

Regular meeting held by the Town Board,
Town of Yorktown on January 16, 2007 held at
Town Hall, Yorktown Heights, NY.

Present: Linda G. Cooper, Supervisor
James J. Martorano, Councilman
Nicholas J. Bianco, Councilman
Matthew P. Metz, Councilman
Louis J. Campisi, Councilman
Alice E. Roker, Town Clerk

TOWN BOARD MEETING

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

PRESENTATION

Members of the Town Board as well as the audience participated in the recitation of Martin Luther King's "I Have A Dream Speech" which was delivered at the Lincoln Memorial on August 28, 1963.

DURING HER REPORT TO TOWN, Supervisor Linda Cooper spoke about the next presentation at Yorktown Stage, a musical adaptation of the children's story "Pinocchio" on February 10th and 11th. Supervisor Cooper also spoke about the current exhibit at the Yorktown Museum, Mother Goose and Friends. On Sunday, February 4th, the American Legion will host a program "The Chapel of the Four Chaplains."

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

Mr. Anthony D'Allesandro, a member of the Yorktown School Board stated that his Board voted to make him liaison with the Town Board. He further stated that the next issue is being brought up as a private citizen. How do you get the Supervisor's term of office extended to four years instead of the current two? Supervisor Cooper stated that this was an issue that would be placed on a future work session for discussion.

Yorktown Highway Superintendent Eric DiBartolo advised the residents of Yorktown that this was a good time to make last minute checks around your home and vehicles before we are hit with any significant snow.

Supervisor Cooper asked Mr. DiBartolo where his department was performing drainage work?

Mr. DiBartolo stated that his employees just completed their work on Sunnyridge, Old Logging Road, Emerson Court and along parts of Curry Street. They will continue their drainage in northern Yorktown this week. Mr. DiBartolo also spoke about Con Edison's new tree maintenance program. This is a major program being conducted throughout Westchester County. They will be using grids to map out their work beginning along Route 132.

PUBLIC HEARING

UNSAFE STRUCTURE - 1704 DECATUR ROAD

Supervisor Cooper called to order a public hearing to contemplate the use of 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. The Town Clerk presented affidavits of printing and publication.

Supervisor Cooper explained that Deputy Town Counsel John Buckley sent a written communication to the Town Board requesting that this Public Hearing be postponed for sixty (60) days as the owner's son has contacted the Town and has agreed to bring the property into compliance as soon as possible.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was adjourned for sixty days. Councilman Bianco motioned, seconded by Councilman Martorano.

PUBLIC HEARING YORKTOWN FARMS

REQUEST FOR REZONING

Supervisor Cooper called to order a public hearing to consider the application of Yorktown Farms for a request to rezone property located on along Route 6 at the end of Gay Ridge Road . The Town Clerk presented affidavits of printing and publication.

Mr. David Steinmetz, the attorney representing the applicant, VS Construction Corp stated that this a 43 acre parcel which is currently zoned R1-80. The petitioner seeks to rezone the property to R1-40. When the applicant purchased the property, it was zoned for one half acre parcels with a proposal before the Planning Board for thirty seven homes.

The applicant revised the proposal coming in with 34 homes all on sewers. The Comprehensive Plan re-zoned this property to two acres which the applicant objected to. The current proposal is for a twenty two lot sub division. The applicant has agreed to sewer sixty seven properties in the area at his own expense. All of these properties are

located within the Peekskill County Sewer District. The applicant will also give each property owner a stipend of \$3,000 to hook in. The applicant has also offered to provide the town with a soccer field, or is prepared to assist the Town with a recreational amenity elsewhere in Town. Mr. Steinmetz explained that they have also asked the New York State Department of Transportation for permission to install a new curb cut and traffic signal in the area. DOT declined our request. Mr. Steinmetz stated that because they had been before the Planning Board who already declared itself lead agency, the DEIS had been submitted. Included in that environmental information was an alternative for a twenty eight lot sub division, many more homes than this proposal.

Mr. Steinmetz was questioned about a paper road showed on the plan. He explained that it is there as a requirement of the Planning Board. The applicant has no plans to do anything with this road.

Councilman Metz asked Mr. Steinmetz what would happen, if the Town Board granted this request, but the Planning Board gave the applicant fewer homes, would the sewerage be done?

Mr. Steinmetz stated that he could not predict an answer to the question.

Highway Superintendent Eric DiBartolo asked that the paper road be eliminated from the plan.

Mr. Joseph Falcone, a representative of the Recreation Commission stated that during their last meeting, this project was discussed and that it was the consensus of his committee that they would not like a soccer field, but would rather have the monetary recreation benefit.

Mrs. Marie Panella, a 33 year resident of Yorktown read from prepared remarks which supported this application. A copy is on file in the Town Clerk's Office. Among her reasons for supporting this application is the offer to construct a \$1.5 million dollar sewer district in an area where many have failing septic systems.

Mrs. Heidi Bornemann-Teves also read prepared marks supporting this application stating that this a an area of half acre homes. When the applicant purchased the property is was half acre, but in the middle of the game, the Town Board changed the rules and upzoned the property to two acres. She calls this plan which would have the applicant construct 22 new homes, provide a sewer system and a soccer field somewhere else in Yorktown, a compromise and benefit to the entire community.

Mr. Frank Williams, an eighteen year resident of Yorktown stated that he supports this application. His septic system is in failure and he believes this offer to build a local sewer district is a golden opportunity to both he and his neighbors.

Mrs. Stacey Stabile, a resident and President of the Gay Ridge Road Association which is made up of twelve families support the proposal on the condition that the soccer

field is moved somewhere else and that there be no additional entry to Gay Ridge Road off Route 6.

Mr. John Gaughan, a resident of Gay Ridge Road opposed this petition for rezoning . He said Gay Ridge Road was never meant to go all the way through. He said the road ended to protect the wetlands. What will effect will this development have on the wetlands. How will this sub division affect the school district. Mr. Gorn also stated that a soccer field is not needed, what Yorktown does need is a Sports Center.

Mr. Ferdinand Esser, a resident of Campbell Road stated that he supports this application for re-zoning.

Mrs. Linda Clemenza, a resident of Colonial Street read a prepared remarks, a copy of which is on file in the Town Clerk's Office.

Mrs. Janine Schenck, a resident of Curry Street spoke in favor of the application stating that Gay Ridge Road was never meant to be a cul de sac. She said the original plan called for the street to be opened.

Mrs. Roxanne Johnson, a resident of Gomer Street read from prepared remarks supporting the re-zoning application. A copy of her remarks are on file in the Town Clerk's Office

Mr. Collin Akers, a resident of the area spoke in favor of the petition. Mr. Akers stated that the Comprehensive Plan calls for the construction of twelve homes on this site. If that happened, many people included teachers at the local school would be precluded from living in Yorktown.

Mr. Peter White read prepared remarks supporting this petition for re-zoning, a copy of which is on file in the Town Clerk's Office.

Mr. Larry Armstrong stated that he supports everything that Mrs Stabile stated earlier.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed, the Town Board will receive written comment for ten days. Councilman Bianco motioned, seconded by Councilman Martorano.

PUBLIC HEARING EMINENT DOMAIN

Supervisor Cooper called to order a public hearing to consider the proposed local law stating that the Town of Yorktown shall not use eminent domain unless it is necessary for public use. The Town Clerk presented affidavits of printing and publication.

Councilman Bianco stated that he sponsored this legislation as a result of comments made at public hearings following the Kelo vs. The City of New London decision by the United States Supreme Court.

Mr. Nicholas DiTomasso read from prepared remarks. His discussion began with him thanking the Town Board for “taking this first step.” He spoke about the Kelo decision. He spoke about inalienable rights given to Americans under the Constitution. Mr. DiTomasso asked for changes in the current proposal including a clarification on the role of public authorities or agencies.

