these locations. He said he believes the most important part of the next steps is education of the public. Chief Noble repeated his belief that cameras would be beneficial in identifying those breaking the law.

Supervisor Slater said they would continue to work with the Town Attorney to draft the changes, as well as continue to work with Chief Noble and his recommendations. He said the law needed

to be current and reflect what is going on in Town, and as well adding the public education component.

Chief Noble said the Town has beautiful fields like Granite Knolls and Legacy Fields and believes the public would get behind trying to protect them, as well as the trails.

The Board members discussed their experiences witnessing ATVs and dirt bikes on the trails, fields, and roadways.

YORKTOWN STAGE

Supervisor Slater introduced Barry Liebman from the Yorktown Stage and said this is an important topic for the Board and there are two items they want to discuss. The first item is the 2021 rent proposal – the Town Board did forgive rent for January 2021 (and he believes a resolution needs to be passed to memorialize that) and part of that conversation was understanding what the Yorktown Stage’s long term needs were for the lease, whether for 6 months or a year. They would also like to discuss what the plans are for the Yorktown Stage. Superintendent Slater stated that the Yorktown Stage is a jewel in the Town, which they are all invested in and want to see succeed, grow, and reestablish itself.

Mr. Liebman said, in short, they need money. He said they have existed very well since March of last year and were able to raise some money through their programs. They will have summer camp this June. Summer camp last year was full and they already have enrollment. They will need money to get to June when summer camp kicks in and then they should have enough to see them through to the end of the year. The dance company makes no money but they needed the room because that is also part of the summer camp. The tuition from the dance company is used to pay salaries and expenses. The room they use is important to the studio. Mr. Liebman said they have a show coming up with a budget of about \$3-4,000, which keeps the Yorktown Stage students busy. These students pay a tuition; the budget is very small and there is no other income. They are currently producing a taped production of Disney’s *Aristocrat Kids* and will stream another production in March, *Urinetown*. He said they currently do not owe any money and hopes they will re-open in the fall. Mr. Liebman said camp money should begin to come in around May or June and it is reduced but will provide tens of thousands of net income for Yorktown Stage. The camp has been the only place they have made money. He said the shows they produce do not make money. He said instead of losing \$10,000, they might be gaining \$500 in a \$4,000 budget and it keeps them from borrowing money. Mr. Liebman said he is once again applying for his PPE so that they may be able to pay a salary if the loan comes through. He said they are really looking for help to June, in whatever form the Town Board can provide. Their major expense is the rent, which they cannot pay at this time.

Supervisor Slater asked how much longer Yorktown Stage has on their lease, and Mr. Liebman said three years: 2021, 2022, 2023. Supervisor Slater said he and Mr. Liebman had a conversation about possibly tacking on 6 months to the end of the lease or spreading it out over the 3 years and asked Mr. Liebman if he was still agreeable to that and Mr. Liebman said yes.

August Abatecola, director, shared a presentation of their plans for the Yorktown Stage. He said they and the Arts & Cultural Committee would like to see the Yorktown Stage be the hub of Yorktown arts and for the greater Westchester area. Mr. Abatecola gave a presentation of the programs Yorktown Stage has each year: two annual MainStage productions; theatre for young audiences, Yorktown State Kids!; summer/winter camp, Just Dance! Dance Studio; and an internship program. Post-COVID, Yorktown Stage is planning to have a monthly concert series, a stand-up comedy series, theater-in-the-park at Veteran’s Field; and exhibit space for artists, movies, and lectures. They will also be available for corporate events. They are also planning two new major holiday-themed musical productions.

Supervisor Slater asked Mr. Liebman the status of their SLA (State Liquor Authority) license. Mr. Liebman said it has been put on hold due to the cost but said that as soon as they get clearance to have an in-person audience, they will move forward on the license.

Supervisor Slater thanked Mr. Liebman and Mr. Abatecola for their time and presentation. He also thanked Patty DeMarsh, AACCCC office manager, for her attendance.

AUTHORIZE TOWN BOARD TO WAIVE RENT FEES FOR WESTCHESTER BALLET
RESOLUTION #57

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

BE IT RESOLVED that the Town Board waives the monthly rent fees for the months of September, October, November and December 2020, for Westchester Ballet's use of the Albert A. Capellini Community and Cultural Center room(s) for a total amount of \$11,835.12.

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

ACCEPT THE RESIGNATION OF TOWN ENGINEER MICHAEL QUINN
RESOLUTION #58

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

BE IT RESOLVED, that the Town Board hereby accepts the resignation of Michael Quinn, Town Engineer, effective February 19, 2021.

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

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT FOR CARES ACT FUNDS FOR
NUTRITION PROGRAMS
RESOLUTION #59

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

BE IT RESOLVED, that the Supervisor is authorized to enter into an agreement with the County of Westchester to expand its senior nutrition services. The County shall reimburse the Town at the rate of \$5.00 per home-delivered meal, for a not-to-exceed amount of \$73,934. The term of the HDC2-FFRC program shall be retroactive to 3/20/20 – 9/30/21; and the term of the HDC3-Cares Act program shall be retroactive to 4/1/20-9/30/21.

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER- WORKERS'
COMPENSATION
RESOLUTION #60

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

BE IT RESOLVED that the Town Board authorizes the Budget Transfers listed below to fund Workers' Compensation from January 1, 2020 through December 31, 2020:

From: A.909 General Fund - Fund Balance
To: A9901.900 General Fund Transfer to Workers' Compensation
Amount: \$166,029.51

From: D.909 Highway – Fund Balance
To: D9901.900 Highway Transfer to Workers' Compensation
Amount: \$95,731.75

From: SR.909 Refuse – Fund Balance
To: SR9901.900 Refuse Transfer to Workers' Compensation
Amount: \$13,272.61

From: SW.1002 Water – Fund Balance
To: SW9901.900 Water Transfer to Workers' Compensation
Amount: \$31,128.55

From: YS.1002 Sewer – Fund Balance
To: YS9901.900 Sewer Transfer to Workers' Compensation
Amount: \$685.00

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

AUTHORIZE THE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE
PURCHASE OF PARKS AND RECREATION EQUIPMENT
RESOLUTION #61

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

WHEREAS, the Parks Department has deposited funds in February 2021 of \$27,123.00 (credited to account A.2665 Sale of Equipment) from Absolute Auctions for the sale of the following equipment:

2017 John Deere Terrain Cut Mower
1999 Toro Grounds Master Deck Mower
6 Yard Dumpster
Honda Track Snow Blower
Fraden Leaf Blower

WHEREAS, the Parks Department would like to purchase the following equipment:

2021 Kubota RTV with Plow (NYS Contract #PC67693) \$24,293.52
Hotsy-Clean Pressure Washer \$ 2,710.00

NOW THEREFORE BE IT RESOLVED that the Comptroller is authorized to process the following budget transfer for these purchases:

From:
A.909 General Fund – Fund Balance \$27,003.52
To:
A7110.201 Parks – Equipment \$27,003.52

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

AUTHORIZE THE COMPTROLLER TO PAY THE CASH VALUE OF UNUSED TIME FOR
MICHAEL ECHEVERRIA
RESOLUTION #62

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

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Michael Echeverria The cash value of unused time as of his retirement date.

Rate of Pay: \$54.1686 hourly

Vacation	496.00 hours x	\$54.1686	=	\$26,867.62
Personal Days	32.00 hours x	\$54.1686	=	\$ 1,733.39
Comp Time	1.12 hours x	\$54.1686	=	\$ 60.66

Holiday Pay	12.00 hours x	\$54.1686	=	\$ 650.02
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Longevity
\$3,000 / 261 days = \$11.49 per day
08/30/20 to 01/29/21 = 128 days
128 days x \$11.49 = \$ 1,470.72

Total \$30,782.41

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

From:
A3120.106 Police Longevity \$ 1,470.72

A3120.102 Police Salary – Uniform \$29,311.69

To:

A3120.108 Police Lump Sum Payments \$30,782.41

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

BID EXTENSION FOR RECREATION BROCHURE - CHASE PRESS
RESOLUTION #63

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

WHEREAS, invitation to bid for the Printing of the Town of Yorktown Parks of Recreation Department Semi-Annual Program Brochure was duly advertised, and

WHEREAS, said bids were received and opened on January 7th, 2020,

RESOLVED, that upon the recommendation of the Parks and Recreation Superintendent, James Martorano Jr., the bid for Printing of the Town of Yorktown Parks of Recreation Department Semi-Annual Program Brochure be and is hereby extended for one year, per terms of the bid, to Chase Press, 31 Peeks Lane, Suite 3, Newtown, CT 06470.

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

Councilman Patel said, regarding the budget transfer for Workers' Compensation, that when an incident occurs, to make sure personal protective gear is being used, where applicable. The gear should be provided and its use encouraged. Supervisor Slater said he would check with Human Resources to make sure this is being properly documented. He said the PPE is provided to our employees and they are encouraged to use it.

ADJOURN MEETING

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

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