

TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
MAY 8, 2007  
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 May 8, 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: Northern Wilcher, David Krieger and Martha Dodge. Councilmember Geoffrey Harter was absent. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

II. ANNOUNCEMENTS

Maureen Redmond announced that the Old Mill Singers will be performing “Movie Madness” at the Ossining High School on June 8<sup>th</sup> and 9<sup>th</sup>. Gary Bratt has been the director for the past 36 years. For any further questions, please call 941-3906.

Councilmember Martha Dodge thanked the Community for their participation in Walk to Work Walk to School which took place on May 4<sup>th</sup>. It was a great success with over 100 volunteers participating in the special events at Claremont and AMD schools. Please tabulate the mileage that you walked or provide the starting and ending points for the committee to calculate.

Councilmember David Krieger announced that the Annual School Budget vote will take place on May 15<sup>th</sup> at the Ossining High School Gymnasium from 7 a.m. to 9 p.m. On June 16<sup>th</sup> the Annual Portuguese Festival will take place.

III. BOARD RESOLUTIONS

A. Approval of Minutes – April 24, 2007

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the April 24, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated May 8, 2007 in the amount of \$380,607.81.

Motion Carried: Unanimously

C. H/D – Awarding Bid for Bituminous Concrete

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

Resolved, that upon the recommendation of the Highway Superintendent, the Town Board hereby awards the Bid for Bituminous Concrete to Peckham Materials Corp., 2 Haarlem Avenue, White Plains, N.Y. 10603 in the amount of \$58.00 per ton at plant.

Motion Carried: Unanimously

D. Taxes-2007 Foreclosure Title Search

Councilmember Wilcher 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 appoints Maureen Redmond of Judicial Title Insurance Agency, Inc. to perform the title and lien searches required in connection with the 2007 In Rem foreclosure proceedings at a fee of \$250 per parcel.

Motion Carried: Unanimously

E. Finance-Capital Project # 2007-2151-Cedar Lane Park Water Main

Councilmember Wilcher 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 establishment of Capital Project # 2007-2151, entitled Cedar Lane Park Water Main, in the amount of \$779,625.00, to be financed by a serial bond in the amount of \$675,000.00 and a Community Development Block Grant in the amount of \$104,625.00

Motion Carried: Unanimously

F. Finance-Budget Adjustment-Engel Park Playground Project

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

Whereas, the Town of Ossining received a Community Development Block Grant in FY 2006 in the amount of \$150,000 towards the Engel Park Playground Improvement Project and also issued a Bond Anticipation Note in the amount of \$50,000 in FY 2007 for the Town's contribution toward the project; and

Whereas, the budgeted amount for the Engel Park Playground Improvement Project was originally established at \$199,438.40; and

Whereas, an adjustment must be made to the expenditure side of the budget in order for revenues and expenses to equal, now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the budget for Capital Project # 2006-2146 to be increased from \$199,438.40 to \$200,000.00.

Motion Carried: Unanimously

G. Personnel-Establishment of New Titles

Councilmember Krieger 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 establishment of a new title entitled Bus Driver with a starting salary of \$27,445; and be it further

Resolved, that the Town Board also authorizes the establishment of a new title entitled Intermediate Clerk with a starting salary of \$35,194.

Motion Carried: Unanimously

H. Personnel-Agreement-CSEA

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 authorizes the Supervisor to enter into a Stipulation of Agreement between the Town of Ossining and the Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO in order to correct the misclassification of civil service titles for two Community Service Aide positions (Senior Center).

Motion Carried: Unanimously

I. Agreement-United States Department of Agriculture Natural Resources Conservation Service

Councilmember Krieger 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 enter into Amendment No. 2 with United States Department of Agriculture Natural Resources Conservation Service to amend the original agreement to allow for a no cost time extension until September 30, 2007 for the Engel Park Vegetative Restoration project.

Motion Carried: Unanimously

J. Agreement-Music Makers Unlimited

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 enter into an agreement with Music Makers Unlimited of Peekskill, NY for the Memorial Day Parade to be held on May 28, 2007 at a cost of \$750.00.

Motion Carried: Unanimously

K. Temporary Appointment-Highway Department

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 Ryan M. Knapp, Snowden Avenue, Ossining, NY to the temporary position of Laborer in the Highway Department at a rate of \$12.00/hr. effective May 7, 2007.

Motion Carried: Unanimously

L. Authorizing Change in Valuation Date for Tax Assessments

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

Whereas, Section 283.141(3) of the Laws of Westchester County (“the County Code”) provides that any town in Westchester County may, subject to approval by its legislative body, elect as the valuation date for tax assessment of its real property the date which is used by the New York State Office of Real Property Tax Services (“ORPS”); and

Whereas, the date used by ORPS is the July 1 prior to the tax status date (June 1 in Westchester County) under consideration; and

Whereas, the Assessor and the Town Attorney believe that adoption of the ORPS valuation date will be of assistance to the Town, particularly the Assessor’s Office, in administering the tax assessment process; now therefore be it

Resolved, that the valuation date for real property in the Town of Ossining for purposes of real property tax assessment shall be the July 1 immediately preceding the June 1 status date, which is also the date for filing of the tentative assessment roll, in each and every year from the date of the resolution forward; and it is further

Resolved, that the Assessor and/or the Town Clerk shall notify the Westchester County Department of Finance of this resolution within thirty days of its passage in accordance with the above provision of the County Code.

Motion Carried: Unanimously

M. Setting a Public Hearing date on a Local Law to amend Chapter 180-2 of the Town Code concerning Senior Citizens Tax Exemption

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 calls for a Public Hearing to be held at 7:30pm on Tuesday, May 22, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining to consider amending Chapter 180-2, of the Town Code to delete all previous maximum income limits for the partial exemption for senior citizens and substituting new, higher income limits for assessment years beginning in 2007 and increasing annually thereafter in accordance with a schedule promulgated by Westchester County.

Motion Carried: Unanimously

N. Setting a Public Hearing date on a Local Law to amend Section 180-24 of the Town Code concerning exemption for Persons with Disabilities and Limited Incomes

Councilmember Krieger 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 calls for a Public Hearing to be held at 7:30pm on Tuesday, May 22, 2007 in the Police/Court facility, 86-88 Spring Street, in Ossining to consider amending Section 180-24 of the Town Code to delete all previous maximum income limits for the partial exemption for persons with disabilities and substituting new, higher income limits for assessment years beginning in 2007 and increasing annually thereafter in accordance with a schedule promulgated by Westchester County.

Motion Carried: Unanimously

O. CERTIORARI SETTLEMENT- NORTH STATE DEVELOPMENT GROUP  
 vs.  
 TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by North State Development Group, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 549 North State Road, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.15, Block 1, Lot 44 (f/k/a Section 1.07A, Block 20, Lot 18), for assessment years 2002 through 2006, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16394/02, 14774/03, 16407/04, 17303/05 and 18647/06; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Parcel ID	Assessment Year	Original Assessment	Corrected Assessment	Reduction
90.15-1-44	2002	144,700	144,700	-0-
	2003	144,700	144,700	-0-
	2004	144,700	122,995	21,705
	2005	144,700	115,760	28,940
	2006	144,700	115,760	28,940

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, that the Assessor is authorized and directed to make the changes and corrections to the tax assessment rolls of the Town of Ossining which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes, estimated to be \$9,095.56, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

P. Seasonal Appointments – Parks Department

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 appoints the following seasonal employees to the Town Parks Department:

<u>NAME</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Spencer Thomas, Jr.	\$8.00/hr.	May 8, 2007
Brett Wells	\$8.50/hr.	May 8, 2007
Richard Lewis	\$9.50/hr.	May 8, 2007
Danye Smith-Robinson	\$8.50/hr.	May 8, 2007

Motion Carried: Unanimously

Q. Personnel - Teamsters

Councilmember Wilcher 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 issue a response on behalf of the Town Board to the Teamsters Union Local No.456 concerning a Step 3 grievance.

Motion Carried: Unanimously

IV. MONTHLY REPORTS

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

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Sym Storch, Town outside resident, made a number of comments regarding the situations at Engel Park such as not having any bathroom facilities. A path has been made thru the debris for people to walk. There is 2 to 3 feet of sand and debris piled on the walkway. The water fountains don't work; the canopy is not up; there is poison ivy growing on the rocks near the Boat & Canoe Club and the gate has been taken down allowing vehicles to drive on the lawn. The rubbish has been there for more than a week. The new trees are not being taken care of. The chips surrounding the play area should be maintained in a better fashion.

Bobby Williams, Spring Street, stated that the Village Board was having the Sing Sing Museum presentation and the School Board was having a budget hearing at the same time as the Town Board Meeting and it is difficult to participate in each meeting. The Town Board should be a part of the Sing Sing Museum Presentation. He was glad to hear that the Town is addressing the debris in the park as it is being used by many. The residents of the Community should get involved in local government as we all benefit from it.

VI. ADJOURNMENT

At 8:22 pm, Councilmember Krieger moved and it was seconded by Councilmember Dodge that the meeting be adjourned into Executive Session for the purpose of litigation.

Motion Carried: Unanimously

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Mary Ann Roberts, Town Clerk

Approved: