

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

**REGULAR MEETING
NOVEMBER 9, 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 was held on November 9, 2004 at 7:30 p.m. 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. Members of the Board present were: Francesca Connolly, Michael G. O'Connor and Northern Wilcher. Councilmember Geoffrey Harter was absent. Also present were: Tom Beirne, Town Attorney; Connie DiSalvo, Budget Officer and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – In the matter of the Petition of Joseph and Luise Riley for an Extension of the North State Road Sewer District

Supervisor Chervokas opened the public hearing at 7:31 p.m. Attorney Beirne stated that the applicants requested to tie into the sewer line and become part of the sewer district. The owners bare the entire cost for joining the district. There was no one present who wished to speak at this public hearing.

At 7:33 p.m., Councilmember O'Connor moved and it was seconded by Councilmember Connolly that the public hearing be closed.

Motion Carried: Unanimously

III. COMMUNITY ANNOUNCEMENTS

Councilmember Wilcher announced that a Thanksgiving Dinner would be provided to anyone that would like to attend on Sunday, November 21st at 22 State Street. The meal will be provided from 2 to 6 p.m.

Councilmember O'Connor reminded everyone that tomorrow was Veteran's Day marking the end of World War I. There will be a ceremony marking this event at Nelson Park at 11 a.m. The Central Committee is honoring all those Veterans in the Town and Village of Ossining.

Supervisor Chervokas announced that the Trinity Church on South Highland Avenue would be holding a Crafts Fair on Saturday, November 13, 2004. He also reminded the residents of the three communities (Town and Village of Ossining and Village of Briarcliff Manor) not to place leaves in the roadway but along the curb and also not to place them in plastic bags. If you are going to use bags, use only paper.

The Supervisor also announced the birth of a new Town resident who was born on Monday, November 8, 2004. Zachary John Hoyer will be joining his Mom, Dad and sister in the Town of Ossining. Zachary is the grandson of Supervisor Chervokas and his wife.

IV. TOWN BOARD RESOLUTIONS

A. Approval of Minutes

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 Minutes of the October 26, 2004 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated November 9, 2004 in the amount of \$494,668.26.

Motion Carried: Unanimously

C. Finance-Capital Project #2004-0028 (64 Morningside Drive) and #2004-0029 (55 & 57 Morningside Drive)

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 creation of Capital Project #2004-0028, entitled 64 Morningside Drive in the amount of \$65,000 and Capital Project#2004-0029, entitled 55 & 57 Morningside Drive in the amount of \$70,000, both to be financed by Bond Anticipation Notes.

Motion Carried: Unanimously

D. Finance-Budget Adjustment

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 transfer of the following funds in the Town General Fund for the purchase of a Chevrolet Astro Van for the Senior Center:

From:

To:

10-6770-418(Contractual Food)
10-6771-418 (Contractual Food)
10-6772-429(Call-a-Cab)

10-6772-204 (Automobile)

Motion Carried: Unanimously

E. Senior Center-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 Edmund Lawrence Banta of 4 Sarah Street, Ossining, NY at a rate of \$11.75/hr to the seasonal position of Chauffeur at the Senior Center effective November 4, 2004.

Motion Carried: Unanimously

F. Calling for a Public Hearing - 2005 Preliminary Budget

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 calls for a public hearing to be held on Tuesday, November 23, 2004 at 7:30pm at the Village of Ossining Police/Court Facility, 86-88 Spring Street, in the matter of the Preliminary 2005 Budget for the Town of Ossining.

Motion Carried: Unanimously

G. Police Department-Appointment of Officer-David P. Whitney Jr.

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 David P. Whitney Jr., as Police Officer, First Grade, effective November 15, 2004, at an annual salary of \$69,991.00. The probationary period shall be for a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

H. Calling for a Public Hearing -AT&T Wireless Telecommunications Facilities-581 North State Road

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 calls for a Public Hearing to be held on Tuesday, November 23, 2004 at 7:30pm at the Village of Ossining Police/Court Facility, 86-88 Spring Street to consider the application of Cellular Telephone Company d/b/a AT&T Wireless to modify the existing wireless telecommunications facility located at 581 North State Road.

Motion Carried: Unanimously

I. Alarm Review Board

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 reduces the false alarm fine for Permit No. 280 to \$2,700 pursuant to Local Law 2 of 2002.

Motion Carried: Unanimously

J. Sewers – Approval of North State Road Sewer District Extension #3-Joseph & Luise Riley

Councilmember O'Connor moved and it was seconded by Councilmember Wilcher 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 Morningside Drive in the Town of Ossining, Westchester County, New York, dated October 11, 2004, has been presented to the Town Board by Joseph & Luise Riley; and

Whereas, an Order was duly adopted by the Town Board on October 26, 2004, reciting the filing of said Petition, the boundaries of the proposed extension, the improvements proposed and the cost thereof, and specifying November 9, 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 November 9, 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 57 Morningside Drive 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.

Voting Yes in a Roll Call:
Connolly, O'Connor, Wilcher,
Chervokas
Motion Carried: Unanimously

K. Calling for a Public Hearing in the matter of a Local Law to Amend Chapter 130 of the Town Code Concerning Noise

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 calls for a Public Hearing to be held on Tuesday, November 23, 2004 at 7:30 p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street, in the matter of amending Chapter 130 of the Town Code concerning Noise.

Motion Carried: Unanimously

V. MONTHLY REPORTS – October, 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 accepts the Monthly Report for October, 2004 from Town Clerk.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

- 1. September 8 and September 22, 2004 Planning Board Minutes.**
- 2. Certioraris: Bank of New York (3); Managers of Copley Court;**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, congratulated Councilmember Wilcher on his landslide election. He was very glad to hear that the people exercised their right to vote. He also announced that the School Board would be holding a Bond Referendum Vote on December 7, 2004. He hopes that all of our citizens will come out to vote in that election as well.

James Mejuto, Stone Avenue, stated that he understood that the new Village Board was in favor of a new Master Plan and wondered how that would affect the Town.

The Supervisor stated that the Town had upgraded their Master Plan in 2002 after having set up a Citizens Committee including representatives from the abutting communities.

Elizabeth Simmons, Maurice Avenue, (OHS student) stated that a friend of hers lives in the Unincorporated Area of the Town and questioned why she was unable to vote for the Mayor and Trustees as she feels their decisions also affect her.

Supervisor Chervokas requested an invitation to Ossining High School so that he could give them an explanation of the differences. There are 922 Towns in the State of New York, some of which have villages. The Town of Ossining has 2 villages, Village of Ossining and Village of Briarcliff Manor. Councilmember O'Connor stated that it is either a City or a Town with the Town having cooperation with the Villages. Councilmember Connolly gave a detailed description of the differences between the two.

VIII. ADJOURNMENT

At 8:07 p.m., Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to a work session.

Motion Carried: Unanimously

Approved:

**_____
Mary Ann Roberts, Town Clerk**