

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, April 13, 2021 held in Yorktown Heights, New York 10598.

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

Absent: Alice E. Roker, Councilwoman

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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss litigation. 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

Councilman Diana led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember all of those afflicted with COVID-19, and our frontline workers, and first responders, and a special remembrance for those serving overseas in the US Military.

INTRODUCTIONS

Supervisor Slater introduced members of the Town Board, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, Philip Marino, General Foreman-Refuse & Recycling, and Town Comptroller Patricia Caporale.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater wished a happy Ramadan to those celebrating the holiday. He gave an update on the COVID Clinic that was held yesterday and announced the vaccine clinic being held tomorrow has been cancelled, due to a hold on the Pfizer vaccine. There will be a clinic this Thursday at the AACCCC where the Moderna vaccine will be distributed. He thanked all of those involved setting up the clinics.

Supervisor Slater reminded everyone that Town Hall operations are continuing at full staff. Appointments may be made to see any department member. The tax deadline is coming up at the end of the month. Payments may be made through the dropbox in front of Town Hall, by regular mail, or online.

Supervisor Slater said he visited the Getty Station at Route 6 and Barger Street and was happy to see the dilapidated building has begun to be torn down, to be replaced with the new Coco Farms convenience store.

Supervisor Slater said he visited Veterans Road today with Highway Superintendent Dave Paganelli to see the new paving that has begun.

Supervisor Slater announced that on Sunday, May 2 is the Savvy Senior Expo at the Jefferson Valley Mall. Details may be found on the Town Calendar on the Town's website.

Councilman Lachterman said that estimated taxes were not extended, as the regular Tax Day was.

SANITATION STUDY

Phil Marino, General Foreman, said it would be worth conducting a study to see how many people the Town would need to service household/residential garbage & recycling requirements. He said he believes this is something the Town should pursue because the Town has many things in place already – 8 sanitation workers plus a supervisor, as well as equipment – that would be utilized if we picked up the Town’s recycling and collection. He said the logistics and additional equipment would be the biggest hurdle. He mentioned an office trailer, lockers, etc. as potential needs. Mr. Marino said the length of time it would take for the Town to recoup the expenses would also need to be considered.

Supervisor Slater asked Town Comptroller Pat Caporale how this would impact the Town from a budgetary standpoint and she replied that the Town would not know until a study was done. She said it is impossible to budget for something like this without having the numbers in place and feels a study is the first step. She said the funds are available to cover the cost of the study.

Councilman Patel said the Town would need more equipment and employees. He said cardboard almost outweighs regular trash pickup at this point in time and we would need special equipment to pick up cardboard, glass, metal, etc. Mr. Marino said that yes, there is specialized equipment for these types of pickups.

Supervisor Slater asked Mr. Marino if the study would tell how the Town could better manage condominiums in Town. Mr. Marino said he is currently doing a study himself on better managing condominiums in Town due to the specific issues surrounding their pickups.

Town Comptroller Pat Caporale and Town Attorney Adam Rodriguez both agreed this study should be put out as a Request for Proposals (RFP).

Supervisor Slater asked Mr. Marino to work with Ms. Caporale and Mr. Rodriguez to put the RFP together.

Councilman Diana asked what the average salary for a Refuse & Recycling worker is and Ms. Caporale said approximately \$70,000. He asked Mr. Marino how much the last truck cost and was told approximately \$250,000. He asked how many usable trucks the Town has and Mr. Marino said four and one spare older truck. Mr. Marino said when hiring for sanitation it would be two types of jobs – truck driver and laborer.

Councilman Lachterman asked Mr. Marino if the drivers would need CDL licenses and Mr. Marino said yes. Councilman Lachterman asked if there would be any grant money available and Supervisor Slater said that Laberge Group is scheduled for later in the evening and this could be addressed with them.

Councilman Patel asked how old the Town’s equipment is and Mr. Marino said he has one brand new truck and a couple that are a few years old and in good condition, and two older models. He said they are diligent in keeping up maintenance on all of the trucks. He said his workers take very good care of the equipment.

MASTER FEE SCHEDULE

Supervisor Slater said that after the passing of the Solar Law, the fee schedule had not been updated to include large-scale solar projects, which led the Town Board to realize there are other areas of the Master Fee Schedule that need to be updated. He said that department heads have been working to compile the necessary data and comparisons to be able to have a comprehensive conversation with the Town Board to discuss which fees they would like to see revised. He introduced Director of Planning John Tegeder, Building Inspector John Landi, and Superintendent of Parks and Recreation James Martorano, Jr.

Supervisor Slater said one of the things that were found during comparisons with other municipalities was that they approve their fee schedule annually as part of their budget. He said that this seems to make a lot of sense since it ensures that department heads review their fees on an annual basis and if any changes are needed, it can be done annually. He said a public hearing is required to change the Master Fee Schedule and if it is done as part of the budget, it can be done at the public hearing for the budget.

Mr. Landi said they are currently trying to develop a more equitable solar fee schedule, along with the other fee schedules the Building Department manages. He said Town Clerk Diana Quast is helping him with this effort.

Town Comptroller Pat Caporale said the combining of the Master Fee Schedule changes with the budget process does not pose a problem for her department and thinks it would be a great idea to incorporate it.

Councilman Patel said some people decide to do things themselves in order to avoid fees, which is not always a good idea. He asked, when doing a home project, who researches what the Town's fees are – the contractor or the homeowner? How does the homeowner know how much they are being charged by the contractor for Town fees?

Town Clerk Quast said this is the Master Fee Schedule and all they would be doing is taking the schedule and attaching it as an appendix to the budget. She said these are the fees of the Town and of every department and do not change during the year (unless the Town Board chooses to change them).

Councilman Patel repeated his questions and Mr. Landi said the process does not change – the resident or service provider would apply for the permit and the fee(s) would be attached to the permit and the homeowner or the provider would pay the fee and obtain the permit and do the work.

Town Attorney Adam Rodriguez said the fees are also posted online.

Mr. Tegeder said in terms of the land use fees for solar projects (special permit and site plan planning fees) should be reviewed but it is not imperative at this time but towards the end of the years. He said the fee they received for one of the solar projects, which has now been approved, was an adequate fee. Mr. Tegeder agreed with the yearly look at the fee schedule.

Mr. Martorano said it is important to look at the fees because they change annually so it is very important for Parks & Recreation to review the fees on an annual basis.

Supervisor Slater asked if the Town feels the need to update the fees before the end of the year, would they be able to and Mr. Rodriguez said yes, by following the current process.

Town Engineer Dan Ciarcia said the Engineering fee schedule is basically a percentage of construction cost and right now the fee schedule covers their efforts in the field to inspect projects and there is no need to increase it.

VALLEY FIELDS PAR 3 – PROJECT UPDATE AND WETLANDS PERMIT REFERRAL

Superintendent Martorano said the Planning Board asked for a tree mitigation plan for the golf course, as well as a parking plan and both were submitted by the vendors. He said the Planning Board asked the applicant to go before the Tree Conservation Advisory Committee, which they will be going to next Monday as well as following up with the Planning Board on May 10.

Director of Planning John Tegeder said they were waiting for the parking plan and the tree mitigation plan. Now that they have been received, they will be reviewed and made public, the public hearing will be finished, and then refine anything on those plans that need to be in order to have final approved plans.

Supervisor Slater introduced Parks & Recreation Commissioner Matt Talbert who joined the meeting.

Town Engineer Dan Ciarcia said they are just trying to clean up and have a proper process to make sure all the local regulatory requirements are met. He said they are working with the Planning Board and all of the elements of a review that any other project would go through that do not have Town involvement.

Supervisor Slater asked Mr. Tegeder if there were any other issues and Mr. Tegeder said the typical procedure is when there is a larger umbrella approval in front of whatever particular board, any of the sub-permits or descending permits from that usually are approved by that board. He said, for

instance, when the Planning Board does a subdivision, it will approve whatever necessary stormwater and wetlands permits are required. He said this is not a typical application and wanted to introduce this as a potential talking point to discuss and decide the best path to take.

Supervisor Slater asked Mr. Ciarcia for his thoughts on this and Mr. Ciarcia said the site plan falls in front of the Planning Board and, to Mr. Tegeder's point, this seems like the proper venue for issuing the permit.

Supervisor Slater asked Mr. Ciarcia to work with the Planning Department to get this to the Planning Board and to make sure the "box gets checked with the wetlands permit."

Councilman Patel asked if all of the DEC issues were taken care of and Superintendent Martorano said yes.

Councilman Diana asked what the expected finish date and Superintendent Martorano asked if he meant the entire golf course or just the interior and the practice range and Councilman Diana said both. Superintendent Martorano said the practice range and the restaurant should be done between Memorial Day and July 4 and the course itself would have to "rest" for a full season and the contract is hoping the full course would be ready by the late fall.

Supervisor Slater said he was at the course on Friday with Dan Ciarcia and, to their credit, they have been working. He said the practice range box looks good and they were making progress on the interior. He said his expectation, and he felt he was clear, was at least to get the practice range going by Memorial Day and the interior of the clubhouse was doable, as well. Mr. DiPeri, the contractor for the project, spoke via cellphone and Supervisor Slater was able to talk to him about the Memorial Day opening.

CFA APPLICATION

Supervisor Slater introduced Scott Siegel and Benjamin Syden from the Laberge Group. He said they have been working on two grants and are present to discuss some of the funding apparatuses that have been funded on either the state or federal level. Supervisor Slater wanted them to come back before the Board to have a conversation about fully utilizing their services to make sure the Town is in a good position to capitalize on the opportunities that may be out there.

Mr. Syden said the last time they spoke to the Board it was before COVID hit and they talked about what they provide as a service for grant surveillance and management, and the development and research of the grant itself. He said then COVID hit and grant money was put on hold. Now, he said, the grant money has been trickling out fast and furious. He wanted to discuss what grants are coming up that the Town may have an interest in. Mr. Syden said, number one, is the Community Project Funding, which unfortunately had a fast turnaround time of two weeks and is due this Friday.

Mr. Syden spoke about the Hallocks Mill Sewer District Extension project and the Police Department radio system as potential projects for grant applications. Mr. Syden said one thing he would like the Board to consider this evening is to gather together supporting documentation and backup for these projects. He also requested a resolution in support of the grant application for Community Project Funding for these two projects. Mr. Siegel would send a sample support letter for the Board to send out.

Mr. Syden said the budget that was just passed a few days ago does include \$750 million for the Regional Economic Development Council (REDC). He discussed deadlines and turnaround times for the applications. He said he is telling all of his clients to be ready, be nimble, and be aggressive about their applications. He mentioned that the LWRP grants would be available and there would be great infrastructure grants, water quality improvement grants, Empire State Development Grants for Economic Development that would all be available, as well.

Councilman Patel asked if this money is in the 2021 or 2022 federal budget and Mr. Syden replied 2022. Councilman Patel asked if the money available would cover the projects the Town wants to do and Mr. Syden said nothing is a free giveaway anymore and that the grants would be a match (20%).

Mr. Siegel said it is a 20% match for the State and Tribal Assistance Program (STAG), which is through the Department of Interior and is one of the larger pots of funding that he feels the Town would not have a problem showing their commitment to meeting their requirements. He also mentioned the Greenway Grant for which the Town should be eligible. He said in terms of the CFA, a grant assessment and matrix was done for the Town. Mr. Siegel said the matrix is for the Town to look through to decide what they would like to move forward on and what they feel they are ready for. Mr. Siegel mentioned the wastewater treatment plant switch upgrade project as possibly being able to apply for grant money through the QIP and asked if it was something that was still a high priority for this year.

Town Engineer Dan Ciarcia said he thought it should still be considered a high priority for two reasons: it gives resiliency on emergency power and it is ready to go. He said it is estimated to a \$150,000 project. Mr. Siegel said it was a project that was definitely doable and asked Mr. Ciarcia for materials and reports sent to him.

Supervisor Slater asked if there was anything out there for the Peekskill Sewer District since the Town has an Order of Consent on that project. Mr. Siegel said having an Order of Consent usually makes the project a shoo-in for the QIP grant program. He said he would recommend not competing against yourself so a choice would have to be made. A discussion took place regarding the Peekskill Sewer District project as possible doing some of the work in-house. Mr. Ciarcia felt the switch gear project is ready to go and would be a better choice for the grant money. A discussion also took place regarding the Hallocks Mill Sewer Project and if it was viable to apply for money for the design and construction piece and it was determined that this project should be the “ask” for federal money.

Supervisor Slater raised the issue of the water main cement-relining project and introduced Ken Rundle, Superintendent of Water. Mr. Siegel said it might be too late for CPF but might be able to fit it into a QIP category. Mr. Syden said there is rumor that the transportation funding coming through Congress next week may include water projects.

Councilman Patel asked how many of these grants could the Town realistically win and Mr. Siegel said if the Town is able to win two separate grants under the CFA process in one year that is doing very well. He reminded the Board that they already have an LWRP through the CFA, so the Town is queued up and ready to go. Supervisor Slater said that although the Town has one, he feels that they should apply for two others and Mr. Syden agreed.

Councilman Diana began a discussion with Mr. Rundle about transite pipe replacement and that it is not part of the water main cement relining. Mr. Rundle said it would be great if the Town had a program to replace a certain amount of feet over a certain amount of time. Councilman Diana asked if there were any grant money available for this type of project and Mr. Siegel said he was inclined to believe that it would fall under a water improvement project but more information would be needed to make a determination.

Supervisor Slater said the Town has contracted with Laberge for the LWRP and the MWRR grant programs and obviously with more funds available having their services is very beneficial at this point in time. He asked Mr. Syden what the next steps would be for the Town to take and Mr. Syden said it would take the Town Attorney to make sure due diligence was done last year on the other firms and if they decided to go with Laberge, the Town would be given the addendum to the base contract. Supervisor Slater asked how it would work for the CFA and the federal grants and Mr. Syden said this would be covered in the addendum, as well as an authorization to proceed. Supervisor Slater confirmed with the Town Comptroller that the Town is compliant in terms of the procurement policy. Councilman Lachterman, Councilman Diana, and Councilman Patel said this makes more sense now, especially since there is a larger pot of money to draw from.

AUTHORIZATION FOR GRANT SERVICES AGREEMENT WITH THE LABERGE GROUP
RESOLUTION #155

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

RESOLVED, that the Supervisor is authorized to execute a Grant Services Agreement with the Laberge Group in an amount not to exceed \$15,000.

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

AUTHORIZATION TO APPLY FOR CFA GRANT FUNDING THROUGH THE LABERGE GROUP

RESOLUTION #156

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

RESOLVED, that the Town of Yorktown supports the application for and receipt of Community Project Funding Appropriations for Community Oriented Policing Services (COPS) - Technology & Equipment Funding for the Town's Police Department to upgrade its emergency communications system, and for Final Engineering Design of the Phase 1 Sewer Extension Project in the Hallocks Mill Sewer District Extension.

BE IT FURTHER RESOLVED, Laberge Group is authorized to prepare the documentation necessary for the Town to apply for said funding on the Town's behalf.

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

CEMENT RELINING PROJECT

The discussion with Laberge moved into the Cement Relining project agenda item.

Addressing Mr. Syden, Supervisor Slater said the cement relining of the water mains has been a priority for the community since 2014. He said they worked with Laberge to update the engineering report so that it is EFC compliant and \$600,000 has been allocated in this year's budget to the start the project. Supervisor Slater said he does not want to lose momentum on this. He asked Water Superintendent Kenny Rundle on what steps should be taken this year and how he would like to proceed.

Mr. Rundle said there are about 3.5 miles of water mains that need to be cleaned and relined. He said he would like to do the section of Strawberry Road down from Foothill Street to Lexington Avenue and explained his reasons for doing so. He said this section would cost approximately \$220,000, plus engineering fees of approximately \$30,000. Mr. Rundle said relining this section would solve many of the water quality complaints he is getting from that area. He would then like to roll over the left over money into the 2022 budget, adding in any grant money received in 2022. He would then approach the other sections that need to be done.

Supervisor Slater asked the Board if they had any objections to allowing Mr. Rundle to begin the section of Strawberry Road and the Board had no objections. Supervisor Slater said they will meet to make sure all of the details are reviewed and a resolution drafted.

TREE CONSERVATION ADVISORY COMMISSION – ARBOR DAY

Supervisor Slater introduced Bill Kellner, Larry Klein, and Tom Schmitt from the Tree Conservation Advisory Commission to discuss the Town's Arbor Day Event. Mr. Kellner said they would not be having a large public gathering (due to COVID), although they will have a scaled back version of what is normally done. Friday, April 30 is Arbor Day this year. Mr. Kellner said the program for the day includes a donation from Mr. Schmitt of a pin oak tree to plant on the library grounds, which will be pre-planted followed by a ceremonial tree planting on Arbor Day. The Town Board proclamation will be read by Larry Klein. It will also be announced that Yorktown has been named a Tree City for the 10th time. Mr. Kellner displayed a plaque from the Arbor Day Committee that will be presented to Supervisor Slater. He said they are talking about a seedling giveaway from Con Edison. He said that last year they took the seedlings and gave them away since there was no event. Mr. Kellner said he is waiting to hear from Con Edison to see if they are going to donate them this year; if not, the Audubon Society may have some to donate.

TRAFFIC CONSULTANT

Supervisor Slater introduced Director of Planning John Tegeder and Town Planner Robyn Steinberg regarding the Request for Proposals for a Traffic Consultant. Mr. Tegeder said in large measure when an application comes in, typically a commercial site plan and, on occasion, a subdivision, and it would have an impact on the traffic system on which it fronts (ex. Route 6 or

202), an applicant is required to study the traffic impact that their project would have on the Town; thereby predicting what those impacts would be and if mitigation is required. It is usually done by the traffic engineer hired by the applicant. He said the Town is in need of a traffic engineer to review the material since it is an engineering-specific discipline, something that he and the Town Planner are not as well versed in as a traffic engineer. He said that in this RFP they have built in, as one of the responsibilities, some of the work that an applicant's consultant would do (ex. traffic counts at intersections), when the applicant does not have the proper resources. The traffic consultant would also be asked to look at projects that the Town wants to do on its own (ex. Hallocks Mill Road). Mr. Tegeder said he has received 7 responses to the RFP.

Ms. Steinberg said she prepared a table/summary of the 7 responses listing the companies, contact name, their role in the process (some of them are very engineering-heavy, some are more planning focused, street and pedestrian focused, etc.) She said the estimated fees for the listed tasks in the RFP are broad because it depends upon the size of the project.

Mr. Tegeder said, as a footnote, that typically when they are reviewing an applicant's report, the applicant is funding that report.

Supervisor Slater said the Town has a need since there are some trouble spots in Town that have taken up a large portion of time and effort on the part of the Planning Department in order to protect the interests of the Town. Supervisor Slater recommended that the Board bring in for interviews those that submitted proposals. He suggested a special meeting to be able to bring them in all at once. Supervisor Slater also said that once the Board gets through this process, they may be able to discuss with Mr. Tegeder the use of an environmental consultant, as was discussed in the past, for similar circumstances. Town Engineer Dan Ciarcia agreed that an environmental consultant would be useful from his standpoint, as well.

FLUORIDE PROJECT

Town Engineer Dan Ciarcia said the contractor is back and the project is moving along, after some hiccups. He said they are trying to assess the depth of the 24" line; Mr. Rundle and his staff will be at the site doing testing tomorrow. He said initially the figure main was figured to be 4' or 5' feet and it has turned out to be 8' – this is where the sampling tap would be located. He said Arcadis is supervising the contractor to make sure the project is moving along. Mr. Ciarcia and Mr. Rundle discussed some of the issues they have been experiencing. Mr. Ciarcia said that the grant needed revisiting to make sure it is extended so the project can remain funded. Supervisor Slater asked if Mr. Ciarcia need any assistance from the Town Board regarding the extension, and it was suggested a resolution be done.

AUTHORIZATION TO REQUEST GRANT EXTENSION FROM NY DEPARTMENT OF HEALTH FOR FLUORIDATION PROJECT RESOLUTION #157

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

RESOLVED, the Acting Town Engineer is authorized to request from the NYS Department of Health an appropriate grant extension for the Town to complete its fluoridation project.

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

Superintendent Rundle said the Town could apply for an extension as long as progress is shown. He said the COVID pandemic reason was used before, but it is still a very real thing that is affecting supplies, staff, etc., and should be used as a mitigating factor in a delay.

Councilman Diana asked Town Comptroller Pat Caporale if the Town has received any of the reimbursement. Ms. Caporale said that so far everything that had been applied for was received.

RETAINAGE RELEASE TO ACORN ELECTRIC FOR WORK DONE FOR THE PUMP STATION REHABILITATION CAPITAL PROJECT RESOLUTION #158

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

WHEREAS:

1. Acorn Electric has completed the electrical portion of the contractual work for the Pump Station Rehabilitation Capital Project for the Walden Woods, Jefferson Valley, and Jefferson park Pump Stations;
2. The Town withheld \$22,056.40 as the retainage until the remainder of the work was completed;
3. Acorn Electric has requested their retainage be released and has signed the Final Release and Waiver of Claims and Liens.

NOW, THEREFORE, BE IT RESOLVED that the retainage in the amount of \$22,056.40 is hereby released to Acorn Electric, 22 King Street, Danbury, CT, Attention: Mr. Matthew Masi.

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

ADJOURN MEETING

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

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