

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

JANUARY 22, 2008 – REGULAR MEETING
7:30 PM

SUPERVISOR

John Chervokas

COUNCILMEMBERS

Geoffrey Harter	Northern Wilcher
David Krieger	Martha Dodge

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on January 22, 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: Geoffrey Harter, David Krieger, Martha Dodge and Northern Wilcher. Also present were: Wayne Spector, Deputy Town Attorney and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – In the matter of the Application of Torchia's
Ristorante, 518 North State Road, Briarcliff,
for a 2008 Cabaret License

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

Lisa Howard owner of Torchia's was present to answer any questions that the Board or members of the public had regarding her renewal of her 2008 Cabaret License which features karaoke two evening per week. Supervisor Chervokas had various questions regarding police blotter reports for 2007 that the Board had been reviewing. Councilmember Dodge stated that many of the issues on the police reports did not deal with karaoke itself. Ms. Howard stated that many of these police issues dealt with the tenants of the building in which her establishment was located. Councilmember Harter requested whether she owned or leased the property. Ms. Howard stated that she leased the restaurant and bar area. She caters to a clientele in the age group of 35 – 65 and does not want kids in the bar. She did have a problem with two employees who have subsequently been terminated. She is a restaurant first and a bar second. Councilmember Harter questioned what type of atmosphere existed with the karaoke? Ms. Howard responded that it was mainly 60's and 70's music and that a bouncer was not necessary as the bartender and other employees kept everything status quo. They are very strict when it comes to showing identification. Councilmember Wilcher questioned whether they shared parking? Ms. Howard stated that the tenants upstairs are young people. Councilmember Krieger stated that he felt she was very sincere with her responsibility but the Board was concerned about there being no public nuisance. Ms. Howard responded that her liquor license was everything to her and she would rather make less money than have any problems.

At 7:32 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the public hearing be closed.

Motion Carried: Unanimously

III. ANNOUNCEMENTS

Councilmember Krieger announced that a Special Children's Book Sale will take place on February 2nd from 10 a.m. – 3 p.m. and on February 3rd from 12 noon – 4 p.m.

Councilmember Dodge announced that the Ossining High School Performing Arts proudly presents The Exonerated on Friday, February 1st, Saturday, February 2nd and Sunday, February 3rd at the Ossining High School Auditorium. The Friday and Saturday performances are at 7 p.m. and the Sunday performance is at 2 p.m. A warning was given that this is not for small children as mature language and subject matter are in use.

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the January 8, 2008 Reorganizational 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 January 22, 2008 in the amount of \$203,868.02 for 2007 and in the amount of \$168,205.15 for 2008.

Motion Carried: Unanimously

C. Assessment Board – Reappointment – Wayne Wheeler

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

Resolved, that that Town Board of the Town of Ossining hereby reappoints Wayne Wheeler, to the Assessment Board of Review, for a five year term expiring September 30, 2012.

Motion Carried: Unanimously

D. Approval of the 2008 Cabaret License – Torchia's Ristorante

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

WHEREAS Torchia's Ristorante has filed an application for renewal of its cabaret license for calendar year 2008; and

WHEREAS the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department; and

WHEREAS after completing such review, the Town Board has concluded that, while there were several incidents at Torchia's during calendar 2007 which required a response by the Town Police Department and therefore that a period of monitoring the applicant's compliance with all applicable laws and requirements is appropriate, none of such incidents involved wrongdoing by Torchia's and its management and, in fact, the management of Torchia's acted responsibly and cooperated with Town Police in all instances so that the decision which reasonable and proper in the public interest is to renew Torchia's cabaret license, subject to a further review of relevant information, especially Police reports, by the Board in or about June 2008; Now Therefore Be It

RESOLVED that the Town Board of the Town of Ossining hereby approves the application of Torchia's Ristorante, 518 North State 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: 1 DJ using Karaoke Machine shall be allowed on Wednesday evenings from 9 pm until 11:30 pm and Friday evenings from 9 pm until 11:30 pm, as stated in the application provided, that all necessary approvals be obtained from the Building Departments, and further subject to a review of compliance by the Town Board in or about June 2008

RESOLVED that in accordance with Local Law No. 6 of 2003, Torchia's Ristorante 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).

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed issues regarding an impending recession and warned seniors and other residents of scams that are targeted at the seniors and the poor population of the area.

VI. ADJOURNMENT

At 7:59 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the meeting be adjourned into Executive Session for the purpose of litigation.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk