

**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK**

**MARCH 10, 2009
7:30 PM**

**SUPERVISOR
Catherine Borgia
COUNCILMEMBERS**

**Geoffrey Harter Michael L. Tawil
David Krieger Northern Wilcher**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on March 10, 2009 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Geoffrey Harter, Northern Wilcher, David Krieger and Michael Tawil. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Councilmember Krieger announced that the Ossining Public Library will host a conversation with Blake Bailey, author of the new biography of Ossining's own John Cheever entitled "Cheever: A Life" on Saturday, March 14th, at 2 p.m. On March 18th at 7:30 p.m. the Ossining Public Library will also host a discussion surrounding "The Old Leather Man: Historical Accounts of a Connecticut and New York Legend. There will also be a Recital on March 29th.

Councilmember Harter announced if you are considering the construction of fences, pools or the like, please to the Town website to review the process for permits or contact the Town Building Department at the Ossining Operations Center on Route 9A or by calling 914-941-8419. If you intend to cut down any trees, you will also find the permit process for that as well.

Supervisor Borgia extended the congratulations of the Board to the Village of Briarcliff Manor on the dedication of their new library. The Town of Ossining, Village of Ossining and the Village of Briarcliff Manor are participating in a joint program to study the sharing of services. They recently jointly interviewed individuals to complete this study. There will be a great deal of participation by the Public in this process. The Town Board has also been busy reviewing the budget in order to keep expenses down. There is a resolution on this evening's agenda to appoint Sonia Tanksley Deputy Town Attorney for prosecutions. At the last meeting the Town Board approved Richard Leins as Special Counsel for the Town, out of his law firm. The Town now has three great legal counsels for less than was paid to two. Mr. Leins will be compensated project by project. The Town Board applied to Congresswoman Nita Lowey's office for a grant for the Police Department to purchase a Plate Reader in the amount of \$30,000. The Plate Reader will be able to read and process of the registrations for any outstanding convictions. The Village of Ossining has been using one for quite sometime and has found it quite useful. Thank you to Congresswoman Lowey.

III. PUBLIC COMMENT ON AGENDA ITEMS

There were no comments.

IV. BOARD RESOLUTIONS

A. Approval of Minutes – February 24, 2009

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the February 24, 2009 Regular 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 March 10, 2009 in the amount of \$256,350.08 for 2009 and \$18,953.39 for 2008.

Motion Carried: Unanimously

C. Calling for a Public Hearing on the Application for a Cabaret License for The Tuscan Grille, 518 North State Road, Briarcliff Manor

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 calls for a Public Hearing to be held on Tuesday, March 24, 2009 at 7:30 p.m. in the Police/Court Facility, 86-88 Spring Street in Ossining, in the matter of the application of The Tuscan Grille, 518 North State Road, Briarcliff Manor, for a Cabaret License for 2009.

Motion Carried: Unanimously

D. Referring a Proposed Site Plan and Rezoning application by Dr. Yosef Haroush to the Planning Board for Report and Recommendation

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

Whereas, Dr. Yosef Haroush has submitted an application for a proposed site plan to the Town Planning Board and a Zoning Map amendment to the Town Board in order to relocate an Animal Health Center from 438 North State Road to 513 North State Road; and

Whereas, Dr. Haroush is requesting a Zoning Map amendment changing the eastern half of the property at 513 North State Road from Residential to General Business Use; the property being more particularly described as Section 90.19, Block 2, Lot 8 ; and

Whereas, Section 200-52, Zoning, of the Town of Ossining Code requires that a proposed amendment to the Zoning Map shall be referred by the Town Board to the Planning Board for a report and recommendation;

Now, Therefore Be it Resolved, that the Town Board of the Town of Ossining hereby refers the proposed Zoning Map amendment application to the Planning Board for report and recommendation.

Motion Carried: Unanimously

E. Appointment - Deputy Town Attorney for Prosecutions

Councilmember Tawil 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 Sonia M. Tanksley to the position of Deputy Town Attorney for prosecutions at a salary of \$18,000 effective March 1, 2009. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks. The 2009 salary shall be prorated.

Motion Carried: Unanimously

F. Police Department – Meeting Room/Building Use Policy

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 adopts the Police Department Meeting Room/Building Use Policy, dated March 10, 2009, to be available for use by responsible residents, organizations (not-for-profit and for profit) and associations. A copy of the policy is on file in the Town Clerk's Office. The fees set forth in the policy will be added to the Town's Fee Schedule.

Motion Carried: Unanimously

V. MONTHLY REPORTS – February, 2009

Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the Reports for the Month of February, 2009 from Town Clerk, Building Inspector and Police Department be received and filed.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Ellen Kahan, Ganung Drive, stated that the Zoning Board of Appeals has held over the meeting pertaining to 25 Studio Hill and the attorney representing this location stated that if the Zoning Board of Appeals grants this variance, the property will be of conforming use. Town Attorney Wayne Spector stated that he believed that the terminology was incorrectly stated as it is still a non-conforming use. Mrs. Kahan stated that the property owner was now looking to have overnight guests. The Town needs to look into this very careful as no financial hardship has been proven. Mr. Spector stated that it was not proper for this conversation to be taking place at this time due to the fact that it is an open case before the Town Zoning Board of Appeals. Councilmember Tawil also stated that it was inappropriate for this discussion to be taking place as it is actively before the Zoning Board. Mrs. Kahan requested that there should be a number of items changed in the Zoning Law namely Cabaret be is added. Noise should be kept indoors. Supervisor Borgia requested that she put her zoning change suggestions in writing and present them to the Board.

Bill Jaenike, Morningside Drive, questioned whether the 2009 Budget had already been adopted by the Town. Supervisor Borgia responded that it had been but the Town Board is reviewing the documents again to try and cut back further. He questioned whether a Commercial Development Analysis had been done. Councilmember Harter recommended that the best place to get some of the information he is requesting is in the Office of the Assessor. Supervisor Borgia also suggested that Mr. Jaenike come in to her office and she would attempt to assemble other information he required. He was also invited to attend the Work Session following the Legislative Meeting to further look at other budget items.

Lorraine Giameta, Haymont Terrace, had discussion on Town Board Minutes from July of 2008 as well as October 2008 Town Board Minutes regarding the premises ceasing to be used as a restaurant. Have there been any summons issued by the Building Inspector? Councilmember Tawil stated that he was a member of the Zoning Board of Appeals at that particular time and further stated that the Zoning Board didn't make a factual finding, but was merely a legal interpretation of the law. Supervisor Borgia requested that any documents that were available been given to Town Attorney Spector for his review. Town Attorney Spector stated that there never was any determination or legal stipulation. Supervisor Borgia stated that the Zoning Board of Appeals would meet again possibly on March 23, 2009 depending on whether additional information is received. She requested that this new information be shared with the public. Town Attorney stated that the reason for scheduling this was due to the request from the Town Board.

Peter Tripodi, Quail Hollow Road, questioned the discussion with Frederick P. Clarke by the Town Board of Commercial business on North State Road as pressure from the homeowners. Supervisor Borgia responded that the Town is trying to strike a correct balance and clean up some of the zoning.

Bobby Williams, Spring Street, announced that the School Board has two vacant seats and if you are interested, contact the Board of Education. Education is the key to success and it should not be taken lightly.

Ellen Kahan, Ganung Drive, attempted to clarify some statements made earlier that the Zoning Board of Appeals interpretation that the Town Board made which was a determination based on the lapsed of time as to when it ceased being a restaurant.

VII. ADJOURNMENT

At 8:17 p.m., Councilmember Tawil moved and it was seconded by Councilmember Harter that the meeting be adjourned into Work Session.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk