

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

FEBRUARY 26, 2008 – REGULAR MEETING  
7:30 PM

SUPERVISOR

John Chervokas

COUNCILMEMBERS

Geoffrey Harter	Northern Wilcher
David Krieger	Martha Dodge

I. CALL TO ORDER

A Regular Meeting of the Town Board of the Town of Ossining was held on February 26, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor John Chervokas. Other members of the Board present were: David Krieger, Northern Wilcher, Martha Dodge and Geoffrey Harter. Also present were: Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – In the matter of the Application for a Cabaret License-Unique Affairs at Mansion Hill, 25 Studio Hill Road, Briarcliff Manor

The Public Hearing was opened at 7:32 p.m.

Mr. Guy DeMeo owner of Unique Affairs on Mansion Hill was in attendance at the Public Hearing and advised the Board that everything at his establishment has basically stayed the same. He did advise the Board that his exist date from Unique Affairs on Mansion Hill is June 30, 2008. Councilmember Harter requested that the Board only issue the 2008 Cabaret License to expire on the same date as his exit date. Town Attorney Beirne stated that this amendment should be noted at the time of adoption of the resolution

At 7:50 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Harter that the hearing be closed.

Motion Carried: Unanimously

III. ANNOUNCEMENTS

Supervisor Chervokas again announced that he is stepping down as Supervisor at the close of business on February 29, 2008. He took this opportunity to thank everyone for their good wishes and all of their support during the past ten years.

Councilmember Krieger announced that a concert by the Scarborough Singers will be hosted by the Ossining Public Library on March 2, 2008 beginning at 3 p.m. Councilmember Krieger also attended a Global Warming Conference over at the County on Tuesday. For any further information, kindly go on the County website for suggestions.

Councilmember Dodge announced the “Relay for Life of Ossining Kick Off” which will take place on Wednesday, February 27, 2008 at the Ossining Public Library at 7 p.m. in the Theater Room. This event will take place at Cedar Lane Park on June 20 -21 from 7 p.m. to 7 a.m.

#### IV. BOARD RESOLUTIONS

##### A. Approval of Minutes – February 12, 2008

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the February 12, 2008 Regular Meeting as presented.

Motion Carried: Unanimously

##### B. Approval of Voucher Detail Report

Councilmember Dodge 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 February 26, 2008 in the amount of \$45,677.46 for 2007 and in the amount of \$430,853.53 for 2008.

Motion Carried: Unanimously

##### C. Appointment of Interim Supervisor

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

WHEREAS John V. Chervokas has submitted his resignation from the position of Ossining Town Supervisor, effective at the close of business on February 29, 2008, thereby creating a vacancy in the said Town Supervisor position; and

WHEREAS the applicable law provides that the remaining members of the Town Board are to appoint a person to fill the said vacancy, pending the election of a Supervisor in November 2008 to serve for the balance of Supervisor Chervokas' term; and

WHEREAS the Town Board, after careful deliberation at its public work session following Supervisor Chervokas' announcement, has determined that the person best qualified to assume the duties of Town Supervisor at this time is Council Member Martha Dodge; now therefore be it

RESOLVED, that the Town Board accepts the resignation of John V. Chervokas from the position of Town Supervisor and acknowledges his more than 10 years of outstanding leadership of and dedication to the Town of Ossining; and be it further

RESOLVED that Martha Dodge be, and she hereby is, appointed to the position of Ossining Town Supervisor, effective March 1, 2008; and be it further

RESOLVED that Martha Dodge shall serve until the close of business on December 31, 2008, at which point she will be succeeded by the candidate elected at the Town-wide election to be held in November 2008.

Voting Yes: Harter, Wilcher, Krieger,  
Chervokas

Abstaining: Dodge

Motion Carried

Town Attorney made a statement regarding Supervisor Chervokas' leadership not only as Supervisor but to his dedication to the other Community positions such as the School Board and the Chamber of Commerce. It has been a privilege to work with you.

Councilmember Harter announced that the formal installation of Supervisor Martha Dodge will take place on March 11, 2008 at 86-88 Spring Street.

D. Approving Dale Cemetery Schedule of Fees

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

Resolved, that the Town Board of the Town of Ossining hereby approves the following changes for the schedule of fees for Dale Cemetery for 2008:

Grave Prices

Single Depth Grave	\$1,450.00
Double Depth Grave	\$1,900.00
Child's Grave (2.5" x 5")	\$450.00
Baby's Grave (18" x 26")	\$250.00
Single Space in Columbarium (Inscription not included)	\$750.00

Interment Prices

Single Depth with Vault/Liner	\$1,000.00
Single Depth with Casket	\$1,075.00
Double Depth with Vault/Liner	\$1,150.00
Double Depth with Casket	\$1,225.00
Child's Grave (Up to 5' in length)	\$475.00
Baby's Grave (Up to 26" in length)	\$300.00
Cremated Remains	\$450.00

Disinterment Prices

Disinterment Remaining Here (with vault)	
Single Depth	\$2200.00
Double Depth	\$2500.00
Disinterment Remaining Here (casket only)	
Single Depth	\$2300.00
Double Depth	\$2650.00
Disinterment to another Cemetery (with vault)	\$1400.00*
Disinterment to another Cemetery (casket only)	\$1950.00*

\*The above disinterment charges are for labor only. There will be additional charges if a new wood box or steel vault is necessary at the time of removal.

Concrete vault company charges are additional.

Grave Prices Section Nine Only (No Change)

Single Depth Grave	\$1,200.00
Double Depth Grave	\$1,500.00
<u>Additional Charges</u>	

There are NO INTERMENTS on Sundays or Holidays

Burials must arrive by 2:00pm Monday through Friday. Saturday burials must arrive by 11:30am. If the arrival is after 11:30am, there will be an additional charge of \$85.00 per half hour.

Saturday full interment fee	\$275.00
Saturday cremains interment fee	\$125.00

Dale Cemetery Management Corporation must be notified by 12:00 noon on Friday if a burial is scheduled for the following Monday, otherwise there is a \$275.00 fee for weekend preparation.

There will be a \$175.00 fee in winter if ice/snow conditions exist.

Motion Carried: Unanimously

E. CERTIORARI SETTLEMENT  
JAD, LLC  
vs.  
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by JAD, LLC, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner’s property located at 142-144 South Highland Avenue, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.11, Block 4, Lot 30, for assessment year 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 20388/07; 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:

Parcel ID	Assessment Year	Original Assessment	Corrected Assessment	Reduction
97.11-4-30	2007	47,300	37,300	10,000

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in 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, that the Assessor is authorized and directed to make the changes and corrections to the tax assessment rolls 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 any refund that might be necessary pursuant to said Consent Judgment.

Motion Carried: Unanimously

F. Affordable Housing – Interfaith Council for Action, Inc.

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

WHEREAS, the Town of Ossining has provided incentives in its zoning ordinance for the development of affordable housing within the Unincorporated Area of the Town and expects the development of affordable housing to increase in the future; and

WHEREAS, expert administration of the Town's affordable housing program is required in order to assure that such housing is, and remains, affordable; and

WHEREAS, the Chairman of the Planning Board of the Town of Ossining, on behalf of the Town Board, has conducted an inquiry for the purpose of identifying the affordable housing program administrator which is most qualified to oversee the Town's program so as to accomplish its goals at reasonable cost to the taxpayers; and

WHEREAS, the Planning Board Chairman, upon completion of his inquiry, recommended the appointment of the Interfaith Council for Action, Inc. ("IFCA") as the Town's affordable housing administrator; now therefore be it

RESOLVED, that the Town of Ossining hereby appoints the Interfaith Council for Action, Inc. ("IFCA") as its affordable housing administrator in accordance with their cost for services as delineated in their letter of October 16, 2007 and it is further

RESOLVED, that the Supervisor be, and he/she hereby is, authorized to execute, on behalf of the Town of Ossining, any and all documents necessary and appropriate to carry out the terms of this resolution.

