

Regular Meeting held by the Town Board, Town of Yorktown on May 1, 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  
Alice E. Roker, Town Clerk

#### TOWN BOARD MEETING

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

#### PLEDGE OF ALLEGIANCE

Katrina and Michael Zaicek, Jr. 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

Supervisor Cooper introduced Councilman James Martorano who stood in for her at a ceremony where the Town of Yorktown received three rewards for its recycling efforts. The Westchester County Recycling Awards were as follows: To the Town of Yorktown for recycling 3,273 tons of paper, making it one of the top three municipal recyclers of paper in Westchester County. For successfully preparing the most comprehensive annual report in recycling in 2006 and earning Westchester County's Recycling Compliance Award. For successfully recycling 34 tons of oil in 2006 and making it the top municipal recycler of oil in Westchester County. For successfully recycling 1,438 tons of commingled material in 2006, making it one of the top three municipal recyclers of commingled material in Westchester County.

Supervisor Cooper asked that the Chief of Police introduce the following officers who were appointed to their new positions last month.

Chief McMahon stated that Kevin Soravilla is a life long resident of the Town of Yorktown. He attended and graduated from Lakeland High School and Syracuse University. Mr. Soravilla served as a Detective Sergeant for the past fourteen (14) years.

#### APPOINTMENT OF POLICE LIEUTENANT

##### KEVIN SORAVILLA - ORIGINALLY ADOPTED APRIL 10, 2007

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

BE IT RESOLVED, that Kevin Soravilla is hereby appointed Police Lieutenant from Eligible List No. 73-845 effective Wednesday, April 11, 2007 to be paid the contractual salary of \$103,529 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.

Lieutenant Soravilla thanked the Town Board for his appointment.

Chief McMahon stated that Michael Zaicek graduated from Yorktown High School and the State University at Plattsburg with a Bachelors Degree in Human Science Sgt. Zaicek began his career with the Yorktown Police Department in 1984.

APPOINTMENT OF POLICE SERGEANT  
MICHAEL ZAICEK - ORIGINALLY ADOPTED APRIL 10, 2007

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

BE IT RESOLVED, that Michael Zaicek is hereby appointed Contingent Permanent Sergeant from Eligible List No. 75-993 effective April 11, 2007 to be paid the contractual salary of \$90,143 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.

Sergeant Zaicek thanked the Police Chief, members of the Town Board and his family for this promotion.

APPOINTMENT HIGHWAY DEPARTMENT  
WILLIAM NEHMZOV  
RESOLUTION #170

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

BE IT RESOLVED, that William Nehmzow is hereby appointed Temporary Laborer in the Highway Department effective April 30, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$36,996 annually.

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

APPOINTMENT NUTRITION CENTER  
MARK BISTRO  
RESOLUTION #171

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

BE IT RESOLVED, that Mark Bistro is hereby appointed Temporary Chauffeur in the Senior Nutrition Center, effective May 2, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 2, Step 1 working 30 hours per week which is \$22,542 annually.

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

FAMILY AND MEDICAL LEAVE  
MICHAEL MILL  
RESOLUTION #172

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

BE IT RESOLVED, that Michael Mill is hereby placed on Family and Medical Leave effective May 3, 2007 for 12 weeks.

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

DURING HER REPORT TO THE TOWN, Supervisor Cooper announced that the Westchester County Industrial Development Agency who will hold a public hearing in Town Hall on June 6<sup>th</sup> with respect to bonds for the Soundview Preparatory School. Planning Board Chairman David Klaus will receive the Distinguish Citizen Planner Award on June 9<sup>th</sup> from the Westchester Municipal Planning Federation. Supervisor Cooper stated that she enjoyed the most recent presentation ASeusical@ at Yorktown Stage last weekend. The Yorktown Athletic Club and Shrub Oak Athletic Club had successful Little League Parades. The Supervisor and Councilman Bianco both attended

the Eagle Award Ceremony for Andrew Donovan, son of the former Councilman Andrew Donovan.

DURING THEIR REPORT TO THE TOWN, Councilman Matthew Metz congratulated the teams from Yorktown involved in the Destination Imagination Matches. Seven teams from Yorktown made it to the next event which will be held later this year in Tennessee.

Councilman Bianco stated that the School Budget Vote is slated for May 15<sup>th</sup>.

DURING HIS REPORT FROM THE COUNTY, Westchester County Legislator Michael Kaplowitz stated that bond vote for the new legacy ballfields is expected to take place sometime in June. The vote on the skateboard park should also take place later this summer. Legislator Kaplowitz stated that he will be holding office hours from 6:00PM to 8:00PM in the Yorktown Town Hall on May 14<sup>th</sup>.

Councilman Campisi stated that he was present at a presentation for the skateboard park before County Legislator Oros in April. He stated that the young people who made the presentation did a wonderful job.

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

Mrs. Barbara Wilkens, owner of the Wilkens Fruit and Fir Farm invited everyone to view the apple blossoms on her property this coming weekend.

Mr. Nick DiTomasso stated that the country more than ever needed to conserve gasoline. He also suggested a boycott of the Citgo brand. He also remarked about the recent defeat the the Yorktown Comprehensive Plan.

Supervisor Cooper acknowledged that we did lose the court case. But, she said the town has requested a stay of the plan until our appeal is heard.

REFERRAL PROPOSED LOCAL LAW  
VARIOUS SECTIONS OF CHAPTER 280 WATER  
RESOLUTION#173

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

RESOLVED, the proposed Local law amending Chapter 280 of the Code of the Town of Yorktown with regard to service connections, meters, discontinuance of service, fire hydrants, main extensions, fees and charges is referred to the following departments...

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

REFERRAL PROPOSED LOCAL LAW  
CHAPTER 216 FIRE HYDRANTS  
RESOLUTION#174

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

RESOLVED, the proposed Local law amending Chapter 216-7 of the Code of the Town of Yorktown with regard to Fire hydrants is referred to the following departments...

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

REFERRAL PROPOSED LOCAL LAW  
AMENDING FLOOR AREA RATIOS AND  
IMPERVIOUS SURFACES  
RESOLUTION#175

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

RESOLVED, the proposed Local Law amending Chapter of the Code of the Town of Yorktown with regard to floor area ratios and impervious surface law is referred to the following departments...

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

SET PUBLIC HEARING  
PROPOSED LOCAL LAW CHAPTER 275-9  
RESTRICTING LEFT HAND TURNS OFF BALDWIN ROAD  
RESOLUTION # 176

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 363 Underhill Avenue, Yorktown Heights, New York on the 15<sup>th</sup> day of May, 2007, at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to amend Chapter 275, Section 275- 9 of the Code of the Town of Yorktown, as follows.

SECTION I - Chapter 275, Section 275-9 of the Code of the Town of Yorktown is hereby amended by adding to the list of public roads restricting left-turn streets, as follows:

Southeast Corner of Baldwin Road where it intersects with Underhill Avenue.

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](http://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 CHAPTER 275-17  
ADDING WHIPOORWILL ROAD AND WILLOWAY STREET  
REGARDING RATE OF SPEED  
RESOLUTION # 177

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 363 Underhill Avenue, Yorktown Heights, New York on the 15<sup>th</sup> day of May, 2007, at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to amend Chapter 275, Section 275- 17 ( C ) of the Code of the Town of Yorktown, as follows:

SECTION I - Chapter 275, Section 275-17 (C) of the Code of the Town of Yorktown is hereby amended by adding to the list of public roads upon which the rate of speed shall be 25 miles an hour, as follows:

Whipoorwill Road and Willoway Street between Broad Street and Route 35.

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](http://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.

RELEASE OF ESCROW  
STREET OPENING PERMIT #006-007  
RESOLUTION #178

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

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>	<u>Refund to</u>
Street Opening	006-007	\$1,000.00	Quaker Church Rd.	Pizzella 7 Dogwood Road Cortlandt Manor, NY 10567

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

PARKLAND DESIGNATION FOR SOLOMON FARM  
AND WHEAT PROPERTY  
RESOLUTION #179

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

WHEREAS, Town Law Section 64 allows a town to take by gift, grant, bequest or devise and hold real and personal property absolutely or in trust for parks upon such terms or donations as may be prescribed by the grantor or donor and accepted by said town; and

WHEREAS, the Town Board finds that dedication of certain parcels is in the public interest and is consistent with the Town=s policy with respect to the acquisition and preservation of park land; and

WHEREAS, the Town of Yorktown has acquired, through purchase or donation, certain parcels which the Town Board finds appropriate for use and designation as park lands; now therefore be it

RESOLVED, the Town of Yorktown does hereby formally dedicate as park land the following parcels:

Section 17.13                      Block 2                      Lot 63  
(*a.k.a.* Solomon Farm or the Kass property)

Section 27.11                      Block 2                      Lot 37  
(*a.k.a.* the Wheat property)

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

ABANDON A PORTION  
OF ARCADY ROAD  
RESOLUTION #180

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

WHEREAS, Highway Superintendent Eric DiBartolo has made a recommendation to the Town Board that the Town should abandon a portion of Arcady (a/ka/ Arkady) Road; and

WHEREAS, said portion of Arcady Road has been closed to regular traffic since being extensively damaged during Hurricane Floyd in 1999; and

WHEREAS, use of said portion of Arcady Road has been limited by and to the New York City Department of Environmental Protection (ADEP@); and

WHEREAS, DEP has claimed ownership of the lands abutting and beneath the bed of said portion of Arcady Road; and

WHEREAS, DEP has asserted the authority to control access to and use of said portion of Arcady Road; and

WHEREAS, the Town Board has determined, based on the information supplied by the Highway Superintendent, that the cost of repairs and future maintenance greatly outweigh any potential benefit to the residents of the Town of Yorktown; now therefore be it hereby

RESOLVED, that said portion of Arcady Road shall be, and the same hereby is, abandoned in accordance with the procedures set forth in the New York State Highway Law and an appropriate certificate of abandonment shall be prepared and filed by the Highway Superintendent.

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

AUTHORIZE SUPERVISOR TO SIGN  
REGIONAL KITCHEN AGREEMENTS BETWEEN  
TOWN OF SOMERS AND YORKTOWN NUTRITION CENTER FOR 2007  
RESOLUTION #181

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

RESOLVED, that the Town Supervisor agrees to sign The Regional Kitchen Agreements between Somers and Yorktown Nutrition Center for the year January 1, 2007 and December 31, 2007.

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

AUTHORIZE A TRAFFIC STUDY  
EDWARDS AND KELSEY FOR  
ROUTE 6 OFFICE DEVELOPMENT  
RESOLUTION #182

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

WHEREAS, The town Board has of the Town of Yorktown desires to study the traffic impact of the proposed site plan known as Route 6 Office Development, proposed on the south side of Route 6, as it relates to the Route 202/35/6 BMP Sustainable Development Study; and

WHEREAS, Edwards & Kelcey, a planning and traffic consultant firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on March 16, 2004; and

WHEREAS, Edwards and Kelcey has submitted a proposal to provide the traffic analysis for the site plan pursuant to said on-call agreement for an amount not to exceed \$4,580.00 for the traffic analysis; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Edwards & Kelcey under the on-call agreement between them and the Town of Yorktown for the purpose of analyzing the traffic impacts of the commercial site plan known as Route 6 Office Development, in an amount not to exceed \$4,580.00 for the traffic analysis, and that the total cost shall be reimbursed by the applicant as part of the cost review.

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

AUTHORIZE SUPERVISOR TO SIGN INTER-MUNICIPAL AGREEMENT  
WESTCHESTER COUNTY FOR RENT FREE LICENSE OF SPACE  
USED BY COUNTY FOR SENIOR PROGRAMS AND SERVICES  
AND THE BEAVER CONFERENCE FARM  
RESOLUTION #183

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an Inter-Municipal Agreement with Westchester County for the rent free license of 720 square feet of space on the second floor of the YCCC. The County will use this space for Senior Programs and Services and will allocate space to the Beaver Conference Farm to accommodate its Senior Program.

BE IT FURTHER RESOLVED that the term of the license is from September 1, 2007 through August 31, 2012.

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

ADOPT WATER DISTRICT MAP  
RESOLUTION #184

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

Resolved, that the Town Board approves the proposed Water District Map.

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

REFUND DUPLICATE TAX PAYMENT  
RESOLUTION #185

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

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 Town/Cty	16.12-1-32.-79	2111500	\$1,090.59
2006 Sch 21	16.05-2-48	0166500	\$2,449.10
2006 Sch 21	16.12-1-28.9-22	2218112	\$ 568.39
2006 Sch 21	27.06-3-54	2683085	\$3,535.73
2006 Sch 21	16.11-2-32	1836500	\$3,055.11
2006 Sch 21	16.20-2-41	1766780	\$2,093.65

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:

Mr. Nick DiTomasso reiterated his comments from the last meeting that Yorktown should not entertain plans to have a Town Manager. He said, Yorktown should have full time councilman.

Mr. Vishnu Patel spoke about the misinformation that has been circulated concerning the Hallocks Mill Sewer District. He stressed the need for more communication with the community.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown