

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, January 25, 2022 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
David Paganelli, Highway Superintendent
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilman Esposito, seconded by Councilwoman Haughwout, the Town Board moved out of Executive Session and proceeded with the meeting.

Supervisor Matthew Slater welcomed everyone to the Town Board Work Session Meeting of January 25, 2022. He asked everyone to please stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

Supervisor Slater stated that they would be doing things a little differently tonight. He asked everyone to be seated prior to the moment of silence. He recognized Deputy Supervisor and Councilman Tom Diana who had a resolution that he would like to read, which would be followed by a second resolution read by Councilman Ed Lachterman. Supervisor Slater said following that would be a moment of silence.

Supervisor Slater recognized Councilman Diana who read the following proclamation:

PROCLAMATION HONORING THE SERVICE OF NYPD OFFICER JASON RIVERA AND WILBERT MORA

WHEREAS, in January 2022 there have already been five members of the New York Police Department who have been shot in the line of duty; and

WHEREAS, on the evening of January 22nd New York Police Officers Jason Rivera and Wilbert Mora responded to a domestic violence incident in New York County;

WHEREAS, at the scene of the incident, Lashawn McNeil opened fire on Officer Rivera and Officer Mora and causing their deaths; and

WHEREAS, New York Police Officer Jason Rivera was only 22 years of age and joined the NYPD to serve his community and using his person experience to improve relationships between the NYPD and those it serves and protects; and

WHEREAS, New York Police Officer Wilbert Mora was a 27 year old officer with 4 years of service on the NYPD who heroically served our community with courage, skill, and humanity;

WHEREAS, the Town of Yorktown recognizes its direct connection with the NYPD through members of the Yorktown Police Department who began their careers with the NYPD and the many residents who are currently serving or retired from the NYPD; and

NOW, THEREFORE, BE IT RESOLVED that the Yorktown Town Board pause in its deliberations to remember NYPD Officers Jason Rivera and Wilbert Mora; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands firmly behind the great men and women who courageously risk their lives to protect others; and

BE IT FURTHER RESOLVED that the Town of Yorktown recognizes that changes in State Law adopted by the State Legislature, including cashless bail, have had an adverse impact on the safety of communities across New York State, including our own; and

BE IT FURTHER RESOLVED that the Town of Yorktown urges our state representatives to prioritize public safety and the safety of the state's law enforcement officers by adopting statutory changes, including a full repeal of the cashless bail law, to better protect residents and address the state's rising crime rates.

Councilman Diana said, having served as a police officer, until you stand behind the badge and I have said this before, you will never know what it is like to wear it.

Councilman Lachterman said this is similar to our military. He said when you put on the uniform, you do not know what to expect. You only know you are there to serve and protect and defend our country and our citizens. He said he has a tremendous amount of respect for police and a situation like this brings home the realization of how dangerous a job it is. He said we should appreciate every man and woman in blue who goes out to protect us and to make sure we can live the lives we have. He asked all to thank a police officer when you see one. He thanked all police officers across the nation for what they do every day.

Councilwoman Haughwout said her thoughts and prayers are with the families of Officer Rivera and Officer Mora.

Councilman Esposito supported the changes in legislation that Councilman Diana proposed in the resolution. He, too, offered his thoughts and prayers to the families.

Supervisor Slater said the Yorktown Police Department is the best and is a model police department across the State of New York. He said many of our officers tonight feel a direct connection to the tragedy. Supervisor Slater said many of our officers would be attending the funeral being held on Friday. He thanked the many members of the NYPD, many of whom call Yorktown home. Flags will be kept at half-staff in memory of Officer Mora and Officer Rivera. Supervisor Slater thanked Councilman Diana for bringing this resolution forward. He said this is no longer a partisan issue; there is significant malfunction when it comes to gun violence in our communities and we need to figure out a way to address it. He urged our leaders on the state level to find the solution that would keep our families safe. So, for all who serve our communities, who served the Town of Yorktown, who wear the badge, who serve elsewhere Supervisor Slater thanked and honored them. He asked for a moment of silence to pray for Officer Jason Rivera and Officer Wilbert Mora.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember Officer Jason Rivera and Officer Wilbert Mora.

Councilman Diana asked that our prayers go to the officers and their families. If you have a blue light in front of your house, turn it on tonight. I know we do it on 10-13 but this is definitely a 10-13 night.

Councilman Lachterman extended his thoughts and prayers for the extended family of the two officers in their precinct.

Councilman Lachterman read the following proclamation:

RECOGNITION OF JANUARY 27 AS INTERNATIONAL HOLOCAUST REMEMBRANCE DAY

WHEREAS, from 1933 to 1945 nearly 6 million Jews were murdered in a Nazi-led holocaust as part of a systematic program of genocide; and

WHEREAS, two-thirds of Europe's Jews were murdered at the hands of the Nazis, including more than 90 percent of the Jewish population in places like Poland, and;

WHEREAS, 2020 marks the 89th anniversary of the start of the genocide of European Jews, and;

WHEREAS, the Holocaust is one of the darkest times in our world's history and, for that reason, must be remembered and taught to ensure similar atrocities never happen again, and;

WHEREAS, the Yorktown community continues to stand firmly against all forms of hate and bigotry within our Town;

NOW, THEREFORE, BE IT RESOLVED that the Town of Yorktown recognizes January 27 as International Holocaust Remembrance Day, and;

BE IT FURTHER RESOLVED, that the Town of Yorktown reaffirms its commitment to never forgetting and never allowing genocide to recur, and;

BE IT FURTHER RESOLVED, that the Yorktown Town Board pause in its deliberations to remember the victims of the Holocaust and all victims of hate, bigotry, and genocide.

Councilman Lachterman pointed out that, while six million Jews were murdered, there were over twelve million murdered all together, which included all races, religions, and ethnicities. He mentioned attending a talk about the Greek Holocaust, when 87 percent of all Greek Jews were murdered. He said people do not realize how widespread the Holocaust was. Councilman Lachterman said they would be holding a Holocaust Remembrance in April.

Supervisor Slater thanked Councilman Lachterman for his leadership in making sure we never forget. He said it is critically important that we, as a community, uphold our commitment to those victims and to make sure that we continue to combat all forms of bigotry and hate within our community and genocide on a larger scale.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember the victims of the Holocaust.

Councilman Diana said that years ago he attended his first Holocaust Remembrance ceremony. He said no matter how many books you read or movies you see, you cannot know what it was like until you talk to someone who lived through it.

Councilman Lachterman echoed Councilman Diana's sentiments and mentioned an emotional visit he made to the remains of the Dachau Prison Camp.

Supervisor Slater stated that he visited Dachau when he was a freshman in high school and the way Councilman Lachterman described it, was exactly how he remembers it. It was actually noiseless because it was so solemn. He said that was one of the things that he would always remember of visiting that terrible place. He said that we needed to make sure that we never forget and that it is moments like this and National Remembrance Days that help educate the next generation about what occurred and the importance of why we can never let it occur again. He said that this is why he makes sure to take time at the Town Board meetings to do this.

Councilman Lachterman also thanked Councilman Diana, former Councilman Barnard, former Councilman Patel, and most importantly, one of the people who really pushed him, former Town Supervisor, Michael Grace, who believed that this was something that needed to be shared. He said the entire Town Board was behind it and gave them that initiative to move forward.

Supervisor Slater said that he would like entered into the public record that in May of last year he asked the Town's Ethics Board to render an advisory opinion regarding his relationship with Dr. Terence Murphy, for whom he served as a member of his staff in the New York State Senate from 2015 to 2018, as it pertains to the project being proposed by Unicorn Contracting. During that time, Dr. Murphy was not an employee of Unicorn Contracting. He said the Ethics Board determined, "we do not find any conflict of interest, which would inhibit, prevent, or deter the Supervisor from participating in discussions or voting on any Unicorn applications that may come before him and the Town Board." He said it further stated, "In our opinion, we

require that Supervisor Slater fully disclose this relationship to the public prior to taking any action for an application concerning Unicorn's interest at the Soundview property." Supervisor Slater pointed out that the Chairman of the Ethics Board advised that this disclosure was only required for the specific application in question and was not applicable to the Overlay District Law for Yorktown Heights. Supervisor Slater said he sought the Ethics Board's opinion to insure that this process is as transparent as possible and he thanked the Ethics Board for the fine work they do on behalf of the residents of Yorktown.

UNDERHILL FARMS PROJECT

Supervisor Slater welcomed the team from Unicorn Contracting: Paul Guillaro, Joe Riina, Mark Blanchard, and Terrence Murphy.

Joe Riina, project engineer, showed a slide presentation of the proposed project. He described the project as follows: The property is over 13 acres. He showed the existing main access which would continue to be the main access point for the project upon entry into the site. The access road splits the site - to the left is the pond and to the right is the Captain Underhill House. As you go off to the right, a driveway takes you to an existing parking area that is along Saw Mill River Road and it routes around the back of the Captain Underhill House. There are several smaller outbuildings on the property that will not remain on the property and the west side of the property is mostly wooded. It is bound by Glenrock Street. There are some small wetlands in this area that were mainly created by a fire road that was constructed as part of the Beaveridge Project, which to the north will trap water on the uphill side. So, the proposed project is to construct a mixed use development consisting of 48 dwelling units, approximately 12,000 square feet of retail space in the lower level of the apartment building that does not include the commercial space that is going to be made available at the Captain Underhill house, which will be described a later on in the presentation. The project will also consist of 50 townhouse units, which are parallel to Glenrock Street and will have an independent entry point that is across from Rochambeau Drive basically creating a four-way intersection. There will be 30 condominium units that will back up to Beaveridge. There is a cross connection road that goes over and picks up the main drive. The other building proposed is 60 apartment units. The townhouses will be 3 and 4 bedroom units; the condominium units will be 1 and 2 bedroom units, and the apartment complex will have 1, 2, and 3 bedroom units.

Mr. Riina said the lower level of the apartment complex is going to have commercial space. There will be a pool area, which is an amenity to the apartment units. There is a second clubhouse and pool area that will be an amenity, mostly for the condominium and townhouse units. Many of the residential units are going to be senior friendly. They are providing adequate parking and all the requirements for parking. In addition to parking on the site for the project, parking at the back of the site will be provided for the Senior Center, which is going to be on the Beaveridge property. They will also be making a connection into the Beaveridge property that will provide proper access for emergency vehicles, as well as access to the Senior Center and the Parks & Recreation building offices. Recognizing that this location is a solid gateway into the Heights area, Mr. Guillaro is going to preserve as much as possible; the most visible part of the site along Underhill Avenue. The entry gate, the two pillars, the iron gates, and the stonewall will remain. A small pause area will be constructed that will be integrated into the crosswalks and the access to the site. The front of the site is going to maintain a park-like setting. There will be pathways throughout and the pond will be enhanced. There will be a pathway system around the pond with benches and enhanced landscaping. Enhanced wetland areas are going to be created at the head of the pond to compensate for any wetlands disturbed as part of the project. A pocket wetland is going to be created that will be used to treat stormwater. The area will become a destination open to the public to use all year around and to enjoy for walking, relaxation, ice skating, etc.

Mr. Riina turned the presentation over to Mark Blanchard. Mr. Blanchard said his role this evening is to speak specifically to the recently adopted overlay district criteria, specifically, the Yorktown overlay zone. He said he would begin his portion of the presentation explaining why he thinks this project qualifies for a referral to the Planning Board. He asked for questions to be held until the end of the presentation. Mr. Blanchard's presentation is as follows:

They are looking to take the slightly under used Soundview Preparatory School Campus and turn it into a vibrant mixed use residential community that preserves, first and foremost, Captain Underhill's House, the prominent feature of our site. The house will be maintained

and adaptively reused. They are hoping to have some kind of cafe or other public access space into the main house proper, with buildings that will mirror the design, extending to the projects behind. They have reach out and worked with the Yorktown Preservation Society, as well as the state agency, and have a nice rapport going with both groups to make sure that we have their input since they are saving the house and permissibly using it as an adaptive reuse. Mr. Blanchard said the amenities on the site would be offered not only to the residents, but also to the community as a whole. These amenities would be the walking trails and the restored ice pond. There will be come outdoor recreational activities available to the new residents but also to the citizens of the town. Mr. Blanchard said a common story right now in the planning and development in Westchester County is the downsizing of homes, which has created a shortage in the senior community. Many people are not necessarily interested in moving out of state and want to stay in their community. Mr. Blanchard said they are hoping to provide and increased housing stock to the senior-specific demographic. This, in turn, would free up that housing stock from which they are downsizing. It will be a total of 148 units. Mr. Blanchard said they have been through this project many, many times. Approximately a year ago there was a presentation to the Town Board and before that a presentation was made to the Planning Board. Since then, they have made a 10% reduction and are at the 148 units. If the Town Board refers them to the Planning Board, they intend to be involved in the full Planning Board site plan approval process. They will be vetting everything from traffic and layout to density. Mr. Blanchard said he things they will be able to show the Planning Board that this number of units works on this site. They are planning to construct into the unit's amenities an elevator from the garage, which would help tailor to the demographic that we are hoping to attract into this new development. Mr. Blanchard spoke of the benefits they would be bringing into the Town. They are estimating at least \$1 million of new annual tax revenue going into the school system and the local government, as well as the voluntary renovation of the historic Underhill House, the adaptive reuse of that house, the restoration of the historic ice pond, and the walking trails around there as well. The annual maintenance cost, we are going to be constructing a new roadway, through new infrastructure roadway through our project site that remains a private obligation. Mr. Blanchard said they are not seeking to dedicate their internal infrastructure to the town and have the town be responsible for snow removal and maintenance; that would remain their obligation. He said they would be doing a lot of work at the intersection of Underhill Avenue and Route 118, including the construction of a new community gateway and the restoration of the existing wall and gates. Mr. Blanchard said they would be fully compliant with parking. He said they are also happy to offer the new senior center on the property adjacent to the site and would be adding shared parking and benefiting that community asset as well.

Mr. Blanchard said not only are they complying with the Comprehensive Plan within the Town of Yorktown and helping to implement the visionary goals from the Comprehensive Plan, they are fitting well within the Yorktown Heights Overlay District. He said this project fulfills exactly what the thought process and legislative purpose is behind the overlay districts – the encouragement and redevelopment of properties that need a boost. They are bring in new density, retail businesses, and exciting new construction on a site that could use some resurgence in design and material. Mr. Blanchard said they think using the Soundview property will fully comply with the thought and the legislative purpose behind the Yorktown Heights Overlay District. Mr. Blanchard pointed out (at the bottom of the screen) a reference to Section 302-51(B) that he would refer to later. He said they are hoping to have a referral from the Town Board to the Planning Board for a full site plan. He said the Town's overlay district criteria ask the applicants to come in and show that they were consistent with the Yorktown Comprehensive Plan. He does not think they are changing the character of the neighboring properties. They are having a positive impact on the health, safety, and welfare of the public. The infrastructure of the project is not going to strain the existing municipal infrastructure if there are failing structures or dilapidated issues on the property. They address all of these issues and are consistent with the Comprehensive Plan and with the overlay district requirement and they are contributing to the economic development of the town. Mr. Blanchard said they are happy to the position that they meet all of the criteria. He said Yorktown's Comprehensive Plan is a really terrific plan. He said the vision of the plan, when it was adopted, specifically addresses the hamlets and the five hamlet business centers that are included into the plan and were addressed and studied. The Plan looks for sidewalks installation as an integration of the community, for trying to get people out of the cars, creating more density into the downtown area, and having them in proximity of the shopping centers. Mr. Blanchard said they believe they are going to be doing that that with all aspects of their

project, as well as benefitting the neighborhood, which is a key component of the Comprehensive Plan. He said they integrate their project exactly right out of the Comprehensive Plan – the sidewalk connections, the village green that is accessible to the public, parks, abundant landscaping, passive and active recreation, and the housing set aside for senior citizens. They are providing effective traffic, and parking, coordinating signage onsite and offsite, as is required under SEQRA and the Town Code. Mr. Blanchard said he believes they are going to come forward with evidence during the site plan process to show how they not only fit each one of the criteria, but exceed it. He said when the conceptual plan for their site was developed, it was developed with the Comprehensive Plan in mind. He said they are hitting what they think are all of the Town's visionary topics that were adopted into the Comprehensive Plan that also very clearly found their way into the overlay legislation. Mr. Blanchard said they believe they are hitting both the Comprehensive Plan and the overlay legislation requirements.

Mr. Blanchard spoke about the work that would be done on the Underhill intersection, a new ADA compliant crosswalk that would connect to the Beaveridge senior apartments, the integration of our new sidewalk infrastructure that would allow pedestrian access to the shopping centers. He said that he believes their transportation and pedestrian plan will fit in nicely with the Town's requirements. Mr. Blanchard said they are putting in a wonderful residential mixed-use project that is going to fit in nicely to the existing density and existing surrounding projects. He said not only is their internal infrastructure going to be reworked and improved, as well as adding parking for the Beaveridge Senior Center, they are adding additional first responder access to the Beaveridge senior apartments. He said they are also being mindful of protecting the community's existing single family properties to the west of the project – their commercial space will be located on the east side of the project. He said they are not creating a negative adverse impact on existing conditions. Additionally, they have identified that there is an issue with stormwater on Glenrock Street. They have already begun the studies and will be folding that into their mitigation measures at the site plan stage for mitigating an existing negative condition on the Glenrock. Mr. Blanchard showed a density map that showed 10.7 units per acre. He said that when you look at the density map of the community that surrounds the property, they believe they are entering into it seamlessly. He said they are fitting into it seamlessly and into what exists, which is important to both the Comprehensive Plan and the overlay legislation. Mr. Blanchard said that they believe their property would improve the health, safety, and welfare of the public; not only through the recreational practices and recreational opportunities but by using green building practices, and the installation of electric vehicle charging stations. There is also a geothermal opportunity and a solar energy opportunity on the site.

Mr. Blanchard spoke of the nationally and internationally recognized architectural team who is doing the project and how they have incorporated elements of the Captain Underhill house into the renderings and initial design drawings. He said that the project is supported by existing infrastructures, sewer, water, and their own internal infrastructure for traffic and parking. Under SEQRA, they are looking at the intersections, which they know would be supported by their own internal infrastructure. They will be able to make improvements at the existing municipal facilities and municipal infrastructure that will be a support to their project and to the immediate area within the town. He said that they would be incorporating the Glenrock Street issue into their project. Mr. Blanchard said they are happy to keep the Captain Underhill house structure but there are some buildings that are condemned and unsafe; those will be raised and replaced with new construction.

Mr. Blanchard said, upon review of the zoning table, the bulk area requirements will not be exceeding any of the limitations set forth in the Code that are specific to the Yorktown Heights Overlay District. They also meet the FAR (floor area ratio), actually less than the FAR, and will be constructed within the setbacks. The addition of the new off-street parking is not creating a parking issue outside of their boundary and they are fully parking compliant.

Mr. Blanchard said the design incorporates attractive building facades; specifically, for the new construction. They are going to mirror to the greatest extent possible the Captain Underhill House, but they are also going to be building attractive new construction that will be an aesthetic benefit to the community, which would include the removal of the incompatible and non-conforming buildings. Those are the buildings on site now that are beyond salvage. Mr. Blanchard said they would spur economic development in Yorktown, including an estimated

\$1 million in annual tax revenue. He said they are looking at expanding the customer base for the nearby central by adding approximately 11,000 square feet of new commercial space and the addition of the 148 new residential units. This will create more shoppers, more feet on the ground, and more density. He said they are certainly improving the area's attractiveness and quality of life through the traffic mitigation, the addition of green space, and the recreational opportunities. Mr. Blanchard said through all of the models they have presented, this project would have a multiplier effect on the local economy through the construction, construction jobs, and the installation of permanent jobs.

Given all of this, Mr. Blanchard said he believes that this project fulfills the eight criteria and incorporates the Comprehensive Plan. They are ready to go before the Planning Board and submit a full Planning Board site plan application. Mr. Blanchard requested that the Town Board under their authority to refer this project directly to the Planning Board, as stated in Section 302-51(B), if they agree that they have met the criteria,

Supervisor Slater thanked Mr. Blanchard and asked the Town Board if they have any questions.

Councilman Lachterman asked how many units has the project been reduced from the original unit count and Mr. Mr. Blanchard stated 10 percent, the exact number was 17. Mr. Riina said they were at 165 and are now at 148.

Supervisor Slater asked how much commercial space there would be and Mr. Blanchard stated 11,000 square feet.

Supervisor Slater asked if that was different from what was originally proposed and Mr. Riina said it was originally 12,000 now it is down to 11,000 square feet, which does not include the space in the Captain Underhill House. Councilman Esposito asked how much space that would be and Mr. Blanchard said 7,000 square feet.

Supervisor Slater said, including the Underhill House, there is 18,000 square feet of commercial space on the property and Mr. Blanchard said yes.

Councilman Esposito asked about the park area and how that would work, as a partnership with the Town and be open for public use. Mr. Blanchard stated that there is a condition for recreational space being provided, and that meets this need.

Councilman Esposito stated the Town would have that and Mr. Blanchard's group would be maintaining it, which is fantastic. He said the project looks fantastic, and he has followed this project all the way through. He said he knows what Mr. Guillaro has done in Yorktown and knows that this will be top-notch quality. Councilman Esposito said this is just what Yorktown needs. He asked if there would be some kind of a park agreement that states the Town's rights. Mr. Guillaro stated that they would probably have an open space agreement, which will give access to the public. He said he has done this numerous times on other projects.

Mr. Blanchard stated the open space and the access would be a condition of approval for site plan approval and out of that, there may be an open space agreement. He said there are a myriad ways it could be addressed, but at the very least, it would be a condition of approval through the site plan process.

Councilman Esposito asked about traffic because he thought that is what people would want to hear about the most. He said that he has received many questions from constituents about the turning lanes, which would be part of Phase 2. Mr. Guillaro stated that their plan is to have the first phase be the 148 residential units and the he second phase would be the commercial. In order to do the commercial, improvements have to be made to the intersection of Route 118 and Underhill Avenue with turning lanes. They will be making timing changes to the traffic lights, installing ADA compliant walkways for access, and some improvements at Rochambeau as part of the first phase of the 148 units. He said that some type of "Do Not Block the Box" signage would be in front of the entrance near Rochambeau to make it easier for people to get in and out. He said the first phase would make traffic better. In order for them to get to the second phase, some major improvements have to be made to Route 118.

Councilman Esposito asked if any of the improvements would be where the wall is going to be moved back and Mr. Guillaro said no, that is going to be something that will be done as part of a mitigation plan that they are waiting for the Town's direction.

Supervisor Slater asked if that direction was coming from the Planning Board and Mr. Guillaro said he thought the Town would have meetings on the mitigation funds for traffic.

Mr. Blanchard stated that whole issue would be studied very thoroughly as required under the SEQRA process.

Councilwoman Haughwout stated that she loves the project. She questioned why the roadwork is not being done and included in the project and why it has to go to a mitigation plan. Councilwoman Haughwout said, as much as she loves the idea of a walkable piece of property (and their plans to preserve and transform the property are wonderful), she questioned having it open to the public where private residences are located. She commended the project for retaining the historical aspects of the Captain Underhill house and recognized that they are keeping the pond (although does not know if that is actually considered an amenity). Council member Haughwout asked what would the Town Board do so that when this goes in front of the Planning Board, it is a one-stop shop. She also said she knows that the Town would not get a recreation fee on this project because of how interactive it is.

Supervisor Slater stated that this is putting the cart before the horse on the mitigation side since they have not established the mitigation fund and do not know the parameters of said fund.

Councilwoman Haughwout asked if the Town needed to have a mitigation fund.

Mr. Guillaro said that they would begin with the 148 residential units and make improvements that would make sure that Underhill Avenue would be better than it is now. He said where they would run into a problem is once they bring in the commercial space; that is where it is going to require more work. He said they are willing to push that into the future and make it the second phase until all of this is figured out. He said any improvements that involve the state DOT could take years. This is why they are phasing the project because they do not want to wait two to three years for a state approval to get something done on the road.

Councilwoman Haughwout said the section where Route 118 and Underhill Avenue meet is essentially a necessity for when the 11,000 square feet of commercial space is filled. She said at that point, there would be a discussion. She said if you have to do that – to have 11,000 square feet of commercial space – could that not just be something that Unicorn could take care of and not have to be something where the Town is going to have to put money into a mitigation fund and then hope those funds carry the Town through the project.

Mr. Guillaro stated they would have to wait; otherwise, he does not have a plan to move ahead. He said you have to wait to try to get state approval and then figure out where all of that money would come from and this is why they cut the project down to the 148 units. They cut down the number of units because some of the Board members said they would like to see less and the traffic situation is fine when it comes to the residential units. It is the commercial piece that puts the project into a different position, which is why they are phasing it or they would not be able to start the project now.

Councilwoman Haughwout restated that they are doing the residential piece of 148 units and would fix the corner of Underhill Avenue and the state road (Route 118) so that it services the project and when the project is expanded and the commercial spaces are filled, they are going to have get the state's approval. She cautioned that she would not want the first phase traffic changes be so over the top that when phase two hits, sufficient changes could be made. Councilwoman Haughwout said that she wanted to make sure that everyone knows what the goal is – to do a great project and a complete project and not leave the Town with unfinished traffic and road problems.

Mr. Blanchard said he would like to speak to that from the legal aspect. He said they are tied directly into the impact they create – they have to mitigate. He said that to have a permit to build the 148 units with the solutions they have already proposed, they are mitigating it. Mr. Blanchard said during the first part, they are studying phase one and phase two together at the

commercial portion. He said for them to get a building permit, they have to show that they are tied directly to their mitigation measures and could not do the commercial piece unless they are mitigating it.

Councilwoman Haughwout asked if a decision is made not to develop the commercial, would the rest of the residential project remain the same. She asked if the amenities could remain the same for the residents. Mr. Blanchard said that if phase two morphed into something else based upon market conditions, they would come back an amended site plan.

Councilwoman Haughwout said that she was under the impression that all developments have a recreation fee, unless it does not have recreation on the property. She raised the question of the public having access to a residential development. Mr. Blanchard stated that public access for the amenity is more in the way that the site is designed – they do not believe they are going to see children playing tag, etc., in the rear of the project. They are designating that public access or the active recreation for the walking trails and hiking trails, and their site will be delineated as per the site plan requirements. He said there would be a private residential feel to portions of their project, and what they are offering for active recreation to the public would be designated as such in those areas. The nucleus of that area is around the pond. The trails are closer out to the road and connected to that portion the project.

Councilwoman Haughwout asked questions about the ingresses and egresses for the residents in the development. Supervisor Slater clarified her questions if the recreational side of the project regarding walkability is something different from what is for the residents. He said the question is if the recreational aspect of the proposal includes the walkways that lead to the actual units.

Supervisor Slater stated asked Director of Planning John Tegeder what the traditional recreation fee is for development. John Tegeder stated for multifamily, he believes it is \$4,000 per unit. He said that the overlay district requires compliance with the recreation component, as written in Chapter 195 and Chapter 300, which includes the possibility of recreation fees, and includes the provision of public active park areas that they are offering (the areas around the pond do not include other walking areas that take you to and from apartments to other amenities). He said that there is a whole host of requirements in that section that will have to be gone through and a determination made by the Planning Board as to whether or not this offering is appropriate - does it have appropriate access, does it have appropriate parking. There will be some design things that do not necessarily go along with the recreation law. Addressing Councilwoman Haughwout, Mr. Tegeder said there is a separation between the private and the public areas. He said that he thinks that would be looked at as a matter of course, but the important point is that any project within the overlay district has to comply with that section. The proposal right now is just a proposal that still need to go through full site plan review, which includes those considerations.

Supervisor Slater said that many traffic issues were spoken about and the Town has brought in two traffic consultants. Their function is going to be to review and provide feedback on the proposed traffic study the applicant will be providing. He asked Mr. Tegeder to describe one more time for everybody to make sure that we are all on the same page as to what that looks like. Mr. Tegeder said that he knows this project has done some traffic work, if not a lot. He said he knows that they have some designs and have looked at what they are up against in order to start to move the project forward. Those plans will be reviewed by our traffic consultant, one or both of them, for its adequacy, for its accuracy, and we will be looking at the traffic demand that is generated by the project, the 148 units, and the 11,000 square feet of commercial space and the commercial space that will eventually end up at the Underhill House. All of that will be looked at by the consultants and they will advise the Planning Board as to what they think. They will then advise on what appropriate mitigation strategies and implementation as to what those impacts are. So again, it's a matter of diving deep into what the numbers are, and then figuring out what the appropriate mitigation is so that you don't end up with kind of a hanging or unmet need.

Councilman Esposito said he appreciated the project reducing the 10% on the units; he was one of the councilmembers who reported the requests of constituents to reduce the number. Councilman Esposito spoke about the Captain Underhill House. He said he has been in the house and it is not in great shape. He said that the renovation of the house would be at

considerable cost to the developer and felt that this had not been mentioned enough in the discussions. He said that he does not believe Yorktown residents have a clear understanding of the real amount of work that is involved in this renovation. Councilman Esposito said the Board just wants to make sure that the developer is committed to the mitigation and that the mitigation fund will cover the costs. He also wanted to ensure that the developer would follow the recommendations of the traffic consultants, even if the fund falls short.

Supervisor Slater stated, just to be clear with everyone, that there is no fund today. He said he knows everyone keeps speaking about it but the Town Board has never even authorized such a fund to be created. The Town is still researching it; there has been a proposal and a presentation and there is another one this evening. He said he wanted to be crystal clear because he thinks that it is going to confuse a lot of people, the Board included. There is no fund right now and he believes that the Board needs to operate under that premises until a fund is created.

Councilman Lachterman said it is important to stress that, if mitigation needs to be done, the responsibility is on the applicant to do the mitigation. He said that it is similar to the tree fund. You have to do mitigation if you taking down trees but if you cannot put back trees in a particular area, there is a bank where money can be deposited. When the Town sees a need to do some tree work in town, whether it is plantings, parks, etc., the money could be taken from the tree fund. There is still the obligation to do the mitigation. He said he though everyone was getting lost on this.

Councilman Lachterman said the commitment comes from Planning who informs the applicant what their obligations are under the planning codes. He addressed Mr. Guillaro and said he assumed that he did a full inspection of the Captain Underhill house and everything that is going to be able to be saved. He said the only reason he asked this was that he remembered what happened to the Bernstein House. Mark Franzoso also took it over and really thought that he was going to be able to save the building, but was not able to. He just wanted to make sure that there was a full look at the Captain Underhill house and there would be no surprises. Mr. Guillaro said the house was salvageable.

Supervisor Slater said he wanted to make sure Mr. Blanchard touched on the historical renovation of the house in his presentation and Mr. Blanchard said he mentioned there has been outreach to the State Historical Preservation Office and there has already been much contact between them. He said they have issued a letter regarding the appropriateness of the plans and have signed off on what it is that they want to do.

Supervisor Slater confirmed with Mr. Guillaro that the State Historical Preservation Office has reviewed his plans and he stated yes.

Supervisor Slater asked if there were any stipulations, from the state's standpoint, for the future of the property and Mr. Guillaro said yes. Supervisor Slater asked if he could share those and Mr. Guillaro said that he did not have them with him at the moment but that it is definitely something that they will go through in the Planning Board process and could also send the Town Board a copy of the agreement. He said Mr. Tegeder may have a copy of the agreement and Mr. Tegeder said he saw a draft of the agreement but did not have anything that was executed.

Supervisor Slater asked Mr. Tegeder if he knew what the state was asking of the applicant regarding the protection of some of the historical pieces of the property. Mr. Tegeder said that his recollection was that the Underhill house would be reutilized and renovated. The landscape around the pond and in the yard, and the front and so forth, will be preserved, and to the extent that they need to be modified, will be done so in a historically sensitive way. He said that he believed a couple of the outbuildings would be offered to two other entities if they want the buildings, or some materials would be saved for other uses, either on the site or for other projects by other entities. He said that there are a number of things that are happening in order to preserve the historic flavor of the site, the historic landscape, and in particular, the main building.

Councilwoman Haughwout said she wanted to be sure that the transformation and preservation of the pond and the entire landscape of that front bed of Soundview is being historically

deemed, as it needs to be. Mr. Tegeder said that it is being preserved but also enhanced in a way that is historically sensitive.

Councilwoman Haughwout stated she would have to read about the classification of “historically sensitive” because she does not understand that part. She said she wanted to make sure that the pond and the landscaping around the pond are part of this because it is also a part of the recreation piece of property. Mr. Tegeder said yes and that it could be outside of the state’s agreement. He said that it logically and reasonably could become a condition of the site plan done by the Planning Board, as well. Councilwoman Haughwout said that this made sense.

Supervisor Slater asked if there were any other questions from the Town Board, and Councilman Diana thanked Mr. Guillaro and his group for putting together the presentation to enlighten many people about the project. He said that there is a lot of misperception about what is going on and what may or may not happen. He said that he was also one of the councilmembers who was concerned about density and traffic. He said traffic is still an issue for him and wants to revisit the actual plans that either Transpo or Phil Greeley did for the intersection.

Supervisor Slater said that Phil Greeley is the applicant’s consultant and that was provided to the Town Board in their original presentation.

Councilman Diana said that he wanted to look at them again to refresh his memory since it has been a long time since it was originally presented. He said that he also needed to think about how the mitigation fund would work for the traffic because he said it is a bit confusing. He said that he had spoken with John Tegeder about it. He said that his understanding of it is that the project can basically start and then go to planning and the traffic mitigation is just a fund for advancing areas where we need fixing of traffic. The actual lane changes, etc., are done by the applicant. In other words, if there is going to be three lanes put in, or whatever the case might be, the applicant takes care of that. Councilman Diana said that part of the historic restoration is that they have to move a wall back a certain amount of feet and asked Mr. Guillaro if this was correct.

Mr. Guillaro said that he thought this is all subject to an approval that they will be getting from the Planning Board and really did not know what that is right now. He said he knows what their consultants are telling them, but they will have to wait to see what the Town’s consultants have to say.

John Tegeder said that part of that or all of that can be done by the applicant under the fund that is being presented about tonight and a number of projects may contribute to that fund. At the point that there is an adequate amount of money, a project can be done by the Town with applicants’ money to affect those improvements. He said that there are a couple of ways to do it and it all depends on what the immediate impacts are on each project. He said that he thinks that is the key to understand this and whether or not there are projects that the Town knows are likely to come in. He said that he thinks you have to evaluate what amount of time is needed and how many projects are needed in order to affect some of these things to do it rationally and efficiently.

Councilman Diana stated that approximately \$650,000 was plugged into the traffic mitigation fund. Mr. Guillaro said that this was something they were forecasting that might be needed for traffic mitigation and their improvements for traffic.

Supervisor Slater addressed Mr. Guillaro and said their estimate is \$600,000 plus, all in, for their traffic mitigation. Mr. Guillaro said yes, including the first phase and second phase. Supervisor Slater asked if that is still what they are forecasting today; if the number was valid and Mr. Guillaro said it all depends upon what the Town Board decides to do with this mitigation fund, if there is going to be one or not. He said they thought that it was a fair number and would include all the improvements they have to make on Underhill and give a certain amount per unit to the Town. He said that maybe it was a number they should not have put out there but it was a number to start with.

Councilwoman Haughwout said the Board would not establish the fund until it goes to the Planning Board and the Board decides that it is going to be mitigated and we are really talking about apples that are not even on the tree. She stated that she just did not want to have project that leaves a big boulder hole in the middle of a Town road.

Supervisor Slater said that he agreed 100%. He said that he agreed with Councilwoman Haughwout that the Town does not want to have a problem that they cannot fix. He said that it is great that there may be a deposit in a bank account somewhere but if the Town cannot fix it, it does not solve the problem but just kicks the can.

John Tegeder said that what we know is that the project will create some impacts and that those impacts have to be adequately mitigated.

Councilwoman Haughwout that it is now a matter of figuring out what phase two looks like after phase one. She said that if the project is approved, they know what is included in phase one – the 148 units, the roadwork, the historical preservation, etc. Then when they get to phase two and the commercial space and all of a sudden the traffic issues heat up and there is a whole other traffic mitigation that needs to happen. She said she would like the developer to come in and just tell the Board they would be paying for all if it. She said that the developer is saying we are going to see what the Planning Board tells them what they need to do. She said whether there is a fund or not, is a moot point right now. The point is that 148 units are covered. The next round is what they are going to do with the commercial space and do the deep dive into the traffic issues. Councilwoman Haughwout said the truth is the Town Board wants this venue to be used by the entire community.

Mr. Blanchard said it is not that their phase two is open ended or not as subject to speculation. He said that on phase one they have a non-discretionary obligation – they have to mitigate a measure. Phase 2 is a non-discretionary obligation mitigating a measure; it is just that when phase two comes in, it's really not as speculative, because they are going to be studying it. He said they do not pull permits and they do not get to put shovel to the ground on phase two unless we show the Town their jurisdiction never extinguishes. The Town would always have jurisdiction over the project. So, the second part will be studied and then implemented in conjunction as a non-discretionary obligation on their part, when they move forward to phase two.

Councilwoman Haughwout stated that is exactly how she hears it but felt that phase two was being talked about instead of phase one and they still have to put that shove in the ground first on phase two. Mr. Blanchard said yes and that all of this is still subject to very deep review by the Planning Board.

Supervisor Slater said that the Town Board is tasked with looking at evaluating the eight criteria and asked Mr. Tegeder to walk them through this.

Mr. Tegeder said that the Town has to evaluate the eight criteria to see that the project fits into those criteria, or to the extent that they do not. He said that he did not think it has to hit every single one because some will not pertain to certain projects. He was not telling the Board that all eight do not apply to this project or not; he was telling them that they have to go through each one and determine the degree to which it is complying with that particular one, and then move on to the next until you are then ready to construct an elaboration of your findings.

Supervisor Slater asked Mr. Tegeder what the next step would be for the Town Board. Mr. Tegeder said this elaboration has to be a written elaboration and needs to be drafted then the Town Board can move on it by vote, adopt it as a resolution, or not.

Supervisor Slater, addressing Mr. Tegeder, said that he recognizes this is the Town Board's first application and it is very exciting but they need to make sure that they touch all the bases and do not want to make any mistakes. He asked Mr. Tegeder if he felt a referral was needed and Mr. Tegeder said no, and that he thought this is in the lap of the Town Board, and it is the Town Board's discretion to gain some more information, if they care to. He said that the way the law is constructed is that the Town Board is supposed to make that determination and elaboration on those eight items. Mr. Tegeder said that if there are particular items of one or more of the eight criteria that the Board has questions on, they could refer it to someone for

their opinion. If, for example, they had a question about the criteria regarding the Comprehensive Plan, the Town Board could ask the Planning Board for their thoughts. He said that if the question is about whether something comports with the overlay district, since that was a law really written by the Town Board, he does not think the Town Board would choose to ask the Planning Board.

Councilman Lachterman asked Town Attorney Adam Rodrigues if the Town Board needs to have this memorialized on paper and Mr. Rodriguez said yes, if the Board wants to move it forward, they would have to draft a resolution, which could be made ready for next week. If there are any conditions the Board wants to place on the approvals, he would need to know that.

Mr. Blanchard reminded the Town Board that he had a letter that was submitted on January 18, 2022 that went into great detail of all eight criteria that were summarized this evening.

Councilman Esposito said that he did not have a problem with the eight criteria. He said that any issues he had have been addressed. He said that he thought the project is very worthy of the Town and the revenue that it would bring in and the added density would really work to revitalize the business sector in the Heights area.

Supervisor Slater asked Mr. Guillaro if he got the revenue numbers from the Town's Assessor and Mr. Guillaro said no, he got them their consultant, Tim Miller. Supervisor Slater asked if the Assessor confirmed the revenue based on their estimates and Mr. Guillaro said no, but that they were going to be going through an EAF process where they would be studying that and be able to give actual numbers. He said they know it is above \$1 million.

Supervisor Slater said that the only other item that they needed to iron out was the option for a public hearing, based on Town Board consent.

Councilman Diana said that he did not feel a public hearing was necessary because it is basically going to go to a public hearing with the Planning Board. He said he thought the Board should get the paperwork they need from the Town Attorney and move it forward to the Planning Board. He said that is where it needs to be because they are the ones who know the most about how this is going to be laid out. He said he is sure they would refer back to us what is going on.

Councilman Esposito said that he thought they would have to go through an informational hearing first and then they have their actual public hearing.

Councilwoman Haughwout said that she believes the reason why they voted it into the overlay district was so that they did not have to have the public hearing; therefore, she is against the public hearing.

Councilman Lachterman said that the overlay district is very, very complex, which was evident by all of the questions being asked this evening. He said there are levels with the overlay and within the whole planning scenario that deal with all of these questions and that is one of the main purposes of the overlay district. It is not to keep the public hearings in Planning but it is to keep it with the experts through this whole process. He said that they hit their eight criteria and move it over to the Planning Board and get going. He said that if they had a public hearing, it would not be about what the Town Board is charged with doing, i.e., the eight criteria; it is going to be about extemporaneous things and then go back to the Planning Board for their public informational hearing and go through the same extemporaneous items. Councilman Lachterman said to let Planning handle it, let Planning deal with it the way they are supposed to and the Town Board then follows through with their charge of moving it forward.

Supervisor Slater said that he personally tends to disagree. He said that he thinks the Board needs to make sure that since this is their first application that it goes through the correct process. He said that while he may agree with the applicant's presentation, there may be a point out there that he had not thought of yet. He said that he also thinks that it is important that they consider whether or not a public hearing is necessary. Supervisor Slater said he could accept that he would be the dissenting voice, which is perfectly fine.

Supervisor Slater asked both Mr. Tegeder and Mr. Rodriguez about next steps.

Mr. Rodriguez asked if there were any conditions that the Board wanted to place on the authorization. He said if the answer were no, the next step would be to draft the resolution and present it to the Town Board next week.

Supervisor Slater said that he is curious on the State Historic Preservation Office's report. He said that because of the historical integrity of the property, he thought it should be interwoven into something. Mr. Guillaro stated it has been signed by himself, and now it is up to the State Historic Preservation Office to be signed.

John Tegeder said that the Board could add conditions that are outside or above or in addition to that agreement. He said that they could mimic that agreement, as well. In other words, in the resolution, the Board can say that the Captain Underhill House has to be adaptively reused and restored in a historically sensitive way.

Supervisor Slater asked is that what the report says and Mr. Guillaro said yes.

Supervisor Slater asked if the Board could say in the resolution that the applicant has to meet the standards of the report from the state and Mr. Tegeder said that they could say that or they could move beyond it or below it – the Board's conditions are the Board's conditions.

Councilman Esposito said the Town Board should get a copy of it to look at and Supervisor Slater agreed that the Town Board should have copies.

Supervisor Slater if there was anything else the board wanted to see and Councilman Diana said he wanted to review the traffic studies and improvements that have to have to be made. Mr. Tegeder agreed and recommended that they review the latest study, although he has not seen it yet, which he understands is a broader and deeper explanation of how the eight criteria are supported by the project. He said that both he and Mr. Rodriguez would be reviewing it, as well.

Mr. Blanchard said he would redistribute it to the Board and the Planning Department.

Councilwoman Haughwout asked Mr. Rodriguez if there was anything else the Town Board should be mindful of or would it just be what the application lists on the application and the Planning Board gives them direction. Mr. Rodriguez said the Planning Board would take it from there and run them through the gamut, like to do with any other project.

Councilman Diana said the Board could bump it up to Planning at this point, with the stipulation about the State Historic Preservation Office's report and Mr. Rodriguez said yes, they could incorporate that into the proposed resolution for the next meeting. Supervisor Slater asked that the proposed resolution not that there was no public hearing and Mr. Rodriguez said yes, if he wanted to do that, it would be stated.

Councilwoman Haughwout said there was no public hearing prior to the public hearing that the Planning Board is going to have. Supervisor Slater stated there is no public hearing held by the Town Board in consideration of the eight points.

Mr. Tegeder asked if the Board wanted to put anything in about the mitigation of traffic, such as any broad brush stroke items and Supervisor Slater said he thought they should.

Supervisor Slater said that maybe it would make sense to come back with a draft for the Board to review and discuss. Mr. Tegeder said he would send a draft.

Supervisor Slater said he that he thinks it is worth coming back to discuss it so that they understand the parameters of it since this is the first time they are doing this.

Councilman Esposito suggested to Mr. Tegeder to add some language about the commitment to the traffic mitigation, such as a summary about what the conversation was and Unicorn's commitment. Mr. Rodriguez said, to be clear, the resolution is going to embody the central components of the presentation that was made, at a minimum, and other things.

Councilwoman Haughwout said the presentation was phase one and phase two, but it has the mitigation of the road for phase one, not the mitigation for the road in phase two. She asked if it could be made clear that when they have the access points for the commercial that they are going to complete the construction that is needed for the roadways to accommodate for the commercial spaces.

Mr. Tegeder stated yes, the required mitigation would be done and will be known at the time of the first approval from the Planning Board.

Councilman Esposito said, just to be clear, that the Town Board would be looking at the resolution before taking a vote and Supervisor Slater asked if he wanted it to come back to a work session.

Councilman Lachterman said the Town Board did public hearings on the overlay district and said that the Town Board needed to disconnect on this issue. He said that their obligations for the public hearings were within the law and that the overlay law says that the projects are part of planning. He said that they did public hearings on the law and the law passed.

Supervisor Slater said they did do a public hearing on the law; they did not do a public hearing on the eight criteria for the first application.

Councilman Lachterman said; however, they did hear from the Director of Planning that he did not feel they needed to refer this out on the eight points. Supervisor Slater said they did not ask him about a public hearing on the eight points, only a referral. Supervisor Slater said that referring it out and a public hearing are two different things.

Councilwoman Haughwout said that if they get the resolution tomorrow and it is reviewed by all of them on Friday, could it be passed.

Supervisor Slater said it has to be passed on a Tuesday at a Town Board meeting; whether it is a work session, or whether it is a regular Town Board meeting.

Supervisor Slater said that if the Board wanted to have a collective conversation about the final resolution as a Town Board, to provide us the opportunity to do it and the opportunity for them to do it is in a Town Board meeting. He said this was his point of are they going to have a conversation once they receive the final draft.

Councilman Lachterman said they could do that without it being a public hearing and that it should be discussed.

Supervisor Slater thanked everyone and moved on to the next agenda item.

YORKTOWN GREEN – PROPERTY UPDATE

Supervisor Slater introduced Tim Huttelstein from Oster Properties to discuss an update on the Yorktown Green property.

Mr. Huttelstein said Transformco, the offshoot of the KMart Corporation that controls the real estate interest at Yorktown Green, still maintains control of the lease and the space. He said that it is a strange situation as they have tried to determine, if any, what their plans are for the space. He said that based on their prior actions it is very perplexing to them. Mr. Huttelstein said that at one point Transformco had a KMart there, having assumed the lease during bankruptcy, and closed the store shortly thereafter. The building was taken over by this real estate offshoot (Transformco) and has sat vacant for over two years. The space is listed as available on their website and have a local New York State real estate broker who has been representing the property for the last two or three years, without success. Mr. Huttelstein said that Oster Properties recently asked them their intent for the property and their questions were deflected and were not given an answer. He said that Transformco still believes there is value in their leasehold interest since the lease is over forty years old and the market rents today versus the rents at the time the lease was signed are obviously much different. He said that they think there is a possibility to find a short-term tenant for the space, which he finds highly speculative. Mr. Huttelstein said that, as the Board knows, they developed some plans to take the property to the next level of residential development. He said that, unfortunately, they are

still trying to get an answer from Transformco as far as what Oster can do to regain control of the space. He said that in addition to the economic terms not being reflective of the current conditions, there is a lot of favorability on the side of the tenant in that forty-year-old lease.

Councilman Esposito said that the rumor around town is that they re-upped their lease a few years ago. Mr. Huttelstein said that is not correct. Councilman Esposito asked how much longer they have on the lease and Mr. Huttelstein said they have less than 10 years remaining, about 9 years, assuming they exercise the remaining option they have left and choose to stay there without entering into a transaction with Oster Properties. He said it is very baffling to his company. He said Transformco has done a lot of personal redevelopment projects on other properties, but those properties had 20, 30, 40 years of lease terms.

Supervisor Slater said the property cannot stay the way it is for the next 9 years; that is just crazy and asked Town Attorney Rodriguez if there were any support the Town could provide to Oster to help try to resolve this issue. Mr. Rodriguez said he would need to think this through a little bit and maybe get a little creative in coming up with an idea. Supervisor Slater said this is a perfect example of blight and dragging down the economic vitality of the Heights hamlet. He said this is almost abusive to say they are not going to fill the space for the next 9 years.

Councilman Diana said that this is falling under the same category of the Food Emporium property when A&P held the lease for Food Emporium for many years and did not want anyone to go in there after Food Emporium was closed because they opened a new store in the Triangle Shopping Center. He said that was for about 8 or 9 years the build remained empty. He said it looks like the Town has no recourse if Transformco wants it to remain empty.

Councilman Lachterman said that it seems to him that Transformco is holding Oster hostage, and that maybe they are looking for some deal on Oster's proposed retail space.

Mr. Huttelstein said that they had a conversation with Transformco yesterday and told them they would like to stop playing "cat and mouse" and would like to know what they are looking for, even it is not palatable. He said they might know something in the next two weeks. He that in the past they had made offers to Transformco prior to the KMart closing and shortly thereafter and none of them progressed to where they even got a counter offer.

Supervisor Slater said the Town's legal team would work together to see if they could provide any support to Oster. He said it is just abusive for the Town to have a centerpiece property of the Heights hamlet held hostage for the next 9 years and is unacceptable for the community. He said he thinks the Town could get the business community to rally around them to try to find some alternative solutions.

Councilwoman Haughwout addressed Mr. Rodriguez and asked if there were some kind of Department of Health Code that could be explored because of what is happening to the building. The building is deteriorating and is becoming a hub of everything we do not want in the center of Town. She wondered if there was anything that could be looked into because of how unsanitary the building is. Mr. Rodriguez said there are blight laws that ultimately fall on the owner. Councilwoman Haughwout said if the owner does not want to remediate the problems, would that not be an "out" of the lease and Mr. Rodriguez said, although he does not know the building well, he does not know that there are any public-facing significant nuisances that are open and obvious to the public. He said that he is not aware of any safety concerns on the outside of the building that the public would interact with. Mr. Rodriguez said one thing that comes to mind is a potential proceeding under imminent domain laws to try to take the lease, which he believes is permissible in New York State. Supervisor Slater said that might be something the Town could leverage if that is a tool the Town could use.

Supervisor Slater said a conversation could take place with Oster after the Town has a chance to explore its option.

CAPITAL IMPROVEMENT AND MITIGATION PLAN – PROPOSED PLAN AND IMPLEMENTATION

Supervisor Slater introduced Scott Le Vine from Transpo Group to discuss the Capital Improvement and Mitigation Proposed Plan and Implementation.

Mr. Le Vine said that first he would like to react to a couple of things that were mentioned in the previous presentation (Underhill Avenue Project) regarding mitigation. He said, off the cuff, conceptual numbers of 148 residential units at a conservative value of \$400,000, roughly a \$60 million project, so \$600,000 of mitigation, something like 1% of value, so not a crazy amount. The source of mitigation fee levels that he has been speaking with colleagues about - \$5,000 per residential unit would be on the higher side; these programs are from outside the NY metro area, so it perhaps may be higher here. This gets you up to somewhere around \$750,000. He said the numbers are not wild and crazy. Mr. Le Vine said as they develop a program of mitigation (if the Town proceeds with this type of approach), the issues would become less theoretical, less philosophical and more practical.

Mr. Le Vine shared his screen to display his presentation: Proposed Transportation Capital Improvement and Mitigation Program (TCIMP). He said the driving force in the program is the mitigation aspect to handle traffic problems that might be created by single or multiple development projects in Town that the individual developer might not be responsible for mitigating. The type of project he is presenting is for when the Town has multiple developers and multiple projects, some of them bigger than others and many of them small, and it does not allow projects to fly under the radar and not contribute in a meaningful way to improving conditions. The capital improvement aspect is somewhat ancillary because by going through this sort of process, they will be developing the tools to help the Town mobilize and get ready for grant applications.

The first slide (MOTIVATION) displayed the following:

- Road network is critical to quality of life and economic activity but challenges include safety, congestion, property access
- Capital needs vs. maintenance budgets
- NYS SEQRL law requires reasonable mitigation
- No current system for Town to prioritize general road improvement needs

Mitigation measures depend on scale of impacts and feasibility.

The second slide (TRADITIONAL PRACTICE) displayed the following:

- Developer proposes a property development
- Impacts on traffic flow on nearby streets are identified (Level of Service)
- Appropriate “mitigation” measures are identified and required by the Town as a condition of approval (e.g., add a turn lane at a key intersection or put in a traffic light)
- Developer constructs mitigation

The third slide (MITIGATION FEE APPROACH) displayed the following:

- Traditional process works best with a large-scale development project
- Less so when multiple smaller-scale projects have impacts that are cumulatively large, but some are individually small
- Mitigation-fee approach assesses fees on development proportional to each applicant’s impacts. Required improvements are funded through this dedicated fund.

Examples of worksheets were shown that addressed how the mitigation fee was broken down (ex., per resident unit, residential density bonus, per commercial square foot), as well as a schedule of mitigation fee amounts and timing of payments during different stages of construction.

The fourth slide (GUIDING PRINCIPLES) displayed the following:

- “Rational nexus” between *impacts* and *mitigation*
- Proportionality
- Funds are to be *used* (plans must be developed as to how the funds are to be used)
- Equity
- Rigor
- Clarity and Predictability

- Oversight/adaptation

The fifth, sixth, seventh, eighth slides (COMMON QUESTIONS) displayed the following:

- What if the Town collects “too much” in fees and has extra funds? (Excess would be proportionally refund to the applicants.)
- What happens if funds from a first developer’s project are insufficient to pay for mitigation required for cumulative impacts from multiple developments expected to follow? (Town retains ability to require that mitigation be physically in place as condition of approval. Examples of developers fronting the funds to build mitigation that part-benefits other developers, and being reimbursed later – with the first developer rather than the Town bearing the risk.)
- Who makes the decisions about road improvements in Town? (Town does for Town-owned roads; NYSDOT for state routes. In latter instance Town has influence, but NYSDOT holds formal authority.)
- Can mitigation include sidewalks, crosswalks, bike racks, and other bicycle/pedestrian infrastructure? (Yes – provided reasonable and rational decisions are made.)
- Can developer contributions be in-kind (e.g., strips of land)? (Yes, at the Town’s discretion.)
- What if a capital road-improvement project is required partly as development-mitigation, and partly to address a “pre-existing” traffic problem? (Town can allocate reasonable proportion as mitigation fees for private development. Town should not hold funds indefinitely without intent to construct.)
- What happens if an intersection is not studied upfront, and before reviewing a specific project it becomes clear that mitigation is needed there? (Town retains the ability to require this mitigation. TCIMP by design focuses on system-level needs. Local Impacts that become apparent during site-specific project review require mitigation outside of any TCIMP mitigation fees.)
- What happens if Town performs its due diligence in this study and ultimately decides not to implement a mitigation fee system? (Town has option to require the mitigation needs identified in this study, rather than implement a fee system. System does not exist until Town Board passes a local law.)

The ninth slide (EXAMPLE OF INTEGRATED APPROACH) display the following:

- Major conflict on main roads between Access and Mobility
- Short strips of Town-owned land can therefore be very useful
- Example of the strip of land behind the Verizon building
- Re-working access to 3 commercial properties with the Overlay District would relieve some pressure on Triangle intersection, providing safety and congestion benefits.
- Allow main roadways to better fulfill their function

The next slide (WORK PLAN) displayed the following:

- Task 1: Develop TCIMP concept
 - Identify key decisions to be made by Town
 - Review pros/cons of the fee-allocations options and choices made elsewhere
 - First draft of approach
- Task 2: Determine Needs
 - Review prior studies, liaise with stakeholders
 - Review crash patterns and congestion data (e.g. Bid Data including Google Maps traffic data)
 - Develop set of 10 priority location to focus on
- Task 3: Collect Traffic Data
- Task 4: Cost Estimating (Based on standard NYSDOT approach and unit costs)
- Task 5: Impact Modeling and Capital Improvement Programming

- Traffic model to establish that mitigation projects are appropriate given expected development patterns
- Ranking of capital improvements by cost-effectiveness
- Key outputs to support grant applications to NYS/Feds to address “pre-existing” conditions

The last slide (GUIDANCE FOR SUCCESS):

1. Works best when pace and location of development are reasonably accurately predicted
2. Will not eliminate “pre-existing conditions,” but supports prioritization and positioning for competitive NYS/Federal funding
3. Coordinate closely with NYSDOT
4. Establish clear rules to ensure all feel treated fairly, and no surprises
5. Principal of proportionality: right-size the approach and the program
6. Monitor and adapt as events dictate

Councilwoman Haughwout said she liked the idea of getting on board with the DOT and help assist the applicant but wanted to know who pays to do this and does it have to go into a fund to be paid or does someone have to put up a level of collateral before they “deep dive” into the mitigation Mr. Le Vine said the fee for the work he described is on the order of \$73,000-\$74,000. As an example, Mr. Le Vine said if we do our due diligence and decide that it does not make sense to do it this way and the traditional approach makes more sense. He said it is extremely unlikely that we would have spent the \$73-\$74,000 to reach that realization. Mr. Le Vine said the Town does not need to bear the financial risk and this would be a policy decision to be made over the coming months. The Town could say that where cumulative impacts require mitigation, the mitigation needs to be in place and physically up front and then the developer that does that could be reimbursed later by other developers – in this case the first developer is bearing the risk, not the Town.

Councilman Esposito said he could see the value in having a fund like this in the event that the Town discovers something that was not foreseen (ex., the intersection at Downing) and find out that it needs more mitigation than was originally thought. He said that if everybody is all in and projects come to fruition, this type of fund provides the money to mitigate that impact.

Councilman Diana likened this to the Lowe’s project where they came in and spent approximately \$2 million on the Taconic State Parkway intersection. He said that the bottom line is that the developer has to pay for what is going to be repaired, replace, or enhanced.

Supervisor Slater said that the Town is not trying to provide an avenue for anyone not to fulfill the responsibility of mitigating their impact.

Mr. Le Vine said that the Town retains the ability to say mitigation must be physically in place before a development takes place or concurrent with the development.

Councilman Lachterman asked Mr. Le Vine if this has been brought to court since he mentioned court input on this. Mr. Le Vine said there are two sources of authority for towns in New York State to require mitigation to condition approvals on; one is from General Municipal Law and the other is through SEQR. There has been not challenge these sorts of systems either in the capitol district or in other parts of the state – the courts have not weighed in on these. There is a general prohibition on impact fees where there is no specific improvement. The types of programs he has been talking about find their authority through SEQR, which requires mitigation for impacts and has a mechanism for establishing cumulative impacts so they have not been challenged.

Councilwoman Haughwout said, to be clear, the fund money is to be spent only on the roads. Mr. Le Vine said there would be a dedicated fund that the Town would set up and if, for any reason, there is money left over and the Town does not have another project, reimbursement could be set up on a proportionate basis – it is not the Town’s money to do something else. Councilwoman Haughwout said if the Town is having the Underhill Project fund the mitigation fund and they complete Phase 2 that we are also going to return their money and not leave it to the “overlay pool.”

Supervisor Slater asked if the Town Board needed more time to this about this. The Town Board members discussed the program. Supervisor Slater asked Planning Director John Tegeder if he thought the program was worth the exploration and he said yes. Mr. Tegeder said the Town has examples in the past where even the traditional route did not pan out and became untenable. He said there are examples of where money was contributed, (not the entire amount for the mitigation) and then the Town could not get the entire amount, and that money had to be returned. He said that he thought this was worthwhile and there are some projects that cannot be done in a piecemeal fashion and you really have to accumulate some dollars.

Supervisor Slater said that his feeling is that he trusts Mr. Le Vine as the Town's traffic consultant, and if he engages in the process and determines early on that it is not going to work, then he would expect him to pull the ripcord on it. Supervisor Slater said he sees the value in taking the initial steps that would work for the Town so that there is more flexibility and alternatives when it comes to these types of projects.

Mr. Tegeder said the option within the law would be you could do it the traditional way if it makes sense to do that or you could build up a pot of money.

Supervisor Slater said he would ask the Town Attorney to prepare a resolution for next week authorizing the Town to move forward.

STORMWATER RETROFIT FOR JUNIOR LAKE RESIDENTIAL AREA

Supervisor Slater introduced Town Engineer Dan Ciarcia, Director of Planning John Tegeder, and Kevin Fitzpatrick from East of Hudson Watershed to a discussion regarding a proposed East of Hudson Corporation Project that would provide stormwater retrofits for the Junior Lake residential area.

Mr. Fitzpatrick shared his screen to share slides pursuant to the proposed project. He said the East of Hudson Watershed Corporation was formed approximately 10 years ago to handle the heightened phosphorous reduction requirements within the NYC Department of Environmental Conservation (DEC) drinking water supply in the watershed area. They cover the area from Pawling, NY to North Castle, NY. There are 19 different municipalities in the area. He said they are targeting 920 kilograms of reduction of phosphorous, which is eliminating nutrients within the drinking water supply for New York City. The goal is to target stormwater treatment projects within the watershed so that they can work towards removing stormwater pollutants from reaching the reservoirs. Mr. Fitzpatrick said the Junior Lake residential area has been identified and, in particular, Junior Lake itself. He said this is an opportunity to try to reduce the phosphorous, increase stormwater treatment, and reduce discharge into Junior Lake. The larger goal for meeting Yorktown's MS4 requirements would be general permit for Department of Environment Conservation (DEC).

Supervisor Slater asked Mr. Fitzpatrick to explain to the public what stormwater is in layman's terms. Mr. Fitzpatrick said, as storms come through, and hit residential areas there are requirement within New York State to treat all of the flow before it reaches any waterbody – river, lake, reservoir. Stormwater flows through the existing catch basin system, the infrastructure that is already in place, through the piping network for discharge and then into our lakes and waterbodies. He said that this program target treatment areas; in this particular area there are 48 catch basins, which all, inevitably, discharge into Junior Lake including a discharge area that comes down from BOCES. He said that this is an opportunity to dive into this area and get some treatment prior to discharging into the lake.

Mr. Fitzpatrick said that they are looking to do projects with minimal impact on the community in terms of footprint and supervise treatment. In this case, they have technology that would drop filters directly into the existing catch basin systems in order to provide treatment. He said that this has been a product that they have been using recently called the Fabco Storm Basin Filter. (*Mr. Fitzpatrick displayed slides of the filters and their specifications.*) He said the best comparison would be like the Brita Filters used in water dispensers. The filters remove 50% of the pollutants that pass through them, as well as leaf debris, sediment, trash, and anything that might have flowed from a standard storm. The filters effectively remove approximately 11 kilograms of phosphorous loading into Junior Lake and, effectively, into the drinking water supply into New York City. Mr. Fitzpatrick said they have installed these filters in Metro North parking lots, Westchester County Airport, and much of Long Island. He said that this is

a great opportunity to do a project where a typical stormwater project is not feasible. It would not be possible to install a stormwater pond or a wetlands system in the Junior Lake community without a large-scale impact. Mr. Fitzpatrick said that this project comes fully funded by the East of Hudson Watershed Corporation – there is no cost to the Town. The maintenance on the filters also comes fully funded. The Town would not be asked to do anything more than what they are already doing.

Supervisor Slater asked if one of the filters becomes clogged, would it be de-clogged by the Town and Mr. Fitzpatrick said the Town would be able to take care of it more quickly. He said the idea is that general maintenance would be done by a separate contractor who will clean the basins and replace the filters as part of the program. This would be in addition to any regular maintenance that is being done by the municipality. He said that any maintenance that is being done would be able to be pulled into the program and the Town would be able to receive back some funding for services being done in the area – sweeping, leaf removal, VAC truck use – these are all items that could go into the Town’s maintenance program, which gets submitted to East of Hudson on an annual basis.

Councilwoman Haughwout asked how the filter adheres to the catch basin and what would happen if the sewer is eroded and the filter does not fit. Mr. Fitzpatrick said that they have already had an engineer inspect the 48 catch basins, as well as a representative from the manufacturer, to make sure this would work. He said that they reported that every one of the catch basins is capable of supporting the insert. He said in the event they found one that was a problem they would do the replacement and strengthen the basin. Part of their inspections and maintenance is to make sure the structural integrity is still there.

Supervisor Slater asked Mr. Fitzpatrick what he needed from the Town Board in order to proceed and Mr. Fitzpatrick said he would need the Board to authorize the Supervisor to sign an installation agreement with them that would allow them to finance FABCO to do the inserts. The agreement would give them access to the basins and dictate some responsibility that the Town would have regarding maintenance.

Councilman Esposito asked if this would affect water flow and Mr. Fitzpatrick said during their inspections and evaluations they make sure they pass the flow through each individual basin.

Councilwoman Haughwout asked Mr. Fitzpatrick about the materials used and if they would hold up to winter temperatures. Mr. Fitzpatrick said that there is no concern with winter temperatures and the filters have been approved by the DEC, particularly for their program.

Councilman Diana said the Town has a very short window where they can VAC-out certain storm drains due to the insertion of the mosquito dumps for the West Nile Virus and that once they are in, Westchester County puts them in the storm drains and the Town cannot touch them.

Supervisor Slater agreed with Councilman Diana but said that, in theory, this project would take 48 catch basins off the Highway Department’s hands. He asked Mr. Fitzpatrick if a bid is required for this project and Mr. Fitzpatrick said no. He said they work from a blank purchase order.

Councilwoman Haughwout asked for the reimbursement of maintenance to be explained. Mr. Fitzpatrick said it is not in anyone’s best interest to have the 19 different participating municipalities within the area to have 19 different people going out to try to enter into a contract with FABCO to come out and clean the catch basins and change the filters. He said it is everyone’s best interest for East of Hudson to have one contract that will do all of the filters and lighten the load on all of the municipalities. He said that they would go out to bid for their fee for a contractor to go out and do all of these things. Supervisor Slater said that instead of the Highway Department have to do their annual maintenance the East of Hudson vendor would be doing that. Supervisor Slater said that right now, the Town cannot guarantee that they could do them anyway since there are so many.

Supervisor Slater said that the Town Attorney would work on the necessary resolution, which would be placed on the next agenda.

TOWN HALL ENTRANCE RECONSTRUCTION

Supervisor Slater introduced Town Engineer Dan Ciarcia, Councilman Tom Diana, Building Inspector John Landi, and Director of Planning John Tegeder for an update on the Town Hall Entrance Reconstruction project.

Mr. Ciarcia said that tomorrow the trucks would be pulling out the first load of contaminated fill and the second load possibly on Friday. He said that part of the plan is to get the whole front of the building cleared out, remove the old tank, and begin construction of temporary stairs to have access to the front of the building again. He said that they have working with Con Edison to coordinate bring in gas so the Town can change over to natural gas; a new tank would not be installed. He said that they met today with the contractor who is doing the boilers to see if they could do the work they need to do within the timeframe of our existing contract with them. He is hoping to negotiate a change order that is fair to everyone to keep the project moving. He said survey work is being authorized so that they could not only make sure they are putting the front of the building back together correctly, but also to have a good base map to do some other projects around Town Hall. He also wants to make sure that if there is any federal money available, a well-developed proposal could be presented. Mr. Ciarcia said John Tegeder has been working on the landscaping plan; the intent is to have the site plan and the landscaping plan come together and have a bid document to put the front of Town Hall back together.

John Landi said he is working with Al Pisano from the Maintenance Department on the temporary staircase for the front of the building, which should be ready to go this Monday or Tuesday and the front would be accessible. The side entrance would still have to be used for handicapped access.

Councilman Diana said that at this morning's meeting the running of the gas lines was discussed.

RAILROAD PARK BASKETBALL COURT RENOVATION – PROJECT UPDATE

Town Engineer Dan Ciarcia and Parks & Recreation Superintendent James Martorano gave an update on the renovation at the Railroad Park Basketball Court.

Town Engineer Dan Ciarcia said the plan is pretty much ready to go. It is a collaborative effort with the Parks & Recreation Department doing some of the work. He said the bid would include the paving, the striping, and the new backstops. Generally, the work is going to be done in house and in advance of the contractor arriving at the site. He said the next step is to tidy up the plan and get the specification book in order, then prepare the bid document and advertise for bids. Mr. Ciarcia said they should be able to get this out to bid in February.

Superintendent Martorano said the Parks & Recreation Commission voted to put money towards the renovation project and would wait to see what the bids come in at and see if that amount of money covers the bid costs.

Supervisor Slater said this money would come from the Trust and Agency fund.

Councilman Lachterman asked if the flagpole would be moved since it is a historic flagpole – the original to the train station. Superintendent Martorano said he would consult with Director of Planning John Tegeder.

Supervisor Slater said Mr. Ciarcia would work with the Town Attorney and the Town Clerk to get the bid documents done.

356 JACLYN LANE – SWPPP APPLICATION

Peter DiSisto, applicant, and John Kellard from Kellard Sessions Consulting

The applicants were no longer available for this discussion.

Mr. Ciarcia said it is only because of the threshold that this is being referred to the Town Board.

AUTHORIZE REFERRAL OF SWPPP APPLICATION FOR 356 JACLYN LANE
RESOLUTION #50

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

RESOLVED, the Town Clerk is authorized to refer the SWPPP Application of Mr. and Mrs. DiSisto for property located at 356 Jaclyn Lane to the appropriate agencies.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

YORKTOWN TRAIL TOWN COMMITTEE – HUDSON VALLEY GREENWAY GRANT
APPLICATION

Supervisor Slater introduced Jonathan Nettlefield, Yorktown Trail Town Committee Member, to discuss the Hudson Valley Greenway Grant.

Mr. Nettlefield said they are seeking the Town Board’s endorsement for a Greenway Grant that they are applying for and need Town Board approval. He said that Yorktown Trail Town is an organization whose mission is to promote the parks, trails, and farms. Yorktown has more miles of trails than any other municipality in Westchester County – they are one of Yorktown’s “hidden” assets, which they would like to bring to light. He said one of the things that occurred to them over the last couple of years is how hidden many of these trails are. Mr. Nettlefield said they are not visible by car and they are proposing to put trailhead signs (the name of the trail, a brief description, and some kind of map) that will have a QR code if people want more information. Mr. Nettlefield displayed a copy of the proposal that described the types of trails and the proposed new signage.

Upon motion made by Councilman Diana, seconded by Councilman Lachterman the Town Board voted to approve and endorse the Yorktown Trail Town Committee’s application to the 2022 Greenway Conservancy Trail Grant Program for a project known as the Trailhead Signage Project. A formal resolution will be read at the next Town Board meeting.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

BUDGET TRANSFER FOR TOWN WIDE DRAINAGE PROJECTS
RESOLUTION #51

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

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

From: General – Fund Balance		\$156,000.00
To: Highway – Drainage	(D5110.479)	\$156,000.00

to perform town wide drainage projects.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

BUDGET TRANSFER FOR THE PURCHASE OF ADDITIONAL SALT
RESOLUTION #52

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

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

From: Highway – Fund Balance		\$34,000.00
To: Highway Snow Materials & Supplies	(D5142.403)	\$34,000.00

for purchase of additional salt.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY OUT DONALD GAFFNEY UNUSED TIME AS OF HIS RETIRMENT DATE
RESOLUTION #53

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

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

Rate of Pay: \$45.2828

Sick	1,500 hours @ 50%	=	750 hours		
	750.00 hours x \$45.2828	=			\$33,962.10
Vacation	187.50 hours x \$45.2828	=			\$ 8,490.53
Personal	22.50 hours x \$45.2828	=			\$ 1,018.87
Floating Holiday	15.00 hours x \$45.2828	=			\$ 679.25
Longevity	\$1,600 / 261 days = \$6.13 per day				
	08/27/21 – 12/31/21 = 90 days				
	90 days x \$6.13	=			\$ 551.70
	\$1,750 / 261 days = \$6.70 per day				
	01/01/22 – 01/14/22 = 10 days				
	10 days x \$6.70	=			\$ 67.00
Total Longevity					\$ 618.70
Total					\$44,769.45

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

From: A909.8	General Fund Reserve Employee Accrued Benefits	\$33,962.10
A7215.101	Central Garage Salary	\$10,188.65
A1440.106	Central Garage Longevity	\$ 618.70
To: A7215.108	Central Garage Lump Sum Payments	\$44,769.45

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY OUT MICHAEL MILL UNUSED TIME AS OF HIS RETIREMENT DATE
RESOLUTION #54

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

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

Rate of Pay: \$52.2490

Sick	1,400 hours @ 50%	=	700 hours		
	700.00 hours x \$52.2490	=			\$36,574.30
Vacation	210.00 hours x \$52.2490	=			\$10,972.29
Longevity	\$1,600 / 261 days = \$6.13 per day				

03/06/21 – 12/31/21 = 215 days					
215 days	x	\$6.13	=	\$1,317.95	
\$1,750 / 261 days = \$6.70 per day					
01/01/22 – 01/14/22 = 10 days					
10 days	x	\$6.70	= \$	67.00	
Total Longevity				\$ 1,384.95	
Total				\$48,931.54	

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

From: A909.8	General Fund Reserve Employee Accrued Benefits	\$36,574.30
To: T905.1	Medical, Dental, Vision Premium Trust	\$36,574.30
From: A1440.101	Engineering Salary	\$10,972.29
A1440.106	Engineering Longevity	\$ 1,384.95
To: A1440.108	Engineering Lump Sum Payments	\$12,357.24

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY OUT KEVIN ALIMONTI UNUSED TIME AS OF RETIREMENT DATE:
RESOLUTION #55

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

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

Rate of Pay: \$45.2828

Sick	9.625 hours	@	50%	=	4.84 hours	
	4.84 hours	x	\$45.2828	=	\$ 219.17	
Vacation	187.50 hours	x	\$45.2828	=	\$ 8,490.53	
Personal	22.50 hours	x	\$45.2828	=	\$ 1,018.87	
Floating Holiday	15.00 hours	x	\$45.2828	=	\$ 679.25	

Longevity					
\$1,600 / 261 days = \$6.13 per day					
2/19/21-12/31/-21 = 225 days					
225 days	x	\$6.13	=	\$1,379.25	
\$1750 / 261 days = \$6.70 per day					
01/01/22-01/14/22 = 10 days					
10 days	x	\$6.70	=	\$ 67.00	
Total Longevity				\$ 1,446.2	
Total				\$11,854.07	

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

From: SR7210.101	Refuse & Recycling Salary	\$10,407.82
SR7210.106	Refuse & Recycling Longevity	\$ 1,446.25
To: SR7210.108	Refuse & Recycling Lump Sum Payments	\$11,854.07

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

BUDGET TRANSFERS FOR WORKER'S COMPENSATION
RESOLUTION #56

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

BE IT RESOLVED, that the Town Board authorizes the Budget Transfers listed below to fund Worker's Compensation claims paid from January 1, 2021 through December 31, 2021:

From: A.909 General Fund - Fund Balance
To: A9901.900 General Fund Transfer to Worker's Compensation
Amount: \$160,964.80

From: D.909 Highway – Fund Balance
To: D9901.900 Highway Transfer to Worker's Compensation
Amount: \$127,449.11

From: SR.909 Refuse – Fund Balance
To: SR9901.900 Refuse Transfer to Worker's Compensation
Amount: \$3,142.48

From: SW.1002 Water – Fund Balance
To: SW9901.900 Water Transfer to Worker's Compensation
Amount: \$56,099.40

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE FOLLOWING OBSOLETE ITEMS TO BE SOLD AT AUCTION
RESOLUTION #57

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

WHEREAS, the Town of Yorktown has found the following items are obsolete and no longer needed for use by the Town of Yorktown, and

WHEREAS, the Central Garage recommends to the Town Board that the listed items be deemed obsolete and sold at auction by Absolute Auctions & Realty, Inc.

- AMMCO Brake Lathe
- Snap-On FX HD35 Transmission Fluid Exchanger
- Lincoln Electric Ranger-8 Welder – Generator (no welding cables & does not run)
- Assorted Brake Pads (still in box)
- New Assorted Belts
- Assorted Yellow Light Bars (x3)
- 20' Extension Ladder
- Movable Step Ladder
- New 15" Tires: 225/75R15 (x12)
- New 16" Tires: 225/60R16 (x18)
- New 16" Snow Tires: 225/60R16 (x8)
- Lincoln Electric Welder – Tig 175 Pro (no tank-gas; not working)

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPOINT CARL J. NUCCILLI AS POLICE OFFICER IN THE YORKTOWN POLICE
DEPARTMENT
RESOLUTION #58

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

BE IT RESOLVED, that Carl J. Nuccilli is hereby appointed Police Officer in the Town of Yorktown effective January 26, 2022 to be paid \$59,709.00 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 January 26, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH MUNICODE TO PROVIDE WEB HOSTING, MAINTENANCE AND SUPPORT TO TOWN'S WEBSITE RESOLUTION #59

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

BE IT RESOLVED that the Town Supervisor is authorized to sign an agreement with Municode code Corporation to provide web hosting, maintenance, and support services for the town's website for 2022 in the amount of \$3,300.00.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPOINT MARY CAPOCCIA AS A MEMBER OF THE ETHICS BOARD RESOLUTION #60

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

RESOLVED, Mary Capoccia is hereby appointed to serve as a member of the Ethics Board for a three-year term expiring on December 31, 2024.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

RE-APPOINT TOM DUNN TO THE PARKS AND RECREATION COMMISSION RESOLUTION #61

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

RESOLVED, Tom Dunn is hereby re-appointed to serve as a member of the Parks and Recreation Commission for a term expiring on December 31, 2028.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

ADJOURN MEETING

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

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