

Regular Meeting held by the Town Board, Town of Yorktown on October 2, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Alice E. Roker, Supervisor
James Martorano, Deputy Supervisor
Nicholas Bianco, Councilman
Louis Campisi, Councilman
Matthew Metz, Councilman
Diana L. Quast, Town Clerk

TOWN BOARD MEETING

Deputy Supervisor James Martorano called the meeting to order. Town Attorney Kevin Sweeny was also present.

PLEDGE OF ALLEGIANCE

Nicholas DiTomaso led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces and for Grace Roma, a pillar in our community who past away on Sunday.

APPOINTMENT

ALICE ROKER – TOWN SUPERVISOR

RESOLUTION #367

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

WHEREAS, the position of Supervisor of the Town of Yorktown became vacant upon the resignation of Linda G. Cooper, effective September 30, 2007; and

WHEREAS, Alice E. Roker resigned the position of Town Clerk effective October 1, 2007; and

WHEREAS, New York State Town Law § 64(5) provides, in pertinent part, that “[w]henver a vacancy shall occur or exist in any town office, the Town Board or a majority of members thereof, may appoint a qualified person to fill the vacancy; and

WHEREAS, the Town Board finds that Alice E. Roker is well qualified to fill the vacancy in position of Town Supervisor; now, therefore, be it hereby

RESOLVED, by the Town Board of the Town of Yorktown that Alice E. Roker is appointed to fill the vacancy in the office of Supervisor of the Town of Yorktown for the remainder of the unexpired term of Linda G. Cooper.

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

Supervisor Alice E. Roker thanked the Board for this great honor and also thanked all of the people that have come by to wish her well.

RESIGNATION

ALICE ROKER - REGISTRAR OF VITAL STATISTICS

Supervisor Roker tendered her resignation as Registrar of Vital Statistics for the Town of Yorktown.

RESIGNATION

DIANA L. QUAST - DEPUTY TOWN CLERK

Diana L. Quast tendered her resignation as Deputy Town Clerk of the Town of Yorktown.

APPOINTMENT

DIANA L. QUAST – TOWN CLERK
REGISTRAR VITAL STATISTICS
RESOLUTION #368

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

WHEREAS, the position of Town Clerk of the Town of Yorktown became vacant upon the resignation of Alice E. Roker, effective October 1, 2007; and

WHEREAS, the position of Registrar of Vital Statistics became vacant upon the resignation of Alice E. Roker, effective immediately upon delivery of her letter of resignation to the Deputy Town Clerk at 7:40 p.m. on October 2, 2007; and

WHEREAS, Diana L. Quast resigned the position of Deputy Town Clerk effective immediately upon delivery of her letter of resignation to the Town Supervisor at 7:42 p.m. on October 2, 2007; and

WHEREAS, New York State Town Law §64(5) provides, in pertinent part, that “[w]henver a vacancy shall occur or exist in any town office, the Town Board or a majority of the members thereof, may appoint a qualified person to fill the vacancy; and

WHEREAS, the Town Board finds that Diana L. Quast is well qualified to fill the vacancy in position of Town Clerk; now, therefore, be it hereby

RESOLVED, by the Town Board of the Town of Yorktown that Diana L. Quast is appointed to fill the vacancy in the office of Town Clerk of the Town of Yorktown for the remainder of the unexpired term of Alice E. Roker; and be it

FURTHER RESOLVED, that Diana L. Quast is hereby appointed to serve as Registrar of Vital Statistics until the first day of January next succeeding the first biennial Town Election held after the time of her appointment and to receive compensation as prescribed by law.

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

Town Clerk Diana L. Quast thanked the Board for the appointment and stated that she is looking forward to serving the community.

Supervisor Alice E. Roker announced the personal appointment of Elaine Arden as the Confidential Secretary to the Supervisor.

The Board congratulated Elaine Arden on her appointment.

PROCLAMATIONS

Supervisor Roker read the following Proclamation:

WHEREAS Americans, as a people, are a rich and diverse mixture of many cultural, religious and ethnic groups from all over the world; and, the unique strength of the American people is their proven ability to meld such diversity into an ever-evolving national form; and

WHEREAS Americans of Italian descent continue to generously contribute to the cultural and economic enrichment of the American people; and

WHEREAS in the Yorktown area of Westchester County, the Circolo da Vinci Italian American Society has given out \$12,000 this year in scholarships, held a Bocce Tournament bringing Italians together and sponsoring after-school Italian lessons for our youth, to ensure that the best qualities of Italian culture are perpetuated here in America; and

WHEREAS such contributions should be recognized and celebrated in 2007 and annually thereafter; and

NOW, THEREFORE, I, ALICE E. ROKER, Supervisor of the Town of Yorktown, along with the Town Board, hereby proclaim October 2007 as

"ITALIAN HERITAGE MONTH"

in the Town of Yorktown, and I urge all residents to join their fellow residents in marking this observance.

The Circolo da Vinci Italian American Society Thanked the Town Board for this wonderful honor.

PROCLAMATIONS

Supervisor Roker read the following Proclamation:

WHEREAS Americans, as a people, are a rich and diverse mixture of many cultural, religious and ethnic groups from all over the world; and

WHEREAS Italian-Americans, through their work and contributions to the economy and culture of the United States, deserve recognition for their achievements; and

WHEREAS Italian-Americans have helped build and strengthen this country and have historically supported the values and principles of the United States of America; and

WHEREAS the Christopher Columbus Society of Yorktown has initiated programs to recognize the benefits Italian-Americans bestow upon the progress and well-being of the American nation to ensure that the best qualities of Italian culture are perpetuated here in America.

NOW, THEREFORE I, ALICE E. ROKER, Supervisor of the Town of Yorktown, along with the Town Board, recognizing the talents and achievements of Italian-Americans, do hereby proclaim the month of October

"ITALIAN-AMERICAN MONTH"

in the Town of Yorktown, and do hereby ask all present to reflect on the unique nature of the American people and thereby understand that the roots of all Americans are a matter of national pride.

The Christopher Columbus Society of Yorktown thanked the Town Board for this great honor.

CHIEF EUGENE TUMOLO DAY

RESOLUTION#369

Councilman Campisi moved, seconded by Councilman Martorano,

RESOLVED, that the Towb Board of the Town of Yorktown hereby proclaim Friday, October 5, 2007 as "CHIEF EUGENE TUMOLO DAY"

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

Resolution adopted.

PROCLAMATIONS

Councilman Bianco read the following Proclamation:

WHEREAS German Americans through their work and contributions to the culture of the United States since the arrival of the first German immigrants in the United States on October 6, 1683 have earned this recognition and tribute to their achievements; and

WHEREAS for more than three centuries Germans have helped build and strengthen

this country and historically constitute the staunchest supporters of the democratic values and principles of the United States of America, and

WHEREAS as they have before, so will Americans of German descent continue to contribute to the life and culture of the United States and will work for and will support the government of the United States, its democratic principles and the freedom of all people everywhere; and

WHEREAS such contributions should be recognized and celebrated in 2007 and annually thereafter; and

WHEREAS common ties and lasting friendship exist between the United States and the Federal Republic of Germany and other German speaking countries.

NOW, THEREFORE, I, ALICE E. ROKER, Supervisor of the Town of Yorktown, along with the Town Board, hereby proclaim Saturday, October 6, 2007 as

"GERMAN AMERICAN HERITAGE DAY"

in the Town of Yorktown, and I urge all residents to join their fellow residents in marking this observance.

REPORTS FROM WESTCHESTER COUNTY, County Legislator Michael Kaplowitz congratulated Supervisor Roker on her appointment and looks forward to working with her.

DURING HER REPORT TO THE TOWN, Supervisor Roker stated that Grace Roma a longtime resident of the Town passed away Sunday. Supervisor Roker noted that Grace was an icon in this community and served proudly as a member of the Yorktown Rotary. Grace was generous, compassionate and will be greatly missed.

DURING THEIR REPORTS TO THE TOWN, Councilman Bianco reminded residents that the Middle Class STAR Rebate application has been sent out to all residents and stressed the importance of filling it out and sending it back in before the end of November.

Councilman Campisi announced that the next regular Town Board meeting will be held at the John C. Hart Memorial Library on October 16, 2007. The meeting will begin at 7:30 PM.

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

Highway Superintendent Eric DiBartolo stated that the Town Board made a great choice for Supervisor and wished Supervisor Roker the best of luck.

Nicholas DiTomaso congratulated Supervisor Roker on her appointment.

Mr. Howard Frank spoke about a FOIL request with regards to a change order for the Yorktown Water Pollution Treatment Plant. He feels that this should have been done differently.

Mr. Paul Moskowitz congratulated Supervisor Roker on her appointment. He spoke about former Supervisor Linda Cooper and thanked her for many years of hard work. Mr. Moskowitz stated that there is a meeting which is being held by Westchester County regarding the Croton Watershed Plan it will take place on Thursday, October 4, 2007 at 7 PM. The meeting will be held at the IBM Research Center on Route 134 and he urged everyone to attend.

Mr. Ed Ciffone congratulated Supervisor Roker and read a poem which he dedicated to Grace Roma. He spoke about residents in the Hallocks Mill Sewer District and the budget for 2008.

Terrance Murphy congratulated Supervisor Roker on her appointment.

John Schroeder spoke on behalf of the Land Trust with regards to a Conservation Easement which was made with regards to the temporary sales office on the Trump Residences property located on Barger Street. A copy of his comments are on file in the Town Clerk's Office and available for public inspection.

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

Councilman Martorano addressed some issues with regard to the Conservation Easement located on Barger Street.

Councilman Bianco stated that there are some properties because of their small size and high water table that cannot handle having another septic system placed on them.

Councilman Campisi stated that the process for the budget will go on as scheduled.

Supervisor Roker stated that she will let the United Taxpayers of Yorktown know the schedule for the Budget Hearings, as soon as they are available.

PUBLIC HEARING
REQUEST FOR A WETLANDS PERMIT
FRANCESE – IN-GROUND SWIMMING POOL
GAMBELLI DRIVE

Supervisor Roker convened a public hearing to consider a wetlands permit request from John and Lori Francese to construct an in-ground swimming pool on Gambelli Drive. Affidavits of Publication and Posting were presented by the Town Clerk.

On behalf of the applicant, Mr. Al Capellini stated that John and Lori Francese would like to construct an in-ground pool on their property. They are seeking a Wetlands Permit because the pool would be located within the wetlands buffer zone. He stated that ninety (90) percent of the lot is in either the wetlands or wetlands buffer with the exception of a small portion of the lot. He noted that anywhere you place the pool it will be in the wetlands buffer area. Mr. Capellini introduced Beth Evans, the applicant's expert on wetlands, who will explain the mitigation efforts. The Pool builder was also present.

Ms. Beth Evans stated that this is a developed site which has a drainage easement with a thirty-six (36) inch drainage pipe running across the middle of the Francese's front lawn that drains into a large wooded wetlands area in the back of the property. Ms. Evans gave an overview to the Board and addressed many of the comments that were raised by the Town Board and other outside agencies. She stated that the mitigation plan calls for this wetlands system to be more functional and diverse, certainly much more than it is today.

The Town Board asked Ms. Evans to provide the Board with an updated letter from the Department of the Environmental Protection indicating its approval of this project.

Mr. John Schroeder asked what the volume of the pool will be. Ms. Evans stated that it would be about 30,000 gallons. Mr. Schroeder is concerned about the water being continually chlorinated over the winter and being discharged into the wetlands area.

Mr. Howard Frank stated that he feels this application is incomplete. He noted that the type of pool is not specified and he would like to see more review of the

application.

Mr. Ciffone asked why wetlands permit applications come before the Town Board instead of the Planning Board. Councilman Bianco explained that wetland permit applications are the authority of the Town Board.

A representative from Blue Haven Pools explained that this would be a cement pool, would have hydrostat valves throughout the floor to alleviate the construction concerns. Water can sit for a week and dissipate the chlorine. Pools are typically lowered six to eight inches below the surface level during time of non-use and that translates to about 3,000 gallons of water. He stated that the water can be discharged away from the wetlands area, if there is concern.

Supervisor Roker asked if other areas were looked at for the placement of the pool. Ms. Evans stated that alternative areas were looked at and this was the best placement. Ms. Evans mentioned that pools are typically allowed to air for several weeks thereby dissipating the chlorine and this can produce very clean sanitized water. Much cleaner than what is coming out of the drainage pipe.

Councilman Metz asked what the environmental effects would be if chlorinated water was discharged into the wetlands area. She stated that there is a six week timeframe that the chemical content would dissipate easily. It is in the watershed area and she believes that the wetlands can be restored better and provide more protection than it does today.

Mr. Gil Kauffman asked if this was located in the Hallocks Water District. Councilman Bianco stated no, it flows into the New York City Reservoir.

Mr. Paul Moskowitz stated that if you put chlorine salt into a pool, the sodium does not evaporate. Would you then be discharging sodium? A representative from Blue Haven Pools stated that there are other systems that can be used and the sodium discharge would be very small.

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

PUBLIC HEARING
PROPOSED LOCAL LAW
AMENDING CHAPTER 275 ADDING STOP SIGNS

Councilman Metz convened a public hearing to consider a proposed local law amending Chapter 275 of the Code of the Town of Yorktown with regards to adding stop signs at Curry Street at the "T" intersection with Tulip Street and Boone Road eastbound at its intersection with Hanover Street. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. Arnold stated that he is in favor of putting stop signs in these locations and asked about the speed tables that are being installed between Gomer Street and the Gas Line.

Mr. Frank stated that he attended last month's traffic committee meeting and it was stated that stop signs do not slow traffic down speed tables do. Councilman Metz clarified that traffic calming devices are being installed to slow traffic and the stop signs are being installed to protect pedestrians while crossing.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Councilman Campisi motioned, seconded by Councilman Martorano.

LOCAL LAW #15

AMENDING CHAPTER 275 RELATING TO STOP SIGNS
RESOLUTION #370

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

WHEREAS, a public hearing was held on the 2nd day of October, 2007 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 275 of the Code of the Town of Yorktown relating to stop signs, now therefore be it

RESOLVED, that Local Law #15/2007, 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 Roker	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Campisi	Voting	Aye
Councilman Metz	Voting	Aye

Local Law # 15/2007 was thereupon declared adopted

ADVERTISE BID
2008 F550 TRUCK – HIGHWAY DEPARTMENT
RESOLUTION #371

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

NOTICE IS HEREBY GIVEN, that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, October 22, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for a 2008 F550 4X4.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, N.Y. 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.

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

AWARD BID
PARKS AND RECREATION BROCHURE
RESOLUTION#372

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

WHEREAS, bids were received on Monday, October 1, 2007 for typesetting, printing and delivering the 2008 Program Brochures as specified by the Town of Yorktown Parks and Recreation Department. Bids were submitted by the following vendors:

1. Courier Printing Corporation
24 Laurel Bank Ave.
Deposit, NY 13754

BID: \$16,150.00 – for combined three brochures
\$ 2,285.00 – for combined each additional four pages
\$ 0.00 – for delivery to the Post Offices

2. Signature Press Inc.

P.O. Box 2509, 1000 North Division Street
Peekskill, NY 10566

BID: \$17,860.00 – for combined three brochures
\$ 1,070.00 – for combined each additional four pages.
\$ 225.00 – for delivery to the Post Offices

3. Five Star Graphics Inc. dba Graphic Image

561 Boston Post Road
Milford, CT 06460

BID: \$22,240.00 – for combined three brochures
\$ 3,120.00 – for combined each additional four pages.
\$ 1,440.00 – for delivery to the Post Offices

4. Brush Graphic

6 North Division Street
Peekskill, NY 10566

BID: \$24,660.00 – for combined three brochures
\$ 2,685.00 – for combined each additional four pages.
\$ 300.00 – for delivery to the Post Offices

RESOLVED, that the lowest bidder, Courier Printing Corporation, is awarded the 2008 Program Brochures Bid.

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

APPONINMENT METER READER

JOHN VAN DEBROOK- YORKTOWN WATER DEPARTMENT
RESOLUTION#373

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

BE IT RESOLVED, that John VanDeBrook of Baldwin Place, New York is hereby appointed Contingent Permanent Water Meter Reader in the Yorktown Water Department from Eligible List No, 63-939 effective October 2, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$36,996 annually.

BE IT RESOLVED, that John Van DeBrook is hereby placed on an unpaid Administrative Leave of Absence effective October 2 through October 21, 2007.

BE IT RESOLVED, that John Van DeBrook shall report to the Yorktown Water Department effective Monday, October 22, 2007 and this date will be used as the first date of employment.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period which will begin on October 22, 2007 and shall be for a period of not less than 12 nor more than 52 weeks.

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

APPROVE UP TO \$5,000 TO CONTROL

FERAL CAT POPULATION

RESOLUTION #374

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

WHEREAS, the Town Board finds that the existence of feral cat colonies represents a significant problem to residents of the Town of Yorktown; and

WHEREAS, the Town Board finds that it is appropriate and necessary that action be taken to address the problem of feral cat overpopulation in a humane and effective manner; now, therefore, be it hereby

RESOLVED, that the Town Board of the Town of Yorktown authorizes the expenditure of up to Five Thousand Dollars (\$5,000) for the feral cat population control activities and services.

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

MONTHLY REPORTS

Receiver of Taxes (2)

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

Mr. Ciffone asked if there was an adhoc committee that is being organized with regards to the Hallocks Mill Sewer District. Supervisor Roker stated that the committee is made up of residents that are both for and against the sewer district.

Mr. DiTomaso feels that people should go to the Assessor with regards to the Middle Class STAR Rebate.

Mr. Moskowitz asked how the \$5,000 will be spent with regards to the feral cat Population.

Councilman Bianco stated that you only have to respond to the application and many people have already received their rebate checks.

Councilman Campisi stated that if you apply online you will get your rebate check faster.

Supervisor Roker stated that both her and Councilman Bianco met with the Police Chief and head of the SPCA's Enforcement Division and asked for their help in coming up with a solution to this problem. Their program is trap, neuter and release and is the only option at this time and that is how the money will be spent. Councilman Bianco stated that the Town is still researching other solutions and will make a presentation in the near future.

ADJOURN

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

Diana L. Quast
Town Clerk
Town of Yorktown