

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

**REGULAR MEETING
SEPTEMBER 27, 2005
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 September 27, 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: Francesca Connolly, Michael G. O'Connor, Geoffrey Harter and Northern Wilcher. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Administrative Assistant to the Supervisor; and Mary Ann Roberts, Town Clerk.

II. POLICE DEPARTMENT - 2004-2005 Awards and Commendations

On Saturday, September 24, 2005 a Softball Game was held in Memory of Donato V. Traditi who passed away a year ago on September 26, 2004. This marked the beginning of Police Week in the Town of Ossining. The culmination of Police Week will be the dedication of the new Police Facility at 507 North State Road on Saturday, October 1st. Tours of the facility as well as refreshments will be offered after the dedication ceremony.

Supervisor Chervokas introduced Chief Kenneth Donato and Officer Jordan Fields, PBA President who will be making the presentations. Detective Mark Bushe and Detective William Otero were presented with the Unit Citation and a bar to be placed on their uniform for outstanding and professionalism in making 166 arrests for sex crimes, warrants and burglaries.

Sgt. Kevin Noye and Detective Otarro were cited for obtaining written statements regarding a fire which involved juveniles and the solution of a number of burglaries. Sgt. Noye was unable to attend but would be presented with his certificate at a later date.

Lieutenant Glenn Kane, Sgt. James Provenzano and Officer Kurt Meinel received an Honorable Service Award for subduing an armed homeowner who had found a burglar in his residence and with locating all of the stolen property.

Sgt. Brian Purdy and Officer Peter Volkman received the Honorable Service Award using sound judgment in subduing an emotionally disturbed individual with a rifle.

Sgt. Kevin Noye, Officer Timothy Spruck, Officer Peter Volkman and Dispatcher Michael Madaus were awarded the Honorable Service Award. Dispatcher Madaus gave the officers information regarding a husband with a gun in a domestic situation. Mount Pleasant Police notified the Town of Ossining Police that the wife reported that she was being followed and they used sound judgment to apprehend this individual before any harm came to his wife, the officers or any bystanders.

Chief Donato announced the Officer of the Year for 2004. This officer is dedicated to law enforcement and has outstanding work ethics. He excels in his leadership and has positive energy. The Officer of the Year is Sgt. James Provenzano.

Lieutenant Glenn Kane was given the 25 Years of Service Award with much appreciation from the Town of Ossining.

The Memorial Softball Tournament which was held on Saturday, September 24, 2005 was in memory of Donato V. Traditi for his outstanding performance in public safety, youth development and his overall dedication to the department. He will always be missed but never forgotten. Chief Donato presented a gold Detective's badge to Officer Traditi's wife and sons and he will be known as Detective Donato V. Traditi from now on.

Officer Jordan Field, PBA President, also made a presentation of a plaque to the family marking his years of years (September 26, 1986 to September 26, 2004).

Supervisor Chervokas thanked the Town of Ossining Police Department which he called the "Counties All Star Team".

III. PUBLIC HEARING – Proposed Local Law to amend Chapter 200 of the Zoning Code concerning Mixed Use Development in the General Business (GB) District

Supervisor Chervokas opened the public hearing at 8:05 p.m.

Attorney Beirne gave a brief description of this local law regarding the GB District (General Business) which is an area for commercial establishments. It is an attractive mixed-use area which consists of non-residential on the first floor and residential above. It is a conditional use permitted only if the Planning Board approves the request. There are specific limitations to where it can be located. The lot size must be at least 20,000 square feet with specific unit size, parking spaces and landscape screening.

Richard Tontodonato, North State Road, would like to work out a way to allow him to erect such a building on his parcel which is smaller than the prescribed square footage.

Duval Cellai, Stormytown Road, questioned whether there was a limitation in height. Attorney Beirne responded that there was a two story limitation.

Bobby Williams, Spring Street, questioned whether this was part of the Master Plan. Can it be used for moderate income housing? Councilmember Wilcher and Supervisor Chervokas met with IFCA this past week and discussed the possibilities. Councilmember Connolly stated at the General Business District was just for commercial with the hope that it would promote other possibilities.

At 8:17 p.m., Councilmember O'Connor moved and it was seconded by Councilmember Harter that the public hearing be closed.

Motion Carried: Unanimously

IV. PUBLIC HEARING – In the matter of the Petition for an Extension of the Valley View Sewer District – Mario Conte

Supervisor Chervokas opened the public hearing at 8:18 p.m.

Supervisor Chervokas gave a brief overview of this extension and that it would not be a cost to either the sewer district or the Town of Ossining. The entire cost is borne by the petitioner.

At 8:19 p.m., Councilmember Harter moved and it was seconded by Councilmember Connolly that the public hearing be closed.

Motion Carried: Unanimously

V. COMMUNITY ANNOUNCEMENTS

Supervisor Chervokas announced that Habitat for Humanity is selling raffle tickets for support the construction of additional County Volunteer Firefighter housing.

VI. BOARD RESOLUTIONS

A. Approval of Minutes – September 13, 2005

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the September 13, 2005 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated September 27, 2005 in the amount of \$342,416.26.

Motion Carried: Unanimously

C. Sewers-Approval of Valley View Sewer District Extension-#4-2005

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

Whereas, a Petition for the extension of the Valley View Sewer District located at Croton Dam Road in the Town of Ossining, Westchester County, New York, dated May 25, 2005, has been presented to the Town Board by Mario Conte, and

Whereas, an Order was duly adopted by the Town Board on September 13, 2005 reciting the filing of said petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying September 27, 2005 at 7:30pm 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 September 27, 2005, 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 borne by the Town of Ossining, the Valley View Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved, that the extension of the Valley View Sewer District located at Croton Dam Road 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 as described in the said Petition; 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

D. Mileage Allowance

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

Whereas, the Internal Revenue Service has increased the standard mileage rate at which employees may be reimbursed for miles driven on behalf of their employers from \$0.405 to \$0.485 cents per mile driven after August 31, 2005 through the end of 2005, now therefore be it

Resolved, that wherever it shall be appropriate to compensate Town Officials and/ or Town Employees for mileage, they shall be reimbursed at a rate of \$0.485 cents per mile to be paid upon claim voucher, after audit and approval.

Motion Carried: Unanimously

E. Engel Park Shoreline Protection

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 Supervisor to sign the following change order with Bradhurst Site Construction Corp for restoration of Engel Park Shoreline:

Eliminate asphalt sidewalk	\$6,875 (credit)
Removal of locust trees and stumps	\$1,250

Motion Carried: Unanimously

F. Awarding of Bid-Road Resurfacing/Curbing

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

Whereas, the Town of Ossining has solicited bids for Road Resurfacing of Lakeville Drive, Ganung Drive, Tuttle Drive, Robin Drive, Parker Drive, Sleator Drive and Decker Road and the curbing of Cooper Drive only; and

Whereas, a public notice was advertised in the Journal News on August 19, 2005; and

Whereas, at 10:00a.m., Thursday, September 15, 2005 all bids received were opened and upon reviewing the bids, the Town Attorney determined that the lowest responsible bidder meeting the requirements of the contract documents for road resurfacing only is Bilotta Construction Corporation at \$189,256.25; and

Whereas, the lowest responsible bidder meeting the requirements of curbing for Cooper Drive only is ELQ Industries, Inc. at \$32,500.00,

Now, Therefore be it Resolved, that the Road Resurfacing of Lakeview Drive, Ganung Drive, Tuttle Drive, Robin Drive, Parker Drive, Sleator Drive and Decker Road is hereby awarded to Bilotta Construction Corporation for the total bid price

of \$189,256.25 and the curbing of Cooper Drive is awarded to ELQ Industries, Inc. for a total bid price of \$32,500.00.

Motion Carried: Unanimously

G. Request for Bids-Ossining Boat & Canoe Club

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to advertise a Request for Bids for substructure remediation of the Ossining Boat & Canoe Club. Bids shall be submitted no later than 10:00AM on Friday, October 14, 2005 in the office of the Town Clerk.

Motion Carried: Unanimously

H. Entering into an Agreement with Westchester County to Secure Grant Funding for Engel Park Sprayground Project

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an agreement with Westchester County for a Community Development Block Grant in the amount of \$140,800.00 for the installation of a waterspray park.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Greg Porteus, Cedar Lane, voiced his concerns regarding a group home on Cedar Lane which had recently been vacated. His concern was that the owner of the property would attempt to move in a second group home without the knowledge of the Town. The services of the Town of Ossining Police Department are wonderful, but this group home is a serious issue to him and his neighbors as there have been 178 police calls between October 26, 1991 and July 5, 2005. Is the house up to code? There is garbage all over the property and the home owner has every intention of putting in another group home as soon as possible. Attorney Beirne stated that group homes are highly regulated and must be licensed by the State of New York. The Building Inspector will inspect the premises to determine if it is up to code and all of the safety issues. A public hearing will take place regarding the types of individuals who will be residing in this location. All families must be treated the same.

Supervisor Chervokas stated that a public hearing will take place after the application has been received. The owner should step forward to notify the Town of their intentions.

Duval Cellai, Stormytown Road, questioned why the group homes don't pay taxes.

Attorney Beirne stated that this group home does pay taxes as they are renting the property and are not the legal owners.

Bobby Williams, Spring Street, likes what he sees at the waterfront with the new benches and lighting. He also congratulated Chief Donato and his staff for all of their awards and the fine job that they are doing. There should be group homes for veterans.

VIII. ADJOURNMENT

At 9:03 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