

Regular Meeting held by the Town Board, Town of Yorktown on February 19, 2008. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Donald S. Peters, Supervisor  
James Martorano, Councilman  
Nicholas Bianco, Councilman  
Matthew Metz, Councilman  
Louis Campisi, Councilman  
Alice E. Roker, Town Clerk

#### TOWN BOARD MEETING

Supervisor Donald S. Peters called the meeting to order. Town Attorney John Buckley, Acting Town Engineer Sharon Robinson and Highway Superintendent Eric DiBartolo were also present.

#### PLEDGE OF ALLEGIANCE

Supervisor Peters 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.

DURING HIS REPORT TO THE TOWN, Supervisor Donald S. Peters spoke about his discussions with New York Governor Elliot Spitzer at today's Association of Towns Meeting in New York City. One area of particular interest to Supervisor Peters was the Governor's proposal to cap school property taxes.

Supervisor Peters along with the members of the Town Board signed the U.S. Mayors Climate Protection Agreement which was approved in 2007 by the Town Board, but never signed. The Agreement urges the Federal Government and State Governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012. The Town of Yorktown will also work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the Climate Protection Agreement.

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

Mr. Paul Moskowitz, a member of Green Yorktown, an environmental advocacy group read a prepared statement congratulating the Town of Yorktown for being only one of approximately 1,000 governments that have signed this agreement.

Mr. Jerry Robock, Co-Chair of Green Yorktown also congratulated the Town for signing the agreement and agreeing to help reduce the Town's carbon footprint.

Ms. Joanne Gorskie, a member of the Sierra Club read a prepared statement outlining the effects of global warming.

Mr. Bill Kellner, also read a prepared statement outlining the effects of global warming. He further stated that by joining these other towns in agreeing to reduce our carbon footprints, we also reduce climate change. He also spoke about the public forums Green Yorktown has sponsored informing the residents of Yorktown what they could do particularly in the area of reducing carbon dioxide emissions. Mr. Kellner also spoke

about a proposed tree ordinance that the Town Board will be reviewing in the near future.

Mr. Vishnu Patel also congratulated the Town Board for signing the Mayor's Agreement.

Mr. Gil Kaufman thanked the Board for signing the Mayor's Agreement. He also asked how cutting down trees to build a parking lot at Downing Park fits in with helping global warming.

Mrs. Serafina Mastro stated that she hopes the Supervisor and the Town Board in making a decision to hire a new Town Attorney will not be made based upon political affiliation.

Mr. Ed Ciffone stated that he was disheartened to learn of the vote to get rid of Town Attorney Kevin Sweeney. He further asked why the County will not remove the sales tax for items such as gasoline and clothing selling for under \$100 like New York City? Mr. Ciffone also took issue with the Sewer Committee who he says is working to increase his sewer tax by \$3,000.

Mr. Nicholas DiTomasso thanked the Town Board for signing the Mayor's Compact.

DURING HIS REPORT FROM THE COUNTY, Westchester County Legislator Michael Kaplowitz spoke about his support for the wetlands and excavation permit requests relating to the Woodlands Legacy Ballfield. He spoke about the Legislature's decision to release \$10 million of the East of Hudson funds for the rehabilitation of Peach Lake in North Salem. He also applauded the Town's formal signing of the Mayor's Compact Agreement. Mr. Kaplowitz responded to Mr. Ciffone's statement about the sales tax saying it was former Republican County Executive Andrew O'Rourke who placed sales tax on gasoline and clothing.

Councilman Bianco stated that while the Westchester County tax levy is up to 3.9% for some communities, Yorktown's has been reduced to a minus 2.4%

PUBLIC HEARING  
RECONVENE FRANCESE WETLANDS PERMIT  
CONSTRUCT AN IN-GROUND SWIMMING POOL

Supervisor Peters reconvened a public hearing to consider the wetlands permit application of Francese to construct an in-ground swimming pool. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. Ciffone asked why should this applicant be given a wetlands permit?

Mr. Capellini stated that there will be no direct construction in the wetlands.

Bruce Barber, Yorktown's Environmental Consultant explained that the applicant has done everything required by both the New York City Department of Environmental Protection and him to mitigate disturbance in the wetlands buffer. The amended plan on file is sufficient for the applicant to receive a permit with specific conditions that must be met.

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

FRANCESE WETLANDS PERMIT  
CONSTRUCT AN IN-GROUND SWIMMING POOL  
GAMBELLI DRIVE

RESOLUTION #83

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

Approving the Wetland Permit Application # WP-022-06 of  
John Francese, 1012 Gambelli Drive  
Town of Yorktown, NY  
Section 47.12 Block 1 Lot 20

WHEREAS the above referenced wetland permit application has been submitted by the property owner John Francese and;

WHEREAS the application has been referred to the New York City Department of Environmental Conservation (NYCDEP) and the Town Conservation Board and comments have been received;

BE IT HEREBY RESOLVED that the Supervisor of the Town of Yorktown is hereby authorized to execute an approval to grant the wetland permit with following conditions:

1. Plan entitled; "Francese Residence" prepared by Evans Associates dated 11/01/07, 1 Sheet: SP-1 is incorporated into this permit by reference.
2. Comments contained in the Town of Yorktown Wetland Consultant memo dated February 8, 2008 must be addressed to his satisfaction prior to the issuance of a building permit.
3. Work of any nature shall not be conducted on the site until such time as a building permit is obtained.
4. Applicant must submit to the Town Engineer written verification that all applicable Westchester County Health Department permits have been obtained prior to the issuance of a building permit.
5. A pre-construction meeting must be held at the site prior to the commencement of any work. The applicant or a representative must contact the Town Wetland Consultant at (914) 962-5722 x220 to arrange this meeting. Temporary erosion controls and limits of disturbance must be installed prior to this meeting
6. An Environmental System Planner must be hired by the applicant to supervise site construction. The Environmental Systems Planner must report on a weekly basis to the Town Board and Town Engineer. Owner is to provide written verification to the Town Engineer that an Environmental System Planner has been hired to fulfill this condition prior to the issuance of a building permit.
7. The Town Wetland Consultant must provide written conformation to the Town Building Inspector that the wetland mitigation plant installation has been completed in conformance with the approved plan prior to the issuance of a certificate of occupancy. No planting substitutes must be made without the approval of the Town Wetland Consultant.
8. A wetland bond in the amount of \$5,000 is to be posted prior to commencement of work. This bond will be returned when the Town of Yorktown verifies that there is 85% survival of planted species as shown on the approved mitigation plan after a five year growing period measured from the date of issuance of the certificate of occupancy.
9. The applicant is to provide to the Town of Yorktown \$800.00 in fees prior to the issuance of a building permit for the following future inspections:
  - a. Pre-construction
  - b. During construction (2 inspections)
  - c. End of construction, Year 1: installation of plantings

- d. Year 2
- e. Year 3
- f. Year 4
- g. Year 5 Final Inspection of plantings

10. A separate erosion bond shall be posted in the amount of \$2,500 to be returned at the time of construction completion and stabilization of all exposed surfaces as determined by the Town Wetland Consultant. Stabilization shall be defined as complete vegetative cover or cover of all exposed surfaces with erosion blankets and/or seed and mulch as determined to be adequate by the Town Engineer.

Peters, Martorano, Campisi, Metz Voting Aye  
Bianco Voting Nay

PUBLIC HEARING  
LOCKWOOD ESTATES

Supervisor Peters reconvened a public hearing to consider the request of the Planning Board to use clustering for property located at Foothill Street and Lockwood Road. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. Ken Belfer, Chairman of the Yorktown Housing Committee reiterated his request to have this applicant apply the ten percent affordable housing set aside to this subdivision.

Mr. Capellini stated that his client has no problem obeying the laws of the Town of Yorktown. Right now, this is not in the law. He also stated that Yorktown Farms was asked for a ten percent set aside when they went before the Town Board. He requested an adjournment so that he could speak to his client.

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

PUBLIC HEARING  
EXCAVATION PERMIT  
TO EXPAND AN EXSISTING PARKING LOT  
JOHN H. DOWNING PARK

Supervisor Peters convened a public hearing to consider the Yorktown Highway Department's request for an excavation permit for property owned by the Town of Yorktown located at Downing Park Ballfields for the expansion of an existing parking lot. Affidavits of Publication and Posting were presented by the Town Clerk.

Highway Superintendent Eric DiBartolo stated that 67% of the trees in this particular area of Downing Park were dead, this was verified by our Environmental Consultant Bruce Barber. Once the trees are taken down, people who need firewood can come to the park and load up their trucks. He explained that the Town was enlarging the park so that the Men's leagues which play at night no longer have to park along Route 202. If the school district benefits by having young people park in this lot during the day, then it may quite possibly save a life. He further stated that his staff will be placing millings in the lot, not asphalt and that the trees currently on the east side of the lot will remain.

Mr. Ed Ciffone asked if anyone could park in the lot.

Mr. DiBartolo responded, yes. Currently there are 125 parking spaces, when we are finished the total will be 336 spaces.

Dr. Carl Hogler, a nearby resident asked if this will cause a disturbance to the

natural flow of water?

Mr. Barber explained that because the Town is laying down millings, the area will remain pervious. The water will remain in Downing Park.

Mrs. Linda Miller asked if using millings would cause any safety issues? She said the State of New Jersey requires that millings above a certain size be sealed.

Mr. DiBartolo explained that millings come in different sizes. We got them from New York State after they dug up roadways which were more than twenty five years old.

Supervisor Peters read memorandum from the NYC Department of Environmental Protection that stated this project posed no problem. He also read a memorandum from the Planning Board that also had no issues with this project.

Highway Superintendent Eric DiBartolo stated that some of the trees on this site will be replaced with funds from Westchester County.

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 Metz.

EXCAVATION PERMIT  
TO EXPAND AN EXSISTING PARKING LOT  
JOHN H. DOWNING PARK  
RESOLUTION #84

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

Approving the Excavation Permit Application # EP-002-08 of  
The Town of Yorktown, John H. Downing Park  
Town of Yorktown, NY

WHEREAS the above referenced excavation permit application has been submitted by the Highway Superintendent Eric DiBartolo on behalf of the Town of Yorktown and;

WHEREAS the application has been referred to the New York City Department of Environmental Conservation (NYCDEP) and the Town of Yorktown Conservation Board and comments have been received;

BE IT HEREBY RESOLVED that the Supervisor of the Town of Yorktown is hereby authorized to execute an approval to grant the excavation permit with following conditions:

1. Survey and sketch plan entitled; "Survey of Property prepared for Yorktown School District No. 1" prepared by J. Henry Carpenter and Company, dated 11/07/07, 1 Sheet: Sheet 4 of 4 is incorporated into this permit by reference.
2. Comments contained in the Town of Yorktown Wetland Consultant memo dated February 8, 2008 must be addressed to his satisfaction prior to the commencement of work.
3. A pre-construction meeting must be held at the site prior to the commencement of any work. The applicant or a representative must contact the Town Wetland Consultant at (914) 962-5722 x220 to arrange this meeting. Temporary erosion controls and limits of disturbance must be installed prior to this meeting

4. The Highway Superintendent must perform inspections of the site erosion controls at least 1x per week and after every rainfall greater than ½” in a 24 hour period. A written inspection report shall be furnished to the Town Board and Town Engineer within seven days of each inspection.

Peters, Martorano, Campisi, Metz Voting Aye  
Bianco Voting Nay

#### PUBLIC HEARING

#### WETLANDS AND EXCAVATION PERMIT

#### TO CONSTRUCT AN ASPHALT DRIVEWAY WITH CURBING

#### PROPOSED WOODLANDS LEGACY BALLFIELDS – ROUTE 132

Supervisor Peters convened a public hearing to consider the application of Eberlin and Eberlin, Inc., for a wetlands and excavation permit to construct and asphalt driveway with curbing at the proposed Woodlands Legacy Ballfields located on Route 132. Affidavits of Publication and Posting were presented by the Town Clerk.

Mrs. Tracey Shalfow, a representative of Eberlin and Eberlin, Environmental Consultants for Westchester County provided the Town Board with an overview of this project. There will be a 26,000 square foot loss in the wetlands buffer. This loss cannot be recreated in the same area because of the pipeline. Our plan is to remove the fragmities by hand and restore the area by using a wetlands seed mixture. Our proposal is to recreate the wetland loss in an area between the condominiums and Strang Boulevard.

Councilman Bianco asked to see the mitigation plan.

Mrs. Shalfow explained that they have not completed work on this plan, but as soon as they do they will make it available to the Town Board, the Conservation Board and Bruce Barber.

Mr. Gil Kaufman asked how close this driveway is to the pipeline and if the road would be built to New York State specs?

He was told that everything will be done in compliance with the law.

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

#### PUBLIC HEARING

#### PROPOSED LOCAL LAW AMENDING

#### CHAPTER 245 – COMMERCIAL GARBAGE PICKUPS

#### RELATING TO FINES AND ENFORCEMENT

Supervisor Peters convened a public hearing to consider the proposed local law amending Chapter 245 with regards to Commercial Garbage Pickups relating to fines and enforcement. Affidavits of Publication and Posting were presented by the Town Clerk.

Town Clerk Alice Roker explained that the proposals would give the Police Department authority to enforce this code and that the fines for not abiding by the law are doubled.

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

#### LOCAL LAW #1 OF 2008

#### AMENDING CHAPTER 245 – COMMERCIAL GARBAGE PICKUPS

#### RELATING TO FINES AND ENFORCEMENT

#### RESOLUTION #85

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

WHEREAS a public hearing was held on the 19th day of February, 2008 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 245, Section 245-14 and Section 245-19 of the Code of the Town of Yorktown relating to Commercial Garbage Pickups regarding fines and enforcement, now therefore be it

RESOLVED that Local Law #1/2008, be and is hereby adopted, as follows:

SECTION I - Chapter 245, Section 245-14, is amended by inserting after the words “or by a fine” the words “not less than \$1,000 and”.

SECTION II – Chapter 245, Section 245-14, is further amended by replacing “\$250” with “\$2,500”.

SECTION III – Chapter 245, Section 245-19, is amended by inserting after the word “Inspector” the words “and the Yorktown Police Department”.

SECTION IV - If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION V - This local law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with the provisions of the Municipal Home Rule Law.

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

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

Local Law #1/2008 was thereupon declared adopted.

ADVERTISE PUBLIC HEARING  
COURTEST CAR WASH AMENDED SITE PLAN  
REQUEST TO INCLUDE ADDITIONAL SIGNS AND CANOPY  
RESOLUTION #86

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4<sup>th</sup> day of March, 2008 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the application of Courtesy Car Wash for an amended Special Use Permit for premises located on Route 202 for an additional sign and canopy.

A copy of said application is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

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

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

ADVERTISE PUBLIC HEARING  
YORKTOWN FARMS SEWER DISTRICT  
RESOLUTION #87

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

WHEREAS, a petition has been filed for the creating of the Yorktown Farms Sewer District, together with a map and plan, and which petition recites the total amount proposed to be expended for the improvement is \$672,000.00 and will be borne entirely by petitioners, Val Santucci and V.S. Construction Corp., and

WHEREAS, the boundaries of the proposed sewer district extension are as shown on Schedule A and bounded and described, as follows:

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Yorktown, County of Westchester, State of New York, more particularly bounded and described as follows:

<u>Address</u>	<u>Tax Map ID</u>
3700 Campbell Court	17.06-1-35
3680 Campbell Court	17.06-1-36
3685 Campbell Court	17.06-1-37
3689 Campbell Court	17.06-1-38
3693 Campbell Court	17.06-1-39
157 Campbell Road	17.06-1-40
169 Campbell Road	17.06-1-41
175 Campbell Road	17.06-1-42
185 Campbell Road	17.06-1-43
195 Campbell Road	17.06-1-44
196 Campbell Road	17.06-1-28
188 Campbell Road	17.06-1-29
180 Campbell Road	17.06-1-30
172 Campbell Road	17.06-1-31
3762 Curry Street	6.18-1-39
3770 Curry Street	6.18-1-38
3763 Curry Street	6.18-1-12
3751 Curry Street	6.18-1-11
3710 Curry Street	17.06-2-1
3702 Curry Street	17.06-2-2
3694 Curry Street	17.06-2-3
3686 Curry Street	17.06-2-4
3674 Curry Street	17.06-2-5
3675 Curry Street	17.06-1-32
3685 Curry Street	17.06-1-33
3701 Curry Street	17.06-1-34
3745 Curry Street	6.18-1-55
3771 Curry Street	6.18-1-13
78 Gay Ridge Road	6.18-1-46
84 Gay Ridge Road	6.18-1-45
90 Gay Ridge Road	6.18-1-44
96 Gay Ridge Road	6.18-1-43
100 Gay Ridge Road	6.18-1-42
118 Gay Ridge Road	6.18-1-41
126 Gay Ridge Road	6.18-1-40
103 Gay Ridge Road	6.18-1-50
127 Gay Ridge Road	6.18-1-53
119 Gay Ridge Road	6.18-1-52
111 Gay Ridge Road	6.18-1-51
95 Gay Ridge Road	6.18-1-49
87 Gay Ridge Road	6.18-1-48

79 Gay Ridge Road	6.18-1-47
135 Gay Ridge Road	6.18-1-54
3812 Gomer Street	6.18-1-2
3821 Gomer Street	6.18-1-7
3829 Gomer Street	6.18-1-8
3830 Gomer Street	6.18-1-1
3845 Gomer Street	6.18-1-10
3837 Gomer Street	6.18-1-9
3804 Gomer Street	6.18-1-3
3796 Gomer Street	6.18-1-4
3788 Gomer Street	6.18-1-5
3787 Gomer Street	6.18-1-6
120 Jennifer Court	6.18-1-56
110 Jennifer Court	6.18-1-57
100 Jennifer Court	6.18-1-58
90 Jennifer Court	6.18-1-59
80 Jennifer Court	6.18-1-60
76 Jennifer Court	6.18-1-61
74 Jennifer Court	6.18-1-62
69 Jennifer Court	6.18-1-63
77 Jennifer Court	6.18-1-64
85 Jennifer Court	6.18-1-65
95 Jennifer Court	6.18-1-66
105 Jennifer Court	6.18-1-67
115 Jennifer Court	6.18-1-68
123 Jennifer Court	6.18-1-69
145 Route 6	6.18-1-14
40 East Main Street	17.06-2-32

WHEREAS, the improvements proposed are shown on a map and plan on file with the Town Clerk, and

WHEREAS, the maximum amount proposed to be expended for such improvement is \$ 672,000.00 Dollars, which will be borne entirely by Petitioners, it is

ORDERED, that the Town Board of the Town of Yorktown, shall meet at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4th day of March, 2008 at 7:30 o'clock PM for the purpose of conducting a public hearing on the proposal to establish said sewer district with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same.

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

ADVERTISE BID  
SPECIAL CAMP EVENTS SUPPLIES  
PARKS AND RECREATION DEPARTMENT  
RESOLUTION #88

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, March 3, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for furnishing and delivering Special Events supplies including but not limited to Knock Hockey Tables, Harvard XP-1000 Foosball Table, Cotton Candy Machine, Pop Corn Machine, Low Profile Field Cones, Bingo Games, etc., to the Yorktown Department of Parks and Recreation.

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

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

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

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

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

ADVERTISE BID  
PROGRAM/STAFF SHIRTS  
PARKS AND RECREATION DEPARTMENT  
RESOLUTION #89

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:15 AM on Monday, March 3, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for furnishing and delivering of Staff and Program Shirts for the Yorktown Department of Parks and Recreation.

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

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

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

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

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

AWARD BID  
ATHELETIC EQUIPMENT  
PARKS AND RECREATION DEPARTMENT  
RESOLUTION #90

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

WHEREAS, invitation to bid for Athletic and Game Equipment for use by the Parks & Recreation Dept., was duly advertised, and

WHEREAS said bids were received and opened on the 6th day of February, 2008, now therefore be it

RESOLVED, that the total bid amount is \$6,689.89.

BE IT FURTHER RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the low bidder for all items, except for the following:

Item 4-Indicators for Umpires- Item by Efinger is not the specific model number requested

Item 16 - Breakaway whistle lanyards for lifeguards - Item bid by Flaghouse is not a breakaway whistle lanyard.

Item 1 -	Softballs - Wilson A9105 Red Stitch -	44 dozen	=\$1,518.00
	1. ARC Sports	\$34.50 / dozen	
	2. Efinger	\$34.60/dozen (Substitute)	

Item 2 -	Baseballs - Babe Ruth -	30 dozen	=\$643.50
	1. ARC Sports- 9 BRL1	\$21.45/dozen	
	2. Efinger- Prosport BRWS	\$22.95/dozen	
	3. Sport Supply	\$24.16/dozen	

Item 3 -	Umpire Softball Masks -	6 each	=\$98.28
	1. Efinger Sports	All American AAZ	\$16.38/each
	2. Sport Supply	MacGregor MCB29BXX	\$16.94/each

Item 4 -	Umpire Indicator - Steel -	2 dozen	=\$31.92
	1. Efinger Sports	Prosport AA3WS	\$16.25/dozen <b>REJECT</b>
	2. Sport Supply	MacGregor BS-BBUMPSTL	\$16.92 / dozen

Item 5 -	Softball Rule Books - 2008 ASA Edition -	2 dozen	=\$ 288.00
	1. ARC Sports	\$144.00 / dozen	
	2.	No Bids	

Item 6 -	Bat Boy Fence Mounted Bat Rack -	8 each	=\$ 95.20
	1. Efinger Sports - BBBATBOY	\$11.90 each	
	2. Sport Supply	\$14.44 each	

Item 7a -	Pitchers Plates - Youth	1 dozen	=\$41.88
	1. Sport Supply - BBPPLLXXY	\$41.88/dozen	
	2. Efinger Sports	\$48.00 / dozen	

Item 7b -	Pitchers Plates - Adult	1 dozen	=\$66.96
	1. Sport Supply BBPPLATE	\$66.96/dozen	
	2. Efinger	\$69.95/dozen	

Item 8a -	Movable Pitching Rubber -	2 sets	=\$121.00
	18" rubber with ground sleeve unit and ground sleeve caps.		
	1. Efinger Sports - Jaypro PR418	\$60.50/ set	
	2.	No Bids	

Item 8b -	Movable Pitching Rubber -	2 sets	=\$128.40
	24" rubber with ground sleeve unit and ground sleeve caps.		
	1. Efinger Sports - Jaypro PR442	\$64.20/set	
	2.	No Bids	

Item 8c -	Movable Pitching Rubber –	4 sets	=\$71.80
	18" ground sleeve and ground caps only for Jaypro PR418.		
	1. Efinger Sports	\$17.95/set	
	2.	No Bids	

Item 8d -	Movable Pitching Rubber –	4 sets	=\$57.90
	24" ground sleeve and ground caps only for Jaypro PR418.		
	1. Efinger Sports	\$28.95/set	
	2.	No bids	

Item 9 -	Double First Base -	3 each	= \$148.83
	1. Sport Supply - MacGregor BS-BBDFBSNR	\$49.61/each	
	2. Flaghouse	\$64.77 each	
Item 10 -	Soft Touch Break Away Base with anchor box and orange insert	1 dozen	= \$827.52
	1. Sport Supply	\$827.52/dozen	
	2. Efinger Sports	\$936.00/dozen	
	3. ARC Sports	\$981.60/dozen	
Item 11 -	Base Anchor Plugs - BBRPLUGS	2 dozen	= \$35.10
	1. Efinger	\$17.55/dozen	
	2. Sport Supply	\$22.95/dozen	
	3. ARC	\$96.00/dozen	
Item 12 -	Base Anchor Tool -	1 Dozen	= \$25.44
	1. Sport Supply - BBDIGOUT	\$25.44/dozen	
	2. Efinger Sports	\$25.95/dozen	
	3. ARC Sports	\$35.00/dozen	
Item 13 -	Home Plates - Rubber Sav-A-Leg with 5 ground stakes -	6 each	= \$48.72
	1. Sport Supply- MacGregor BS-BBHPXXXXY	\$8.12each	
	2. Efinger Sports	\$8.95each	
	3. Flaghouse	\$11.62each	
Item 14 -	Fox 40 Whistles -	8 dozen	= \$255.36
	1. Sport Supply - MGFOXBLACK	\$31.92 / dozen	
	2. Efinger Sports	\$35.00 / dozen	
	3. ARC Sports	\$38.00 / dozen	
Item 16 -	Whistle Lanyards - breakaway for lifeguards	8 dozen	= \$63.60
	1. Flaghouse	\$2.44/dozen	<b>REJECT</b>
	2. Efinger Sports	\$7.95/dozen	
Item 17 -	Basketballs - rubber, intermediate size	6 each	= \$13.32
	1. Sport Supply - Voit VCB8HXXX	\$2.22 each	
	2. Flaghouse	\$3.03 each	
	3. Efinger Sports	\$4.40 each	
Item 18 -	Recreation Soccer Ball	1 dozen	= \$25.92
	1. Sport Supply - Voit VCS33XXX	\$25.92/dozen	
	2. Flaghouse	\$34.44/dozen	
	3. Efinger Sports	\$39.96/dozen	
Item 19 -	Leather Volleyballs	1 dozen	= \$192.00
	1. Efinger	\$192.00/dozen	
	2. Sport Supply	\$208.92/dozen	
	3. ARC Sports	\$226.80/dozen	
Item 20 -	Inflating Pump – electric	2 each	= \$78.00
	1. Efinger	\$39.00 each	
	2. Sport supply	\$39.92 each	
	3. Flaghouse	\$44.28 each	
Item 21 -	Air Horn Cannister - 8 oz.	2 dozen	= \$101.00
	1. Efinger Sports	\$101.00/dozen	
	2. Sport Supply	\$115.92/dozen	
	3. Flaghouse	\$128.00/dozen	
Item 22 -	Tennis Balls - Heavy Duty Felt - Yellow	72 cans	= \$162.00

	1. Efinger	\$2.25/can	
	2. ARC Sports	\$2.35/can	
	3. Sport Supply	\$2.56/can	
Item 23 -	Tug-of-War Rope - 75' lightweight	1 each	=\$36.13
	1. Sport Supply - BSN1040975	\$36.13/each	
	2. Flaghouse	\$41.50/each	
Item 24 -	Ball Bearing 8.5' Jump Ropes	3 dozen	=\$197.28
	1. Flaghouse	\$65.76/dozen	
	2. Efinger Sports	\$70.80 / dozen	
Item 25 -	Foam Footballs - Official Size	1 dozen	=\$29.90
	1. Efinger Sports	\$29.90/dozen	
	2. Flaghouse	\$30.24/dozen	
	2. Sport Supply	\$42.72/dozen	
Item 26 -	Wiffle Balls - Softball Size	3 dozen	=\$9.50
	1. Efinger Sports	\$4.75/dozen	
	2. Sport Supply	\$5.16/dozen	
	3. Flaghouse	\$5.41/dozen	
Item 27 -	Gator Skin Balls - 6" size	2 dozen	=\$68.88
	1. Flaghouse FH5289	\$34.44/dozen	
	2. Efinger Sports	\$40.00/dozen	
	3. Sport Supply	\$53.28/dozen	
Item 28 -	7" Diameter Foam Balls (set of 6)	5 sets/30 balls	=\$56.10
	1. Flaghouse – FH99	\$1.87/ball	
Item 29 -	Mesh Pinnies - Yellow & Red	8 dozen (4 dozen each)	=\$84.48
	1. Flaghouse -3166	\$10.56/dozen	
	2. Efinger Sports	\$22.90 / dozen	
	3. Sport Supply - C46	\$22.92 / dozen	
Item 30 -	Countdown Timer	3 each	
	1. Sport Supply Robic MSSTP502	\$11.26each	=\$33.78
	2. Flaghouse	\$11.93/each	
	3. Efinger sports	\$12.00 each	
Item 31 -	Bean Bags 5" square	2 dozen	=\$10.24
	1. Sport Supply - BSN 1039900	\$5.12 / dozen	
	2. Flaghouse	\$6.17/dozen	
Item 32 -	Soft Pucks	1 dozen	=\$5.04
	1. Flaghouse FH686	\$5.04/dozen	
	2. Efinger Sports	\$19.00 / dozen	
Item 33 -	Recreation Volleyball Net	3 each	=\$24.96
	1. Sport Supply - SNVBECO2Y	\$8.22each	
	2. Flaghouse	\$15.43 each	
Item 34 -	Bingo Cards - packs of 50	12 Sets of 25	=\$65.04
	1. Flaghouse	\$5.42/25	
	2.	No bids	
Item 35 -	Ping Pong Paddles - wooden	2 dozen	=\$23.52
	1. Flaghouse FH 502	\$0.98/each	
	2. Efinger Sports	\$13.00 / dozen	
	3. Sport Supply	16.44 / dozen	

Item 36 -	Ping Pong Balls - 50 + per box	1 box	= \$5.36
	1. Flaghouse FH523	\$5.36	
	2. Efinger Sports	\$6.45	
	3. Sport Supply	\$6.48	
Item 37 -	Foosballs	1 dozen	= \$2.67
	1. Flaghouse	\$2.67 / dozen	
	2. Sport Supply	\$4.94 / dozen	
Item 38 -	Junior Clue Board Game	6 each	= \$108.00
	1. ARC Supply	18.00/each	
	2.	No Bid	
Item 39 -	Memory Game	5 each	= \$34.50
	1. ARC Supply	\$6.90 each	
	2. Sport Supply	\$8.19 each	
	3. No bid		
Item 40 -	Outburst Juniors Game	8 each	= \$98.40
	1. ARC Sports	\$12.30 each	
	2. No bid		
Item 41 -	Trouble Board Game	5 each	= \$49.00
	1. ARC Sports	\$ 9.80 each	
	2. Flaghouse	\$11.98 each	
	3. Sport Supply	\$12.74 each	
Item 42 -	Sorry Board Game	8 each	= \$110.40
	1. ARC Sports	\$13.80 each	
	2. Flaghouse	\$17.26 each	
	3. Sport Supply	\$18.34 each	
Item 43 -	Candyland Game	8 each	= \$54.40
	1. ARC Sports	\$6.80 each	
	2. Sport Supply	\$9.06 each	
	3. No bid		
Item 44 -	Chutes & Ladders Board Game	8 each	= \$49.60
	1. ARC Sports	\$6.20 each	
	2. Sport Supply	\$8.23 each	
	3. No Bid		
Item 45 -	Connect 4 game	6 each	= \$70.80
	1. ARC Sports	\$11.80 each	
	2. Flaghouse	\$14.08 each	
	3. Sport Supply	\$14.76 each	
Item 46 -	Boggle Game	8 each	= \$92.00
	1. ARC Sports	\$11.50 each	
	2. Flaghouse	\$14.81 each	
	3. No bid		
Item 47 -	Uno Card Game	8 each	= \$32.00
	1. ARC Sports	\$4.00 each	
	2. Flaghouse	\$4.97 each	
	3. Sport Supply	\$5.50 each	
Item 48 -	Perfection Board Game	6 each	= \$82.80
	1. ARC Sports	\$13.80 each	
	2. Flaghouse	\$17.96 each	
	3. Sport Supply	\$18.16 each	

Item 49 -	Scattergories Game	4 each	= \$91.60
	1. ARC Sports	\$22.90	
	2. No bids		
Item 50 -	Old Maid Cards	8 sets	
	1. Flaghouse - #984	\$1.42/set	= \$11.36
	2. Sport Supply	\$1.99/set	
	3. ARC	No Bid	
Item 51 -	Playing Cards	10 sets	= \$12.50
	1. ARC Sports	\$1.25/set	
	2. Sport Supply	\$12.55/set	
	3. Flaghouse	\$14.36/set	

\* Item 20      No Electric Ball Inflating Pump to be ordered at this time

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

RESIGNATION

BRUCE BARBER – ENVIRONMENTAL CODE INSPECTOR

The Town Board accepted with regret the resignation of Environmental Code Inspector Bruce barber.

RESIGNATION

PETER BISACCIA – ALTERNATE PARKS AND RECREATION COMMISSION

The Town Board accepted with regret the resignation of Alternate Parks and Recreation Commissioner Peter Bisaccia.

RELEASE OF ESCROW DEPOSIT

PERMIT #1165

RESOLUTION #91

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

RESOLVED, that the Town Board authorizes the release of the following escrow deposit:

    Driveway Permit #1165 - \$500.00  
    Location – 1466 E. Main Street

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

AUTHORIZE SUPERVISOR TO SIGN

CONTRACT - WESTCHESTER COUNTY FOR CONSTRUCTION OF SIDEWALKS EAST MAIN STREET IN JEFFERSON VALLEY (CDBG)

RESOLUTION #92

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

WHEREAS the Town of Yorktown is a member of the Westchester County Urban County Consortium; and

WHEREAS the Town Board authorized the submission of the CDBG applications by a resolution at its meeting held on August 16, 2005; and

WHEREAS the Town submitted a CDBG application to Westchester County titled “Jefferson Valley New Sidewalk Construction,” dated June 1, 2005; and

WHEREAS the Town Board endorses the application titled "Jefferson Valley New Sidewalk Construction" requesting a CDBG grant of \$ 274,400 and authorizing the Town to contribute \$ 117,600 through bonding, in-house services and private contributions; and

WHEREAS Westchester County has designed said sidewalks, at a cost of \$394,605; and

THEREFORE BE IT RESOLVED that the Town Board authorizes the additional amount of \$ 9,400 for a total contribution of \$ 127,000 for the sidewalk cost: and

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor of the Town of Yorktown to execute a contract with the County of Westchester for the purpose of East Main Street, Jefferson Valley, New Sidewalk Construction.

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

FINAL ORDER ESTABLISHING THE SUNCREST SEWER DISTRICT  
ISSUANCE OF \$750,000 IN SERIAL BONDS  
RESOLUTION #93

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

WHEREAS, a written petition, in due form and containing the required signatures, has been presented to and filed in the office of the Town Clerk of the Town of Yorktown, Westchester County, New York, for the establishment of Suncrest Sewer District in the Town of Yorktown, Westchester County, New York, (hereinafter, "the Sewer District"), consisting of the construction of a sanitary main of approximately 2,260 linear feet of 8-inch diameter sewer pipe, including original furnishings, equipment, machinery, apparatus and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$750,000, pursuant to Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on the 16th day of May, 2006, reciting the filing of said petition, the fact that said petition was on file in the Town Clerk's office, the improvement proposed, the boundaries of the proposed Sewer District and the estimated expense thereof and specifying the 20th day of June, 2006, at 6:00 o'clock in the P.M., Prevailing Time, of that day at Mohegan Colony Lake, Oak Street, in Mohegan Lake, New York, in said Town, as the time and place where the Town Board would meet for the purpose of holding a public hearing to consider the petition and the question of establishing said proposed Sewer District, and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of such hearing was duly posted and published in the manner and within the time prescribed by Section 193 of the Town Law and proof of said publication and posting has been presented to this Town Board; and

WHEREAS, said public hearing was duly held by this Town Board at the time and place set forth in the aforesaid order, and considerable discussion upon the matter having been had and all persons desiring to be heard were duly heard; and

WHEREAS, on June 20, 2006 the Town Board adopted a resolution finding in the affirmative all of the determinations required by Section 194 of the Town Law and approving the establishment of said Suncrest Sewer District in accordance with the provisions of Section 194 of the Town Law; and

WHEREAS, an application for permission to establish said Suncrest Sewer District was filed in the office of the State Department of Audit and Control at Albany, New York, in accordance with Section 194 of the Town Law for permission to establish such District which permission has now been granted by the State Comptroller; and

WHEREAS, it is now necessary to adopt a final order establishing the District; NOW, THEREFORE, IT IS HEREBY

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

Section 1. The establishment of Suncrest Sewer District in the Town of Yorktown and the construction of the improvements proposed therefor at a maximum estimated cost of \$750,000 are hereby approved. Said Sewer District shall be bounded and described as in Exhibit A attached hereto and hereby determined to be a part hereof. The method of financing the cost of said improvements shall be by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, such bonds to be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefited from said improvements, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvements shall confer upon the same, 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 become due and payable.

Section 2. 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 and filed in the office of the State Department of Audit and Control at Albany, New York, in the manner and within the time prescribed by Section 195(1) of the Town Law, being within ten days of adoption of this Order.

Section 3. This Order shall take effect immediately.

**Schedule "A"**

SUNCREST SEWER DISTRICT					
ACCOUNT NUMBER	SECTION	BLOCK	LOT	STREET NUMBER	STREET NAME
1795000	16.11	2	7	832	WREN PLACE
1793000	16.11	2	74	858	WREN PLACE
1793500	16.11	2	75	856	WREN PLACE
1794000	16.11	2	76	848	WREN PLACE
1794500	16.11	2	77	838	WREN PLACE
1819500	16.11	3	20	814	DELANO ROAD
1820000	16.11	3	21	802	DELANO ROAD
1820500	16.11	3	22	790	DELANO ROAD
1821000	16.11	3	23	770	DELANO ROAD
1821500	16.11	3	24	768	DELANO ROAD
1818500	16.11	3	26	3499	SUNCREST AVE
1813500	16.11	3	27	3509	SUNCREST AVE
1814000	16.11	3	28	845	WREN PLACE
1814500	16.11	3	29	855	WREN PLACE
1815000	16.11	3	30	863	WREN PLACE
1818000	16.11	3	33	848	KESSLER PLACE
1817000	16.15	1	34	3494	OLD YORKTOWN RD.
1828500	16.15	1	35	3480	OLD YORKTOWN RD.
1828000	16.15	1	36	3468	OLD YORKTOWN RD.
1827500	16.15	1	37	3456	OLD YORKTOWN RD.

1827000	16.15	1	38	3483	SUNCREST AVE
1829000	16.15	1	39	847	KESSLER PLACE
1819000	16.15	1	40	3500	SUNCREST AVE
1825000	16.15	1	42	767	DELANO ROAD
1824500	16.15	1	43	775	DELANO ROAD
1825500	16.15	1	44	791	DELANO ROAD
1826000	16.15	1	45	805	DELANO ROAD
1826500	16.15	1	46	3476	SUNCREST AVE

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

Supervisor Donald S. Peters	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.

SUNCREST SEWER DISTRICT  
ISSUANCE OF \$750,000 IN SERIAL BONDS  
RESOLUTION #94

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

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, and more particularly an Order dated February 19, 2008, the Town Board of the Town of Yorktown, Westchester County, New York, has established Suncrest Sewer District in the Town of Yorktown, Westchester County, New York;

WHEREAS, with regard to the improvements proposed therefor, as more fully set forth in said order establishing Suncrest Sewer District in the Town of Yorktown, Westchester County, New York, it is now desired to authorize the financing thereof; and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant adverse environmental effects; 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 the establishment of a sewer district to be known as Suncrest Sewer District in and for the Town of Yorktown, Westchester County, New York, consisting of the construction of a sanitary main of approximately 2,260 linear feet of 8-inch diameter sewer pipe, including original furnishings, equipment, machinery, apparatus and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$750,000, as more fully described in the report relating thereto, there are hereby authorized to be issued \$750,000 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 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 3. 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 4. 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 annually be levied upon and collected from the several lots and parcels of land within said Suncrest Sewer District, deemed benefitted from the improvements, assessments 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 5. 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 she 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, she 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 6. 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.

Section 7. The Supervisor is hereby further authorized, at her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Health 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 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. 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 10. 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 Donald S. Peters	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.

REFUND DUPLICATE TAX PAYMENT  
RESOLUTION #95

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund</u>
2007 Sch 22	27.18-2-49	3555040	\$3,690.57

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

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

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

MONTHLY REPORTS

Receiver of Taxes (2)

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