Mrs. Linda Clemenza agreed with Mr. DiTomasso stating this was a good first step, but she also suggested changes to words which she considered not properly defined such as public agency. How will the Town pay for property which is condemned? Where will this money come from? How does this effect a decision by the County or State when it decides to use its power of eminent domain.

Mr. Paul Moskowitz stated that he too was pleased that the Town Board decided to take this issue up. But, he also stated that some of the wording of this proposal provides the Town Board will escape clauses.

Mr. Larry Armstrong asked if this legislation superceded county, state and federal laws?

He was told it did not.

Mr. Armstrong stated that he supported an eminent domain law which is as strong as possible.

Mrs. Rosemarie Panio thanked the Town Board for introducing this legislation. She also believes the proposal needed to be reworked.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed.

Councilman Bianco motioned that proposal be amended removing the words “primarily and “solely.” Seconded by Councilman Martorano

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

LOCAL LAW #1
EMINENT DOMAIN
RESOLUTION #18

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

WHEREAS a public hearing was held on the 16TH day of January, 2007 pursuant to notice duly published as required by law to add Chapter 38, Eminent Domain to the Code of the Town of Yorktown to restrict the use of eminent domain by the Town of Yorktown.

RESOLVED that Local Law # 1/2007 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 Metz	Voting	Aye
Councilman Campisi	Voting	Aye
Councilman Bianco	Voting	Aye

Local Law # 1of 2007 was thereupon declared duly adopted.

SET PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 260

EXEMPTIONS FOR SENIORS WITH LIMITED INCOMES

RESOLUTION #19

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

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 6th day of February, 2007 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 260, Section 260-1(A) and Section 260-2(A) of the Code of the Town of Yorktown granting a partial tax exemption on real property owned by persons 65 years of age or over who meet the statutory qualifications of Section 467 of the Real Property Tax Law. The purpose of the amendment is to increase the maximum income ceiling to \$34,400 in 2007, to \$35,400 in 2008, to \$36,400 in 2009, to \$37,400 in 2010 and make eligible any person qualified under Section 467 of the Real Property Tax Law.

A copy of the proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours. You may also visit Yorktown's website www.yorktownny.org. Click on the Legal Department page and go to Legislation.

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

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

SET PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 260
EXEMPTIONS FOR DISABLED PERSONS WITH LIMITED INCOMES
RESOLUTION #20

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

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 6th day of February, 2007 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 260, Sections 260-25(A) and 260-29(A) of the Code of the Town of Yorktown granting a partial tax exemption on real property owned by persons with disabilities and limited incomes of Section 459-c of the Real Property Tax Law. The purpose of the amendment is to increase the maximum income ceiling to \$34,400 in 2007, to \$35,400 in 2008, to \$36,400 in 2009, to \$37,400 in 2010 and make eligible any person qualified under Section 467 of the Real Property Tax Law.

A copy of the proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours. You may also visit Yorktown's website www.yorktownny.org. Click on the Legal Department page and go to Legislation.

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

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

SET PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 260
EXEMPTIONS FOR SENIORS WHO ARE UNIT SHAREHOLDERS WITHIN
COOPERATIVE APARTMENT CORPORATIONS
RESOLUTION #21

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

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 6th day of February, 2007 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 260, Section 260-23(A) and Section 260-24 (A) of the Code of the Town of Yorktown granting a partial tax exemption on real property owned by persons 65 years of age or over, who are unit shareholders within cooperative apartment corporations who meet the statutory qualifications of Section 467 of the Real Property Tax Law. The purpose of the amendment is to increase the maximum income ceiling to \$34,400 in

2007, to \$35,400 in 2008, to \$36,400 in 2009, to \$37,400 in 2010 and make eligible any person qualified under Section 467 of the Real Property Tax Law.

A copy of the proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours. You may also visit Yorktown's website www.yorktownny.org. Click on the Legal Department page and go to Legislation.

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

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

SET PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275-4J
RESOLUTION #22

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York on the 6th day of February, 2007, at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to amend Chapter 275-4.J of the Code of the Town of Yorktown by deleting subsection (1) in its entirety and replacing it with the following:

- (1) As used in this subsection, the term "commercial vehicle" shall mean any vehicle that meets one or more of the following criteria:
 - (A) is registered for commercial use and has more than two axles and four wheels.
 - (B) is used in the business of transporting passengers for compensation.

Commercial vehicles as defined above shall include: but be limited to, the following: tractors, trailers, delivery trucks, bulldozers, dump trucks, flat bed trailers, ambulettes, limousines, passenger vans, suburban type vehicles and taxi cabs.

Section 275-4.J of the Code of the Town of Yorktown by adding a new subsection (4) to read as follows:

- (4) It shall be unlawful to perform maintenance on, wash or vacuum a commercial vehicle parked in any public street located in a residential area.

A copy of the proposed ordinance is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours. You may also visit Yorktown's website www.yorktownny.org. Click on the Legal Department page and go to Legislation.

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

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

SET PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275-6
RESOLUTION #23

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York on the 6th day of February, 2007, at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to amend Chapter 275, Section 275-6 of the Code of the Town of Yorktown by adding to the list of public streets upon which a driver of a vehicle shall come to a full stop unless otherwise directed by a peace officer, the following:

Commerce Street - at the intersection with Hanover Street (at firehouse) in both directions

A copy of the proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours. You may also visit Yorktown's website www.yorktownny.org. Click on the Legal Department page and go to Legislation.

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

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

SET PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 300
RESOLUTION #24

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York on the 6th day of February, 2007, at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to amend Chapter 300 of the Code of the Town of Yorktown by creating regulations for outdoor lighting in the Town of Yorktown to prevent misdirected or excessive artificial light, caused by inappropriately or misaligned light fixtures that produce glare, light trespass, and/or unnecessary sky glow; and also that such regulation is necessary to discharge the waste of electricity and to improve or maintain night-time public safety, utility and security.

A copy of the proposed ordinance is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours. You may also visit Yorktown's website www.yorktownny.org. Click on the Legal Department page and go to Legislation.

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

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

ADVERTISE BID
2007 SUMMER PARKS AND RECREATION BROCHURE
RESOLUTION #25

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 2:00 PM on Friday, January 26, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for furnishing and delivering the 2007 Summer Program Brochure to the Yorktown Department of Parks and Recreation.

All bids must be accompanied by an execute non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall Yorktown Heights, NY during regular office hours.

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 at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID
2007 GAMES AND EQUIPMENT - PARKS AND RECREATION
RESOLUTION #26

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 2:00 PM on Friday, February 2, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for furnishing and delivering athletic and game equipment to the Yorktown Department of Parks & Recreation.

All bids must be accompanied by an execute non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

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 at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID
NEW 10' SEASON BODY, POWER REVERSE PLOW,
CUSTOM LOW MOUNT HITCH, CENTRAL HYDRAULIC SYSTEM TRUCK
HIGHWAY DEPARTMENT
RESOLUTION #27

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on Monday, February 5, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for a 10' All Season Body, Power Reverse Plow, Custom Low Mount Hitch and Central Hydraulic System.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

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 at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown heights, New York 10598, marked: "10' All Season Body, Power Reverse Plow, Custom Low Mount Hitch and Central Hydraulic System."

The Superintendent of Highways reserves the right to reject any or all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

AWARD BID FOR
SENIOR BUS BID - PARKS AND RECREATION DEPARTMENT
RESOLUTION #28

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

WHEREAS, invitation to bid for Summer Camp Buses for use by the Parks & Recreation Department, was duly advertised, and

WHEREAS, said bid was received and opened on the 2nd day of January 2007 and are structured in three sections. The three (3) separate sections are: Section I - School Buses, Section II - Coach Buses Senior Organizations, Section III - Coach Buses Extended Trips for Seniors.

