

TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET - OSSINING, NEW YORK  
FEBRUARY 13, 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 was held on February 13, 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, Martha Dodge and David Krieger. Also present were Tom Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II.      ANNOUNCEMENTS

Councilmember Dodge announced that on Saturday, March 24<sup>th</sup>, from 3 to 5:30 p.m. at the Joseph G. Caputo Community Center an Ossining Youth Opportunity Job Fair will take place.

Councilmember Harter announced that another youth program was planned at the Recreation which is a 3 on 3 Basketball Tournament. This tournament will be held on March 16<sup>th</sup> and 23<sup>rd</sup> at Ossining High School. The team will consist of 2 children and 1 adult.

The Westchester County DA is attempting to educate the youth regarding the possession of unregistered guns. The law now mandates that if you are caught with an unregistered handgun you will go away for 3 years. They will be present to give out information at the basketball tournament.

III.     Engel Park Vegetative Restoration – Revised Master Plan

Supervisor Chervokas reviewed what had been planned at Engel Park including a layout of plan. In the initial plan vegetative restoration would have covered PAL Beach and with the revised plan there will now be 9000 square feet of PAL Beach and 6000 square feet of vegetation. The beach portion will be open for water sports such as canoeing, kayaking, and surfing. An Environmental Assessment Form (long form) will be completed. Supervisor Chervokas thanked the public for their input.

IV.     BOARD RESOLUTIONS

A.     Approval of Minutes

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 January 23, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated February 13, 2007 in the amount of \$128,308.22 for 2006 and \$214,824.00 for 2007.

Motion Carried: Unanimously

C. Calling a Public Hearing-Cabaret License-Terra Rustica Restaurant

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 calls for a public hearing to be held at 7:30p.m. on Tuesday, February 27, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret License by Terra Rustica Restaurant, 550 North State Road, Briarcliff Manor, NY

Motion Carried: Unanimously

D. Calling a Public Hearing-Cabaret License-Torchia's Restaurant

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 at 7:30p.m. on Tuesday, February 27, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret License by Torchia's Restaurant, 518 North State Road, Briarcliff Manor, NY.

Motion Carried: Unanimously

E. Calling a Public Hearing-Cabaret License-Unique Affairs at Mansion Hill

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 calls for a public hearing to be held at 7:30p.m. on Tuesday, February 27, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret License by Unique Affairs at Mansion Hill, 25 Studio Hill Road, Briarcliff Manor, NY

Motion Carried: Unanimously

F. Calling a Public Hearing on a Local Law to create a new Chapter entitled Peace and Good Order

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 at 7:30p.m. on Tuesday, February 27, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining to consider the enactment of a Local Law which would add a new chapter, Chapter 140 entitled PEACE AND GOOD ORDER, to the Code of the Town of Ossining, the said Chapter to consist of an Article addressing the defacing of public property and a further article addressing graffiti on any property, as defined in the Article, in the Town of Ossining

Motion Carried: Unanimously

G. Calling a Public Hearing on a Local Law to amend Chapter 200, Zoning of Of the Town code with Respect to Affordable Housing

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 calls for a public hearing to be held at 7:30p.m. on Tuesday, February 27, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining, to consider the enactment of a Local Law which would amend Chapter 200 (Zoning) of the Code of the Town of Ossining to encourage the development of affordable housing in the single-family, multi-family and general business zoning districts of the Town of Ossining.

Motion Carried: Unanimously

H. Finance-Capital Project # 2007-2149-Packer Truck Unit

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 establishment of Capital Project # 2007-2149, entitled Highway Dept.-Packer Truck Unit, in the amount of \$60,000, to be financed by a Bond Anticipation Note.

Motion Carried: Unanimously

I. Finance-Capital Project # 2007-2150-Dump Truck

Councilmember Krieger 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 establishment of Capital Project # 2007-2150, entitled Highway Dept.-Dump Truck, in the amount of \$55,000 to be financed by a Bond Anticipation Note.

Motion Carried: Unanimously

J. Westchester County-Employee Assistance Services

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 sign a renewal agreement between the Town of Ossining and Westchester County Dept. of Community Mental Health for Employee Assistance Services from January 1, 2007-December 31, 2007 at a cost of \$2,275.

Motion Carried: Unanimously

K. Highway Department-Temporary Employee

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 terminates the following temporary employee from the Highway Department:

<u>NAME</u>	<u>EFFECTIVE DATE</u>
Raymond D. Blackwell	1/31/07

Motion Carried: Unanimously

L. Personnel-Agreement-Chief Court Clerk

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 Stipulation of Agreement between the Town of Ossining and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO for the assignment of Chief Court Clerk.

Motion Carried: Unanimously

M. Reappointment-Assessor

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

Resolved, that Josette Polzella be, and she hereby is, reappointed to the position of Assessor of the Town of Ossining in accordance with Section 310 of the Real Property Tax Law of the State of New York for the period October 1, 2007 through September 30, 2013.

Motion Carried: Unanimously

N. Adopting Negative Declaration-Cedar Lane Park water main

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

Motion Carried: Unanimously

Whereas, the Town Board, as Lead Agency, has determined that the proposed action, namely the bonding and construction of a water main extension from the intersection of White Birch Drive and Cedar Lane, to and into Cedar Lane Park was an unlisted action under the State Environmental Quality Review Act ("SEQRA") and has caused the preparation of a long form environmental assessment form ("EAF") resulting in determination that bonding for and construction of a water main at Cedar Lane Park ("the Proposed Action") will not have any significant adverse impacts upon the environment ("Negative Declaration") and therefore, that no environmental impact statement need be prepared and the process required by SEQRA may be deemed complete;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby finds that the Proposed Action, namely the bonding for and construction of a proposed water main extension from the intersection of White Birch Drive and Cedar Lane, to and into Cedar Lane Park will not directly result in any significant adverse impacts on the environment, more specifically:

- The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area (CEA).
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.
- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns.

- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.
- The Proposed Action will not have a significant adverse environmental impact on the public health and safety.
- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.
- The Proposed Action will not have a significant adverse financial impact upon the community; and it is further

Resolved, that the aforementioned EAF and Negative Declaration are hereby adopted and approved and the Supervisor is authorized to execute any and all appropriate documents in connection therewith.

Motion Carried: Unanimously

O. BOND RESOLUTION DATED FEBRUARY 13, 2007.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY COSTS OF THE CONSTRUCTION OF A WATER MAIN TO SERVE THE TOWN'S CEDAR LANE PARK IN THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK.

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 provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of constructing a water main to serve the Town's Cedar Lane Park in said Town, including incidental expenses in connection therewith, there are hereby authorized to be issued \$675,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$675,000 and that the plan for the financing thereof is by the issuance of the \$675,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. The aforesaid specific object or purpose is not an assessable improvement.

Section 6. 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 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of the Local Finance Law.

Section 9. The Town Supervisor is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a 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 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of this Town Supervisor.

Section 11. 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 12. 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 13. 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 14. Upon this resolution taking effect, the same 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.

Section 15. This resolution is adopted subject to permissive referendum.

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

Councilmember Harter	Voting	Yes
Councilmember Wilcher	Voting	Yes
Councilmember Krieger	Voting	Yes
Councilmember Dodge	Voting	Yes
Supervisor Chervokas	Voting	Yes

The resolution was thereupon declared duly adopted.

P. CERTIORARI SETTLEMENTS

CAMP MEETING ASSOCIATION  
METHODIST EPISCOPAL CHURCH NY  
CONACCHIO ENTERPRISES, LLC  
vs.  
TOWN OF OSSINING

Councilmember Wilcher moved and it was seconded by Councilmember Dodge 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 Camp Meeting Association Methodist Episcopal Church NY, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at Camp Ground, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as

Section 90.09, Block 2, Lot 55 (f/k/a Section 2.06, Block 7, Lot 15); and on Petitioner's property located at Campwoods Road, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.09, Block 2, Lot 559001 (f/k/a Section 2.06, Block 7, Lot 15A); and on Petitioner's property located at Camp Ground, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.09, Section 2, Block 559002 (f/k/a Section 2.06, Block 7, Lot 15B), for assessment years 2005 and 2006, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17300/05 and 18645/06; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Conacchio Enterprises, LLC, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 70 Spring Street and designated on the tax assessment map of the Town of Ossining as Parcel 79.07-3-72 (f/k/a 3.13-28-8.2), for assessment year 2006, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 20709/06; 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:

**CAMP MEETING ASSOCIATION METHODIST EPISCOPAL CHURCH NY**

Parcel ID	Assessment Year	Original Assessment	Corrected Assessment	Reduction
90.09-2-55	2005	89,000	89,000	-0-
	2006	89,000	89,000	-0-
90.09-2-559001	2005	67,500	35,200	32,300
	2006	67,500	35,200	32,300
90.09-2-559002	2005	5,000	5,000	-0-
	2006	5,000	5,000	-0-

**CONACCHIO ENTERPRISES, LLC**

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2006	79,900	67,800	12,100

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 \$203.09, which will be ordered pursuant to said Consent Judgments.

Motion Carried: Unanimously

V. MONTHLY REPORTS – January, 2007

Councilmember Harter moved and it was seconded by Councilmember Krieger that the Monthly Reports for January, 2007 from Town Clerk and Tax Receiver be received and filed.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed a resolution on this evening's agenda regarding the Cedar Lane Park Water Main which is for the Park only and how it would be paid for. He questioned whether this was a Town Wide Tax or a district. How would it be handled in the future if there was future development? Supervisor Chervokas stated that this was a Town General expense as the Park is used by all. At the present time there are 5 to 9 homes that might onto the water line. This line will run from White Birch Drive to Cedar Lane Park.

Duval Cellai, Stormytown Road, stated that between White Birch Road and Cedar Lane Park was about a half mile and with empty land and questioned whether this would open it up to development. Supervisor Chervokas responded that the only property was the Brient and Cheever's property. Councilmember Harter also reminded him that that area is now sewerred and any new development would require septic systems. Councilmember Dodge also commented on the steep slope ordinance that prohibits building.

VIII. ADJOURNMENT

At 8:10 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

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Mary Ann Roberts, Town Clerk