

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, May 5, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman  
Vishnu Patel, Councilman  
Alice E. Roker, Councilwoman

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

#### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilwoman Roker, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss litigation and legal negotiations. Upon motion made by Councilwoman Roker, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember all of our first responders and frontline workers, and in honor of National Teachers Week, to remember all of our educators. Councilman Lachterman remembered resident, Bill Roberts, who recently passed away. Mr. Roberts was very active in the community; Councilwoman Roker said he was also a former Town employee. Councilman Patel stated that all the people around the globe are suffering from the corona virus and nearly a quarter of a million have died; he asked that God bless them and asked for peace for their families.

#### INTRODUCTIONS

Supervisor Slater introduced the Town Board as well as Town Clerk Diana Quast, Highway Superintendent David Paganelli, Town Attorney Adam Rodriguez, as well as Director of Planning John Tegeder.

#### REPORT FROM TOWN SUPERVISOR

Supervisor Slater took a moment to recognize our educators, as well as our librarians, as it is National Library Week. He said that the staff at the John C. Hart Library continues to do really great work for our community, despite the challenges of COVID-19. Supervisor Slater said there has been a significant increase in our e-book use and gave the actual statistics, which are significantly greater than the previous year.

Supervisor Slater announced that the Town's assessment role is due in a few weeks and the Sole Assessor, Kim Penner, is working diligently on this. Supervisor Slater said there have been numerous phone calls about bulk pickup. He said that the Town has five employees working from 6:00 a.m. to 2:00 p.m. collecting bulk trash. He said that in Section 3, which just ended, 180 tons were collected. Supervisor Slater said that unfortunately because of the high volume, some of the collections have been delayed. He thanked the Refuse & Recycling staff for their hard work.

Supervisor Slater acknowledged Noreen O'Driscoll, Director of the Senior & Nutrition Center, as doing a great job serving 180 meals to homebound seniors. Anyone who wishes to be included in the "Meals on Wheels" Program, please call (914) 962-7447. Supervisor Slater said the Building Department is now performing virtual inspections. He said that Yorktown was the first municipality in the County to offer virtual inspections. The backlog of reviews has been completed and they are now accepting applications for outdoor seating for dining establishments in preparation of reopening the Town and the economy.

Supervisor Slater announced that the Highway Department has been engaged in drainage projects on Underhill Avenue, right across the street from Town Hall. He said that they also have drainage projects scheduled for Mark Road and Quinlan Street and Con Edison is looking to re-start their work in approximately two weeks at the beginning of Gomer Street and Granite Springs.

Supervisor Slater said that the Building Maintenance Department has laid a new sidewalk outside of the Albert A. Capellini Community and Cultural Center and they are continuing to work with our Landmarks Commission to finalize the stairs at one of the main entrances.

Supervisor Slater thanked all of the Departments who helped with today's Senior Mask Distribution. He announced that if any of our seniors or any of our immune-compromised neighbors need a cloth facemask, they could call his office at (914) 962-5722, ext. 200 to arrange for a pick up or a drop off.

Supervisor Slater talked about the new COVID data from Westchester County. He said the total cases as of today is 601, with 121 active cases. Supervisor Slater said that despite the information being provided to the public, the Town is in a downward trend; however, it is a trend the Town is managing. He said that it is important for the Town to provide as much information to the public as possible.

Supervisor Slater discussed the financial position the Town is in and thanked Town Comptroller Pat Caporale, as Yorktown is in a much better position than many municipalities across Westchester County. He said that much of the credit goes to past administrations who have put us in this position. He said many municipalities are looking at furloughs and extensive borrowing because the fact is that the 2019-2020 budget is completely busted. He said that if you look at the numbers in that budget, the Town was expecting \$29.4 million dollars in revenue. To date, the Town has collected \$13.8 million and is projecting a revenue gap of \$8.2 million dollars, which equates to a 27.8% revenue shortfall. Supervisor Slater said for those negatively impacted by COVID may find information regarding waivers on the Tax Receiver's website, as well as information about the reduced fee penalty.

Supervisor Slater said that Westchester County is an anomaly in that the County has its towns collect taxes and distribute them to the County, to the school districts, and to the individual special districts. He said that from the County's standpoint, the Town owes them \$20 million. The first payment is a 60/40 break and is due May 25<sup>th</sup>. He said that the Town would be paying about \$12.6 million on May 25<sup>th</sup> and the good news is that we can pay this first installment. Supervisor Slater said many municipalities are in a much different situation and cannot even muster the funds to pay their initial County warrants. He said the balance becomes due in November. Supervisor Slater said that currently the Town is supposed to pay the County \$20.7 million and we have collected \$18.7 million so far, leaving a difference of approximately \$2 million. He said that it is important to understand that even if the Town does not collect that money, it still has to be paid (through either collection or taking it out of the operating budget or reserves). He said that, clearly, the Town is going to have to make adjustments, just like everyone else who is struggling financially with COVID 19. He said he views it as a challenge by rethinking how the Town delivers services but said that the Town has proven before, time and again, that Yorktown leads from the front. He said that the Town continues to find creative ways to support our businesses, to enhance our services and that this is just another one of those challenges and the Board has proven its incredible ability to work together for the good of our residents.

#### REPORTS FROM TOWN COUNCIL

Councilman Lachterman advocated for shopping local and encouraged purchasing gift cards for local businesses when they reopen, as well as take-out meals. He said there has been a tremendous loss of revenue in our community, as well as at the Town level. He announced that the Yorktown Lions have decided to cancel the June and July concerts. He announced that today is National Firefighters Day and firefighters are putting their lives on the line every day and asked to recognize them and thank them for everything they do.

Councilman Diana said he had the opportunity to visit Teatown this past weekend to try to monitor the traffic flow in and out of that location due to a parking situation that occurred the weekend before. He said that although everyone is welcome to visit the trails, hike, etc., if the trailhead is full, please go to our website and check out all of our other parks to visit. The double parking situation at Teatown presents a challenge to our emergency service vehicles. Councilman Diana

also mentioned how well the mask distribution went at Jefferson Village. Councilman Diana also mentioned being careful about how much bulk trash is being put out at one time. He said there are many people home now, due to COVID, and are cleaning their attics and basements and the amount of bulk trash has been challenging for our Refuse & Recycling Department. He also asked the public to dispose of masks and gloves properly and reminded that there is a \$1,000 fine for littering.

Councilman Lachterman also asked the public to remember our local not-for-profit organizations. He said that today is a “New Giving Tuesday,” which is a day when donations may be matched.

Councilwoman Roker asked Supervisor Slater that, in the event there are residents who still need masks, if the Town still had some available. Supervisor Slater said residents may contact his office and the Town Clerk and he dropped masks off over the weekend to several complexes. He said the Building Department has been helpful getting masks to the Town’s small businesses.

Councilwoman Roker reminded the public that the Senior Services and Nutrition Center delivers meals in Town and in Somers. Councilwoman Roker thanked the kitchen staff who work very hard on preparing the meals.

Councilman Patel said the entire Town Board visited Teatown and it was a beautiful day. He said to remember that you are not alone during this pandemic. The best needs to be made of a bad situation and we can all learn and grow from this.

Councilwoman Roker said she is looking forward to when restaurants are open again, particularly since the Town Board worked on allowing outside dining for those not comfortable eating indoors.

#### REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said that his department is back to 100% staffed. He said residents will see the tree crews and the catch basin crews out. He said that they will be putting up many “No Parking” signs at various roads - Blynn Road and Spring Valley Road and today over at Turkey Mountain – in order to keep things safe and be able to get emergency vehicles through.

#### POET LAUREATE

Supervisor Slater introduced Poet Laureate John McMillan who read two original poems.

#### PRESENTATION

##### ALLIANCE FOR SAFE KIDS (ASK)

Supervisor Slater introduced Kyra Brunner, member of Alliance for Safe Kids. Ms Brunner shared some upcoming ASK events. She said that, for those who are not familiar with ASK, their mission is to connect the community to resources concerning mental health, prevention of substance abuse, and opportunities for thoughtful service. She said that given the circumstances we have all been dealt with, ASK has made a quick shift to continue to connect our community to valuable resources virtually. She said that they have partnered with the Town to create the Yorktown Together COVID-19 Resource Guide, which has verified and accurate information regarding a range of topics. If anyone is interested, you can visit their website, AllianceforSafeKids.org, or the Town website, yorktownny.org, to find the guide if you are looking for some resources or some help.

Ms. Brunner said that May is the start of Mental Health Awareness Month and there are many opportunities this month that support the awareness of mental health. She said ASK usually hosts an in-house community service twice a month where volunteers would come to their office and help with a variety of projects but due to the circumstances right now, they are going to start doing in-houses virtually. Next Tuesday, May 12, 2020 at 4:30 p.m., they are going to be hosting an in-house via Zoom. If anyone is interested, please email Liz at AllianceforSafeKids.org. She said they are going to be making cards for United for the Troops, which is an amazing organization. She said that ASK is having a video project that would support their social media campaigns to continue to build all of the resources that can go on the COVID-19 Guide. They are going to have focus groups that will help plan “Save A Life.”

Ms. Brunner announced that ASK is going to have their third virtual Parents Support Network on Tuesday, May 21, 2020 at 7:30 p.m. She said that Youth Mental Health Project, which is a great organization as well, hosts the Yorktown Parent Support Meeting and the attendance has been strong, and it continues to be strong. She said that these virtual meetings are open to parents or

caregivers that are experiencing mental health issues with their children and the family. Advance sign up is required and anyone interested can email Liz at AllianceforSafeKids.org.

Ms. Brunner also announced that Saturday, May 16 at 7:00, ASK will hold their Save A Life Webinar; the topic is Managing Stress and Anxiety during COVID-19. She said that this ties in with May being Mental Health Awareness Month. Teens and adults are encouraged to attend and they ask that people sign up in advance.

Ms. Brunner reminded everyone that today is Giving Tuesday Now or #Giving Tuesday Now. It is a global day of giving and unity that is in response to the unprecedented need caused by COVID-19. The goal is for everyone to come together to drive up a spike in generosity, citizen engagement, business and philanthropy activation, and really to support the community. If anyone would like to help ASK or to support a local organization, you may visit their website and click the “donate” button. Ms. Brunner said that ASK is so excited to be able to shift quickly during this time and still be able to provide the community with such amazing resources and they are thankful for the technology that allows them to do so.

Supervisor Slater said that one of the things ASK is going to put together is a tribute video to all of our front liners and first responders. Ms. Brunner said a senior at Yorktown High School, Kayla Tobias, is going to be putting together this video but said help is needed from the Yorktown community. She asked that pictures, videos, or anything you feel you would want in the video to pay tribute to our first responders and front liners be sent to her at kbrunner@yorktownny.org.

Supervisor Slater thanked the Yorktown Teen Center for getting involved in this project, as well as Jessica Lynn, Yorktown local celebrity who produced a song for the video.

#### COURTESY OF THE FLOOR

The following members of the public spoke:

Jay Kopstein, resident, asked if the \$20 million that is going to Westchester County includes the funds that are paid to the County for the solid waste or the sewer system. He also asked how much value does the Town get back from the County versus what is taken from the Town on an annual basis. He also asked if the Town Board would be talking about the Featherbed Subdivision because, based on what he saw at last night’s Planning Board meeting, the only thing that is left is the sewers and said the project wants a public sewer under a private road. Mr. Kopstein asked if the Highway Department has to punch through the road to repair a sewer or perhaps a water line, who pays for the repair and to what standard does the repair uphold.

Joanne Sillik, resident, thanked the Town Board for the mask distribution at Jefferson Village and for their leadership, as well as the police force. She expressed appreciation for the Q & A that Supervisor Slater holds every Sunday evening. She also thanked Highway Superintendent Dave Paganelli for keeping the roads safe and running smoothly. She also thanked Chamber of Commerce President Sergio Esposito for promoting Yorktown businesses.

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

Supervisor Slater addressed Mr. Kopstein’s question by responding that the \$20 million does include the sewer payments, as well as the County sewer tax. He deferred comment on Mr. Kopstein’s question about the Featherbed Subdivision to the Highway Superintendent.

Superintendent Paganelli said that as with basically anything, when people apply for a road-opening permit they put up a cash bond and, as we are all aware, they do not always restore our roads to our satisfaction. He said that he currently has three bonds he is holding onto because the roads were not restored to the Town’s satisfaction. He said he would restore them himself and set the monies that it cost to do the job against the bond and if there’s anything left, it would be given to the applicant.

Councilman Patel asked if there is anything the Town has to worry about the school taxes being due and those who did not pay because the Town has to make the payment to the schools, as well.

Supervisor Slater said the school taxes are due in September. He said that it is important to note, though, later in the month the Town Assessor will come and speak to this but there are going to be new changes to the STAR program for people who don't pay their taxes - that STAR credit will be in jeopardy if taxes aren't paid, which is a new piece that was passed in the State budget this year. Supervisor Slater said they are still getting more information and clarity on this.

Supervisor Slater asked Town Comptroller Pat Caporale if he spoke correctly on the school taxes and Comptroller Caporale confirmed that he did and the Town has already made the school districts whole for the 2019/2020 school year.

#### MOHEGAN AVENUE RETAINING WALL

Supervisor Slater asked Superintendent Paganelli to give an update on the Mohegan Avenue Retaining Wall project. He also introduced Town Engineer Michael Quinn.

Superintendent Paganelli said everyone is on the same page with this project in getting it done as expeditiously as possible. He said that it should have been done last summer and was not and now he is dealing with a budget shortfall, which certainly is a major concern to the Town since \$8 million is quite a bit of money and the Mohegan Avenue wall is the better part of a million. He said the Town is committed to the manufacturer for at least \$130,000 and perhaps more depending on the scenario, so the question becomes in spite of our financial situation, does the Town feel that this is an emergency that needs to be done? He said, as far as he is concerned, it is very difficult to determine what is going on underneath the roadway. He said that we can see that the wall is deteriorating, we have done some spot repairs, but can we continue to do that without a major failure. Superintendent Paganelli said if it were up to him, he would encourage the Town Board to allocate the moneys to repair the wall.

Supervisor Slater asked Superintendent Paganelli, if the Town owed \$130,000 for material for the wall and Superintendent Paganelli said at least that amount. Supervisor Slater said that is only for half of the material and the Town is going to owe an additional \$130,00 for the rest of the material, totaling \$260,000, which is more than a quarter of the total project. Superintendent Paganelli agreed and said in addition to the funds that have already been spent, drafting up the plans, etc., the project is up to about \$300,000, so it is more like a third of the project.

Councilman Diana asked if any of the money from the grant had been received and Supervisor Slater said there was no grant for this project at this point in time. He said that it is a shovel-ready project and that this was something that the Board had raised with the LaBerge Group who is in the process of doing their needs assessment.

Councilman Patel said he believed that this is the best time to get things done.

Councilwoman Roker said that from a safety standpoint, it was an emergency last year and every day we pass on this it becomes more of an emergency and more of a liability for the Town in the event that something bad there happens. She said that she understands there is no guarantee whether or not the wall can last a day or a year and her feeling is that this is a public roadway and is well traveled and that the project should be done.

Councilman Diana said that since there is less travel on that road because schools will be closing for the summer and there are many people staying home right now, the project should be done.

Supervisor Slater said the last time this project was addressed, the Town had an \$18,000 credit because of the materials substitution, and that \$18,000 was going to be put towards the biodiversity filters. Superintendent Paganelli said that this was the plan. He said that he believed the \$18,000 is being held in contingency and the discussion was that this money would be allocated specifically for that task. Supervisor Slater asked Town Engineer Michael Quinn if that was his understanding as well. Mr. Quinn said that they have a vendor quote for the \$18,000 and Superintendent Paganelli was talking to the contractor about doing the work for that cost and, yes, he believed everything was in order to move the project forward.

Superintendent Paganelli said they are talking about two separate issues. One is the drainage that is necessary on that road as the retaining wall is being constructed; that drainage, we reached an agreement with the contractor that the Town would provide the catch basins and the pipe and they

would do the installation at no cost. He second issue is the filters and that the \$18,500 is supposed to be allocated specifically to the filters, not to offset the cost of the catch basins and the pipe.

Supervisor Slater said asked about oversight on the project because they were battling back and forth a few months ago about bringing in a consultant for oversight and asked what was decided.

Mr. Quinn said that the Town sent out an RFP and received some responses with prices. He said the design engineers came in at about \$70,000, which was for daily oversight and for some office work, and there was also a \$4,000 allowance. He said that after speaking with Superintendent Paganelli, he said he thought that the Town could handle the oversight themselves, especially with the timing on other projects being pushed back. He said that he and his staff would be involved in the day-to-day aspects in order to save the Town the cost of the daily inspections. He said they would still want a design engineer to be minimally involved for any changes that might come up or for any unforeseen conditions because they are the designers of record and the Town would want to make sure they are taking the overall responsibility for this project.

Supervisor Slater asked if this would require another contract with them and if yes, he assumed Town Attorney Adam Rodriguez would be working with Mr. Quinn and Superintendent Paganelli on that. Mr. Rodrigues said yes.

Councilwoman Roker asked if this would come out of the same contract the design work came from. Mr. Quinn said the Town had a professional service agreement with Manganaro for the design work and he believed that the billing rates they quoted are still the rates that they are charging the Town. He said the Town might have to amend that agreement. He said he would have to work with Adam on whether it is an amended agreement or a new professional services agreement. He said that they spent some time doing the substitution review and that cost they are going to bill back to the contractor who already agreed to pay it. He said that the Town is going to have to pay the contractor or the Town will be reimbursed and then pay Manganaro. Mr. Quinn said that is how he thought they worked it out with the Town Comptroller.

Supervisor Slater asked Mr. Quinn if he had any idea what that cost would be and Mr. Quinn said he and Superintendent Paganelli were talking earlier in the day and they think the total outlay for Manganaro would be on the order of \$12,000 to \$15,000, which includes about \$5,500 that the Town would be getting back from the contractor. He said that if you deduct that, it is something on the order of \$7,000-\$10,000. So if there's any money left in the previous agreement, I don't remember if there was, there might be a few thousand dollars left in that prior agreement. So if we're going to do a new amendment, it would just be for the balance. It would probably be like an hourly rate type of thing because we don't have any defined scope for them, it's just that we need them and want to have them available.

Supervisor Slater asked Town Comptroller Pat Caporale if there is anything left in the original allocation. Comptroller Caporale said she would look it up.

Councilwoman Roker asked Mr. Quinn if he had asked for the cost for oversight in the RFP, was he saying that it was not included in the original contract? Mr. Quinn said that was correct because the original contract was only for design and was approximately \$20,000-\$30,000 for the design work. Superintendent Paganelli said that also included the bid specifications and Mr. Quinn said, yes, all of that work was included. He said that there were a couple of thousand dollars in there that was never used.

Comptroller Caporale said that, to date, the Town has paid them \$29,600 and according to the original resolution, it was a maximum of \$32,000. She told Superintendent Paganelli that there is \$3,000 left. Superintendent Paganelli said that in reality it is not really left over – the resolution had a cap. Comptroller Caporale said it had an additional \$4,000 added to it. The original contract was for \$26,200 with an additional \$4,000 allowance and we paid them \$29,600.

Mr. Quinn said he thought that there was another \$2,000 for some Geotech work, and thought that is how you get the \$32,600. He said the Town spent \$29,000, and that it looks like there is \$2,000-\$3,000 left over. Comptroller Caporale said exactly.

Mr. Quinn said that the Town could presumably use that up and amend for the balance. He said he would put something together and talk with Manganaro regarding the final numbers and then work with Pat Caporale, Dave Paganelli, and Adam Rodriguez to prepare a resolution.

Supervisor Slater said that the other reason this project is timely is because he and Superintendent Paganelli were having a conversation with Remus and they told them that once the Town got past the April 30<sup>th</sup> tax deadline and could reassess where they were, they would be in touch with Remus as to the future direction of the project. He said that he wanted to bring it in front of the Town Board in order to have a comprehensive conversation before having the conversation with Remus. Superintendent Paganelli concurred.

Councilwoman Roker asked Superintendent Paganelli if he had any idea of when they could begin the project and Superintendent Paganelli said he and the Supervisor spoke to Remus because they wanted to be assured that the Town would not run into a problem like last year when all of a sudden the Town's materials had been given away to someone else. He said the Town agreed to make them whole for the \$130,000 that they were "on the hook for" in order to keep those materials – it is a tremendous amount of material to keep in stock. He said that the material is now in stock and he believes that Remus is anxious to start as soon as possible. He said he guesses within a week to two weeks for a start date.

#### C1 & C2 USE EXPANSION

Supervisor Slater said that next they would discuss the next phase that the Reboot Yorktown Task Force brought is introducing. He said that the Town began with restaurants and expanded outdoor seating options, streamlining the outdoor seating process from the Town's perspective, and also eliminating the fees temporarily for the rest of this year. He said, as a reminder, the Building Department is already beginning the application process and are taking the applications and beginning their assessments. Supervisor Slater said that when the initial discussion about this began, both Sergio Esposito of the Chamber of Commerce and Bob Giordano of the Yorktown Small Business Association brought to the Board's attention additional businesses that would benefit from similar outdoor use and the Board wanted to continue that conversation. Supervisor Slater introduced Director of Planning John Tegeder to continue the conversation to see what additional parameters could be put into place. He asked Mr. Tegeder to explain that this would be for more than the C1 and C3 zones.

Mr. Tegeder said that the Town has commercial zones C1, C2, C3, and C4 and that they basically tier upon one another, so what the Town is talking about are basically retail core businesses and personal services establishments, etc., that are allowed in all four of these zones. He said that since some of the businesses in C3 and C4 are the types of business that the Board would be eligible for this discussion, the Board might want to consider these zones as well.

Supervisor Slater said that is correct. He said that he wanted to go the Governor's priority industries for re-opening because he thought the Town might be able to piggyback on this. He said he felt it is based more on the type of business and asked Sergio Esposito (President of the Yorktown Chamber of Commerce) if this was correct. Mr. Esposito said yes, as far as the timeline for the types of businesses that are going to be opening.

Supervisor Slater stated that part of the reopening process that the Governor has put forth includes a phased-in reintroduction based on industry. Phase I is construction, which includes manufacturing and wholesale supply chain and select retail, using curbside pickup only. Phase 2 is professional services, finance and insurance, retail, administrative support, real estate and rental leasing. Phase 3 is restaurants and food services, hotels and accommodations; and the last phase is arts, recreation, entertainment, as well as education. He questioned if the Town should look at professional services and if they should qualify and quantify them if the Town needed them. He questioned if there are things the Town could do differently for professional services than they could do for retail? He said that is the kind of focus they need to have rather than just the zoning parameters that are identified there.

Mr. Tegeder said that they certainly could if the Town Board is going to do a law as they did for the restaurants and thought that they could separate those out if they need to be phased. He said for personal service the Board would have to narrow down exactly what those are; there is a whole host of types of things and they have probably different needs and whether or not they can fit out

on their sidewalk or whatever they have in front of their stores. He said it is something the Town Board has to think about.

Supervisor Slater introduced Building Inspector John Landi, as he joined the conversation. The Supervisor repeated that rather than focus on zones he thought it might be better for the Board to focus on the type of industry and the type of business and what the Town is going to be able to do to particularly help enhance businesses during the phasing process.

Councilwoman Roker said she was looking only at the industry and not the zoning because they have already inherited the right to do what the Town Board is talking about. She said the Town does not have to give them any new rights. She said if a jewelry storeowner wants to set up a table outside of the store, he could set up a table outside of the store. She said that she thought the Board has to tread lightly because there are existing rights already given to many businesses.

Mr. Esposito asked Mr. Landi if this was true and Mr. Landi said, yes, he believed they could as long as the conditions were safe. Mr. Esposito then asked if it was a restaurant who wanted to put up a temporary structure, like a tent, could they and Supervisor Slater said this question was addressed in the first rendition of the outdoor dining law and that is going to be taken care of by the building inspector.

Mr. Esposito said that they are then talking about the possibility of extending that kind of ability to the retail industries. He asked if this was correct and Supervisor Slater said that it could be and wanted to clarify that Mr. Esposito was asking about putting up a tent outside of an establishment and Mr. Esposito said yes, since the Board has already established that these businesses could already put a table outside and their wish was to extend the same type of service that restaurants would have.

Supervisor Slater asked Mr. Landi if a retailer could put a temporary structure up and Mr. Landi said that with the current law (not the new law affecting restaurants) they could not. They could put a table on the sidewalk, but not a structure (e.g., in a parking lot) – that requires a permit.

Councilwoman Roker said most of the jewelry stores are in strip malls and the only place they would have to go is in a parking lot and no one has an inherent right to put up a structure in a parking lot. Mr. Landi said that under the current law you would be sent to the Planning Department because you would be taking up parking spaces and it would have to be calculated to see if you need the parking or not. He said that under the new law that the Board approved for restaurants, it foregoes all of that. The Building Department just has to make sure that the tent is up in a safe area and that there is proper protection. He said it could be done for retailers but you might end up with tents all over parking lots – especially in malls where retail businesses are mixed with restaurants. He said that you would have pop-up tents and not enough parking.

Mr. Esposito said the assumption is that not everybody is going to take advantage of it; for instance, dry cleaners are probably not going to want to set up in the middle of the parking lot because they are not going to want to have to walk back, pick up the clothes, take your ticket, etc. so it is not going to be that there would be a hundred percent participation in this. He said that the spirit of the incentive is to give people and shoppers the comfort level of not having to go into a store when they may not feel comfortable or apprehensive. He said that, of course, if you have a strip mall with ten stores and ten stores put in for a permit, it is not an inherent right to be granted the permit; that is for the Building Inspector to determine and at least the storeowner would have the opportunity.

Supervisor Slater asked Mr. Tegeder if there were any parameters within the zoning code and Mr. Tegeder said the first section in the C1 Zone talks about allowable uses in retail shops and lists a host of other things including banks, post offices, restaurants, etc. He said it goes on to say “except that no use shall be permitted where any part of the service is conducted outside the premises unless a Special Use Permit has been issued by the Planning Board after due notice of Public Hearing.”

Supervisor Slater said that they would then need a process similar to the outdoor seating process the restaurants are going through. Supervisor Slater asked is this just for the C1 zone or do C2, C3, and C4 zones have the same restriction and if the other commercial zones require a Special

Use Permit and Mr. Tegeder said yes because the way it is written in the C2 says one of the allowed main uses is the same use as in the C1-A1.

Mr. Esposito asked what the process was for getting a Special Use Permit and Mr. Landi said it was a Planning Board action.

Supervisor Slater said the Board is trying to provide a streamlined process for that Special Use Permit in the same manner that they are providing a streamlined process for the outdoor seating.

Mr. Landi said that the locations of the main retailers in Town need to be reviewed (Triangle Shopping Center, Jefferson Valley Mall) and asked Mr. Esposito if he believed that the main retailers would want to take advantage of this opportunity. Mr. Esposito said he was not sure but he would like to give this as an option and see what they would like to do.

Councilman Lachterman also mentioned Underhill Plaza, along East Main Street, along Route 6, Main Street in Shrub Oak, as potential locations.

Mr. Landi suggested that this could be done at the Jefferson Valley Mall at the location where the mall was going to put the Ring Road since they were going to put some new buildings off to the side. He suggested allowing the mall to set up tents there so the retailers who do not have space could bring their goods there to sell. Councilwoman Roker said she did not know if the Town could update the Jefferson Valley Mall and Mr. Landi said no, but the Town could talk to them.

Mr. Esposito said that was correct but it was a great suggestion. He said that it is another option the Town could offer during this tough time.

Councilman Diana, addressing Mr. Esposito, said he would like the names of some of the businesses that this would assist because they all are brick and mortar stores and he did not see how setting up tents in parking lots are going to assist retail businesses.

Mr. Esposito said that this is not necessarily the case. He said people are apprehensive about going into a store but if there is something outside where people are more relaxed and trusting during the pandemic, you might draw people in. He said that this idea came up at the task force meeting and received positive feedback.

Supervisor Slater asked, to Councilman Diana's question, if Mr. Esposito could give an example. Mr. Esposito mentioned potentially a dry cleaner and said, according to Mr. Tegeder, they could not set up a table outside unless they had a Special Use Permit. Councilwoman Roker said they could put a table outside; this does not require a Special Use Permit. Mr. Tegeder said the first paragraph of the C1 zone that addresses allowable uses for stores or shops regarding the conduct of retail businesses says "except that no use shall be permitted where any part of the service is conducted outside the premises unless a Special Use Permit has been issued by the Planning Board after due notice and public hearing." He said it has traditionally been the Planning Board. Mr. Tegeder said the Planning Board has given outdoor sales permits, for instance, to A. C. Moore, and they put a whole host of products in front of the store in the good weather hours; Lowe's has one, A&P, and Acme does the same thing. All of those require a Special Use Permit from the Planning Board. He said that putting a table out is one thing but conducting business outside is something different.

Supervisor Slater asked Mr. Landi for his thoughts on this and Mr. Landi replied public safety.

Supervisor Slater said that if the Town is going to put it in the same box as the restaurants and their outdoor seating, Mr. Landi and the Building Department are going to have to show the Board that public safety is being adhered to.

Mr. Landi said that is correct and areas where they are not going to be able to put up an outdoor area safely is where he would like to see if maybe where they can they can go offsite somewhere.

Supervisor Slater said that one of the things that Mr. Tegeder had mentioned about a Special Use Permit, if you think about East Main Street and stores that are over by Verizon and CVS, is that none of those people would be able to have even a table because they would need a Special Use

Permit. He asked if the Town is doing right by them by making do that, considering the circumstances.

Mr. Landi said yes. If the Town Board made it like the restaurants, the building inspectors could go in, evaluate the situation, see what could be done, and help out the business.

Supervisor Slater asked Mr. Tegeder if they would have to amend just C1 zoning or would it be all of the zones. Mr. Tegeder said he thought it would be all of the C zones. Supervisor Slater said he understood that the C zones build on each other and was not sure if C1 was amended that would apply to all other C zones. Mr. Tegeder said it would depend on where you imbed the language and suggested that the Town Attorney review the change.

Councilwoman Roker said that this idea is hard for her to envision. She said what she envisions are tables in front of places like the dry cleaners over at the Triangle Shopping Center. She said what she could not envision is the dry cleaning putting up a tent over there because you are going to go in either the fire lane or take up parking spaces which gives less room for shoppers to park. She said that she understands putting out a table but not putting up a tent.

Supervisor Slater said that this would be at the discretion of the Building Inspector. Mr. Landi said he would never let anything be put up in a fire lane. He also said he did not really see a big rush on the dry cleaners. He said that he felt they could handle social distancing within their own store; they only thing they would need would be a table outside to get a ticket then go inside and retrieve their items.

Supervisor Slater said that right now in order for them to accomplish that, they need a Special Use Permit, which requires Planning Board Approval and that entire process. Mr. Landi said this was correct. Supervisor Slater said if the Board could help them to achieve that just as they did with the restaurants, they could put a similar process in place temporarily. Mr. Landi agreed.

Councilman Patel asked who owns the outside land at these locations and who has rights. Mr. Landi said the storeowner would have to get the landlord's permission and that would be part of the process.

Supervisor Slater said the Board could come back to this issue and that they did not need to make a decision this evening. He said that they need to make some inquiries on the fact that businesses in C1, C2, C3, and C4, if they want to put something outside whether it is a table or tent, they would currently need a Special Use Permit, which requires Planning Board approval and that entire process. He said if they could streamline the process, as they did for outdoor seating, it should be considered.

Councilwoman Roker said this cannot be done without involving the Planning Department and John Tegeder. She said that applications under this need to be reviewed by John Tegeder as well as John Landi.

Mr. Esposito said this was supposed to be a temporary expedited process and if Mr. Tegeder is comfortable with putting it in Mr. Landi's lap, it would reduce the amount of processing time.

Councilwoman Roker said she did not want to set John Tegeder up like that; this would require him to answer that question and she asked Mr. Esposito not to do that.

Supervisor Slater said, in all fairness, the Board did come to that agreement and understanding when it dealt with the outdoor seating restaurants.

Mr. Tegeder said he would be happy to work with Mr. Landi in whatever way helps and that it is up to the Town Board as to how this is structured.

Supervisor Slater said (referring to Town Attorney Adam Rodriguez) when the Board did the emergency order for the restaurants, he did not believe there was a requirement for planning involvement in that process. Mr. Rodriguez said this was correct and he said there is nothing stopping Mr. Landi from calling Mr. Tegeder to ask his opinion informally; he is certainly free to do that, notwithstanding the construct that was put in place for the eateries.

Councilman Diana asked about the safety parameters that Mr. Landi would be using as criteria. Mr. Landi said they would need to make sure that they have the social distancing, they are not blocking fire lanes, and they are not blocking any entrances or exits for fire trucks to get in, that no vehicle can accidentally run through the tent.

Councilwoman Roker said she is still asking that a copy of those applications be sent to Mr. Tegeder. Mr. Landi agreed to send copies of any applications.

Councilman Diana asked Mr. Landi how many applications he has received. Mr. Landi said he believed he was only putting the word out right now. He said he has gotten a lot of positive feedback. He said he was also going to go out and do a survey of the Town and see where retailers could be able to set up something safely. He said he would also still like to do a PSA. Supervisor Slater said they would be able to do that tomorrow.

Mr. Esposito said it would probably be more urgent for the restaurants to have a structure because if they have seating, they do not want to wait. Councilwoman Roker agreed.

Mr. Landi said that law is already in place and if they could get the PSA out, retailers could come to him now and make application and he could then send them over to John Tegeder for his review. He suggested that Mr. Tegeder might also want to visit the location and give him his suggestions. Mr. Landi said he has already been doing this to many of the restaurants in the area. He has already scoped out many places where they can put up these tents without affecting the parking too much, without affecting safety or fire lanes or any of that nature.

Supervisor Slater asked the Board how they wanted to proceed and if they want to do the same as they did with outdoor seating for our eateries.

Councilman Diana said he thought so; however, he did not see retailers jumping on board with this as much as the restaurants did. Councilwoman Roker agreed.

Supervisor Slater said the Town Board would proceed the same as they did with the outdoor seating streamline process. He said he would make a motion to authorize the Supervisor to sign an emergency order streamlining this Special Use Permit process for C1, C2, C3, C4, as well as eliminating associated fees for that special use in the same manner that we did for outdoor seating for our restaurants.

Councilman Diana agreed but to include it with a caveat or sunset clause that this will end on October 1<sup>st</sup>.

Supervisor Slater said it would just be for the rest of the year, as that is what was done for the restaurants.

EMERGENCY ORDER STREAMLINING SPECIAL USE PERMIT PROCESS FOR C1, C2, C3, AND C4 ZONING  
RESOLUTION #147

Upon motion made by Supervisor Slater, seconded by Councilwoman Roker,

RESOLVED, the Supervisor is authorized to sign an emergency order to streamline the Special Use Permit process for the C1, C2, C3, and C4 Zones.

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

Supervisor Slater said the Board would have the Town Attorney draft legislation so they could do the same as they did with the outdoor seating expansion.

Supervisor Slater thanked Mr. Esposito and the Reboot Yorktown Task Force. He also said this whole idea came from Bob Giordano, who is a big champion of this, as well.

FEATHERBED SUBDIVISION

Supervisor Slater introduced Joe Riina, Site Design Consultants, and the Town Engineer, Michael Quinn. Supervisor Slater prefaced that this was something he wanted to put back on the agenda

following last week's discussion at the Town Board Meeting and felt that, at this point, Mr. Riina has an update from the developer's standpoint.

Mr. Riina said, as a follow up to last week's meeting, he had subsequent discussions with his client and as he had stated at the time, his client is looking for the most reasonable and easiest approach to getting approval for this project. He said they are looking over scenarios one and two and scenario three where each of the residences would have its own sewage pumping system, and additionally a permanent standby generator to provide backup power in case of a power outage. Essentially, each property would be on its own and be independent and would not require any assistance from the Town during a power outage.

Supervisor Slater said that Councilman Diana was very vocal about this during the last Town Board Meeting, and he thinks this addresses those concerns as well as others that they have heard as a result of that. He said that one of the other things they have learned since the last meeting is that nowhere in the Town code are low-pressure sewer systems addressed.

Supervisor Slater thanked Mr. Riina for researching and partnering with the Town on this and for finding other Town Codes from other Westchester municipalities who have had low pressure sewer systems approved. As a result of this research, the Town Board believes that at this point they are going to advocate for option three with the amendments made by the developer to put the generators for each house which provides the absolute least amount of exposure for the Town, and which guards against setting a dangerous precedent, both of which Councilwoman Roker and he were very concerned about last week. He said they have one code in particular that they are looking at, which is the Town of North Castle. He said he thought the Board could incorporate their code into Yorktown's sewer code and would advocate this to the Health Department. He asked Mr. Tegeder and Mr. Quinn for confirmation of this. Mr. Tegeder said this was correct. Mr. Quinn said that he thought the North Castle project was only approved last year, so it is very relevant. He said they are going to circle back to the Health Department based on some comments he received and this North Castle code, which they referred him to, and just resolve a few more discrepancies.

Supervisor Slater, addressing Mr. Tegeder, said he knows Mr. Tegeder culled through this very extensively and knew the Planning Board discussed low-pressure systems last night. The Supervisor said he believed there are portions of this already in Yorktown's code. Mr. Tegeder said if you look at some of the examples that were dug up relative to North Castle, a lot of the language in there is shared by our code already. When it talks about the right to inspect an easement, much of that language is almost verbatim to what is already in Yorktown's code. He said that he thought it was a good idea to address low-pressure systems and probably make another section of the code that addresses those specifically and bring together all the pertinent language that makes sense for the Town.

Supervisor Slater asked Mr. Quinn, regarding the Department of Health, if he would be making the inquiries along with Mr. Riina to get a litmus test as to whether or not this is going to be suitable and Mr. Quinn said they should be contacting them in the next day or two and he would report back to the Supervisor.

Councilwoman Roker said she had a question concerning the ownership of the pipe that is going to be under this private road. She asked if there is already a sewer pipe under a private road because she did not understand how that would work.

Mr. Quinn said that the Town would have an easement for the sewer pipe that runs on a private road or if it runs on private property. He cited the Lowes project as an example where there is approximately 2,000 feet of water main that runs through the property and the Town has a 20-foot easement in order to access that line. He said that this is very typical. Councilwoman Roker asked if the Town would get the same thing for this subdivision and Mr. Quinn said yes, the plan currently proposes that the Town would own the sewer main up to the property line of each parcel and everything past the property line including the pump would be owned and maintained by the lot owner. He said that is how it was proposed and they received some comments back from the Health Department that they are resolving. Mr. Quinn said, at the time, the proposal was not to install an emergency generator on each parcel but as Mr. Riina mentioned, he has spoken to the developer and they are agreeable to have a permanently installed emergency generator. Mr. Quinn

said he believed the Health Department wants that to be in the deed that they have to maintain that in perpetuity. He said that those are the things he will clarify with them over the next day or two.

Councilman Patel asked if there was a big septic collection for a day or two and Mr. Quinn said the Health Department requires a one-day holding tank. He said, for example, a family of four uses about 440 gallons, and he believed that they would be getting a 500-gallon holding tank, which is one day of storage in addition to that pumping system.

Mr. Riina said he wanted to clarify one point regarding that. He said his understanding from the Health Department's position, is that it is either/or a backup generator or the one day storage. He said the developer is probably going to do both, but it is an either/or conditions on their side.

Councilman Lachterman said that last week he had suggested that they possibly look into fully size generators to run the house. He asked Mr. Riina if the developers decided to go with something for the entire household size. Mr. Riina said it is going to be a whole house generator because it makes sense and makes the project more viable and enticing to potential buyers.

Councilman Diana said he was glad there is a meeting of the minds with this and to come up with a reasonable expectation. He said that he understands that the Town is probably the ultimate backstop; no matter what, the Town is not going to let sewage run out on people's lawns if their generator breaks down and they have no power.

Councilman Patel asked Mr. Riina how many amps of power would the generator have and Mr. Riina said these pumps are single-phase pumps and are 115 volts.

Councilwoman Roker thanked Mr. Riina and the developer for agreeing to do this.

Supervisor Slater stated that good progress has been made and that, hopefully, the Board will have a report from the Health Department next week. He said that this is definitely an unfunded mandate and right now unfunded mandates are not something the Town can afford. He said if the Town has to advocate for that then they will, but first take the temperature of the Health Department, get a report back for next week, and then the Board can make decisions as they go forward.

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR STREET & TRAFFIC SIGNS  
RESOLUTION #148

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

RESOLVED, the Town Clerk is authorized to advertise the bid for Street and Traffic Signs for the Highway Department.

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

EXTEND BID FOR DRY CLEANING SERVICES FOR THE POLICE DEPARTMENT  
RESOLUTION #149

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

RESOLVED, that the bid for Dry Cleaning Services with Rite Price Cleaners, Inc. is hereby extended for an additional year as per the bid specifications.

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

MONTHLY REPORT

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board accepted the Receiver of Taxes Monthly Report for April 2020.

ADJOURN

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

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