

**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
JUNE 12, 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 12, 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 David Krieger. Councilmember Martha Dodge was absent. Also present were Tom Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. ANNOUNCEMENTS

Supervisor Chervokas announced that the Play and Spray Ground at Engel Park will be dedicated at 12 noon on Saturday, June 23rd. While at the dedication, please take a look at the new park signs which are located at all seven Town Parks. They are in the form of trees which is appropriate as the Town of Ossining is one of the few communities in the State designated as a “Tree City”. There will be an unveiling of the large three panel mural painting of the parks in the Village of Briarcliff Manor, the Village of Ossining and the Town of Ossining located on the third floor mezzanine of the Municipal Building at 16 Croton Avenue at 4:30 p.m.

Councilmember Krieger announced that the Portuguese Festival will take place on Saturday, June 16th, as well as Bark in the Park at the Cedar Lane Park.

Councilmember Harter announced that the Ossining Historical Society will hold its Annual Picnic on Saturday, June 16th, from 2 – 8 p.m. at Ryder Park. Tickets will not be sold the day of the event. They must be purchased prior to Saturday at the Historical Society.

III. BOARD RESOLUTIONS

A. Approval of Minutes – May 22, 2007

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 approves the Minutes of the May 22, 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 12, 2007 in the amount of \$344,378.70.

Motion Carried: Unanimously

C. Appointment of Marriage Officer

Councilmember Wilcher 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 appoints William E. Burton as Marriage Officer for 2007.

Motion Carried: Unanimously

D. Town Licenses – Fireworks Approval – St. Augustine’s Church

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

Whereas, the Church of St. Augustine, by letter dated May 16, 2007 has requested a permit from the Town of Ossining for a fireworks display to be held on the evenings of Wednesday, July 18th (rain date Thursday, July 19th) and Sunday, July 22nd, 2007; and

Whereas, the Church has submitted the information required by Section 101-5 of the Code of the Town of Ossining and Section 405(2) of the Penal Law of the State of New York; and

Whereas, the bond/insurance coverage submitted by the Church has been found by the Town Attorney to comply with the requirements of Section 101-6 of the Ossining Code and Section 405 of the State Penal Law; and

Whereas, the Fire Chief has made an inspection of the premises where the fireworks display will be held and reported that such display will not be hazardous to persons or property;

Now, Therefore, Be It Resolved, that the application of the Church of St. Augustine for a fireworks display on Wednesday, July 18, 2007 at 9:15 p.m. (rain date Thursday, July 19th) and Sunday, July 22, 2007 at 9:15 p.m., is approved subject to the following conditions pursuant to Section 405(3) of the Penal Law:

1. The actual point at which the fireworks are to be fired shall be at least 200 feet from the nearest permanent building, public highway or railroad or other means of travel and at least 50 feet from the nearest above-ground telephone or telegraph line, tree or other overhead obstruction;
2. The audience at such display shall be restrained behind lines at least 150 feet from the point at which the fireworks are discharged and only persons in active charge of the display shall be allowed inside these lines;
3. All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, unless such fireworks are to be fired from the shore or a lake or other large body of water, in which case they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water;
4. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining;
5. No fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 miles per hour;
6. All persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task;
7. There shall be at least 2 such operators consistently on duty during the discharge; and

8. At least 2 soda acid or other approved type fire extinguishers of at least 2 and one-half gallons capacity each shall be kept at as widely separated points as possible within the actual area of the display; and it is further

Resolved, that a copy of this Resolution duly certified by the Town Clerk of the Town of Ossining shall constitute a Permit, meeting the requirements of the Code of the Town of Ossining and the Penal Law of the State of New York.

Motion Carried: Unanimously

E. Calling a Public Hearing-Cabaret License-Unique Affairs at Mansion Hill

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 calls for a public hearing to be held at 7:30p.m. on Tuesday, June 26, 2007 in the Police/Court Facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret License by Unique Affairs at Mansion Hill, 25 Studio Hill Road, Briarcliff Manor, NY.

Motion Carried: Unanimously

F. Change of Board Meeting Date

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

Resolved, that the Town Board hereby changes the Work Session meeting of the Town Board from Tuesday, July 3, 2007 to Thursday July 5, 2007 to be held at the Municipal Building, Supervisor's Conference Room, 16 Croton Avenue, Ossining New York in observance of Independence Day.

Motion Carried: Unanimously

G. Authorizing Temporary Beer & Wine Permit for Annual Firemen's Parade

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

Whereas, the Ossining Fire Department has completed an application to be submitted to the New York State Liquor Authority for a Temporary Beer & Wine Permit for the Annual Firemen's Parade to be held on Friday, August 3, 2007 at Engel Park from 11:00AM to 12:00AM;

Now, Therefore, be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the application granting permission for the sale or service of alcoholic beverages by the Ossining Fire Department for consumption at Engel Park.

Motion Carried: Unanimously

H. Authorizing Town Justices and Town Supervisor to submit a grant application to New York State Office of Court Administration

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 authorizes the Town Justices and Town Supervisor to submit a 2007 Justice Court Assistance

Program application to the New York State Office of Court Administration with a request not to exceed \$20,000.

Motion Carried: Unanimously

I. Personnel-Police Chief Kenneth Donato

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 authorizes the Town Supervisor to enter into an agreement with Police Chief Kenneth Donato setting forth his terms and conditions of employment effective January 1, 2007.

Motion Carried: Unanimously

J. Personnel-Authorizing Termination of Employment

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

Resolved, that upon the recommendation of the Town Justices, the Town Board of the Town of Ossining hereby authorizes the termination of employment of Maria D. Valdes from the position of Court Clerk effective June 12, 2007.

Motion Carried: Unanimously

K. Highway Department-Termination of Seasonal Employees

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 terminates the following seasonal employees from the Highway Department:

<u>Name</u>	<u>Effective Date</u>
Ryan M. Knapp	5/31/07
Michael T. Shaw	5/31/07

Motion Carried: Unanimously

L. Highway Department-Appointment of Seasonal Employee

Councilmember Harter 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 authorizes the appointment of Darren Knapp, Dell Avenue, Ossining, NY to the seasonal position of Laborer at an hourly rate of \$12.00/hr. effective June 4, 2007.

Motion Carried: Unanimously

M. Resignation – Board of Assessment Review – Mark Seiden

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

Resolved, that pursuant to a letter of submission dated June 11, 2007, the Town Board of the Town of Ossining hereby accepts the resignation of Mark Seiden, Member of the Board of Assessment Review, effective immediately.

Motion Carried: Unanimously

N. H/D – Emergency – Old Albany Post Road

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

Whereas, the Town Highway Department has identified a soil erosion condition near the terminus of Old Albany Post Road, a public road under its jurisdiction, as constituting an emergency requiring immediate attention and correction; and

Whereas, the Town’s engineering consultant has inspected the condition and concurred in the finding that an emergency exists and has prepared a report describing remedial measures to be taken as soon as possible in order to protect the road and the safety of persons traveling the road, including homeowners on Albany Post Road; now therefore be it

Resolved, that the soil erosion condition on Albany Post Road, near its terminus, as described by the Superintendent of Highways and the Town’s engineering consultant in their respective reports, constitutes an “emergency” under Section 103 of the General Municipal Law which the Superintendent of Highways is authorized and directed to address immediately, incurring such expenses as are reasonably necessary to protect the public.

Motion Carried: Unanimously

IV. MONTHLY REPORTS

Councilmember Harter moved and it was seconded by Councilmember Krieger that the April report from Tax Receiver and May report from Town Clerk be received and filed.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following correspondence be received and filed:

- 1. May, 2007 Helicopter Log from General Electric.**

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Mrs. Solla, Old Albany Post Road, stated that she has lived at this address for 32 years and up until about 8 years ago never had a sewer problem. This is the 6th time that she has had sewage back up into her basement. She is looking to the Town to help solve this problem. Supervisor Chervokas stated that he spoke to the Town Engineer along with the Superintendent of Highways to come up with a permanent fix for the problem. The Highway Department has been very helpful and will be video taping the line on Wednesday. The Clerk stated that she would forward a Notice of Claim to Mrs. Solla and requested that she fill it out and return it with all of the bills and/or estimates of the damages to the office of the Clerk.

Bobby Williams, Spring Street, stated that it was prom season and there should always be a designated driver. These students should be able to live a full life. Also discussed were world situations regarding the former Secretary of State Colin Powell. On the agenda this evening was an emergency situation and he clarified the fact that since it is an emergency the Town does not have to participate in the bidding process.

Councilmember Wilcher advised Mr. Williams that times have changed and many of the youth attending proms today use a limo and/or party bus.

VII. ADJOURNMENT

At 8 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**