

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

**REGULAR MEETING
NOVEMBER 22, 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 November 22, 2005 in the Police/Court Facility, 86-88 Spring Street. The meeting was called to order at 7:30 p.m. 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: Tom Beirne, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – In the matter of the 2006 Preliminary Budget

The Supervisor opened the Public Hearing on the proposed budget at 7:31 p.m.

Supervisor Chervokas gave a brief description of the Supervisor's Tentative 2006 Budget. There are actually two budgets; one is the Town General which encompasses Senior Services which is 13% of the budget; Parks and Recreation which is 20% and benefits for the staff. The tentative tax increase for the Town General is 6%. The Unincorporated Budget which encompasses the 5500 residents in the Town outside is made up basically of two large departments with police at 33% and highway at 25%. We have proposed a sensible and sensitive budget trying to provide the appropriate services without a double digit increase. The cost of living is now the highest over the past 10 years going from 4.1% to 4.8%. At this time we do not know when the real estate boom is going to level off which provides us revenue thru the housing mortgage tax.

Budget Officer Cerny stated that there was an increase in the Town General of \$45,000 due to the appraisal and certs. There is an additional \$42,000 in the Town General for the new Spray Ground at Louis Engel Park. The majority of this project is being funded by a CDBG grant with the \$42,000 as the Town's match. Also added was \$133,000 for highway and \$159,000 for the snow budget. This increase in the snow budget would take care of the overtime budget which in 2005 went over budget. Tree removal is another important aspect of the budget with a partial inventory of dead trees. They will be taken down in segments. Also the funds increased due to insurance premiums of 6% and employee benefits of 6.7%.

Robert Hooley, Stonegate Road, questioned the 7.59% increase in the Town Budget and his calculations that the Town Budget has increased 25% from 2000 – 2005. This has been a substantial increase which does not include the School or the County tax increases. The Board should be aware of the fixed income tax payers and their inability to pay significant increases.

At 7:49 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

Motion Carried: Unanimously

**III. PUBLIC HEARING – In the matter of the Valley View Sewer District
Extensions – Raymond J. Coletti and James Zappi**

Supervisor Chervokas opened the public hearing at 7:49 p.m.

There was no one present who wished to speak on this issue.

At 7:50 p.m., Councilmember Connolly moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

Motion Carried: Unanimously

IV. COMMUNITY ANNOUNCEMENTS

The Supervisor announced the untimely death of former Town Councilmember Ed Wheeler who was also Village Trustee and Village Mayor during his lifetime.

Councilmember Harter described Mr. Wheeler as a Giant of a Man during his political lifetime. He will be remembered fondly as a gentleman, and tuff but fair person. Councilmember Harter had the privilege of serving with Mr. Wheeler and learned a great deal from him during his early years on the Board.

Councilmember Connolly was saddened by the news of Ed Wheeler's passing and also found him to be a bright and entertaining individual.

The Dedication of the Crèche will take place on Sunday, December 4th, at 2 p.m. at the corner of Croton Avenue and Todd Place.

The Annual Christmas Tree Lighting Ceremony will take place on December 6th at 5:45 p.m. at the corner of Spring Street and Main Street. Santa and Mrs. Claus will be honored guests at the tree lighting.

Councilmember Wilcher commented that Bobby Williams' wife had broken her knee and would be undergoing surgery in the near future.

V. BOARD RESOLUTIONS

A. Approval of Minutes – November 9, 2005

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the November 9, 2005 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated November 22, 2005 in the amount of \$954,133.20.

Motion Carried: Unanimously

C. Approval of the Valley View Sewer District Extension #4 - Raymond J. Coletti

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

Whereas, a Petition for the extension of the Valley View Sewer District located at Hawkes Avenue in the Town of Ossining, Westchester County, New York, dated September 15, 2005, has been presented to the Town Board by Raymond J. Coletti, and

Whereas, an Order was duly adopted by the Town Board on November 9, 2005, reciting the filing of said petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying November 22, 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 November 22, 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 (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the Valley View Sewer District located at Hawkes 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 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. Approval of the Valley View Sewer District Extension #5 - James Zappi

Councilmember Wilcher 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 Hawkes Avenue in the Town of Ossining, Westchester County, New York, dated October 18, 2005, has been presented to the Town Board by James Zappi, and

Whereas, an Order was duly adopted by the Town Board on November 9, 2005, reciting the filing of said petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying November 22, 2005 at 7:30 pm 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 22, 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 (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the Valley View Sewer District located at Hawkes 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 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

E. Calling for a Public Hearing in the matter of Valley View Sewer District Extension #6 – MGM Design and Construction, LLC

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

Whereas, MGM Design and Construction, LLC is in the process of meeting with the Planning Board on a three (3) lot subdivision at 5 Hawkes Avenue and two new building lots will be created. As a result, the homes will be serviced by an extension of the existing sewer main in Hawkes Avenue. The property must be annexed to the existing Valley View Sewer District to finish the approval process by the Planning Board and the Westchester County Department of Health; and

Whereas, a written petition in due form and containing the required signatures have been presented by MGM Design and Construction, LLC to the Town Board of the Town of Ossining to connect to the Valley View Sewer District; and

Whereas, the proposed sewer district extension is for a parcel of land owned in fee by the petitioner and designated on the current tax map of the Town of Ossining as Section 2, Plate 3, Block 004, Lot 26; 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 Valley View 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, December 13, 2005 at 7:30 p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street in Ossining, to

consider the said petition and to hear all persons interested in the subject matter thereof.

Motion Carried: Unanimously

F. Entering into a First Amendment Agreement with Westchester County to secure grant funding for Engel Park Sprayground Improvement Project

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

Whereas, the Town Board entered into an agreement with Westchester County in September 2005 for a Community Development Block Grant in the amount of \$140,800.00 for the Engel Park Sprayground project; and

Whereas, Westchester County later reprogrammed an unused amount of \$20,077 from the Engel Park Comfort Station to the Sprayground Project,

Now, Therefore Be It Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into a First Amendment Agreement with Westchester County for a Community Development Block Grant in the amount of \$160,877.00 for the installation of a waterspray park.

Motion Carried: Unanimously

G. Finance-2005 Budget Adjustment

Councilmember Wilcher 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 following budget adjustment be made to the 2005 Budget:

TRANSFER TO	AMOUNT	TRANSFER FROM
Capital Fund- Torbank Sewers 37-8120-2139	\$26,500	Torbank Sewers-Maintenance and Repair 54-8120-419

Motion Carried: Unanimously

H. Amendment to Road Resurfacing/Curbing Bid

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

Whereas, the Town Board of the Town of Ossining awarded the curbing of Cooper Drive to ELQ Industries, Inc at its board meeting of September 27, 2005 at a total bid price of \$32,500.00; and

Whereas, an error was made in the measuring of Cooper Drive, and as a result, the contracted amount must be increased;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an amended agreement with ELQ Industries Inc. at a cost not to exceed \$75,792.50.

Motion Carried: Unanimously

I. Resignation – Deputy Town Attorney

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

Resolved, that the resignation of Joseph J. Milano as Deputy Town Attorney offered by Mr. Milano on Friday, November 18, 2005 be and it hereby is accepted effective immediately.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Bobby Williams, Spring Street, questioned the wording in a resolution which read “1st Amendment” to County Grant. This meant that it was the first change to this particular grant. Also discussed was GE and that the discussions by GE were shielded from the public and GE should do what it is supposed to do to correct the situation of PCBs.

VII. ADJOURNMENT INTO EXECUTIVE SESSION

At 8:12 p.m., Councilmember Harter moved and it was seconded by Councilmember Connolly that the meeting be adjourned in memory of Edward Wheeler. The Board would adjourn into Executive Session for the purpose of personnel.

Motion Carried: Unanimously

Mary Ann Roberts, Town Clerk

Approved: