

**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
AUGUST 14, 2007  
7:30 P.M.**

**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 August 14, 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. 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. ANNOUNCEMENTS**

Councilmember Krieger announced that there are free concerts available at Engel Park on Thursday evenings beginning at 7 p.m. Ossining Matters will hold a 5K Race on September 8<sup>th</sup> and for further information, please call 762-7458. Supervisor Chervokas announced that Town Attorney Tom Beirne has a new grandchild, a boy born this afternoon. This is his second grandchild.

**III. BOARD RESOLUTIONS**

**A. Approval of Minutes – July 24, 2007**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the July 24, 2007 Regular Meeting as presented.

**Vote: 4 – 0 – 1**

**Voting Yes: Wilcher, Krieger, Dodge,  
Chervokas**

**Abstaining: Harter**

Councilmember Harter was absent from the 7/24/07 meeting.

**B. Approval of Voucher Detail Report**

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 approves the Voucher Detail Report dated August 14, 2007 in the amount of \$263,694.24.

**Motion Carried: Unanimously**

**C. Adoption of Local Law No. 6 of 2007 – Illicit Storm Sewer Discharges and Connections**

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 adopts Local Law No. 6 of 2007 entitled, Illicit Storm Sewer Discharges and Connections, as attached.

Motion Carried: Unanimously

**D. Adoption of Local Law No. 7 of 2007 – Flood Damage Control**

Councilmember Dodge 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 adopts Local Law No. 7 of 2007, Flood Damage Control, as attached.

Motion Carried: Unanimously

**E. Finance-Closing Capital Projects**

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 authorizes the following capital projects to be closed and the unexpended balances transferred or adjusted as indicated:

<u>Project</u>	<u>Project Name</u>	<u>Surplus</u>	<u>Disposition</u>
2006-0047	Park Signs	\$0	Close-Out
2000-0003	Sing Sing Interpretive Center	\$17,560	General Fund-Fund Balance
2001-0013	Highway Modular Office Trailer	\$0	Close-Out
2003-2122	Stormytown Road Drainage	\$0	Close-Out
2006-2143	Nutrition Cargo Van	\$0	Close-Out
9313	Brookside Sewer District	\$0	Close-Out
0001	Lakeville Sewer District	\$0	Close-Out
9318	Croton Sewer District	\$0	Close-Out
9901	Storm Floyd	\$22,258.80	General Fund-Fund Balance

Motion Carried: Unanimously

**F. 2007 Budget Adjustment**

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

Whereas, the projects listed below were funded through Bond Anticipation Notes and there are excess funds remaining that must be transferred to debt service;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the unexpended balances in the following projects to be transferred to debt service:

<u>Project#</u>	<u>Project</u>	<u>Amount</u>
2005-0034	Highway Backhoe	\$85.00
2006-0041	Highway Dump Truck	\$5,219.60

2006-2142	Highway Vacuum Truck	\$100.00
2006-2145	Highway Mobile Vehicle Lift	\$761.78

Motion Carried: Unanimously

**G. Finance-Budget Adjustment-Capital Project # 2004-0027  
(GIS/Infrastructure Implementation)**

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

Whereas, the Town Board passed a resolution on July 10, 2007 decreasing Capital Project #2004-0027 from \$79,950 to \$71,955 due to funding being held back from New York State Records & Archives; and

Whereas, the Town Assessor submitted final expenditure reporting forms to NYS Records & Archives on July 16, 2007 and an additional \$7,995 was received by the Town, now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the 2007 budget to be amended as follows:

Increase:

Revenue	037-0037-3097-0127	\$79,950
Expenditure	037-1355-0458-2127	\$79,950

Motion Carried: Unanimously

**H. BOND RESOLUTION DATED AUGUST 14, 2007**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$46,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF A DUMP TRUCK FOR THE PARKS DEPARTMENT, IN AND FOR SAID TOWN.**

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

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

**Section 1.** For paying the cost of the acquisition of a dump truck for the Parks Department, a specific object or purpose, in and for the Town of Ossining, Westchester County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$46,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$46,000, and the plan for the financing thereof is by the issuance of the \$46,000 bonds of the Town of Ossining, Westchester County, New York, authorized to be issued pursuant to this resolution.

**Section 3.** It is hereby 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. It is hereby further determined that the maximum maturity of the bonds authorized is limited to five years, and that the foregoing is not an assessable improvement.

**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 Town 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 Town 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 for 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. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**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 Town Supervisor and a facsimile of its corporate seal shall be imprinted 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 Town Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town, provided, however, that in the exercise of these delegated powers, he or 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 Town 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.** 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 Town 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 Town 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 Town Supervisor shall determine.

**Section 9.** 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 10.** 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 11.** This resolution, which takes effect immediately, shall be published in summary in the *Journal News*, the official newspaper of the 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:  
Harter, Wilcher, Krieger,  
Dodge, Chervokas  
Motion Carried: Unanimously

**I. Finance-Capital Project # 2007-2152-Parks Department Dump Truck**

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 # 2007-2152, entitled Parks Department Dump Truck, in the amount of \$56,900, to be financed by a Bond Anticipation Note in the amount of \$46,000 and a transfer to Capital from the General Fund Parks Operating Budget in the amount of \$10,900.

Motion Carried: Unanimously

**J. Finance-2007 Budget Adjustments**

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 authorizes the following budget adjustment be made to the 2007 Budget:

<u>TRANSFER TO G/L ACCOUNT</u>	<u>AMOUNT</u>	<u>TRANSFER FROM G/L ACCOUNT</u>
Capital Project-Dump Truck 037-7110-2152	\$10,900	010-7110-0203-Car
020-3120-0201-Equipment	\$1,168.84	020-0020-2626-Forfeiture of Proceeds Restricted

Motion Carried: Unanimously

**K. Second Amendment Agreement-New York State Department of Environmental Conservation**

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 authorizes the Town Supervisor to enter into a Second Amendment Agreement with New York State Department of Environmental Conservation for the Engel Park Vegetative Restoration Project to extend the contract end date from December 31, 2006 to December 31, 2008.

Motion Carried: Unanimously

**L. CSEA-Vision Plan**

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 an agreement with CSEA Employee Benefit Fund to provide

vision plan coverage to enrolled Town employees for the period January 1, 2006-December 31, 2009.

Motion Carried: Unanimously

**M. Alarm Review Board**

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 denies the request to waive false alarm fines for permit no.405 pursuant to Local Law 2 of 2002.

Motion Carried: Unanimously

**N. Highway Department-Seasonal Appointment**

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 appoints Arthur G. Stokeley, James Street, Ossining, NY to the seasonal position of Laborer in the Highway Department effective July 30, 2007 at \$12.00/hr.

Motion Carried: Unanimously

**O. Highway Department-Termination of Seasonal 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 seasonal employee from the Highway Department:

NAME	EFFECTIVE DATE
Darren S. Knapp	7/27/07

Motion Carried: Unanimously

**P. Authorizing participation in MS4-Phase II Stormwater Education and Outreach grant with Westchester County Department of Planning**

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

Whereas, the Town of Ossining, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the Project Work Plan prepared by Westchester County and submitted to the New York State Department of Environmental Conservation, is desirable, is in the public interest, and is required in order to implement a public education and outreach program; and

Whereas, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract, and the Municipality deems it to be in the public interest and benefit under this law to be a municipal partner to the County's contract with the State for the Project;

Now, therefore, be it resolved by the Town Board of the Town of Ossining

1. That Michael G. O'Connor, Superintendent of Highways, or such person's successor in office, is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance under

ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to enter into an intermunicipal agreement with Westchester County to work with and through the County of Westchester as the lead party to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and

2. That the Municipality agrees that it will fund its portion of the cost of the Project through eligible in-kind services and that resources will be available to meet the Municipal Partner commitment by the contract end date (March 1<sup>st</sup>, 2009); and
3. That one (1) certified copy of this Resolution be prepared and sent to the Westchester County Department of Planning; and
4. That this Resolution take effect immediately.

Motion Carried: Unanimously

**Q. Authorization to Advertise for Bids for Cedar Lane Park Water Main**

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 authorizes the Town Clerk to advertise for bids for a water main extension in Cedar Lane and Cedar Lane Park, to be returnable no later than 10:00am on Friday, September 14, 2007 in the office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

**R. Authorization to Advertise for Bids-Dump Body Assembly (Highway Department)**

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 the Town Clerk to advertise for bids for a dump body assembly with a central hydraulic system, to be returnable no later than 10:00 am on Tuesday, September 4, 2007 in the office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

**S. Authorizing Town Justices and Town Supervisor to submit a grant application to New York State Office of Court Administration**

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

Whereas, the Town Board passed a resolution on June 12, 2007 authorizing the Town Justices and Supervisor to submit a 2007 Justice Court Assistance Program application with a request not to exceed \$20,000; and

Whereas, in July 2007 Governor Spitzer increased the ceiling on the grants from \$20,000 to \$30,000 per Court;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Justices and Town Supervisor to submit a 2007 Justice

**Court Assistance Program application to the New York State Office of Court Administration with a request not to exceed \$30,000.**

**Motion Carried: Unanimously**

**IV. MONTHLY REPORTS – July, 2007**

**Councilmember Wilcher moved and it was seconded by Councilmember Dodge that the Monthly Reports for July, 2007 are hereby accepted from Town Clerk and Building Department.**

**Motion Carried: Unanimously**

**V. CORRESPONDENCE TO BE RECEIVED AND FILED**

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

- 1. July, 2007 Helicopter Log from General Electric.**

**Motion Carried: Unanimously**

**VI. VISITOR RECOGNITION**

**Bobby Williams, Spring Street, commented on how busy Engel Park was during the weekend and was very glad to see that the Town had a Port-potty installed for the convenience of residents particularly those with children. Many people were fishing and crabbing at the waterfront. Also discussed was the use of our network medical providers and to understand how the system works. The Middle School would be wise to hire additional male teachers as role models to our diverse community.**

**VII. ADJOURNMENT**

**At 8:13 p.m., Councilmember Krieger moved and it was seconded by Councilmember Harter that the meeting be adjourned in memory of Brooke Astor. She was a lovely lady and fine neighbor. She was 105 years old.**

**Motion Carried: Unanimously**

**Approved:**

\_\_\_\_\_  
**Mary Ann Roberts, Town Clerk**