

**TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
DECEMBER 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 December 11, 2007 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 pm by Deputy Supervisor Geoffrey Harter and upon the roll being called there were present: Councilmembers Northern Wilcher, David Krieger and Martha Dodge. Supervisor John Chervokas was absent. Also present were: Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. ANNOUNCEMENTS

Councilmember Dodge announced the Nutcracker presentation on December 14, 15, and 16 at the Westchester County Center. The choreography is by Jean Logrea and Beth Fritz-Logrea of our own Logrea Dance Academy here in Ossining.

Councilmember Krieger announced that the Ossining Public Library sponsors free Computer Classes on Wednesday by appointment only. Call the library at 941-2416 at extension 320 for an appointment. Also at the library on Wednesday, December 12, at 2 p.m. is a Holiday Origami Program. The Town Budget Presentation by Dale Ferreira can be viewed on townofossining.com. It is a very good presentation that anyone can understand.

Deputy Supervisor Harter announced that the Town Board will hold a short meeting to pay the bills on December 24 at 10 a.m. in the Supervisor's Conference Room on the Third Floor of the Municipal at 16 Croton Avenue. A great big thank you was extended to Dale Ferreira for all of her help and caring in the presentation of the 2008 Town Budget.

III. BOARD RESOLUTIONS

A. Approval of Minutes

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

Resolved, that the Town Board hereby approves the Minutes of the November 27, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board hereby approves the Voucher Detail Report dated December 11, 2007 in the amount of \$612,675.71.

Motion Carried: Unanimously

C. Order Calling for a Public Hearing in the Matter of the Petition for the Extension of the Crotonville Sewer District – Joseph Viggiano

Councilmember Dodge moved and it was seconded by Councilmember Wilcher that the following Order be approved:

Whereas, a written Petition, dated January 3, 2002, in due form and containing the required signature, has been presented by Joseph Viggiano to the Town Board of the Town of Ossining, Westchester County, New York, for the Extension of the Crotonville Sewer District in said Town; and

Whereas, the boundaries of the proposed Sewer District Extension are described as follows:

“BEGINNING at a point on the southerly side of Cedar Lane where the same is intersected by the westerly line of lands now or formerly of Miller; running thence along said lands of Miller, South 21° 05’ 10” West 390.00 feet to lands now or formerly of Hochhauser; running thence along said lands now or formerly of Hochhauser, North 56° 29’ 20” West 235.43 feet to a point marked by a stake; running thence northeasterly on a curve to the right having a radius of 150.00 feet and a central angle of 15° 00’, a distance of 39.27 feet to a point marked by a stake, thence continuing northeasterly on a curve to the left having a radius of 200.00 feet and a central angle of 25° 19’ 35”, a distance of 88.41 feet to another point marked by a stake; running thence North 25° 40’ 25” East 81.28 feet to another point marked by a stake; running thence North 81° 23’ 30” East 32.47 feet to another point marked by a stake; running thence North 8° 36’ 30” West 36.00 feet to appoint on the southerly side of Cedar Lane which latter point is distant northerly and easterly as measured along said Cedar Lane, 782.17 feet from the northerly line of lands now or formerly of Alten; running thence along said southerly side of Cedar Lane, North 81° 23’ 30” East 200.00 feet to the point and place of BEGINNING.

Said premises known as Cedar Lane, Ossining, New York, and also known as Section 80.19, Block 2, Lot 76 on the Tax Map of the Town of Ossining,” and

WHEREAS, the improvements proposed for said Sewer District Extension consist of the construction and installation of a sewer system, including sewer main, manhole, and other improvements incidental thereto, all as more fully described in the map and plan accompanying the aforesaid Petition, which map and plan are on file in the Town Clerk’s Office of said Town for public inspection during regular business hours; and

WHEREAS, the cost of establishing such Sewer District Extension shall be borne entirely by the Petitioner; and

WHEREAS, it is now desired to call a Public Hearing to consider the Petition for the proposed establishment of said Sewer District Extension pursuant to Section 193 of the Town Law, as well as for purposes of determining the environmental impact of said action;

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Ossining, Westchester County, New York, shall be held at the Police/Court Facility, 86-88 Spring Street, in Ossining, New York, on the 8th day of January 2008, at 7:30 p.m., for the purpose of conducting a public hearing to consider the aforementioned

Petition and to hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be published in the official newspaper of said Town and posted in the manner provided by law.

Section 3. This Order shall take effect immediately.

Motion Carried: Unanimously

D. Adoption of the Town of Ossining 2008 Budget

Councilmember Krieger 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 2008 Budget for the Town of Ossining. Total appropriations for the 2008 entire Town (10) Fund are \$5,121,773. Total appropriations for the Unincorporated Area (20) Fund are \$3,677,281 and total appropriations for the Highway Department (31) Fund are \$2,117,843. Total appropriations for the Water and Sewer Funds are \$395,337. Total appropriations for the Fire/Light/Refuse funds are \$1,145,061.

Voting Yes in a Roll Call:
Harter, Wilcher, Krieger,
Dodge
Motion Carried: Unanimously

E. Parks Department – Seasonal/Temporary Employees

Councilmember Dodge 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 terminates the following seasonal/temporary employees from the Town Parks Department:

<u>Name</u>	<u>Effective Date</u>
Dean Carretta	10/14/07
Louis Sutton	11/21/07

Motion Carried: Unanimously

F. Department of State – Shared Municipal Services Grant

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 apply, in conjunction with the Village of Ossining, for Shared Municipal Services Incentive Grant, from the New York State Department of State, for the purpose of reviewing existing Inter-Municipal Agreements, and to investigate and determine potential future agreements, including possibly shared services between existing municipal departments.

Motion Carried: Unanimously

G. S.P.C.A – Agreement – Renewal

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 Supervisor to sign a renewal agreement with S.P.C.A. of Westchester, Inc. located at 590 North State Road, Briarcliff Manor, to provide dog/animal control service for calendar year 2008 at a cost of \$9,247.40.

Motion Carried: Unanimously

H. Verizon Cable Franchise Agreement

This Verizon Franchise Agreement resolution is being tabled in order iron out some minor details in the contract. A Special Meeting will be held on December 18, 2007 at the Joseph G. Caputo Community Center at 95 Broadway, Ossining, New York at 7:30 p.m.

Robert Hoch, Cablevision, stated that he had provided written comments to the Board in opposition of the Peg Grant Plan. He hopes to speak to each Board member regarding this subject.

Bobby Williams, Spring Street, requested that the Board hold off a little longer in making their decision. It is very difficult to compare Cablevision with Verizon.

WHEREAS, the Town of Ossining (the "Town") is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the "Communications Act"), and is authorized to grant one or more cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, Parts 890.6 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the "Cable Laws"); and

WHEREAS, Verizon New York, Inc. ("Verizon") is upgrading its existing telecommunications and information services network through the installation of what Verizon refers to as "Fiber to the Premises Telecommunication Network (the "FTTP Network") within the Town and elsewhere, which existing network transmits Non-Cable Services (as defined in the Verizon Franchise Agreement) pursuant to the authority granted by Section 27 of the New York Transportation Corporations Law, and Title II of the Telecommunications Act, which Non-Cable Services are not subject to the Cable Law or to Title VI of the Communications Act; and

WHEREAS, the FTTP Network occupies public rights-of-way (as defined in the Verizon Franchise Agreement) within the Town, and Verizon desires to use portions of the FTTP Network now or hereinafter installed within the Town to provide cable service (as defined in the Verizon Franchise Agreement); and

WHEREAS, Verizon submitted a written application for a cable television franchise to the Town on November 19, 2007 (the "Verizon Application"); and

WHEREAS, due negotiations between the authorized representatives of the consortium comprised of the Towns of New Castle and Ossining, and the Villages of Ossining, Sleepy Hollow, and Briarcliff Manor) and Verizon have resulted in a proposed agreement entitled "Cable Franchise Agreement between the Town of Ossining, New York and Verizon New York Inc." ("Verizon Franchise Agreement"); and

WHEREAS, on December 6, 2007, at a joint meeting of the Town and Village of Ossining ("Village") Boards, a public hearing, pursuant to notice, was held on the Verizon Application and the Verizon Franchise Agreement at which Verizon made a presentation to the Boards in favor of the Verizon Franchise Agreement, including an outline of the cable television services proposed to be provided to the Town and Village pursuant thereto, and members of the Town and Village Boards and the public were given notice and opportunity to comment on Verizon's presentations and ask questions to be addressed by Verizon's representatives; and

WHEREAS, the Town has identified the cable-related needs and interests of the residents of the Town and has exercised due diligence in considering the technical ability, financial conditions, character and legal qualifications of Verizon to meet such needs and interests; now, therefore be it

RESOLVED, that the Town Board of the Town of Ossining finds that it approves the character of Verizon; and be it further

RESOLVED, that the Town Board finds that Verizon is legally (pursuant to NY Public Service Commission Rules and other statutory requirements), technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Town and that Verizon will meet all statutory and regulatory non-discrimination requirements; and be it further

RESOLVED, that the Town Board finds, based on the presentation by Verizon, that the cable service offered by Verizon will include competitive offerings with its existing competition; and be it further

RESOLVED, that the Town Board determines that it serves the public interest to award Verizon a franchise to own, construct, operate and maintain a cable system along the public rights-of-way within the Town, in order to provide cable service; and be it further

RESOLVED, that the Town Board authorizes the award of a non-exclusive franchise to Verizon to own, construct, operate and maintain a cable system along the public rights-of-way within the Town of Ossining, in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws; and be it further

RESOLVED, that the Town Board of the Town of Ossining authorizes the Supervisor to enter into the Verizon Franchise Agreement, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Ossining.

Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the resolution be tabled

Motion To Table: Unanimous

IV. MONTHLY REPORTS – November, 2007

Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the Monthly reports for November, 2007 from Town Clerk and Building Department be received and filed.

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Bobby Williams, Spring Street, wished all of the residents and the Board a Happy Hanukah, Happy Kwanza, Merry Christmas and a Happy New Year. He also discussed the various Veterans services issues that have recently appeared in the newspaper.

VI. ADJOURNMENT

At 8:07 pm, Councilmember Krieger moved and it was seconded by Councilmember Dodge that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk