

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

**REGULAR MEETING  
SEPTEMBER 28, 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 called to order at 7:30 pm by Supervisor John Chervokas. Other members of the Board present were: Geoffrey Harter, Francesca Connolly and Northern Wilcher. Councilmember Michael G. O'Connor was absent. Also present were Thomas Beirne, Town Attorney; Connie DiSalvo, Budget Officer and Constance Alfini, Deputy Town Clerk.

**II. COMMUNITY ANNOUNCEMENTS**

Supervisor Chervokas announced the untimely death of Police Officer Danny Traditi on Sunday, September 26th. He was a warm and wonderful human being and a credit to the Town Police Department and community at large. Danny also served as Resource Officer for the students at the Ann M. Dorner Middle School. The Town Board extends their heartfelt sympathies and condolences to the Traditi family.

**III. TOWN BOARD RESOLUTIONS**

**A. Approval of Minutes**

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 September 14, 2004 as presented.

**Motion Carried: Unanimously**

**B. Approval of Voucher Detail**

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 approves the Voucher Detail Report dated September 28, 2004 in the amount of \$164,150.25.

**Motion Carried: Unanimously**

**C. Elections – Use of Voting Machine – Ossining High School**

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 approves the use of one (1) voting machine by the Ossining High School for their Homecoming Court Election to be held on Thursday, September 30, 2004; and

Be It Further Resolved, that the cost of programming and transporting this machine will be the responsibility of the Town of Ossining.

**Motion Carried: Unanimously**

**D. Elections – Use of Voting Machines – Ossining High School**

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 approves the Use of two (2) voting machines by the Ossining High School to conduct a school-wide mock election on Tuesday, October 26, 2004; and

Be It Further Resolved, that the cost of programming and transporting these machines will be the responsibility of the Town of Ossining.

Motion Carried: Unanimously

**E. Westchester Community Opportunity Program Inc.-Town Representative**

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 appoints Reginald Bush to serve as the Town of Ossining representative to the Board of Directors of West COP for the program year 2004-2005.

Motion Carried: Unanimously

**F. Setting a Public Hearing date on a local law to amend Chapter 188-11 of Town Code to add parking restrictions on Peugeot Drive**

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

Resolved, that a public hearing be held before the Town Board of the Town of Ossining at the Police/Court facility, 86-88 Spring Street, in the Village of Ossining on October 12, 2004 beginning at 7:30P.M. to consider amending Chapter 188-11 of the Town Code to add parking restrictions on Peugeot Drive.

Motion Carried: Unanimously

**G. Setting a Public Hearing date on a Local Law to amend Chapter 68 of the Town Code concerning Cabarets**

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

Resolved, that a public hearing be held before the Town Board of the Town of Ossining at the Police/Court facility, 86-88 Spring Street, in the Village of Ossining on October 12, 2004 beginning at 7:30P.M. to consider amending Chapter 68 of the Town Code concerning Cabarets.

Motion Carried: Unanimously

**H. Endorsing Restoration of Traffic Fine Revenue**

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

Whereas, Vehicle and Traffic Law, § 1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law; and

Whereas, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury; and

Whereas, this change in the fine and penalties distribution formula will result in a loss to local taxpayers of more than \$20 million in fine monies, monies which have historically been used to fund justice court operations; and

Whereas, the Town of Ossining will likely lose 60,000 in anticipated fine revenues; and

Whereas, this State Budget provision with its immediate effect date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005;

Now, therefore, be it resolved, that the Town of Ossining calls for the restoration of the original fine distribution formula in order to provide Towns with necessary revenues to fund justice court operations; and be it further

Resolved, that the Town of Ossining urges the passage of legislation introduced by Senator Bonacic (S.7757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments; and be it further

Resolved, that the Town Clerk shall forward a copy of this resolution to Governor George E. Pataki; Joseph L. Bruno, Majority Leader of the Senate; Sheldon Silver, Speaker of the Assembly; and New York State Senator Suzi Oppenheimer and New York State Assemblywoman Sandra Galef.

Motion Carried: Unanimously

**I. Parks Department-Part Time Seasonal Employees**

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

Resolved, that the Town Board of the Town of Ossining hereby terminates the following part-time/temporary employees from the Town Parks Department:

<u>NAME</u>	<u>EFFECTIVE DATE</u>
Dawson, Latoya	9/29/04
Moore, Jimmie	9/29/04
Sutton, Louis	9/29/04
Thomas, Spencer Jr.	9/29/04
Whiting, Dennis	9/29/04

Motion Carried: Unanimously

**J. Parks Department-Appointment-Seasonal Employee**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Luis Perez of 161 7<sup>th</sup> Street, Verplanck, NY at a rate of \$8.00/hr to the seasonal position of laborer in the Parks Department effective September 29, 2004.

Motion Carried: Unanimously

**K. Highway-Request for Bids-2005 Refuse/Recycle Collection**

Councilmember Wilcher 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 Town Clerk to advertise a Request for Bids for the Collection of Residential Refuse and Recyclables in accordance with specifications available in the office of the Town Clerk. Sealed bids shall be received no later than 10AM on October 26, 2004 in the Town Clerk's Office, 16 Croton Avenue, Ossining, NY.

Motion Carried: Unanimously

**L. Finance-2004 Budget Adjustments**

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 authorizes the following transfers to be made in the 2004 Budget:

<b>From</b>	<b>Amount</b>	<b>To</b>
<b>Town Justice</b>		
10-1110-414	40.00	10-1110-405
10-1110-414	13.00	10-1110-406
<b>Independent Audit</b>		
10-1320-438	250.00	10-1220-401
10-1320-438	100.00	10-1220-417
10-1320-438	5,000.00	10-1410-466
<b>Tax Receiver</b>		
10-1330-101	13,700.00	10-1300-110
10-1330-101	400.00	10-1330-105
10-1330-101	731.00	10-1330-436
<b>Assessment</b>		
10-1355-101	2,000.00	10-1355-105
10-1620-201	2,500.00	10-1355-201
10-1355-417	150.00	10-1355-402
10-1355-417	500.00	10-1355-424
<b>Town Clerk</b>		
10-1410-414	1,000.00	10-1410-105
10-1410-414	1,000.00	10-1410-402
10-1410-414	50.00	10-1410-404
10-1410-414	150.00	10-1410-405
<b>Elections</b>		
10-1450-417	1,000.00	10-1450-419
<b>Senior Services</b>		
10-6770-201	100.00	10-6770-110
10-6770-201	100.00	10-6770-402
10-6770-418	12,263.66	10-6771-418
10-6771-418	3424.02	10-6770-418
10-6771-418	100.00	10-6771-110
10-6772-201	500.00	10-6772-105
10-6773-423	347.00	10-6773-418
10-6773-423	56.55	10-6773-110
10-0010-3380 Revenue	7,155.17	10-6773-493

<b>From</b>	<b>Amount</b>	<b>To</b>
<b>Parks</b>		
10-7110-105	600.00	10-7110-103
10-7110-105	75.00	10-7110-106
10-7110-449	625.00	10-7110-442
<b>Police</b>		
20-3120-401	500.00	20-3120-402
20-3120-424	450.00	20-3120-419
<b>Building</b>		
20-3620-408	100.00	20-3620-407
20-3620-428	150.00	20-3620-419
<b>Street Maintenance</b>		
31-5110-407	250.00	31-5110-411
31-5110-110	50.00	31-5110-417
31-5110-110	1,000.00	31-5110-419
31-5130-449	1,000.00	31-5130-105
31-5142-103	125.00	31-5142-101

**Motion Carried: Unanimously**

**M. Authorizing the Town Supervisor to Sign an IMA with the Village of Ossining for Yard Waste Transfer Site**

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

**Resolved, that the Town Board hereby authorizes the Supervisor to sign an Agreement with the Village of Ossining, as follows:**

**The Village of Ossining (“VILLAGE”) and the Town of Ossining (“TOWN”) agree as follows:**

- 1. The VILLAGE owns a facility known as the Old Highway Garage on Water Street in the Village of Ossining. The TOWN by its Highway Department owns and operates trucks, as well as organic waste collection equipment necessary for its Fall Waste Collection Program in the unincorporated area of the TOWN, which it stores at its own facility; however, the TOWN desires to obtain space where it can deposit its collected organic yard waste at a site to be used as a transfer station by Westchester County.**
- 2. The VILLAGE agrees to allow the TOWN to deposit its collected organic yard waste at the Old Highway Garage at a cost of \$19 per ton paid by the Town of Ossining pursuant to this agreement. Payment shall be made within thirty (30) days of receipt of a bill from the VILLAGE.**
- 3. The TOWN agrees:**
  - (a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the VILLAGE arising out of this agreement, the TOWN shall indemnify and hold harmless the VILLAGE, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys’ fees or loss arising directly or indirectly out of the errors, omissions or unlawful or negligent acts hereunder by the TOWN or third parties under direction or control of the TOWN.**
  - (b) to provide defense for and defend, at its sole expense, such claims, demands or causes of action directly or indirectly arising out of this Agreement, as described in subsection (a) above, and bear all other costs and expenses related thereto.**
  - (c) the TOWN will provide the VILLAGE with a Certificate of Insurance naming the VILLAGE as an additional insured with the minimum coverage of \$1,000,000 for this agreement only.**

4. This agreement shall be effective as of the date of October 15, 2004 and shall expire on January 31, 2005, unless sooner terminated in accordance with the Intermunicipal Agreement for the Organic Yard Waste Transfer Program between the County of Westchester and the Village of Ossining.

**Motion Carried: Unanimously**

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

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

1. **Certioraris: Parkview Apartments Corp.; The Great Atlantic & Pacific Tea Company; The Stop & Shop Companies; London Terrace Associates.**

**Motion Carried: Unanimously**

**V. VISITOR RECOGNITION**

John Perillo, Mayor of the Village of Ossining echoed his condolences to the Traditi family on behalf of himself and the entire Village Board.

The Mayor stated that since he took office in 2003, the Village Board has worked well together with the Town of Ossining in the spirit of cooperation. He noted many of the accomplishments that have taken place in the last two years under his administration for the greater good of Ossining. The Mayor referred to an article in the paper relative to safety issues and concerns the Town Board had with the Community Center and was looking for clarification from the Town Board.

Mayor Perillo announced that Saturday, October 2, is Family Fun Day in Ossining, which will be held at 10:00 a.m. at Market Square as well as the Police Accreditation Ceremony at the Police Station here on Spring Street with a barbeque to follow. Everyone is welcome to come down and participate in the activities.

Bobby Williams, Spring Street, said that when looking for additional room for senior citizens that we not forget the young folks who also use the Community Center.

**VI. ADJOURNMENT**

At 8:30 p.m., Councilmember Harter moved and it was unanimously seconded that the meeting be adjourned in memory of Danny Traditi and extends their deepest and heartfelt sympathy to the family.

**Motion Carried: Unanimously**

Approved:

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Constance Alfini, Deputy Town Clerk