

Regular Meeting held by the Town Board, Town of Yorktown on April 3, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Linda G. Cooper, Supervisor
James Martorano, Councilman
Nicholas Bianco, Councilman
Matthew Metz, Councilman
Louis Campisi, Councilman

TOWN BOARD MEETING

Supervisor Linda G. Cooper called the meeting to order. Town Attorney Kevin Sweeny was also present.

PLEDGE OF ALLEGIANCE

Kim Angliss lead the salute to the flag.

MOMENT OF SILENCE

In honor of our Armed Forces serving in the military in this country and abroad.

PRESENTATION

Kim Angliss was present from the Department of Environmental Conservation to present the annual Battle of Yorktown. Kim Angliss stated that the Town's annual campaign against litter is scheduled for Saturday, April 14, 2007. Over the past twelve years, residents have picked up more than 12.7 tons of litter. Last year, 640 residents participated in the town-wide cleanup program. She stated that volunteers make the difference and please contact the Department of Environmental Conservation at 914-245-4438, if you would like to join in the efforts to keep our community clean from litter.

DURING HER REPORT TO THE TOWN, Supervisor Cooper spoke about the "Adopt-A-Road Program" and how it originated. She explained that the program is volunteer driven and the Town relies on itself to keep the roads clean. She also stated that Entergy Indian Point Nuclear Plant has been changing over their sirens and that is why the sirens have been going off so much over the last few weeks.

Supervisor Cooper spoke about a recent sewer survey that was generated by a homeowners group and said that there is no deadline on when this information has to be turned in. The purpose of the survey is simply to solicit interest so that a generalized map could be drawn and so that if there are areas that have no interest in sewers. Those areas could be eliminated at an early time which would affect the overall cost of the project. They have received 57 % of the surveys back and residents can turn them in over the next few years if they want to participate because there are no imminent plans for sewer construction at this time going on. Supervisor Cooper spoke about the upgrade of the Water Treatment Plant and added that the New York City Department of Environmental Protection has not addressed the regulatory needs of the Town as of yet and until they do the Town cannot move forward with any sewer projects to add any new homes until DEP does.

DURING THEIR REPORT TO THE TOWN, Councilman Metz stated that the Town is not setting any deadlines with regard to whether residents can opt in or out of having sewers and the Town is not telling anyone in this community that they have to make an imminent decision with regards to opting in or out of having sewers at this time. He stated that we are at the beginning of this process and the Town does not even know if they will be granted a variance to upgrade their SPEDES Permit, the survey is well intentioned by this homeowner's group but it has panicked residents and he would like to

ensure everyone that they do not have to make a decision whether they want sewers or not at this time. The Town has to deal with a new DEP administration and the bottom line is that we just don't know. What we want to do now is encourage people to think about it and ask questions. We have gotten many emails from members of the community with lots of questions about cost and timeframe, etc. The Town will try to disseminate information to residents as we get it and everyone will have time to make a decision. Sewers are not imminent and you will have time to get the information that you need in order to make an informative decision.

Supervisor Cooper thanked the Yorktown Leo Club for being the newest participants in the Town's Adopt-A-Road Program, they have chosen Veteran's Road between Downing Drive and Greenwood Street to keep clean and free of litter. Anyone can participate, if you are interested call Kim Angliss to sign up.

Councilman Bianco stated that each school district has come out with preliminary budgets which are all about a 6 % increase. Residents in the Town of Yorktown, Croton Harmon School District may see a 17 % tax increase, if you are in the Town of Yorktown, Ossining School District you may see a 6% tax increase or more, in the Lakeland School District, Councilman Bianco feels that it may be in the double digits for a tax increase. In the Town of Yorktown you may also see a 6% tax increase as well. Councilman Bianco explained that the different rates happen because of the segment rate and the accessibles in that particular district which is not compared to the entire Town. They also compare home sales and where do you compared to. Councilman Bianco and Assessor Killeen met with the Office of Real Property and tried to tell him that the Town should be compared to the Cortlandt area not the Lewisboro and North Salem area. Basically, ORPS really does the split by the Taconic State Parkway, anything to the right and anything to the left which is archaic and unfair. Councilman Bianco explained that as long as you have school districts that cross over different municipalities and in some cases different counties it will be unfair. Someday hopefully, they will tackle this problem.

Councilman Bianco stated that Senator Leibell asked him to announce to the Town Board that these member items were approved in this budget, some the Supervisor procured and some Councilman Bianco procured.

Senior Center \$30,000
Yorktown Police Department \$25,000
Yorktown Heights Fire Department \$7,500
Support Connection \$10,000
Irish American Social Club \$7,500
American Legion Post \$7,500

Total member item grant for the Town of Yorktown is \$87,500 from the good Senator. Yorktown and Lakeland School Districts also received an increase in State Aid from the Governor's proposal was approximately 1.2 Million dollars for each district. Budget hearings are coming up and he urged the community to participate.

Councilman Metz attended a Self Awareness Day at the Brookside School. At the end of the discussion when we talk about town government, many children asked for a skate park which we know that the Town is working on, more restaurants, more ball fields, more places to bicycle and more sidewalks and they where 9 and 10 year olds.

DURING COURTESY OF THE FLOOR, the following residents addressed the Town Board:

Mr. Edward Donovan spoke to the Board about sewers. He said he saw the deadline date in the North County News which was March 30, 2007. He composed a letter and turned it into the Engineering Department. He feels that this homeowners group has spurred this survey and there appears to be a shadow government going on. He stated that they are pushing people to make a decision with no information being given. He stated that everyone should pay their fair share for the upgrade to the plant, sewers and

operation and maintenance. He feels it is blatantly unfair for him to pay another thirty (30) years without having the benefit of sewers.

Susan Siegel was speaking on behalf of the Unsewered Hallocks Mill Homeowners group. The survey was done by the homeowners group not the Town. She stated that the North County News mislead and misrepresented what the homeowners group was trying to do. There is no deadline for homeowners to decide on whether or not they want sewers. The homeowner's group is doing this for the benefit of the Town. She explained that this is very preliminary and a map would be made up outlining proposed sewer districts. The rest of Susan Siegel's comments are on file in the Town Clerk's office.

Nick DiTomaso explained what member item grants are. This is taxpayer money that Legislators give out. He could see this money being given out to the poor, seniors, or some really worthy cause but not to private organizations.

Ed Ciffone stated that he had a couple of announcements. The Watchdog Show has moved to 9:30 PM on Friday night. Second is Taxpayer Action Day which is being sponsored by the United Taxpayers will be on Sunday, April 15, 2007 at 2:00 PM in front of Town Hall. In regards to sewers, he said that he lives in this area and he does not want sewers.

Mark Drexel talked about the Yorktown School Board budget. He discussed the enrollment which he said would be going down. Fourteen positions were eliminated and no new positions will be added. This is the lowest budget to budget increase in many years. One thing that drives the budget up is unfunded mandates from the New York State Education Department. This year there are four million dollars in State mandates. He noted that there are fourteen (14) unfunded mandates this year and there is no thought on how to fund them they just make them required. These unfunded mandates are not free the taxpayers have to pay for them. As a result of some very aggressive budget reviews, the School Board came up with a 6 percent increase. Some reserves had to be used in order to keep the budget down.

Councilman Campisi asked if the School Board would use the additional State Aid to bring down the budget even further. Mr. Drexel answered that he cannot speak for the whole Board but he would like to see that happen. He would also recommend some being put back into the reserves. He encouraged all Boards to work together and maybe a joint session could be arranged.

Councilman Bianco moved, seconded by Councilman Martorano, to close
Courtesy of the Floor.

Cooper, Martorano, Bianco, Campisi and Metz Voting Aye.

RELEASE CONTROL BOND
IBM UTILITY DISTRIBUTION FACILITY
SITE PLAN
RESOLUTION#137

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

WHEREAS, The Whiting - Turner Contracting Company, as applicant for IBM, heretofore posted Check No. 0317616 in the amount of \$5,000.00, which was deposited into the T33 account on August 31, 2001, to serve as the Erosion Control Bond for the IBM Utility Distribution Facility Site Plan, for work performed at the TJ Watson Research Facility, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been

satisfactorily completed, and that the \$5,000.00 for erosion control may be released,
NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$5,000.00 be and is hereby released to The Whiting-Turner Contracting Company, 300 East Joppa Road, Baltimore, Maryland 21286.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

RELEASE CONTROL BOND
IBM DAY CARE CENTER – SITE PLAN
RESOLUTION#138

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

WHEREAS, John DeVito, as applicant for IBM, heretofore posted Check No. 7947 in the amount of \$2,000.00, which was deposited into the T33 account on January 19, 2001, to serve as the Erosion Control Bond for the IBM Day Care Center Site Plan, for work performed at the TJ Watson Research Facility, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$2,000.00 for erosion control may be released,
NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$2,000.00 be and is hereby released to John DeVito, 50 Orchard Hill Road, Katonah, NY 10536.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

PERFORMANCE AND EROSION CONTROL BOND
SUBSTITUTIONS – CONTRACTORS REGISTER – SITE PLAN
RESOLUTION # 139

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

WHEREAS, Contractors Register, Inc., as Principal, provided the Town with NOVA Casualty Company's License and Permit Bond No. 54872, in the amount of \$14,600.00, that was formerly accepted at the Town Board Meeting of September 21, 2004, to serve as the Performance Bond for the Contractors Register Site Plan, located in Jefferson Valley, and

WHEREAS, Contractors Register, Inc., as Principal, provided the Town with NOVA Casualty Company's License and Permit Bond No. 54873, in the amount of \$75,000.00, that was formerly accepted at the Town Board Meeting of September 21, 2004, to serve as the Erosion Control Bond for the Contractors Register Site Plan, and

WHEREAS, Contractors Register, Inc., has requested the return of the above mentioned paper bonds, and has replaced them with Check No.92519, in the amount of \$14,600.00, to serve as the Performance Bond and Check No. 92518, in the amount of \$75,000.00 to serve as the Erosion Control Bond, NOW, THEREFORE BE IT

RESOLVED, that the above referenced checks are hereby accepted to serve as the required bonds for the Contractors Register Site Plan.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

RELEASE ESCROW DEPOSIT
STREET OPENING PERMIT # 006-005
RESOLUTION #140

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily. NOW, THEREFORE, BE IT

RESOLVED, the Town Board authorizes the release of the following:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street opening	006-005	\$2,000.00	Quinlan St.	Anthony Celio

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

TRANSFER LEASE OF SPRINT NEXTEL
TO MOBILITIE INVESTMENTS
RESOLUTION #141

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

RESOLVED that the Town Supervisor is hereby authorized to sign an assignment approving Mobilite, LLC as the assignee of the September 2, 2006 cell tower lease between the Town and Sprint. All lease terms remain the same under this assignment.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN
CONTRACT FOR CENTRAL OFFICE ALARM SYSTEM MAINTENANCE
AND MONITORING WITH MARSHALL ALARM SYSTEMS
RESOLUTION #142

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with Marshall Alarm Systems, Inc. to provide central office alarm maintenance and monitoring services at the Pumping Station located in Country Side, Old Country Way in the Town of Yorktown.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

ADVERTISE BID FOR
FOOD AND REFRESHMENT CONCESSION AT THE BRIAN SLAVIN AQUATIC
CENTER AND JUNIOR LAKE POOL COMPLEX
RESOLUTION #143

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

The Town of Yorktown Department of Recreation and Parks is seeking proposals from qualified individuals and firms interested in providing the food and refreshment service at the Yorktown Town Pools pool concession facilities at the Junior Lake Pool in Yorktown Heights and at the Brian J. Slavin Aquatic Center in Shrub Oak.

All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, no later than 2:00 p.m., April 20, 2007.

Specifications and standard proposals for the bid may be obtained at the Office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

REFERRAL JEFFERSON OWNER'S CORP.
WETLANDS PERMIT FOR RESTORATION PROJECTS
CONDOS 1, 2, 3, 5
RESOLUTION #144

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

RESOLVED, the application for a wetlands permit for the Jefferson Owner's Corp. for Restoration Projects at Condos 1,2,3,5 is referred to the Planning Department, Wetlands Code Enforcement Officer, Town Attorney, Town Board, and the Town Engineer.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

APPOINTMENT - ROAD MAINTENANCE FOREMAN
TED DEVLIN - HIGHWAY DEPARTMENT
RESOLUTION #145

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

BE IT RESOLVED, that Ted Devlin is hereby appointed Road Maintenance Foreman in the Highway Department effective April 2, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 14, Step 2 which is \$58,919 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.

Resolution adopted.

APPOINTMENT – MAINTENANCE MECHANIC REPAIR
DANIEL CRUZ – TOWN BUILDINGS
RESOLUTION #146

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

BE IT RESOLVED, that Daniel Cruz is hereby appointed Maintenance Mechanic Repair for Town Buildings effective April 2, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1 which is \$48,340 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

FAMILY MEDICAL LEAVE
CHRISTINE BARBER – POLICE DEPARTMENT
RESOLUTION #147

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Christine Barber's absence commencing on March 13, 2007 returning on March 27 has been designated Family and Medical Leave.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

REFUND DUPLICATE TAX PAYMENT
RESOLUTION #148

Upon motion made by Councilman Campisi, seconded by Councilman Martorano,

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund</u>
2006 Sch. 21	17.09-1-12	2260500	\$3,134.52
2006 Sch.22	16.19-1-1.1-1	1421001	\$ 856.86
2006 Sch. 22	48.06-1-44.6-26	4314326	\$ 87.26
2006 Sch. 22	37.18-1-4	4265500	\$3,891.58

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye.
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following residents addressed the Town Board:

Ed Ciffone spoke about his show the Watchdog, he will be interviewing Westchester County Legislator Michael Kaplowitz this Friday and stated that he is on the Budget Committee for the Yorktown School District and has always asked that if the school district received more in State Aid that it be used to reduce the budget. Mr. Ciffone asked to be removed from the sewer district.

Gil Kaufman asked if any of the resolutions on the agenda included any new hires. Supervisor Cooper explained that these are all individuals who are already employed by the Town.

Anthony Grasso explained that he sits on the Yorktown School District Budget Committee and said that the school district only found out yesterday and everything is up in the air until we work out all the figures which have not been done yet.

Susan Siegel clarified that the unsewered group took their personal time and tried to help the town with finding out who would like to be sewerred and who would not. She explained that the town has about 900 unsewered residents and the point of the survey is to conceptually draft a map and see how many would like to be in a sewer district.

Nick DiTomasso wished everyone a happy holiday.

Edward Donovan spoke about the unfunded mandates which relate to the school district and the sewer survey that is being done by the Hallock's Mill Homeowners Group.

Councilman Bianco moved, seconded by Councilman Martorano, to close Courtesy of the Floor.

Cooper, Martorano, Bianco, Campisi and Metz Voting Aye.

Supervisor Cooper spoke about the cost of the Marshall Alarm System contract which is for a pump station that is not manned and why the Town needed to have it monitored all the time. The two positions that were open were created by retirements and filled within. Oliver Reilly suffered a stroke on Sunday and is in ICU at Hudson Valley Hospital. Supervisor Cooper stated that she knows that the Board joins her in sending Oliver and his family their thoughts and prayers.

Councilman Metz stated that certainly any private group has the right to take a survey but in his view this is not the time to ask the question do you want to be in a sewer district or do you not want to be in a sewer district. He stated that he wanted it to be clear that the town is not using the survey to generate maps which will determine who will or who will not get sewers. It is the beginning of the process and not the end of the process and there is a lot more information that needs to be gathered before any decisions can be made.

Supervisor Cooper stated that she apologizes for the confusion with regards to the survey but the Town is generating maps that show conceptual sewer districts based on the survey. It gives us

Councilman Campisi and Councilman Metz do not feel that any maps should be drawn up at this time.

Councilman Martorano spoke about unfunded mandates and thanked everyone for their comments.

ADJOURN

Councilman Campisi moved, seconded by Councilman Martorano to adjourn the Town Board meeting.

Diana L. Quast
Deputy Town Clerk
Town of Yorktown