

TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
JANUARY 23, 2007
7:30 PM

SUPERVISOR

John Chervokas

COUNCILMEMBERS

Geoffrey Harter	Northern Wilcher
David Krieger	Martha Dodge

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining, Westchester County, New York was held on January 23, 2007 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, Northern Wilcher, David Krieger and Martha Dodge. Also present were; Tom Beirne, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

II. Appointment of Police Officer

Councilmember Harter 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 Christopher Perricone as Police Officer, Fifth Grade, effective February 2, 2007 at an annual salary of \$47,368 in accordance with the rules and regulations of the Westchester County Personnel Department. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

Lt. Bushe presented Officer Perricone to the Board and stated that he came from the Putnam County Sheriff's Office with high recommendations and had served as an Intern with the Town of Ossining Police Department. Officer Perricone is replacing Officer Sprock who retired earlier this year. Supervisor Chervokas administered the Oath of Office.

III. ANNOUNCEMENTS

Councilmember David Krieger announced that a book titled "Are You Ready?" was available from FEMA regarding preparation for disasters, not only terrorist attacks, but flooding, hurricane etc. The book can be obtained free to charge by calling 1-800-480-2520.

Councilmember Martha Dodge announced that IFCA would be providing free tax preparation for the simple tax form on Saturdays and evenings. Kindly telephone IFCA at 941-5252 for further information as to available times.

IV. BOARD RESOLUTIONS

A. Approval of Minutes

1. December 12, 2006 – Regular Meeting

Councilmember Harter 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 Minutes of the December 12, 2006 Regular Meeting as presented.

Motion Carried: Unanimously

2. December 26, 2006 – Regular Meeting

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 Minutes of the December 26, 2006 Regular Meeting as presented.

Vote: 4 – 0 – 1

Voting Yes: Harter, Krieger,
Wilcher, Chervokas

Abstaining: Dodge

Councilmember Dodge was absent from the 12/26/07 meeting.

3. January 9, 2007 - Reorganizational Meeting

Councilmember Dodge 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 January 9, 2007 Reorganizational Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Harter 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 January 23, 2007 in the amount of \$56,819.81 for 2006 and \$226,935.13 for 2007.

Motion Carried: Unanimously

C. Mario Conte Subdivision - Performance Bond

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

Whereas, the Planning Board of the Town of Ossining has approved a three (3) lot subdivision on Croton Avenue proposed by Mario Conte ("the Applicant"); and

Whereas, a Performance Bond in the amount of \$99,000. was required in order to ensure completion by the Applicant of certain sanitary sewer and water main extensions forming a part of the approved project; and

Whereas, the Applicant has furnished materials for the extensions having a value of \$49,000., thereby reducing the amount required to \$50,000.; and

Whereas, the Applicant has authorized Sleepy Hollow Bank to deliver \$50,000. from his account at that Bank to the Town of Ossining in the event of non-performance of the above obligations on his part and, in order to facilitate such delivery, has turned over to the Town a deposit slip evidencing the availability of the required funds, together with a bank book and withdrawal slip in favor of the Town of Ossining for use in the event of non-performance; and

Whereas, the Town's Engineering Consultant and its Town Attorney have advised the Board that the foregoing arrangement adequately protects the Town of Ossining and affected residents; now therefore be it

Resolved, that the Town of Ossining hereby accepts the above-described security arrangement and finds that it fully satisfies the applicable condition of the subdivision approval.

Motion Carried: Unanimously

D. Accessory Apartment Law - Periodic Review

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

Whereas, the Accessory Apartment Law ("the Law") of the Town of Ossining provides for periodic review of its provisions by the Town Board; and

Whereas, the Building Inspector has submitted suggestions for the possible modification of the Law; and

Whereas, the Town Board has concluded that the advice of both the Planning Board and the Zoning Board of Appeals will be of value in considering any changes to the Law; now therefore be it

Resolved, that the suggestions of the Building Inspector be, and they hereby are, referred to the Planning Board and the Zoning Board of Appeals for review and comment and those Boards are also invited to submit their own suggestions with respect to the Accessory Apartments Law, all such suggestions to be considered by the Town Board in the course of its periodic review.

Motion Carried: Unanimously

E. Inter-Municipal Agreement – City of Peekskill -GASB-45 Other Post Employment Benefits

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

Resolved, that the Town Board hereby authorizes the Supervisor to enter into an Inter-Municipal Agreement with the City of Peekskill to act as Lead Municipality to request proposals for actuarial services in connection with the Town of Ossining GASB-45 compliance, in accordance with the terms and conditions of the Agreement.

Motion Carried: Unanimously

F. Authorization for Supervisor to Negotiate for a Franchise Agreement With Verizon New York, Inc.

Councilmember Krieger 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 authorizes the Supervisor to negotiate a franchise agreement with Verizon New York, Inc.

Motion Carried: Unanimously

G. Police-Westchester County-2007 Stop DWI Contract

Councilmember Dodge 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 authorizes the Supervisor to enter into an Agreement with Westchester County, Department of Public Safety, Saw Mill River Parkway, Hawthorne, New York, 10532, to extend the current agreement for the Stop-DWI Patrol Project Reimbursement Contract for an

additional period of four years from January 1, 2007 through December 31, 2010 with reimbursement to the Town not to exceed \$8,400.00 per year.

Motion Carried: Unanimously

H. Police Facility-Preventive Maintenance Agreement

Councilmember Harter 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 authorizes the Supervisor to enter into a preventive maintenance service agreement with Bell Heating & Air Conditioning of Mahopac, NY for Heat, A/C, gas boiler and circulator pump maintenance for the Police Facility located at 507 North State Road, Briarcliff Manor, NY at a total cost not to exceed \$4,250 from January 1, 2007-January 1, 2008.

Motion Carried: Unanimously

I. Personnel-Chief Court Clerk Stipend

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

Resolved, that upon the recommendation of the Town Justices, the Town of Ossining hereby authorizes the payment of an annual stipend of \$5000 to the Court Clerk chosen by the Town Justices to perform the duties of a new assignment within the Town Court consisting of those additional responsibilities as may be assigned by the Town Justices related to the management and operation of the Town Court above and beyond those presently being performed by the Court Clerks; and be it further

Resolved, that the individual chosen by the Town Justices to perform the additional duties of such new assignment shall be given the "in-house" designation of "Chief Court Clerk" for internal purposes only.

Motion Carried: Unanimously

J. Insurance-Renewal of Workers Compensation Contract

Councilmember Harter 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 authorizes the Supervisor to enter into a contract for Workers Compensation Insurance with Arthur Gallagher and Company at a cost of \$72,087.96. The term of this contract is from January 1, 2007-December 31, 2007.

Motion Carried: Unanimously

K. Finance-Emigrant Mercantile Bank

Councilmember Dodge 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 Emigrant Mercantile Bank to be added to the Town's list of depositories adopted on January 9, 2007. Furthermore, the Board authorizes the Supervisor and his designee(s) to manage the Town's account(s).

Motion Carried: Unanimously

L. Resolution Providing for an Allowance of Unused Sick Leave Credits Under Section 41(j)

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

Be it Resolved, that the governing board of the Town of Ossining does hereby elect to provide the additional pension benefits of Section 41(j) of the Retirement and Social Security Law, as presently or hereafter amended; and

Be it further Resolved, that the effective date of such shall be the 1st day of February 2007.

Motion Carried: Unanimously

M. BOND RESOLUTION DATED JANUARY 23, 2007.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$220,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OR PART OF THE COST OF VARIOUS CAPITAL PURPOSES IN AND FOR SAID TOWN.

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

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. For the purpose of paying the cost or part of the cost of the specific objects or purposes hereinafter set forth in this bond resolution, including, in each instance, incidental expenses in connection therewith, there are hereby authorized to be issued \$220,000 bonds of said Town pursuant to the provisions of the Local Finance Law, apportioned among the specific objects or purposes set forth in Section 2 hereof in accordance with the estimated maximum cost of each as set forth therein.

Section 2. The objects or purposes to be financed pursuant to this bond resolution are as follows:

(a) playground improvements to Engel Park, including incidental expenses in connection therewith, \$50,000; the plan for the financing thereof is by the issuance of the \$50,000 authorized by this resolution and the expenditure of \$150,000 County Grant monies, which monies are hereby appropriated thereof, at an estimated maximum cost of \$200,000; it is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision nineteen of paragraph a of Section 11.00 of the Local Finance Law, the maximum maturity of the bonds authorized is limited to five years, and that the foregoing is not an assessable improvement;

(b) drainage improvements on Old Albany Post Road, including incidental expenses in connection therewith, \$55,000; the plan for the financing thereof is by the issuance of the \$55,000 authorized by this resolution, the expenditure of \$32,020.03 Current Fund monies, and the receipt of a \$23,238.11 Consolidated Highway Improvement Program grant, which monies are hereby appropriated thereof, at an estimated maximum cost of \$110,258.14; it is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law, the

maximum maturity of the bonds authorized is limited to five years, and that the foregoing is not an assessable improvement;

(c) purchase of a packer truck for use by the Highway Department, including incidental expenses in connection therewith, \$60,000; the plan for the financing thereof is by the issuance of the \$60,000 authorized by this resolution, at an estimated maximum cost of \$60,000; it is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, the maximum maturity of the bonds authorized is limited to five years, and that the foregoing is not an assessable improvement;

(d) purchase of a dump truck for use by the Highway Department, including incidental expenses in connection therewith, \$55,000; the plan for the financing thereof is by the issuance of the \$55,000 authorized by this resolution, at an estimated maximum cost of \$55,000; it is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, the maximum maturity of the bonds authorized is limited to five years, and that the foregoing is not an assessable improvement;

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 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 Ossining, 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. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ossining, 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 6. 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; 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 7. 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 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 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 in The Journal News, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

V. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following correspondence be received and filed:

1. November 29, 2006 Planning Board Minutes.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Alex Beldotti, Executive Blvd., congratulated the new Town Board members. He presented various articles from the Journal News entitled "Getting to the bottom of the affordable housing problem" and "Westchester accused of permitting segregation" as well as an article from the Gazette "Affordable housing is key issue for Ossining residents". A group from New York City has filed an anti-discrimination lawsuit against the County of Westchester. On this evenings agenda there is a resolution regarding accessory apartments. The County of Westchester has set guidelines as well as a goal of 10,000 units of affordable housing by the year 2015. This group is suing for \$45 million for not attaining this goal. As far as the Town of Ossining is concerned, his opinion is that zoning should be changed in order to attain the goal of affordable/work force housing.

Bobby Williams, Spring Street, stated that he has taken a look at the Engel Park playground equipment and finds it quite nice. He questioned whether there would be parking available for families utilizing the playground. Is it possible for the Town and the Prison to have a discussion regarding using the dirt area by the prison for such parking? Also discussed were the issues of global warming; upcoming Presidential election; and GE cleaning up the Hudson.

VII. ADJOURNMENT

At 8:12 p.m., Supervisor Chervokas moved and it was seconded by Councilmember Harter that the meeting be adjourned into Executive Session for the

purpose of Litigation. The meeting adjourned in memory of Al Goudvis who was a member of the Town's Assessment Board of Review for 20 years.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk