



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

**JUNE 26, 2012  
7:30 P.M.**

**SUPERVISOR  
Susanne Donnelly**

**COUNCILMEMBERS  
Geoffrey Harter    Eric P. Blaha  
Peter Tripodi     Northern Wilcher**

**I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL**

The Regular Meeting of the Town Board of the Town of Ossining was held on June 26, 2012 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Eric Blaha, Peter Tripodi and Geoffrey Harter. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II. ANNOUNCEMENTS**

Supervisor Donnelly announced that St. Ann's Festival will run from Tuesday, June 26, through Sunday, July 1, 2012 on the property of St. Ann's School. The 4<sup>th</sup> of July Fireworks will be held on TUESDAY, JULY 3<sup>RD</sup>, at 9:15 p.m. with a concert to take place at 7:30 p.m. at Engel Park. The Town Board will NOT have a Work Session next week.

Thomas Warren Comptroller gave a brief explanation regarding the additions to the Town Board Agenda, namely; Resolution Q ( A Resolution Authorizing the North State Road Drainage Improvements in and for the Town of Ossining, Westchester County, New York, at a maximum estimated cost of \$50,000 and Authorizing, subject to Permissive Referendum, the Issuance of \$50,000 Bonds of Said Town to Pay the Cost Thereof); Resolution P (A Resolution Authorizing Improvements to Old Albany Post Road in and for the Town of Ossining, Westchester County, New York, at a Maximum Estimated Cost of \$162,000 and Authorizing, Subject to Permissive Referendum, the Issuance of \$162,000 bonds of Said Town to ay Cost Thereof) and Resolution R (In the Matter of The Increases and Improvement of Facilities of the Town-Wide Water District in the Town of Ossining, Westchester County, New York – Order Calling Public Hearing). There is a limited construction window. The Old Albany Post Road Bond in the amount of \$162,000were to cover damages from March 2010. FEMA is reviewing the damages and the local share may be \$20,000. This bond anticipation is to cover cash flow. The Town will have to pay for the work prior to receiving money from FEMA. The Resolutions also cover \$50,000 Drainage Improvement for North State Road and \$550,000 for Town Wide Water Improvements. Bids for this project are also on the agenda (Resolution K – Town Supervisor – Authorization to Advertise for Bids – Contract #2012-01, Installation of Water Mains)

**III. PUBLIC COMMENT ON AGENDA ITEMS**

**IV. BOARD RESOLUTIONS**

**A. Approval of Minutes**

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 June 12, 2012 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

**B. Approval of Voucher Detail Report**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 26, 2012 in the amount of \$281,931.74

Motion Carried: Unanimously

**C. TAX CERTIORARI**  
**WILLIAM J. VESCIO**  
**vs.**  
**TOWN OF OSSINING**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by William J. Vescio against the Town of Ossining to review the tax assessments made on Petitioner's property located at 11 Donald Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.13, Block 5, Lot 19, for assessment year 2011, which proceeding is now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15700/2011; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

<u>Ass't Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Reduced To</u>	<u>Amount of Reduction</u>
2011	21,500	20,200	1,300

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement 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 settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to

the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$18.33, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

D. TAX CERTIORARI  
 GRC REALTY CORP.  
 vs.  
 TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by GRC Realty Corp. against the Town of Ossining to review the tax assessments made on Petitioner’s property located at 178 Croton Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.16, Block 6, Lot 65, for assessment years 2010 and 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 25527/2010; 15707/2011; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Ass't Year	Assessed Valuation Reduced From	Reduced To	Amount of Reduction
2010	103,100	75,000	28,100
2011	103,100	75,000	28,100

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement 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 settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$790.09, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. TAX CERTIORARI  
 BOREK & CO., LLC/105-107 CROTON AVENUE, LLC



WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 510 Commons, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 510 North State Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.19, Block 2, Lot 14, for assessment years 2008 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21436/2008; 22104/2009; 24023/2010; and 14819/2011; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

<b>Section 90.19, Block 2, Lot 14</b>				
<b>Assessment</b>		<b>Original</b>	<b>Settlement</b>	<b>Reduction in</b>
<b>Roll Year</b>		<b>Assessment</b>	<b>Assessment</b>	<b>Assessment</b>
2008		\$69,000	\$58,000	\$11,000
2009		\$69,000	\$56,600	\$12,400
2010		\$69,000	\$56,600	\$12,400
2011		\$69,000	\$55,200	\$13,800

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement 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 settlement; and it is further

**RESOLVED**, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$7,480.94, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. TAX CERTIORARI  
 537 COMMONS, LLC  
 vs.  
 TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 537 Commons, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 537

North State Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.15, Block 1, Lots 38.1 & 38.2, for assessment years 2008 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21435/2008; 22105/2009; 24008/2010; and 14822/2011; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Assessment Roll Year	Original Assessment	Settlement Assessment	Reduction in Assessment
2008			
90.15 - 1 - 38	\$140,600	\$90,000	\$50,600
2009			
90.15 - 1 - 38	\$140,600	\$91,400	\$49,200
2010			
90.15 - 1 - 38.1	\$140,600	\$87,200	\$53,400
90.15 - 1 - 38.2	\$12,100	\$12,100	\$0
2011			
90.15 - 1 - 38.1	\$119,510	\$89,600	\$29,910
90.15 - 1 - 38.2	\$21,090	\$21,090	\$0

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement 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 settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$27,613.79, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. TAX CERTIORARI

40 SOUTH HIGHLAND AVENUE LLC &  
56 SOUTH HIGHLAND AVENUE LLC

vs.

TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 40 South Highland Avenue, LLC, and 56 South Highland Avenue, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 40 and 56 South Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.19, Block 4, Lot 68; and Section 97.07, Block 3, Lot 46; for assessment years 2004, 2005, 2009, 2010 and 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16350/2004; 18392/2005; 24336/2009; 26227/2010 and 57294/2011; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Tax ID: 89.19-4-68 (Formerly 3.14-32-28) 40 S. Highland Ave.

Assessment Year	Assessed Valuation		Amount of Reduction
	Reduced From	Reduced To	
2004	\$115,000	\$115,000	\$ 0
2005	\$115,000	\$115,000	\$ 0
2009	\$115,000	\$115,000	\$ 0
2010	\$115,000	\$115,000	\$ 0
2011	\$115,000	\$115,000	\$ 0

Tax ID: 97.07-3-46 (Formerly 3.14-31-1) 56 S. Highland Ave.

Assessment Year	Assessed Valuation		Amount of Reduction
	Reduced From	Reduced To	
2004	\$68,500	\$66,450	\$2,050
2005	\$68,500	\$68,500	\$ 0
2009	\$68,500	\$63,370	\$5,130
2010	\$68,500	\$66,240	\$2,260
2011	\$68,500	\$63,960	\$4,540

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement 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 settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$179.00, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I.

TAX CERTIORARI

199 KEENAN, LLC

vs.

TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 199 Keenan, LLC, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at 199 Main Street, in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.19, Block 4, Lot 13, for assessment year 2011, which proceeding is now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15699/2011; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

<u>Ass't</u> <u>Year</u>	<u>Assessed Valuation</u>		<u>Amount of</u> <u>Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2011	29,000	22,000	7,000

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement 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 settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$98.72, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

J. Calling a Public Hearing in the matter of the Petition for Extension of the Ossining Consolidated Sewer District –Michael & Rebecca Costello

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

Whereas, a written petition, dated June 14th, 2012, in due form and containing the required signature, has been presented by Michael and Rebecca Costello to the Town Board of the Town of Ossining, Westchester County, New York, for the extension of the Ossining Consolidated Sewer District in said Town; and



Whereas, said premises are known as 10 Ryder Avenue, Briarcliff Manor, New York, and also known as Section 90.15, Block 1, Lot 42 on the Tax Map of the Town of Ossining, and

Whereas, the improvements proposed for said Sewer District Extension consist of the construction and installation of a sewer system, including sewer main, manhole and other improvements incidental thereto, all as more described in the map and plan accompanying the aforesaid petition, which map and plan are on file in the Town Clerk's Office of said Town for public inspection during regular business hours; and

Whereas, the cost of establishing such Sewer District Extension shall be borne entirely by the Petitioner; and

Whereas, it is now desired to call a Public Hearing to consider the Petition for the proposed establishment of said Sewer District Extension pursuant to Section 193 of the Town Law, as well as for purposes of determining the environmental impact of said action; Now Therefore be it

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

**Section 1:** A meeting of the Town Board of the Town of Ossining, Westchester County, New York, shall be held at the Police/Court Facility, 86-88 Spring Street, In Ossining, New York, on the 10th day of July 2012, at 7:30p.m., for the purpose of conducting a public hearing to consider the aforementioned Petition and to hear all persons interested in the subject thereof concerning the same.

**Section 2:** The Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be published in the Journal News and posted in the manner provided by law.

**Section 3:** This Order shall take effect immediately.

Motion Carried: Unanimously

**K. Town Supervisor - Authorization to Advertise for Bids- Contract # 2012-01, Installation of Water Mains**

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

Resolved, that the Town Clerk is hereby authorized to advertise for bids for Installation of Water Mains, to be returnable to the Office of the Town Clerk by 10:00 a.m. on July 18, 2012.

Motion Carried: Unanimously

**L. Taxes-In Rem Foreclosure-Re-appointment**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Mark S. Tulis, Esq. of Oxman, Tulis, Kirkpatrick, Whyatt & Geiger LLP, 120 Bloomingdale Road, White Plains, New York as Special Counsel to conduct In Rem foreclosure proceedings upon its tax liens appearing in the 2011 list of delinquent taxes as to which payment has not been made. Compensation to Mr. Tulis shall be in accordance with his letter to the Town of Ossining dated June 8, 2012.

Motion Carried: Unanimously

**M. Taxes-Foreclosure 2011 Title Search**

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

Resolved, that the Town Board of the Town of Ossining hereby re-authorizes Maureen Redmond of Judicial Title Insurance Agency, Inc. to perform the title and lien searches required in connection with the 2011 list of delinquent taxes in preparation for In Rem foreclosure proceedings at a fee of \$300 per parcel.

Motion Carried: Unanimously

**N. Adoption of Local Law No. 1 No Smoking Policy To Cover All Town Parks**

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

BE IT ENACTED by the Town Board Of The Town Of Ossining, New York, as follows:

**Section 1: Title**

This Local Law shall be known and cited as “Local Law #1 of 2012, for the purpose of amending the Parks Law, regarding smoking prohibited in designated public areas within Town parks and amending Section 138-5 of the Parks Law.

**Section 2: Legislative Intent**

The Town Board would like to clarify and improve the Parks Law by adding certain provisions providing for prohibition of smoking in designated areas of Town parks. This Local Law is determined to be an exercise of the legislative powers of the Town to strengthen the Parks law for the protection of the health, safety and welfare of residents and to provide a smoke free environment in certain park areas, including areas where children are likely to be present

**Section 3: Section 138-5 of the Parks law :”Rules and Regulations”, Shall be Amended by Adding a Subdivision “P” which will read as follows:**

“Smoking is prohibited within all Town of Ossining parks and facilities at the following locations: inside facilities and within fifty (50’) feet of any facility entrance point, all playground areas, all picnic areas/shelters, all athletic fields, basketball courts, bleacher seating areas and tennis courts, all fenced areas of the Dog Park at Cedar Lane Park and 50 feet from the entrance and areas immediately adjacent to the fenced area.”

**Section 4: Ratification, Re-adoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 5: Inclusion in The Code**

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; and that the sections and subsections of this Local Law may be renumbered or re-lettered to or accomplish such intention; and that the word “local law” shall be changed to “chapter”, “section“ or other appropriate word, as required for codification.

**Section 6: Renumbering**

The location and numerical designation of this Local Law and the sections included here in shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

**Section 7: Codification**

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section number by the codifier, General Code, in accordance with the numbering system of the Code.

**Section 9: Codifier's Changes**

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law of the provisions of the code affected thereby.

**Section 9: Codifier's Changes**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

**Section 10: Effective Date**

This Local Law shall take effect immediately upon adoption and filing with the Sec. of State as provided by the Municipal Home Rule Law.

**Roll Call Vote**

**Vote: 4-0-1**

**Voting Aye: Wilcher,**

**Blaha, Harter & Donnelly**

**Voting Nay: Tripodi**

**O. Adoption of Local Law No. 2 Overnight Parking Prohibited**

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

BE IT ENACTED by the Town Board Of The Town Of Ossining, New York, as follows:

**Section 1: Title**

This Local Law shall be known and cited as "Local Law # 2 of 2012, for the purpose of amending the Vehicles and Traffic Law, regarding parking in designated public areas within municipally owned property and amending Section 188-10 of the Vehicles and Traffic Law.

**Section 2: Legislative Intent**

The Town Board would like to clarify and improve the Vehicle and Traffic Laws by adding certain provisions providing for public parking in designated areas of municipally owned property during certain times of day and for certain periods of time. This Local Law is determined to be an exercise of the legislative powers of the Town to strengthen the Vehicle and Traffic law for the protection of the health, safety and welfare of residents and to provide additional needed public parking areas to aid local businesses.

**Section 3: Section 188 – 10 of the Vehicle and Traffic law : All-night parking prohibited, shall be revised to read as follows:**

"The parking of vehicles is hereby prohibited on all highways with in this Town between 3:00 AM-6:00 AM from November 1 to and including March 31 of each year. Parking of vehicles is further hereby prohibited, year-round, in any designated

public area within a municipally owned property between the hours of 3:00 AM-6:00 AM. Parking in designated public areas within municipally owned property is further limited to two hours per vehicle per spot.”

**Section 4: Ratification, Re-adoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 5: Inclusion in The Code**

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; and that the sections and subsections of this Local Law may be renumbered or re-lettered to or accomplish such intention; and that the word “local law” shall be changed to “chapter”, “section“ or other appropriate word, as required for codification.

**Section 6: Renumbering**

The location and numerical designation of this Local Law and the sections included here in shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

**Section 7: Codification**

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section number by the codifier, General Code, in accordance with the numbering system of the Code.

**Section 9: Codifier’s Changes**

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law of the provisions of the code affected thereby.

**Section 9: Codifier’s Changes**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

**Section 10: Effective Date**

This Local Law shall take effect immediately upon adoption and filing with the Sec. of State as provided by the Municipal Home Rule Law.

Roll Call Vote  
Vote: 5-0-0  
Voting Aye: Wilcher,  
Blaha, Harter, Tripodi &  
Donnelly

**P. A RESOLUTION AUTHORIZING IMPROVEMENTS TO OLD ALBANY POST ROAD IN AND FOR THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$162,000 AND AUTHORIZING, SUBJECT TO**

**PERMISSIVE REFERENDUM, THE ISSUANCE OF \$162,000 BONDS  
OF SAID TOWN TO PAY THE COST THEREOF.**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** Improvements to Old Albany Post Road in and for the Town of Ossining, Westchester County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$162,000.

**Section 2.** The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$162,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any FEMA aid received therefor.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is fifteen years, pursuant to subdivision 20(c) 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.** 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 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 bonds as the same become due and payable.

**Section 5.** 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 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** 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 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.** Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10.** THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

Roll Call Vote

Vote: 5-0-0

Voting Aye: Wilcher,  
Blaha, Harter, Tripodi &  
Donnelly

**Q. A RESOLUTION AUTHORIZING THE NORTH STATE ROAD DRAINAGE IMPROVEMENTS IN AND FOR THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$50,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$50,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** North State Road drainage improvements in and for the Town of Ossining, Westchester County, New York, including curbs, gutters and sidewalks and costs incidental thereto, and other improvements and costs incidental thereto are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$50,000.

**Section 2.** The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$50,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

**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 4 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.** 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 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 bonds as the same become due and payable.

**Section 5.** 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 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** 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 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.** Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10.** THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

**Roll Call Vote  
Vote: 5-0-0  
Voting Aye: Wilcher,  
Blaha, Harter, Tripodi &  
Donnelly**

<b>R.</b>	:	
<b>In the Matter</b>	:	
<b>of</b>	:	
<b>The Increase and Improvement</b>	:	<b>ORDER</b>
<b>of Facilities of the Town-Wide Water</b>	:	<b>CALLING</b>
<b>District in the Town of Ossining,</b>	:	<b>PUBLIC</b>
<b>Westchester County, New York</b>	:	<b>HEARING</b>
	:	
	:	
	:	

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

WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has caused to be prepared a plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Town-wide Water District in the Town of Ossining, Westchester County, New York, consisting of the installation of a water main on Cedar Lane and Stormytown Road, including improvements and costs incidental thereto, at a maximum estimated cost of \$550,000; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Water District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

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

**Section 1.** A public hearing will be held at the Birdsall-Fagen Police/Court Facility, 86-88 Spring Street, in Ossining, New York, in said Town, on July 10, 2012, at 7:30 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Town-wide Water District in the Town of Ossining, Westchester County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

**Section 2.** The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper of the Town, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

**Section 3.** The notice of public hearing shall be in substantially the following form.

Roll Call Vote  
Vote: 5-0-0  
Voting Aye: Wilcher,  
Blaha, Harter, Tripodi &  
Donnelly

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

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

- May 23, 2012 Minutes from Town Planning Board

Motion Carried: Unanimously

#### VI. MONTHLY REPORTS

#### VII. VISITOR RECOGNITION

Resident of Briarcliff Woods, questioned why the Local Law pertaining to parking from 3:00 p.m. – 6:00 a.m.? Will the installation of water mains pertain to Cedar Lane? Supervisor Donnelly responded that it pertains to snow removal. The water main does not pertain to the flooding at the Brooke Club as it will only be at the junction of Stormytown Road and Cedar Lane.

Louise Lord, Briarcliff Woods, questioned what is the status of Briarcliff Woods? Ms. Lord also commended the Board for the “No Smoking” in the parks.



**Supervisor Donnelly responded that the Board is still working on the proper way to move forward.**

**Bobby Williams, Spring Street, agrees with the No Smoking Ban in Parks and thanks the Board for bringing this forward.**

**Bonnie Smith, Spring Street, felt that the No Smoking Ban impinges upon a person's liberty. She commended Councilman Tripodi for standing up to the Board for the No Smoking Ban.**

**Councilman Wilcher agreed to a compromise because he is also a smoker. People go the parks for relaxation.**

**Councilman Harter stated that he would be more than willing to work with Councilman Tripodi to come up with a compromise.**

**VIII. ADJOURNMENT-EXECUTIVE SESSION-PERSONNEL ON A SPECIFIC INDIVIDUAL**

**At 8:40 P.M. Councilmember Harter moved and it was seconded by Councilmember Blaha that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

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