

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

JULY 14, 2009
7:30 PM

SUPERVISOR
Catherine Borgia
COUNCILMEMBERS

Geoffrey Harter Michael L. Tawil
David Krieger Northern Wilcher

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on July 14, 2009 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Geoffrey Harter, David Krieger, Northern Wilcher and Michael Tawil. Also present were: Wayne Spector, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

II. ANNOUNCEMENTS

Councilmember Krieger announced a United Way Clearinghouse 212 which is in concert with the County of Westchester is sponsoring "Financial Helpline on Tuesday, July 21 and Wednesday, July 22 from 4 – 8 p.m. Financial experts will be on hand to give free and reliable advice on y topics as well as referrals to free and low cost programs and services.

Supervisor Borgia announced that the Town Board will be joining the Village Board at 16 Croton Avenue at the conclusion of this Town Board Meeting to review the recently received Fire Department Study. A thank you was extended to all Village and Town employees for a successful and incident free fireworks display

III. PUBLIC COMMENT ON AGENDA ITEMS – There were none.

IV. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Tawil 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 Minutes of the June 23, 2009 Regular Meeting as presented.

Vote: 4 – 0 – 1

Voting Yes: Harter, Tawil, Wilcher,
Borgia

Abstaining: Krieger

Councilmember Krieger was absent from the June 23rd meeting.

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated July 14, 2009 in the amount of \$226,599.31.

Motion Carried: Unanimously

C. Sewers – Approval of North State Road Sewer District Extension
Ann McCudden – 98A Morningside Drive

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

Whereas, a Petition for the extension of the North State Road Sewer District located at 98A Morningside Drive in the Town of Ossining, Westchester County, New York, dated June 3, 2009, has been presented to the Town Board by Ann McCudden, and

Whereas, an Order was duly adopted by the Town Board on June 9, 2009 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying June 23, 2009 at 7:30 pm in the Police/Court Facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a Public Hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same, and

Whereas, such Order was duly posted and published as required by law, and

Whereas, a public hearing on the matter was duly held by the Town Board on June 23, 2009, where discussion of the matter was had and all persons interested were given the opportunity to be heard, and

Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing to be borne by the Town of Ossining, the North State Road Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved (a) that the Petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the Extension of the North State Road Sewer District located at 98A Morningside Drive in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

The question being put, the roll was called with the following result:

Councilmember Geoffrey Harter	Voting	Yes
Councilmember David Krieger	Voting	Yes
Councilmember Northern Wilcher	Voting	Yes
Councilmember Michael Tawil	Voting	Yes
Supervisor Catherine Borgia	Voting	Yes

The resolution was thereupon declared duly adopted.

D. Calling for a Public Hearing – Introductory Local Law 2 of 2009 Amending the Zoning Ordinance

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

Resolved, that a public hearing be held before the Town Board of the Town of Ossining at the Police/Court Facility, 86-88 Spring Street, Ossining, on July 28, 2009 beginning at 7:30 pm to consider Introductory Local Law 2 of 2009 which would amend the Zoning Ordinance (Chapter 200) of the Town of Ossining to change the zoning of the easterly portion of the property located at 513 North State Road currently zoned R-30 One-Family Residential District to GB General Business District.

Motion Carried: Unanimously

E. REVISED CERTIORARI SETTLEMENT
Briar Oaks Condominium
vs.
Town of Ossining

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

WHEREAS, on February 10, 2009, the Town Board passed a resolution to correct the individual unit assessments on the tax assessment rolls of the Town of Ossining for Briar Oaks Condominium; and

WHEREAS, the February 10, 2009 resolution contained errors with respect to unit assessment figures, which errors have been corrected in this revised resolution; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by, Petitioner, Briar Oaks Condominium, against the Town of Ossining to review the tax assessments made on Petitioner's property located on Chappaqua Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.19 Block 2 , Lots 13./0012 through 13./0026; for assessment years 2008, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21434/08; 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:

Unit Number	Original Assessment	Corrected Assessment	Reduction
353-12	16,400	13,268	3,132
353-15	17,500	12,688	4,812
353-16	18,900	13,703	5,197
353-21	18,300	13,268	5,032
353-22	17,220	16,385	835
353-23	17,900	12,978	4,922
353-24	22,600	12,485	10,115
353-25	20,500	14,863	5,637
353-26	22,600	16,385	6,215

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 individual unit assessments on 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 \$433.51, which will be ordered pursuant to consent judgment.

Motion Carried: Unanimously

F. CERTIORARI SETTLEMENT
 TRUMP NATIONAL GOLF CLUB, LLC
 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, Petitioner, Trump National Golf Club, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located on Shadow Tree Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as section 98.14, block 1, lot 1, for the assessment years 2007 and 2008, which proceedings are now pending in the supreme court of the State of New York, County of Westchester, under index nos. 20385/07 and 21939/08, and

WHEREAS, the petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, discontinuing the proceeding for 2007, and correcting and reducing the assessed valuation of its real property and improvements, for 2008, as follows:

Original Assessment	1,779,975
Corrected Assessment	808,000
Reduction in Assessment	971,975, 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 is pending as well as approval by the Briarcliff Manor School District; 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 assessment on the tax assessment roll 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 \$9,180.71, which will be ordered pursuant to consent judgment.

Motion Carried: Unanimously

G. CERTIORARI SETTLEMENT
 TRUMP BRIARCLIFF MANOR DEVELOPMENT, LLC
 VS.
 TOWN OF OSSINING

Councilmember Harter 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, Petitioner, Trump Briarcliff Manor Development, LLC, against the Town of Ossining to review the tax assessments made on petitioner's property located on Shadow Tree Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as section 98.14, block 1, lot 1/0017 through 1/0087, for the assessment year 2008, which proceeding is now pending in the supreme court of the State of New York, County of Westchester, under index no. 21942/08, and

WHEREAS, the petitioner has agreed to a compromise and settlement of such proceeding, subject to the approval of the Town Board, correcting and reducing the total assessed valuation of its real property and improvements, for 2008, as follows:

Total Original Assessment	773,103
Total Corrected Assesment	302,979
Total Reduction in Assessment	470,124, and

correcting and reducing the individual unit assessments as per the schedule included herein:

SCHEDULE OF ASSESSMENT REDUCTIONS
 ASSESSMENT YEAR 2008

Lot	Final Assessment	Reduced Assessment
17	\$8,293	\$3,250
18	\$7,533	\$2,952
19	\$9,039	\$3,542
20	\$5,800	\$2,273
21	\$7,005	\$2,745
22	\$11,073	\$4,340
23	\$11,073	\$4,340
24	\$7,005	\$2,745
25	\$9,039	\$3,542
26	\$7,533	\$2,952
27	\$8,293	\$3,250
28	\$8,858	\$3,471
29	\$8,097	\$3,173
30	\$16,791	\$6,580
31	\$7,570	\$2,967
32	\$11,638	\$4,561
33	\$11,638	\$4,561
34	\$7,570	\$2,967
35	\$9,604	\$3,764

36	\$8,097	\$3,173
37	\$8,858	\$3,471
38	\$9,612	\$3,767
39	\$8,851	\$3,469
40	\$17,544	\$6,875
41	\$8,323	\$3,262
42	\$12,391	\$4,856
43	\$12,391	\$4,856
44	\$8,323	\$3,262
45	\$10,357	\$4,059
46	\$8,851	\$3,469
47	\$9,612	\$3,767
48	\$15,826	\$6,202
49	\$7,916	\$3,102
50	\$10,546	\$4,133
51	\$9,491	\$3,720
52	\$8,105	\$3,176
53	\$12,052	\$4,723
54	\$12,052	\$4,723
55	\$8,105	\$3,176
56	\$9,491	\$3,720
57	\$14,696	\$5,759
58	\$16,391	\$6,424
59	\$8,482	\$3,324
60	\$11,111	\$4,354
61	\$10,057	\$3,941
62	\$8,670	\$3,398
63	\$12,617	\$4,945
64	\$12,613	\$4,943
65	\$8,670	\$3,398
66	\$10,057	\$3,941
67	\$15,261	\$5,981
68	\$17,145	\$6,719
69	\$9,235	\$3,619
70	\$11,865	\$4,650
71	\$10,810	\$4,236
72	\$9,423	\$3,693
73	\$13,370	\$5,240
74	\$9,423	\$3,693
75	\$13,370	\$5,240
76	\$10,810	\$4,236
77	\$16,015	\$6,276
78	\$18,275	\$7,162
79	\$10,365	\$4,062
80	\$12,995	\$5,093
81	\$11,940	\$4,679
82	\$10,553	\$4,136
83	\$14,500	\$5,683
84	\$14,500	\$5,683
85	\$10,553	\$4,136
86	\$11,940	\$4,679
87	<u>\$17,145</u>	<u>\$6,719</u>
	\$773,103	\$302,979

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 proceeding, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceeding is pending as well as approval by the Briarcliff Manor School District; 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 individual unit assessments as per the schedule included herein on the tax assessment roll 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 \$4,440.42, which will be ordered pursuant to consent judgment.

Motion Carried: Unanimously

H. Police Department-Vehicle Lease Agreement

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 Supervisor to sign an agreement with Ford Motor Credit Company, Dearborn Michigan to lease a 2009 Ford Crown Victoria at a cost of \$6,673.73 per year for four years. After the lease has been satisfied, the Town may purchase the vehicle for \$1.00.

Motion Carried: Unanimously

I. Teamsters-Stipulation of Settlement

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

Resolved, that the Town Board hereby ratifies and approves the Stipulation between Anthony Bernardo, the Town and Local 456, I.B.T.; and be it further

Resolved, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation on its behalf.

Vote: 4 – 1 – 0

Voting Yes: Harter, Krieger, Wilcher
Borgia

Voting No: Tawil

J. Teamsters-Stipulation of Settlement

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

Resolved, that the Town Board hereby ratifies and approves the Stipulation between Mario Velardo, the Town and Local 456, I.B.T.; and be it further

Resolved, that the Town Board also acknowledges that this stipulation includes the reclassification of civil service titles for the Parks & Recreation employees; and be it further

Resolved, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation on its behalf.

Motion Carried: Unanimously

K. Town Property- Declaring Surplus Vehicles and Equipment

Councilmember Tawil 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 declares the following office equipment and vehicles as surplus to be sold via the best offer made by proposals submitted to the Town Clerk, 16 Croton Avenue, Ossining, no later than August 7, 2009. If no sale is able to be made, the equipment and vehicles can be disposed. The surplus consists of:

<u>EQUIPMENT</u>	<u>MODEL/SERIAL #</u>
HP Office Jet Fax/Copier	(d 145)-SN-SG6288
Kyocera Copier FS C5016N	ABQ 3902859
RICOH Fax Machine-1160L	M1700
(4) Window Unit Air Conditioners	
HP Business Inkjet 2200	SG07811026
HP Laserjet 6MP	USB6030686
Gateway Computer E3200	Mini Desktop Mav E 3200 500
DSNC Computer Tower	KN8218609
Gateway Monitor U700301	M1E2JB121130
Gateway Monitor	700-069EV
Gateway Keyboard	SN Q9011A1174
Gateway Tower	0013319209
Multi-purpose table	
(3) 14" XGA Color Monitors	J51246734, 46758,46740
Canon Fax Phone B45	UZF13507
Data General Terminal & Keyboard	GO346578
Epson Data Printer	LQ-1070
1999 Chevrolet 3500 Dump Truck	VIN # 1GBJK34R2XF088179
1996 Chevrolet Pick-up 3500	VIN # 1GCHK34R2TE249687
1998 Ford Expedition	VIN # 1FMPU18L5WLB31158

Motion Carried: Unanimously

L. Retirement-Deputy Town Clerk

Councilmember Tawil 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 accepts, with regret, the retirement of Constance Evans as Deputy Town Clerk, effective July 31, 2009.

Motion Carried: Unanimously

V. MONTHLY REPORTS – June, 2009

Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the reports for the month of June, 2009 from Town Clerk and Police Department be received and filed.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Krieger moved and it was seconded by Councilmember Tawil that the following correspondence be received and filed:

1. June, 2009 Helicopter Log from General Electric.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed the recent incident in Albany and its affect on sales tax amongst other important items pertaining to the running of New York State Government.

Linda Caruso, Ellis Place, questioned whether it was true that Supervisor had taken a 10% pay cut. Supervisor Borgia responded that it was true that she took a 10% pay cut as of January 1, 2009 and that the Town Board members have agreed to take a 10% pay cut as of July 1, 2009. Also questioned was Resolution D (Calling for a Public Hearing – Introductory Local Law 2 of 2009 Amending the Zoning Ordinance) and whether it was concerned as spot zoning. Supervisor Borgia responded that it had no impact on residential sites. Town Attorney Spector stated it was moving a line into a more appropriate place. Ms. Caruso questioned why 10 Ellis Place was re-zoned from residential to business with a stroke of a pen. Also questioned was the certiorari settlement for Trump with a reduction of approximately 50%. Ms. Caruso also commented on the retirement of Deputy Town Clerk Connie Evans and found her to be an intelligent, kind and professional individual as well as Deputy Town Clerk Patricia Fracassi who retired in mid June. She wished them both good health and happiness in their retirements. Also questioned were resolution I and J (Teamsters – Stipulation of Settlement). As one was a personnel matter no comment could be made and the other was an evaluation made by the County of the Parks Department and the gentleman was made an Assistant Foreman. A thank you was also extended to Councilmember Harter on how cordial he was to a young who turned out not to be a registered voter, but Councilmember Harter spoke to him for quite sometime and even invited him to a Town Board Meeting. A complaint was also made regarding a Foreman talking politics for over 3 hours while he should have been working. A second complaint was lodged regarding a bumper sticker on the back of a Town vehicle driven by an elected official. He should not be above the rest of us and he is violating Town policy. Supervisor Borgia did state that a policy change was made regarding bumper stickers and Town vehicles. Why is it taking so long to work on IMA's, some of which expired in 1992? Supervisor Borgia responded that the Town is looking at the Clerk IMA with the Clerk and Recreation as case studies. The Town and Village of Ossining as well as the Village of Briarcliff Manor are working with a worldwide organization, ICMA, on the Highway and Police. It is not all about saving money.

Supervisor Borgia extended congratulations to Town Justice Fran Connolly on her appointment to the New York State Supreme Court. The confirmation hearing will be held on Wednesday.

VIII. ADJOURNMENT

At 8:40 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