

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

**REGULAR MEETING
FEBRUARY 8, 2005
7:30 P.M.**

**POLICE/COURT
FACILITY
86-88 SPRING ST.**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on Tuesday, February 8, 2005 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, Michael G. O'Connor, Francesca Connolly and Northern Wilcher. Also present were: Connie DiSalvo, Budget Officer; Joseph Milano, Deputy Town Attorney; and Mary Ann Roberts, Town Clerk.

**II. PUBLIC HEARING – Application for Cabaret License
Terra Rustica Ristorante, 550 North State Road**

Supervisor Chervokas opened the public hearing at 7:32 p.m. and gave a brief history regarding the Cabaret Law and the type of entertainment that is being requested by Terra Rustica. This is the sixth Cabaret License for Terra Rustica.

At 7:34 p.m. Councilmember Harter moved and it was seconded by Councilmember O'Connor that the public hearing be closed.

Motion Carried: Unanimously

**III. PUBLIC HEARING – Application for Cabaret License
Torchia's Restaurant, 518 North State Road**

Supervisor Chervokas opened the public hearing at 7:34 p.m. and again gave a brief history regarding Torchia's request for a Cabaret License. This is their second license.

At 7:36 p.m., Councilmember Harter moved and it was seconded by Councilmember Connolly that the public hearing be closed.

Motion Carried: Unanimously

**IV. PUBLIC HEARING - Proposed Local Law amending the Town Code
by adding Chapter 40 Police Department-Civilian
Dispatchers**

Supervisor Chervokas opened the public hearing at 7:36 p.m. and gave an overall of this local law which will provide civilian dispatchers at the Town Police Department. The Town will no longer rely on the IMA with the Village of Ossining for dispatching services.

Bobby Williams, 168 Spring Street, questioned how many positions would be available, was it a civil service position and how often is the test given.

Chief Donato responded that there would be three positions available and that they would come off of the civil service list. It is a competitive class test, but for further information contact the Westchester County Human Resources Department. The Chief advised that he believed the test was given on an annual basis; however, the list was in force for 4 years.

V. COMMUNITY ANNOUNCEMENTS

Supervisor Chervokas announced that April 9th is the Annual Stash the Trash in the Village/Town of Ossining. Any groups such as families, scouts, civic groups, etc., that are interested in participating, should contact the Supervisor's Office.

Councilmember O'Connor presented Supervisor Chervokas with a certificate on behalf of Toys for Tots as well as a Commanders Award for participation in the Marine's Toys for Tots Program. Pat Unger and Michael Scarduzio submitted a report reporting the dollar amounts donated as well as the proceeds from the 36 various locations for drop off of toys, etc.

VI. TOWN BOARD RESOLUTIONS

A. Approval of Minutes – January 25, 2005

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 January 25, 2005 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated February 8, 2005 in the amount of \$103,011.54 for 2004 and \$289,284.43 for 2005.

Motion Carried: Unanimously

C. Elections – Designation of Polling Places for 2005

Councilmember Harter 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 designates the following locations as Polling Places for 2005:

<u>Election District</u>	<u>Polling Location</u>
1	Holla Hose Fire House, State & Lafayette Ave., Ossining
2	Park School, 22 Edward Street, Ossining
3	Ossining Community Center, 95 Broadway, Ossining
4	Independent Hose Fire House, Campwoods Rd., Ossining
5	Cataract Hose Fire House, Waller Ave., Ossining
6	Ossining High School, So. Highland Ave., Ossining
7	Ossining Volunteer Ambulance Corp., Clinton Ave. Oss.
8	Washington Hook & Ladder, Snowden Ave., Ossining
9	Ossining Volunteer Ambulance Corp., Clinton Ave. Ossining
10	Roosevelt School, 190 Croton Avenue, Ossining
11	Bethel Nursing Home, Narragansett Ave., Ossining
12	Independent Hose Fire House, Campwoods Rd., Ossining
13	Fraternal Order of Eagles, Old Albany Post Rd., Ossining

- 14 Ossining Operations Center, Route 9A, Ossining
- 15 Briarcliff Municipal Bldg., Pleasantville Rd., Briarcliff
- 16 All Saints Episcopal Church, Scarborough Rd., Briarcliff
- 17 St. Paul's On-the-Hill, Ganung Drive, Ossining
- 18 Brookside School, Ryder Road, Ossining
- 19 Congregational Church, So. State Rd., Briarcliff
- 20 Club Fit, 584 North State Road, Briarcliff
- 21 Claremont School, Claremont Road, Ossining
- 22 Park School, Edward Street, Ossining
- 23 Claremont School, Claremont Road, Ossining
- 24 Maryknoll Main Building, Pinesbridge Rd, Ossining
- 25 Maryknoll Motherhouse, Pinesbridge Rd., Ossining
- 26 St. Theresa's School, Dalmeny Road, Briarcliff
- 27 Scarborough Presbyterian Church, Rt.9, Briarcliff
- 28 Ossining Operations Center, Route 9A, Ossining
- 29 Scarborough Presbyterian Church, Rt.9, Briarcliff
- 30 Holla Hose Fire House, Lafayette & State St. Ossining

Motion Carried: Unanimously

D. Authorization for Town Clerk to Attend 2005 NYS Town Clerk's Association Conference

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 Town Clerk to attend the 2005 New York State Town Clerk's Association Conference to be held April 17 – 20, 2005 in Buffalo, New York.

Motion Carried: Unanimously

E. Resolution Supporting Westchester County's Application to Host the Empire State Games in 2007

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

Whereas, Westchester County has recently submitted an application to host the Empire State Games in 2007, and

Whereas, the Empire State Games is the largest competition of its kind in the United States, a multi-sport event for amateur athletes patterned after the Olympic Games, and

Whereas, over the Empire State Games in Westchester are expected to attract 6,000 athletes, their families, friends and coaches to the County, boosting the economy for local restaurants, hotels, retail stores and entertainment and recreational venues, and

Whereas, Westchester's many student-athletes and excellent athletic programs stand to benefit if Westchester hosts the Empire State Games in 2007, and

Whereas, hosting the Empire State Games is a great opportunity for the County to publicize its cultural, recreational and historical attractions to the entire State of New York, and

Whereas, Westchester County has never been given the opportunity to host the Empire State Games before, and

Whereas, every Westchester municipality stands to benefit from Westchester County hosting the Empire State Games in 2007; Now, Therefore,

Be It Resolved, that the Town of Ossining urges Governor George Pataki to select Westchester County as the host of the 2007 Empire State Games, and

Be It Further Resolved, that a copy of this resolution be transmitted to Governor George Pataki, New York State Office of Parks, Recreation and Historic Preservation Commissioner Bernadette Castro and Westchester County Executive Andrew J. Spano.

Motion Carried: Unanimously

F. Westchester County-Senior Citizens-Title III Grants

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 authorizes the Supervisor to sign a contract with Westchester County for Title III-B and Title III-C funding under the Older Americans Act for program year January 1, 2005-December 31, 2005. The Town shall receive funding in an amount not to exceed \$66,558.

Motion Carried: Unanimously

G. Westchester County-Intermunicipal Agreement-RICI System

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

Whereas, Westchester County has implemented a system called Westchester County Repository for Integrated Criminalistic Information (RICI System) to allow for the electronic transmission and storage of criminal record and police blotter information; and

Whereas, the information is stored chronologically on a central computer maintained by the County and is shared by multiple law enforcement agencies having access to the system; and

Whereas, the Town of Ossining Police Department wishes to obtain access to the RICI system,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into an inter-municipal agreement with Westchester County to obtain access to the RICI System (Repository for Integrated Criminalistic Information).

Motion Carried: Unanimously

H. Approval of Cabaret License-Terra Rustica

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 application of Terra Rustica, 550 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: Live music without singing or dancing shall be allowed, provided that all necessary approvals be obtained from the Building Department, that the live music be limited

to a three (3) piece band, or piano music, that there be no amplification and the music be compatible with fine dining and offered no more than four nights a week; Monday, Tuesday, Wednesday and Thursday, as stated in the application, during the hours of 7:00p.m. and 11:00p.m.; and it is further

Resolved, that in accordance with Local Law No. 7 of 2003, Terra Rustica 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

I. Approval of Cabaret License-Torchia's Restaurant

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 application of Torchia's Restaurant, 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 following limitations and conditions: karaoke music with one person and karaoke machine to be permitted on Wednesday nights between 9:00p.m. and 11:00p.m.; and it is further

Resolved, that in accordance with Local Law No. 7 of 2003, Torchia's 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

J. Adoption of Local Law No. 3 of 2005

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 adopts Local Law No. 3 of 2005, as follows:

Local Law No. 3 of 2005

Be It Enacted, by the Town Board of the Town of Ossining as follows:

Section 1. – The Code of the Town of Ossining is hereby amended by adding thereto a new Chapter 40 entitled “POLICE DEPARTMENT – CIVILIAN DISPATCHERS”.

Section 2. – The said Chapter 40 (POLICE DEPARTMENT – CIVILIAN DISPATCHERS), shall read as follows:

§ 40-1 – Purpose.

The Town Board finds that the use of civilian dispatchers to handle police calls to and from the Police Department of the Town of Ossining has the following advantages:

1. Salary differentials make it less expensive to staff the desk with civilians;
2. Sworn officers remain in the field to accomplish the tasks they are trained for, making them available to respond to calls for service; and

3. **Civilian dispatchers receive training that is germane to their assignment. They also develop a high level of expertise since they are performing dispatch functions on a full-time basis.**

§ 40-2 – Power to Legislate.

The Town Board finds that it is empowered to enact this legislation by Article 9, § 2(3)(c) of the Constitution of the State of New York in that this local law pertains to the property, affairs and/or government of the Town of Ossining and, further, such local law is not inconsistent with the Constitution or any general law relating to the substance of this local law.

§ 40-3 – Civilian Dispatchers.

Notwithstanding anything contained in Chapter 104 of the Laws of 1936 of the State of New York, Chapter 339 of the Laws of 1937 of the State of New York, or any other special law applying to police departments in towns located in Westchester County, the Police Chief of the Town of Ossining is authorized to assign civilian personnel to receive calls and dispatch police officers for the Police Department of the Town of Ossining. Such civilian personnel shall not, however, be assigned the duties of a desk officer, except in a case of public emergency.

Section 3. – This local law shall take effect immediately as provided by law.

Motion Carried: Unanimously

VII. MONTHLY REPORTS – January, 2005

Councilmember Wilcher 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 Reports for January, 2005 from Town Clerk and Receiver of Taxes.

Motion Carried: Unanimously

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

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

1. **October 27 and November 17, 2004 Minutes of Town Planning Board.**

Motion Carried: Unanimously

IX VISITOR RECOGNITION

Bobby Williams, 168 Spring Street, advised that February is Black History Month and discussed the contributions of Shirley Chisolm who passed away January 1, 2005. She was definitely a woman ahead of her time. Also discussed was the fact that the upstate economy is not in the best shape and that the Empire Games would be far better served in upper New York State. He questioned who was going to pay for all of this.

Councilmember Harter made a community service announcement relative to Black History Month by announcing that the Pace University Campus in Pleasantville was sponsoring a lecture by Dr. Maya Angelou on Thursday, February 10, 2005 beginning at 7 p.m. with Dr. Angelou speaking at 8:30 p.m.

X. ADJOURNMENT

At 8:12 p.m., Councilmember O'Connor moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

**_____
Mary Ann Roberts, Town Clerk**