

Regular Meeting held by the Town Board, Town of Yorktown on August 7, 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  
Alice E. Roker, Town Clerk

Absent: Louis Campisi, Councilman

TOWN BOARD MEETING

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

PLEDGE OF ALLEGIANCE

Highway Superintendent Eric DiBartolo led the salute to the flag.

MOMENT OF SILENCE

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

DURING HER REPORT TO THE TOWN, Supervisor Cooper spoke of the passing of Ray Strauber, a former Trustee for the John C. Hart Memorial Library and member of the Yorktown Conservation Board. He died on July 24, 2007 at the age of 77. Mr. Strauber worked for the Encyclopedia Britannica.

APPONITMENT

WALTER PLANKL – CONSERVATION BOARD

RESOLUTION #289

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

BE IT RESOLVED, that Walter Plankl is hereby appointed as a member of the Conservation Board for a three year term expiring on 7/31/10.

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

APPONITMENT

JACK C. LEE – LANDMARKS PRESERVATION COMMITTEE

RESOLUTION #290

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

BE IT RESOLVED, that Jack C. Lee is hereby appointed as a member of the Landmark Preservation Committee for a three year term expiring on 7/31/10

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

REAPPOINTMENT

LINDA GIRONDA – LIBRARY BOARD OF TRUSTEES

RESOLUTION #291

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

BE IT RESOLVED, that Linda Gironda is hereby re-appointed as a member of the Library Board of Trustees for a five year term expiring on 7/31/12.

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

APPROVE AND RATIFY PBA STIPULATION OF AGREEMENT  
RESOLUTION #292

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

BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby approves and ratifies the Stipulation of Agreement between the Town of Yorktown and the Yorktown Police Benevolent Association dated July 17, 2007 and covering the period January 1, 2007 through December 31, 2007.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a collective bargaining agreement for the period January 1, 2007 through December 31, 2007 that is consistent with the terms of the Stipulation of Agreement covering the same period.

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

POLICE DEPARTMENT

Although the following Police Officers were previously appointed and sworn in, Chief of Police Dan McMahon introduced them to the public.

Police Officer Claudine Rosenbergen is a 35 year resident of the Town of Yorktown and was an assistant teacher at the Hudson Country Montessori School in New Rochelle.

Police Officer Jarred Buchanan attended Westchester Community College and was a member of the New York City Police Department before transferring to Yorktown.

Police Officer Brian Nicholson has an Associates Degree from Westchester Community College and is currently attending Mercy College.

Police Officer Paul Grieve graduated from Walter Panas High School and was employed by the New York City Police Department as a Detective.

Police Chief McMahon also introduced James Waterhouse who was formerly employed by the Town of Yorktown Water Department and is now the Community Service Worker/Animal Warden.

Chief McMahon handed out a Certificate of Appreciation to Tina Harbach and Richard Cariello representing the Yorktown Volunteer Ambulance Corp. A decommissioned ambulance now serves as the Police Department's Emergency Response vehicle.

RESIGNATION

JASON MANZELLA – POLICE OFFICER

The Town Board accepted the resignation of Jason Manzella from the Police Department with regret.

DURING REPORTS FROM THE TOWN BOARD, Councilman Bianco spoke about the realignment of channels on Cablevision. He also stated that Channel 22 has been split between regular programming and the Italian Channel.

DURING HIS REPORT FROM WHITE PLAINS, Westchester County Legislator stated that another parcel in the Hunterbrook Sewer District was placed in the Peekskill Sanitary Sewer District. Westchester County's 211 informational phone number is operational. Funding for the Yorktown Patriot Skate Park is expected to be approved at a public hearing before the Board of Legislators on August 20, 2007 at 3:30PM.

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

Roseanne Eisenstark stated that she hopes that the plans to revitalize downtown Yorktown are finalized soon. She also feels that merchants should be encouraged to renovate their properties.

Mr. Carl Tominelli disagreed with what Supervisor Cooper wrote in a recent article of the North County News concerning the use of town vehicles. He doesn't think the Supervisor or the Comptroller should be allowed to sit on the Fleet Committee. He further stated that he feels the question of who should be entitled to a town vehicle should be placed on the ballot as a referendum.

Supervisor Cooper said the article represents exactly what she said at the Town Board Meeting the night of the vote on the new policy. She also stated that she does not sit on the Fleet Committee. Supervisor Cooper stated that it is her belief that the Comptroller should sit on this committee. They deal with a myriad of issues including the age of our fleet. Supervisor Cooper also stated that she stands by her remarks that there has been no abuse of the vehicle policy which has been documented.

Mrs. Lucy Mastrodomenico stated that seniors in the Town of Yorktown need a new senior center.

Mr. John Monticelli, also spoke about the need for a new senior center. He believes the present arrangement at the Yorktown Community and Cultural Center does not meet their needs. Mr. Monticelli said the Town should have a separate facility for seniors. He pointed to the new senior center in the Town of Mahopac as an example of what Yorktown needs.

Mr. Jay Tinger also requested a new senior center.

Mr. Frank Tomacelli agreed with the earlier speakers that there should be a new center for seniors in Yorktown.

Mrs. Theresa Tomacelli stated that her mother attends the senior center at the YCCC. She enumerated several reasons why the building is unacceptable for seniors including the fact that fire drills pose a huge problem for seniors because they cannot use the elevator and the fact that they must share a bathroom with preschoolers. Mrs. Tomacelli added that her mother has fallen in the building, and rather than sue the Town, she has simply taken her to the hospital. Seniors need a building of their own.

Mr. Tony Grasso stated that he believes the Yorktown Community and Cultural Center is adequate for what it is used for. One of the questions seniors must ask themselves; are they willing to pay for a new building.

Mr. Nick DiTomasso spoke about the new property rebate program run by Westchester County. This program is for middle class property owners and is similar to the STAR program.

Councilman Bianco thanked all of the seniors for coming tonight and sharing their opinion. He said this is something the Board will have to discuss.

Councilman Martorano said a new center which would be solely for seniors has been a dream of his.

Supervisor Cooper explained the evolution of the Senior Center at the YCCC. This began as a multi-generational center. The building on Barger Street which is owned by the Cappelli Organization is a temporary building which sits upon environmental and recreation easements.

#### PUBLIC HEARING

#### PROPOSED LOCAL LAW

#### AMENDIND CHAPTER 216 REGARDING FIRE HYDRANTS

Supervisor Linda Cooper convened a public hearing with regards to the proposed

Local Law amending Chapter 216 regarding Fire Hydrants. Affidavits of Publication and Posting were presented by the Town Clerk.

The Supervisor explained that after the first public hearing was held on this proposed local law and the Board received comments from the public.

Jeff Wynans and Brad Lewis, representatives of the Yorktown Water Department stated that they sat down with the Town Attorney and incorporated changes suggested at that meeting into the current proposal.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Bianco motioned, seconded by Councilman Martorano,

Cooper, Martorano, Bianco, Metz Voting Aye

LOCAL LAW #10  
AMENDING CHAPTER 216 – REGARDING FIRE HYDRANTS  
RESOLUTION #293

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

WHEREAS, a public hearing was held on the 7<sup>th</sup> day of August, 2007 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 216 of the Code of the Town of Yorktown regarding Fire Hydrants, now therefore be it

RESOLVED, that Local Law #10/2007, as annexed hereto, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Cooper	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Metz	Voting	Aye

Local Law #10/2007 was thereupon declared adopted.

PUBLIC HEARING  
PROPOSED LOCAL LAW  
AMENDING CHAPTER 280 REGARDING VARIOUS WATER DISTRICTS

Supervisor Linda Cooper convened a public hearing with regards to the proposed Local Law amending Chapter 280 regarding Various Water District and asked Councilman Martorano to read the proposal. Affidavits of Publication and Posting were presented by the Town Clerk.

Brad Lewis stated that many of the comments at the last meeting do not apply to the Town. One resident asked that we restrict sub metering. We do not permit sub metering in Yorktown. Also, Mr. Franks comments concerning gate values while we agree with them, do not apply to us because they are part of the plumbing code. Also, his comments concerning increasing the cost of a water meter again do not apply to us because we cannot make money on the cost of a meter according to state law.

Mr. Lewis further stated Mr. Frank's comments concerning pressure reducing devices do not apply because of our new expansion tanks.

Councilman Bianco again raised the issue that pressure reducing devices were confiscated from residents in the Town and never returned.

Mr. Mark Drexel asked about meters in basements.

Mr. Lewis explained that most water meters which are installed in a basement below four feet.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Bianco motioned, seconded by Councilman Martorano,

Cooper, Martorano, Bianco, Metz Voting Aye

LOCAL LAW # 11  
AMENDING CHAPTER 280 REGARDING VARIOUS WATER DISTRICTS  
RESOLUTION #294

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

WHEREAS, a public hearing was held on the 7<sup>th</sup> day of August, 2007 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 280 of the Code of the Town of Yorktown regarding Various Water Districts, now therefore be it

RESOLVED, that Local Law #11/2007, as annexed hereto, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Cooper	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Metz	Voting	Aye

Local Law #11/2007 was thereupon declared adopted

ADVERTISE PUBLIC HEARING  
2008 SECTION 8 ANNUAL PLAN  
RESOLUTION #295

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights on the 4<sup>th</sup> day of September, 2007 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, for the Section 8 Rental Assistance Program Annual Plan for the Fiscal Year 2008.

A copy of the proposal is on file in the Office of the Town Clerk as well as the Yorktown Section 8 Office where it may be inspected during regular office hours.

Any questions pertaining to this proposal, please contact the Yorktown Section 8 Office at (914) 962-5757.

All persons in interest and citizens may be heard at the public hearing as aforesaid.

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

ADVERTISE PUBLIC HEARING  
PROPOSED LOCAL LAW ADDING CHAPTER 200  
LIGHTING ORDINANCE  
RESOLUTION #296

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4th day of September, 2007 at 7:30 o'clock PM, or as soon thereafter the same can be heard, by adding Chapter 200 to the Code of the Town of Yorktown.

Section 200 -1

The Town Board hereby finds that the regulation of outdoor lighting in the Town of Yorktown is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass, and/or unnecessary sky glow; and also that such regulation is necessary to discourage the waste of electricity and to improve or maintain night-time public safety, utility and security.

The complete proposed local law can be viewed on the Town Clerk's website at [www.yorktownny.org](http://www.yorktownny.org)

A copy of the proposal is on file in the Town Clerk's Office in the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING  
UNSAFE BUILDING STRUCTURE – 1704 DECATUR ROAD  
LIGHTING ORDINANCE  
RESOLUTION #297

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

NOTICE IS HEREBY GIVEN, that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4<sup>th</sup> day of September, 2007 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, pursuant to Chapter 135 of the Code of the Town of Yorktown. An inspection by two Assistant Building Inspectors observed that the roof sheathing and roof rafters were severely rotten and parts of the roof were missing, as well as the walls of the structure were severely rotten and posed the possibility of collapse. The premises of Louis and Gloria Rosenberg located at 1704 Decatur Road A/K/A Section 0305, Parcel 220 and Lot 11 on the Tax Map of the Town of Yorktown.

A copy of the documentation concerning the above is on file in the office of the Town Clerk where the same can be inspected during regular office hours.

All persons in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING  
PROPOSED LOCAL LAW AMENDING CHAPTER 275  
ADDING STOP SIGNS AT THE FOLLOWING INTERSECTIONS:  
RESOLUTION #298

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4<sup>th</sup> day of September, 2007 at

7:30 o'clock P.M., or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown.

Section I - Chapter 275 Section 275-6 of the Code of the Town of Yorktown is hereby amended by adding to the list of public highways upon which a driver of a vehicle shall come to a full stop unless otherwise directed by a peace officer, the following:

Barberry Road - at its intersection with Strang Boulevard (in both directions)

Spring Pond Road - northbound lane at its intersection with Spring Meadow Road

Strang Boulevard - at its intersection with Walker Drive (in both directions)

Walker Drive - westbound lane at its intersection with Strang Boulevard

Section II - Section 275-8 of the Code of the Town of Yorktown relating to Yield Streets is hereby amended by deleting the following street from being designated to post a yield sign:

Name of Street	Location
Mohegan Avenue	At its southwest corner, opposite Scofield Road

The complete proposed local law can be viewed on the Town Clerk's website at [www.yorktownny.org](http://www.yorktownny.org)

A copy of the proposal is on file in the Town Clerk's Office in the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

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

ACCEPTANCE OF BOND, EROSION, EXCAVATION BOND  
CAT HILL AT HILLTOP HANOVER SUBDIVISION – HANOVER STREET  
RESOLUTION #299

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, WHEREAS, John Sites, Jr., as applicant, provided the Town with U.S. Trust Company, N.A. Assignment of Security #86375900, in the amount of \$237,877.15, to serve as the required 95% portion of the Performance Bond for the Cat Hill at Hilltop Hanover Subdivision, for work being performed on Hanover Street, and

WHEREAS, John Sites, Jr., as applicant, provided the Town with Check No. 10417, in the amount of \$12,519.85 to serve as the required 5% portion of the Performance Bond for the Cat Hill at Hilltop Hanover Subdivision, and

WHEREAS, John Sites, Jr., as applicant, provided the Town with Check No. 10416, in the amount of \$7,500.00, to serve as the Erosion Control Bond for the Cat Hill at Hilltop Hanover Subdivision, and

WHEREAS, John Sites, Jr., as applicant, provided the Town with Check No. 10414, in the amount of \$20,032.00, to serve as the 8% Inspection Fee for the Cat Hill at Hilltop Hanover Subdivision, and

WHEREAS, John Sites, Jr., as applicant, provided the Town with Check No. 10415, in the amount \$25,000.00, to serve as the Excavation Bond for Excavation Permit #E-064-04, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bonds, are hereby accepted to serve as the required bonds for the Cat Hill at Hilltop Hanover Subdivision.

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

REQUEST TO COUNTY BOARD OF LEGISLATORS  
ADD A PARCEL ON PARK LANE INTO  
PEEKSKILL SANITARY SEWER DISTRICT  
RESOLUTION #300

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

WHEREAS, the Town of Yorktown Town Board is desirous of including 1 parcel of land into the existing Peekskill Sanitary Sewer District, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate the following lands into the Peekskill Sanitary Sewer District:

<u>Old Tax Map Identification</u>	<u>Town of Yorktown</u>	<u>New Tax Map Identification</u>
Section 08.10 Parcel 9 Lot 2.12	1215 Park Lane	36.6-2-69

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

AUTHORIZE THE COMPTROLLER  
TO PAY SPRINGHURST PROJECT VOUCHERS FROM STREAM TEAM IN THE  
AMOUNT OF \$50,000  
RESOLUTION #301

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

Whereas, the Springhurst Drainage Project shall be authorized as a capital project with an approved budget of \$50,000, to be funded from the General fund balance.

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

CORRECTION OF TAX ROLL  
RESOLUTION #302

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

WHEREAS, Roberta Wyrick, owner of that certain parcel of land located at 23A Dorset Court, Yorktown Heights, Section 17.13, Block 2, Lot 2.-129 timely filed an application for a Real Property Tax Law 467 Senior Citizen Tax Exemption on March 3, 2005, and

WHEREAS, the Assessor's Office approved the application but inadvertently did not enter the exemption on the 2005 Tax Roll and, as a result, Mrs. Wyrick did not receive the entitled exemption, and

WHEREAS, the 2005 School Tax bill for 23A Dorset Court is incorrectly listed as a lien for delinquent tax, and

WHEREAS, the Executive Director of the Westchester County Commission has determined that a clerical error has occurred and recommends that a correction be made to the Tax Roll,

NOW, THEREFORE BE IT RESOLVED, that the Town Receiver of Taxes shall remove from the tax records of the Town the following tax lien:

23A Dorset Court Tax ID# 17.13-2-2-129

2005 - \$1,679.53

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

AUTHORIZE SUPERVISOR TO SIGN  
AGREEMENT WITH WESTCHESTER COUNTY TO PROVIDE YORKTOWN  
OFFICERS TO ACT AS INSTRUCTORS AT THE POLICE ACADEMY  
RESOLUTION #303

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

RESOLVED, that the Town Board authorizes the Supervisor to enter into an Inter-Municipal Agreement with Westchester for the Town Police Department to periodically provide Town Officers, who are certified as Police Instructors, to the County Police Academy to act as Instructors in specialized areas. The contract runs through March 20, 2012 and may be terminated by the Town on thirty days notice.

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

TRANSFER WETLAND PERMIT FROM SCHOOR DEPALMA TO BONSIGNORE  
1<sup>ST</sup> CONSTRUCTION, LLC  
RESOLUTION #304

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

WHEREAS, the Town Board of the Town of Yorktown, at its regular meeting held on June 6, 2006 approved an application (#WP -070-05) for a wetlands permit filed by Schoor DePalma, Inc. to allow the demolition of an existing abandoned house, construction of a new single family dwelling and activity in both wetland and buffer to construct a new driveway to Town standards on property located at 738 East Main Street, Shrub Oak; and

WHEREAS, the property is identified on the tax map of the Town of Yorktown as Section 16.07, Parcel 1, Lot 37; and

WHEREAS, the property approved the Applicant's Wetlands permit subject to thirteen conditions; and

WHEREAS, Schoor DePalma, Inc. has sold this property to Bonsignore 1<sup>st</sup> Construction, LLC which plans to demolish the existing abandoned house, construct a single family dwelling and construct a driveway exactly as provided in the in the Schoor DePalma, Inc. wetlands permit application (#WP-070-05) and

WHEREAS, Bonsignore 1<sup>st</sup> Construction, LLC agrees to each and every condition set out in the Town Board's June 6, 2006 resolution approving wetlands permit (#WP-070-05); now therefore be it

RESOLVED, that the Town Board acknowledges that the permit runs with the land and that Bonsignore 1<sup>st</sup> Construction is authorized to proceed as provided under the permit subject to its terms and conditions.

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

AMEND WETLAND PERMIT SHRUB OAK COMMUNITY  
ASSOCIATION PARK DISTRICT FOR SHRUB OAK LAKE DREDGING PROJECT  
RESOLUTION #305

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

WHEREAS, on or about October 7, 2003, the Town Board approved the issuance of a wetland permit the Shrub Oak Lake Homeowners Association (the "Association") to dredge Shrub Oak Lake; and

WHEREAS, the Association has requested that the Town Board amend said wetland permit to enable the Association and its contractors to complete the stabilization and grading of the dredge spoils retention basin (the "Basin Area"); and

WHEREAS, the Association has submitted a Short Environmental Assessment Form which has been reviewed by the Town Board, the Town Engineer and the Environmental Code Inspector; and

WHEREAS, the Town Board has met with the Association and its contractors to discuss the proposed action and the requested amendment; and

WHEREAS has received and considered the comments and recommendations of the Town Engineer and the Environmental Code Inspector; and

WHEREAS, the Town Board has determined that the proposed action will not have a significant environmental impact; now therefore be it hereby

RESOLVED, that the Supervisor of the Town of Yorktown is authorized and directed to execute an approval to grant an amendment to the wetland permit with the following conditions:

- (1) Applicant must provide a satisfactory analysis, as determined by the Town Engineer, of structural elements of the Basin Area, including but not limited to the berms, piping and outfall structures;
- (2) Applicant must complete satisfactory soil testing of the Basin Area in accordance with parameters specified by the Town Engineer;
- (3) Applicant must complete grading and seeding of the Basin Area in accordance with parameters specified by the Town Engineer;
- (4) Applicant must provide written verification that all NYS DEC (including Phase II), Westchester County, and ACOE requirements (as applicable) have been met and/all permits obtained prior to commencement of work; and
- (5) The conditions stated herein are in addition to, not in lieu of, conditions set forth in the original permit approval resolution.

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

AUTHORIZATION FOR THE TOWN TO WORK WITH WESTCHESTER COUNTY  
ON A WATER QUALITY IMPROVEMENT PROJECTS AND  
NONAGRICULTURAL NONPOINT SOURCE PROJECTS PART OF MSA4  
STORMWATER PHASE I IMPLEMENTATION – IN KIND SERVICES MATCH  
RESOLUTION #306

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

WHEREAS, the Town of Yorktown herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the Project Work Plan prepared by Westchester County and submitted to the New York State Department of Environmental Conservation, is desirable, is in the public interest, and is required in order to implement a public education and outreach program; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract, and the Municipality deems it to be in the public interest and benefit under this

law to be a municipal partner to the County's contract with the State for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF YORKTOWN,

1. That Town Supervisor Linda G. Cooper, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to enter into an intermunicipal agreement with Westchester County to work with and through the County of Westchester as the lead party to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and
2. That the Municipality agrees that it will fund its portion of the cost of the Project through eligible in-kind services and that resources will be available to meet the Municipal Partner commitment by the contract end date (March 1<sup>st</sup>, 2009); and
3. That one (1) certified copy of this Resolution be prepared and sent to the Westchester County Department of Planning; and
4. That this Resolution take effect immediately.

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

RELEASE ESCROW DEPOSIT HIGHWAY DEPARTMENT  
RESOLUTION #307

Upon motion made by Councilman Bianco, 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 Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>
Street Opening	003-06	\$1,000.00	Hanover Street
Street Opening	003-07	\$1,000.00	Hanover Street
Street Opening	003-08	\$500.00	Hanover Street
Street Opening	003-09	\$500.00	Hanover Street

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

RELEASE ESCROW DEPOSIT HIGHWAY DEPARTMENT  
RESOLUTION #308

Upon motion made by Councilman Bianco, 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 Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>
Street Opening	006-11A	\$2,000	3571 Gomer Street

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

REFUND DUPLICATE TAX PAYMENT  
RESOLUTION #309

Upon motion made by Councilman Bianco, 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>
2007 Town/Cty	27.05-1-74	2358500	\$3,148.14

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

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

MONTHLY REPORTS

Building Permit Cost report – August, 2007  
Receiver of Taxes – 2

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

Mr. Carl Tomanelli asked that the Board organize an outside committee to see if any employee had abused the Town Vehicle Policy.

Mr. Vishnu Patel spoke of the need to have compatible computer systems in Town government. If a person goes into Town Hall to pay their water bill and doesn't have it, there should be a way to go on a computer system to find out what's owed rather than having the resident go home and return with the bill.

Mr. Nick DiTomasso urged the Town Board to listen to the seniors who have spoken tonight.

Mr. Grasso apologized to the Board stating that he did not mean his comments to cause a riot in the building.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, the Town Board meeting was adjourned.

Alice E. Roker  
Town Clerk  
Town of Yorktown