

Zoom Video Conference and In Person Meeting of the Town Board, Town of Yorktown held on Tuesday, September 28, 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 Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss litigation and Police Department personnel. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, 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 long-time employee of the Yorktown Highway Department, Lead Mechanic, Charlie Villarino who passed away suddenly this past weekend. Supervisor Slater asked to remember his family during this very difficult time and thanked him for his service to the community.

INTRODUCTIONS

Supervisor Slater thanked the Town Clerk for helping to make the second hybrid meeting possible. Supervisor Slater introduced the Town Board, as well as the Town Clerk and Town Attorney.

Supervisor Slater reminded everyone that the flu clinic is being held tomorrow at the Albert A. Capellini Cultural and Community Center in partnership with Taconic Pharmacy. He said they will also be coordinating COVID booster shots and would, hopefully, have details next week. This Saturday, October 2, will be the Red Cross Blood Drive that will be held at the Jefferson Valley Mall.

Supervisor Slater also reminded the public that the school tax deadline is this week on September 30th. Residents can pay their taxes by mail, the drop box in front of Town Hall, pay online or in person. There is a 2% penalty for those who pay in October, which increases each month thereafter.

Supervisor Slater addressed an issue that was raised by a resident at Courtesy of the Floor last week regarding the American Recovery Money, the federal funds that Yorktown is going to be receiving from the federal government. He said the staff has gone back once more to verification and the four areas we are able to use the money for are drinking water, stormwater, wastewater, and broadband. Those are the four parameters the Town has been instructed to work within. He said he feels there are some projects that he believes qualify. The Board will have further conversations about what will qualify as acceptable projects.

Councilwoman Roker said, regarding wastewater, the Town has to do everything they can to get the SPEDES permit increased. Pump stations need to be done.

Supervisor Slater thanked the Finance Department for making sure that they stay on top of the parameters and the funds: \$1.7 million this year, \$1.7 million next year.

INCLUSIVE PLAYGROUND AT GRANITE KNOLLS

Jamie Collins, Ana Mandara, James Martorano, Superintendent of Parks & Recreation

Jim Martorano, Parks & Recreation Superintendent, spoke about the idea of putting an inclusive playground and sensory garden in Granite Knolls. He said he spoke with Ray Michael from Playworld and said the parts could be here as early as November. He said that recently the Parks & Recreation Commission voted to put in a fence, which he agrees with from a safety standpoint. Without a fence, the Town would have a Level 1 violation because how close the playground site is to roads. It is in 30 feet of the access road for the handicapped spots, as well as the service road. Superintendent Martorano said he has already worked with the Town Attorney on the bid document for a fence.

Councilwoman Roker asked when the town first built the playground, why was a fence not included.

Superintendent Martorano said he was not superintendent at the time and does not know why this was not done.

Councilwoman Roker said that she is not saying that it is not necessary but does not understand why it was not included in the original bid document.

Matt Talbert, Chairman of the Parks & Recreation Commission, said his understanding was that once the plans were done, the Town Board approved the plans. He said the Commission, as far as he knew, did not approve the plans. The playground was not on the blueprints that the Commission reviewed. He said he had knowledge of the playground and the area for the playground from Diana Quast, Parks & Recreation Commission, but there were no plans for the play area in the original plans.

Town Clerk Quast said, to clarify, that there was no fence around the play area in the bid document, whatsoever. The area for the playground, where it was going to be, was on the plan.

Commissioner Talbert said there was also no fence around the basketball court. He said there were multiple fence issues within the whole project that they had to correct.

Patrick Cumiskey, Parks & Recreation Commission, said the idea of the park moved very quickly. The idea was to have a playground but no specific plans were formed. He said there were a lot of things missing from the documents and there were a lot in the documents that they ending up not needing. He said there was a lot of bartering that went back and forth between the contractor and the Commission as the construction was ongoing. Commissioner Cumiskey said it was not that anybody did anything wrong – they were just working with what they had at the time.

Councilwoman Roker said her comments were not meant as a criticism but it is like building a house - plans change as the work is going on.

Supervisor Slater introduced Jamie Collins and Anna Mandara who would like to present the Board with a concept that they have created for an adaptive playground and sensory garden.

Councilman Diana said he was up at Granite Knolls with the contractor and the fencing person. There were issues with the fencing company, i.e., a lot of change orders. It was not that the TB said no. The fence representative actually walked out of a meeting where issues were trying to be rectified. It was a very adversarial situation. He felt the fencing company did not want to work with the contractor.

Jamie Collins, resident and Vice President of Yorktown Special Education PTA (SEPTA), introduced herself to the Board. Anna Mandara, resident, a parent of a child with special needs, and Vice President of Lakeland SEPTA. She is also a volunteer with the VFW in Yorktown; her husband, Alex Mandara, is the VFW commander. She works closely with Vet to Vet, and other veterans organizations throughout Westchester and Putnam Counties.

Ms. Collins said there was a Parks & Recreation Commission meeting held on May 6, 2021 at which a concern was brought by a Lakeland School District parent who was concerned, as the parent of a child on the autism spectrum, of “eloping.” As Ms. Collins explained, eloping would be to bolt or to run away. There could be several reasons why a child would do this; some behavioral, some sensory overload. This concern raised the issue of a barrier around the all-inclusive playground. After attending that meeting with Parks & Recreation, she and Anna

decided to make a proposal for an alternate fence that goes around the playground. They would now like to present their idea to the Board for their opinion. (*A presentation was shown.*)

Slide 1 addressed who in the Yorktown Community would benefit from a sensory garden:

- Over 200 families in Yorktown have one or more children with a developmental disability. Ms. Collins said that in the Yorktown Central School District there are 550 children classified with IEPs (some sort of learning challenge/learning difference. The Lakeland School District has about 894 classified students.
- Statistically, Yorktown is home to approximately 1000 veterans who suffer from PTSD.
- 65+ population totals close to 750 seniors who suffer from Alzheimers/Dementia.
- These numbers will continue to increase, year after year.

Slide 2 addressed the question “What can we do?” The creation of a sensory garden would help create a sense of community, create a space of tranquility, create a haven for stress release, and create a place to explore your senses.

Slide 3 displayed a rendering and tour of a sensory garden in Granite Knolls. They are looking to takeover an unused space and the playground would feed into the garden. Plant and bench barriers are proposed in lieu of traditional fencing. Plant and bench barriers also feel more like a part of the sensory garden. Ms. Collins mentioned different items that could benefit the senses: perennial plants and water features.

Other slides presented addressed Community Involvement, i.e., create a life skills program, annual veteran gardening program, senior citizen gardening program, Scouts of America community service house; graduating seniors’ community service hours, community service hours for religious communities, garden club involvement, book clubs, yoga classes, class trips, sensory wall designed by children; outdoor art projects, yearly community events, adopt a planter-bench program. Ms. Collins said the possibilities are endless and we have a pipeline of people willing to be involved.

A rendering of the Envisioned Perimeter of the Garden and Playground was displayed. Ms. Collins said this could be the crown jewel of Granite Knolls and the Town of Yorktown. The goal of this would be to accomplish this with very limited cost to the taxpayers. Ms. Collins said although it seems like a challenge, it is much more of a challenge being the parent of a special needs child, or a child looking to care for their elderly parent, or helping to treat a veteran suffering from PTSD. These are hard things. What is not hard is to plan a worthwhile project.

Supervisor Slater asked Ms. Collins where other similar parks are located. Ms. Collins said there is one in East Fishkill and one in Rye but that this would be the first in Northern Westchester.

Supervisor Slater wanted to recognize the hard work that the Parks & Recreation Commission have put into Granite Knolls. He said they have spent months deliberating over this issue. They have done a very good job of making sure that we understand the facility of Granite Knolls, which is a very complicated facility. He thanked the Commission for their leadership and volunteerism and by no means wanted to diminish their efforts. Commissioner Talbert has toured the East Fishkill adaptive playground and sensory garden in order to get a first-hand feel and understanding of what it means to have such a place and how does it translate to Granite Knolls and the Town of Yorktown. Supervisor Slater said he wanted to make sure that he and the Board acknowledge and thank the Commission for their due diligence and work on this.

Councilwoman Roker said all due respect is to be given to every member of the Commission. She asked Ms. Collins and Ms. Mandara if they were able to take their children to any recreation facility at this point where they can play. Ms. Collins said, yes, there are other parks where they can take their children to be part of the general community but there is nothing like what is being proposed here. There is a different layer of concern and understanding of your surroundings when you are in any public setting with a special needs child. Ms. Mandara said every child’s needs are different and they would like to build a place where they can be together and everyone can be included and relax.

Ms. Collins said the whole issue about the eloping that came up and brought about the concern for the barrier caused her to do some research. She said that about 50% of children on the autism spectrum between the ages of four and seven elope. If a child is having a sensory overload and/or

suffers from tantrums, we have the opportunity to give them a place to calm their senses temporarily and then bring them back to the playground.

Supervisor Slater asked if the planters/benches qualify as a fence for the safety audit and Scott Ferreira, who is the safety auditor from Parks & Recreation, said fencing around a playground cannot be climbable. A mesh fence must be very small. The planters/benches do not comply with fencing safety requirements. Supervisor Slater – does the planter/bench qualify as a fence for the safety audit?

Scott Ferreira – safety auditor from parks & rec for the Town. Scott said the fencing around a playground cannot be climbable. The mesh fence must be very small; smaller than 1.25”. Ms. Collins asked Mr. Ferreira if the only portion that would be out of compliance with the fencing requirement would be the back end by the access road where the handicapped parking is located because in the front they are not within 30 feet of the road.

