



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET
OSSINING, NEW YORK**

**JUNE 12, 2012
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Peter Tripodi Northern Wilcher**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on June 12, 2012 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Eric Blaha and Geoffrey Harter. Councilman Peter Tripodi was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. 7:30 p.m. Public Hearing in the matter of “No Smoking” policy to cover all Town of Ossining Parks and facilities

At 7:32 P.M., the Public Hearing was opened.

Jerry Gershner questioned whether this a local law or a policy? Town Attorney Spector responded that it is an amendment to a law. Mr. Gershner questioned “Why are we proposing this law? Who will enforce this law?”

At 7:35 P.M., Councilman Wilcher moved and it was seconded by Councilman Blaha that the Public Hearing be closed.

7:35 p.m. Public Hearing in the matter of “Overnight parking prohibited”

At 7:35 P.M., the Public Hearing was opened.

No one came to speak at this Public Hearing.

At 7:36 P.M., Councilman Harter moved and it was seconded by Councilman Wilcher that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Donnelly announced that the Village Fair was a complete success. The Portuguese Festival will take place on Saturday, June 16, 2012 on Main Street.

IV. PUBLIC COMMENT ON AGENDA ITEMS

Jerry Gershner questioned the voucher detail report with a telephone charge of \$849. He also questioned the charge for the fax machine. Budget Officer Zachacz responded that the phone charges were for January – April. This is the charge from Optimum.

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Harter 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 May 22, 2012 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes- Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the June 5, 2012 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Harter 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 Voucher Detail Report dated June 12, 2012 in the amount of \$492,286.00

Motion Carried: Unanimously

D. Budget Modification

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

Resolved, that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2012 adopted budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
010.1110.0454 Court Security	20000.00		
010.1110.0414 Contractual Steno	5000.00	25000.00	010.1110.0110 Part Time
010.1110.0419 Pers Service Overtime	2000.00	2000.00	010.1110.0455 Translator
010.1220.0401 Supplies	1500.00	1500.00	010.1220.0110 Part Time
010.1330.0110 Part Time	750.00	750.00	010.1330.0109 Sick Incentive
010.1355.0449 Parts/ Labor	200.00	200.00	010.1355.0406 Telephone
010-1620-0201 Equipment	1445.00		
010-1620-0438 Supplies	200.00	1645.00	010.1620.0436 Postage
010-1989-0487 IMA Study	6965.00	6965.00	010.0010.3089 State Aid- Other
010-6772-0402 Printing	40.00		
010.6774.0110 RUOK Part Time	1200.00	1600.00	010.6770.0418 Contractual Food
020-3120-0410-Water	282.00	282.00	020.3120.0424 Computer/Consultant

020.9901.0900 Transfers	6375.00	6375.00	020.0020.2665 Surplus Equipment
031-5010-0201- Equipment	733.00	733.00	031.5010.0442 Environmental Improvements
031-5132-0419- Maint/ Repair	2500.00	2500.00	031.5142.0450 Salt
032.1910.0467 Liability	380.00		
032.8810.0413 Consultant	1500.00	1880.00	032.1990.0400 Contingency
045.9730.0610- Principal	22681.00	22681.00	045.0045.4795 Fund Balance
064.3410.0461 Village of Briarcliff Contrac.	21115.00	21115.00	064.0064.4795 Fund Balance

Motion Carried: Unanimously

E. Auctions International Bid

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

Whereas, the Town Board of the Town of Ossining has authorized the surplus of one former police vehicle and,

Whereas, the Town Board has authorized this vehicle to be sold on Auctions International;

Resolved, that the Town Board of the Town of Ossining hereby authorizes the sale of the aforementioned surplus vehicle to the highest bidder on Auctions International.

Lot #1: 2005 Ford Crown Victoria \$1,676.00 54321

Motion Carried: Unanimously

F. Firework's Approval – St. Augustine's Church

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

Whereas, the Church of St. Augustine, by letter dated May 21, 2012 has requested a permit from the Town of Ossining for a fireworks display to be held on the evening of Wednesday, July 18, 2012 at 9:15p.m. (rain date of July 19, 2012); 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's for a fireworks display on July 18, 2012 at 9:15 p.m. (rain date July 19, 2012,) 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
9. 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

G. Approval of Bid- North State Road Drainage Project

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

Whereas, the Town of Ossining has opened Capital Project #2012-2180 entitled “North State Road Drainage”; and

Whereas, the Town of Ossining publically advertised and received bids for this project, entitled “Installation of Twin 48” Diameter Pipes and Drainage Chambers”, according to specifications written by the Town Engineer;

Now therefore be it resolved that the Town Board of the Town of Ossining hereby awards the contract on this project to the lowest responsible bidder in the amount of \$39,735 to Cont-Tech Construction Technology, Inc. of 28 Lakeview Drive in Yorktown Heights, New York, at the recommendation of the Town Engineer and review of the Town Attorney.

Motion Carried: Unanimously

H. Budget Adjustment

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

Resolved, that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2012 adopted budget:

TRANSFER TO G/L ACCOUNT TO ACCOUNT FROM ACCOUNT TRANSFER FRM G/L ACCNT

031.5110.0438 Pers. Services 31,145.00 31,145.00 031.1990.0400 Contingency

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

- **April 11, 2012 Planning Board Meeting Minutes.**

VII. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of May 2012:

- **GE Helicopter Report**
- **Building Department**
- **Town Clerk's Office**
- **Tax Receiver's Office**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

Jerry Gershner questioned why the Mortgage Tax and Cable Franchise money is in the Town General instead of the Town Outside. Supervisor Donnelly stated that the Town is still in the process of investigating these issues. Mr. Gershner questioned the School Resource Officer – Why is the Town paying for it?

IX. ADJOURNMENT-EXECUTIVE SESSION-REAL ESTATE

At 7:55 P.M. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk