

Regular Meeting held by the Town Board, Town of Yorktown on September 4, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

TOWN BOARD MEETING

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

PLEDGE OF ALLEGIANCE

Michael Cerebona, a Boy Scout with Troop 911 led the salute to the flag.

MOMENT OF SILENCE

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

DURING HER REPORT TO THE TOWN, Supervisor Cooper announced that this year's 911 Memorial Celebration will be held at the Shrub Oak Memorial at noon. Supervisor Cooper also announced a revised schedule of Town Board Meetings. The September 18th Town Board Meeting has been cancelled. A Special Meeting of the Town Board will take place on Wednesday, September 19, 2007. The September 25, 2007 Work Session will begin at 8:00PM.

DURING THEIR REPORTS TO THE TOWN, Councilman Bianco announced that the School Tax Bills had been mailed out last week. The average tax increase for residents of the Lakeland School District is \$700. Residents in the Yorktown School District should see the bill go up by approximately \$380. The largest tax increase was for residents living in the Croton Harmon School District where they rose \$1,170. Residents in the Ossining School District had a tax increase of approximately \$450.

Supervisor Cooper also spoke about various theatrical events taking place at the John C. Hart Memorial Library.

Michael Cerebona explained that he is attending tonight's Town Board Meeting to complete his Communications Merit Badge.

DURING HIS REPORT FROM ALBANY, Assemblyman Gregory Ball spoke about a new initiative concerning property tax reform. He is holding a Seminar on Saturday, October 20, 2007 at Mercy College in Yorktown on school tax reform. The meeting is open to everyone. Assemblyman Ball added that during the last session of the Legislature, several bills dealing with school tax reform had been introduced.

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

Mr. Edward Donovan stated that tax increases follow budget increases. Any type of school tax reform must be followed with reduced spending.

Mrs. Linda Clemenza speaking in her capacity of Vice President of the United Taxpayers of Yorktown read a prepared statement, a copy of which is on file in the Town Clerk's Office. Mrs. Clemenza statement addressed several issues including the 2008 Budget and how it will effect the incoming Supervisor. She also addressed the issue of the appointment of an interim Supervisor.

Mrs. Victoria Ameruso handed the Town Board a petition bearing 150 signatures from residents asking that a Stop Sign be placed on Curry Street where it intersects with Tulip Drive. The petition also asked for additional stop signs in the area as well as speed tables to slow traffic down.

Mr. Gil Kaufman stated that his home is in the Hallocks Mill Sewer District. He has a septic system that is operating well. Mr. Kaufman does not want to be a part of any new sewer district and questioned why the Town hired a new attorney at \$750.00 per hour to get the New York City Department of Environmental Protection to change their regulations to allow the Town of Yorktown to upgrade the plant?

Mrs. Serafina Mastro, Vice President of the Yorktown Republican Committee read a prepared statement, a copy of which is on file in the Town Clerk's Office. In the statement, Mrs. Mastro states that John Hand, was the last member of the Town Board to leave prematurely, he was replaced by a retired police chief, not someone running for office. She suggested that this Board follow their lead.

Mr. Edward Killeen spoke about the tax increase in the Lakeland School District. He explained why he believes the Town of Yorktown should sue the New York State Equalization Board on behalf of the residents in the Lakeland School District.

Members of the Committee of Unsewered Hallocks Mill Homeowners read a Statement to the Town Board asking that the Town as it works with the NYC Department of Environmental Protection on new regulatory language, that it prepare a conceptual design map that includes only those streets where a majority of the homeowners are interested in being sewerred and a revised cost estimate for the project based on the conceptual map.

Mr. Nick DiTomasso, President of Senior Club also spoke from a prepared statement which dealt with seniors.

Mr. Ken Belfer, representing the Mohegan Lake Improvement District asked that the Highway Department consider the new Storm Water Regulations as they work around the Lake.

Supervisor Cooper responded to several comments stating that she would like to create a Sewer ADHOC Committee. They have only paid Mr. Gerard, the Attorney hired to work with the NYC DEPT. \$1,000. She stated that even if new homes are not permitted in the Hallocks Mill Sewer District, the Town of Yorktown still needs a variance to operate the plant legally. The plant is currently under construction and they hope the work will be completed by Spring, 2008.

REQUEST FOR PROPERTY TAX REFORM
RESOLUTION #328

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

WHEREAS, the tremendously high property tax burden on New York families and business is the number one issue facing our community today, and the sheer cost of living in New York State has forced many residents and businesses to leave, thus slowing the economic engine of the state; and

WHEREAS, young people are finding it difficult to purchase homes, seniors are struggling to maintain their homes and businesses are facing immense challenges to create and retain jobs; and

WHEREAS, New Yorkers face the highest property taxes in the nation and the State must act now to thwart the detrimental effects that high property taxes are having on local government; and

WHEREAS, there is current discussion in both the Senate and Assembly regarding relieving municipalities and school of unfunded mandates, reducing the county Medicaid costs, addressing school finance reform and promoting local government efficiency; and

WHEREAS, there is not yet a consensus on which direction resolves the problem; and now, therefore be it

RESOLVED, that the Town Board of the Town of Yorktown acknowledges New York State's property tax crisis and urges the members of the State Legislature to pass appropriate legislation that will help local governments, schools, the general public and businesses be able to live, work, learn and prosper in this great State without an undue reliance on the property tax to do so, and be it further

RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New York, the President of the New York State Senate, the Speaker of the New York State Assembly and to each member of the New York State Legislature.

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

RECONVEVE

PROPOSED LOCAL LAW CONCERNING FLOOD PLANS

Supervisor Cooper reconvened a public hearing to repeal Chapter 175, Flood Damage and enact an updated Flood Protection Law adopting the new countywide Flood Insurance Rate Maps.

Supervisor Cooper explained that the public hearing was adjourned so that the Town Attorney could submit the text of this proposal to the New York State Department of Environmental Conservation for their consideration. The language has been deemed adequate.

Councilman Campisi suggested that all property owners should check these new maps because there is one area of Jefferson Village which he believes is not in a flood plain, although the maps say it is.

Supervisor Cooper and Councilman Bianco disagreed stating that they believe the area is in a flood plain.

Mr. Edward Killeen stated that he was on the Planning Board and knows that Jefferson Valley is in a flood zone. The reason that you don't see anything is that the flood zone was filled in.

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

LOCAL LAW #12

CONCERNING FLOOD PLANS

RESOLUTION #329

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

WHEREAS, a public hearing was held on the 4th day of September, 2007 pursuant to notice duly published as required by law to repeal Chapter 175, Flood Damage and enact an updated Flood Protection Law adopting the new countywide Flood

Insurance Rate Maps., now therefore be it

RESOLVED, that Local Law #12/2007, as annexed hereto, be and is hereby adopted.

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

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

Local Law #12/2007 was thereupon declared adopted

RECONVENE PUBLIC HEARING
UNSAFE BUILDING PROCEDURE – 1704 DECATUR ROAD

Supervisor Cooper reconvened a public hearing to consider an unsafe building procedure pursuant to Chapter 135 of the Code of the Town of Yorktown. An inspection by two Assistant Building Inspectors observed that the roof sheathing and roof rafters were severely rotten and parts of the roof were missing, as well as the walls of the structure were severely rotten and posed the possibility of collapse. The premises of Louis and Gloria Rosenberg located at 1704 Decatur Road A/K/A Section 0305, Parcel 220 and Lot 11 on the Tax Map of the Town of Yorktown. Affidavits of Publication and Posting were presented by the Town Clerk.

Supervisor Cooper explained that the Town Attorney is recommending that they adjourn this hearing for thirty days. The applicant has applied for a demolition permit and is awaiting approval by the Yorktown Building Department to take the structure down.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was adjourned for thirty (30) days. Councilman Bianco motioned, seconded by Councilman Martorano.

RECONVENE PUBLIC HEARING PROPOSED LOCAL LAW
ADDING CHAPTER 200 RELATING TO LIGHTING

Supervisor Cooper reconvened a public hearing to consider adding Chapter 200 to the Code of the Town of Yorktown relating to lighting. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. John Tegeder explained the purpose of this new ordinance.

Mr. Edward Killeen applauded the proposed lighting ordinance. In Shrub Oak, the biggest culprit concerning lighting problems is the John C. Hart Memorial Library. He questioned why lights at the gazebo are on all night,. Why can't they be placed on a timer?

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

LOCAL LAW #13
ADDING CHAPTER 200 RELATING TO LIGHTING
RESOLUTION #330

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

WHEREAS, a public hearing was held on the 4th day of September, 2007 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law adding Chapter 200 of the Code of the Town of Yorktown relating to lighting, now therefore be it

RESOLVED, that Local Law #13/2007, as annexed hereto, be and is hereby adopted.

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

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

Local Law # 13/2007 was thereupon declared adopted

PUBLIC HEARING

2008 SECTION 8 ANNUAL PLAN

Supervisor Cooper called to order a public hearing to consider the Section 8 Rental Assistance Program Annual PHA Plan for the Fiscal Year 2008. Affidavits of Publication and Posting were presented by the Town Clerk.

Collette Rodgers, Director of the Section 8 Program in Yorktown stated that the plan consists of 152 units. They are fully leased. 172 persons are on the waiting list.

She has received 13 applications from elderly Yorktown residents over the last five months. 52% of the program's participants are Yorktown seniors.

Mrs. Rodgers added that they have successfully reduced the number of people living in the City of Peekskill from 33% of the program's participants to 13%.

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

2008 SECTION 8 ANNUAL PLAN

RESOLUTION #331

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

RESOLVED, that the Section 8 Rental Assistance Program Annual PHA Plan for Fiscal year 2008 for the Town of Yorktown is hereby approved.

Cooper, Martorano, Campisi, Metz, Bianco voting aye.
Resolution adopted.

PUBLIC HEARING

PROPOSED LOCAL LAW

AMENDING CHAPTER 275 ADDING STOP SIGNS

Supervisor Linda Cooper convened a public hearing with regards to the proposed Local Law amending Chapter 275 adding stop signs to the following locations:

Barberry Road/Strang Boulevard
Mohegan Avenue, southwest corner, opposite Scofield Road
Strang Boulevard/Walker Drive
Walker Drive – westbound lane at its intersection with Strang Boulevard

Spring Meadow/Spring Pond Road

Deleting from the list of Yield Streets:
Mohegan Avenue – southwest corner, opposite Scofield Road

Councilman Metz stated that the proposal came out of the July Traffic Committee Meeting.

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

LOCAL LAW #14
AMENDING CHAPTER 275 ADDING STOP SIGNS
RESOLUTION #332

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

WHEREAS, a public hearing was held on the 4th day of September, 2007 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law adding Chapter 275 of the Code of the Town of Yorktown adding stop signs, now therefore be it

RESOLVED, that Local Law #14/2007, as annexed hereto, be and is hereby adopted.

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

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

Local Law # 14/2007 was thereupon declared adopted

RELEASE STREET OPENING PERMIT - HIGHWAY DEPARTMENT
RESOLUTION #333

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

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>
Street Opening	006-11	\$5,600.00	Buckhorn & Union

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

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT WITH LYNSTAAR ENGINEERING
FOR DESIGN AND CONSTRUCTION FOR REPLACEMENT OF BOILERS
AT THE YORKTOWN COMMUNITY CULTURAL CENTER
RESOLUTION #334

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with LynStaar Engineering, P.C. for the design and construction for the replacement of two boilers in the Yorktown Community and Cultural Center.

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

FINAL ORDER ESTABLISHING
OVERLOOK SEWER DISTRICT
RESOLUTION #335

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has heretofore received a petition as well as a map, plan and report, including an estimate of cost, 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 Overlook Sewer District, in said Town; and

WHEREAS, improvements in connection with the establishment of said Overlook Sewer District, consist of the construction of a sewer main of approximately 5,400 linear feet of 8-inch diameter sewer pipe, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, 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 \$1,600,000; and

WHEREAS, an Order was duly adopted by said Town Board on October 18, 2005, reciting a description of the boundaries of said proposed Overlook Sewer District, 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 (and the petition relating thereto) were on file in the Town Clerk's office for public inspection, and specifying the 1st 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 193 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 194 of the Town Law and approving the establishment of said Overlook Sewer District; and

WHEREAS, the State Comptroller, pursuant to an Order dated May 22, 2007, approved the establishment of such District;

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

Section 1. Overlook Sewer District, 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 5,400 linear feet of 8-inch diameter sewer pipe for Overlook Sewer District in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, 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 Overlook Sewer District, pursuant to these proceedings for said improvements shall not exceed \$1,600,000. Said cost of said improvements for said District shall be financed, at a maximum estimated cost of \$1,600,000, by the issuance of not to exceed \$1,600,000 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 Overlook Sewer District, 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 195 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 J. Martorano	Voting	Aye
Councilman Nicholas J. Bianco	Voting	Aye
Councilman Matthew P. Metz	Voting	Aye
Councilman Louis J. Campisi	Voting	Aye

The order was thereupon declared duly adopted.

Exhibit A

Boundaries of Proposed
Overlook Sewer District
in the Town of Yorktown, Westchester County, New York

EXHIBIT A OVERLOOK SEWER DISTRICT

Reputed Owner	Address	New Tax Identification	Old Tax Identification
	3533 OLD YORKTOWN RD.	16.11-3-36	0418 30 1
	893 PARKWAY PL.	16.11-3-38	0418 30 3
	899 PARKWAY PL.	16.11-3-39	0418 30 4
	905 PARKWAY PL.	16.11-3-40	0418 30 5
	913 PARKWAY PL.	16.11-3-41	0418 30 6
	917 PARKWAY PL.	16.11-3-42	0418 30 7
	925 PARKWAY PL.	16.11-3-42	0418 30 8
	927 PARKWAY PL.	16.11-3-44	0418 30 9
	3569 OVERLOOK AVE.	16.11-1-2	0418 30 10
	3575 OVERLOOK AVE.	16.11-1-3	0418 30 11
	3583 OVERLOOK AVE.	16.11-1-4	0418 30 12
	3589 OVERLOOK AVE.	16.11-1-5	0418 30 13
	3595 OVERLOOK AVE.	16.11-1-6	0418 30 14
	3601 OVERLOOK AVE.	16.11-1-7	0418 30 15

3607	OVERLOOK AVE.	16.11-1-8	0418 30	16
3619	OVERLOOK AVE.	16.11-1-10	0418 30	18
3613	OVERLOOK AVE.	16.11-1-9	0418 30	17
3625	OVERLOOK AVE.	16.11-1-11	0418 30	19
3631	OVERLOOK AVE.	16.11-1-12	0418 30	20
3585	OLD YORKTOWN RD.	16.11-1-29	0418 30	21
3643	OVERLOOK AVE.	16.11-1-13	0418 30	22
3640	OVERLOOK AVE.	16.11-1-14	0418 30	23
3559	OLD YORKTOWN RD.	16.11-1-28	0418 30	24
888	PARKWAY PL.	16.11-1-27	0418 30	25
898	PARKWAY PL.	16.11-1-26	0418 30	26
904	PARKWAY PL.	16.11-1-25	0418 30	27
910	PARKWAY PL.	16.11-1-24	0418 30	28
916	PARKWAY PL.	16.11-1-23	0418 30	29
922	PARKWAY PL.	16.11-1-22	0418 30	30
932	PARKWAY PL.	16.11-1-21	0418 30	31
3590	OVERLOOK AVE.	16.11-1-20	0418 30	32
3602	OVERLOOK AVE.	16.11-1-19	0418 30	33
3612	OVERLOOK AVE.	16.11-1-19	0418 30	34
3620	OVERLOOK AVE.	16.11-1-17	0418 30	35
3626	OVERLOOK AVE.	16.11-1-16	0418 30	36
3632	OVERLOOK AVE.	16.11-1-15	0418 30	37
3483	OVERLOOK AVE.	16.14-1-14	0407 28	1
3491	OVERLOOK AVE.	16.14-1-15	0407 28	2
3499	OVERLOOK AVE.	16.14-1-16	0407 28	3
3507	OVERLOOK AVE.	16.14-1-17	0407 28	4
3515	OVERLOOK AVE.	16.14-1-18	0407 28	5
3523	OVERLOOK AVE.	16.14-1-19	0407 28	6
3533	OVERLOOK AVE.	16.11-1-1	0407 28	7
3534	OVERLOOK AVE.	16.15-1-26	0407 28	8
3526	OVERLOOK AVE.	16.15-1-27	0407 28	9
3518	OVERLOOK AVE.	16.15-1-28	0407 28	10
3510	OVERLOOK AVE.	16.15-1-29	0407 28	11
3494	OVERLOOK AVE.	16.15-1-31	0407 28	13
3484	OVERLOOK AVE.	16.15-1-32	0407 28	14
3502	OVERLOOK AVE.	16.15-1-30	0407 28	12
3526	KAMHI DR.	16.15-1-14	0418 31	26
3530	KAMHI DR.	16.15-1-13	0418 31	27
3516	KAMHI DR.	16.15-1-16	0418 31	28
3524	KAMHI DR.	16.15-1-15	0418 31	29
3496	KAMHI DR.	16.15-1-17	0418 31	30
3482	KAMHI DR.	16.15-1-18	0418 31	31
3481	KAMHI DR.	16.15-1-19	0418 31	1
3491	KAMHI DR.	16.15-1-20	0418 31	2
3497	KAMHI DR.	16.15-1-21	0418 31	3
3505	KAMHI DR.	16.15-1-22	0418 31	4
3511	KAMHI DR.	16.15-1-23	0418 31	5
3517	KAMHI DR.	16.11-3-45	0418 31	6
3523	KAMHI DR.	16.11-3-46	0418 31	7
3533	KAMHI DR.	16.11-3-47	0418 31	8
3549	KAMHI DR.	16.11-3-49	0418 31	10
3557	KAMHI DR.	16.11-3-50	0418 31	11
3523	OLD YORKTOWN RD.	16.11-3-35	0418 31	14
3515	OLD YORKTOWN RD.	16.11-3-34	0418 31	15
3541	KAMHI DR.	16.11-3-48	0418 31	9

ISSUANCE OF A BOND RESOLUTION FOR THE
OVERLOOK SEWER DISTRICT
RESOLUTION #336

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

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, and more particularly a Final Order duly adopted

after receipt of approval of the State Comptroller dated September 4, 2007, the Town Board of the Town of Yorktown, Westchester County, New York, has established the Overlook Sewer District, in the Town of Yorktown (the "Sewer District"); and

WHEREAS, the improvements for said Sewer District shall consist of the construction of a sewer main of approximately 5,400 linear feet of 8-inch diameter sewer pipe for the Overlook Sewer District in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith; and

WHEREAS, the maximum amount proposed to be expended by said Sewer District for said improvements is \$1,600,000; 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 Overlook Sewer District in the Town of Yorktown, Westchester County, New York, which shall consist of the construction of a sewer main of approximately 5,400 linear feet of 8-inch diameter sewer pipe for the Overlook Sewer District in the Town of Yorktown, Westchester County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, as described in the preambles hereof, there are hereby authorized to be issued \$1,600,000 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 aforesaid improvements is \$1,600,000 and that the plan for the financing thereof shall consist of the issuance of the \$1,600,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

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 Overlook Sewer District 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 or her 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 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.

APPOINTMENT – PARKS AND RECREATION

ROBERT KRISTOFERSON

RESOLUTION #337

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

BE IT RESOLVED, that Robert Kristoferson is hereby appointed MEO/Tree Trimmer in the Parks and Recreation Department effective September 5, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1 which is \$48,340 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.

APPOINTMENT – PARKS AND RECREATION

STEPHEN MELILLO

RESOLUTION #338

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

BE IT RESOLVED, that Stephen Melillo is hereby appointed Maintenance Mechanic Mechanical in the Parks & Recreation Department effective September 10, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 1 which is \$51,349 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.

APPOINTMENT – PARKS AND RECREATION

GUIDO PARKS

RESOLUTION #339

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

BE IT RESOLVED, that Guido Parks is hereby appointed Maintenance Mechanic Repair in the Parks and Recreation Department effective September 10, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1 which is \$48,340 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.

APPOINTMENT – HIGHWAY DEPARTMENT

ANTONIO CAMBARERI

RESOLUTION #340

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

BE IT RESOLVED, that Antonio Cambareri is hereby appointed Senior Automotive Mechanic in the Highway Department effective September 17, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 1 which is \$53,781 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.

RESIGNATION

MICHAEL RANDAZZO – POLICE DISPATCHER

The Town Board accepted the resignation of Police Dispatcher Michael Randazzo with regret.

AUTHORIZE SUPERVISOR TO SIGN

AGREEMENT WITH J. HENRY CARPENTER

FOR SURVEY WORK TO BE DONE AT THE PATRIOT SKATE PARK, PATRIOT GARDEN AND PARK AND RIDE

RESOLUTION #341

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

RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Supervisor to sign an agreement with J. Henry Carpenter for survey work to be done at the Patriot Skate Park, Patriot Garden and Park and Ride.

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

MONTHLY REPORTS

Receiver of Taxes (2)

Councilman James Martorano announced that Congressman Hall will be holding an Open Session at the Theatre this coming weekend.

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

Mr. Edward Killeen suggested again that we should challenge the equalization rate for the Town of Yorktown.

Mrs. Susan Siegel again asked the Town Board to work on a design plan for the Hallocks Mill Sewer District while awaiting regulatory change from the New York City Department of Environmental Protection.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown