

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

May 13, 2008 – REGULAR MEETING  
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter Northern Wilcher  
David Krieger Kimberlie Jacobs

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on May 13, 2008 in the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 pm by Interim Supervisor Martha Dodge. Other members of the Board present were: Geoffrey Harter, Northern Wilcher, David Krieger and Kimberlie Jacobs. Also present were Town Attorney Thomas Beirne and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Dodge announced that the Board at a Special Meeting held on May 6<sup>th</sup> appointed Kimberlie Jacobs as the new Councilmember to fill Supervisor Dodges vacant seat. Walk Day will be held on May 16<sup>th</sup> and 17<sup>th</sup>. A mileage calculator is on the website as well as drop boxes for your miles walked.

Councilmember Harter announced that the Brian Fee Fountain at Wishnie Park is operational and beautiful. The Joint Veterans Committee will host the Annual Memorial Day Parade on Monday, May 26<sup>th</sup>, beginning at 9:30 a.m. at the corner of Calam Avenue and Croton Avenue. The parade will go down Croton Avenue to Main Street then to Spring Street and ending at Nelson Park on Washington Avenue where a Memorial Day service will take place. Briarcliff Manor will also have a Memorial Day Parade beginning at noon on Pleasantville Road and ending at Law Park where a Memorial Day service will take place. The Union Free Ossining School District and Public Library will have their vote on May 20, 2008 from 7 a.m. – 9 p.m. This is also Older American's Month. On Thursday, May 22<sup>nd</sup> Frank McCord will be at the Ossining Public Library for a book signing at 7:30 p.m.

Councilmember Northern Wilcher announced that OVAC will be celebrating their 50<sup>th</sup> Anniversary on May 18<sup>th</sup> with games, rides, food and fun at 8 Clinton Avenue from 10 a.m. to 4 p.m.

Mr. Robert Hock, Cablevision gave a brief presentation to the Board regarding a Notice sent to Town residents as well as cable customers. On May 27<sup>th</sup> 9 channels will be deleted from the cable lineup unless the subscriber has a box installed. One free box will be given out for one year until the May 27<sup>th</sup> date. This will be free wide band on demand. At the present time 84% are digital customers. There will be rate changes in June 2008 for the digital box going from \$6.03 per month to \$6.28 per month and a cable card will increase from \$1.25 to \$2.00. Councilmember Krieger questioned that if you are not hooked up to a digital box that the nine channels will no longer be available to analog. Councilmember Jacobs questioned the \$40 coupon on the web for a digital converter which is not for cable customers. It is a Government Program. Councilmember Harter has two TV digital cable boxes and the family basic and two TV's which are cable ready and have no boxes.

### III. PRESENTATION – Stormwater Annual Report – Year 5 of 5

Jim Vanoli, Town Engineer, reported that the Town was in its final year of the first go round. The final report addresses 6 minimum measures and was instituted on March 9, 2003. Public education and outreach was met with Stash the Trash and other programs. Public involvement; illicit discharge and IDDE sheets are on the website. Chief Donato emailed 450 residents thus covering the public involvement. The Building Department includes New York State DEC notice that construction activities that disturb more than one acre must be covered under a SPDES permit. The Highway cleaned and inspected each catch basin in the Town of Ossining. The public's participation is requested. The mapping system of the storm drain system is 75% complete. The goal is if and when an occurrence is identified the DEC will use the maps to determine where it comes from. There is also a pre-construction and post construction component with planning review. The SPDES is more than erosion control. There is also Municipal housekeeping with the DPW garage being withheld due to a strong action with the garage due to its condition and need of replacement. The Highway Mechanic has an oil and water separator to avoid spillage. This report at this meeting is a portion of the public comment period and these comments should be included with the June 1 submission. This concludes the five year reports. There was a renewal of the draft regulations which took effective January 1, 2008. The new regulations will take place in 2010.

Councilmember Harter congratulated Mr. Vanoli, Superintendent of Highways Mike O'Connor, EAC, and Building Inspector John Hamilton for a wonderful job. This report is rather large and took a great deal of time to prepare. The Highway Department was physically in the catch basins did a great job. Our main goal is to make sure that our water is as clean and as pure as possible.

Chief Donato announced that he was promoting two of his officers to the rank of sergeant and is very proud of their professionalism, integrity, job performance as well as their leadership qualities. These gentlemen completed the civil service requirements as well as the selection process.

#### Appointment – Police Sergeant

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 promotes Vincent J. Ragaini to the position of Police Sergeant at an annual salary of \$93,566 in accordance with the rules and regulations of the Westchester County Personnel Department effective May 13, 2008. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

#### Provisional Appointment– Police Sergeant

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

RESOLVED, that the Town Board of the Town of Ossining hereby promotes William D. Thomas to the provisional position of Police Sergeant at an annual salary of \$93,566 in accordance with the rules and regulations of the Westchester County Personnel Department effective May 13, 2008. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

Supervisor Dodge swore in the two Officers to the Sergeant position.

IV. BOARD RESOLUTIONS

A. Approval of Minutes – April 22, 2008

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 Minutes of the April 22, 2008 regular Meeting as presented.

Vote: 3 – 0 – 2  
Voting Yes: Harter, Wilcher, Krieger  
Abstaining: Dodge, Jacobs

B. Approval of Minutes – May 6, 2008

Councilmember Krieger 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 Minutes of the May 6, 2008 special meeting as presented.

Vote: 4 – 0 – 1  
Voting Yes: Harter, Wilcher, Krieger,  
Dodge  
Abstaining: Jacobs

C. Approval of Voucher Detail Report

Councilmember Krieger 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 May 13, 2008 in the amount of \$387,962.51

Motion Carried: Unanimously

D. Adoption of Affirmative Action Plan

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

WHEREAS, the Westchester County Department of Senior Programs and Services provides funding to the Town of Ossining for transportation and nutrition services for the Senior Center; and

WHEREAS, in order to receive funding from Westchester County, an Affirmative Action Plan is required to be in place for a municipality with fifty (50) or more employees; now therefore be it

RESOLVED, that the Town Board of the Town of Ossining adopts the Affirmative Action Policy as prepared by Bond, Schoeneck & King, LLC

Motion Carried: Unanimously

E. Calling for a Public Hearing – CDBG Applications

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

WHEREAS, the Town of Ossining is a member of the Westchester Urban County Consortium of Communities; and

WHEREAS, as a member of the Consortium the Town is applying for federally-funded Community Development Block Grants; now therefore be it

RESOLVED, that the Town Board will hold a Public Hearing on the proposed Community Development Block Grant Applications on May 27, 2008 at 7:30 p.m. at the Village of Ossining Police/Court facility, 86-88 Spring Street, Ossining, at which time interested parties will be heard; and it is further

RESOLVED, that the Town Clerk is hereby directed to publish a notice of such hearing in the Town's official newspaper.

Motion Carried: Unanimously

F. Alarm Review Board

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 denies the request to waive a false alarm fine for permit no. 7 pursuant to Local Law 2 of 2002.

Motion Carried: Unanimously

G. Agreement – Music Makers Unlimited

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into an agreement with Music Makers Unlimited of Peekskill, New York for the Memorial Day Parade to be held on May 26, 2008 at a cost of \$750.00.

Motion Carried: Unanimously

H. Agreement – Westchester County – Equipment to Respond to Weapons of Mass Destruction

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 Town Supervisor to renew an agreement with Westchester County Department of Emergency Services for Personal Protective Equipment to respond to Weapons of Mass Destruction effective through May 13, 2013.

Motion Carried: Unanimously

I. Finance – 2008 Budget Adjustment

Councilmember Krieger moved and it was seconded by Councilmember Jacobs 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 2008 budget:

<u>Transfer to G/L Account</u>	<u>Amount</u>	<u>Transfer from G/L Account</u>
020-3120-0201 Equipment	\$4,719.20	020-0020-2626 Forfeiture of Proceeds Restricted

Motion Carried: Unanimously

J. Change Order Authorization – Cedar Lane Water Main Project

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to sign the following change order with Steve Giordano Builders, Inc. for the Cedar Lane Water Main Project:

Supply and install 2” diameter polypropylene pipe and 10/2 direct burial electric line from Pump House to concrete pit located at top ball field at Cedar Lane Park	<u>\$4,500.00</u>
TOTAL	\$4,500.00

Motion Carried: Unanimously

K. Agreement – Pitney Bowes

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to renew an agreement with Pitney Bowes for a digital mailing system including equipment maintenance for a term of fifty-one (51) months at a cost of \$349 per month for 16 Croton Avenue Town offices.

Motion Carried: Unanimously

L. Justice Court Audit

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

RESOLVED, that the Town Board of the Town of Ossining hereby acknowledges that in accordance with the Unified Court System’s Action Plan for the Justice Courts, the 2007 Audit of the Town of Ossining Justice Court was conducted as required and said audit has been distributed to and reviewed by the Town Board of the Town of Ossining.

Motion Carried: Unanimously

M. Board of Assessment Review – Appointment - David M. Rothman

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

RESOLVED, that the Town Board of the Town of Ossining hereby appoints David M. Rothman, Seneca Road, Ossining, New York, to the Board of Assessment Review to fill the unexpired term of Mark Seiden effective May 13, 2008 through September 30, 2010.

Motion Carried: Unanimously

N. Rejection of Bids-Materials and Supplies 2008-2009

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

RESOLVED, that the Town Board of the Town of Ossining rejects the bids for Materials and Supplies for 2008-2009 and authorizes the Town Clerk to notify the bidders of the rejection based on Westchester County Bid availability for Bituminous Concrete-Hot & Cold Mix, and be it further

RESOLVED, that the amount of gravel the highway department purchases is not subject to competitive bidding in accordance with the Town's procurement policy.

Motion Carried: Unanimously

O. Finance – Mahopac National Bank

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

WHEREAS, the Town of Ossining designated Sleepy Hollow Bank as an Official Depository, and

WHEREAS, on May 9, 2008 Sleepy Hollow Bank was taken over by Mahopac National Bank, now therefore be it,

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes Mahopac National Bank to be added to the Town's list of depositories.

Motion Carried: Unanimously

P. Promotion– Highway - Road Maintainer

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

RESOLVED, that the Town Board of the Town of Ossining hereby promotes John Orlando to the position of Road Maintainer at a salary of \$60,057 effective May 2, 2008. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

Q. Apartment Lease Agreement – Dale Cemetery Caretaker

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into a one year apartment lease with Richard Borreto (Dale Cemetery caretaker) and Rosa Jarama in accordance with terms set forth by the lease agreement.

Motion Carried: Unanimously

R. Termination of SeniorNet

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

WHEREAS, in 1997 the Town of Ossining established a SeniorNet Learning Center which it maintained and supported, and

WHEREAS, the Town must terminate the agreement due to an insufficient number of senior citizens who participate in the program, which does not meet the contribution requirements of SeniorNet, however the town will still continue to provide computer training and services to the seniors with the help of IBM volunteers, now therefore be it

RESOLVED, that the Town Board of the Town of Ossining hereby terminates the agreement with SeniorNet effective June 1, 2008.

Motion Carried: Unanimously

S. BOND RESOLUTION DATED MAY 13, 2008.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$80,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE REPAIR OF A RETAINING WALL ON SAMSTAG AVENUE, IN AND FOR SAID TOWN.

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

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital provide funding for a portion of such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the repair of a retaining wall on Samstag Avenue, in and for the Town of Ossining, Westchester County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$80,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$80,000, and that the plan for financing thereof shall be by the issuance of the \$80,000 bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years under subdivision thirty-five of paragraph a of Section 11.00 of the Local Finance Law, as the Town has been advised by an engineer the useful life of the aforesaid specific object or purpose is in excess of fifteen years. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years, and that the foregoing is not an assessable improvement.

Section 4. 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 5. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ossining, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquaintance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. 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 10. 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 11. Upon this resolution taking effect, the same shall be published in summary in the *Journal News*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

Voting Yes in a Roll Call Vote:  
Harter, Krieger, Wilcher, Jacobs,  
Dodge  
Motion Carried: Unanimously

T. BOND RESOLUTION DATED MAY 13, 2008.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$25,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF THE GARAGE DOORS AT THE HIGHWAY DEPARTMENT FACILITY, IN AND FOR SAID TOWN.

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

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

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

Section 1. For paying the cost of the replacement of the doors at the highway department facility, a specific object or purpose, in and for the Town of Ossining, Westchester County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$25,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$25,000, and the plan for the financing thereof is by the issuance of the \$25,000 bonds of the Town of Ossining, Westchester County, New York, authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision thirty-five of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years, and that the foregoing is not an assessable improvement.

Section 4. 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 Town 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 Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. 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 obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ossining, Westchester County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Town Supervisor, who shall advertise such bonds for sale, conduct the sale, and award

the bonds in such manner as he or she shall deem best for the interests of the Town, provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Town Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 9. 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 10. 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 11. This resolution, which takes effect immediately, shall be published in summary in the *Journal News*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Voting Yes in a Roll Call:  
Harter, Krieger, Wilcher, Jacobs,  
Dodge  
Motion Carried: Unanimously

#### U. BOND RESOLUTION DATED MAY 13, 2008.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF MACHINERY AND APPARATUS FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT, IN AND FOR SAID TOWN

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

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

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

Section 1. For the purpose of paying the cost of the class of objects or purposes hereinafter set forth in this bond resolution, including, in each instance, incidental expenses in connection therewith, for use by the Town's Highway Department, there are hereby authorized to be issued \$199,500 bonds of said Town pursuant to the provisions of the Local Finance Law, apportioned among the objects or purposes set forth in Section 2 hereof in accordance with the estimated maximum cost of each as set forth therein. The estimated maximum cost of the aforesaid class of objects or purposes is \$199,500, and the issuance of such bonds is the plan for financing such class of objects or purposes.

Section 2. The objects or purposes to be financed pursuant to this bond resolution and which make up the class of objects or purposes are as follows:

(a) machinery and apparatus for construction and maintenance purposes, each item of which has a cost of at least \$30,000, at an estimated maximum cost of \$130,000; it is hereby further determined that the period of probable usefulness of the machinery and apparatus described in this paragraph (a) is fifteen years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, the maximum maturity of the bonds authorized will exceed five years, and that the foregoing is not an assessable improvement;

(b) machinery and apparatus for construction and maintenance purposes, each item of which has a cost of over \$15,000, at an estimated maximum cost of \$44,500; it is hereby further determined that the period of probable usefulness of the machinery and apparatus described in this paragraph (b ) is ten years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, the maximum maturity of the bonds authorized will exceed five years, and that the foregoing is not an assessable improvement;

(c) machinery and apparatus for construction and maintenance purposes, with no minimum cost per item, at an estimated maximum cost of \$25,000; it is hereby further determined that the period of probable usefulness of the machinery and apparatus described in paragraph (c) is five years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law; the maximum maturity of the bonds authorized will not exceed five years, and that the foregoing is not an assessable improvement;

Section 3. 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 4. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to 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 obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ossining, Westchester County, New York, by the manual

or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

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. 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 10. Upon this resolution taking effect, the same shall be published in summary in *Journal News* the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

Voting Yes in a Roll Call  
Harter, Krieger, Wilcher, Jacobs,  
Dodge  
Motion Carried: Unanimously

V. Police Department – Vehicle Lease Agreement

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with Ford Motor Credit Company, Dearborn Michigan to lease a 2008 Ford Crown Victoria at a cost of \$7,322.10 per year for four years. After the lease has been satisfied, the Town may purchase the vehicle for \$1.00

Motion Carried: Unanimously

V. MONTHLY REPORTS – April 2008

Councilmember Harter moved and it was seconded by Councilmember Krieger that the Monthly Reports for April, 2008 from the Tax Receiver, Building Inspector, Town Clerk and Police Chief be received and filed.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the G.E. Helicopter Report be received and filed.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, questioned what Cablevision basic service will cost after the first year? If they are cutting services, shouldn't the consumer be paying less? The public is being short changed. The Affirmative Action Program was instituted in Municipal Government to allow for equal pay for the same jobs and it is not based on nationality or gender. In the early days it assisted women contractors. The bond resolution for the \$199,500 is not itemized so as to provide a list of the equipment being purchased. The Justice Court Audit is the same audit that is submitted to the State and a copy of the Audit is available for review at the Town Clerk's office. The Community should be involved in both the Town and School particularly with a School Budget of in excess of \$100 million being proposed. We are in a recession and it is very difficult to exist with over \$4 a gallon for gas and home heating oil.

Duval Cellai , Stormytown Road, stated that if you purchase a new tv set, there is a chip in it that cable is not telling anyone about.

VIII. ADJOURNMENT

At 9:05 pm, Councilmember Krieger moved and it was seconded unanimously that the meeting be adjourned in memory of Russell Curtin who passed away last week at the age of 72. Mr. Curtin was Superintendent of Highways for over 30 years and was very active in the Community through the different organizations that he belonged to.

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Mary Ann Roberts, Town Clerk

Approved: