

Work Session held by the Town Board, Town of Yorktown on May 22, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Linda G. Cooper, Supervisor  
Matthew Metz, Councilman  
Louis Campisi, Councilman  
Alice E. Roker, Town Clerk

Tardy: James Martorano, Councilman  
Nicholas Bianco, Councilman

Absent:

#### CLOSED SESSION

At 8:00 P.M., Councilman Campisi moved, seconded by Councilman Martorano, to move into Executive Session to discuss the employment of particular individuals and Litigation.

Councilman Campisi moved, seconded by Councilman Martorano to move out of Executive Session and proceed with the Work Session.

#### WORK SESSION

Supervisor Cooper called the meeting to order. Town Attorney Kevin Sweeny, Acting Town Engineer Sharon Robinson, Highway Superintendent Eric DiBartolo, Environmental Conservation Superintendent Patrick LoFaro, Police Chief Daniel McMahon and Planning Director John Tegeder were also present.

#### SIGN LAW CHANGES

Code Enforcement Officer Joe Hughes was present to discuss proposed revisions to the Sign Law for the purpose of enforcement.

Town Attorney Sweeny reviewed the proposed changes to the legislation with members of the Town Board.

Councilman Campisi stated that he would not support any change to the law telling property owners where or where they could not place a sign on their property; as long as the sign did not obstruct traffic or pedestrians. The Town of Yorktown may have a ten foot right of way, but that's all. We do not pay taxes on the first ten feet of anyone's property. This proposed law would put real estate agents out of business.

Councilman Metz agreed that he too could not support this type of legislation. He would support legislation that stated signs could not obstruct the public right of way.

Councilman Martorano stated that he would not support this legislation. He is concerned with violating property owners' first amendment rights.

Supervisor Cooper stated that she worked with the Town Attorney and the Police Chief on this revision. It is up to the rest of the Board to decide what to do now.

Councilman Metz stated that he wanted several days to give this some thought before proceeding. He further agreed that the law had to be clarified this year.

#### SIDEWALK PLAN

Code Enforcement Officer Joe Hughes was present to discuss with the Board an overall sidewalk plan for the town as well as several residents of Mark Road who were told they would be issued summonses because of their failure to clear snow off of sidewalks in front of their property.

Planning Director John Tegeder showed the members of the Town Board a map

of the Town of Yorktown which highlighted all of the neighborhoods where there are sidewalks. He further stated that the Planning Board did review a request to remove some of these sidewalks and rejected the request.

A debate over who should maintain sidewalks ensued. Councilman Campisi stated that the law requires property owners to maintain sidewalks near their home or business. One property owner countered that remark stating that he and his neighbors have no problem with removing the snow. Their problem is with the Highway Department placing it back on the sidewalk once it has been cleared. Supervisor Cooper asked if it was possible for the Highway Department to remove snow on the sidewalks using the wing of its plow.

The Town Attorney was asked to speak to the Town Prosecutor about summons issued to people for failing to remove snow off sidewalks along Mark Road.

#### WETLAND FUNCTIONAL ASSESSMENT PRESENTATION

Bruce Donahue updated the Town Board with a presentation of results of a study done with the aid of funding from the federal government. The scope of the work included literature research to find a wetland function evaluation technique that could be applied to several wetland study areas within the town. The results of this study were to be incorporated into recommendations for revisions to Yorktown's existing wetlands regulations as well as wetland mapping.

Mr. Donahue explained the methodology of this particular study. Five watersheds within the Town of Yorktown were studied; the Peekskill Hollow Brook Watershed, the Hallocks Mill Brook Watershed, the Hunter Brook Watershed, Croton Reservoir North and Croton Reservoir South. Twenty-five study areas within these watersheds were chosen and more than 2,000 soil samples were taken

Mr. Donahue's was stopped. The Board made a request that this information be presented to the Conservation Board and Bruce Barber, the Environmental Code Inspector.

#### FRANCESE WETLAND PERMIT 1012 GAMBELLI DRIVE

Applicant John Francese was present to speak about plans for installing a swimming pool on his property a part of which would fall within the wetlands buffer. Previously, the Town Board suggested that Mr. Francese move his septic fields which are in the rear of his property and place his pool there.

Mr. Al Capellini and Mrs. Beth Evans, Attorney and Environmental Consultant for the applicant appeared before the Town Board. Mr. Capellini stated that it was his belief that the Town's wetlands law was a permitting law, not a prohibiting law. Mrs. Evans explained that since the visit by the Town Board to her client's home, she has reflagged the wetlands. She also stated that she believes the septic fields should not be moved. Mrs. Evans told the Board that she believes the side yard was a better area for the pool. The applicant would be willing to perform mitigation. Mr. Capellini explained to the Board that his client wants a pool, but needed guidance.

The applicant was told to submit an application and go through the process.

#### YORKTOWN SCHOOL STORMWATER PROJECT

The Town Board reviewed plans for a project on the Yorktown High School property with the Town Engineer who stated that she has looked at the plans.

#### TOWN VEHICLES

Councilman Nicholas Bianco and Councilman Louis Campisi reviewed the policy for taking home Town-owned vehicles.

The Councilman stated as the cost of fuel rises, the Board is forced to look at a

new policy concerning its vehicles.

The Board asked members of the Fleet Committee, the Comptroller, the Highway Superintendent and the Superintendent of Environmental Conservation to look into this issue and report back to the Board within a month.

LANDSCAPE BOND RELEASE  
BILL RUTLEDGE B GOMER STREET  
RESOLUTION #203

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

WHEREAS, Bill Rutledge, as applicant, heretofore filed Landscape Bond #2306, on October 28, 2005, in the amount of \$300.00, which was deposited into the T-30 account, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond, #2306, in the amount of \$300.00 be and is hereby released to Mr. Bill Rutledge, 301 Hubbard Avenue, Stamford, CT. 06905.

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

AUTHORIZE SUPERVISOR TO SIGN  
SEWER EASEMENT AGREEMENT  
FREDERICK SANNICANDRO B HUNTERBROOK #8  
RESOLUTION #204

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Sewer Easement Agreement with Frederick Sannicandro, ETAL, for the installation of sanitary sewer within the proposed Hunterbrook #8 Sewer District.

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

APPROVE BOND RESOLUTION  
FOR VAROUIS DRAINAGE IMPROVEMENTS  
RESOLUTION #205

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1.      Various drainage improvements in and for the Town of Yorktown, Westchester County, New York, including new culverts, securing retaining walls, side slope improvements, replacing cross pipes, as well as other incidental improvements and costs in connection therewith, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$3,600,000.

Section 2.      The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,600,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3.      It is hereby determined that the period of probable usefulness of the

aforesaid class of objects or purposes 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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 J. Martorano	VOTING	AYE
Councilman Nicholas J. Bianco	VOTING	AYE
Councilman Matthew P. Metz	VOTING	AYE
Councilman Louis J. Campisi	VOTING	AYE

The resolution was thereupon declared duly adopted.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. Various drainage improvements in and for the Town of Yorktown, Westchester County, New York, including new culverts, securing retaining walls, side slope improvements, replacing cross pipes, as well as other incidental improvements and costs in connection therewith, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$3,600,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,600,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

APPROVE BOND RESOLUTION  
FOR RECONSTRUCTION AND CONSTRUCTION OF IMPROVEMENTS TO  
VARIOUS ROADS  
RESOLUTION #206

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The reconstruction and construction of improvements to various roads, including intersection and turning lane improvements, as well as sidewalks, curbs, gutters, drainage, landscaping, grading and improvements to rights-of-way, in and for the Town of Yorktown, Westchester County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$700,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$700,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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 J. Martorano	VOTING	AYE
Councilman Nicholas J. Bianco	VOTING	AYE
Councilman Matthew P. Metz	VOTING	AYE
Councilman Louis J. Campisi	VOTING	AYE

The resolution was thereupon declared duly adopted.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The reconstruction and construction of improvements to various roads, including intersection and turning lane improvements, as well as sidewalks, curbs, gutters, drainage, landscaping, grading and improvements to rights-of-way, in and for the Town of Yorktown, Westchester County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$700,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by

the issuance of \$700,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

APPROVE BOND RESOLUTION  
FOR COMMUNITY CENTER IMPROVEMENTS  
RESOLUTION #207

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The replacement of boilers and installation of a new heating system at the Yorktown Community Center in and for the Town of Yorktown, Westchester County, New York, including incidental costs and expenses, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$550,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$550,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 13 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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 J. Martorano	VOTING	AYE
Councilman Nicholas J. Bianco	VOTING	AYE
Councilman Matthew P. Metz	VOTING	AYE
Councilman Louis J. Campisi	VOTING	AYE

The resolution was thereupon declared duly adopted.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The replacement of boilers and installation of a new heating system at the Yorktown Community Center in and for the Town of Yorktown, Westchester County, New York, including incidental costs and expenses, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$550,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$550,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 13 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

APPROVE BOND RESOLUTION  
FOR PURCHASE OF TRAILERS RECREATION DEPARTMENT  
RESOLUTION #208

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The purchase of trailers for the Recreation Department in and for the Town of Yorktown, Westchester County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$150,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$150,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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 J. Martorano	VOTING	AYE

Councilman Nicholas J. Bianco	VOTING	AYE
Councilman Matthew P. Metz	VOTING	AYE
Councilman Louis J. Campisi	VOTING	AYE

The resolution was thereupon declared duly adopted.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The purchase of trailers for the Recreation Department in and for the Town of Yorktown, Westchester County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$150,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$150,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 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. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in *The North County News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

TOWN BOARD AGENDA

The Town Board discussed the June 5, 2007 meeting agenda.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown