

TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
MAY 22, 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 22, 2007 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 pm by Supervisor John Chervokas. Other members of the Board present were: Geoffrey Harter, Northern Wilcher, Martha Dodge and David Kreiger. Also present were: Wayne Spector, Deputy Town Attorney and Mary Ann Roberts, Town Clerk. Town Attorney Tom Beirne and Budget Officer Connie Cerny were absent.

II. PUBLIC HEARING – In the matter of a proposed Local Law to amend Chapter 180-2 of the Town Code concerning Senior Citizens Tax Exemption

Supervisor Chervokas opened the public hearing at 7:31 pm

Bobby William, Spring Street, questioned what is the criteria in to qualify for the senior exemption. Supervisor Chervokas responded that you must be at least 65 years of age and have an income of \$0 - \$26,000 for a 50% exemption.

At 7:34 pm, Councilmember Harter moved and it was seconded by Councilmember Dodge that the hearing be closed.

Motion Carried: Unanimously

III. PUBLIC HEARING - In the matter of a proposed Local law to amend Section 180-24 of the Town Code concerning Exemptions for Persons with Disabilities

Supervisor Chervokas opened the public hearing at 7:34 pm

Supervisor Chervokas stated that he had spoken to the Assessors and found that there were only a handful of individuals who participate in this program.

At 7:35 pm, Councilmember Harter moved and it was seconded by Councilmember Krieger that the hearing be closed.

Motion Carried: Unanimously

IV. PRESENTATION – Stormwater Annual Report – Year 4 of 5

Jim Vanoli, Stormwater Officer, made a presentation to the Board. The Stormwater is a 5 year program and we are now in the 4th year. This is a program that was implemented by the Federal Government in March 2003. An annual report must be filed with the State to verify that the Town is in compliance with the law. There are a number of items to keep in pace with this program such as public participation with public education and outreach with elicit discharge; construction erosion control;

post construction erosion control; and good housekeeping of municipalities (highway garage and DPW operations). The third measurable quality of this program is the catch basins, drains and streams. The Town Website or the Police Chief's mass mailing will have the IDD form which is a form to complete with a simple check list to include the date, location and condition of the catch drains and basins as well as streams. A local law was passed to cover the construction erosion control. There are also links on the Town website for further details. A vector truck was purchased in the 4th year for catch basin cleaning. The Annual Report is on the website and there will also be a booth at the Village Fair for further information.

Councilperson Dodge questioned whether the property owner or the Town will be responsible for maintenance at a sub-division of the retention pond. Mr. Vanoli responded that this is under consideration at the point in time. If it is a condo, it would more than likely be the condo owner's responsibility. If it is fee simple, then it would be a judgment call on behalf of the Town. This will be a policy decision of the Board. Assessor Polzella has filed for a grant for mapping. Supervisor Chervokas clarified that this pertains to the Unincorporated area.

V. ANNOUNCEMENTS

Councilmember Krieger made the following announcements:

June 2nd is the opening of the Farmer's Market which runs from 8:30 a.m. – 2 p.m. at Market Square.

June 9th is the Village Fair with the parade at 9:30 a.m. and the fair opening at 10 a.m. – 5 p.m.

June 16th is Bark in the Park at Cedar Lane Park

Councilmember Dodge announced that the Annual Memorial Day Parade will be held on Monday, May 28th beginning at 9:30 a.m. at the corner of Calam and Croton Avenue.

VI. BOARD RESOLUTIONS

A. Approval of Minutes – May 8, 2007

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the May 8, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated May 22, 2007 in the amount of \$208,457.41.

Motion Carried: Unanimously

C. Agreement-Westchester County-Cedar Lane Park Water Main

Councilmember Harter 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 enter into an agreement with Westchester County for a Community Development Block Grant in the amount of \$104,625.00 for the installation of a Water Main at Cedar Lane Park.

Motion Carried: Unanimously

D. Awarding of Bid - Rear-Loading Refuse Collection Truck Body

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

Whereas, the Town of Ossining has solicited bids for a rear-loading refuse collection truck body; and

Whereas, a public notice was advertised in the Journal News on April 30, 2007; and

Whereas, at 10:00 a.m. on Monday, May 14, 2007 one bid was received and opened. Upon reviewing the bid, the Town Attorney determined that the lowest responsible bidder meeting the requirements of the contract documents for a rear loading refuse collection truck body is Empire Municipal Equipment, LLC of Flushing , NY at a total bid price of \$57,725.00;

Now, therefore, be it Resolved, that the rear loading refuse collection truck body is hereby awarded to Empire Municipal Equipment, LLC for a total bid price of \$57,725.00.

Motion Carried: Unanimously

E. Highway Department-Seasonal Appointment

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 Michael T. Shaw, Everett Avenue, Ossining, NY to the seasonal position of Laborer in the Highway Department effective May 14, 2007 at an hourly rate of \$12.00/hr.

Motion Carried: Unanimously

F. Justice-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 Ann Carroll Malone, Iroquois Road, Ossining, NY to the full time temporary position of Court Clerk at an hourly rate of \$24.00/hr. effective May 29, 2007 pursuant to Sec. 64 of the Civil Service Law and Rule 14 of the Westchester County Civil Service Rules. Such appointment shall not exceed three months.

Motion Carried: Unanimously

G. Parks Department-Part Time Availability Appointment

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 appoints Dean Carretta, Donald Lane, Ossining, NY as a Park Attendant at \$30.00/day for custodial services of Engel Park and \$50.00/day for Gerlach Park, effective May 23,2007.

Motion Carried: Unanimously

H. Adoption of Local Law No. 4-2007

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

Be it Enacted by the Town Board of the Town of Ossining as follows:

Section 1. Subsection A of Section 180-24 (Exempt Persons and Income) of Chapter 180 (Taxation) of the Code of the Town of Ossining is repealed and replaced by a new Subsection A to read as follows:

A. Exemption Schedule

1. For the 2007 assessment roll (based on June 1, 2007 taxable status date), the exemption shall be as follows:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0 to \$26,000.00	50%
\$26,000.01 to \$26,999.99	45%
\$27,000.00 to \$27,999.99	40%
\$28,000.00 to \$28,999.99	35%
\$29,000.00 to \$29,899.99	30%
\$29,900.00 to \$30,799.99	25%
\$30,800.00 to \$31,699.99	20%
\$31,700.00 to \$32,599.99	15%
\$32,600.00 to \$33,499.99	10%
\$33,500.00 to \$34,399.99	5%

2. For the 2008 Assessment Roll (based on June 1, 2008 taxable status date), the exemption shall be as follows:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0 to \$27,000.00	50%
\$27,000.01 to \$27,999.99	45%
\$28,000.00 to \$28,999.99	40%
\$29,000.00 to \$29,999.99	35%
\$30,000.00 to \$30,899.99	30%
\$30,900.00 to \$31,799.99	25%
\$31,800.00 to \$32,699.99	20%
\$32,700.00 to \$33,599.99	15%
\$33,600.00 to \$34,499.99	10%
\$34,500.00 to \$35,399.99	5%

3. For the 2009 Assessment Roll (based on June 1, 2009 taxable status date), the exemption shall be as follows:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0 to \$28,000.00	50%
\$28,000.01 to \$28,999.99	45%
\$29,000.00 to \$29,999.99	40%
\$30,000.00 to \$30,999.99	35%
\$31,000.00 to \$31,899.99	30%
\$31,900.00 to \$32,799.99	25%
\$32,800.00 to \$33,699.99	20%
\$33,700.00 to \$34,599.99	15%
\$34,600.00 to \$35,499.99	10%
\$35,500.00 to \$36,399.99	5%

4. For the 2010 Assessment Roll (based on June 1, 2010 and subsequent taxable status dates), the exemption shall be as follows:

<u>Annual Income</u>		<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0	to \$29,000.00	50%
\$29,000.01	to \$29,999.99	45%
\$30,000.00	to \$30,999.99	40%
\$31,000.00	to \$31,999.99	35%
\$32,000.00	to \$32,899.99	30%
\$32,900.00	to \$33,799.99	25%
\$33,800.00	to \$34,699.99	20%
\$34,700.00	to \$35,599.99	15%
\$35,600.00	to \$36,499.99	10%
\$36,500.00	to \$37,399.99	5%

Section 2. Subsection B of the afore-mentioned Section 180-24 of the Code is amended to read as follows:

- “B. The income of the owner or the combined income of the owners of the property, from all sources, as set forth in New York State Real Property Tax Law § 459-c, for the income tax year immediately preceding the date of making application for exemption must not exceed \$34,399.99 for calendar year 2006, \$35,399.99 for calendar 2007, \$36,399.99 for calendar 2008 and \$37,399.99 for calendar 2009 and succeeding years.

Section 3. This local law shall be effective immediately as permitted by law.

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

I. Adoption of Local Law No. 5 - 2007

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

Be it Enacted by the Town Board of the Town of Ossining as follows:

Section 1. Section 180-2 of Chapter 180 (Taxation) of the Code of the Town of Ossining is repealed and replaced by a new Section 180-2 (Amount of Exemption) to read as follows:

- A. For the 2007 assessment roll (based on June 1, 2007 taxable status date), the exemption shall be as follows:

<u>Annual Income</u>		<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0	to \$26,000.00	50%
\$26,000.01	to \$26,999.99	45%
\$27,000.00	to \$27,999.99	40%
\$28,000.00	to \$28,999.99	35%
\$29,000.00	to \$29,899.99	30%
\$29,900.00	to \$30,799.99	25%
\$30,800.00	to \$31,699.99	20%
\$31,700.00	to \$32,599.99	15%
\$32,600.00	to \$33,499.99	10%
\$33,500.00	to \$34,399.99	5%

- B. For the 2008 Assessment Roll (based on June 1, 2008 taxable status date), the exemption shall be as follows:

<u>Annual Income</u>		<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0	to \$27,000.00	50%
\$27,000.01	to \$27,999.99	45%
\$28,000.00	to \$28,999.99	40%
\$29,000.00	to \$29,999.99	35%
\$30,000.00	to \$30,899.99	30%
\$30,900.00	to \$31,799.99	25%
\$31,800.00	to \$32,699.99	20%
\$32,700.00	to \$33,599.99	15%
\$33,600.00	to \$34,499.99	10%
\$34,500.00	to \$35,399.99	5%

C. For the 2009 Assessment Roll (based on June 1, 2009 taxable status date), the exemption shall be as follows:

<u>Annual Income</u>		<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0	to \$28,000.00	50%
\$28,000.01	to \$28,999.99	45%
\$29,000.00	to \$29,999.99	40%
\$30,000.00	to \$30,999.99	35%
\$31,000.00	to \$31,899.99	30%
\$31,900.00	to \$32,799.99	25%
\$32,800.00	to \$33,699.99	20%
\$33,700.00	to \$34,599.99	15%
\$34,600.00	to \$35,499.99	10%
\$35,500.00	to \$36,399.99	5%

D. For the 2010 Assessment Roll (based on June 1, 2010 and subsequent taxable status dates), the exemption shall be as follows:

<u>Annual Income</u>		<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$0	to \$29,000.00	50%
\$29,000.01	to \$29,999.99	45%
\$30,000.00	to \$30,999.99	40%
\$31,000.00	to \$31,999.99	35%
\$32,000.00	to \$32,899.99	30%
\$32,900.00	to \$33,799.99	25%
\$33,800.00	to \$34,699.99	20%
\$34,700.00	to \$35,599.99	15%
\$35,600.00	to \$36,499.99	10%
\$36,500.00	to \$37,399.99	5%

Section 2. Subsection 180-3 (Qualifications for Exemption) is amended by adding to the fourth sentence of paragraph A. thereof the phrase “or veteran’s disability compensation, as defined in Title 38 of the United States Code,” so that such sentence shall read as follows:

“Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances, or veteran’s disability compensation, as defined in Title 38 of the United States Code.”

Section 3. Subsection A. of Section 180-6 (Mailing of Notice and Application Form) of Chapter 180 (Taxation) of the Code of the Town of Ossining is repealed and replaced by a new Subsection A. to read as follows:

A. The Town of Ossining shall notify or cause to be notified each person owning residential real property in the Town of Ossining of the provisions hereof. Such notice requirement may be met by a notice or legend sent on or with each tax bill to such persons reading substantially as follows: "SENIOR CITIZENS: If your annual income is less than \$35,000.00 for calendar year 2006, \$36,000.00 for calendar year 2007, \$37,000.00 for calendar year 2008 or \$38,000.00 for calendar year 2009 and subsequent years, you may be eligible for senior citizen tax exemption. Senior citizens have until June 1 of each year to apply for such exemption. For information, please call or write the Assessor's Office, Town of Ossining, 16 Croton Avenue, Ossining, New York 10562 (914) 762-6000."

Section 4. This local law shall be effective immediately as permitted by law.

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

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, questioned the resolution regarding the purchase of a refuse collection truck body. Is the Town going to pick up garbage? Is it cheaper for a contractor to clean the catch basins? Supervisor Chervokas stated that this is for the pick up of yard debris. It is actually easier to be able to clean our own basins with the equipment at the ready rather than waiting for the contractor's schedule. Councilperson Harter responded that the truck for cleaning the catch basins was two years old and purchased at half the price. The Superintendent of Highways has been able to clean 4 or 5 times as much as with a private contractor. Councilperson Dodge related that the refuse collection truck body will be used to collect yard waste which is also a part of the storm water program. Mr. Williams commended the crew who did the clean up at Engel Park. They did a wonderful job. The park is for everyone to use. A suggestion was made to add additional benches.

VIII. ADJOURNMENT

At 8:08 pm, Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk