

**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
JUNE 26, 2007
7:30 P.M.**

SUPERVISOR

John Chervokas

COUNCILMEMBERS

**Geoffrey Harter Northern Wilcher
David Krieger Martha Dodge**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on June 26, 2007 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: Geoffrey Harter, David Krieger and Martha Dodge. Councilmember Northern Wilcher was absent. Also present were Tom Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

**II. PUBLIC HEARING – Cabaret License – Unique Affairs at Mansion Hill
25 Studio Hill Road, Briarcliff Manor**

The public hearing was opened at 7:31 p.m. Supervisor Chervokas gave a brief history of this application which has been submitted earlier in the year but due to Building Department Fire issues was put on hold. These issues have now been corrected to the satisfaction of the Building Inspector.

Lorraine Giametta of Haymont Terrace stated that there were two noise complaints called in to the Police Department due to an all night partying early May and again on June 16th. A tent was erected on the lawn from May 4th thru 15th and again June 13th thru the 20th. The tent is apparently going up again. The Zoning Board of Appeals denied the applicant's request for a permanent tent as this constitutes an extension of the property. The surrounding residents all opposed this. This resident is opposed to the renewal of this license.

Councilmember Harter questioned what constituted an all night party. The party was held from 6 p.m. to 11 p.m.

Councilmember Dodge questioned whether there was music outside? The response was that there was no music outside and was heard only when the doors were opened.

Mrs. Giametta read an article stating that New York City had just passed a new noise ordinance that called for the use of sound proof materials for doors as well as draperies, etc.

Supervisor Chervokas advised that the Board had attempted to address the issues by adopting a Town Noise Ordinance. Does the Noise Ordinance cover tents?

Town Attorney Beirne responded no. This area is non-conforming but was in existence prior to the effective date of zoning ordinance. There will be no expansion allowed. A temporary tent is a different matter.

Mindy LaMarr of Haymont Terrace stated that a temporary versus permanent tent is sill the same as it is expanding the use of the property and should not be allowed. In January 2005 the Board added a new definition of catering establishment. On June 16th the noise at Unique Affairs caused us to bring in our dinner guests from outdoor dining as they were unable to concentrate. The Cabaret License should not be issued.

Guy DeMeo, owner of Unique Affairs, stated that he had a decibel meter installed in his establishment which has an alarm that goes off if the music is excessive. The police were called on Mother's Day because children were playing in the back of the property. It is extremely difficult to operate a business with the neighbors calling the police for ever little thing. The issue of the use of candles in the tent that was earlier brought up was tea lights on the table. The center doors are closed.

Mindy LaMarr of Haymont Terrace advised that this is a residential neighborhood.

Supervisor Chervokas questioned the residents if they had attempted to sit down with Mr. DeMeo and discuss their issues. The response to his question was that the neighbors desire a stronger noise ordinance.

Andre LaMarr of Haymont Terrace stated that he had to move his guests off of his deck due to the excessive noise. The tent is up and vastly increases the number of people. He also discussed Valet Parking and parking on the hill.

Mr. DeMeo responded that he cannot accommodate 180 people inside of his establishment and that he has one event and only one event at a time. They do have valet parking and do not use the hill for parking.

Art Sullivan of Haymont Terrace questioned whether a Cabaret License allows a tent. Doesn't the tent have to be approved by the Building Inspector?

Town Attorney Thomas Beirne stated that the tent does not have to be approved by the Building Inspector as the tent companies are bonded and insured to install and take down the tents on the property. A Cabaret License addresses music only and nothing else. He also requested that the letter from Mr. Giametta and the police reports be made a part of the record.

At 8:08 p.m., Councilmember Dodge moved and it was seconded by Councilmember Krieger that the public hearing be adjourned to July 10, 2007 meeting.

III. POLICE DEPARTMENT AWARDS

Chief Kenneth Donato welcomed everyone to the Annual Awards Ceremony. Our officers perform to a high standard of work ethics and we acknowledge their great work and leadership. The following officers were introduced to receive their awards:

Patrolman Jordan Field received Honorable Mention for the recovery of weapons during a domestic on Cedar Lane.

Lt. Mark Bushe, Detective David Whitney, Detective William Otaro and Police Officer Vincent Ragani received Honorable Service Awards for an incident on Skerratt Lane involving handguns and shots fired.

Lt. Mark Bushe and Detective David Whitney received an award for investigation and apprehension of individuals involved in drug sales.

Lt. Mark Bushe and Detective David Whitney received an Exceptional Duty Award for the investigation and apprehension of individuals involved in a dozen burglaries.

Detective Sgt. James Provenzano, Sgt. Raymond DeBenedictis of the Village of Ossining Police Department, Detective David Whitney and Detective William Otaro are being commended for using sound judgment and the incidence of a home invasion.

Chief Donato made the final presentations of the evening which are Officer of the Year for the Year 2005 and 2006. These officers are initially nominated by a Town Officer in writing and then goes thru a process of various officers and finally to the

Chief of Police. The department is very proud of the professionalism of these officers. The Officer of the Year of 2005 is Detective David Whitney and the Officer of the Year of 2006 is William Thomas. The delay in awarding the 2005 award is due to the intense work at the time with the new police station.

Chief Donato thanked the department for their professionalism and asked the Community to say thank you to anyone of the officers awarded this evening.

IV. ANNOUNCEMENTS

Supervisor John Chervokas announced that the 4th of July Fireworks will be held at Engel Park on the evening of July 3rd with a concert at 7:30 followed by the fireworks at 9:15 pm.

Councilmember Jeff Harter announced that the St. Ann's Festival is on from Tuesday, June 26th thru Sunday, July 1st.

Councilmember David Krieger announced that the Ossining Public Library will host an exhibit of work by Ossining artists William Carson Francis and his son, William Corning Francis, from July 6th thru July 27th.

V. TOWN BOARD RESOLUTIONS

A. Approval of Minutes – June 12, 2007

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the June 12, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Krieger 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 Voucher Detail Report dated June 26, 2007 in the amount of \$250,996.64.

Motion Carried: Unanimously

C. Seasonal Appointment – Highway Department

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Pasqualino Velardo, Dale Avenue, Ossining, NY to the seasonal position of Laborer in the Highway Department at a rate of \$12.00 per hour, effective June 25, 2007.

Motion Carried: Unanimously

D. Seasonal Appointment – Highway Department

Councilmember Krieger moved and it was seconded by Councilmember Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Joshua Adam Buchetto, Sprout Brook Road, Putnam Valley, NY to the seasonal

position of Laborer in the Highway Department at a rate of \$12.00 per hour, effective June 25, 2007.

Motion Carried: Unanimously

E. GOTV IMA – Extension Agreement

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

Resolved, that the Town Supervisor is hereby authorized to enter into an Extension Agreement with Greater Ossining Television Inc., said agreement extends the provisions of the Cable TV IMA agreement dated October 28, 1997 for a period of 6 months, effective June 30, 2007.

Motion Carried: Unanimously

F. Request for Bids-Delivery of Meals and Supplies for Nutrition Program

Councilmember Dodge 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 authorizes the Town Clerk to advertise a request for Bids for the delivery of meals and supplies for the Nutrition Program, located in the Ossining Community Center. Bids shall be submitted no later than 10:00 AM on July 10, 2007 in the office of the Town Clerk.

Motion Carried: Unanimously

G. Public Hearing – Flood Damage Prevention Local Law

Councilmember Krieger moved and it was seconded by Councilmember Dodge that the following resolution be approved:

Resolved, that a Public Hearing be held at the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street, Ossining, New York 10562, beginning at 7:30 p.m. on July 10, 2007, to consider a proposed local law, which would repeal Chapter 102 (Flood Damage Prevention) of the Code of the Town of Ossining in its entirety and enact in its place a new Chapter 102 (Flood Damage Prevention).

Motion Carried: Unanimously

H. Engel Park – Sprayground Change Order

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the following change orders with Pat F. Corsetti, Inc.:

1” Poured in Place Safety Surfacing on Concrete Base	\$5,950.00
Spray Jet Alterations at Schooner	\$1,220.00
Water Jelly Alterations	\$1,632.00
Magic Mist Alterations	\$1,000.00
Excess Funds on Original Contract	<u>(\$6,376.75)</u>
Total	\$3,425.25

Motion Carried: Unanimously

I. Agreement - New York Power Authority

Councilmember Krieger moved and it was seconded by Councilmember Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into a New Supplemental Electricity Supply Agreement with the New York Power Authority through December 31, 2008 and according to the terms and conditions as specified in the letter dated April 25, 2007.

Motion Carried: Unanimously

J. Approval of 2007 Cabaret License – Unique Affairs at Mansion Hill

Councilmember Harter moved and it was seconded by Councilmember Krieger that the following resolution be TABLED:

Resolved, that the Town Board of the Town of Ossining hereby approves the application of Unique Affairs at Mansion Hill, 25 Studio Hill 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: DJ up to 6 piece band, Tuesday through Thursday 9 a.m. to 11 p.m., Friday & Saturday 9 a.m. to midnight, Sunday 9 a.m. to 11 p.m., and Mondays (if required) 9 a.m. to 11 p.m., provided that all necessary approvals be obtained from the Building Department, and be it further

Resolved, that in accordance with Local Law No. 6 of 2003, Unique Affairs at Mansion Hill 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).

Voting Yes on Motion to Table:
Harter, Krieger, Dodge, Chervokas
Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Bobby Williams, Spring Street, a representative of the CDBG Program advised the Board and the Public of the Lead Safe Westchester Program for property owners and residents of homes built prior to 1978 who are interested in obtaining a grant for repair for older homes and apartments with lead based paint. Call the County Planning Department at 995-2433 for applications and information. Beware of toys and other products entering the United States that are produced in other countries for safety. These items should all comply with the standards of the US.

VII. ADJOURNMENT

At 8:40 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk