

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

**REGULAR MEETING
OCTOBER 26, 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 October 26, 2004 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Chervokas. Other members of the Board present were: Geoffrey Harter, Francesca Connolly, Michael G. O'Connor and Northern Wilcher. Also present were Thomas Beirne, Town Attorney; Connie DiSalvo, Budget Officer and Constance Alfini, Deputy Town Clerk.

II. PUBLIC HEARING – In the matter of the Petition of Loretta June Lancto for an Extension of the North State Road Sewer District

Supervisor Chervokas opened the public hearing. Town Attorney Beirne gave a brief overview of the application. Because there is no Town-wide Sewer District, they must petition the Town to join the particular district. The property is located at Gordon Avenue in the Town and the hookup will be financed solely by the applicant.

Bob Gustin, 39 Morningside Drive asked if there is a zoning change involved. Supervisor Chervokas said there was not.

Councilmember O'Connor moved and it was seconded by Councilmember Connolly that the public hearing be closed.

Motion Carried: Unanimously

III. COMMUNITY ANNOUNCEMENTS

Supervisor Chervokas reminded everyone that next Tuesday, November 2nd is Election Day. Don't forget to vote. The Town Board Work Session will be held on Wednesday, November 3rd at the Community Center.

Councilmember O'Connor reminded everyone Daylight Savings Time ends this weekend. Remember to turn clocks back. Also, it's Fire Prevention Week, please check your smoke detectors and change batteries if necessary.

IV. TOWN BOARD RESOLUTIONS

A. Approval of Minutes – October 12, 2004

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 Minutes of the October 12, 2004 Regular Meeting as presented.

Vote: 3 – 0 – 2

**Voting Yes: Connolly, Wilcher
Chervokas**

Abstaining: O'Connor, Harter

Councilmembers O'Connor and Harter were absent from the 10/12/04 meeting.

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated October 26, 2004 in the amount of \$444,207.98

Motion Carried: Unanimously

C. Awarding Bid for Drainage Project – 55 & 57 Morningside Drive

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 awards the Bid for Drainage Project at 55 & 57 Morningside Drive to Steve Giordano Builders, Inc., 19 Pine Avenue, Ossining, New York 10562 in the amount of \$62, 500.00

Motion Carried: Unanimously

D. S.P.C.A. Agreement – Renewal

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 authorizes the Supervisor to sign a renewal agreement with the S.P.C.A. of Westchester, Inc., located at 590 North State Road to provide dog/animal control services for calendar year 2005 at a cost of \$8,161.85.

Motion Carried: Unanimously

Budget Officer Connie DiSalvo said there was no increase from last year.

E. Order Calling for a Public Hearing in the matter of North State Road Sewer District Extension #3 –Joseph and Luise Riley

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

Whereas, Joseph and Luise Riley of 57 Morningside Drive would like to connect to the North State Road Sewer District; and

Whereas, a written Petition dated October 11, 2004 in due form and containing the required signatures has been presented by Joseph and Luise Riley to the Town Board of the Town of Ossining, Westchester County, New York, for the extension of the North State Road Sewer District in said Town; and

Whereas, the proposed sewer district extension is for a parcel of land owned in fee by the Petitioners and designated on the current Tax Map of the Town of Ossining as Section 1, Plate 8, Block 19, Lot 29; and

Whereas, the proposed sewer district extension will be made at the cost of the Petitioner and not at the cost to the Town or North State Road Sewer District or any prior extensions thereof;

Now, therefore, be it resolved, that a Public Hearing of the Town Board of the Town of Ossining shall be held on Tuesday, November 9, 2004 at 7:30 p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street, Ossining, to consider the said Petition and to hear all persons interested in the subject matter.

Motion Carried: Unanimously

**F. Sewers – Approval of North State Road Sewer District Extension -
Loretta Lancto**

Councilmember O'Connor 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 North State Road Sewer District located at Gordon Avenue in the Town of Ossining, Westchester County, New York, dated October 2, 2004, has been presented to the Town Board by Loretta Lancto; and

Whereas, an Order was duly adopted by the Town Board on October 12, 2004, reciting the filing of said Petition, the boundaries of the proposed extension, the improvements proposed and the cost thereof, and specifying October 26, 2004 at 7:30 p.m. 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 October 26, 2004, where discussion of the matter was had, and all persons interested were given 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 North State Road 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 and 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 North State Sewer District located at Gordon 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 North State Sewer District or any prior extension 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

Councilmember O'Connor stated that he has no objection whatsoever to a sewer district extension as long as the applicant is a resident of the Town of Ossining.

G. Finance-Capital Project #2004-0027-GIS/Infrastructure Implementation

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 authorizes the establishment of Capital Project #2004-0027, entitled GIS/Infrastructure Implementation, in the amount of \$79,950 to be funded by a New York State Records and Archives (SARA) Grant.

Motion Carried: Unanimously

H. Personnel-Appointment of Real Property Appraiser

Councilmember O'Connor 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 Tammie Fiske, 65 Kissewaug Road, Middlebury, Connecticut 06762, to the position of Real Property Appraiser on a provisional basis and subject to the civil service rules and regulations, at a salary of \$49,768 effective November 1, 2004.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

1. Certioraris: V & B Realty, LLC; Mavis Tire Supply Corp.; Gregory W. Dunn; Al Saleh Assoc.; Home Properties of Sparta Green; 47 Hudson Street, LLC; North Highland Assoc.; STP Briarcliff, LLC; Briarcliff Manor Assoc.; Anthony P. Beldotti; The Park Professional Condos; ALM Realty Corp.; Clinton Terrace General Partnership; Westchester Fast Oil, LLC; Indusi Realty Inc.; Anthony P. Beldotti; Midas Holding Corp; Wachovia Corp; Kemeys Cove Condos; Ossining River Assoc; North State Dev. Group; Camillo Santomero III; Cedar Manor; Philips Electronics North America; CWBP Section No. 2; CWBP #1, & CWBP #2; 400 Executive Blvd. Ossining; 40 South Highland Ave. & 56 South Highland Ave.; Plateau Associates; Arthur DeMarchis; Deerfield Condo I, II, III.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Ellen Kahan, 83 Ganung Drive, spoke of many issues concerning the noise and music from Maison Lafitte, including enforcement issues and read from some of the ordinances in surrounding communities.

Supervisor Chervokas said the Town has retained Eric Zwerling, a noise consultant out of Rutgers University, to look at our ordinance and to advise the Town. The public hearing on the Cabaret will probably continue at the November 23rd Board meeting but it will be advertised.

Mindy LaMarr, 12 Haymont Terrace, suggested that when a complaint is called into the police department, the Board members should come and witness the complaint. She said the police do nothing and, in fact, was told by an officer they were to do nothing. Someone has to be responsible for enforcement.

Bob Gustin, Morningside Drive said the drainage problem on Ganung Drive still has not been fixed. Attorney Beirne said the Town Engineer had inspected the problem, but unfortunately, the Town can only spend taxpayer money on public property and not private. Mr. Gustin said the Town created the situation and they should correct it. Attorney Beirne said there appeared to be a disagreement on the facts. Mr. Gustin also said there is a large boulder on the Town Property there that is a very dangerous situation and the Town needs to take a look at it before someone gets seriously hurt.

Lorraine Giametta, 14 Haymont Terrace said the Kittle House Restaurant in Chappaqua is a very similar setting to Maison Lafitte. They do not have outside music or activities. She asked what the protocol was for calling police and the issuing of violations. As for the decibel levels, there is nothing in the law right now. Mrs. Giametta asked where all of these complaints are going. Are they being seen by the Judge?

Councilmember O'Connor said litigation is in play. Our Police are taking measurements and reports. We are trying for more successful legislation. The attorney we have retained is one of the best. He is looking at what is defensible in court.

Andre LaMarr, 12 Haymont Terrace asked if a tent is a building. Is it an extension of Maison Lafitte? He also asked for a copy of the transcript of the trial hearing with the Town and Maison Lafitte. Attorney Beirne said he believes the hearings are taped and he could probably purchase a tape.

Bobby Williams, Spring Street, reminded everyone to vote. Also a Halloween Party for the kids will be held on Sunday at the Ossining Community Center. For information, call Recreation Dept.

VIII. ADJOURNMENT

At 8:45 p.m., Councilmember O'Connor moved that the meeting be adjourned in memory of both Louise Anderson, who was a life-long resident and was very active in the community; as well as Brendon Farrelly, who passed away suddenly last evening. Our thoughts and prayers are with their families. The motion was seconded by the entire Board and Carried Unanimously.

Approved:

**_____
Constance Alfini, Deputy T.C.**