

**TOWN BOARD
TOWN OF OSSINING
OSSINING, NEW YORK**

**REGULAR MEETING
AUGUST 10, 2004
7:30 P.M.**

**POLICE/COURT
FACILITY
86-88 Spring Street**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining, Westchester County, New York was held on August 10, 2004 in the Ossining Police/Court Facility, 86-88 Spring Street, Ossining, NY. The meeting was called to order by Supervisor John Chervokas. Other members of the Board present were: Geoffrey Harter, Northern Wilcher, Michael O'Connor and Francesca Connolly. Also present were: Thomas Beirne, Town Attorney; Connie DiSalvo, Budget Officer and Mary Ann Roberts, Town Clerk.

**II. PUBLIC HEARING – In the Matter of Lakeville Sewer District
Extension – Ehrlich and Steve Jensen**

At 7:31 P.M. Supervisor Chervokas opened the Public Hearing.

Town Attorney Beirne gave a brief description of how the lines will be hooked up to already existing lines. This is a straight forward application with no expenses being incurred by the Town of Ossining. Since there is no Town-wide Sewer District they must petition the Town to join in this particular district. The homeowner pays for the hook up. This property is located on Grandview Avenue. Councilman O'Connor stated that this application was from a resident of the Town of Ossining.

At 7:35 Councilmember O'Connor moved and it was seconded by Councilmember Harter that the Public Hearing be closed.

III. COMMUNITY ANNOUNCEMENTS

GOTV is airing the Town Board Meetings on Thursday mornings at 9:00 A.M. instead of 9:00 P.M. The Village Board Meetings will also only be aired at 9:00 A.M. on Fridays instead of 9:00 P.M. The Supervisor thanked all of the residents who watch the meetings at 9:00 A.M. Briarcliff residents are not able to view the meetings at all.

IV. TOWN BOARD RESOLUTIONS

A. Approval of Minutes

1. Regular Meeting – July 13, 2004

Councilmember Connolly moved and it was seconded by Councilmember O'Connor that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the July 13, 2004 Regular Meeting as presented.

Motion Carried: Unanimously

2. Special Meeting – August 3, 2004

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 August 3, 2004 Special Meeting as presented.

Motion Carried: 3-0-2
Ayes: Councilmembers Connolly,
Wilcher and Supervisor
Chervokas
Abstained: Councilmembers
Harter and O'Connor

B. Approval of Voucher Detail Report

Councilmember Connolly moved and it was seconded by Councilmember O'Connor that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated August 10, 2004 in the amount of \$148,071.62.

Motion Carried: Unanimously

C. Police Facility-General Construction

Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the following change orders with St. Francis Construction:

Additional costs incurred during construction of the pile foundation	\$12,500.00
Removal of rock and boulders stockpile on site	\$ 3,480.00

Motion Carried: Unanimously

D. Endorsing Assemblywoman Galef & Senator Leibell's Legislation to Adopt an Amendment to Reform the New York State Budgetary Process

Councilmember O'Connor moved and it was seconded by Councilmember Connolly that the following be approved:

Whereas, a bipartisan campaign effort led by Assemblywoman Sandy Galef and Senator Vincent Leibell was launched on July 6, 2004 to reform New York by gathering public support for an amendment to the New York State Constitution (A.11231/S/7317) to change the process for budget adoption and ensure on time state budgets; and

Whereas, said budget reform needs to gain support from other government officials and the public in order for the voters to vote positively on this change at the polls in November 2005; and

Whereas, said amendment will move the start of New York's fiscal year from April 1 to May 1 to better fiscal projections on revenues and expenditures; provide for a contingency budget equivalent to the budget of the preceding year to automatically go into effect on May 1 if no budget agreement has been reached; require a 2 year appropriation for education aid in order for school districts to know in advance what tax support they will receive from the state budget; create a reserve fund to ensure sufficient funds exist for the payment of education aid in May and June; require the Governor's office to submit its budget one week earlier and provide more information on the costs of current year services; and establish an independent budget office to make revenue and expenditure projections,

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining does hereby support the efforts of Assemblywoman Sandy Galef and

Senator Vincent Leibell to pursue public support for an amendment to the New York State Constitution to change the process for budget adoption and ensure on time state budgets; and be it further

Resolved, that the Town Clerk shall forward a copy of this resolution to Governor George E. Pataki, Senate Majority Leader Joseph L. Bruno, Speaker of the Assembly Sheldon Silver, Assemblywoman Sandy Galef and Senator Vincent L. Leibell.

Motion Carried: Unanimously

Councilman O'Connor stated that this was a rock solid request which affects our schools. This is an issue affects both sides. It is imperative that we have an on time budget.

E. Finance-Capital Project #2004-0026 COPS 2004 Technology Program

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project #2004-0026, entitled COPS 2004 Technology Program, in the amount of \$32,950.00 for digital imaging equipment to be funded by the United States Department of Justice COPS Technology grant.

Motion Carried: Unanimously

F. Dale Cemetery-Conveyance of Ownership

Councilmember O'Connor moved and it was seconded by Councilmember Connolly that the following be approved:

WHEREAS, by a Resolution duly approved by the Town Board on September 23, 2003, the Town of Ossining acknowledged that the Dale Cemetery Association, Inc., a New York not-for-profit corporation (the "Corporation"), which currently owns the Dale Cemetery located within the Town of Ossining had duly resolved to formally ask the Town of Ossining to assume maintenance and administrative responsibilities for the cemetery based on the Corporation's conclusion that formal acceptance of the cemetery by the Town of Ossining in accordance with Article 17 of the Town Law of the State of New York was the only reasonable course of action to preserve and protect the best interests of the cemetery and the families of those buried in the cemetery; and

WHEREAS, the Corporation further represented that, upon formal acceptance of the cemetery by the Town of Ossining, it would turn over to the Town all records and assets of the subject cemetery; and

WHEREAS, application was thereafter made on behalf of the Corporation and the Town of Ossining to the New York State Division of Cemeteries for funding available under New York State Law to aid the Town in the transition to Town ownership of the subject cemetery; and

WHEREAS, the Town has been informed that significant funding for necessary repairs will be made available by the New York State Division of Cemeteries upon the Town's acceptance of ownership of and responsibility for the operation of Dale Cemetery; and

WHEREAS, in the aforementioned Resolution of September 23, 2003, the Town Board indicated its belief that acceptance of ownership and responsibility for, Dale Cemetery was in the interest of the public generally, that such acceptance of ownership and responsibility was, in any event, mandated by New York State Law, that the timing of potential transfer of ownership and responsibility to the Town of

Ossining was advantageous in that the cemetery had not as yet reached the point of crisis with the result that a smooth transition to Town ownership was feasible and that the Board was favorably disposed to ownership and responsibility provided certain conditions were met - involving a review of the financial condition of the cemetery corporation, physical inspection for safety purposes, establishment of an effective governing and operating structure for the cemetery and completion of legal requirements, including survey, title report, etc.; and

WHEREAS, the above-mentioned conditions in the Resolution of September 23, 2003 have now been satisfied; and

WHEREAS, in addition to the funds available from the Division of Cemeteries, the Corporation has informed the Town that it has satisfied all applicable requirements for liquidation and is therefore prepared to turn over all of the assets of the Corporation to the Town of Ossining; now, therefore, it is

REVOLVED, that the Supervisor be and is hereby authorized and directed to accept on behalf of the Town of Ossining a Deed and any and all other appropriate documents conveying good title to the Dale Cemetery to the Town of Ossining and he is further authorized and directed to accept from the Corporation, in addition to title to the real property, any and all assets, including the bank accounts, books and records, equipment, and other assets of any kind whatsoever, pertaining to the operation of the Dale Cemetery as to allow and permit the Town of Ossining to assume immediate and effective control and operation of the cemetery; and it is further

RESOLVED, that the Supervisor be and hereby is authorized and directed to take the necessary steps in order to secure from the Division of Cemeteries of the State of New York all appropriate funding to which the Town of Ossining is entitled as a result of its acceptance of the ownership and responsibility for Dale Cemetery; and it is further

RESOLVED, that the power granted by the Town Board to the Supervisor in its duly approved Resolution of May 11, 2004 in regard to the execution of an appropriate operating agreement with a newly formed not-for-profit entity, so as to provide for the day-to-day operation of the cemetery, is hereby affirmed and ratified and the Supervisor is authorized and directed to execute such agreement with Dale Cemetery Management Corp.

Motion Carried: Unanimously

The supervisor stated that the Dale Cemetery fund consisted of \$300,000 and we expect \$230,000 from the State of New York. Dale Cemetery was opened in 1851 and land is still available. It is a wonderful place for young people to study history with many persons of fame buried there such as John Hoffman who was Mayor and Governor of New York. Councilman O'Connor stated that this process has been going on for 18-22 months. George Weeks is a member of the Cemetery Board and he is extending his thank you for his dedication and his hard work on this project.

G. Approval of Lakeville Sewer District Extension – Ehrlich and Steve Jensen

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

Whereas, a Petition, together with the necessary map and plan, for the extension of the Lakeville Sewer District located from McCord Road to Grandview Avenue, dated July 6, 2004, has been presented to the Town Board by Ehrlich and Steven Jensen; and

Whereas, an Order was duly adopted by the Town Board on July 13, 2004, reciting the filing of said Petition, the boundaries of the proposed extension, the improvements proposed and the cost thereof, and specifying August 10, 2004 at 7:30

pm in the Police Court facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a public hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

Whereas, such order was duly posted and published as required by law; and

Whereas, a public hearing on the matter was duly held by the Town Board on August 10, 2004, where discussion of the matter was had, and all persons interested were give the opportunity to be heard; and

Whereas, pursuant to section 194(6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing to be borne by the Town of Ossining, the Lakeville Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved, and determined, that (a) the Petition is signed and acknowledged as required by law and is otherwise sufficient; (b) all property owners within the proposed extension are benefited thereby; (c) all property owners benefited thereby are included within the limits of the proposed extension; and (d) it is in the public interest to grant in whole the relief sought; and it is further

Resolved, that the extension of the Lakeville Sewer District located at 24 Grandview Avenue in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property bounded and described as set forth in Schedule A annexed hereto and made a part hereof; and it is further

Resolved, that the total cost of the improvement to be constructed within the boundaries of the said sewer district extension shall be borne by the Petitioner at no cost to the Town of Ossining, the Lakeville Sewer District or any prior extensions thereof; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

H. Parks Department-Appointment-Seasonal Employee

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Pasqualino Velardo, Dale Avenue, Ossining at a rate of \$7.75/hr to the seasonal position of laborer in the Parks Department effective August 11, 2004.

Motion Carried: Unanimously

V. MONTHLY REPORTS – July, 2004

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 accepts the Monthly Reports for July, 2004 from Town Clerk, Receiver of Taxes, and Building Department.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Connolly moved and it was seconded by Councilmember Wilcher that the following Planning Board Minutes be filed:

- 1. June 9th and June 23rd, 2004 Planning Board Minutes.**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed Dale Cemetery including the terms of the management agreement; the long range plans to up-grade as well as the actual cemetery budget. Also discussed were the goose droppings at Engel Park and a possible solution to the problem. Attorney Beirne stated that the licensing agreement is for 10 years with 1 year extensions. The Town Board will make all decisions for what management can and cannot do.

VIII. ADJOURNMENT

At 8:23 P.M. Councilmember O'Connor moved and it was seconded by Councilmember Harter that the meeting be adjourned to Executive Session for purpose of discussion of contracts in the memory of Mr. Brian Fee. Supervisor Chervokas said Mr. Fee was a dedicated member of the community. He was a resident of Briarcliff Manor, a businessman, a devoted family man and gifted athlete. Mr. Fee was also Chairman of the Ossining Recreation Advisory Committee.