

**TOWN BOARD
TOWN OF OSSINING
OSSINING, NEW YORK**

**REGULAR MEETING
MAY 24, 2005
7:30 P.M.**

**POLICE/COURT
FACILITY
86-88 SPRING STREET**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining, Westchester County, New York was held on the 24th day of May, 2005 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor John Chervokas. Other members of the Board present were: Geoffrey Harter, Francesca Connolly, Michael G. O'Connor and Northern Wilcher. Also present were: Thomas Beirne, Town Attorney; Connie DiSalvo, Budget Officer; and Mary Ann Roberts, Town Clerk.

The Supervisor began the meeting by welcoming Councilmember O'Connor back after his recent surgery. Councilmember O'Connor extended his thanks to everyone that sent their good wishes for a speedy recovery.

II. PUBLIC HEARING – In the matter of proposed Community Development Block Grant Applications

Supervisor Chervokas opened the public hearing at 7:31 p.m.

Budget Officer Connie DiSalvo gave a brief presentation regarding the three applications that the Town is submitting for the latest round of CDBG applications. The Town will be applying for the grant cycle beginning in 2006, 2007 and 2008 for the following items: Installation of a Water Main at Cedar Lane Park in the amount of \$418,500 with a 50-50 match. The Village of Ossining has also submitted a resolution of support for this application. The second application we will submit is for the Engel Park Playground in the amount of \$200,000 with the Town's match being \$50,000. The Engel Park Spray Play will be started in September, 2005 with the playground scheduled for 2006 if we receive the grant. The last application is for a Honda Element for Senior Services which is \$18,000 with the Town's match of \$4,500. The present vehicle is not suitable to transport food from the High School and then to the individual's homes. The CDBG Program is a Federal Project for areas with low and moderate income. It is not only for municipalities but also for not-for-profit organizations such as the Ossining Children's Center, etc. The Westchester County Planning Department is the one who reviews all of the applications and then sends the list to the Westchester County Board of Legislators for approval.

There were no comments by the public.

At 7:35 p.m., Councilmember Harter moved and it was seconded by Councilmember Connolly that the public hearing be closed.

Motion Carried: Unanimously

III. PRESENTATION - Stormwater Management Program Annual Report

Supervisor Chervokas described the Stormwater Management Program as another mandate by Government. The municipality must take certain steps to remedy and possibly avoid pollution problems. This is a six-year project with this being year 2. By 2008, the Town must implement the following phases: Public Education, Public Participation, Illicit discharge, Post Construction Storm Water

Construction, Pollution Prevention and good Housekeeping. The Town has achieved goals of public education with the EAC providing literature to the public. The EAC is a very effective tool in this process. The EAC Committee will be working with the Planning Board to draft various ordinances that pertain to this project. Mapping is to be done to locate features of the system including catch basins, storm drains, etc.

The Police Department will be moving out of their present location shortly thus making it possible to make the old site better environmentally. The Town would like to work with other communities in purchasing a Vector truck to clear out catch basins. Improvements will also be made to the highway garage to correct environmental issues at that location.

The Supervisor also thanked Mitzi Elkes, George Weeks and Jim Vanoli for all of their efforts in completing this task.

There were no comments from the public.

IV. COMMUNITY ANNOUNCEMENTS

Councilmember O'Connor announced that the local Veterans would be sponsoring the Memorial Day Parade on Monday, May 30th at 9:30 a.m., stepping off from Calam and Croton Avenues, down Croton Avenue onto Main Street and then Spring Street and ending the march at Nelson Park. At 10:45 a.m., the ceremony will begin with the reading of the names of deceased members of the community who died while in the service of our Country. The Guest Speaker will be the Honorable Judge Francis Nicoli, who is a graduate of the U.S. Coast Guard Academy and a Viet Nam War Veteran. The Ossining Boat and Canoe Club will be holding a fund raiser for the Donald Zerrilla Scholarship Fund which is a breakfast from 8 a.m. until noon.

Councilmember Harter announced that there would be a Memorial Day Parade in the Village of Briarcliff Manor, stepping off at noon from Pleasantville Road to Law Park, at which time a ceremony will take place at the monument.

Supervisor Chervokas announced that on June 4th at 10 a.m., there will be a tree planting ceremony at Veteran's Park in memory of John Custons. Mr. Custons was the Town's Veterans Administrator who passed away earlier this year. Also, on June 4th, the Farmers Market will have its opening at Market Square. The Ossining Village Fair is scheduled for June 11th.

V. BOARD RESOLUTIONS

A. Approval of Minutes – May 10, 2005

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the May 10, 2005 Regular Meeting as presented.

Vote: 4 – 0 – 1

Voting Yes: Harter, Connolly, Wilcher
Chervokas

Abstaining: O'Connor

Councilmember O'Connor was not present at the May 10th meeting.

B. Approval of Voucher Detail Report

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 24, 2005 in the amount of \$440,035.90.

Motion Carried: Unanimously

C. Appointment-Police Dispatcher

Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Mary C. Greenan provisionally as Police Dispatcher, Hickory Court, Peekskill, NY effective June 1, 2005 at an annual salary of \$36,000. The probationary period shall be for a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

D. Advertise for Bids-Parks Tractor

Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to advertise for bids for a Kobota R420S Tractor for the Parks Department. Specifications are available in the office of the Town Clerk. Bids shall be received no later than June 21, 2005.

Motion Carried: Unanimously

E. Highway Department-Temporary Appointments

Councilmember Connolly moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Timothy Ring, Hillcrest Avenue, Ossining, NY to the temporary position of laborer in the Highway Department at a rate of \$11.00 per hour effective June 1, 2005; and be it further

Resolved, that the Town Board of the Town of Ossining hereby appoints Jason Clark, Snowden Avenue, Ossining, NY to the temporary position of laborer in the Highway Department at a rate of \$11.00 per hour effective June 1, 2005.

Motion Carried: Unanimously

F. Taxes-2005 Foreclosure Title Search

Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Maureen Redmond of Judicial Title Insurance Agency, Inc. to perform the title and lien searches required in connection with the 2005 In Rem foreclosure proceedings at a fee of \$175 per parcel.

Motion Carried: Unanimously

G. Police Facility-General Construction

Councilmember Harter moved and it was seconded by Councilmember O'Connor that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the following change orders with St. Francis Construction:

Hand Trench for relocation of gas line Relocate mechanical room wall to provide additional room for Back Flow Preventer Fir out wall between Room 021 and Room 027 to accommodate plumbing lines	\$1,267.52
Provide permanent patch at area of plumbing contractor work	\$1,993.48
Provide security mesh in evidence storage room	\$5,447.13
Increase width of roll down door at prisoners processing	\$1,605.00
Supply & install 3 access doors in sheet rock ceiling Provide access to Air Handler Unit #6 (2-doors) Provide access to water valve at bathroom #036 (1-door)	\$474.05
Furnish and install concrete apron at driveway entrance	\$3,970.78
Construct rated drywall partition above masonry walls per SK-35 dated 1-24-05	\$14,080.92
Provide a wood door in lieu of the previously specified hollow metal door at closet #012	\$ 141.66
Fir out wall at prisoners toilet #036 to accommodate plumbing lines for shower installation	\$ 585.12
Furnish and install new security access closet per Sk-36, dated 1-26-05	\$2,408.77

Be it further resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the following change order with WDF Inc.:

Supply and install exhaust fan in armory	\$1,981.00
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Motion Carried: Unanimously

H. Westchester County-Prisoner Transportation Agreement

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to sign a contract with Westchester County for prisoner transportation during calendar years 2005 and 2006. The Town will provide round trip prisoner transportation between the Town and County Correction Facilities using its own police department personnel and vehicles. Westchester County will reimburse the Town for this service at a rate of \$132.76 per round trip in 2005 and \$138.07 per round trip in 2006.

Motion Carried: Unanimously

I. Westchester County-Employee Assistance Services

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a renewal agreement between the Town of Ossining and Westchester County Department of Community Mental Health for Employee Assistance Services from January 1, 2005-December 31, 2005 at a cost of \$2,040.

Motion Carried: Unanimously

J. Senior Services-Awarding Bid of Nutrition Program

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby awards the Bid of "Meals for the Elderly Nutrition Program" to Aramark Education Services, 1101 Market Street, Philadelphia, PA in the amount of \$3.95 per meal for calendar year 2005.

Motion Carried: Unanimously

K. Community Development Block Grant Application

Councilmember O'Connor moved and it was seconded by Councilmember Harter that the following resolution be approved:

Whereas, the Town of Ossining is a member of the Westchester Urban County Consortium of Communities; and

Whereas, a public hearing was held on May 24, 2005 and all persons wishing to speak in connection with the aforesaid applications were heard;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to submit the following Community Development Block Grant Applications with Town contributions, both in-kind and monetary, in the amounts as indicated:

Cedar Lane Park Water Main	2006 Total Estimated Project: \$418,500 Town Share: \$209,250
Engel Park Play Ground	2006 Total Estimated Project: \$200,000 Town Share: \$50,000
Senior Service Honda Element	2006 Total Estimated Project: \$18,000 Town Share: \$4,500

Motion Carried: Unanimously

L. Agreement-Call A Cab

Councilmember Connolly moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with Mega I Car Service, Inc. of 109 Croton Avenue, Ossining, NY for participation in the Call-a-Cab program for the period ending December 31, 2005.

Motion Carried: Unanimously

M. Certiorari Settlements

**STP BRIARCLIFF LLC
INDUSI REALTY, INC.**

vs.

TOWN OF OSSINING

Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by STP Briarcliff LLC, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at Albany Post Road (a/k/a 325 South Highland Avenue), and designated on the tax assessment map of the Town of Ossining as Section 4.10, Block 9, Lot 1; for assessment years 2001 through 2004, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16463/01, 17393/02, 15648/03 and 16031/04; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Indusi Realty, Inc., Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 176 North Highland Avenue and designated on the tax assessment map of the Town of Ossining as Section 2.01, Block 1, Lot 18 for assessment years 2003 and 2004, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15641/03 and 16024/04; and

WHEREAS, the above Petitioners have agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of their real property and improvements, as follows:

STP BRIARCLIFF LLC

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2001	256,575	254,075	2,500
2002	256,575	249,075	7,500
2003	256,575	220,575	36,000
2004	256,575	197,575	59,000

INDUSI REALTY, INC.

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2003	60,000	38,500	21,500
2004	47,300	38,500	8,800

WHEREAS, any and all refunds necessitated by said settlements will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in by the Town Attorney, finds the proposed settlements appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlements; and it is further

RESOLVED, that the Assessor is authorized and directed to make the changes and corrections to the tax assessment rolls of the Town of Ossining which will be ordered pursuant to the Consent Judgments to be entered in accordance with the terms of these settlements, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes, estimated to be \$775.56, which will be ordered pursuant to said Consent Judgments.

Motion Carried: Unanimously

N. Building Department – Briarcliff Garden Center

Councilmember Connolly moved and it was seconded by Councilmember O'Connor that the following resolution be approved:

WHEREAS, the Building Inspector of the Town of Ossining issued a Notice of and Order to Remedy Violation on April 19, 2005 in which he cited violations by the owner and operator of 528-532 North State Road in the unincorporated area of the Town of Ossining (Section 1, Plate 8A, Block 4, Lots 1, 23, 65 & 67A on the Tax Map) known as the Briarcliff Garden Center of various provisions of the Zoning Ordinance of the Town of Ossining (Chapter 200 of the Town Code) involving failure to obtain building permits, certificates of occupancy and site plan approval in connection with improvements and operations on the property, as well as violations involving noxious and offensive conditions created by operations on the property; and

WHEREAS, the owner and operator of the above-referenced property took no action May 3, 2005, the reinspection date, and, in fact, has taken no effective action to date in order to address and remedy then conditions cited in the said Notice of Violation; now therefore be it

RESOLVED, that the appropriate Town officers and officials, including but not limited to the Building Inspector, be, and they hereby are, authorized to institute an appropriate action in New York State Supreme Court, Westchester County, in the name of and on behalf of the Town of Ossining, for injunctive relief restraining and enjoining further violations of the Ossining Zoning Ordinance by the owner and operator of the Briarcliff Garden Center ordering demolition and removal of illegal structures and awarding such other and further relief as may be appropriate for the enforcement of the Zoning Ordinance and the protection of the health and safety of the neighborhood.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following items be received and filed:

- 1. April, 2005 Helicopter Schedule from G.E.**
- 2. March 23rd and April 13th Planning Board Minutes.**

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Duval Cellai, Stormytown Road, questioned why the architect was being paid for various changes to the police facility, that should have been included in the original proposal. The Board questioned this as well and was looking into this.

Bobby Williams, Spring Street, discussed the affair that was held on Saturday night in honor of Councilmember Northern Wilcher. Also discussed was General Electric, the Hudson River as well as the environment.

VII. ADJOURNMENT

At 8:27 p.m., Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk