

**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL/FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
SEPTEMBER 12, 2006  
7:30 PM**

**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 September 12, 2006 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, David Krieger and Martha Dodge. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

**PROCLAMATION - Family Day**

Whereas, for the third consecutive year the Ossining Communities That Care organization is promoting the national initiative, *FamilyDay: A Day to Eat Dinner With Your Children* and,

Whereas, this program highlights the fact that teenagers who eat dinner with their families are 31 percent less likely to use illegal drugs, alcohol, and cigarettes than the average teenager and,

Whereas, this year, *Family Day* will be observed in Ossining and throughout the country on Monday, September 25,

NOW THEREFORE BE IT RESOLVED that I, John Chervokas, Supervisor of the Town of Ossining, with the full and enthusiastic support of the Ossining Town Board, ask families in our town, children and adults, to gather around the dinner table together on Monday, September 25 – and consider making eating dinner together a regular and happy practice.

**II. ANNOUNCEMENTS**

On September 17, 2006 the following events will take place:

Arts Festival on Main Street from 11 a.m. to 3 p.m.

Ferry Go Round at the waterfront pier from 11 a.m. to 6 p.m.

Food Pantry Fundraiser at the home of John and Connie Curran at Scarborough Circle from 5 p.m. to 8 p.m.

**III. BOARD RESOLUTIONS**

**A. Approval of Minutes – August 22, 2006**

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 August 22, 2006 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 resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 12, 2006 in the amount of \$229,434.67.

Motion Carried: Unanimously

**C. Authorizing the Supervisor to Execute Agreements for On-Line Tax Payments – via Credit Card and Electronic Checks**

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

WHEREAS the Receiver of Taxes of the Town of Ossining has reported that local taxpayers have made numerous inquiries and requests for the ability to make tax payments on line via credit cards, debit cards and electronic checks; and

WHEREAS the Receiver of Taxes has reviewed numerous systems and services involving credit card and electronic check payments via the Internet, including a system offered by Municipal-Payments.com, in partnership with KVS, which allows tax districts to collect any type of bill or payment, including taxes, over the Internet, 24 hours per day, every day; and

WHEREAS the cost of such service to the Town of Ossining, will consist of an initial enrollment fee of \$595.00 and an annual renewal fee thereafter of \$425.00 per year, the cost of individual Internet and credit card transactions to be passed through to taxpayers who avail themselves of these services; and

WHEREAS the Receiver of Taxes, after reviewing the proposed systems and other available systems, has recommended that the Town of Ossining adopt the system offered by Municipal-Payments.com/KVS, which is in use in the office and is in other tax districts in Westchester County, including the Town of Pound Ridge and in the very near future, the City of Peekskill; now, therefore, be it

RESOLVED that the Supervisor be, and hereby is, authorized and directed to execute the following agreements on behalf of the Town of Ossining, subject to review and approval by the Town Attorney as to form:

1. Enrollment Agreement with Municipal-Payments.com for a system enabling the Town of Ossining to collect bills and payments, including but not limited to tax payments, via the Internet, 24 hours per day, every day at an initial enrollment fee of \$595.00 and an annual renewal fee thereafter of \$425.00;
2. Agreement with ACH Direct for the purpose of enabling the Town of Ossining to accept payments by electronic check at no cost to the Town of Ossining; and
3. Merchant Credit Card Processing Agreement with Total Merchant Service for the purpose of enabling the Town of Ossining to collect bills and payments by credit card and debit card for an account fee of \$15/month.

Motion Carried: Unanimously

**D. Entering into an Agreement with Westchester County to secure grant Funding for Engel Park Playground Project**

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 Supervisor to enter into an agreement with Westchester County for a Community Development Block Grant in the amount of \$150,000 for the Engel Park Playground project.

Motion Carried: Unanimously

**E. Assessor's Office-Full Time Temporary Appointment**

Councilmember Wilcher 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 Andrea-Levy Levinson, Horseshoe Circle, Ossining, NY to the full-time Temporary position of Assistant Assessment Clerk at an hourly rate of \$16.00/hr. effective August 25, 2006 pursuant to Section 64 of the Civil Service Law and rule 14 of the Westchester County Civil Service Rules. Such appointment shall not extend beyond the current incumbent's leave of absence.

Motion Carried: Unanimously

**F. Authorizing Settlement Agreement, Mutual Release and stipulation of discontinuance with prejudice concerning Cable Television Franchise Fees Litigation**

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

Whereas, in or about October 2002, the Town of Ossining entered into an Agreement authorizing the assignment of the Town of Ossining's cable television franchise from Media One of New York, Inc. ("AT&T/Media One" to Cablevision of Boston, Inc. ("Cablevision") as part of an exchange of assets between the two companies; and

Whereas, AT&T/Media One remained liable to the Town of Ossining for any violations of its cable television franchise agreement with the Town of Ossining or uncured deficiencies in Media One's performance under the Franchise Agreement ("Claims") that existed or arose prior to the Exchange, including any those that may be disclosed in a franchise fee audit to be performed by or on behalf of the Town after such assignment; and

Whereas, Cablevision agreed to indemnify the Town of Ossining in connection with any such Claims, including monetary or other compensation, in the event the Town of Ossining is unable to obtain satisfactory resolution of any Claims from AT&T/Media One; and

Whereas, a consortium of Westchester municipalities was organized to, among other things, share the costs of the Audit, which Consortium is comprised of the Towns of New Castle, Mount Pleasant and Ossining and the Villages of Pleasantville and Ossining; and

Whereas, the audit dated August 6, 2002, was prepared on behalf of the Consortium by Ashpaugh & Sculco, CPA's, PLC, which Audit disclosed franchise fees due the Consortium in the aggregate in excess of \$440,000.00; and

Whereas, despite its due diligence and good faith efforts, the Consortium was unable to obtain a satisfactory resolution of the Claims with either AT&T/Media One or Cablevision; and

Whereas, the Consortium retained the law firm of Wormser, Kiely, Galef & Jacobs, LLP. as special counsel to represent its interests as a member of the Consortium in all legal proceedings against Cablevision and if necessary AT&T/Media One, relative to the Claims; and

Whereas, Wormser, Kiely, Galef & Jacobs, LLP. have negotiated a settlement agreement with Comcast of Boston Inc. (f/k/a MediaOne of New York) and Cablevision of Wappinger Falls, Inc (f/k/a Cablevision of Boston, Inc.) for a total amount of \$372,000 to be paid to the members of the Consortium, of which the Town of Ossining will receive (10.6%)-\$39,432.00.

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to execute a settlement agreement, mutual release and stipulation of discontinuance with prejudice as recommended by the law firm of Wormser, Kiely, Galef & Jacobs LLP concerning cable television franchise fees litigation.

Motion Carried: Unanimously

**G. Authorizing renewal of Generator Inspection Contract for Lift Stations**

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 authorizes the Town Supervisor to sign a renewal generator inspection contract with Gabel Equipment Corporation of Port Chester, New York for regularly scheduled service visits of the Town's lift stations effective October 1, 2006-October 1, 2007.

Motion Carried: Unanimously

**H. Calling for a Public Hearing on a Local Law to amend Chapter 138 of the Town Code Concerning Parks**

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 on Tuesday, September 26, 2006 at 7:30pm at the Village of Ossining Police/Court Facility, 86-88 Spring Street, Ossining, NY to consider amending subsection H of Section 138-5 of the Code of the Town of Ossining concerning the prohibition of music or loudspeakers to be used after 9:00pm on any day in a Town park, except as specifically authorized in a permit issued by the Town of Ossining and in compliance with Chapter 130 (Noise) of the Town Code.

Motion Carried: Unanimously

**I. Entering into an agreement with New York State Dept. of Civil Service for Medicare Part D Retiree Drug Subsidy Distribution**

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

Whereas, the Medicare Prescription Drug Program, Improvement and Modernization Act of 2003 established prescription drug coverage for Medicare-eligible beneficiaries under Medicare Part D; and

Whereas, if an employer provides to its Medicare-eligible retirees prescription drug benefits that are at least equivalent to those that otherwise would

be provided by Medicare, the Federal government will make subsidy assistance payments either directly to or on behalf of the employer; and

Whereas, the federal subsidy offered under this program is intended to provide a financial incentive or assistance to employers to continue providing prescription drug benefits to it Medicare-eligible retirees, thereby relieving the Medicare program of coverage responsibility; and

Whereas, the Town of Ossining is a participating agency with the New York State Health Insurance Plan (NYSHIP) which is administered by the New York State Department of Civil Service; and

Whereas, the New York State Department of Civil Service shall administer the Medicare Part D Retiree Drug Subsidy on behalf of each participating employer in the New York State Health Insurance Program; and

Whereas, the Town of Ossining is due to receive approximately \$3,200 from the New York State Department of Civil Service for those individuals who did not enroll in Medicare Part D;

Now, therefore be it Resolved, that in order to effect the distribution of the subsidy, the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into an agreement with the New York State Department of Civil Service for Medicare Part D Retiree Drug Subsidy distribution.

Motion Carried: Unanimously

#### IV. MONTHLY REPORTS – August, 2006

Councilmember Wilcher moved and it was seconded by Councilmember Dodge that the reports for the Month of August, 2006 from Town Clerk and Building Department be received and filed.

Motion Carried: Unanimously

#### V. VISITOR RECOGNITION

Gloria Fried, Receiver of Taxes, announced that as a result of many requests from residents who live out of state, work in New York City or other situations payment on line tax payments via credit card and electronic checks has been adopted by the Town Board. The tax bills can be paid by either e-check, credit card or debit card.

Bobby Williams, Spring Street, announced that the NAACP would be holding a meeting at the Ossining Public Library on September 14<sup>th</sup> at 7 p.m. which is a re-organizational meeting. Also discussed was allowing young people to move into the Board Rooms of the many companies throughout the nation. The youth must be educated to attain this goal.

#### VI. ADJOURNMENT

At 8:13 p.m., Councilmember Harter moved and it was seconded by Councilmember Dodge that the meeting be adjourned in Honor and in Memory of all who lost lives on September 11, 2001.

Motion Carried: Unanimously

Approved:

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Mary Ann Roberts, Town Clerk