

**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
SEPTEMBER 11, 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 Tuesday September 11, 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. Other members of the Board present were Geoffrey Harter, Northern Wilcher and Martha Dodge. Councilperson David Krieger was absent. Also present were Thomas Beirne, Town Attorney and Patricia Fracassi, Deputy Town Clerk. Supervisor Chervokas requested a moment of silence in memory of those who lost their lives on September 11, 2001.

II. PUBLIC HEARING – Proposed Local Law – Accessory Dwelling Units

The Public Hearing was opened at 7:32 p.m.

Town Attorney Beirne gave a brief over-view of the ordinance stating that it is reviewed, monitored and fine tuned periodically. The recommendation for any amendment comes from the review of the Planning Board, Zoning Board and the building inspector. In regard to renewals, they are reviewed by the building inspector to ensure that all requirements of the ordinance are being met by the applicant. He also stated that the law was primarily put in place to accommodate extended families such as returning adult children and older parents wanting to downsize. Mr. Beirne emphasized that the accessory dwelling unit or the main house could not be used for a boarding or rooming house.

Mr. Bobby Williams, Spring Street, questioned whether there had been any complaints and was that the reason for the changes?

Town Attorney Beirne replied there were no complaints or violations of misuse. He explained that the way the law was originally worded the accessory unit could not be used for a boarding house or rooming house but did not address the main house clearly.

At 7:38 p.m., Councilmember Harter moved and it was seconded by Councilmember Dodge that the public hearing be closed.

III. PUBLIC HEARING - Proposed Local Law amending the Town Code to remove specific fee amounts and insert references to the Town Fee Schedule

The Public Hearing was opened at 7:40 p.m.

Town Attorney Beirne explained that now that the fees are located in one place and it is easier for the Board to make judgments on particular fees.

Mr. Bobby Williams, Spring Street asked if the fees reflected the fees in neighboring towns? He also asked how fees are arrived at.

Supervisor Chervokas answered that department heads make recommendations and suggestions. The fees in other communities are also looked at and are compared to our existing fees.

At 7:45 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

IV. ANNOUNCEMENTS

Supervisor Chervokas wished our Jewish friends and residents a good Rosh Hashana and New Year. Councilperson Dodge announced that there were two upcoming events planned for the weekend of September 16th. The Ferry Go Round will be running from 11a.m. until 6:00 p.m. and the Arts Festival will be held during the hours of 11:a.m. through 5:00 p.m. Councilperson Harter reminded everyone that there will be a Democratic Primary to be held on September 18, 2007. He encouraged anyone that is eligible to go to their polling places and vote.

V. BOARD RESOLUTIONS

A. Approval of Minutes – August 28, 2007

Councilperson Dodge moved and it was seconded by Councilperson Wilcher that the following resolution be passed:

Resolved that the Town Board of the Town of Ossining hereby approves the Minutes of the August 28, 2007 Regular Meeting as approved.

Motion Carried: 3-0-1
Ayes: Councilpersons
Harter, Wilcher and Dodge
Abstain: Supervisor Chervokas

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 11, 2007 in the amount of \$192,497.38.

Motion Carried: Unanimously

C. Adoption of Local Law No. 8 – 2007 Fees

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

Resolved, that the Town Board of the Town of Ossining hereby adopts Local Law No. 8 of 2007 regarding Fees, as attached.

Roll Call Vote: 4-0-0
Ayes: Councilpersons Harter,
Wilcher, Dodge and Supervisor
Chervokas

D. Adoption of Schedule of Fees

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

Whereas, Local Law No. 8 of 2007 was approved at a Town Board Meeting held on September 11, 2007; and

Whereas, this Local Law called for the setting of Town Fees through Board Resolutions; and

Whereas, it would be of benefit to both the Town and the general public to have all fees conveniently placed in one resolution, which may be amended from time to time; and

Whereas, a 2007 Schedule of Fees was adopted on January 9, 2007; and

Whereas, the Town Board has concluded that the January 9, 2007 fee schedule should be revised;

Now, Therefore be it Resolved, that the Town Board of the Town of Ossining hereby adopts the attached fee schedule effective September 11, 2007.

Motion Carried: Unanimously

E. Adoption of Local Law No. 9 – 2007 – Accessory Dwelling Units

Councilperson Wilcher moved and it was seconded by Councilperson Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby adopts Local Law No. 9 – 2007, as follows:

Local Law 9 – 2007

Be it enacted by the Town Board of the Town of Ossining as follows:

Section 1: Chapter 50 (Accessory Dwelling Units in Single-Family Homes) of the Code of the Town of Ossining is amended as follows:

(a) Section 50-3(A)(8) is deleted and a new Section 50-3(A)(8) is substituted therefor to read as follows:

“Permits. A building permit shall be obtained as otherwise required, and a certificate of occupancy must be issued prior to utilization of an accessory dwelling unit. No permit shall be issued until the Building Inspector, Town Engineer or the Board of Health, whichever is appropriate, has issued written approval indicating that all applicable health, fire, building and safety requirements, including those relating to adequate sewage disposal capacity, have been met.”

(b) Section 50-3(A) is further amended by adding thereto a new subsection to be designated subsection (9) and to read as follows:

“Prior to the issuance of any renewal permit, the Building Inspector, or his designee, shall inspect all areas of the building housing the accessory apartment to determine compliance with all applicable laws, rules and regulations. No renewal permit shall be issued until the Building Inspector, or his designee, determines full compliance with said laws, rules and regulations.”

(c) Section 50-8 is deleted and a new Section 50-8 (Boarders Prohibited) is substituted therefor to read as follows:

“No boarders shall be permissible in either the dwelling unit, or the accessory dwelling unit. A dwelling may not

receive a special permit for a tourist home, rooming house or boarding house.”

Section 2. This local law shall be effective immediately as permitted by law.

Roll Call Vote: 4-0-1
Ayes: Councilpersons Harter,
Wilcher, Dodge and Supervisor
Chervokas

F. Work Badge Policy

Councilperson Wilcher moved and it was seconded by Councilperson Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby adopts the following work badge policy:

The Policy, which applies to all Town officials and employees (except Police Officers), mandates that said Town officials and employees: (1) be required to display their employee photo identification cards at all times while inside Town buildings, facilities and worksites and/or while otherwise engaged in Town business; (2) be prohibited from lending or allowing use of their photo identification cards by anyone other than the person whose name and photograph appear on the card.

Each department head is responsible for ensuring that the Work Badge Policy is distributed to all Town employees within their departments.

Motion Carried: Unanimously

G. Special Permit Recertification-Sprint Spectrum LP-400 Executive Boulevard

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

Whereas, Sprint Spectrum LP, holder of a special permit for a wireless telecommunications facility at 400 Executive Boulevard in the Unincorporated Area of the Town of Ossining, made timely application for recertification of said special permit pursuant to Section 182A-18 of the Code of the Town of Ossining; and

Whereas, said application contained the information required by Section 182A-18(A) of the Code and was accompanied by an RF Emissions Compliance Report certifying compliance with all applicable federal radio frequency requirements and a Structural Report signed and sealed by a qualified professional engineer addressing the facility’s compliance with local, county, state and federal structural requirements; and

Whereas, the information submitted has been reviewed by the Building Inspector and the Town Attorney, as well as the Town Board, and found to be in compliance with all applicable statutes, laws, local laws, ordinances, codes, rules and regulations; now therefore it is

Resolved, that the above-described application is granted and Sprint Spectrum LP is granted recertification of its special permit for the facility at 400 Executive Boulevard pursuant to Section 182A-18 of the Code of the Town of Ossining.

Motion Carried: Unanimously

H. Parks Department-Temporary Employee

Councilperson Harter moved and it was seconded by Councilperson Wilcher that the following resolution be adopted:

Resolved, that the Town Board of the Town of Ossining hereby increases the hourly rate of Louis Sutton, Laborer, Parks Department from \$11.50/hr to \$12.00/hr effective September 11, 2007.

Motion Carried: Unanimously

I. 2007 Budget Adjustment

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

Whereas, the project listed below was funded partially through a Bond Anticipation Note and there are excess funds remaining that must be transferred to debt service;

Now, therefore, be it resolved, that the Town Board of the Town of Ossining hereby authorizes the unexpended balance in the following project to be transferred to debt service:

<u>Project #</u>	<u>Project</u>	<u>Amount</u>
2006-2146	Engel Park Playground	\$561.60

Motion Carried: Unanimously

J. Finance-2007 Budget Adjustment

Councilperson Dodge moved and it was seconded by Councilperson Wilcher 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 2007 Budget:

<u>TRANSFER TO G/L ACCOUNT</u>	<u>AMT.</u>	<u>TRANSFER FROM G/L ACCOUNT</u>
Capital Project-Sprayground 37-7110-2140	\$94.25	Trust & Agency-Park Land Deposits 033-0033-0037
020-3120-0201-Equipment	\$804.82	020-0020-2626-Forfeiture of Proceeds Restricted

Motion Carried: Unanimously

K. Finance-Capital Project# 2007-2153-Highway Department-Micro-Surfacing

Councilperson Wilcher moved and it was seconded by Councilperson Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project # 2007-2153, entitled Micro-surfacing, in the amount of \$37,058.68 to be funded by the New York State Department of Transportation Multi-Modal Program in the amount of \$26,738.47 and 2007 CHIPS allocation in the amount of \$10,320.21.

Motion Carried: Unanimously

L. Entering into an amended agreement with Westchester County Department of Senior Programs and Services for NSIP, SNAP and Title III-B and Title III-C Funding

Councilperson Dodge moved and it was seconded by Councilperson Wilcher that the following resolution be approved:

Whereas, on July 10, 2007, the Town Board authorized the Supervisor to sign an agreement with Westchester County Department of Senior Programs and Services for the Supplemental Nutrition Assistance Program (SNAP) and Title III-B and Title III-C funding; and

Whereas, in order to streamline the contractual process to award the Nutrition Services Incentive Program (NSIP) funding, Westchester County is now requiring the NSIP funding to be included in the Title III-B and III-C agreement, as well as the SNAP Agreement. Therefore, an amended agreement must be executed by the Town of Ossining; and

Whereas, the Town is receiving a one time equipment fund in the amount of \$5,100 for the 2007 fiscal year to be included as part of the Supplemental Nutrition Assistance Program (SNAP) thereby increasing the Town's allocation from \$41,571 to \$46,671;

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 Westchester County Department of Senior Programs and Services for the Supplemental Nutrition Assistance Program (SNAP) with total funding not to exceed \$46,671, Title III-B and III-C funding not to exceed \$66,558 and Nutrition Services Incentive Program (NSIP) funding not to exceed \$23,641.

Motion Carried: Unanimously

M. Highway Department-Termination of Seasonal Employment

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

Resolved, that the Town Board of the Town of Ossining hereby terminates the seasonal employment of Joshua Adam Buchetto from the Highway Department effective August 31, 2007

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the July, 2007 Monthly Report from Receiver of Taxes and August, 2007 Monthly Reports from Town Clerk.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Mr. Bobby Williams, Spring Street, hoped everyone would exercise their right to vote in the upcoming primary and elections.

IX. ADJOURNMENT

At 8:13 p.m., Councilperson Harter moved and it was seconded by Councilmember Dodge that the Regular Meeting of the Town Board be adjourned.

