

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, June 16, 2020 held in Yorktown Heights, New York 10598.

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

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 the employment of a particular person, litigation and negotiations. Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked all to join in a moment of silence, keeping our thoughts and prayers with all of the men and women serving oversea protecting our freedoms. All of our frontliners, first responders, medical professionals and all those who continue to fight oppression and racism in our Country. Thank you.

#### INTRODUCTIONS

Again, my name is Supervisor Matt Slater. I am joined by my colleagues. We have Councilwoman Alice Roker; we are also joined by Councilman Vishnu Patel, Councilman Tom Diana, and Councilman Ed Lachterman. We also have with us our Town Clerk Diana Quast, and our Town Attorney Adam Rodriguez. We are also joined by our Director of Planning John Tegeder, and we also have HR Director Margaret Gspurning as well. Happy to provide us a report.

#### REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Matt Slater:

So today, I wanted to provide a report on updated COVID-19 numbers. The numbers we received from the Department of Health now have 49 active cases in the Town of Yorktown, in comparison we had on Friday 58 cases so we have seen a decrease in the total active cases. Again, I explained this over the weekend and I am going to try to explain again, active cases as defined by the Department of Health it's frankly not scientific, its 14 days, so if you tested positive in a 14-day period, you are considered an active case. So again, that number in the Town of Yorktown today is 49, and we have had 684 total cases for our Community. I also want to provide some deeper information on that 49. More than half are in our nursing homes in the Town of Yorktown. Our thoughts and prayers are with all of the members of our nursing homes and the staff as they continue to battle this, but we have seen this across the State that nursing homes and rehabilitation centers have been a real problem combatting COVID-19 and it is no different here in Yorktown. Overall, we continue to see a decline in active cases. Again, today we saw an increase of three new active cases for the Town of Yorktown. Yesterday there was only one, on the tenth there was two. On the ninth, there was only two. On the eighth, there was zero, actually. We had no new cases reported on June 8, and on the seventh, we have only had one new case. So again, we are not seeing drastic spikes. Overall, those numbers continue to decline. I really want to thank the community for the incredible job they have done, really embracing social distancing, wearing masks and increasing personal hygiene by washing hands and taking all the necessary precautions to

help flatten that curve. Currently we are in phase two and I know a lot of people have been enjoying the outdoor dining experiences that the Town now has. I spoke with the Furci Family earlier tonight and they are very happy, they are doing very well with the crowds. We have seen expanded outdoor dining in a number of our eating establishments, and in our establishments that already had outdoor dining. So please, to our neighbors, support our local businesses or mainstream businesses and enjoy a great meal at one of our restaurants. Phase 3 is expected to start a week from today. We are hopeful that we continue to flatten the curve and the numbers allow us to enter phase three. The Jefferson Valley Mall plans to open as part of phase 3. In addition, we have been told by the Governor's office that our workforce here in the Town will be able to return to 100%, which we are all very excited for. The plan is for our workforce to return at 100 % and we are going to get everyone re-acclimated with all the new social distancing parameters and make sure we have all the necessary equipment for our staff. Then we could begin putting plans in place to slowly reopen our facilities to the public. Again, they do remain closed but we do remain functional. There is a drop box outside of Town Hall, which we still utilize on a daily basis. I want to thank two of our Parks and Rec. Commissioners, Commissioner Talbert and Commissioner Campobasso, on Sunday I was out doing the My Brother Vinnie Walk and I know that Councilman Lachterman is going to speak about that, and I did it over at Sparkle Lake which is one of my favorite places in Town, unfortunately I was really upset with the amount of litter that was all over Sparkle Lake. I want to thank the two commissioners because they joined me at Sparkle Lake and as we walked around we picked up all the trash that we could get our hands on. I really have to remind folks that it's a \$1,000.00 fine if you are caught littering in the Town of Yorktown. We have doubled that fine and we are not messing around. We have increased our litter camera inventory and we do have multiple litter cameras out in high litter places. We are going to public hearing soon to make the \$1,000.00 fine as part of our code. It's important, it's not just Sparkle Lake, it is our Trails as well. It is great that these natural assets are getting the exposure they are but we have to respect them. It really is just so disheartening, as a dad when you bring your kids to Sparkle Lake or Sylvan Glen, and there is trash and litter everywhere. It really is disheartening it really discourages the use. So please again, and I am not talking about specifically gloves or masks, it was just litter and trash. So please respect our Town. Respect your neighbors, respect our families and respect the environment by not littering. It's carry in and carry out. I have seen way too many pictures the last week from people all over Town utilizing our great assets that frankly have had to overcome an enormous amount of litter. It is completely unacceptable. Happy to report that our Water Department is moving quickly on the new law that the Town Board approved. For those that have one and a half or larger water meters, you are going to be receiving a letter in the mail as a reminder that those water meters are supposed to be tested every three years. We provided some additional teeth to this law, to make sure that it is actually being tested. Something that our Water Superintendent has been fighting for over 20 years now. So, you will be receiving a letter in the mail instructing you about the required testing. It also provides you with some meter testing companies that the Water Department graciously provides. So, if you do have a larger water meter, a commercial water meter which is one and a half inches or more, be on the lookout for this letter instructing you about the next steps in the water meter testing process. I received a great note from our friends at Spark here in Yorktown one of our great not for profits. As a reminder, Spark continues to provide service and they've expanded their virtual programs. They are starting some adventures, trips and outings for individuals with disabilities in July. June 25, they're going to be holding a fundraising event. It's a virtual event. We are going to post a link on our social media pages as well as the website. It is a great not for profit here in Yorktown and we really do appreciate all the services they provide for our special neighbors. So that's from our friends at Spark. On Monday the Planning Board approved 1961 Commerce Street. That's the old M&T Bank building that was approved for a complete renovation, including improvements to the sidewalk along Veterans Road. So, we have seen some really promising renderings of what the building is going to turn out to be. It is great that one of our underutilized storefronts is going to get a nice facelift. I believe it's been vacant for three to four years now. Again, that's the M&T Bank right across the street from the 7-Eleven. Lastly, I want to just touch upon some of the events that have been happening in our community over the last week. I really want to thank our Police Department for their incredible professionalism. We have had two now, one today and one last week, we had two demonstrations. They have really provided some incredible insight and really helped move an important conversation within not just our society but

our community. We are taking those comments and conversations very, very seriously. We have seen obviously Governor Cuomo has taken in the legislature, has taken some very quick action and we are awaiting additional guidance from the Governor's Office about next steps. But as a reminder some of the components that the Governor has pushed forward is a policy review to address trust and fairness for all Police Departments in the State of New York, for local governments to convene a task force to develop a plan for public comments and ratification and then to provide it to the State of New York. What I want to emphasize to the public is just how professional our police department was. I also want to thank the organizers because they really did respect our Community; quite frankly there were no issues. There was no vandalism or any negative parts to any of these demonstrations that we took part in and all of our elected officials did take part in them. And so again, to our organizers, thank you. But for the Yorktown Police Department, I think it's really important for the folks at home to understand; 2019 there were 540 police agencies, of those 540 police agencies only 29% were accredited by DCJS and DCJS is an acronym, but it's the agency that oversees police departments and law enforcement in the State of New York. The Town of Yorktown is one of the 29% and it really is a testament to the level of professionalism, how they conduct themselves. The process to become accredited is very intense. We have been accredited many times here in Yorktown, so we continue to read through what the directive is, the sense that we get is that this is really directed towards the majority of the law enforcement that are not accredited. And so, I really think that it is important for folks at home and the public to recognize, one that you do live in a community with an accredited agency by the State of New York, which again is just an absolute tribute to their abilities, conduct and professionalism. So, when we go through this process and we are going to go through this process, and it is really important I think as a leader for us to be a part of these conversations which is why we've continued to participate in the demonstrations that have taken place in our community, because we need to hear the concerns and we need to digest those concerns and understand those concerns. And we need to have conversations about those concerns and then we can develop the necessary policy to address them. And that's one of the reasons again, today was no exception. All of us, I believe are over at East Main Street in Shrub Oak where Lakeland Alums put together a very powerful demonstration discussing their concerns within our community. I just want to emphasize that our Police Department has proven time and time again to be just a model department quite frankly in a lot of ways. And that has been verified by the State of New York itself. So, we are going to work through this. I will say also, by the way, following the first demonstration that we had to be close to over 1000 people here in the Heights Hamlet. We quickly begin to have conversations about what we can do here in Town Government, and it starts also internally and in looking at our policies and procedures, things that I know, I frankly assumed we already had in place things like diversity training and things like equal employment opportunity policies. We have looked at those parameters and clearly those are things we need to improve on from a Town Government standpoint, because diversity training frankly isn't offered and so we are already in touch with folks and organizations who provide that type of training to our employees and we intend on executing that. To me that's just common sense. It never hurts to make sure that people understand how to interact with others, in a professional way. That is why these conversations, and for some it may be uncomfortable, but that's why they are so important because it forces you to reflect on yourself, your organization and find ways to put those words into action. So, we are going to be continuing that process. The Governor has laid out a plan for that process to take place for the next 10 months, until April of next year. And I think for all communities it's an important one to take because you're going to be able to reflect on the protocols that are in place and we can do it in a collaborative way. Here in Yorktown I think that it is going to provide an opportunity for our Police Department to once again establish itself as a model department for communities across the State to look at and see the great things that they have done. Just look at today, look what they accomplished today. It was posted on social media, by the Police Department, but there was an arrest made today that included an individual who was a suspect in a murder case. I mean that's what they do on a daily basis. So, again hats off to our Police Department for the tremendous work they continue to do. We are looking forward to partnering with them and making sure they are part of this conversation that we are going to have. That concludes my report to the Town. Councilwoman Roker would you like to provide a report?

## REPORTS FROM TOWN COUNCIL

Councilwoman Alice Roker:

I just want to say thank you to the young people from both the Yorktown Central School District and the Lakeland School District that want to see change. And I think these are wonderful, wonderful, young people. And I think the only way that change comes about is by our young people. But I do want to talk about our Police Department. One of the things that The Chief of Police said is that if you want to see their use of force policy, its right there on their website. The Police Chief said it's been there for a year, he's not hiding it. He is wonderful. I remember being here in 1991 when they were first accredited and it was a big, big ceremony. And you know, like you said not many departments come under the accreditation that they get. I am thrilled that we are able to say we have a good partner who we would put up as a model. I am very happy to hear about diversity training. I have gone through it many times, I think that what it does is it just reminds you to be professional. When you encounter someone particularly in Town Hall or in any other buildings and someone from the public wants something from you. It's not a bad thing I think to learn something new every day. I don't think there is anything wrong with that. I think we will be better off for the training.

Supervisor Matt Slater:

Thank you, Councilwoman. Councilman Lachterman would you like to provide a report to the Town.

Councilman Ed Lachterman:

Sure, well you know talking about the police, I have always been an advocate, and I think that our Police Department in general is fantastic. Another couple of things that we don't realize is how they help in the community. This past week we had two lifesaving events as well. We had NARCAN administered, actually had to administer 2 doses. So that person would not be coming back from that if our PD was not as fast acting in making the decision to help the person. And the other one goes to speak to the training that our Department receives on a day in day out basis where someone called 911 and then said oh never mind, and something did not sound right. The dispatcher made the call to dispatch a squad car to that home and found the person had made a makeshift noose and was going to commit suicide. But because of the training they received they heard that something was wrong and reacted to it and took care of it. To me it is very painful when you hear that our Police don't care about people based on color or race and all these other parameters. But I think this just goes to speak about the fact that you don't know who's on the phone. It's not a picture call, and they make the decision based on doing their job. Our Police Department is phenomenal. And I appreciate the job they do, day in and day out. It's one of the reasons my family and I stay in New York. That being said we also have some other exceptionalism that knows no barriers with our charity groups. This past weekend was the virtual Walk-a-thon for My Brother Vinnie, for those of you who don't know My Brother Vinnie is an organization set up by one of our residents Paula Miritello in honor of her brother Vinnie who died at I believe 19 years of age. He was severely handicapped, he was nonspeaking and she wanted to do good deeds in his name. She does a lot of great things but one of the things that Paula has latched onto has been trying to help those that have defended our Country, those that have defended our rights and freedom in the military. Especially those in need that come back and do not have a place to live. So, Paula and her group that is 100% volunteer lines up with other veterans who she's helped which there are a lot to choose from because it is over 1000 veterans that she has helped in this manner. So, they get furniture now mainly from hotels and they get stuff donated through companies, so they are able to help these veterans when they get an apartment or a box, I will say it because that is all it is. It's four walls and nothing inside of it. She makes it a home. She gets them furniture, bedding, kitchenware, utensils, small appliances, plates, all donated linens. It's just such a wonderful, wonderful organization. I know we are going to hear from another one of our great organizations later. But you know Yorktown is just exceptional and we all should be grateful for what we have here, and we really want to make sure that we are supporting these groups. It was a great walk; I even had my 85-year-old mother in-law running around the streets. We wish them continued success and if you want to find out more about them you can look them up on YouTube because there has been a couple of news reports about them. You could also look up mybrothervinnie.org and read about what they do on a daily basis. Thank you.

Supervisor Matt Slater:  
Thank you, Councilman. Councilman Patel.

Councilman Vishnu Patel:

I will not repeat anything said by anybody else, but let me state that Yorktown class of 2020, Ken Brown graduated from West point Military Academy, and it was a special kind of day especially the ceremony. He graduated from West Point on June 13, and he will be getting his next training in temporary basic officer training and then he will be moving to Army Ranger School and he will be posted in Hawaii. I'd like to congratulate Kenny Brown. So, thank you and good luck to the class of 2020. The second thing I would like to say is it was very nice to see people volunteering at the Red Cross and food pantry. I would like to remind the community to wear your masks and protect yourself also dispose of masks and gloves in a dumpster not on the road. Thank you to the Chief and everybody. I would also like to thank the Police Department for everything they did for both of the I hate to call them protests, informational gathering events that they went smoothly. I also like to thank the people that form those events that made them go smoothly. Another department that always goes above and beyond is our Fire Department. There was a structure fire in Jefferson Village two weeks ago, our water department was quick to respond and they didn't lose any water. The water main was repaired and the fire was put out.

Supervisor Matt Slater:  
Thank you, Councilman Patel. Councilman Diana.

Councilman Diana:

Thank you, Supervisor and hello Yorktown. I want to thank the Police Officers for their expertise in reviving that young lady with the NARCAN from the overdose. We dovetail back to our Police Department who are well trained, well educated, well-oiled machine one of the best in Westchester County. Another one of our departments that seem to go above and beyond is our fire department. So, thank you to them and please support and utilize them.

Supervisor Matt Slater:  
The Mohegan Avenue retaining wall is moving along very well. Our Town Clerk will now update us with comments on the upcoming election.

Town Clerk Diana Quast:

I just want to clarify things about the early voting that is taking place this week. Early voting is for the Democratic Presidential Primary and it is also for the Democratic and Republican primary. If you want to early vote at the Albert Capellini Community Center located at 1974 Commerce Street you can starting on Tuesday, June 16<sup>th</sup> until 8pm. Wednesday, June 17 from 8am to 4pm. Thursday, June 18 from 12pm to 8pm. Friday, June 19 from 8am to 4pm. Saturday and Sunday, June 20 and June 21 will be 12pm to 5pm. Tuesday, June 23<sup>rd</sup> is Primary Election Day, polls will be open from 6am to 9pm.

Councilwoman Alice Roker read the following Proclamation:

PROCLAIMING JUNE 19, 2020 JUNETEENTH DAY IN RECOGNITION OF THE  
END OF SLAVERY

WHEREAS, Juneteenth is recognized as the oldest nationally celebrated commemoration of the ending of slavery in the United States; and

WHEREAS, President Abraham Lincoln first issued the Emancipation Proclamation effective January 1, 1863, freeing the slaves in the South. However, southern slave owners ignored that order. On June 19, 1865, Union soldiers arrived in Galveston, Texas and enforced the president's order, freeing the slaves two and a half years after it was first decreed. This day has since come to be known as Juneteenth; and

WHEREAS, Juneteenth has been also titled "Jun-Jun," "Freedom Day," "Emancipation Day," and "Emancipation Celebration;" and

WHEREAS, Juneteenth celebrations have been held to honor African-American freedom while encouraging self-development, education and respect for all cultures;

NOW THEREFORE BE IT RESOLVED, That the Town of Yorktown proclaims June 19th as Juneteenth Day in recognition of June 19, 1865, the date on which Union soldiers ended slavery in Galveston, Texas; and

FURTHER BE IT RESOLVED, The Town of Yorktown reiterates its stance against all forms of oppression, racism and bigotry; and

FUTHER BE IT RESOLVED, That the Town of Yorktown supports the continued nationwide celebration of Juneteenth Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped this nation.

Councilwoman Alice Roker:

This was the day that slavery officially ended in this country. And I know you didn't learn about it in school and neither did I. I learned about it from church. And I think very often when it comes to why we're seeing people out in the street today, a lot of it has to do with when we go to school, what are we learning. If all people were brought into the conversation, all Americans regardless of where your ancestors came from, we would not be having these kinds of problems.

Supervisor Matt Slater:

I think it's an important day for the town because to my knowledge, I don't think we've ever recognized it officially, in this way. And so, for us to do so I think, for those who have been so courageous and organizing demonstrations and voicing their concerns and their opinions on the matters that are crisis crossing the nation right now. I think this is just another piece of evidence that this town has the ability to educate our community on the atrocity of slavery and the importance of days, like June 19.

Councilwoman Alice Roker:

And you know we were a town of the ex-slaves. When I was the Town Clerk, one of the most important books that I oversaw was the book of manumissions. The beginning of the book was the book of children born to slaves, because they weren't allowed to be put in the regular birth book.

Supervisor Matt Slater:

If my memory serves me, correctly, Councilwoman, one of our Cemeteries, I believe it was Amawalk that I thought was considered a slave cemetery.

Councilwoman Alice Roker:

We know from information that there was an area over near the Presbyterian Church that was supposed to have been set aside for slaves.

Supervisor Matt Slater:

Maybe that's a good project that we can engage our historical society on and our Landmarks Preservation Commission on to see if we can highlight it as an important piece of our community's history.

Councilwoman Alice Roker:

The interesting thing for me is when I would go out to schools with the book, and I begin to talk to kids about the fact that there were slaves in Yorktown you can see their faces. Unfortunately, that's the way it was. This is a community that has a wonderful history. And I'm glad we have the Heritage Commission.

Councilman Ed Lachterman:

I think it's important, and actually, Matt, you don't really have an excuse, Alice and I, when we were in school, and Tommy. Juneteenth wasn't recognized nationally. This is the importance of history, the importance of things, like, good, bad and different, you know, I learned more going to a concentration camp about the Holocaust, than I ever learned from reading a book. So, these are important aspects.

#### POET LAUREATE

John McMullen Recites Poem about Covid-19

Supervisor Matt Slater:

We have a whole team from Yorktown Alliance for Safe Kids and are joined by Tricy Cushner, Kyra Brunner, Liz Talbert, and Pat Talbert. They are here to talk about another resource guide, and we did the resource guide collectively, for COVID-19. Now, in response to the death of George Floyd and the actions of so many in our community, we are now here to talk about a resource guide focused on diversity and inclusion. So, I'm going to ask the Alliance for Safe Kids to take it away.

ALLIANCE FOR SAFE KIDS – YORKTOWN TOGETHER RESOURCE GUIDE FOR DIVERSITY AND INCLUSION

For the past 15 years, the Alliance for Safe Kids has devoted our attention to responding to issues that place our youth in harm's way, in recent years, ASK has additional tools to make progress together toward a more diverse, equitable and inclusive Yorktown. But as recent events have illuminated, we understand we must do more. We cannot simply state that we are against racism; we must endeavor to be actively anti-racist. With a commitment to providing more inclusive and supportive resources for the community. We believe that the most successful efforts in creating positive change come from listening. And we have been listening and reflecting and meeting with board members and community leaders to develop our statement commitment and immediate action to support each other moving forward on the path to racial equity and justice. The Alliance for Safe Kids supports peace, social justice, and equality in our community, and condemns racism in all forms. We are committed to reflecting on our practices as an organization and widening the lens through which we serve our community. As we continue to work together with all of the sectors to strengthen the safety net that supports our youth and families. We are introducing the Yorktown together resource guide for diversity and inclusion. This guide will provide tools and resources that encourage mindful listening, facilitation of conversations for change, and opportunities for thoughtful service that promote racial awareness.

Supervisor Matt Slater:

Thank you so much for bringing this together and for bringing these resources right to our fingertips. And that's the key, it's so accessible, so easy to use, be empowered to make a difference in our community. And so, we really do applaud your efforts and dedication to always doing the right thing for Yorktown, we really do appreciate everything that you do.

Councilwoman Alice Roker:

One day, we won't have to do this because people will get the information as they go to school. But I think this provides so much good information for the public.

DURING COURTESY OF THE FLOOR, the following people spoke:

Dr. Karl Tegmeier of 2822 Farm Walk Road. I'm here tonight really to speak about the construction of the outbuilding for the fluoridation equipment off the Catskill system. Just a little background. When this first came up in the fall of 2012, that we were looking to question when we're going to fluoridate the system or not, I was the point person for the dental community in Yorktown. I also was the point person during the hearing in January of 2013. And I've been back to the Board numerous times, essentially, to follow the progress of the fluoridation of the equipment. As I understand it, right now, the town is wanting to get assurances from the state, that the remaining money that's been awarded under the grant will be there before they start the construction of the outbuilding essentially. I serve on a statewide level, basically within our state Dental Association and also with the dental foundation. And also, I've been the co-chair of the task force of special dentistry at the office of people who have disabilities for the last 10 years. So, I do have frequent conversations with Dr. Dionne Richardson at the Department of Health. She's the head of the dental up there and overlooks the fluoridation. She really speaks highly of our town engineer that he's been advocating for us very well. Whatever funding they do have, they've moved this up, basically in priority, and she's like, nothing better than to see Yorktown get the fluoridation back. But I think everybody realizes that everything is really dependent upon the federal government. And whether it be money that does come through the bailout of States during the Covid-19 crisis. So, you know, where does that leave us? Really, you know, this delay has had consequences; we go back to 2013, pretty much when we shut off. And first and foremost, it's a public health issue.

You know, you really can't have good health without good oral health. And many of the Surgeon Generals of the United States have said that, and this does affect oral health. And that is one of the reasons why the Commissioner of Health Dr. Sherlita Amler, came to us in January of 2013, to give testimony and be supportive. Now, you know, children that were born around this time they've grown up in the town. Unfortunately, they've missed the boat. The most important time to get fluoridation into the teeth has been birth and six years old. For this reason, these children for the rest of their lives really are going to have what we call basically soft teeth and really suffer with more cavities that they should have on the most recent studies that are out there. The most recent being the fall coming out of Juneau, Alaska was a Canadian study, before it was shut off these children at the age six had 63% more cavities are on Department of Health and the Upstate looked at Westchester, which is 80% fluoridated versus Rockland, which is 0%, fluoridated, the children in Rockland had close to 70% more cavities. Hopefully it'll be school in the fall and the little guys would get on the bus and go off to kindergarten, that class because there isn't community water fluoridation we'll see 20 more cavities, 20 students, they go into first grade, another 20 more cavities. Alright, they keep going year by year, more and more cavities. When you put \$1 figure to that screen, you know, filling 150 \$200 and it starts to add up. Hopefully parents have insurance. Maybe they don't. It's an out of pocket expense. My daughter lives in town. She has two children. She recently refilled her fluoride supplements. It was \$15 copay for each one that's \$30 less than three times a year. So basically, there's \$90. And she's been doing that for the last seven years. That's over \$600 out of pocket. Fluoride benefits everybody in the community.

Susan Siegel:

I think you've heard very clearly that Yorktown has a health issue with the fluoridation. What I'd like to say is please board do not wait for the state to come across with its written guarantee. Proceed now with that project, it's roughly \$700,000. And I know you're concerned about money. But let me give you several options for how the money is available. The water district's fund balance, according to the 2019 audit is \$2.7 million in the fund balance. I'm just talking Water District, there's a question whether the 700,000 has already been subtracted. But let's say it hasn't. That leaves the fund balance of \$2 million. That's 21% of the water district's budget; I think your auditor would tell you a 21% fund balance is quite adequate. So, you have the fund balance to go ahead with the project while you wait for the state. Second option, funded by a short-term borrowing. Again, listen to what your auditor said Just last week; don't delay important infrastructure projects when interest rates are so low. And as Dr. Tegtmeier said, this is a critical health issue. The town has borrowed money, short term borrowing for highway trucks and the non-emergency improvements to town facilities. I think improving the health of our residents, from babies to seniors is a critical issue that warrants the borrowing. Thank you, Town Supervisor Slater for talking about the commercial water meter project. I hope those letters if they haven't already gone out, will go out by the end of this week, because that's money into the district. The revenue probably won't show up until 2021. But you know you can count on a significant amount of additional revenue in the water district and this is absolutely a last resort. If you don't like the other three options, then raise the water tax, as Dr. Tegtmeier has said, what people are spending either for fluoride supplements or by visits to the dentist will far outweigh any increase in your water tax. There's one other issue and this is a legal issue. I defer to the town attorney if the board doesn't proceed with the construction now. But this waits for the state, what happens to that bid, will the bid just expire, will you have to eventually go out for a new bid at potentially a higher cost. I don't know the answer to that. So, I'm urging you to talk to Pat Caporale, the Town Comptroller, go through these four options and vote by next week to give the authorization to Michael Quinn and thank you Michael for all the work you've done on this project to get the construction started and do not wait for the state to give you that written guarantee. Thank you.

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

Town Engineer Michael Quinn:

So, we're in regular communication with health department officials, they understand our request, and they elevated our request. The end date of our award was May 31, 2020.

So, we asked for a one-year extension to that date and apparently, they're supportive of the request. But they're saying that this would go into the next fiscal year for New York State. And they had to confirm how to do that or something. So that is my understanding of what's happening behind the scenes. I know we've been on some recent emails Supervisor. So, you know we're going to continue pursuing that the contractors are available, I'm in contact with them, ready to resume work. We are still working on the paperwork. There's MWWBE, minority and women owned business enterprise requirements on the project. So, we're working with a different group from New York State on filling all those requirements. So, we're working on the project behind the scenes. But the physical construction, we are holding off to make sure that the grant which was \$900,000 will be fully paid back to Yorktown. So that's the reason why we have not proceeded with the field work at this time.

Councilman Vishnu Patel:

I want to thank the Town Engineer, for supporting this project, because this is already too late. There was a \$6 million budget in the Water Department. That's the only thing I want to say. So, this is really very good thing to have and I urge as we move forward as soon as we can. Thank you.

Councilman Thomas Diana:

I believe that money was already encumbered out of the water budget. And we're just waiting to find out if we are actually going to get that money from the state. I'd like to know at what point we're at with this thing prior to COVID-19. Where are we at.

Town Engineer Michael Quinn:

We have not started physical construction yet. I believe the awards were done in December of 2019. We have signed contracts back from both contractors. I know I had worked with the prior town attorney on getting all the contracts set up. We have some paperwork, there's schedules, things like that. But that's the only work that's been done on the project. No physical work.

Councilman Thomas Diana:

Alright, but we have plans and it's shovel ready at this point in time.

Town Engineer Michael Quinn:

Yes, we do. We have a general contractor and an electrical contractor. Both ready to resume work pending our go ahead. We have a signed agreement for this grant for \$900,000.00. And it does say that if we incur costs after the end of that agreement, they're not reimbursable. So that's why we need this extension. But again, the one-year extension will take it past the end of 2020. And apparently that's where we had a little bit of a hang up on ends on their side. And so, we're in contact with them on a weekly basis right now to try to get that final approval.

CONVENE PUBLIC HEARING TO AMEND CHAPTER 300 ENTITLED "ZONING," ARTICLE VII, ENTITLED "PERMITTED SPECIAL USES," SECTION 300-80, ENTITLED "SIDEWALK CAFES."

Supervisor Matt Slater convened a public hearing to consider a Proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article VII, entitled "Permitted Special Uses," Section 300-80, entitled "Sidewalk Cafes."

Supervisor Matt Slater:

This codifies the executive orders that we put into place, which allow for our restaurants, and our retailers to be able to utilize the outdoors for their individual establishments. Again, this just codifies what's already being implemented across town. And it would Sunset at the end of this year. So, Westchester magazine did a profile on a number of questions of communities in our county about what they're doing in regards to phase two for our restaurants and, retail outlets. And, I don't have the quote in front of me, but essentially, it did say Yorktown had the best plan, most organized plan. And we are very proud of that. And we're proud that so many other communities to Councilwoman Roker's point is following our lead. And we're still working on more things, the whole point is just one piece of a much larger conversation that we're having. This is a byproduct of the reboot Yorktown taskforce. And so, I really do want to thank all of our task force

members for their input. We're being very aggressive with other ways for us to support our local businesses and make Yorktown a pedestrian friendly town and, grow our downtown and grow our Hamlet's quite frankly. So, this is just another step in that direction. So, I think it's a great thing for the town, a great thing for businesses, and I appreciate everyone's support on it.

No Public Comments Received.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilwoman Roker, seconded by Councilman Patel and carried.

ADOPT LOCAL LAW #5 OF 2020 TO AMEND CHAPTER 300 ENTITLED "ZONING," ARTICLE VII, ENTITLED "PERMITTED SPECIAL USES," SECTION 300-80, ENTITLED "SIDEWALK CAFES."

RESOLUTION #203

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

Whereas, a public hearing was held on the 16th day of June, 2020 pursuant to notice duly published as required by law to amend Chapter 300 of the Town Code of the Town of Yorktown entitled "Zoning" by amending Article VII, entitled "Permitted Special Uses," Section 300-80, entitled "Sidewalk Cafes."

Resolved, that Local Law #5 of 2020, as annexed hereto, be and is hereby adopted.

Supervisor Matthew J. Slater	Voting Aye
Councilman Thomas P. Diana	Voting Aye
Councilman Edward A. Lachterman	Voting Aye
Councilman Vishnu V. Patel	Voting Aye
Councilwoman Alice E. Roker	Voting Aye

Local Law #5 of 2020 was thereupon declared adopted.

RECOVENE PUBLIC HEARING TO AMEND CHAPTER 300, ENTITLED "ZONING" BY ADDING A NEW ARTICLE VII, SECTION 300-81.5 "BATTERY ENERGY STORAGE SYSTEMS."

Supervisor Matthew Slater reconvened a public hearing to consider amending 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."

Planning Director John Tegeder:

We have been working on this for close to a year. At some point in December, the town did enact a moratorium for the reason that we were in the midst of looking at enacting a law such as this and we did have several applications that were put in and were being reviewed in front of various boards, we did have many inquiries for similar installations. This is for battery energy storage systems, which can range from a small residential system that provides backup power to the residence. Similar to what a generator would do, all the way up to much larger scale installations that would provide energy into the electrical grid that would be used to forestall brownouts which have become very common in the last decade or so, they would help the sustainability of the grid, things of that nature. So, it is a law that is aimed at regulating those systems. And the I think the couple of the most important aspects of them. Of course, number one is the safety aspects of them. And as we have developed this, we have added and researched and added yet again, safety information and requirements to ensure that not only are the installations put in safely, that they are maintained safely, but in the event of emergency, that there is a plan in place for our first responders to engage that emergency in a safe manner. If you know, one of the events that happened in another part of the country, which involved an emergency situation, the reason for the problem, not the event itself, but the fact that a couple of the firefighters were injured is because they didn't know how to respond properly. Since then, there has been a code additions in international codes and we are reflecting those in this law. I actually have one that I want to bring up that is just published now this year, that I think we should also add into the law that I will talk about a little bit. One of the things, in

addition, that we had talked about in April that I want to mention is another section of requirements in the standards. I brought this to the board in April. We had had some discussions with the climate smart community Task Force. And they had brought up a very interesting and I think salient comment that the installation should have a cap in other words, that they shouldn't be allowed to get too large. And so we had written a small section of the code to take care of that. I think it's a very good addition and I agree with climate smart communities on this point 100% and if I could read it to you and it will go in Section 7j which is entitled special use permit standards. And I am proposing that under number one which is entitled lot size that the following number two be added which is as follows lot coverage, lot coverage not exceed 50% of the area of the lot, or 33,000 square feet, whichever is less. Lot coverage shall mean the area formed by the most perimeter of the footprint of all of the equipment and battery storage units, including the clearance spaces between the individual equipment. What that means is the largest footprint of a battery installation in particularly in the town of Yorktown will be 33,000 square feet. If you have a 10 acre piece of property that you are considering for one of these, the most you could use of that property is 30,000 square feet. To give you an idea of how it works on a one acre piece 15% of one acre is 6,500 square feet. That's a smaller area you could probably fit, maybe one to three megawatt system maybe a little larger. Obviously, it scales up until you get to about a five to eight piece of property where 15% is 32,670 square feet very close to the 30,000. So, five acre property and above, the most that you could utilize of that property is 33,000 square feet that would guarantee that these systems in Yorktown do not get overly large, and become something that we are not expecting nor actually want. So, I wanted to bring that up to you again, and remind you and suggest that that'd be added in and I wanted to make it part of the record. As I mentioned before, there is a new NFP code which is published just this year, I think it was adopted last year a publication is now out for 2020. It's entitled NFP, eight, five, it is entitled standard for the installation of stationary energy storage systems. It is an FPA is a Fire Protection Association. So, this is directly speaking to the safety of installations, speaks the language of the fire responders. And so, I'm proposing that under number eight of the law entitled safety under Paragraph C, which is the last paragraph of that, that a reference be made to this section NFB 855 that all of the designs within the Town of Yorktown need to comply with that section of the code. I would also like to point out that we have received from New York City Department of Environmental Protection, a comment letter dated this past May 18. I'm not going to read it, I'm under the impression that it is in your record. But I would like to suggest that we consider some of the things in there. Most of this is not changing really the law. But it is citing some things that we would like cited and I think we are fine to cite in the law. Some of them that they have listed in here, I think are already covered in other language in our law. But we can certainly go through that. I think that's the items that I wanted to cover. The reason that we are pursuing enactment of this law is as I had alluded to earlier, we had had several battery applications. So, this is a real situation that is coming at us. We had several other requests to do the same thing. Although they didn't come to any application in large measure due to the moratorium. It reflects kind of a shift in energy policy that's going on in the entire country. And definitely in the State of New York. These are looked at and promoted by the federal government and in particular state government. As I understand it, because the grid is evolving, the grid needs to evolve in a way that makes it more sustainable, more survivable, and can withstand some of the challenges that we have experienced in the last number of decades, which is a number of brownouts and certainly long-standing periods of electrical outages. Not to mention, that Indian Point is also shutting down, and we need to supplement energy. Reduction in this isn't really production, unless it's connected to a solar system. But certainly, it is putting aside energy for when you most need it. And so that's why we find ourselves here looking at this law, and I think that it's important to recognize that the grid is important to the town, all residents, including commercial residents, and the people that are just our regular citizens. So that's why I think that we find ourselves in this position.

Councilman Vishnu Patel:

I have a question. The residential versus commercial and size of the storage, I think most of the batteries are now lithium related right there is no related batteries at all for the solar being used right?

Director of Planning John Tegeder:  
I believe that you are right Vishnu.

Councilman Vishnu Patel:  
How can you separate safety requirements in a residential home with one or two acre to a commercial farm with 15 – 20 acres?

Director of Planning John Tegeder:  
Like I said at the beginning, there are many, there's a whole range of sizes of these things. So, in the in the area of residential installations for the purpose of that single residence, in other words, backup power for that residence, that will be governed by the electrical code and the NFP code, one that I just mentioned and other aspects of it. So, the technical safety requirements will be governed by that, they will be required to have a building permit, and they will be looked at by the building inspector. Anything that is over 600 kilowatts will require to supplement the energy needs of a single resident. So that will be a special permit with the Planning Board. It will require site planning; it will require all of the standards that we have put in this block, including the visual aspect, and of course, the safety requirements. So, there's a whole tiered system, that's really only two tiers. But my point is that you can go down to a system that you put in your garage to help your own energy needs. If there's a power outage. You can also have entities that will including Con Ed and NYSEG that will put in larger batteries, that are kind of the size for helping the grid itself helping the energy system in a particular neighborhood or area. I hope that answered your question.

Councilman Vishnu Patel:  
Yes Sir, thank you so much.

Councilwoman Alice Roker:  
Have you had discussions with the Fire District?

Director of Planning John Tegeder:  
Yes. We've had discussions with them. They were also involved in one of the applications. The one that is part of the Staples Plaza. So, they had a presentation from the applicant, and they helped us actually through their commentary with the law. I think we actually help them in terms of embedding in the law, the requirement to produce a safety plan. There has to be things on site that they have at their disposal to understand when they arrive at the site. And there's also in the requirement training that they get hands on training from, in fact, this particular applicant, the other applicant that is behind them, but is not pursuing their application right now due to the moratorium has also offered additional training, and I think most of them actually will.

Councilwoman Alice Roker:  
What I would like to do is after this Public Hearing would you please send this out to both Mohegan and Yorktown Fire Districts?

Director of Planning John Tegeder:  
Of course.

Councilman Tom Diana:  
The Fire Advisory Board is going to meet again so that might be the avenue to take with that; I'd be more Than happy to walk it over there for you when I go to the meeting.

Town Supervisor Matt Slater:  
I'm just going to read this, this is straight from the NYSERDA website, energy storage in New York, New York State is some of the most aggressive energy and climate goals in the country, including the clean energy standard a mandate to get 50% of our electricity from renewable sources by 2030. With our proposed expansion to 70%, a proposed target of 100% carbon free electricity by 2040, a 40% reduction in greenhouse gas emissions by 2030. Saving 185 trillion Btu's and end use energy by 2030 through greater efficiency. Energy storage will play a crucial role in meeting these. These are the state's ambitious goals, storage will help integrate clean energy into the grid, reduce costs associated with meeting peak electric demands, and increased efficiency. Additionally, energy storage can

stabilize supply during peak electric usage, and help keep ecosystems online during an outage. To John's earlier point, the grid is evolving. I'm receiving both from the federal level. And this really started with the Obama administration, the federal level, and our state level are really making concerted push to these renewable energy sources. But in order to capture and maximize those sources, energy storage is a key component. And so that's something that we just need to keep in mind. So, this is while maybe foreign. For some, the energy storage is a very important part of the overall equation. When we're talking about grid resiliency. When we're talking about rates, we're talking about reliability. That's the importance of energy storage in the larger picture, you know, 10,000 feet up, and it's important for the grid. So that's why this isn't just because we have applicants trying to do some science experiment in the basement of town hall. This is because the grid is evolving. And we have to make sure that we're considering energy storage, as part of that evolution, especially as John pointed out earlier, with Indian Point coming off line, we're seeing a greater emphasis here, and a greater strain, frankly, here on the grid and greater emphasis on renewable energy, if we're going to be able to fully replace that energy from Indian Point, energy storage has to play a role in some facet. And it's very forward thinking I understand that. I'm not afraid of being forward thinking. I think this board's proven that already time and again, during this this year already. Just understand the overall equation where energy storage fits in and the components that's again, why we're bringing and considering this legislation. And so the other thing I was going to mention was, and I know Councilman Lachterman and I, we both have solar panels on our homes. And so, if we really wanted to take that next step, the next step, really is the energy storage system, which would take some of that energy, obviously, in stored so that if we did have a storm, like you just mentioned, that's what would power up our homes and kick on with the moratorium. That's currently not an option for homeowners. And, you know, I actually checked with the building department we've had in the last year, we've had I believe it's over 65 just in the last 18 months, 65 homes have put solar on their homes. So, we are seeing again, you know, organically here in Yorktown, a lot of residents are embracing renewable energy and this is just the next step in that process. We did get a written comment from Grace Siciliano. She raised questions regarding making sure that enough research on the subject was completed by our staff, looking at other towns in our area and outside of New York, see if they have installed them in their town. Again, asking about research on the effects they have on the environment. And it was mentioned all the questions about the noise that there's noise coming from these batteries. And if we've looked into that, as well, we speak on that. And also, health issues with the surrounding properties. Those were the questions from Miss Siciliano that she sent to the board. And I assured her that it would be included as part of the record and public hearing. And now if we can move over to public comments, then I'm going to turn it over to our Town Clerk Diana Quast, just to let us know, who's going to be speaking.

Carl Hoegler:

Thank you very much for hosting this particular project. I think it's very important and I agree with Matt Slater. I think that the changes in technology are quite evident. We're becoming, you might say, an energy power in the world in the sense that we are being more self-sufficient. And even getting to the point where we'll be able to sell our energy commodities to other countries, which we have been doing in some ways. Nonetheless, although I agree, in principle, what Matt is saying, I think there is concern about the environment. One of our resources, one of our treasures up here is our environment. People come up here, for reasons other than, having an immediate source of energy and come up here for relaxation and for basically appreciation of the natural world. And I think that's one of our resources that we must treasure in fact; it's in our flag, okay. Essentially, if you unfurl the flag, you see that conservation plays a very, very important part. So, as a biologist, I'm quite concerned about these natural resources. Not because I'm, aesthetically concerned, but I think I'm biologically concerned. I think the growth for example, trees and various types of vegetation in wetlands provides a very important service for detoxifying waste, okay, that might be in the soil. So, I think, believe it or not, a lot of these plants, without our knowledge, are actually doing this service without getting a salary. So, we might as well take advantage of nature if it's doing some good for us. On the other hand, we don't want to poison nature. So, for example, you have lithium batteries. My wife back in the 1970s, when she was doing her doctoral dissertation actually worked on lithium chloride, lithium chloride, because what is known as a

condition called spinal bifida, it's a neural tube defect, which will cripple you, very, very serious. And what she did is she use basically experimental studies to show that it had an effect on a vertebrate and or an organism with a backbone, now one of the batteries that you talk about the nickel halos and of course, the lithium fluoride battery. In high concentrations, they can basically leak into the environment. And they can, you know, go into our natural resources and necessarily into the reservoirs. Which tributaries from our wetlands? Is there any, is there any way of testing water resources, testing the effects of these inorganic ions to see if there's any leakage, or maybe to make sure that we do have some way of monitoring the levels of these particular battery storage facilities. So that's one of my concerns. From a practical point of view, we don't want to poison ourselves; we could probably get rid of phosphates in the water. Lithium is much more toxic, and phosphates. And so that would be one of my concerns. The other concern I had was the amount of vegetation around the facility. It was mentioned in the in the guidelines, I believe I have this correct, that it should be I think, 10 feet, okay, distance from the fence area, the vegetation? Well, if there are any trees, in the area that are 60 feet or more 10 feet away from the actual fenced area will not appropriately be a safeguard against damage to the facility and to other areas as well. Because if you have a tree come down, there's always a damage of electrical arcing, and you create them further disaster. So, that's one of my concerns. Whether trees should be allowed at all around a particular storage facility. And this is something that we should consider as a possibility. The other item? Okay, I'll start with that. Okay. I don't want to take over. Those are my main major concerns. And of course, I know that the Town Board is sensitive to people who might be concerned about the noise. So, I'm not really sure how noise fits into batteries. I have added them in order to increase conductivity between the anode and the cathode. And sometimes acid will leak out. So, I know that's a problem. But I didn't know about the noise issue. So, I didn't want to make any comments about something I didn't know anything about.

Director of Planning John Tegeder:

It's not the noise and it will not exceed the level of a normal conversation. And most systems will likely be less than that.

Susan Siegel:

Please indulge me for a minute for breaking with Town Board procedure. And I respect your procedure. But I have to make one comment following the courtesy of the floor. And the comments about fluoridation. Okay, with all due respect to the board members, you totally missed the point that I was trying to make, which was start construction now. And don't wait for the State. That was the point I was making. If we're optimistic and we know that the State will extend the grant and eventually give us the money. We don't know how long that will take. We are in very uncertain times right now. That's why it's important to get this project started now, because we do have the money. And we can do it if we didn't have the money to do something else. Now, let me just get back to battery. Thank you for indulging my digression. My comments, I have to base my comments fall into two basic categories, zoning issue, and then that some specific provisions of the law. But first, I want to make it clear that I support the concept of battery storage. I think it's a good idea for all of the reasons that Supervisor Slater has explained. But I support them in appropriate places and with the proper conditions. I also want to commend the Town Board for all the time it has spent going over the safety issues, which is a very critical aspect of this relatively new system. But I do have an issue with the law as it was noticed the board did discuss not in April, but in May, some very significant changes to the law dealing with that maximum lot coverage. These are significant changes, and the people who are addressing comments tonight did not have a chance to know about those changes, because they were not in the law that was advertised or the law that was on the website. And I have spoken or have emails exchanged with town officials about the requirements in town law, about the need to have the hearing based on what you're considering. So, if you're going to add those amendments about the maximum lot coverage, which I support, I totally support the concept. You're going to have to close this hearing, go back redraft the law with that change and the other changes you want to consider like the additional improvement and then re-advertise, this just means more delay. So, I think you should have waited with this hearing. That said let me just go on to some of my issues about zoning. I agree that in the proposed Law, it's a combination of zoning and also issuing a special permit. What I think is wrong is giving a blanket approach to any residential, any property, whether it's residential or commercial, you're doing like almost a blanket

rezoning of the town. You're changing the use from residential to an industrial use. And I don't think anyone would disagree with the notion that this is an industrial use, the basic foundation of zoning is to separate your uses residential, commercial, industrial. That's why I think the better approach is to look at each application as it comes in, look at it on a case by case basis, and then rezone it if you think it's an appropriate facilities for that location. Because every neighborhood in Yorktown is different. There are three options for dealing with this rezoning approach. And I really think it behooves the Town Board, when they're considering a very significant new law, to look at all the possible ways that this new facility can be regulated. And so far, the board has only looked at one, Yorktown doesn't have to follow the NYSERDA model, there are other options very quickly, you could, create a totally new zone, call it an energy zone. And you could have one, section two battery storage; you can have another section for the solar farm, which is another critical piece of legislation that is coming down the pike. And then you can have all the conditions and provisions that you want, many of which are not already in this law, you could then take that zone, apply it as an overlay zone, something that John has mentioned at a previous meeting that he wants to do for special uses. Good idea as an overlay concept for agricultural uses in the zoning code. You could take that same energy zone and use it as a floating zone. Now I'm not going to go into the nuances of overlays and or floating zones. Okay. This is something that I think it behooves the board to discuss these options for looking at the rezoning done by the Town Board on a case by case basis subject to a special permit issued by the Planning Board of the Town Board. That's up to you; I would say it would be the Planning Board. But at least look at the options. Contrast them, compare the advantages and disadvantages you have four different approaches and see which fits your town best. It doesn't have to be the one option that's nicer, that NYSERDA gave you. In terms of the provisions regulating this there have just a few other outlets. And one other thing before I go into the specific provisions. Do any of you have any idea of what a battery storage facility would look like? I'll use as an example not the staples one, which is a very small one, even though it's in tier two. But what was proposed at Gomer Court. You may have seen the article that I submitted to the newspapers that the Yorktown news did not put the picture in. But the other day I sent you a photo of a facility with containers. The photo had six containers. The one on Gomer Court is proposed before containers. So, this is what one would look like. And I wish that we weren't in the zoom setup. And I don't have the technical equipment to share what that photo is. But I asked you do you think that kind of facility is appropriate in a residential neighborhood in Yorktown? Would you want it in your neighborhood if there happened to be a vacant lot? And I think there is a storage facility being built in Pomona, which is just across the river in Rockland County. You might want to take the drive over with or without a mask and go visit it and see what it's like if you've never seen one, and it's such a totally new concept, in terms of the some of the provisions that I think also have to be looked at. The proposed law prohibits the storage facilities in floodplains with flood zones. Okay, but you say nothing about wetland buffers, right? Why not? What is the rationale for putting in flood plains, I'd like to know what your rationale is for not considering them in buffers. Dr. Hoegler talked about the importance of wetland buffers, right. These are being totally ignored. Especially if they're going to be in districts that rely on private wells, what if the buffer serves a very critical function for, filtering out toxic elements, and also through recharging the aquifer. And if you disturb that, you've lost that. And realize most of the land in Yorktown that's not developed, hasn't been developed for very good reason. It's got environmental constraints, many of them are wetlands, and with wetlands and wetland buffers, on the screening, which I know the Town Board is concerned about. You're going to take down trees, you're going to take down mature trees and replace them with two and a half inch caliper trees. How long is it going to take to replace that in terms of buffering? Also, the buffering should, and it should specify that it has to be for season buffering, because there's a big difference between having evergreens and having deciduous trees. Fencing, the law is talking about mandating a seven foot high fence, the current zoning law, I think limits it to six feet, and does the Planning Board have the legal ability to override the provisions of the zoning code? I don't know this. And again, what kind of fencing. The Planning Board has done a very good job of trying to get more attractive fencing when a project is in a residential neighborhood, and in fact, even on the recent Nestle waters, were Nestle put up before that Planning Board approval. It put up a chain link fence, and the Planning Board to their credit, made them take down the chain link fencing and putting up another kind of fence. But if you look at the photo that I sent you of the Texas facility, it's not it's a chain link fence, and it's not very attractive, and what

kind of fence will they need for security purposes, and security is a critical issue with this. Security is also an issue with lighting. The law says nothing about lighting; will these facilities have to be lite, 24-7? Does our current lighting code which is very possibly outdated have to be updated? Can we deal with that? You've talked about the noise level before? Have you ever visited that facility? Do you know what the noise is like? Not what you've been told, but what you hear for yourself? And is there a continuous hum and the continuous might be different than the occasional noise? I think these are setbacks. Here's another I mean, I've spent time and I've looked at this. And the Town Board was being concerned about safety hasn't looked at this. The law says that the setback requirements would be for the underlying zone. Have you looked at what those setbacks are for side yards and rear yards in a residential zone? But it also says that the Planning Board can modify the setbacks. Again, I raised the issue and this is for the Town Attorney to weigh in on. Can the Planning Board waive the setbacks in the zoning code? There have been several recent site plans at the Planning Board, where for good site design reasons that the plan needed changes in the setbacks, and the applicants had to go to the Zoning Board. How are we going to work that out? There's also one other question that just is a very general question. It didn't come up in tonight's meeting, but it has come up in previous discussions. But the overall benefits of having storage facilities, which I totally agree with, it's been, said that if we allow these facilities in Yorktown, that it will benefit Yorktown residents because somehow, we will get the electricity that's put back into the grid. I have a problem with that and not understanding that because we don't control the grid. So, if a storage facility puts any number of kilowatts back into the grid, it's up to Con Ed to decide how they distribute that electricity. And the Town Board may want to speak to somebody from Con Ed to really see if it's a benefit to Yorktown. It is an overall benefit and I'm not disputing that. But I just have an issue with trying to sell this to Yorktown to say It's a specific benefit to Yorktown because we're going to get some of that returned electricity. I'm sorry if I took so long. But these are important issues. And again, I asked the board, to take the time to look at the other zoning options, and weigh the pros and cons of the different options. So, we get the very best battery storage facility, that would be for Yorktown. And clearly, this has to be re-advertised, a new draft needs to be prepared with those maximum lot coverage. And you're going to have to have a new hearing. Thank you.

Town Clerk Diana Quast:

Draft Five is what the Town Board agreed to refer out, which was done on April 21. Also, it was changed on the website April 14. And our notice went out as a convene. We treated it as a new public hearing. The only reason why you saw reconvene on the agenda tonight. Is because in a discussion with our planning director, he did not feel there was any changes. He did not recall them. After thinking about it, he did. So, we actually treated it as a convene. And I know it stated on the agenda reconvene but that was not how it was treated when we sent it out.

Susan Siegel:

But my point was that it's not whether it's a reconvene or not the issue is that if the board plans to adopt, put aside all of the other changes that I talked about that you have to look at. But if you just consider the first change, the first amendment that John talked about the maximum lot coverage, which I think you'll all agree is a very significant change from the original one, all it had was a minimum 30,000 square foot lot. And I think there's even some discussion whether you want to increase that to 40,000. Some of you may remember that I did sue the town over the tree law. And the issue of amendments being added to the law after the hearing was closed. And the issue that the Court has said, was that the amendments that I was concerned about, were not significant, substantial enough. I think this maximum coverage issue is a very substantial one that people should have known about, and they didn't, so they can't come and speak at the public hearing. So, it's strictly procedure. And all it means is, if you closed the hearing tonight, you go back to the drawing board with even if you only do John's changes, plus the fire safety one, that it should be a new draft be prepared. And advertised for the hearing. So, you've lost another, let's say a month. But you'd be doing it the proper way to forestall any potential challenge to the law. Not that I'm planning to challenge anything.

Director of Planning John Tegeder:

I just want to point out that that change is a restriction. So, if anybody looks at this law, that is in favor of mega systems being installed, and now they can't, which I don't think

we're going to have. So, it is a restriction and reins in potential impacts. So, I'm not sure and would pose the question to the Town Attorney, whether or not it needs to be re-noticed. For that reason, not to mention that week came during the public discourse on the law, and I happen to think that change was made pursuant to public discourse on the law in particular, when they are making the law further restrictive, I happen to think you can move forward on them. That's my opinion. And I'll leave it to Adam.

Town Attorney Adam Rodriguez:

At the end of the day the changes arose out of the referral process. They've been discussed at the public hearing, they were discussed at the outset of the public hearing and public had an opportunity to hear them twice, actually. And the changes in my view are minimal. The test under the case law is basically whether there's a substantial amendment and whether that amounts to a change in the purpose of the law. And in my view, this doesn't even come close.

Susan Siegel:

No, Planning Board never review that. It's only a procedural issue. I think my other concerns about how to handle the rezoning. You know, are the significant issues, plus those other changes in some of the provisions.

Councilwoman Alice Roker:

You're saying, you're suggesting that we consider changing the law so that the applicant would come before the Town Board for a rezoning and then move over to the Planning Board for a special use, is that right?

Susan Siegel:

That's right, you would adopt the way you have different residential zones, you have different commercial zones, industrial zones, you would an energy zone. And you could have the same provision in that zone as you would have now. So, it would be limited to special permit. But this would be applied when the applicant came in and said this is the parcel I want to do it on. And you would say yes, it works for this. We'll rezone it and then you do the special permit route. But you might look at it and say, no, this is not appropriate. We have visual concerns. We have other environmental concerns, you might get neighbors who are very much against it. That's a political decision for the board to make. But you would weigh all of the factors. And you would say, is it appropriate for this specific parcel of land? Because every parcel of land is different. And you basically have no idea now, I know that the facilities can only be located within a certain proximity to the grid. So that's a natural limitation. But does the board have any idea? How many potential parcels there are? And I was also thinking about the maximum lot coverage, which in concept I totally agree with. And that was one of my initial concerns about the law. So, let's say I have a 10 acre parcel, and I'd like to make some additional money, my house is all the way on one side of the parcel. And the other side of the parcel is close to the grid. But I'm limited to 33,000 square feet. Well, I can just subdivide. I'll just subdivide my property off and I can do some finagling around. That may or may not be an issue. I don't know. But the thought came to me, with it, but I think that Town Board has more control. And zoning is a Town Board issue. And by saying anyone can do anyplace, you're giving up that control to the Planning Board. Now, I have no issue with the Planning Board. And I think your special permit should be at the Planning Board, because they are the ones that have more expertise in land use. Thank you, John, I see it, I can vaguely see a smile on your face. But the zoning is strictly a Town Board function. And again, you are doing a drastic, drastic change from residential to an industrial use. Without knowing exactly where it could be located. And every neighborhood is different.

Councilwoman Alice Roker:

I wouldn't call all of these uses industrial uses.

Supervisor Matt Slater:

I want to make sure that they know that we're not talking about all systems; you're talking specifically here two systems, which couldn't be under those parameters as they're defined. The larger energy storage battery storage systems that get substations that you see at energy centers that you see at a university or upstate I just want to make sure we're crystal clear here.

Susan Siegel:

Thank you for clarifying that. I didn't think about the need to clarify that. So, then the new energy zone would clearly apply? Depends how it's written. I really haven't thought this through, you could say the tier ones, which are basically for houses. Right now. They just go to the building department for a building permit subject to meeting all the proper codes. They don't need a special permit. So, this would only be for the tier twos. And there's quite a variety in tier twos. This Staple one is, very innocuous. Totally innocuous. But the Gomer Court, those are the only two that I know about. So, I'm just saying Gomer Court is very, very different from the Staples Plaza. And it's interesting that John has said that there have been inquiries for other facilities and has that information been shared with the Town Board? Do they have any idea where these other facilities are located? That would be interesting.

Councilwoman Alice Roker:

Do you have to screen your facility from your neighbor under this law?

Director of Planning John Tegeder:

Yes, you do.

Councilwoman Alice Roker:

That's what I'm saying to Susan, that the picture she sent us was a facility by itself, not in Yorktown, no screening. So that wouldn't be in Yorktown?

Director of Planning John Tegeder:

Right. And the thing is with it the way this is written, if you if you couldn't properly screen it, the Planning Board would have the authority then to deny the permit, because it did not rise to that special standard for the special permit. I just want to add one thing relative to the use; I kind of reject the Industrial Classification here and the reason is this. Let me put it this way; infrastructure is allowed in all of our zones throughout the entire town, because it's required, and it's necessary. That includes electrical infrastructure, which this is includes wastewater infrastructure, water infrastructure, telecommunications, infrastructure, including cell towers, telecommunication building, so on and so forth. In Yorktown, there is upwards of I believe, about 300 parcels of land that are devoted to this type of infrastructure, plenty of which is devoted to electrical infrastructure. So, to separate this out as, some alien use that we've never seen before, I kind of disagree with that. I don't think that's the proper characterization of it. This is part of a grid, it will become a necessary part of the grid, I believe. So, I think that it should be and as it is, now, all of those infrastructure facilities such as switching stations, substations, so on and so forth. Transmission lines are specifically allowed in our zones, including our residential zones, with the ability to screen it or the requirement to screen it. I think that's how we cover the characterization that you're going to wake up and find this industrial situation next door to you. It will be screened. If it can't be screened, it should not be allowed.

Susan Siegel:

Well screening is very subjective. And when you have to cut down trees, okay, for your clearance, right? You're not going to replant the same size and the law talks about berms and whatever. I think that's just too subjective, too loosey goosey. There's an issue of this. If you combine the screening, limitations and reservations that I have with the setback, and depending upon the topography, the setbacks in the underlying zone may be totally inadequate. It's a combination plus you deal with force for seasoned screening. And then again, that's the utility substations, I think are totally different animals than this kind of facility. And as far as the picture from Texas, I, that's why I say, go look at Ramapo and Pomona. It's under construction. I know where it's located, I can give you the address, but I don't know where it is, in terms of screening. And rendering could show anything, go take a look at the Gomer Court containers. But from the very little I know, and it's not very much about battery storage facilities, there are different kinds. So, if it's not a storage container like a tractor trailer container, what else could it look like? We don't know.

Councilman Ed Lachterman:

So, we've been talking about a lot of subjectiveness and maybe that's why we have the process that we go through. I think if we sit here and try to iron out a law, that addresses

every single concern you brought up, we will all be dead and buried before it comes around. We've been going back and forth and if you look at in particular the picture from Texas, we don't know. And the question came up, when the people were there, we don't know what the facility will look like. Because each facility is different. Each storage unit, depending on size, would be different, and can be dressed up in different ways. Matter of fact, I think it was Councilman Patel, who hammered the guy on wanting that information, and he did a good job at getting it out of him. It could be mature trees, it couldn't be mature trees, and I think we need to look at the facts. And I also think it's up to the board to take the advice of our professionals to see if this falls on the infrastructure. From the very first on this electrical infrastructure, this is something that's not only going to be affecting the town, but each individual residents. And actually, it'll sooner or later start be affecting our cars even more than it is. So, this battery storage is really what's happening in the future. And I think that we need to take a holistic approach and look at the Planning Department and Town Board. And make sure that the town standards are adhered to but I do not think that we should be cutting out and saying, well, let's figure out 35 different maybes in this law. Because we'll have a half a parcel in Yorktown that we'll be able to approve for this project.

Susan Siegel:

I started off my comments by saying I support the concept. I think the town should allow them. And that's why you should do it through a rezoning and then leave it to the Planning Board to deal with, you know, all the nuances of if the screening is adequate? Is the fencing adequate? How will you deal with the lighting? That I am willing to give in on. Like, go back and do it, rezone the parcel on a case by case basis? Know what you're allowing. When the Planning Board members and I know that you attend the Planning Board meetings, I don't know if you were there when Planning Board member who's very knowledgeable, you know, in terms of town law said it's very difficult to deny a special permit.

Councilman Ed Lachterman:

But I don't think that spot zoning everything is the answer.

Susan Siegel:

It's not spot zoning, specific purpose in this, I have to defer to our town attorney. But I think a law like this was very, very unique. And frankly, I'm going to say the same thing when it comes to the solar law, which I totally support. You have to move ahead on the battery storage. I understand that because you've got the moratorium, but I think I've said enough. I've given you hopefully some food for thought.

Supervisor Matt Slater:

You definitely given us a lot to think about. And we of course appreciate your input. We do have other people who want to speak though on the matter.

Jay Kopstein:

I sent to everybody an email, I got no responses, so I'm going to bring it up tonight. We are talking apples and oranges with these plants. Small battery power plants. Absolutely. I am in favor of them. Even some of the larger ones. However, we've been given and the residents, the citizens have been given inaccurate information. Battery storage is for peaking. Councilwoman Roker, if you have a blackout, those batteries will do nothing other than in a very, very short period of time. In a brownout, they may help to fill the gap to maintain voltage. A battery needs to be recharged, batteries at homes that have solar, they will be recharged from the solar, and the commercial applications get recharged from the grid. If the grid is down due to downed wires, the batteries cannot be recharged. Or they said in my email, what happened with the wildfires out in California, were the power outages extended in two weeks, the battery would have done nothing. So please don't tell the citizens exactly what they're getting in this law, beyond that, getting something that will replace your electricity if you have a week without power, because these batteries will not be able to be recharged. End of comments. Thanks.

Supervisor Matt Slater:

I want to apologize for not responding to your email. I did have all intentions of doing so. I take full responsibility for not, my sincere apologies for that. But I did read your email. But I apologize for not acting on it.

Swarnov Punjari:

I am the Chair of the CSC Task Force. My background in energy is going on eight years. And I work on the demand response utility from solar installations. Most of my experiences on the tech side and working with utilities in the energy space. My hope here is to help contribute along with my peers and colleagues, on the task force to help provide support for legislation such as this one. On the micro grid, that is a point that I support quite a bit. So, the value of battery storage in terms of the grid, as it is being re-architected or modernized, if we must say it plays a role in helping build out resilient micro grids. Now, battery storage, as you mentioned, doesn't provide power, doesn't generate power, but it can deliver it based on that storage capacity. And there's numerous pieces of literature out there from micro grid development. That's where tier two really comes in at most value. And they're sizing these systems such that they can support entire communities for extended periods of time. The wildfires were actually in California, they realized that I think it was 2000 wildfires, specifically, I can go dig up that what actually caused due to utility owned equipment. Whereas if they had built micro grids with energy storage at a town community kind of level, they would have been able to continue to keep the grid operational in different regions recharging the batteries as needed, so that they could provide the necessary resilience, even pairing it with solar. In those local communities. Community solar is huge here in New York, which is where battery storage really plays into this architecture. So, passing this legislation would be a huge value to the town from a few different perspectives. Tier one, we understand the value there, and it helps provide additional resilience to the homeowner. But since it seems like the comments are mostly around that tonight, the biggest thing to really consider this is a necessary component for the future of how the electric grid is going to be working. And by future, I don't mean a decade from now we're already starting to see movement. I believe just last week in Maryland, Xcel Energy, along with local residents, governments, and multiple other stakeholders passed 16 micro grid developments to help provide resilience. In California, they've been excessively aggressive in developing these. And without battery storage, the only alternative that they'd have to turn to are diesel or natural gas standby generators, which kind of pushes away from the renewable posture that we're trying to take as a state and of course, as a town here in New York and Yorktown. I guess to summarize, the whole of the common having this legislation passed, and I believe what we've done so far in or what the Town Board has been able to do in terms of modifying this along with the support from the task force. I do believe we're on the right path, and ready to help introduce battery storage into the town and happy to answer any questions for VMI comments around the technicalities of. I've seen these systems, played with them. And I know multiple people in the industry if we need any technical background on things that would like to be exposed. So happy to answer any questions that might come up from this comments.

Councilman Vishnu Patel:

I'm just talking about the large scale only, okay. Not just to private home. And if you ever land far away, no, there is no electrical, you know, the grid lines. Who will pay for it? You know, because somebody has to pay for it to transfer from the farm or electrical farm to the grid, you know, the connections everywhere, they don't have it? Is there anything you want to make a comment on this kind of issue?

Swarnov Punjari:

So, if I understood your question correctly, if someone has a massive plot of land, let's say in upstate New York, and there's no electrical infrastructure, how does that play into deploying battery storage or even solar? So, because most of these developments are done by private companies, and suggested to the utilities, it's usually privately owned and it's a form of not in the legal sense, but it is a form of a public collaboration with private entities. And most of these projects, if any of them are not done in areas that substations are not readily available. That's why especially for micro grid development, on resiliency fronts. There are a number of locations to look for. But specifically, they're typically looking for three phase lines, and they're looking at substations that require minor

modification to be able to accept battery storage or solar depending on the size of that system. Now, there are edge cases where the utility or the EPC that is doing the development of the solar farm will actually pull lines out. But those are in nowhere near Yorktown or likely in New York State that we'll see anytime soon. But if you want to look at one such project, which is now the largest solar project, take a look at the Gemini project that the Trump administration just signed off on.

Councilman Vishnu Patel:

How many megawatts is this, how large?

Swarnov Punjari:

I think it's 490 megawatts, which is, I think, the eighth largest in the world and the largest in the US.

Councilwoman Alice Roker:

When you look at these projects, what do they give the community?

Swarnov Punjari:

So, when we talk battery storage, if we want to look beyond the sustainability, standpoint of helping us transition more towards sustainable sources, it's really resilience that battery storage is in the conversation of, if you look up, or you dive into the term micro grid, that's where battery storage is of utmost value. And the whole reason this market has evolved and accelerated at the pace that has. So, it's usually on a resilience from so ensuring higher uptime on reduced number of blackouts and brownouts across the board.

Supervisor Matt Slater:

Do you know, for the micro grid tech, is New York State starting to implement some micro grid technology?

Swarnov Punjari:

I believe they're starting to do pilots as well.

Supervisor Matt Slater:

So, in your expertise, the greatest benefit to tier two is the evolution of these micro grid systems, which is what you're saying which we already are driving towards, from an energy policy perspective.

Swarnov Punjari:

Correct. The predominant value that people will see is if you want to, if you want to learn up on the space, micro grids are the key area to look and that's why battery storage might end up in a residential zone or similar because it just depends on the location. And there's a lot of selection that goes into it, which is where they would work with John and the Planning Board and such.

Supervisor Matt Slater:

I know that we got some feedback from the climate smart communities task force, which you are the chair here in Yorktown, was there any other feedback besides what we discussed with John and with what John presented to the Board that you would want to share with the board?

Swarnov Punjari:

As of now, I haven't heard any comments back from our team. Beyond the modifications we've helped work with John in terms of legislation.

Councilman Tom Diana:

Just a just a quick statement. That question was raised on Gomer court. What size units would be put in there? It's my understanding and John Tegeder correct me if I'm wrong, they're going to be about the size of a tractor trailer shipping containers, which are about 48 feet long by eight feet wide. That's the size you're going to be putting there. I believe there's going to be four put in there.

Director of Planning John Tegeder:

That's correct. That's about the size that they are. They're a little bit longer and a little bit thinner than that. Essentially, they if you looked at them, you'd probably be in mind of that. That shape and size.

Councilman Tom Diana:

From what I understand where these containers are going or the storage units. I'm not going to call them containers where they're going would be kind of south, I guess would be kind of west of where the trucks are parked and that one lower area in there if I'm not mistaken in a general area, they would always be camouflaged by the not Marsh grass, but the trucks there and the berm on the other side.

Planning Board Director John Tegeder:

Yes, and the Planning Board did ask them to do additional screening, which they did. But with the implementation of this law or the enactment of this law, I should say, that would become a hard requirement. And I would guess that they would have to do a little bit more work to show that it is adequately screened.

Councilwoman Alice Roker:

Well, I, there comes a point where as responsible representatives, we have to look at the supply of energy.

Supervisor Matt Slater:

Without a doubt. I can tell you, from my time working in the State Senate energy policy turned into one of our key issues, specifically because of the closing of Indian Point, and there were conversations about what the state's energy policy was transitioning to, then we ever thought we would be involved in. And so, to just one of its point, you know, the micro grid is the place where we're going to land. And this is just another component of getting us to that spot. So, I think we got a lot of great feedback from the public tonight. I think that obviously John, I want to, obviously have to go back and just review what those comments were with you and Adam just to make sure that we're addressing them properly within the proposal. And then we can reconvene, so I would take comments on this. Otherwise, I'd like to make a motion to adjourn the hearing.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was adjourned. Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman and carried.

Supervisor Matt Slater:

We've got some resolutions to wrap up this evening and I've got comments on a couple of them that I think need some explanation.

APPROVE LEAD AGENCY, NEGATIVE DECLARATION AND AUTHORIZING A MS4 STORM WATER MANAGEMENT & TREE REMOVAL PERMIT FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE WITH SITE AND DRIVEWAY IMPROVEMENTS AT 320 ILLINGTON ROAD  
RESOLUTION #203

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

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a MS4 Storm Water Management & Tree Removal permit for construction of a single-family residence along with associated site and driveway improvements (Proposed Action).
2. The Approval Authority for this Proposed Action is the Town Board, as the proposed work will involve a land disturbance in excess of 200 cubic yards.
3. The application fee of \$1,500 was paid by the Applicant.
4. The Applicant submitted engineering plans for the subject property, entitled:
  - Property Survey prepared by Ward Carpenter Engineers, dated 10/18/09
  - Construction Documents prepared by Molinelli Architects, dated 2/7/20, 8 sheets.
5. The Engineering Department performed a review of the submitted documentation and all technical review comments were addressed in the resubmittal referenced above.

6. In regards to the Town Code, Chapter 270 Trees, the Applicant proposed to preserve trees to the maximum extent practicable. In order to construct the new residence, a total of 26 live trees must be removed. Since many of the trees being removed are within the footprint of the new structure, Applicant proposed to re-plant 13 trees as part of his land development project and pay a fee into the Tree Bank Fund for the net loss of 13 trees. Payment to the Tree Bank Fund was determined as follows: [13 trees @ \$100/tree = \$1,300] + [woodland disturbance of 18,539 sf @ \$300/5,000 sf = \$1,112] = \$2,412.
7. The Board received a technical review memo from the Conservation Board dated 5/20/20 with the following comment:
  - Recommended use of Evergreens or Hemlocks to blend with the natural surroundings
8. The Town Board discussed this application at meeting held on 6/9/20. No members of the public spoke on this application.
9. The Town Board reviewed communications received from the Engineering Department, Planning Board, Tree Conservation Advisory Commission and Conservation Board.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Item, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. That the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts, and that an Environmental Impact Statement need not be prepared.
3. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
4. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
5. As mitigation for the removal of trees, the Board accepts a fee payable to the Tree Bank Fund in lieu of tree replacement due to the limited opportunity to provide adequate on-site or off-site mitigation. The fee shall be \$2,412 as defined herein.
6. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.
7. The Town Engineer shall issue the permit in accordance with the terms of this resolution.

The following conditions are included as part of the Action:

- (1) Applicant shall submit payment to the Tree Bank Fund in the amount of \$2,214;
- (2) The use of evergreen or hemlock plantings shall be incorporated into the project as per Conservation Board comment dated 5/20/20; and
- (3) All draft conditions as listed in the Town Engineer's memo dated 4/14/20 are adopted in the Engineering permit.

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

Supervisor Matt Slater:

We have a resolution to authorize the comptroller process following budget transfer. This is for payment for the Laberge group for the prepare preparation of our funding needs assessment. We've completed our end of that. All of our department heads were interviewed; they all submitted documentation to Laberge Group. They are preparing that final needs assessment for us. We're looking forward to that.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER  
RESOLUTION #204

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

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

From: A1990.499      General Fund – Contingency    \$5,000.00

To: A.1220.490      Professional Services                      \$5,000.00

for payment to Laberge Group for the preparation of a funding needs assessment.

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

Supervisor Matt Slater:

Next resolution is to authorize the Supervisor to sign an agreement with Thomson and Bendor for additional services not to exceed additional \$30,000. I want to be very clear on this. So previously, the Town Board approved a contract with Thompson and Bendor. When we sat down to go through what the tasks were. We did an assessment of where we as a town work at that point in time, operationally, it's a crawl, walk, run conversation. And that's exactly how I posed it to Thompson and Bendor, and they've been great. We were trying to run before we were crawling because we didn't have a communications apparatus for the town. And I think we've seen the importance of that, especially during this pandemic. And so, while we set out down one path, it shifted quickly to a different path based on our needs. And I think they've done a terrific job, I really do and they are becoming more ingrained in the operations of the town. More involved in conversations that we're having. From a communication standpoint. And so, I don't think it's so much about rebranding, I think it's more about communications, because it's an operational deficiency that we collectively identified early on. So, this extends the original contract for an additional amount. To get them through the year, again, acting as from an operational standpoint, our communications team. And so, I will, I wanted to provide some explanation as to what this is.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THOMPSON AND BENDER FOR ADDITIONAL SERVICES NOT TO EXCEED AN ADDITIONAL \$30,000.00  
RESOLUTION #205

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an Amended Agreement with Thompson and Bender for additional services to be provided to the Town of Yorktown for “Community Branding,” not to exceed an additional \$30,000.00, and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to process the following budget transfer:

From: Contingency                      A1990.499                      \$30,000.00

To:    Communication                      A1220.442.1                      \$30,000.00

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

AUTHORIZE TOWN TO ISSUE A REQUEST FOR PROPOSALS FOR A CONCESSION AT RAILROAD PARK  
RESOLUTION #206

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

RESOLVED that the Town is authorized to issue and advertise a request for proposals to conduct a concession at Railroad Park.

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

AUTHORIZE SUPERVISOR TO SIGN A COVID-19 SCREENING AGREEMENT  
WITH NON-TOWN USERS OF THE ALBERT A. CAPELLINI COMMUNITY AND  
CULTURAL CENTER  
RESOLUTION #207

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

RESOLVED, that the Supervisor is authorized to sign COVID-19 Screening Agreements with non-Town users of the Albert A. Capellini Community & Cultural Center.

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

AUTHORIZE INCREASE IN WSA'S CONTRACT IN THE AMOUNT OF \$12,500.00  
AND AUTHORIZE COMPTROLLER TO TRANSFER \$12,500.00 FROM CAPITAL  
CONTINGENCY A1990.499.1 TO THE RAILROAD REHABILITATION CAPITAL  
PROJECT JJ7110.0200  
RESOLUTION #208

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

WHEREAS, on June 15, 2004 the Town Board of the Town of Yorktown authorized payment to Walter Sedovic Architects, Irvington, NY (WSA) for architectural services for the rehabilitation of the Yorktown Heights Railroad Station in Railroad Park as outlined in their revised proposal, in the amount of up to \$46,957.00; and

WHEREAS, on July 19, 2016 the Town of Yorktown Town Board reauthorized payment pursuant to the original contract in the same amount up of \$46,957.00; and WHEREAS, in 2018 WSA worked with the Planning Department to revise the Contract Documents to conform to the New York State Department of Transportation's (NYSDOT) requirements standards and specifications to obtain the department's approval for a \$295,762 grant funding this project; and

WHEREAS, these revisions exceeded the contract budget for contract documents by a total of \$9,015.00; and

WHEREAS, in addition, over the course of WSA's contract with the Town, the contract total was exceeded by a total of \$3,290.25 for reimbursable expenses; and

WHEREAS, due to the additional work required to revise the contract documents and the accrued reimbursable expenses, the contract amount will be exceeded by \$12,305.25; and

THEREFORE, BE IT NOW RESOLVED, the Town Board hereby authorizes the increase in WSA's contract in the amount of \$12,500.00; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Comptroller to transfer \$12,500.00 from Capital Contingency A1990.499.1 to the Railroad Rehabilitation Capital Project JJ7110.0200.

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

Director of Planning John Tegeder:

Sure, I hope I can be clearer than that writing, which is that during the DOT approval of the final construction documents, which they actually approved before you can take it out to bid. There is a whole host of things that need to be done partially for their own way of doing things. And also, for the way they actually set up their payment, which is a proprietary software package. So that took a lot of work in it and it ended up costing us. The architect spent another \$9,000 on his contract documents segment of his contract. And then the second thing was the \$3,000 is of the reimbursable is always part of any contract but never really has a number attached to it. So that's how we ended up where we are.

Supervisor Matt Slater:

And then lastly, before we adjourn, we discussed the matter in closed session and the board has made a decision. Last week we heard from Sunrise Solar regarding the solar carport project over at Granite Knolls for the parking lot since that conversation was had we've done additional legwork. We've had additional conversations, we had vendors reach out to us and we've spoken with Con Ed. I can speak for myself, and I don't know if any board members want to speak up on this, but I was not frankly comfortable about moving that forward without an RFP, after having all the conversations that we did have. Those conversations solidified my apprehension about moving forward without an RFP. And so, the board has decided to do the following. I'm going to read this and we can have a discussion.

RESCIND SUNRISE COMMUNITY SOLAR RESOLUTION DATED JUNE 9, 2020  
AND AUTHORIZE ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR  
SOLAR CARPORT SYSTEM AT GRANITE KNOLLS SPORTS COMPLEX  
RESOLUTION #209

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

WHEREAS, the Town Board adopted a resolution on June 9, 2020, that authorized the Supervisor to execute a lease option agreement with Sunrise Community Solar, LLC for the installation and operation of a carport solar system, subject to approval of the Town Attorney (“Sunrise Resolution”);

RESOLVED, that the Town Board hereby rescinds the Sunrise resolution; and

BE IT FURTHER RESOLVED, that the Town is authorized to issue and advertise a request for proposals to install and operate a carport solar system at the Granite Knolls Sports Complex.

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

ADJOURN

Upon motion made by Councilwoman Roker, 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