



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

**JUNE 25, 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 June 25, 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, Eric Blaha and Peter Tripodi. Councilman Geoffrey Harter was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II.     ANNOUNCEMENTS**

Good evening and welcome to the June 25<sup>th</sup> Legislative Meeting of the Town of Ossining.

Tonight, our main order of business will be to pass a resolution authorizing the sale of 507 North State Rd, the old Town Police Station. We have come to an agreement with an IT Company who will be purchasing the building for \$1,475,000, with a 10% upfront deposit. Yes the Town and Schools have agreed to a PILOT program, and the owners will be working with the Westchester Industrial Development Agency, or IDA, to learn about other benefits that come along with moving to Westchester, consolidating offices and most importantly bringing 30-35 employees to shop, eat and enjoy the services of North State Rd and beyond. We have also conducted the transaction without a broker in an effort to save money for the taxpayers, and we did a pretty phenomenal and professional job ourselves- and also have saved the taxpayers anywhere up to \$88,000 (6% of the sale) in the process! Major kudos goes out to this Board, Maddi, Wayne and Fernando for working together to accomplish a major goal of this administration, and to relieve our taxpayers of a tremendous burden.

This has been a long process, but we couldn't be more pleased with our new North State Road neighbors! The Town is confident that in the months ahead we will continue to work closely with the buyer to ensure a smooth transition. In order to help clear the building and recoup even more taxpayer money, the Town will be holding a community "tag sale" Tuesday July 9th from 9:30 AM – 3:00 PM at 507 North State Rd. Hope to see you there! There are some desks, chairs, tables and a variety of other office furniture and supplies that we will be selling. Every department has gone through the building, and any and all items removed for use in their offices has been inventoried. We expect not to have to buy some items for years to come as a consequence of clearing out this building.

We have offered other municipalities, especially Police Departments, access to the building to see if there are any items they want to buy at a fair price. Several departments took advantage of the opportunity and we have been assured that

everything left could be sold to the public. So again we are looking forward to seeing you all on Tuesday, July 9th from 9:30 AM – 3:00 PM.

On a more somber note, it was one year ago that the Ossining community lost one of our own- lost a son, brother, and a grandchild- when Bryan Johnson drowned off of City Island after a night of swimming off a boat driven by a young person. During the next year, his family pushed State officials to pass a safe boating bill that requires everyone over the age of 18 to pass a course on Boat safety before they are permitted to operate a boat. We certainly do not let anyone drive a car without a license and there is no reason the same shouldn't be true for watercrafts. As we come to the 1<sup>st</sup> anniversary, I know the family is mourning and missing Bryan very much. We all share the family's hope that Governor Cuomo will sign and support the New York Boating Safety Legislation to ensure that preventable accidents like the one in June of 2012 come to an end in New York State.

We want to make sure that all boaters and their passengers are ever vigilant about keeping and using appropriate safety equipment out on the water, and having a trained operator behind the wheel. In tribute to Bryan and his family, we will be renaming the Ossining Boat Ramp the "Bryan J Johnson Memorial Boat Ramp" in a resolution this evening. We will have a short service tomorrow, June 26<sup>th</sup>, on the one year anniversary of Bryan's discovery at the Boat Ramp, beginning at 3:00 P.M.; we hope you can join us along with the family and all of the Senators and Assembly people who brought this legislation forward. There will be a formal dedication later in the summer.

Supervisor Donnelly announced that there has been a change in the Star Registration Program. You must re-register for the Basic Star Exemption, however, do not do anything until you receive information from the State.

The Town Hall Meeting will be held on July 16, 2013 at the Budzar Theater at the Ossining Public Library beginning at 7:30 p.m.

### **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 June 11, 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 June 18, 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 Tripodi that the following be approved:

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 25, 2013 in the amount of \$403,747.74**  
**Motion Carried: Unanimously**

**D. 507 North State Road – Property Sale**

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

**RESOLVED , that the Town enter into a contract of the sale of the real property and improvements located at 507 N. State Rd., Briarcliff Manor New York, in the town of Ossining, the building and property formerly being utilized as the police headquarters for the Town of Ossining Police Department, to EVP Axispoint, Inc., or a wholly owned division or subsidiary, existing or to be formed, with an address of 1180 Avenue of the Americas, fourth floor, New York New York, as contract vendee pursuant to the following terms:**

**Purchase price: \$1,475,000**

**Contract deposit: \$147,500**

**Contract execution: within 14 days of adopted resolution**

**Closing date: within 90 days of executed contracts or 30 days of public referendum approving the sale if such referendum is required by petition.**

**Due diligence: 30 days from executed contracts, limited to purchaser confirming intended use to be allowable pursuant to applicable zoning codes.**

**Brokers: Purchaser to indemnify seller from any claims by brokers representing purchaser or utilized by purchaser.**

**Building condition: as is, Seller makes no representation as to allowed uses.**

**Contingencies:**

- 1) Approved S B A financing, commitment to be issued within 45 days.**
- 2) Permissive Referendum pursuant to section 64(2) of New York State Town Law, provided validly procured and submitted petitions are submitted in accordance with applicable sections of New York State law.**
- 3) Approval by all required governmental bodies of PILOT (payment in lieu of taxes) with total combined real property taxes being paid as follows with all taxing authorities sharing in the reductions in tax revenue during the PILOT in proportion to their tax burden on the property :**

- Year 1 \$18,000**
- Year 2 \$33,000**
- Year 3 \$38,000**
- Year 4 \$46,000**
- Year 5 \$48,000**
- Year 6 \$54,000**
- Year 7 \$60,000**

**Additional terms:**

**Purchaser to provide Ossining School District with a block of 20 hours technical service time to use toward design consultation, infrastructure, integration or network support. Additionally, purchaser will provide internship opportunities for Ossining District students providing on-site learning experiences.**

**Purchaser will also allocate agreed portion of the attic space of the premises as secured off-site storage for Town of Ossining documents and allow access to town employees during regular business hours to retrieve stored documents, as needed with fee for use of space to be determined through further negotiations and subject to subsequent resolution by Town Board.**

**Additional technical information systems services to be provided to town, scope and cost to be determined and subject to further resolution of Town Board.**

Whereas the Town Attorney is instructed to prepare a contract incorporating the terms described herein, that the Town Supervisor is authorized to execute the contract on behalf of the Town and upon fulfillment of the contract obligations by the contract vendee, The Town Supervisor is authorized to execute all required conveyance documents, as reviewed and approved by the Town attorney.

Whereas the conveyance of the property pursuant to this Resolution and the contract entered into pursuant to and in accordance with this Resolution shall be subject to a Permissive Referendum in accordance with New York State Town Law section 64 (2).

Motion Carried: Unanimously

**E. Bryan J. Johnson-Memorial Boat Ramp Dedication**

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

**RESOLVED**, that in memory of Bryan J. Johnson, a distinguished citizen of the Ossining community, who was born and raised in Ossining and who lost his life approximately a year ago in tragic boating accident, The Town hereby renames the Ossining Town Boat Ramp, located next to the Town owned Ossining Boat and Canoe Club building, The Bryan J. Johnson Memorial Boat Ramp. In so renaming the Ramp, the Town wishes to commemorate and honor the life of Bryan J. Johnson and to use the memory of Bryan to bring to the Public's attention and to emphasize the importance of boater safety education and proper and safe boating skills and practices to prevent future tragedies like the tragedy that claimed Bryan's life.

Motion Carried: Unanimously

**D. Firework's Approval – St. Augustine's Church**

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

Whereas, the Church of St. Augustine, by letter dated June 19, 2013 has requested a permit from the Town of Ossining for a fireworks display to be held on the evening of Wednesday, July 24, 2013 at 9:15 p.m. (rain date of July 25, 2013); and

Whereas, the Church has submitted the information required by Section 101-5 of the Code of the Town of Ossining and Section 405(2) of the Penal Law of the State of New York; and

Whereas, the bond/insurance coverage submitted by the Church has been found by the Town Attorney to comply with the requirements of Section 101-6 of the Ossining Code and Section 405 of the State Penal Law; and

Whereas, the Fire Chief has made an inspection of the premises where the fireworks display will be held and reported that such display will not be hazardous to persons or property;

Now, Therefore, Be It Resolved, that the application of the Church of St. Augustine's for a fireworks display on July 24, 2013 at 9:15 p.m. (rain date July 25, 2013, ) is approved subject to the following conditions pursuant to Section 405(3) of the Penal Law:

1. The actual point at which the fireworks are to be fired shall be at least 200 feet from the nearest permanent building, public highway or railroad or other means of travel and at least 50 feet from the nearest above-ground telephone or telegraph line, tree or other overhead obstruction;
2. The audience at such display shall be restrained behind lines at least 150 feet from the point at which the fireworks are discharged and only persons in active charge of the display shall be allowed inside these lines;

3. All fireworks that fire a projectile shall be so set up that the Projectile will go into the air as nearly as possible in a vertical direction, unless such fireworks are to be fired from the shore or a lake or other large body of water, in which case they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water;
4. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining;
5. No fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 miles per hour;
6. All persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task;
7. There shall be at least 2 such operators consistently on duty during the discharge; and
8. At least 2 soda acid or other approved type fire extinguishers of at least 2 and one-half gallons capacity each shall be kept at as widely separated points as possible within the actual area of the display; and it is further
9. Resolved, that a copy of this Resolution duly certified by the Town Clerk of the Town of Ossining shall constitute a Permit, meeting the requirements of the Code of the Town of Ossining and the Penal Law of the State of New York.

**Motion Carried: Unanimously**

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

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 accepts the Town Planning Board Meeting Minutes dated:

- May 22, 2013
- June 12, 2013

**Motion Carried: Unanimously**

**VI. MONTHLY REPORTS**

**VII. VISITOR RECOGNITION**

**VIII. ADJOURNMENT**

At 7:55 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Tripodi that the Regular Meeting be adjourned in memory of Bryan J. Johnson.

**Approved:**

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**Mary Ann Roberts Town Clerk**