



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

**NOVEMBER 12, 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 November 12, 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, Peter Tripodi and Eric Blaha. Councilman Geoffrey Harter was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly discussed Resolution D (Adoption of Local Law No. 1 of 2013 Entitled “A Local Law to Amend the Alarm Devices and Systems Law of the Town of Ossining) which is an amendment to the law. Also discussed Resolution E (Health Insurance Coverage) and Resolution G (Finance – Capital Project #2011-2176 Cedar Lane Drainage).

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 October 22, 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 Tripodi that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the November 6, 2013, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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 Voucher Detail Report dated November 12, 2013 in the amount of \$226,077.67.

Motion Carried: Unanimously

D. Adoption of Local Law No. 1 of 2013 Entitled “ A Local Law To Amend The Alarm Devices and Systems Law of the Town Of Ossining

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

WHEREAS, the Town Board of the Town of Ossining having duly called and held a Public Hearing on the 8th day of October, 2013 upon the question of enactment of Local Law No. 1 of 2013 of the Town of Ossining, Westchester County, New York, by adding a new chapter entitled “A Local Law to Amend the Alarm Devices and Systems Law of the Town of Ossining”;

NOW, THEREFORE, be it RESOLVED by the Town Board of the Town of Ossining that Local Law No. 1 of 2013, of the Town of Ossining, Westchester County, New York, is hereby enacted as follows:

Local Law #1 of the year 2013

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 2013, for the purpose of amending the Alarm Devices and Systems Law of the Town Of Ossining, regarding the registration of alarm devices, certain definitions, charges for false alarms, appeals to the Alarm Review Board and notification of changes, amending sections 51-3, 51-4, 51-12, 51-13, 51-14, 51-17, 51-2- and deleting 51-15 of the alarm devices and systems law of the Town of Ossining.

Section 2: Legislative Intent

The Town Board would like to clarify and improve the Alarm devices and systems law by changing certain definitions and provision providing for registration, monitoring and false alarm charges. This local law is determined to be an exercise of the legislative powers of the Town to strengthen the Alarm device and system law for the protection of the health, safety and welfare of residents and to provide for improvements in the manner in which alarms are registered and monitors and the manner in which the law is enforced and false alarm charges are levied and collected.

Section 3: Sections 51-1 through 51-20 of the Alarm Device and Systems Law: Shall be amended in the following manners, the changes being highlighted below:

§ 51-1. Title.

This chapter shall be known and cited as the "Alarm Devices and Systems Law of the Town of Ossining, New York."

§ 51-2. Purpose.

The purpose of this chapter is to regulate the installation, maintenance and use of emergency alarm devices and systems designed to require Police Department response, investigation and safeguarding of property located in the Town of Ossining upon notification of the activation of an alarm. This chapter is intended that such regulation by the Town of Ossining will serve to protect and promote the health, safety and welfare of the residents of the Town through safer and more efficient use of alarm devices and systems. It is further intended to reduce the number of false alarms and to encourage the use and proper maintenance of reliable emergency signal systems and devices.

§ 51-3. Definitions.

The following definitions apply as used in this chapter:

ALARM

A signal transmitted to police headquarters which is intended to notify the Police Department of a burglary, robbery or other emergency at a premises within the Town of Ossining to which the Police Department is expected to respond.

ALARM AGENT

Any individual who is employed by any person licensed by New York State to conduct the business of owning, operating, maintaining, installing, leasing or selling alarm devices, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing in or on any building, place or premises any alarm device or system, as defined in this chapter, within the Town of Ossining.

ALARM BUSINESS

Any person engaged in the business of owning, operating, maintaining, installing, leasing or selling an alarm device or devices or system of alarm devices, which business is, as owner, operator, provider of maintenance service, installer, lessor or seller of said device, devices or system of devices, subject to the license requirements of New York State.

ALARM DEVICE

Any system which, when activated, transmits a signal to police headquarters or to a central alarm station and/or produces an audible or visible signal to which the Police Department is expected to respond.

ALARM INSTALLATION

Any alarm system or aggregation of alarm devices installed on or within a single building or on or within more than one building or area located on a common site.

ALARM REVIEW BOARD

A board consisting of three members appointed by the Town Board of the Town Of Ossining to review any complaints or problems arising out of the enforcement of any provision of this chapter.

ALARM USER

Any person as owner or lessee on whose premises an alarm system is owned, operated, used or maintained.

CENTRAL ALARM MONITORING FACILITY

A facility operated by the Police Department ~~at police headquarters which is monitored by Village of Ossining employees, on behalf of the Town of Ossining Police Department, who~~ to receive, record and verify alarm signals transmitted from alarm systems or from central alarm stations.

CENTRAL ALARM STATION

Any facility operated by a private firm that receives and verifies alarm signals and relays information about such verified signals to the central alarm monitoring facility.

DIGITAL DIAL ALARM

A telephone device or telephone attachment that automatically or electronically selects a telephone line connected to the central alarm monitoring facility or to a central alarm station to report a burglary, robbery or other emergency requiring Police Department response.

DIRECT ALARM

Any alarm device which transmits a signal over a leased telephone line to the central alarm monitoring facility or to a central alarm station.

FALSE ALARM

Any activation of an alarm system, whether intentional or automatic, that does not emit a valid emergency signal.

LICENSING OFFICER

The Town Supervisor or a Town officer designated by him and whose designation has been filed with the Town Clerk.

LOCAL ALARM SYSTEM

Any alarm system not connected to the central alarm monitoring facility or to a central alarm station which, when activated, causes an audible and/or visual signaling device to be activated at the premises on or within which the system is installed.

MALFUNCTION

A mechanical deficiency or other fault or failure in an alarm system which results in a false alarm.

MANUAL ALARM SYSTEM

Any alarm device in which activation of the alarm signal is initiated by the direct action of the alarm user.

PERSON

Any natural person or any other entity capable of being sued or prosecuted for violation of this ordinance.

POLICE DEPARTMENT

The ~~Town of Ossining Police Department~~ Westchester County Department of Public Safety.

RESPONSE

Acknowledgment that an alarm has been received at police headquarters by an act of answering a telephone call, noting information received and starting any process of verification, such as notifying vehicles of receipt of an alarm or any other act commencing the process of acting as a Police Department on account of such notification.

VERIFICATION

Qualification of the legitimacy of an alarm signal by various means which may, under normal conditions, include but not be limited to customer call-in, central station call-out, automatic abort or built-in delay.

§ 51-4. Mandatory registration of alarm devices; yearly permit required.

- A.** Any property owner or lessee of property in the Town of Ossining having on such premises an alarm device or alarm system shall register with the licensing officer to obtain a yearly permit to own or otherwise have such a system. No such system may be installed on the premises of the owner or lessee prior to the issuance of a permit to such owner or lessee. Permits issued hereunder shall be effective from January 1 through December 31 of the year of issuance. Original permits issued after January 1 shall be charged on a pro rata monthly basis for that year. Renewals must be made within 30 days of the expiration of the permit and must include a statement that the device or system is in good working order.
- B.** Any alarm systems installed prior to the effective date of this chapter shall also be subject to the registration requirements outlined above.
- C.** If an existing alarm system has had two or more false alarms within the year immediately preceding registration, it shall be a further requirement that the person who installed the system or the person who services the system must certify that the system is in proper working order at the time of registration.

§ 51-5. Registration of alarm devices; obtaining a permit.

- A.** Any person seeking to register an alarm device or system under this chapter shall complete an Application for Permit to Operate an Alarm System form and submit it to the licensing officer. Said form must contain at least the following information:

(1) Name of applicant.

(2) Address of applicant.

(3) Home telephone number.

(4) Business telephone number.

(5) Type of alarm system.

(6) Emergency contacts (persons authorized to enter the premises in emergencies).

(7) Whether the application is for an existing system, a new system or a modification to an existing system.

(8) Type of monitoring for the system.

(9) Name, address, telephone number and license number of the person or company installing or servicing the alarm system.

B. Upon receipt of an application, the licensing officer will review it and, if it is found to be complete, will issue a permit.

§ 51-6. Restrictions on type of alarm.

A. No person shall use or cause or permit to be used any alarm system that automatically selects a telephone trunk line of the Police Department and then reproduces any prerecorded voice messages to report any robbery, burglary or other emergency.

B. The use of any dial alarm device which relays a digital coded signal to the central alarm monitoring facility is permitted under this chapter.

C. Alarms which are designed to be heard outside of a building are prohibited, except that an external alarm that is installed which shall be capable of and shall automatically terminate its operation within 15 minutes of being activated is permitted.

§ 51-7. Permit fee.

The fee for a permit issued under this chapter shall be established by resolution adopted by the Town Board. Payment of such fee must be made before the issuance of the permit. No refunds of permit fees shall be made.

§ 51-8. Confidentiality.

Information contained in the application for a permit shall be confidential and not subject to disclosure without the written permission of the applicant.

§ 51-9. Licensing of alarm businesses and agents.

A. Licensing to conduct alarm business. Any person engaged in the business of owning, operating, maintaining, installing or leasing or selling an alarm device or devices or system of alarm devices who desires to conduct such business in the Town of Ossining must be properly licensed by the State of New York pursuant to Article 6-D of the General Business Law and Title 19 of NYCRR, Parts 195 and 196.

B. Alarm agent license. Any person engaged in the business of maintaining, repairing, servicing, altering, replacing, removing or installing an alarm device or alarm system shall carry on his or her person at all times while so engaged a valid license and identification card and shall display such license and identification card to any Town official upon request.

C. Registration of license. A copy of the alarm agent's New York State license must be filed with the licensing officer of the Town of Ossining.

§ 51-10. License registration fee.

The fee, if any, for filing a copy of the license with the licensing officer of the Town Ossining may be established by resolution adopted by the Town Board.

§ 51-11. Penalties for offenses.

A. Any person found to be using an alarm device on premises located within the unincorporated section of the Town of Ossining without a valid permit shall be in violation of this chapter. Each such violation shall subject the violator to a **civil** penalty of up to \$250. Each week that such violation continues shall constitute a separate offense.

B. Any individual or company found to be installing or maintaining, servicing or in any way dealing with an alarm device or system on property located within the unincorporated section of the Town of Ossining without a valid license shall be in violation of this chapter. Each such violation shall subject the violator to a **civil** penalty of up to \$250~~500~~. Each week that such violation continues shall constitute a separate offense.

§ 51-12. Charges for false alarm.

Any owner or lessee of property having an alarm device or system on such premises and any user of services or equipment furnished by a licensee under this chapter shall pay to the Town of Ossining a charge for a false alarm as established herein. The amount of the charge shall be established by resolution adopted by the Town Board.

Failure to pay such charge within thirty days of notification shall result in the revocation of the alarm permit.

§ 51-13. Notification of false alarm charges.

A. Notification of charges for false alarms shall be made by the ~~Police Department~~ **Licensing Officer**, by regular first-class mail, by letter outlining the charge to the property owner or lessee in possession. Copies of such notifications shall be kept on file by the ~~Licensing Officer~~ **Police Department** ~~for a period of not less than two years.~~

B. A monthly list of all charges issued shall be filed with the Town ~~Clerk~~ **Supervisor**.

§ 51-14. Payment of false alarm charge.

Payment of any false alarm charge pursuant to § [51-12](#) shall be made to the Town of Ossining either in person or by mail to the ~~Town Clerk~~ **Licensing Officer**.

~~**§ 51-15. Unpaid charges to become lien.**~~

~~Unpaid false alarm fees, as outlined in § [51-12](#), Charges for false alarm, shall become a lien upon the property from which the alarm originated in a call to the police and shall be collected in the same manner as real estate taxes.~~

§ 51-16. Alarm Review Board.

[Amended 1-22-2002 by L.L. No. 2-2002]

The Town Board shall constitute, and shall function as, the Alarm Review Board hereunder.

§ 51-17. Appeals to Alarm Review Board.

[Amended 1-22-2002 by L.L. No. 2-2002]

- A.** Any person who believes he has been wrongfully charged for a false alarm or has been wrongfully denied a permit or license after filling out an application for the same may appeal to the Town Board of the Town of Ossining, sitting as the Alarm Review Board, by sending a certified letter describing the relevant facts and circumstances to the Supervisor within 30 days of such charge or denial. Upon receipt of such letter, the Supervisor shall place said appeal on the agenda of the Town Board for consideration at its next regular public meeting. *The Alarm Review Board shall not accept the appeal of any person who has already been served with a Court Appearance Ticket.*
- B.** The Supervisor shall notify the person making an appeal of the determination of the Town Board, in writing, within 10 days following the Town Board meeting at which such determination was made.

§ 51-18. Responsibility for maintenance and service of alarms.

The alarm device owner, lessee or user shall be responsible for the maintenance and service of the alarm device and shall be responsible for all malfunctions of such device.

§ 51-19. Obligation of town.

- A.** Notwithstanding the payment of any fee and/or the issuance of any permit as herein required, the Police Department and the Town of Ossining shall not be under any obligation concerning the adequacy, operation or maintenance of any alarm device so installed or of the operation of the central alarm monitoring facility or of any central alarm station, and the Town of Ossining and its authorized agents assume no liability for any failure of any such alarm device or the central alarm monitoring facility or of any central alarm system for failure to respond to any such alarms or for any act of omission or commission as a result of any alarm, device or system.
- B.** The alarm user or permit holder, by acceptance of a permit, hereby agrees to hold and save harmless the Town of Ossining, its agents or employees from any liability with respect to any such alarm device or the operation thereof.

§ 51-20. Notification of changes required.

- A.** The alarm user or permit holder shall notify the ~~Police Department~~ Licensing Officer within 10 days of any changes in the information contained in the application for a permit.
- B.** The holder of any license to install and/or service alarms shall notify the ~~Police Department~~ Licensing Officer within 10 days of any changes in the information contained in the New York State application for a license.

§ 51-21. Severability.

If any clause, sentence, paragraph, word, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 51-22. When effective.

This chapter shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.

Section 4: Ratification, Re-adoption and Confirmation

Except as specifically modified by the amendments contain herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full 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 read letter 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 the local law as 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 8: Codifier’s Changes

The local law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to the 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 circumstance. 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 include 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

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

Motion Carried: Unanimously

E. Health Insurance Coverage

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

NOW THEREFORE, BE IT RESOLVED, that effective immediately, the Town Board hereby declares that the following limitations shall apply to elected officials and officers/employees appointed by the Town Board who are not otherwise covered by the terms of a collective bargaining agreement:

1. that when two individuals who each qualify as dependents of the other are each eligible for health insurance coverage from the Town, they shall be limited to the following two options for coverage:
 - a. they may have one (1) Family Plan; or
 - b. they may each have an Individual Plan.
2. that it shall be the sole discretion of the two individuals involved to determine which of them shall be the health plan enrollee in the event they choose to have a Family Plan.

BE IT FURTHER RESOLVED, that the Town Board hereby reserves the right to make such changes at any time as it deems necessary to the insurance plan, plan benefits, eligibility requirements, and/or any other aspect of health insurance benefits for active and/or retired elected officials and officers/employees appointed by the Town Board who are not otherwise covered by the terms of a collective bargaining agreement.

Motion Carried: Unanimously

F. TAX CERTIORARI

Hudson 47 Realty, 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 Hudson 47 Realty, LLC against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 47 Hudson Street, in The Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 1, Lots 1.1, 3.1, 13.1 and 15, for Tax Assessment Year 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65695/2012; and

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

LOT	Original Assessment	Settlement Assessment	Reduction in Assessment
Sec 97.15, Block 1, Lot 1.1	\$11,500	\$7,710	\$3,790
Sec 97.15, Block 1, Lot 3.1	\$9,900	\$6,630	\$3,270
Sec 97.15, Block 1, Lot 13.1	\$177,600	\$119,000	\$58,600
Sec 97.15, Block 1, Lot 15	\$35,382	\$23,710	\$11,672
TOTALS	\$234,382	\$157,050	\$77,332

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 \$ 1,171.02, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. Finance- Capital Project #2011-2176 Cedar Lane Drainage

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 authorizes a budget adjustment to Capital Project #2011-2176, entitled “Cedar Lane Drainage”, in the amount of \$175,000 , increasing the original project budget from \$60,500 to \$235,500, with the additional amount of \$175,000 to be funded by a transfer from Highway Fund Balance.

Increase: 037.5110.2176 \$175,000- Cedar Lane Drainage (Expense)

Increase: 037.0037.5032.0176 \$175,000.00- Cedar Lane Drainage (Revenue)

Increase: 031.0031.4795 \$175,000.00 - Fund Balance (Revenue)

Increase: 031.9901.0905 \$175,000.00 Transfer to Capital Projects Expense (Expense)

Motion Carried: Unanimously

H. Calling for a Public Hearing-2014 Preliminary Budget

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 calls for a Public Hearing to be held on Tuesday, November 26th, 2013 at 7:30 p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street, in the matter of the 2014 Preliminary Budget for the Town of Ossining.

Motion Carried: Unanimously

V. 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 dated October 9, 2013**
- **Town Planning Board resolutions of approval dated October 23, 2013**

Motion Carried: Unanimously

VI. MONTHLY REPORTS

Councilmember Tripodi moved and it was seconded by Councilmember Wilcher 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 October 2013:

- **Town Clerk's Office**
- **GE Helicopter Report**
- **Town Highway Department**
- **Town Building Department**
- **Tax Receiver's Office**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Art Sullivan, Haymont Terrace, questioned whether the Assessor was off by 1/3 on the assessment of 47 Hudson Street. Supervisor Donnelly responded that the new owner purchased the property for less money and the use has changed.

VIII. ADJOURNMENT –EXECUTIVE SESSION-PERSONNEL & LEGAL ADVICE

At 7:47 P.M., Councilmember Blaha moved and it was seconded by Councilmember Tripodi that the Regular Meeting be adjourned.

Approved:

Mary Ann Roberts Town Clerk