BID RESULTS ARE AS FOLLOWS:

Section One-School Buses:

1. Hudson Valley Bus Company	\$ 945.00
2. Baumann & Sons Buses	\$ 965.00
3. Service Tours	\$1,500.00
4. Leprechaun Lines	NO BID
5. J and R Tours	NO BID
6. Chappaqua/Dutchess Transportation	NO BID
7. JTR Transportation	NO BID
8. Coach Tours	NO BID

Section II - Coach Buses Senior Organizations:
Trips 1-21 (Excluding Trip 8 and Trip 10)

1. Chappaqua/Dutchess Transportation	\$ 12,880.00
2. JTR Transportation	\$ 13,700.00
3. Hudson Valley Transportation	\$ 14,000.00
4. Service Tours	\$ 16,030.00
5. Coach Tours	\$ 16,617.00
6. Leprechaun Lines	\$ 17,646.00
7. J and R Tours	\$ 17,700.00
8. Baumann & Sons Buses, Inc.	\$ 19,250.00

Section II - Coach Buses Senior Organizations:
Trips 1-21 (Trip 8 and Trip 10)

1. Hudson Valley Bus Company	\$ 1,550.00
2. JTR Transportation	\$ 1,740.00
3. J & R Tours	\$ 1,825.00
4. Coach Tours	\$ 2,121.00
5. Baumann & Sons Buses, Inc.	\$ 2,175.00
6. Service Tours	\$ 2,195.00
7. Leprachaun Lines	\$ 2,315.00
8. Chappaqua/Dutchess Transportation	NO BID

Section III - Coach Buses Extended Trips for Seniors:

1. Chappaqua/Dutchess Transportation	\$ 12,450.00
2. JTR Transportation	\$ 12,950.00
3. Hudson Valley Transportation	\$ 13,150.00
4. Service Tours	\$ 14,145.00
5. Leprechaun Lines	\$ 14,633.00
6. Coach Tours	\$ 16,510.00
7. J & R Transportation	\$ 17,550.00
8. Baumann & Sons Buses, Inc.	\$ 19,700.00

Resolved, that upon the recommendation of the Superintendent of Parks and Recreation, the Town Board hereby awards the bid for Senior Bus Trips as follows:

Section I - The lowest bidder, Hudson Valley Bus Company

Section II, Trips 1-21 (Excluding Trip 8 and Trip 10) - The lowest bidder, Chappaqua/Dutchess Transportation

Section II, Trips 8 and Trip 10 - The lowest bidder, Hudson Valley Bus Company

Section III - The lowest bidder, Chappaqua/Dutchess Transportation

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

RETIREMENT

CHARLES PETERSON

The Town Board accepted with regret the retirement of Charles Peterson and thanked him for his dedication and years of service.

RESIGNATION

BRAIN CARROLL

The Town Board accepted with regret the resignation of Brian Carroll from the Yorktown Police Department.

VACATION CARRY-OVER

KAREN MOSEMAN - TOWN COURT

RESOLUTION #29

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

BE IT RESOLVED, that Karan Moseman of the Town Court, is hereby authorized to carry over 2 additional days off (floating holidays) and 1 vacation day into 2007 to be used in 2007.

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

FAMILY AND MEDICAL LEAVE

IRENA GROSS - LIBRARY

RESOLUTION #30

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

BE IT RESOLVED, that Irena Goss is hereby placed on paid and unpaid Family and Medical Leave effective Monday, January 29, 2007 for twelve weeks.

BE IT FURTHER RESOLVED, that Irena Goss is hereby granted an unpaid Leave of Absence effective April 23 through August 6, 2007.

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

APPROVE COMMERCIAL GARBAGE LICENE

ATNM CORPORATION

RESOLUTION #31

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

RESOLVED that ATNM Corporation be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2007.

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

APPROVE COMMERCIAL GARBAGE LICENE
SUBURBAN CARTING
RESOLUTION #32

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

RESOLVED that Suburban Carting Co. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2007.

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

APPROVE COMMERCIAL GARBAGE LICENSE
CRP SANITATION
RESOLUTION #33

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

RESOLVED that CRP Sanitation be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2007.

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

APPROVAL FINAL ORDER
HUNTERBROOK SEWER DISTRICT - ROUTE 202
RESOLUTION #34

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has heretofore duly caused a map, plan and report, including an estimate of cost, to be prepared by a competent engineer, duly licensed by the State of New York, which have been filed in the office of the Town Clerk of said Town in relation to the establishment of the Hunterbrook Sewer District - Route 202 Extension, in said Town; and

WHEREAS, improvements in connection with the establishment of said Hunterbrook Sewer District - Route 202 Extension, consist of the construction of a sewer main of approximately 6,200 linear feet of 12-inch diameter, in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$3,000,000; and

WHEREAS, an Order was duly adopted by said Town Board on November 1, 2005, reciting a description of the boundaries of said proposed Hunterbrook Sewer District - Route 202 Extension, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 15th day of November, 2005, at 7:30 o'clock P.M., Prevailing Time, at the Yorktown Town Hall, in Yorktown Heights, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution on December 6, 2005 determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and approving the establishment of said Hunterbrook Sewer District - Route 202 Extension, such resolution being adopted subject to permissive referendum for which no petition for referendum was filed; and

WHEREAS, notice of the adoption of said resolution was duly published and posted in the manner provided by applicable provisions of the Town Law, and proof of said publication and posting has been duly presented to this Town Board; and

WHEREAS, the State Comptroller, pursuant to an Order dated December 4, 2006, approved the establishment of such District Extension;

ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. Hunterbrook Sewer District - Route 202 Extension, in the Town of Yorktown, Westchester County, New York, is hereby established, to be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 2. The construction of a sewer main of approximately 6,200 linear feet of 12-inch diameter, in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report, is hereby authorized and approved. The maximum estimated cost to said Hunterbrook Sewer District - Route 202 Extension, pursuant to these proceedings for said improvements shall not exceed \$3,000,000. Said cost of said improvements for said Extension shall be financed, at a maximum estimated cost of \$3,000,000, by the issuance of not to exceed \$3,000,000 serial bonds of said Town maturing in annual installments over a period not exceeding forty years, payable from a levy upon the taxable real property in said Extension, as provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Westchester County, New York, within ten days after the adoption of this order by this Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law.

Section 4. This Order shall take effect immediately.

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

Supervisor Linda G. Cooper	VOTING	Aye
Councilman James Martorano	VOTING	Aye
Councilman Nicholas Bianco	VOTING	Aye
Councilman Lou Campisi	VOTING	Aye
Councilman Matthew Metz	VOTING	Aye

The order was thereupon declared duly adopted.

APPROVAL FINAL ORDER
HUNTERBROOK SEWER DISTRICT - ROUTE 202
RESOLUTION #35

The following resolution was offered by Councilman Bianco who moved its adoption, seconded by Councilman Martorano to-wit:

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, and more particularly a Final Order duly adopted after receipt of approval of the State Comptroller dated December 4, 2006, the Town Board of the Town of Yorktown, Westchester County, New York, has established the Hunterbrook Sewer District - Route 202 Extension, in the Town of Yorktown (the "Sewer District"); and

WHEREAS, the improvements for said Extension shall consist of the construction of a sewer main of approximately 6,200 linear feet of 12-inch diameter, in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith; and

WHEREAS, the maximum amount proposed to be expended by said Extension for said improvements is \$3,000,000; and

WHEREAS, it is now desired to authorize the financing of said improvements;
NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of improvements in connection with the establishment of the Hunterbrook Sewer District - Route 202 Extension in the Town of Yorktown, Westchester County, New York, which shall consist of the construction of a sewer main of approximately 6,200 linear feet of 12-inch diameter, in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as described in the preambles hereof, there are hereby authorized to be issued \$3,000,000 serial bonds of the Town of Yorktown, Westchester County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforescribed improvements is \$3,000,000 and that the plan for the financing thereof shall consist of the issuance of the \$3,000,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however, the amount of bonds to be issued shall be reduced to the extent any grants become available therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon the taxable real property in said Hunterbrook Sewer District - Route 202 Extension in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Yorktown, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for

mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Supervisor Linda G. Cooper	VOTING	Aye
Councilman James Martorano	VOTING	Aye
Councilman Nicholas Bianco	VOTING	Aye
Councilman Lou Campisi	VOTING	Aye
Councilman Matthew Metz	VOTING	Aye

The order was thereupon declared duly adopted.

AUTHORIZE SUPERVISOR SIGN
CONTRACT FOR CREATION OF HISTORIC
TOWN OF YORKTOWN BROCHURE
RESOLUTION #36

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

WHEREAS the Town of Yorkton has been awarded an \$8,000 grant from the New York Office of Parks, Recreation and Historic Preservation Fund CLG Program for the creation of the Yorktown Historical Preservation Brochure; and

WHEREAS this program requires the Town to match said funds; and

WHEREAS the Planning Department circulated an RFP listing the requirements and conditions for the creation of this historic brochure; and

BE IT HEREBY RESOLVED, that upon the recommendation of the Planner, the Subject project is awarded to Timothy Wood Design as the low bidder, for providing all work associated with this project; and

BE IT ALSO RESOLVED, that the Supervisor of the Town of Yorktown is Hereby authorized to execute a contract with Timothy Wood Design for the purpose for the development and design of an historic preservation brochure for the Town of Yorktown for a total award amount of \$3,600, and additional funds for expenses and reimbursable, including pre-press printing, bindery and shipping of 1,600 pieces, not to exceed \$5,000, for total funding of \$8,500 to be taken from the general fund.

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

AUTHORIZE SUPERVISOR SIGN
AGREEMENT WITH WESTCHESTER COUNTY
GRANT MONEY TO COVER COST OF NUTRITION CENTER
RESOLUTION #37

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

WHEREAS, the County of Westchester has awarded the Town of Yorktown funds in the amount of \$1,091 for the creation of an AAA Transportation program in accordance with the guidelines set forth by the Commissioner of the Westchester County Department of Senior Programs and Services (the "Department"); and

WHEREAS, the Supervisor is hereby authorized to enter into an Intermunicipal Agreement between the Town of Yorktown and the County of Westchester that will benefit low-income elderly Westchester Residents by supplementing current transportation costs, including fuel reimbursement for transporting seniors to and from senior center nutrition sites as well as transportation to and from shopping centers and medical appointments. Funding will be also used to increase ridership in municipal taxi voucher programs and in addition will be used to increase the number of senior volunteers by reimbursing them for costs associated with traveling to and from volunteer sites (the "Work"). The term of this Agreement shall commence on April 1, 2006 and expire on March 31, 2007.

BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into The Agreement between the County of Westchester and the Town of Yorktown to supplement current transportation costs for seniors.

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

REFUND DUPLICATE TAX PAYMENTS
RESOLUTION #38

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax & Year</u>	<u>Property</u>	<u>Amount</u>	
2006	Town/Cty.	25.11-1-3	\$77.61

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

MONTHLY REPORTS

Receiver of Taxes - Yorktown School & Twn/Cty Summary Report – December

2006

Receiver of Taxes - Monthly Report - December 2006

Building Department - Two (2) Monthly Reports - December 2006

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

Mr. Lawrence Armstrong stated that there were several inaccuracies in the last brochure Printed by the Parks and Recreation Department.

Councilman Campisi will bring those issues to the attention of the Parks Superintendent.

Mr. Armstrong also stated that he wanted to recognized Councilman Bianco and Chief McMahon for their assistance in forming their Neighborhood Watch Committee. Chief McMahon was also helpful in getting an unauthorized vehicle removed from the area.

Mr. Donovan stated that with respect to the stop sign near the fire house, it needs to be illuminated.

Mr. Edward Ciffone asked Councilman Metz why he recused himself in the vote on the commercial garbage licenses.

Mr. Metz responded that he is an Administrative Law Judge for the Westchester County's Solid Waste Commission.

Mr. Ciffone also raised issues concerning the budget process.

ADJOURN

Upon motion by Councilman Bianco, seconded by Councilman Martorano and carried, he meeting was adjourned.

Alice E. Roker
Town Clerk
Town of Yorktown