

Meeting of the Town Board, Town of Yorktown held on Tuesday, January 28, 2020 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Absent: Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Interim Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss personnel issues. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance

He then invited Rabbi Heber to give an invocation in recognition of the 75th anniversary of the liberation of Auschwitz.

Supervisor Slater asked Councilman Lachterman to read the following resolution:

RECOGNITION OF THE 75TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ RESOLUTION #40

Upon motion made by Supervisor Slater, seconded by Councilman Diana,

WHEREAS, on January 27, 1945, Allied troops entered the Auschwitz concentration camp and liberated the more than 7,000 still-living prisoners;

WHEREAS, the Nazi regime killed approximately 6,000,000 Jews, including 1.5 million Jewish children, as well as millions of others including mentally or physically disabled people, political prisoners and resistance members;

WHEREAS, approximately two-thirds of Europe's Jewish population was killed as a result of Nazi persecution during World War II;

WHEREAS, at least 1,300,000 people were sent to Auschwitz between 1940 and 1945, approximately 1,100,000 of whom were murdered (the death toll includes 960,000 Jews, 865,000 of whom were gassed on arrival);

WHEREAS, there has been an increase in the number of anti-Semitic incidents around the world, in the United States, in the Hudson Valley, and in the Town, which has increased feelings of vulnerability among our Jewish communities; and

WHEREAS, anti-Semites in America and around the world continue to invoke Nazi ideology and use symbols such as the swastika and other fascist imagery to vandalize synagogues and Jewish institutions.

NOW, THEREFORE BE IT RESOLVED, that the Town Board honors the memory of the liberation of Auschwitz; and

BE IT FURTHER RESOLVED, that the Town Board memorializes the 6,000,000 Jewish victims of the Nazi regime, the millions of others who were systematically killed by the Nazis and their collaborators during World War II, and the over 1 million victims at Auschwitz; and

BE IT FURTHER RESOLVED, that the Town Board expresses gratitude to the members of the Allied forces who liberated Auschwitz and the U.S. Armed Forces and the forces of Allied nations who risked their lives to liberate many other Nazi camps and sites of incarceration; and

BE IT FURTHER RESOLVED, that the Town Board urges all of its residents to commit to addressing intolerance and prejudice, including racial, ethnic, or religious biases in order to combat all forms of bigotry and intolerance.

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

Supervisor Slater then presented Rabbi Heber with the Proclamation.

REVAMP THE TOWN WEBSITE

Mrs. Robyn Steinberg, Town Planner, joined the Board to discuss revamping of the Town's website. Supervisor Slater mentioned that the website has not been updated since 2013. He said that we have an opportunity this year to work with the website vendor in the upgrading of their system for all of their platforms and websites, which would include Yorktown. Mrs. Steinberg displayed a model of the types of sites they have sent to the Town. Supervisor Slater said the website needs to be user friendly and a state of the art communication tool. Another feature would include a community calendar. A discussion took place regarding the scheduling on the community calendar.

Supervisor Slater said that in addition to our annual fee, which is \$3,000, the Town would be paying \$5,000.00 for the system upgrade. The vendor is willing to waive the \$5,000 for the system upgrade and only charge us the \$4,900 for the "facelift" – getting two for the price of one. Supervisor Slater said that, if all goes smoothly, the Town may see the new website by this spring.

Councilman Patel asked where the information will be archived and Mrs. Steinberg replied that it will be on the cloud. She said this is good because in the event of power outages, the server is double reinforced and not located locally.

Supervisor Slater said there are other things, like open data platforms, he would like to explore that will make Town government and businesses more transparent. He said he would also like to explore online portals.

Further discussion took place regarding the new website format. A planning meeting will be set up with the Town's vendor to formalize plans for the website.

HALLOCKS MILL SEWER PROJECT

Supervisor Slater said there was a resolution from last week's meeting that was tabled. The resolution to set a public hearing; this was tabled based on information provided by the Westchester County Planning Department, as well as a conversation with the NYC DEP. Supervisor Slater said that before a public hearing was set, he wanted to make sure everyone was on the same page.

Mr. Michael Quinn, Town Engineer, said that the basis of the project is the map, plan, and report that was created by the Engineering Department. They did the sewer petition based upon what was contained in that map, plan, and report. There were 318 parcels that would benefit from this project and the total could be \$14.3 million. The project is based upon receiving a \$10 million grant from the East of Hudson/DEP Watershed Agreement. Those funds are on deposit with Westchester County and being administered by their Planning Department. Ultimately, in order to get the funds from Westchester County to Yorktown, the Town has to execute an intermunicipal agreement with the County. Preliminary steps had been completed when it was thought this project would be larger (465 parcels, \$20 million), but ultimately when the map, plan, and report was prepared, it was for the \$14.3 million project and the Town went backwards to get the DEP to sign off. This was done in 2017. Mr. Quinn explained the reasons for the delay on the project since

then, administration changes, personnel changes, etc. The new people the Town is working with have laid out some new steps and that is where the Town is now: trying to satisfy new requests in order to get the IMA in the works. The Town was asked to go back to the DEP to make sure they are still behind the current project and after having a conversation with them this has been confirmed. Mr. Quinn said the next step is to engage the County administration to make sure the steps are being followed and he has every expectation that we are going to satisfy their requests. Mr. Quinn said in order to finalize the petition process and formally create the project, two steps need to be done. The first was the draft resolution that was prepared for discussion this evening; the second is to schedule a public hearing. Supervisor Slater questioned whether or not this should be a step the Town takes before getting confirmation from the County that they are going to continue to support the project. He understands that DEP is on board with the project and wants to know that the same support would come from the County. Mr. Quinn addressed some of the concerns (how many of the people will actually connect to the sewer) of the DEP and the County in a discussion with the Board. Mr. Quinn said there is a provision in the sewer section of the Town Code that says if a sewer is available and the Town Board passes a resolution directing people to connect, they have to do it within 90 days. This provision is still in place but has never been exercised. The County has questions about this provision and is concerned how many people will actually want to connect to the sewer. Mr. Quinn also discussed possibly using a portion of the \$10 million to help offset residents' cost to connect to the sewer.

Supervisor Slater said he is concerned that if that happens, the Town is changing the financing of the project, which will change the petition. He said that if we do not have final approval from the County, and we are moving resolutions forward for a public hearing, ultimately the County can come back to us and say the Town has to use a portion of the \$10 million which changes the financing, which changes the petition and the Town is left right back at square one and has to put another petition out.

Mr. Quinn said if the Town passes the resolution to establish the project, it could be undone. The Town could also put a contingency on the receipt of the \$10 million grant and if that does not happen then the project would have to be redone. However, if the County does come back and say the Town has to dedicate some of the \$10 million towards incentivizing people to connect, at the same time he will be doing some work over the summer on getting more certainty on the Town's costs. He said that right now the Town has a significant contingency in our numbers, so it is very possible that once we get more certainty in numbers, that the total project cost would be a little bit less because the next time we do an estimate we will have less contingencies involved.

A discussion ensued regarding a bond issuance and how that would affect the petition, as well as how other communities have done similar projects.

In response to Mr. Quinn's statement regarding the certification of the petitions, Town Clerk Diana Quast clarified that the Town Clerk does not certify the petitions; the Town Board certifies them. She suggested that the Board have a conversation with the Town's Bond Council before moving forward. Supervisor Slater agreed with the Town Clerk. He said we need greater clarity from legal counsel and to what this resolution does.

UPDATE ON PUMP STATION UPGRADE PROJECT

Mr. Ray Schofield from GHD Engineering came to the Board to give an update on the pump station. Mr. Quinn said the latest update is that one of the pump stations, Walden Woods, is now operational and we are in the process of demolishing the old pump station.

Mr. Quinn stated that Jefferson Valley and Jefferson Park are the other two pump stations being rehabilitated. The contractor completed the work and in order to complete the testing and turn the pump stations on, the Health Department has to give their approval. When the Health Department came to inspect the stations, they had a couple of issues with some changes that were made while the work was going on. Mr. Quinn explained that before the work was started, GHD did all of the design documents that were submitted to the Department of Health for review and approval. The Town received their initial approval in January of 2017. This approval gave the Town the ability to do the work, follow the plans exactly as they were approved, and upon completion the Department of Health was to be called to do a final inspection before the equipment could be turned on. When the Department of Health was called to do the final inspection, there were some field changes that were done that are causing the issue with the DOH. The Town received a Notice

of Violation and received a Notice of Hearing set for February 11, which could cause the Town to be fined.

Supervisor Slater asked what is the Town's role in submitting proper paperwork when changes are being made if we have a contractor/project engineer overseeing the project? Mr. Quinn said these kinds of responsibilities are turned over to the project engineer to handle.

Mr. Schofield said there was a pump selection made at Jefferson Park that needed to be changed due to operation points and was considered to be a small change. Mr. Quinn said when the pump arrived, it was the same brand but a slightly different model than the one the Department of Health (DOH) approved. Supervisor Slater asked about the typical process when these kinds of changes are made. Mr. Schofield said the changes at the end of a job are submitted along with the engineer's certificate of completion. There was also a minor change made to the location of force main connection; Mr. Quinn stated the field conditions did not match what the drawing showed so a modification was made. Mr. Schofield said the DOH wants to put fences in there now, which were not part of the original approved drawing. Mr. Ed Mahoney, Assistant Wastewater Treatment Plant Superintendent, said that the fences were not part of the drawing because the residents did not want them. Even so, the DOH is now saying a fence must be erected for security reasons. There was also a T on the piping in the pump station itself; there should have been a blind flange for emergency bypass, but the supplier of the pump station did not supply that with the emergency bypass blind flange. Mr. Mahoney said the DOH will also want the same piece at Walden Woods, and he has received a price for the blind flange. The part will be there, if ever needed.

Mr. Quinn said that the old pump at Jefferson Park did not meet the required industry standards and the proposed pump approved by the DOH also did not meet the standard because of the size of the location. He said he is not sure why they are bringing it up now because if they install the approved pump, it would not match the standard either.

Mr. Schofield said the list of issues for Jefferson Valley is just one. There was a fitting installed that is a concern to the DOH; they want a mechanical fitting not a fernco fitting.

Mr. Schofield said they have been diligently working on these issues with the DOH. Then a strategy will have to be discussed with the Town as to how to approach these issues. He said the ultimate goal is to make sure they get the stop work order lifted, get approval to do testing and get the contractor moving again, and then get through the hearing.

UPDATE ON PAR 3 GOLF COURSE

Mr. James Martorano, Jr., Parks & Recreation Superintendent; Mr. John Tegeder, Director of Planning; Mr. Michael Quinn, Town Engineer; Mr. John Landi, Building Inspector were present to give an update on the Par 3 Golf Course. Mr. Martorano said they were before the Planning Board who asked for a Stormwater Prevention Plan, a parking plan, and an in-depth tree plan. He said they met with the DEC and the Town does need a DEC permit in order to proceed with the golf course. Mr. Martorano said they are now putting together the necessary plans and requirements for both the Planning Board and the DEC.

Supervisor Slater confirmed with Mr. Landi that a building permit and an electrical permit have or will be issued.

Supervisor Slater asked how long the DEC permit would take and Mr. Quinn said it would depend if they have to prepare new plans. He feels this may not be the case, and if that is so, the permit will take much less time (a matter of weeks instead of months). Mr. Quinn said that there is not an engineering plan, per se, for the project but they would be going out to take a look at the erosion control plans, etc. He said that the principals of the project should be appointing someone to oversee the project.

Mr. Landi said they cannot find the latest file on the project; however, their permits are in place. Mr. Martorano said he does not have the original agreement, just the amended agreement. Mr. Quinn said all of the paperwork for the DOH is complete. Mr. Quinn discussed the desire for them to be on Town sewer but it is a secondary concern, at this point. A discussion ensued regarding them being placed on sewers.

Mr. Martorano spoke of the future use of the golf course.

Mr. Tegeder said he has briefly seen the plans and sees the timing as problematic.

Supervisor Slater said that having four department heads who are overseeing this and making sure the process is followed helps to ensure this is done properly.

Councilman Diana asked why this project has been so problematic. Mr. Quinn said that since this is a town-owned property with a public-private partnership was confusing for staff regarding steps to be taken; it was not clear about who was doing what and who was responsible. He said perhaps not enough questions were asked. Mr. Martorano said the project was delayed and became complicated when the first principal of the golf course passed away after an illness. Speculation was made by some of the department heads as to why the project did not seem to follow the natural process that would have seen it through to completion.

PROPOSED LOCAL LAW FOR BATTERY ENERGY STORAGE FACILITIES

Mr. John Tegeder, Director of Planning, came before the Board to discuss the next steps for the proposed local law on Battery Energy Storage Facilities. He said the changes were fairly simple and straightforward. Section J-Special Use Permit Standards (#3 and #5), has been changed to include “provided adequate screening can be accomplished within the allotted setback, the Planning Board may determine that the setback be increased to accommodate such required screening.” In the same section, #3, it now reads “Tier 3 Battery Energy Storage Systems shall not exceed 20 feet in height unless part of a larger structure housing a main use as allowed in the underlying zoning district.” The previous #3 would have permitted 35 feet. A discussion took place about the Tier 3 system at BJ’s. The Tier 3 at Gomer Court is on 2.5-acre piece of property in a commercial zone, abutting Route 6. It is four shipping container sized boxes, 55 feet long, by 13 feet high, 12-13 feet wide. The Planning Board asked for some form of screening at this installation. Mr. Tegeder read the Section J, revised #5 that also addresses screening and buffering requirements. Mr. Tegeder read the revised Section J, #1, addressing lot size minimum of 30,000 square feet for Tier 3 installations.

Supervisor Slater asked what the process would be to lift the moratorium and pass the proposed law and was told it could be done at the same time. Comments were made by the Board that the future of solar power will depend upon these installations that will, in effect, replace generators. Mr. Tegeder mentioned that they are also important to the electrical grid infrastructure. It is important for both commercial and residential zones to make some accommodation for these.

REFER OUT PROPOSED LOCAL LAW FOR BATTERY ENERGY STORAGE SYSTEMS RESOLUTION #41

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

RESOLVED, the Town Clerk is hereby authorized to refer the proposed Local Law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” by adding a new Article VII Section 300-81.5 “Battery Energy Storage Systems” to the appropriate agencies.

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

REQUEST TO DO A HOTEL REQUEST FOR INFORMATION (RFI)

Mr. George Souls and Mr. Bob Giordano, members of the Economic and Business Revitalization Committee and Mr. Sergio Esposito from the Chamber of Commerce came before the Board to discuss an RFI for hotel proposals. Mr. Souls said they will be involving all of the departments who appeared before the Board this evening when considering a hotel for Yorktown. Mr. Souls spoke of the success Peekskill has had with the location of the Holiday Inn Express. He spoke about hotel chains they are considering approaching for a location in Yorktown. They are considering a facility of approximately 50-100 rooms, two conference rooms, a real-time reservation system, the latest network capability, and a “green” facility.

Supervisor Slater said that this is an exploratory measure to solicit information and see what we get back, who is interested in Yorktown, demographic studies, etc.

Mr. Bob Giordano gave a copy of the presentation they made last year and their attempt to get moving with the RFI was shortchanged last year in that only one prospect was entertained while looking and properties that fell through – a parallel process of an RFI should have taken place.

Since this fell through, he said that it is important that the RFI process be implemented. He distributed the drivers (needs) that were used in the previous presentation that would be used in the RFI and then discussed these drivers (IBM, Shrub Oak School, sports tournaments, etc.). Mr. Giordano said the Marriott chain has expressed an interest in the Val Santucci property across from the Hudson Valley Hospital. They have met some resistance from those who do not want to see two developments on the 30-40 acre property.

Supervisor Slater asked Planning Director John Tegeder any prospective hotel chain has been in contact with his department and was told no.

Councilman Diana asked where the Santucci property is located and Mr. Giordano said it was directly across from the Hudson Valley Hospital, in Cortlandt. He mentions this property because Marriott has seen a need and a market to get into the area.

Mr. Sergio Esposito said this is a fantastic idea that would benefit the Town. The fact that a hotel wants to open up on Route 202 in Cortlandt demonstrates the need but would also take away from Yorktown being chosen for a future hotel. He said if the Town is going to do something, now is the time. Mr. Tegeder said the Town has been approached in the past but nothing has ever gotten past the talking stage. He mentioned a couple of locations that could be looked at for future hotel development. Supervisor Slater asked if sending out an RFI would be a good draw to prospective hotel chains that Yorktown is ready to entertain such an enterprise and get past the talking stage and Mr. Tegeder said yes. He also said that prospective properties be identified so that it could move more swiftly.

Supervisor Slater said what happens if we put an RFI out and get no responses? He does not want that to be a reflection of the Town and what we are capable of. Councilman Lachterman said a large part of the RFI is not only putting it out but also looking at all of the big chains and their franchises at minor properties, like the Marriott Courtyard. He said he would look at who is the direct competition to franchises like the Holiday Inn Express and that is who he would approach.

Supervisor Slater said his concern with Holiday Inn Express is that he has heard anecdotally that they may be losing a lot of their clientele because of Indian Point closing and the completion of the pipeline. Mr. Giordano said he has heard that a lot of their clientele is through West Point. Supervisor Slater said yes, but West Point is getting their own new hotel.

Mr. Esposito said that if we are going to take this seriously, the Town has to move on it since we are already a few steps behind in relation to the Cortlandt property. Supervisor Slater said there is no doubt a hotel would be a benefit to the Town, but we must be clear about the process and who will be in charge of the process.

Mr. Tegeder said if you develop contacts with some of the hotel chains and invite them to view some proposed locations in conjunction with the RFI, it may be a better capture of the group you are trying to target.

Mr. Esposito said a sustainability study would need to be done to show that a hotel could maintain its capacity. Supervisor Slater asked Mr. Tegeder if he thought an RFI was needed or should the Town just do direct contact to the hotel chains? Mr. Tegeder said it would be productive, if only for the gathering of information to talk to the property owners and the hotel companies.

Supervisor Slater directed the group to develop the RFI, along with assistance from John Tegeder and Councilman Lachterman, to get a list of property owners and hotel development managers to contact. The EBRC will develop the RFI.

DISCOVER YORKTOWN TV SHOW

Mr. Sergio Esposito said the show would utilize and show off the assets of Yorktown. He said they have someone who will film the show who has done them in other communities. It would not be just for businesses but also show a Town asset or organization. It would be on the government channel, YouTube, Facebook, etc.

Supervisor Slater asked Mr. Esposito what the cost would be for the Town. Mr. Esposito said the cost for each show would be about \$800. One or two a month could be done and shared on the government channel. He said that usually the Town covers the cost of the shows.

Mr. Esposito said he would host the show and an introduction done by Supervisor Slater. He also said the Town can have sponsors for the shows and have a “sponsored by” at the beginning of the show – this would not qualify as advertising, which is not permitted on a government channel. Town Attorney Adam Rodriguez expressed some concerns regarding advertising and he said he would need to research the legal boundaries. Supervisor Slater asked Mr. Rodriguez to present guidelines at the next work session.

VOLUNTEER BOARD APPOINTMENTS

Town Attorney Adam Rodriguez said this segment had been addressed in closed session. Supervisor Slater said there are two issues – one specific appointment considered to be a lame duck and a broader question of the role of elected officials on our boards, committees, and commissions. Supervisor Slater there were also questions specifically relating to the Ethics Board and their term expirations now ending all at the same time instead of being staggered. Supervisor Slater again mentioned his desire for a holistic review of all of the Town’s boards, committees, and commissions. A discussion ensued regarding lame duck appoints, and elected officials on boards, commissions, and committees.

ARTS AND CULTURE COMMITTEE

Supervisor Slater said an Arts and Culture Committee is something that has been missing among the boards, commissions, and committees in Town. He spoke about partnerships that could be developed locally and on a County level that would enhance the arts and cultural experience in Town. The Board agreed that this committee should be considered with an exploratory meeting.

AUTHORIZE YORKTOWN POLICE DEPARTMENT TO PURCHASE THREE FORD POLICE INTERCEPTOR SUVs AND ONE POLICE INTERCEPTOR HYBRID RESOLUTION #42

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

Be It Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase three (3) Ford Police Interceptor SUVs (\$33,029 each total \$99,087) and one (1) Police Interceptor Hybrid (\$36,047) from the Westchester County contract #RFB-WC-19023 to Beyer Ford in the total amount of one hundred thirty five thousand one hundred thirty four dollars (\$135,134.00).

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

AUTHORIZE YORKTOWN POLICE DEPARTMENT TO REIMBURSE FALL 2019 COLLEGE FEES AND BOOK FEES FOR POLICE OFFICER JOHN E. DOHERTY RESOLUTION #43

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

Whereas, the Yorktown Police Department would like to reimburse P.O. John E. Doherty for College Fees and textbook fees for the Fall courses he has successfully completed towards his Master’s Degree in Homeland Security Management. This amount is in addition to the previously agreed amount in the Town Board Resolution dated July 3, 2019 for tuition only. These additional costs were unknown at this time.

Now, Therefore Be It Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Town Comptroller to pay the additional Fall 2019 College Fees and book fees for Police Officer John E. Doherty in the amount of \$591.85.

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

AUTHORIZE THE YORKTOWN POLICE DEPARTMENT TO PAY THE SPRING 2020 TUITION AND FEES FOR POLICE OFFICER JOHN E. DOHERTY RESOLUTION #44

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

Whereas, the Yorktown Police Department would like to reimburse P.O. John E. Doherty for courses he is taking towards his Master’s Degree in Homeland Security Management.

Now, Therefore Be It Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Town Comptroller to pay the Spring 2020 tuition and fees for Police Officer John E. Doherty upon the satisfactory completion of said courses, in the amount of \$3,101.90 plus text books fees of \$37.61 for a total of \$3,139.51.

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

ADJOURN MEETING

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

Diana L. Quast, Town Clerk
Town of Yorktown
Certified Municipal Clerk