Supervisor Slater asked Scott Ferreira, as the employee who is trained in safety audits, what his assessment is of the fencing issue. Mr. Ferreira said, as per the standard, anything less than 200 feet from the playground area is anywhere from a Level 1 to a Level 3 priority. He indicated on the drawing a set of parking spots off the access road that comes up from Stony Street that are going to be less than 30 feet from the playground area. He said then there is the service road that comes up to where the corner of the new playground and runs into it. Mr. Ferreira said, while the service road is not open to the public to drive on, they use their trucks and RTV on this road. Supervisor Slater said this area then requires a fence and Mr. Ferreira agreed and said the area near the parking spaces also requires a fence, which is already a Level 1 priority. He said a fence needs to “slow down” a child from a quick way out of the playground. Ms. Collins said that she understands that Mr. Ferreira is following standards, which she knows nothing about but she said a barrier is a barrier that will cause a slowdown, no matter what that barrier is. Mr. Ferreira agreed even though the standard says when you have a vehicular hazard, the fence has to be tested as a vehicular barrier.

Councilman Lachterman asked if there was any way to integrate the fencing with the sensory garden and Ms. Collins said that certainly could be discussed. She said that she feels that a lot of this evening’s conversation could have happened before the meeting. She said that this was not the original reason for the fence around the playground, although she was glad it was raised since safety concerns are real.

Councilwoman Roker said there is nothing too hard for both parties to sit down and resolve. She said she believes it can be worked out if they all sit down together. Supervisor Slater said they had a meeting today, which he felt was productive and a good first step. This has to be a partnership among Ms. Collins, Ms. Mandara, Parks & Recreation Department, and the Commission. He would like to see the parties get together to hash out the issues and come back to the Board with a new rendition of the plans.

Commissioner Talbert said the Commission has not really had an opportunity to discuss the sensory garden with Ms. Collins and Ms. Mandara. He said the idea for the sensory garden came before the Board once before for the National Fitness Campaign, who wants to use the same area. He is opposed to this because he and Superintendent Martorano have spent over two years working on the National Fitness Campaign and they are getting close to the opportunity for installation. He said a sensory garden could still be done, but on a smaller scale and much more manageable. Commissioner Talbert said, as he had explained to Ms. Collins, Ms. Mandara, and the Supervisor, his biggest concern about the sensory garden is the maintenance. He said they do not have the manpower to put in another project that has to be weeded, cleaned, and kept beautiful. He said he went to the East Fishkill playground and sensory garden and, to Councilman Lachterman’s question of integration, yes, it can be integrated. He said they are both in fenced in areas. Commissioner Talbert said things can be worked out and options need to be discussed. He would like to include the foreman and assistant foreman in the discussions to see how they feel they could manage.

Town Attorney Adam Rodriguez made the recommendation to include the Planning Department in the discussions but it was determined that since this is a Town Board action, it remain with the Town Board.

Councilman Diana thanked Ms. Collins and Ms. Mandara because he said he is a novice when it comes to the pros and cons for playgrounds for children with special needs. He said the Town is lucky to have as a neighbor the Shrub Oak International School who may be likely to lend a hand, since they are right next to Granite Knolls. He said he understands why a fence would give a parent a false sense of security. Councilman Diana thanked the Commission and Ms. Collins and Ms. Mandara and said that everyone should all be able to put their heads together to come up with something. He said we have to find solutions and not make issues.

Councilman Lachterman said the Shrub Oak International School specifically looks for programs where students can have real life experiences and they may be a very good partner in this.

Supervisor Slater said he has a call into the Town Supervisor of East Fishkill so he can do a site visit to their park. He said that this project has to be a partnership with the Parks & Recreation Commission, the Parks & Recreation Department, and the volunteers.

Councilman Diana asked if the Town's parks have any place now where people can go and work out and Councilwoman Roker said both the AACCCC and Downing Park and suggested that maybe Downing Park could be the location for the National Fitness Campaign.

Commission Talbert explained that the National Fitness Campaign proposal they brought to the Board deals with sponsorship (it is actually the company that is in Downing Park) and they agreed to give the Town the grant for the Granite Knolls location because of the amount of traffic there. The National Fitness Campaign has a sponsorship wall, which could amount to approximately \$100,000 received in order to install the unit.

Councilwoman Roker asked if there is no other area in Granite Knolls where this could be installed and Commissioner Talbert said this is the area that was approved by National Fitness Campaign and for which the Town would receive the grant.

Commissioner Talbert said another concern of his is putting the adaptive playground next to the basketball court. He feels that this may be able to be screened visually but not verbally. Children would be within earshot of rough language.

Ms. Collins said that most of the time parents would be there with children when older children and young adults were not using the court.

Supervisor Slater said there are all things that need to be discussed. Commissioner Talbert said a site visit is needed to see the area. Supervisor Slater said that should be the next step. He thanked Ms. Collins and Ms. Mandra, the Commission, and the Parks & Recreation Department.

Superintendent Martorano said he had the bid document ready to go for the fence but Supervisor Slater said the Board is not ready to make a decision on the bid until a decision has been made on the playground. Superintendent Martorano said the fence would have to go in before the playground, but Supervisor Slater did not believe this was accurate considering the information he received from Ray Michaels. Supervisor Slater said another conversation needed to take place with Mr. Michaels and said he should be present for the site visit to Granite Knolls.

PROPOSED RESURFACING OF RAILROAD PARK

Superintendent Martorano said that Railroad Park needs to be resurfaced. It will take approximately \$70,000 to resurface the basketball court. They would demolish the basketball court; install drainage, put in root block, new subsurface, new court, new painting of lines, two new hoops. He is working with the Town Attorney to create the bid document.

Councilwoman Roker said area residents should be notified before work begins.

John Campobasso, Parks & Recreation Commissioner, said this project has to happen because to see this still closed or only one usable hoop is not acceptable. This is the place where the area children and teenagers come to play basketball who may not be able to get to Granite Knolls. The Commission has already voted on this, and he is hoping to break ground in the spring and reopen in the summer.

Councilwoman Roker asked if someone would be able to oversee this project as it goes in and it was suggested the Town Engineer.

Councilman Lachterman asked which trees are to be removed in the front of the playground and Superintendent Martorano said the ones closest to the Highway Department are the trees causing the problem. Councilman Lachterman asked if the flagpole could be opened and Commissioner Talbert said those are different trees that are not in the same location. Superintendent Martorano suggested that it could be added to the bid document; however, Commissioner Talbert said he does not believe the person doing the courts would be the person to open the flagpole.

Councilwoman Roker said she believes the repaving would look very nice in that locations, especially since the renovation of the train station building and the addition of the monument.

Councilman Diana asked where is the money coming from and how much would it cost and Superintendent Martorano said it would come from the Trust and Agency fund and would cost approximately \$70,000 but it will depend on what comes back on the bids.

Commissioner Cumiskey said that Yorktown has a horrible reputation in the contractor community; the contractors have put in too many bids and had them cancelled. The \$70,000 is not just a number that was picked out of thin air – he believes this to be a realistic budget. He recommended not throwing in everything under the sun and to be reasonable about making this basketball court a serviceable court.

Councilman Diana said that the Parks & Recreation staff should not do any of the demolitions, as they can be used in other places and to let the contractor do the job completely.

Supervisor Slater asked Superintendent Martorano to work with the Town Attorney to draft the bid so that it can then be authorized to be advertised. He would also draft the resolution authorizing the capital improvement project and authorizing the Comptroller to transfer the funds out of the Trust & Agency account.

Commissioner Talbert said it is possible that the Town could go to companies on Sourcewell so that the bid may be circumvented. The objective to doing that would be to establish a relationship with a company that we can work with.

Commissioner Campobasso asked what the timeframe for getting the bid out would be and Supervisor Slater said they would get it done as quickly as possible. Town Attorney Rodriguez said he would need the specifications and parameters of the bid.

Superintendent Martorano thanked Highway Superintendent Paganelli for the repaving work he did at Turkey Mountain and Chelsea Park. He said they received a couple of bids from Sourcewell for the Hanover East project that the neighbors in the area are reviewing.

Councilman Patel asked about the maintenance that should be done on the gazebo in DeVito Park behind the AACCCC and Supervisor Slater said that they should have a conversation with the Comptroller where they are at with the money that was set aside.

Superintendent Martorano said they received a couple of quotes for the Hanover East Playground project that the neighbors are reviewing. The Parks & Recreation Commission allotted \$50,000 from the Trust and Agency fund for the project.

Councilwoman Roker asked Scott Ferreira if this is one of the last playgrounds on the list to be done and Mr. Ferreira said the Town has playgrounds that are safe but does have several that are on borrowed time. Councilwoman Roker asked if these would be put into a capital plan and Superintendent Martorano said it already is. He said the game plan is to start looking at some of the solar money to use and get on a year-to-year plan to replace some of the playgrounds that are well over 20 years old. Supervisor Slater said that was the whole point of the solar money, specifically for capital improvements such as replacing and repairing the playgrounds.

Commissioner Cumiskey said the important thing is for Superintendent Martorano to get on a cycle of repair for the playgrounds so when a playground ages out, it ages out on a cycle.

Supervisor Slater agreed. He said Superintendent Martorano should report back to the Board with the neighborhood's decision on the proposals and they can move forward. He thanked the Commission and the Parks & Recreation Department for the work they are putting in to the playgrounds.

FACILITIES ASSESSMENT

Supervisor Slater welcomed Michael Morra and Angela Raimondo from Cushman & Wakefield. He said this was an RFP that Cushman & Wakefield won for a facilities assessment. Supervisor Slater asked Mr. Morra to give a rundown of each facility and the Board would follow along with their copies of the report.

Mr. Morra began with the assessment of the Parks & Recreation administration building at 176 Granite Springs Road, which was done back in March. He said there is a roof leak on the west side of the building and there is currently some kind of makeshift tarp to prevent leaking into the building. No areas appear to be damaged by the leak. The cost to replace the roof would be approximately \$24,500 and this is a Priority Level 2. (*Page 7 of the report give descriptive qualifiers on current conditions and priority levels.*) They also understood the trailers were initially temporary but have since become permanent workplaces for employees.

Supervisor Slater said this building is of interest to the Town because the Parks & Recreation Department utilizes the building. He asked if the building can continue to be used in a safe way, assuming the roof issue is addressed. Mr. Morra said, overall, the building (given its age) is in good shape and no structural issues, with the exception of the wheelchair ramp. There are no major concerns from a structural or facility perspective. Mr. Morra said as far as the roof goes, it is not in bad condition; however, they were not able to access it. He said a roofing contractor should be brought in to inspect and evaluate it.

Councilwoman Roker asked about roof membranes and Mr. Morra said there are different types of membranes and would be determined by a roofing expert. He said if this is a place where the Town envisions employees remaining for the next five years, he recommends getting a roofing contractor.

Councilman Diana said he looked through the information and agreed that the façade of the building was shabby. Mr. Morra also mentioned the wheelchair ramp footers have deteriorated significantly. Councilman Diana asked the condition underneath the trailers and Mr. Morra said that area was not accessible to them; there was no access panel along the façade of the trailers. Councilman Diana said the plumbing and sewer are under there and wished he had known there was no access. He said without a good foundation, there is no sense in replacing the roof.

Supervisor Slater said that Building Maintenance offered to address the ramp.

Councilman Patel suggested that the Building Department's input would be helpful. Supervisor Slater said that, unfortunately, the Building Department is very busy because they are currently understaffed. Councilman Patel said they should at least be able to review the recommendations being made. Supervisor Slater said that could be possible, but the Building Maintenance team, who does the repairs, has already reviewed the recommendations and was present during the inspections; however, he said he would share it with the Building Department.

Councilman Diana said they might want to consider putting in a panel at the same time they are repairing the ramp. Supervisor Slater agreed but this was more about getting an assessment done before the Town started putting money into the building to make sure the right choices were being made with Town money.

Ms. Raimondo, representing the architectural firm asked to review the space, said as far as what Mr. Morra was saying, some adjustments will need to be made if the Town wants to continue to use the space as they are now. She spoke about adjusting some of the furniture to accommodate new administrative help and new employees that may come in over the next few years. She suggested lighting upgrade, and minor renovations to the bathrooms in addition to the changes Mr. Morra mentioned for the exterior work.

Councilwoman Roker asked if the bathrooms were handicapped accessible and Ms. Raimondo said they were not fully accessible.

Councilman Patel asked about the filtration system. Mr. Morra said the units sit on the side of the property and are single units that control heat and air conditioning. He said while they were there they had no issues and that, typically, these types of units have some sort of maintenance contract attached to them. As far as the mechanical systems, they found no issues. Air quality testings are popular and they can get someone in to do that but, as of now, they do not have an air quality report for the facility.

Supervisor Slater said he wanted to make sure he understood: mechanically, it is sound but there was no formal health test done on the air quality. Mr. Morra said no air quality test was done and it is assumed that the mechanical system is balanced properly. A test would have to be performed by an HVAC contractor.

Councilman Patel said it was noted for the Highway Department garage that there were no smoke detectors and that is very bad because they are continuously using combustible material and the engines have to be on, which could cause a fire at some point. Supervisor Slater agreed with Councilman Patel and said the Town Fire Marshall could go through and make sure it has the proper fire safety mechanisms.

Councilwoman Roker asked Mr. Morra if the new COVID requirements are being met. Mr. Morra said some of those requirements or the updated filter systems that are being used that captures more particles were not tested, as it relates to HVAC. This is just a general condition assessment.

Councilwoman Roker said she believed the Town has an annual HVAC company and perhaps Mr. Marino (Building Maintenance) could have them look at everything.

Supervisor Slater said it is important for them to understand the issues before they start spending money. They need to know what the priorities are first. He said there is significant grant money for the Highway Department and they need to determine the best use for those dollars.

Mr. Morra moved on to the service building next to the administration building. This property was in very good shape, but they could not access the shingled roof. No leaks were detected. Mechanically, there were no ACs present. They reviewed the boiler system and it appears to be in good shape. The plumbing system had no leaks. There is no sprinkler system in the building. They did see some deterioration at the doorframes and there is some rust at all for doorways. There is splitting in the ceiling but nothing significant and not caused by water damage. There were no smoke detectors in the building and recommend installing them. There was not a lot to be done from a cost perspective at this building.

Mr. Morra proceeded with the Town Hall building recommendations. Stairs and ramp at the front entrance: there is splitting at the top step. The cost to replace the entrance stairs and the ramp would be \$100,000. Supervisor Slater said he thought one of the issues raised to the staff was the fact that underneath the stairs was hollow. He asked Mr. Morra if this was confirmed. Mr. Morra said the Town would need a structural engineer to come in to evaluate the situation. He said they did not perform any in depth analysis of this area. Supervisor Slater said it was mentioned to someone on Mr. Morra's team that this was to be checked. Mr. Morra said their quick glance did not find it was unsound structurally, but it needs to be evaluated by a structural engineer. Councilman Diana said he would have to take a look at the stairs, as he was unaware of the situation. Mr. Morra said they reached out to Peak Performance who maintains the boiler system at Town Hall for a replacement cost of the boiler, which came in at about \$14,000 per boiler replacement. The boilers at Town Hall are old and at the end of their lifespan. Councilman Diana said the Town knew about the boilers several years ago and they were going to look into gas, so when the boilers were replaced, the tank would be removed at the same time. Mr. Morra said, at this point, preventive maintenance is the best that can be done until the boilers are replaced.

Councilwoman Roker asked to review all of the costs, so far. Supervisor Slater quoted \$194,000 for Town Hall. Supervisor Slater moved on to the Highway Garage. Mr. Morra said the façade is due for some re-pointing, most likely due to larger trucks entering and exiting. This would cost about \$3,500. He said there are several AC units in the facility and they did not know the exact age of the units, so it is recommended that they be inspected. There is damaged floor and ceiling tile throughout the space and they recommend getting that repaired for approximately \$2,000. The broadloom carpet throughout the break room and in the front is old but salvageable. They recommend getting it properly cleaned. Supervisor Slater asked if there was any feedback on the

boilers and Mr. Morra said it a boiler system with baseboard heating and detected no issues and recommended continued maintenance.

Councilman Patel asked if there were any asbestos checks done and Mr. Morra said no, it was not part of their inspections. If any ACM is detected, it is their recommendation if you are not disturbing the area, it should not be touched. He said performing an air quality test could also detect particles and give a better idea of the air in the facility. Councilman Diana said that the first boiler (one of four) was taken out of sequence because it wouldn't come apart any more for cleaning. The remaining three are sufficient to carry the building. The building also has a waste oil burner, which is in the back and takes care of a large portion of the work area.

Councilwoman Roker asked if the grant would cover new boilers and Supervisor Slater said his understanding is that the grant covers the ventilation system and would cover the expansion the Highway Superintendent was planning on doing (providing sleeping quarters for his staff).

Town Clerk Quast said there are two separate grants: The one for \$350,000 is for the HVAC system and the boilers are included in the document; the \$100,000 is for an alteration to the building.

POLICE DEPARTMENT AND COURTHOUSE PLAZA UPGRADE

Supervisor Slater introduced the discussion for the new promenade at the Court House and Police Department. He asked Town Engineer Dan Ciarcia to walk the Board through the project.

Mr. Ciarcia said one of the chronic problems they have had is the existing tunnel. One approach to decide upon is to dig an exploratory hole on our own prior to awarding a bid or just leave it as a task to be evaluated to expose some of the tunnel, particularly where the old and the new meet. He said part of this is to add some underdrains to come up to one side of the tunnel. Mr. Ciarcia said if we are going to look at the steps now, maybe we could look at a drainage system on both sides to shed some of the water off to the rear of the parking lot.

Mr. Ciarcia said what he is showing the Board this evening is putting some underdrains in to take some of the runoff that penetrates the pavers and convey it away into the Route 202 side, but, obviously, you have the tunnel in the way. If we are going to redo the stairs and excavating that whole area, it may provide an opportunity to put drainage on that side.

Councilman Diana asked if there is a membrane that could be put under the drains and Mr. Ciarcia said we can always get to the bottom of the tunnel, if we want to do that deep to convey the water away. He said he believed when they did the Court House, a rubber membrane was applied.

Mr. Ciarcia said the scope of the work could include exposing the whole top of the tunnel but to what extent could we achieve the goal of providing a system to convey the water away from the tunnel. If we have an impermeable layer on top of it and then have a collection system, even if it's shallow (3 or 4 feet), so that the water that percolates through the pavers and hits the tunnel area will shed out to either side and then drop into a collection system to be carried away. Mr. Ciarcia thinks this will make a big difference. He supposed that you could put in an impermeable membrane to make sure that all the water that percolates through the pavers doesn't go deeper into the surrounding ground. He said, short of doing the other fix, which would be disruptive – going down 8 or 10 feet to get down to the bottom of the tunnel would create a lot of disruption. He said the question is can we be successful by providing an underdrain system to keep the underside of the plaza as dry as possible and seal up the top of the tunnel. Mr. Ciarcia discussed doing some exploratory work using town personnel to dig it up and see what's there, otherwise it can be put in the contract and perhaps handle it as an alternative.

Councilman Patel asked what the length of the tunnel is and Mr. Ciarcia said, without being exact, it is about 50 feet.

Councilwoman Roker said she thinks it is worth exploring. Supervisor Slater asked to define "exploring;" would it be multiple hours of manpower? Mr. Ciarcia said it would need to be removed by hand – open up a maximum area of 8' x 8' – to expose the joint. Supervisor Slater asked which department's personnel would Mr. Ciarcia suggested and he said he wasn't sure – possibly Highway or Parks; it would require a couple of laborers. Supervisor Slater said they would work to find one or two laborers to assist.

Mr. Ciarcia continued with the improvements recommended for the plaza, including the replacement of the stairs accessed from the Route 202 parking lot, resetting the pavers in the plaza, proposed handicapped parking spaces closer to the Court House, installation of bollards. He said the planter areas are somewhat narrow and they are thinking of widening them and possibly adding bluestone topping on them and making it a place to sit. Supervisor Slater said the Chief and the judges will be contacted to see how they feel about this. Mr. Ciarcia said there will be repair to the existing uplighting. Supervisor Slater asked if they were going to refill the hole after it was dug and Mr. Ciarcia said yes.

Supervisor Slater asked what the next steps would be and Mr. Ciarcia said there are a few questions that need to be answered internally; they have started pulling together specifications. This will be a public works project, which requires detailed specifications (i.e, pipe types). Specifications should be ready sometime next month.

Councilman Patel asked why Mr. Ciarcia wants to reuse the old existing pavers instead of installing new ones, which may be made of a better material. Councilman Diana said he agreed with Mr. Ciarcia because the existing pavers are a very high-grade brick. Mr. Ciarcia said most people use a dyed concrete paver and over time they weather and the impregnated pigments fade. The existing pavers are made of clay and are still in good shape; to replace this quality would cost a lot. Supervisor Slater requested Mr. Ciarcia work with the Town Attorney on the bid and come back to the Board.

WETLANDS PERMIT FOR 1875 BROOKDALE AVENUE

Joe Riina from Site Design Consultants came before the Board to discuss the Wetlands Permit Application for 1875 Brookdale Street. He introduced the owner of the property, Mr. Heitor Almeida. Mr. Riina said Mr. Almeida was granted an MS4 Permit, which was a Tree Permit and some buffer disturbance was permitted. He expanded what he was allowed to do and was issued a violation by the Town Engineer at the time. They have been working on trying to address that. The last time they were before the Board, they were instructed to appear before the Planning Board and the Conservation Board. Both boards requested a more formal mitigation plan, which they prepared and submitted. It now needs to be referred back out to the Planning Board and Conservation Board so that Mr. Almeida can get their final input on the mitigation plans and then come back to the Town Board with their recommendations.

Councilman Patel asked Mr. Riina what he thought was missing and Mr. Riina replied that they proposed the mitigation and the two boards wanted something more substantial, which they did and this is where they are at, presently.

Councilwoman Roker asked to whom they submitted the formal plan and if the Town Board received the mitigation plan. Mr. Riina said it was submitted to the Town Board. Councilwoman Roker said, as she recalled, Mr. Almeida cut down a considerable amount of trees. Mr. Riina said Mr. Almeida had a permit to cut trees, but he went beyond that and went into the wetland. Mr. Riina said there is a lot behind the tree permit and did not know if the Board wanted him to get into that this evening, but of the 77 trees that he was granted a permit, 51 of those trees were actually 8 inches or greater and, of those, a substantial number were Norway Maples, which is an invasive tree. He said that when you break down the actual amount of trees that Mr. Almeida cut down that was covered by the Code, it is not as many as you would think. Mr. Riina said the real issue is going into the wetland and doing clearing beyond what the permit allowed.

Supervisor Slater said when this was originally brought forward, the Board knew that the violations needed to be addressed and a proper mitigation plan needed to be formulated. There were also questions on enforcement. Mr. Ciarcia said a violation was issued but it never made it to the court – had it gone there, they would be in the same place they are in now, which is the remedy to get a permit to legalize the activities that took place. Supervisor Slater said the Board has heard from a number of neighbors and wanted to make sure that they understand this project is not circumventing the process in any way.

Councilman Patel asked if there is a flooding issue in the area due to the project. Mr. Riina said there is an erosion issue because almost every one of the properties behind Mr. Almeida's have pipes that dump directly on to the back of Mr. Almeida's property, which caused some washouts on his property, including his driveway. This plan is working to remedy that by tying all of those pipes together away from the house and feeding the wetland area with the collected water.

Councilman Lachterman said one of the neighbors expressed concern with the erosion deteriorating the area by her house and her driveway. Councilman Lachterman said he believes the property is adjacent to the wetlands. Mr. Riina said nothing that is being done would affect her property, as her property is at a higher elevation than Mr. Almeida's property.

Supervisor Slater and Councilwoman Roker agreed that the mitigation plan should be referred to the appropriate agencies for comment/feedback; it can then be brought back and a decision made.

AUTHORIZE REFERRAL OF MITIGATION PLAN FOR 1875 BROOKDALE STREET
RESOLUTION #390

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the mitigation plan for the project at 1875 Brookdale Street.

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

APPROVE PURCHASE OF A FORD F350 FOR THE BUILDING MAINTENANCE
DEPARTMENT
RESOLUTION #391

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

RESOLVED, the Comptroller is hereby authorized to process the following budget transfers:

From:

A1630.110	Building Maintenance – Part Time/Seasonal Salary	\$20,000.00
A1625.408	ACCC – Fuel Oil	\$20,000.00
A1625.416	ACCC – Building Maintenance	\$ 5,000.00
A1620.416	Town Hall – Building Maintenance	\$ 5,000.00
A1630.201	Building Maintenance – Equipment	\$ 2,729.60

To:

A1630.210	Building Maintenance - Equipment	\$52,729.60
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for the purchase of a 2022 Ford F350 Regular Cab 4x4 Chassis with Dump Body in the amount of \$52,729.60 from Hempstead Ford Lincoln under Westchester County Contract #RFB-WC-20395.

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

Councilman Diana said that most this is coming out of the Fuel Oil budget and cautioned that the price of fuel oil has basically doubled since last year. Supervisor Slater said that he would double check with the Town Comptroller, but he believed that this was already reviewed by her. Supervisor Slater said that he would be happy to go back to the Comptroller and make sure but believed that she had done that. He said if the Board would want to wait until next week, they could. Councilman Lachterman and Councilwoman Roker felt if the Comptroller reviewed it, that they were fine with passing the resolution. Town Comptroller Pat Caporale texted into the conversation and said that there was more than enough to get to the end of the year. The Board thanked the Comptroller for checking in.

AUTHORIZE COMPTROLLER TO RELEASE PERFORMANCE BOND FOR 55
WINCHESTER COURT
RESOLUTION #392

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

WHEREAS, Elizabeth & John Bartolotta as applicants, posted check #1518 in the amount of \$250 was deposited to the T33 account on February 24, 2020, to serve as the Performance Bond for a land development project for property located at 55 Winchester Court, and

WHEREAS, Elizabeth & John Bartolotta have requested their money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced \$250 bond be and is hereby released to Elizabeth & John Bartolotta, 55 Winchester Court, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE PERFORMANCE BOND FOR 1538 JACOB ROAD

RESOLUTION #393

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

WHEREAS, Williams Contracting Company Inc., as applicant, posted check #5696 in the amount of \$500 was deposited to the T33 account on December 14, 2020, to serve as the Performance Bond for a land development project for property located at 1538 Jacob Road, and

WHEREAS, the applicant has requested his money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced \$500 bond be and is hereby released to Williams Contracting Company Inc., 3534 Wildwood Street, Yorktown Heights, NY 10598.

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

AUTHORIZE ENGINEERING DEPARTMENT TO RELEASE THE PERFORMANCE BOND FOR THE CAT HILL SUBDIVISION AT HILLTOP HANOVER FARMS

RESOLUTION #394

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

WHEREAS, the owner of the Cat Hill Subdivision at Hilltop Hannover farms is in contract to sell the property;

RESOLVED, the Engineering Department is authorized to release the performance bond held by the Town in the amount of \$237,877.15 on file for the Cat Hill Subdivision at Hilltop Hannover Farms, upon receipt of a replacement bond in the amount of \$237,877.15, as approved by the Town Attorney, and to assign any cash bonds and inspection fees on file concerning the Cat Hill Subdivision at Hilltop Hannover Farms upon proof that the property was conveyed, as approved by the Town Attorney.

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

AUTHORIZE THE COMPTROLLER TO PAY OUT JASON SWART FOR UNUSED TIME

RESOLUTION #395

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

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

Rate of Pay:	\$60.1303	hourly			
Vacation	40.00	hours	x	\$60.1303	= \$ 2,405.21
Personal Time	16.00	hours	x	\$60.1303	= \$ 962.08
Comp Time	33.43	hours	x	\$60.1303	= \$ 2,010.15
Holiday Pay	72.80	hours	x	\$60.1303	= \$ 4,377.48
Longevity					

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

From:
A3120.102 Police Salary – Uniform \$2,903.43

To:
A3120.108 Police Lump Sum Payments \$2,903.43

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

AUTHORIZE HIGHWAY SUPERINTENDENT TO SIGN PETROLEUM BULK STORAGE REGISTRATION RESOLUTION #398

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

BE IT RESOLVED, that the Highway Superintendent is authorized to execute all documents necessary to renew the Town’s Petroleum Bulk Storage with the County of Westchester.

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

AUTHORIZE YORKTOWN POLICE DEPARTMENT TO PURCHASE A FORD POLICE INTERCEPTOR HYBRID SUV RESOLUTION #399

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

BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) 2022 Ford Police Interceptor Hybrid SUV from the Westchester County contract RFB-WC-19023, awarded to Beyer Ford in the total amount of approximately thirty-six thousand, forty-seven dollars (\$36,047.00).

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

APPOINT TIFFANY A. CHARLES TO POLICE OFFICER IN THE POLICE DEPARTMENT RESOLUTION #400

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

BE IT RESOLVED, that Tiffany A. Charles is hereby appointed Police Officer in the Town of Yorktown effective September 29, 2021 to be paid \$58,253.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 29, 2021.

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

ADJOURN MEETING

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

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