



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

OCTOBER 8, 2013
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 September 24, 2013 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, Geoffrey Harter, Peter Tripodi and Eric Blaha. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. Public Hearing on a Proposed Local Law No. 1 of 2013 Entitled “ A Local Law To Amend The Alarm Devices and Systems Law of the Town Of Ossining

At 7:31 P.M., the Public Hearing was opened.

Town Attorney Wayne Spector provided a brief description of the changes in the local law pertaining to the assessing of penalties. Summons and fines will be assessed with the Town Building Department being responsible.

At 7:35 P.M., Trustee Harter moved and it was seconded by Trustee Wilcher that the Public Hearing be closed.

III. ANNOUNCEMENTS

Good evening.

We are in the middle of a very hectic time in the Town: while we are always busy, we seem to be working on a lot of issues at the moment that interest many people. Please understand that the Town Board takes all of our responsibilities very seriously- it is never about what is good for any individual or group, but rather what is good for all the residents of Ossining. We understand that some issues are emotional and complex, but we are obligated, as your elected officials, to do our due diligence concerning all issues.

We also believe that despite the financial value of any situation and its immediate effect on the Town of Ossining, the long-term effects on the Ossining tax payer is what drives us to diligently research all issues and find facts and figures that are correct.

A timely example of this research is the proposed PILOT at Harbor Square; some residents have expressed that we should just “go along” with the Village of Ossining, since our financial stake is the lowest among all involved taxing districts. However, the taxing agents collectively would have lost over \$860,000 if we had voted to approve the new version of the PILOT- this new deal, worked out with the developer, was vastly different from the version approved by the Village of Ossining

in April 2013. The most recent figures given to the School District (whose expenses comprise the biggest portion of the tax bill) saw an increase of \$200,000+ over the original set of numbers approved by the Village of Ossining in April. To be clear, we are talking about roughly \$1 million more for the community than the PILOT proposal given to the Town Board on Sept. 17, 2013. This discrepancy may not have been realized, and this money may have been lost to all Town residents, had we not have taken our time to fully research the issue.

We have several questions that we have asked the developer:

- What jobs will Harbor Square be bringing to the community (during construction & permanent)?**
- What local people will be used during the construction stage?**
- Will there be internship and apprentice programs for the residents of Ossining?**
- What labor unions will be involved in the building of both the residential and commercial buildings?**
- With 188 rental apartments, what is the projection of 19 children based on/ how was it calculated?**
- When will the revised LADA agreement be ready so that many of these questions are answered?**

We look forward to meeting with the developer and the Village of Ossining at our Town Board Work Session on October 15th.

The purpose of a PILOT plan is to bring positive features to the community that justify the slower building of tax revenue to the municipalities. In the case of the Town's PILOT on 507 North State Road, the company has agreed to provide internships for Ossining High School students, in addition to technical assistance, all as part of the plan to be good neighbors and help our community prosper. The Town Board has, and will continue to, consider the potential outcomes of the Harbor Square PILOT for the entire community.

We did not get a chance at the Town Hall meeting to give an update on our progress with the Affordable Housing/ HUD settlement and our discussions with the Federal Monitor. We are meeting with our planning consultant to review our open parcels of land, and to classify them as follows:

- 1. Ownership (e.g., private, municipal, religious institution, etc.).**
- 2. Current zoning.**
- 3. Size.**
- 4. Current land use.**
- 5. Proximity to public transportation.**
- 6. Proximity to retail, personal service establishments, etc.**
- 7. Availability of a public water supply system.**
- 8. Availability of a public sewage disposal system.**

Once this inventory is developed, this Board will make a decision if any changes in verbiage can or will be made to the Town of Ossining Zoning Code.

One of the issues we've been working on is the building that houses OBCC. The Town has commissioned a consultant to perform a Feasibility Study on the property to determine what options the Town may have going forward, due to changing maps and regulations due to flood plain activity at the site. It is the responsibility of the Town Board to protect Town of Ossining taxpayers from excess liability, and we feel this issue warrants closer assessment.

We had heard so many versions of the events that the Board felt it was necessary to construct a timeline of the ongoing discussions between the Town and the OBCC concerning the Feasibility Study and the license agreement with the Town. You can find the statement on the home page of the Town web page. Last Monday (9/30), the license agreement was signed and will be honored until December 31st, 2014. We have also been working together to determine the needs of OBCC going forward, and had a meeting with the Feasibility Study consultant on Wednesday night, which brought about some positive discourse and ideas.

By next week there will be a new section of the Town Web page entitled "Projects", where we will put all the information we have concerning this project, as well as other projects we are working on, like the community build of the stage at Engel Park. New signage for the boat ramp and the park area will be ready for spring.

If you have not yet done so, please sign up for our updates so you can stay on top of our progress. From the Town home page, go to contacts and then email signups. We have information about the New York's Health Exchange Portal, as well as other items of interest.

Councilmember Blaha commented on comments made regarding the Pilot Program. The Town has a small percentage of the Pilot and if individuals want a fair answer reading the Pilot then the most accurate information should be shared. We take our role very seriously. Before a decision is made, the facts had better be accurate.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the September 24, 2013, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 approves the October 1, 2013, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Blaha 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 October 8, 2013 in the amount of \$906,247.75.

Motion Carried: Unanimously

D. 2013 Cabaret License for Abzun Roque, Inc. DBA Maya Riviera Bar & Restaurant

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

Whereas, the Abzun Roque, Inc. DBA Maya Riviera Bar & Restaurant has filed an application for a Cabaret License for the calendar year 2013; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby approves the application of the Abzun Roque, Inc. DBA Maya Riviera Bar & Restaurant, 518 North State Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions: One (1) DJ using a Karaoke Machine, DJ for private parties and mariachi guitars & trumpet shall be allowed on Monday to Sunday evenings from 11:00 a.m. until 11p.m., and live music on Monday to Sunday evenings from 11:00 a.m. until 11:00 p.m.

Motion Carried: Unanimously

E. Authorizing Clerk to advertise for Bids-Lakeville Sewer Lift Station Remediation

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 authorizes the Town Clerk to advertise for bids for the Lakeville Sewer Lift Station Remediation, to be returned to the Town Clerk, 16 Croton Avenue, Ossining, New York.

Superintendent of Water & Sewers Andrew Teiss stated that the project is moving along with the design work completed. This will be a gravity feed process.

Motion Carried: Unanimously

F. Engineering- Cedar Lane Drainage Bid

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

Whereas, the Town of Ossining authorized the Town Clerk to solicit bids for the work to be done on Cedar Lane; and

Whereas, the bids were received and opened by the Office of the Town Clerk on October 2nd, 2013 at 10AM;

Now, therefore be it Resolved that the Town Board of the Town of Ossining hereby awards the bid to the lowest responsible bidder who also conformed to the bid specifications, namely ELQ Industries, Inc. of New Rochelle, New York, in the amount of \$152,595.

Village Engineer Paul Fraioli stated that the Cedar Lane Drainage Project was the same engineer who designed Resolution E. We will be reaching out to the contractor and construction should begin this year.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following meeting minutes:

- **Town Planning Board Meeting Minutes – August 28, 2013**

Motion Carried: Unanimously

VII. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of September 2013 from the:

- **Town Clerk's Office**
- **Town Supervisor's Office**
- **Town Highway Department**
- **G.E. Helicopter Report**
- **Town Building Department**
- **Town Tax Receiver's Office**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

Steven Dewey, Ossining Attorney, commented on the Justice Court and the Town Constables. The Constables serve the Community as well as small businesses. They serve complaints as well as eviction notices. The Town Constables/Town employees serve the initial documents as well as the eviction papers. There is an appearance of impropriety. There is no constable ordinance in Town Law.

Town Attorney Wayne Spector commented that the constables do play a role in the court system.

Sabrina Albrecht, North State Road, provided complaints regarding noise, etc. from Terra Rustica at all hours of the day and night. Supervisor Donnelly will make it a point to meet with the owners.

Councilman Tripodi thanked Ms. Albrecht for bringing this to our attention.

IX. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE –PERSONNEL

At 8:22 P.M., Councilmember Harter moved and it was seconded by Councilmember Tripodi that the Town Hall meeting be adjourned.

Approved:

Mary Ann Roberts Town Clerk