Motion Carried: Unanimously

G. 2007 Budget Adjustments

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following budget adjustments for 2007:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
-------------------------	--------	--------	---------------------------

<b>Tax Collection</b>			
010-1330-0109-Sick Incentive-P/R	2,000.00	2,103.70	010-1330-0201-Equipment
010-1330-0404-Mileage	522.42	271.30	010-1330-0436-Postage
010-1330-0405-Conference	766.89	158.00	010-1330-0417-Education
		170.25	010-1330-0101 Personnel
		3.98	010-1330-0105-Overtime
		286.86	010-1330-0110-Part Time
		0.17	010-1330-0401-Supplies
		6.30	010-1330-0497-Internet,Cntrt
		288.75	010-1330-0402-Printing
<b>Assessment</b>			
010-1355-0109-Sick Incentive-P/R	1,000.00	1,096.09	010-1330-0402-Printing
010-1355-0458-Tax Maps	8,011.00	11.10	010-1355-0105-Overtime
		1.08	010-1355-0110-Part Time
		2.99	010-1355-0201-Equipment
		0.24	010-1355-0204-Automobile
		468.54	010-1355-0401-Supplies
		0.54	010-1355-0402-Printing
		1.52	010-1355-0404-Mileage
		3.82	010-1355-0406-Telephone
		2.61	010-1355-0411-Gasoline
		125.04	010-1355-0417-Education
		1.00	010-1355-0424-Consult.Com
		320.03	010-1355-0428-Dues
		264.56	010-1355-0449-Parts/Labor
		1,000.00	010-1356.0437-Professional Fees
		114.20	010-1356-0438-Miscellan.
		3,668.51	010-9010-0817-Hospital/Med Insurance
		1,799.15	010-9010-0813-Work. Comp.
		129.98	010-9010-0816-Disability Insurance
<b>Town Justice</b>			
010-1110-0109-Sick Incentive- P/R	1,000.00	6.28	010-1110-0101-Personnel Services
		0.25	010-1110-0105-Overtime
		0.75	010-1110-0110-Part Time
		0.89	010-1110-0201-Equipment
		2.33	010-1110-0401-Supplies
		0.15	010-1110-0404-Mileage
		3.40	010-1110-0405-Conference
		0.76	010-1110-0408-Books
		10.00	010-1110-0416-Uniforms
		0.50	010-1110-0424-Consultant/Computer
		5.71	010-1110-0436-Postage
		0.31	010-1110-0438-Miscellan.
		0.35	010-1110-0455-Constables
		968.32	010-1620.0419-Maint/Repair
<b>Buildings</b>			
010-1620-0438-Miscellaneous	545.79	0.75	010-1620-0401-Supplies
010-1650-0438-Misc-Phone,Web	791.23	3.11	010-1620-0402-Printing
		56.11	010-1620-0419-Maint/Repair
		485.82	010-1620-0430-Village IMA-Building
		791.23	010-9010-0814-Life/Dental
<b>Unallocated Insurance</b>			
010-1910-0469-Bonds	1,734.00	0.02	010-1910-0467-Liability
		0.30	010-1910-0468 Auto
		0.41	010-1140-0110-Part Time
		88.02	010-1010-0405- Conference
		0.08	010-1010-0101-Personnel Services
		17.10	010-1220-0406-Telephone
		50.00	010-1450-0466-Legal Notices
		1,578.07	010-1620-0430-Village IMA- Building
<b>Nutrition</b>			
010-6770-0402-Printing	274.00	274.30	010-6770-0401-Supplies

010-6772-0109-Sick Incentive P/R	3,750.00	0.40	010-6770-0201-Equipment
		46.67	010-6770-0423-Food Supply
		0.40	010-6770-0418-Contractual/Food
		0.65	010-6771-0418-Contractual/Food
		0.61	010-6772-0101-Personnel Services
		0.71	010-6772-0105-Overtime
		0.96	010-6772-0110-Sick Incentive- P/R
		0.15	010-6772-0401-Supplies
		7.28	010-6772-0402-Printing
		0.74	010-6772-0406-Telephone
		8.01	010-6772-0411-Gasoline
		5.71	010-6772-0429-Call a Cab
		0.50	010-6772-0437-Professional Fees
		744.39	010-6772-0449-Parts/Labor
		2932.52	010-0010-4795-Fund Balance
		1885.06	010-9010-0814-Life/Dental
<b>Parks</b>		117.82	010-9010-0816-Disability Insurance
010-7110-0409-Electricity	1,668.00	0.97	010-9730-0710-Interest
010-7110-0106-Longevity	50.00	1.07	010-9010-0815-Unemployment Insuranc
010-7110-0109-Sick Incentive-P/R	1,950.00	16.29	010-9010-0810-State Employees Retire
010-7110-0419-Maint/Repair	67.29	456.99	010-1620.0430-Village IMA-Building
010-7310-0475-Village Oss. Contrac.	6.01	9.94	010-7110-0410-Water
010-7112-0419-Maint/Repair	68.00	1364.44	010-0010-4795-Fund Balance
<b>Employee Benefits</b>			
010-9010-0812-Social Security	339.25	339.25	010-9010-0814-Life/Dental
Transfers to Other Funds			
010-9901-0907- Trnsfer to Dale Ceme	19,075.00	33,321.00	010-0010-4795-Fund Balance
010-1930-0438-Judg/Claims	14246.00		
010-9901-0906-Transf. to Cap Fun	374.09	374.09	010-0010-4795-Fund Balance
<b>Police</b>			
020-3120-0101-Personnel Service	9,767.68	9,767.68	020-0020-4795-Fund Balance
<b>Building Inspection</b>			
020-3620-0438-Miscellan. Rent	2,519.25	500.00	020-8020-0201-Equipment
		134.40	020-8010-0466-Legal Notices
		110.00	020-3620-0428-Dues
		211.76	020-3620-0436-Postage
		257.37	020-3620-0449-Parts/Labor
		200.00	020-3620-0455-Constables
		213.51	020-8020-0413-Consultant
		200.00	020-3620-0408-Books
		500.00	020-3620-0411-Gasoline
		191.08	020-3620-0406-Telephone
		1.13	020-3120-0402-Printing
<b>Planning</b>			
020-9010-0812-Social Security	747.23	54.94	020-3120-0417-Education
		129.74	020-3510-0475-Contrac. Agrmt Anml Ward.
		36.13	020-3620-0201-Equipment
		50.00	020-8010-0405-Conference
		30.00	020-8010-0414-Contract. Steno
		73.57	020-8010-0436-Postage
		100.00	020-8020-0402-Printing
		65.00	020-8020-0405-Conference
		50.00	020-8020-0428-Dues
		38.15	020-8730-0437-Professional Fees
		119.70	020-0020-4795-Fund Balance

Highway			
031-5110-0109-Sick Incentive	500.00	146.10	031-5010-0101-Personnel Services
031-5130-0109-Sick Incentive	250.00	98.96	031-5010-0428-Dues
031-5130-0449-Parts/Labor	350.00	33.52	031-5110-0101-Personnel Services
031-9010-0812-Social Security	172.13	51.91	031-5110-0106-Longevity
		31.06	031-5110-0411-Gasoline
		136.73	031-5130-0201-Equipment
		31.94	031-5132-0410-Water
		389.74	031-5140-0438-Maintenance of Trees
		279.87	031-9010-0816-Disability Insurance
		0.09	031-5010-0201-Equipment
		0.94	031-5110-0419-Maint/Repair
		0.94	031-5132-0474-Fuel
		1.00	031-5140-0201-Equipment
		69.33	031-0031-4795-Fund Balance

**Lighting District**

063-5182-0419-Maint/Repair	1,381.10	1,381.10	063-0063-4795-Fund Balance
----------------------------	----------	----------	----------------------------

**Refuse and Recycling**

065-8160-0470-Refuse/Recycling Contr.	1,616.98	1,616.98	065-8160-0475-Village of Ossining Cont.
---------------------------------------	----------	----------	---

Motion Carried: Unanimously

H. Finance-Closing Capital Project – FY 2007

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following capital project to be closed in FY 2007 and the unexpended balance transferred as indicated:

<u>Project</u>	<u>Project Name</u>	<u>Surplus</u>	<u>Disposition</u>
2002-0015	Police Headquarters	34,499.49	Transfer to Debt Service

Motion Carried: Unanimously

I. Finance- Budget Adjustment-Capital Project # 2006-2144 (Police Grant-Advanced Mobile On-line)

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

Whereas, the Town Board passed a resolution on May 23, 2006 to establish capital project# 2006-2144 entitled Police Department-Advanced Mobile on Line in the amount if \$98,723, to be fully funded by a grant from the United States Department of Justice; and

Whereas, a total of \$98,711 has been expended by the Police Department and received by the United States Department of Justice; and

Whereas, the Police Department has chosen not to expend the balance of \$12.00 in this capital project,

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

Decrease:

Revenue	037-0037-4089-0144	\$98,711
Expenditure	037-3120-2144	\$98,711

and be it further Resolved, that the Town Board authorizes the Capital Project to be closed.

Motion Carried: Unanimously

J. Finance-Budget Adjustment-Capital Project# 2007-2153 (Highway Department-Microsurfacing)

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

Whereas, the Town Board passed a resolution on September 11, 2007 authorizing the establishment of Capital Project # 2007-2153 entitled Highway Department-Microsurfacing in the amount of \$37,058.68 to be funded by the New York State Department of Transportation Multi-Modal Program in the amount of \$26,738.47 and 2007 CHIPS allocation in the amount of \$10,320.21; and

Whereas, \$29,613.69 was expended in total by the Highway Department and \$26,738.47 was received from NYSDOT Multi-Modal Program and \$2,875.22 received by CHIPS;

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

Decrease

Revenue	037-0037-3501-0153	\$7,444.99
Expenditure	37-5110-2153	\$7,444.99;

And be it further resolved, that the project budget be decreased from \$37,058.68 to \$29,613.69 and that the capital project be closed.

Motion Carried: Unanimously

K. Finance-2007 Budget Adjustment-Capital Project # 2007-2130 (Boat & Canoe Club)

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following budget adjustment be made to the 2007 budget:

<u>TRANSFER TO G/L ACCOUNT</u>	<u>AMOUNT</u>	<u>TRANSFER FROM G/L ACCOUNT</u>
Capital Project-Boat & Canoe Club 37-7110-2130	\$374.09	Town General Fund Balance 10-0010-4795

And be it further resolved, that the following accounts be amended as follows:

Increase	37-37-5032-0130	\$27,893.09	(Revenue)
	37-37-5730-0130	<u>\$85,000.00</u>	(Revenue)
		\$112,893.09	
	37-7110-2130	\$112,893.09	(Expenditure)

Motion Carried: Unanimously

L. Approving Cabaret License – Unique Affairs at Mansion Hill

Councilmember Harter moved and it was seconded by Councilmember Dodge that the following resolution be amended by adding that the permit expire on June 30, 2008:

Resolved, that the Town Board of the Town of Ossining hereby approves the application of Unique Affairs at Mansion Hill, 25 Studio Hill Road, in the Unincorporated Area of the Town of Ossining for a Cabaret License pursuant to Chapter 68 of the Code of the Town of Ossining, subject to the terms of the variance granted by the Zoning Board of Appeals, and subject to the following limitations and conditions: DJ up to 6 piece band, weekdays 11 a.m. until 11 p.m. and weekends 11 a.m. until 12 a.m., provided that all necessary approvals be obtained from the Building Department, and be it further

Resolved, that in accordance with Local Law No. 6 of 2003, Unique Affairs at Mansion Hill shall not be required to comply with Sections 68-11, 68-13 and 68-15 (A) (1) of the Cabaret Law (Chapter 68 of the Town Code). This permit will expire on June 30, 2008.

Motion Carried: Unanimously

M. Authorizing surveying for Stormytown Sewer District Pump Station Elimination

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

Whereas, the sewage pump station for the Stormytown Sewer District is in poor condition and does not meet New York State Department of Health and Westchester County Department of Health standards; and

Whereas, the Town Engineer proposed that a land surveyor be hired to create maps with aerial photography of the route, property lines from tax maps, and topographic information from USGS maps, which will help to determine the course of the sewer, and

Whereas, the Town Engineer solicited surveying proposals and after reviewing them, determined that Thomas C. Merritts Land Surveyors, P.C. of Pleasantville, New York was the most reliable, skilled and cost effective proposal received at a price not to exceed \$12,000.00;

Now, therefore be it resolved, that the Town Board of the Town of Ossining authorizes Thomas C. Merritts, Land Surveyors, PC to proceed with the surveying work for the elimination of the pump station at the Stormytown Sewer District at a price not to exceed \$12,000

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Bobby Williams, Spring Street, extended his congratulation to Supervisor Chervokas on his second retirement and wished him well. He also extended his congratulations to incoming Supervisor, Martha Dodge. You will probably miss my editorial comments. February is Black History Month and he discussed the 1972 Presidential candidate, Shirley Chisholm. He reminded the Community to vote in November as that is your right and responsibility as an American. Does the Town plan on increasing the size of the Boat and Canoe Club. He also thanked the Supervisor for his patience in allowing him to speak at the meetings.

VI. ADJOURNMENT

At 8:15 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the Board Meeting be adjourned in Honor of John Chervokas.

Motion Carried: Unanimously

Approved:

---

Mary Ann Roberts, Town Clerk