

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

**REGULAR MEETING
MARCH 14, 2006
7:30 pm**

**POLICE/COURT
FACILITY
86-88 Spring Street**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on March 14, 2006 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. Members of the Board present were: Geoffrey Harter, Northern Wilcher, John Krieger and Martha Dodge. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer; and Mary Ann Roberts, Town Clerk.

**II. PUBLIC HEARING – In the Matter of a Proposed Local Law
Justice Court Clerks – Residency Requirements**

The public hearing was opened at 7:33pm by Supervisor John Chervokas.

Attorney Beirne stated that the Public Officers Law designates that some positions must be held by residents of the particular municipality. The Attorney General of the State of New York has offered the opinion that does not require Court Clerks to be residents in the municipality in which they are employed, but must be a resident of the County. Special legislation was passed in Albany for a number of exceptions to the law such as Receiver of Taxes and Building Inspector. The Town of Ossining employs one Town Court Clerk who at the time of employment was a resident of Ossining, but has now relocated to a nearby community. It has been determined that this is a good employee thus the proposed change in the law in order for this employee to remain as Court Clerk in the Town of Ossining. The proposed law makes it clear that Court Clerks need not be residents of Ossining, but a resident of the County.

Bobby Williams, Spring Street, questioned whether this law can revert back to the local law now in existence? Is it a civil service position or covered under the local law? Supervisor Chervokas responded that this would not change for future employees. The local law will satisfy the County requirements

At 7:40 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

Motion Carried: Unanimously

III. ANNOUNCEMENTS

Supervisor Chervokas announced that a Telethon will be held at Ossining High School on March 19, 2006 from 2 – 10 p.m. This is a benefit for Project Earthquake which is to benefit young black males. A variety of musicians will be performing this evening. There is no entrance fee; however, donations will be accepted.

On March 30, 2006 there will be a demonstration of proposed voting machines at the Westchester County Center in White Plains from 1 – 7 p.m. There will be at least six machines on display.

IV. TOWN BOARD RESOLUTIONS

A. Approval of Minutes – February 28, 2006

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 Minutes of the February 28, 2006 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated March 14, 2006 in the amount of \$127,043.09.

Motion Carried: Unanimously

C. 2005 -2006 NYS Shared Municipal Services Incentive Grant Program – Ossining Community Youth and Family Initiative

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

Whereas, the Town of Ossining, the Village of Ossining, and the Ossining Union Free School District have partnered together to apply for the New York State Shared Municipal Services Incentive Grant to address Ossining's need for more recreational facilities and programs; and

Whereas, the total project cost for this grant is \$296,176; the grant requested is \$266,558; the local share which would be divided between the applicants is \$29,618; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby supports application to the 2005–2006 NYS Shared Municipal Services Incentive Grant Program – for the Ossining Community Youth and Family Initiative.

Motion Carried: Unanimously

D. Adoption of Local Law No. 2 – 2006 – Residency Requirements for Town of Ossining Justice Court Clerks

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following local law be adopted:

A Local Law Providing that Town of Ossining Justice Court Clerks Need Not be Residents of the Town of Ossining

Be it Enacted, by the Town Board of the Town of Ossining, Westchester County, New York, that the Code of the Town of Ossining is hereby amended by adding thereto Chapter 6 to read as follows:

Section 1 - Persons now holding, or in the future appointed to, the position of Court Clerk in and for the Justice Court of the Town of Ossining need not be residents of the Town of Ossining, provided such persons are residents of Westchester County or of an adjoining county within the State of New York.

Section 2 – To the extent that any provision of this Chapter may be inconsistent with Section 3 of the Public Officers Law of the State of New York, as to which an exception has already been made by virtue of Chapter 272 of the Laws of 1998, it is the intent of the Town Board to supersede that section with this chapter.

Section 3 – This local law shall take effect immediately upon filing with the Secretary of State.”

Voting Yes in a Roll Call:
Harter, Wilcher, Krieger,
Dodge, Chervokas
Motion Carried: Unanimously

E. Calling a Public Hearing on the Application for a Cabaret License - Torchia’s Restaurant – 518 North State Road, Briarcliff Manor

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, March 28, 2006 at 7:30 p.m. in the Police/Court Facility, 86-88 Spring Street, Ossining, on the Application of Torchia’s Restaurant, 518 North State Road, Briarcliff Manor, for a Cabaret License.

Motion Carried: Unanimously

F. Calling a Public Hearing on the Application for a Cabaret License - Unique Affairs at Mansion Hill (Maison LaFitte) 25 Studio Hill Road Briarcliff Manor

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, March 28, 2006 at 7:30 p.m. in the Police/Court Facility, 86-88 Spring Street, Ossining, on the Application of Unique Affairs at Mansion Hill, 25 Studio Hill Road, Briarcliff Manor, for a Cabaret License.

Motion Carried: Unanimously

G. Planning Board Appointment – Frederick C. Veit

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Frederick C. Veit, Gordon Avenue, Briarcliff Manor, New York, to the Town of Ossining Planning Board to fill the unexpired term of Wayne Spector effective through December 31, 2009.

Motion Carried: Unanimously

H. CERTIORARI SETTLEMENTS
MAPLE LODGE, LLC (a/k/a ALM REALTY CORP.)
ANTHONY P. BELDOTTI
NORTH HIGHLAND ASSOCIATES, LLC
CLAREMONT GARDENS ASSOCIATES
CLINTON TERRACE GENERAL PARTNERSHIP
CVS
vs.
TOWN OF OSSINING

Councilmember Harter 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 MAPLE LODGE, LLC (a/k/a ALM REALTY CORP.), Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 173 North Highland Avenue, and designated on the tax assessment map of the Town of Ossining as Section 3.03, Block 2, Lots 1 and 7; for assessment years 2002 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17512/02, 15645/03, 16027/04 and 16946/05; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by ANTHONY P. BELDOTTI, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 500 Executive Boulevard, and designated on the tax assessment map of the Town of Ossining as Parcel #1-3-6-6E, for assessment years 2000 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15192/00, 16048/01, 17508/02, 15640/03, 16023/04 and 16942/05; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by ANTHONY P. BELDOTTI, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 160 North State Road, and designated on the tax assessment map of the Town of Ossining as Section 4.05, Block 6, Lot 20, for assessment years 2000 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15196/00, 16052/01, 17573/02, 15646/03, 16029/04 and 16949/05; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of New State of New York were instituted by NORTH HIGHLAND ASSOCIATES, LLC, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 310 North Highland Avenue, and designated on the tax assessment map of the Town of Ossining as Parcel #1-10A-23-16 for assessment years 2001 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16054/01, 17516/02, 15650/03, 16032/04 and 16951/05; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by CLAREMONT GARDENS ASSOCIATES, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at Van Cortlandt Avenue/Route 9, and designated on the tax assessment map of the Town of Ossining as Section 21, Block 3, Lot 12, for assessment years 2003, 2004 and 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 17768/05; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by CLINTON TERRACE GENERAL PARTNERSHIP, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 70 Croton Avenue, and designated on the tax assessment map of the Town of Ossining as Parcel #2.19-40-3.C, for assessment years 2000 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15194/00, 16050/01, 17510/02, 15643/03, 16126/04 and 16944/05; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by CVS, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at , 210 South Highland Avenue, and designated on the tax assessment map of the Town of

Ossining as Section 3.29, Block 73, Lot 2.1, for assessment years 2003 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15229/03, 14955/04 and 15722/05; 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:

MAPLE LODGE, LLC (a/k/a ALM REALTY CORP.)
Section 3.03, Block 2, Lot 1

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Reduction</u>
2002	291,300	232,200	59,100
2003	291,300	228,200	63,100
2004	291,300	217,400	73,900
2005	291,300	226,200	65,100

MAPLE LODGE, LLC (a/k/a ALM REALTY CORP.)
Section 3.03, Block 2, Lot 7

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Reduction</u>
2002	5,800	5,800	-0-
2003	5,800	5,800	-0-
2004	5,800	5,800	-0-
2005	5,800	5,800	-0-

ANTHONY P. BELDOTTI
Parcel #1-3-6-6E

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Reduction</u>
2000	208,500	208,500	-0-
2001	208,500	208,500	-0-
2002	208,500	208,500	-0-
2003	208,500	208,500	-0-
2004	208,500	185,000	23,500
2005	208,500	175,000	33,500

ANTHONY P. BELDOTTI
Section 4.05, Block 6, Lot 20

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Reduction</u>
2000	60,000	60,000	-0-
2001	60,000	60,000	-0-
2002	60,000	60,000	-0-
2003	60,000	52,500	7,500
2004	60,000	52,500	7,500
2005	60,000	52,500	7,500

NORTH HIGHLAND ASSOCIATES, LLC
Parcel #1-10A-23-16

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Reduction</u>
2001	79,800	79,800	-0-
2002	79,800	79,800	-0-
2003	79,800	68,000	11,800
2004	79,800	68,000	11,800
2005	79,800	68,000	11,800

CLAREMONT GARDENS ASSOCIATES
Section 21, Block 3, Lot 12

<u>Assessment</u> <u>Year</u>	<u>Original</u> <u>Assessment</u>	<u>Corrected</u> <u>Assessment</u>	<u>Reduction</u>
2003	1,358,300	1,358,300	-0-
2004	1,358,300	830,500	527,800
2005	1,364,000	830,500	533,500

CLINTON TERRACE GENERAL PARTNERSHIP
Parcel #2.19-40-3.C

<u>Assessment</u> <u>Year</u>	<u>Original</u> <u>Assessment</u>	<u>Corrected</u> <u>Assessment</u>	<u>Reduction</u>
2000	425,000	425,000	-0-
2001	425,000	425,000	-0-
2002	451,370	451,370	-0-
2003	555,100	451,000	104,100
2004	555,100	451,000	104,100
2005	555,100	451,000	104,100

CVS
Section 3.29, Block 73, Lot 2.1

<u>Assessment</u> <u>Year</u>	<u>Original</u> <u>Assessment</u>	<u>Corrected</u> <u>Assessment</u>	<u>Reduction</u>
2003	336,350	320,000	46,350
2004	336,350	298,000	68,350
2005	336,350	275,000	91,350

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 \$10,437.91, which will be ordered pursuant to said Consent Judgments.

Vote: 4 – 0 – 1
Voting Yes: Harter, Wilcher,
Krieger, Chervokas
Abstaining: Dodge

I. Resolution Authorizing a Settlement Agreement re: Westchester Disabled on the Move, Inc.,

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

WHEREAS, Westchester Disabled on the Move, Inc., et al. commenced an action in the United States District Court for the Southern District of New York (White Plains Branch) in 2004 against Westchester County, the Westchester County Board of Elections and all of the towns and cities of Westchester County, including the Town of Ossining, claiming violations by the defendants of various provisions of the Federal Americans with Disabilities Act ("ADA") and other state and federal laws arising out of the manner in which the various defendants had, or had not, provided access to polling places within the various towns and cities for persons with disabilities; and

WHEREAS, Westchester County undertook to bear the cost of defending the said action at no cost whatsoever to the various town and city defendants, almost all of whom cooperated in the defense of the action; and

WHEREAS, following institution of the action, the Election Law of the State of New York was amended so as to remove primary responsibility for conducting elections in New York State from the local towns and cities and to place such primary responsibility on counties within the State of New York, including Westchester County; and

WHEREAS, a proposed settlement of the action has recently been agreed upon by the attorneys for the parties, subject to municipal approval; and

WHEREAS, the said settlement agreement releases the Town of Ossining from any and all liability on account of any alleged violations occurring in past elections and further requires no payment by the Town of Ossining of any damages, fees or costs of any kind; and

WHEREAS, by virtue of the above-referenced amendment of the Election Law, future elections will be the responsibility of Westchester County, rather than the towns and cities, thus making it unlikely that the Town will be involved in any future disputes which may arise between the parties;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be, and he hereby is, authorized and directed to execute the above-described settlement agreement on behalf of the Town of Ossining and the Town Attorney be, and he hereby is, authorized and directed to take such actions as may be necessary and appropriate in order to finalize the within settlement, provided there are no costs of any kind to the Town of Ossining.

Motion Carried: Unanimously

J. Board of Assessment Review - Appointment – Mark J. Seiden

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 appoints Mark J. Seiden, Croton Dam Road, Ossining, New York, to the Town of Ossining Board of Assessment Review for a 5-year term expiring September 30, 2010.

Motion Carried: Unanimously

K. Appointment- Seasonal Maintenance Mechanic (Carpenter)

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Richard Raulo, Park Drive, Pleasant Valley, NY as a Seasonal Maintenance Mechanic (Carpenter) at a rate of \$55.00/hr effective March 13, 2006.

Motion Carried: Unanimously

V. MONTHLY REPORTS – February, 2006

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 accepts the Monthly Reports for February, 2006 from Town Clerk and Building Department.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

1. February, 2006 Helicopter Log from General Electric.
2. January 25, 2006 Planning Board Minutes.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Tom Beirne, Town Attorney, discussed the Snowden Avenue PILOT Agreement resolution which was adopted at the February 28, 2006 Town Board Meeting which was adopted subject to the approval of the Town Attorney. The Town Attorney working with the Town Assessor expressed concern of the tenants of this property. The language in this document is to provide protection for these tenants after the five year agreement has lapsed. It is not likely that the HUD Agreement will be renewed at 5 years. Attorney Beirne feels that this agreement is acceptable and he approves it as such.

Bobby Williams, Spring Street, described the Earthquake Project as a Mentoring Program for the male black youth of our community. It has been determined that 50% of the black young men do not graduate from High School and do not further their education. This telethon will provide funds for these individuals to take a tour of black colleges during spring break. Mr. Williams is not speaking for the organization just relating what he read in a flyer and was glad to see that the school is adopting that type of program. Further discussion took place in reference to the President and FEMA's role in the teleconference discussing Hurricane Katrina.

VIII. ADJOURNMENT

At 8:22 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk