

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

September 22, 2009
7:30 P.M.

SUPERVISOR

Catherine Borgia

COUNCILMEMBERS

Geoffrey Harter Michael L. Tawil
David Krieger 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 September 22, 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: Councilmembers Geoffrey Harter, Northern Wilcher, David Krieger and Michael Tawil. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Town Clerk, Mary Ann Roberts.

Public Hearing in the matter of the Petition for Extension of the Valley View Sewer District – Herbert E. Olmstead.

The public hearing was opened at 7:31 p.m. by Supervisor Borgia. There was no one present who wished to be heard.

At 7:33 P.M., Councilmember Harter moved and it was seconded by Councilmember Tawil.

Motion Carried: Unanimously

II. ANNOUNCEMENTS

Councilmember Krieger announced that County Legislator Bill Burton will hold a health forum on October 6, 2009 at the Ossining Public Library from 6 – 9 p.m. If you have any questions, please call County Legislator Burton regarding health insurance, etc. at 995-2838. Also at the Ossining Public Library for 50 and over is an AARP Driving Course on October 13 and October 15 from 9 a.m. – 1:15 p.m. For further information, please call 941-2416 Extension 326.

Supervisor Borgia announced that Rotary will hold Fall Family Fun Day on October 4th from 10 a.m. – 4 p.m. The Ossining Food Pantry will be held on October 4th at the Ethical Society from 5 p.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes

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 Minutes of the September 8, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Work Session 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 minutes of the September 1, 2009 work session.

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 September 22, 2009 in the amount of \$371,742.68.

Motion Carried: Unanimously

D. Adopting a Negative Declaration regarding the consolidation of the existing sewer districts

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

Whereas, the Town Board of the Town of Ossining intends to consolidate the existing sewer districts in the Town of Ossining; and

Whereas, the existing sewer districts to be consolidated are North State Road Sewer District; Pine Tree Sewer District; Valley View Sewer District; Torbank Sewer District; Lakeville Sewer District (including the extension thereto); Stonewall Sewer District; Stormytown Sewer District; Croton Sewer District ; Knollwood Sewer District; Brookside Sewer District; and Davis Sewer District; and

Whereas, once consolidated, the above mentioned districts will be known as the Ossining Consolidated Sewer District; and

Whereas, the Town Board of the Town of Ossining is familiar with all aspects of the Proposed Action; and

Whereas, the Town Board of the Town of Ossining determined the project to be an Unlisted Action and is the Lead Agency for review of the application in accordance with the State Environmental Quality Review Act (SEQRA); and

Whereas, a Full Environmental Assessment Form (EAF) was prepared for the proposed action;

Now, therefore be it Resolved, that pursuant to SEQRA and after review of the EAF Parts 1 and 2, the Town Board of the Town of Ossining hereby determines that the proposed action will not have any significant adverse environmental impacts, and adopts the Negative Declaration appended to this resolution thereby ending the SEQRA environmental review process.

Motion Carried: Unanimously

E. A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE CONSOLIDATION OF ALL EXISTING SEWER DISTRICTS IN THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK.

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

WHEREAS, an Order was duly adopted by said Town Board on August 25, 2009, specifying the 8th day of September, 2009, at 7:30 o'clock P.M., Prevailing Time, at the Birdsall Fagan Police/Court Facility, 86-88 Spring Street, in Ossining, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the consolidation and to hear all persons interested in the subject thereof concerning the same;

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by the Town Law, and proof of publication and posting has been duly presented to said Town Board;

WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said evidence given at said public hearing; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. Upon such consolidation becoming effective, the Districts so consolidated, as listed below shall be known as the Ossining Consolidated Sewer District (the "Consolidated Sewer District"). All the property of each respective Sewer District as extended shall become the property of the Ossining Consolidated Sewer District and the Consolidated Sewer District shall assume and pay the indebtedness of each respective Sewer District incurred prior to the effective date of the consolidation described herein, other than the North State Road Sewer District, which District shall remain responsible for outstanding indebtedness incurred for such District.

Section 2. To the extent not paid from user charges, there shall annually be assessed, in the same manner as provided for prior to the effective date of the consolidation herein described, upon all the taxable real property in such Consolidated Sewer District, an amount sufficient to pay the principal and interest of the outstanding indebtedness of each of said Sewer Districts as extended, incurred prior to the effective date of the consolidation herein described, as the same shall become due and payable, but if not paid from each such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said outstanding indebtedness.

Section 3. Pursuant to Section 206-a of the Town Law, the future assessments of all costs of improvements, as well as costs of operation and maintenance of such Consolidated Sewer District shall be a charge against the entire area of the Consolidated Sewer District, including all extensions heretofore or hereafter established.

Section 4. This resolution is adopted subject to permissive referendum

Existing Districts to be consolidated:

North State Road Sewer District;

Pine Tree Sewer District;

Valley View Sewer District;

Torbank Sewer District;

Lakeville Sewer District (including the Extension thereto);

Stonewall Sewer District;

Stormytown Sewer District;

Croton Sewer District;

Knollwood Sewer District;

Brookside Sewer District; and

Davis Sewer District

Motion Carried: Unanimously

F. The Woods Condominium Address Change

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

Whereas, the Board of The Woods Condominium Association has requested address changes to the homes in the condominium complex, which were incorrectly depicted as apartments; and

Whereas, after residents of the Woods Condominiums were notified and after discussions with the Town Supervisor, Police Chief, Building Inspector, Assessor and Postmaster, it was determined that the address changes would be beneficial and that there would be no financial implications to the Town; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the changes to the addresses within The Woods Condominium as listed in the letter from The Woods Condominiums dated July 19, 2009.

Motion Carried: Unanimously

G. Entering into an agreement with Westchester County to secure grant funding for a Senior Citizen Passenger Bus

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 authorizes the Town Supervisor to enter into an agreement with Westchester County for a Community Development Block Grant in the amount of \$46,594.00 for a Senior Citizen Passenger Bus.

Motion Carried: Unanimously

H. Finance-Capital Project # 2009-2168-Senior Citizen Passenger Bus

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project # 2009-2168, entitled Senior Citizen Passenger Bus, in the amount of \$46,594.00, to be funded by a Community Development Block Grant.

Motion Carried: Unanimously

I. Lease Agreement-Town/Village Clerk's Copier

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 authorizes the Town Supervisor to enter into a lease and maintenance agreement with De Lage Landen, 1111 Old Eagle School Road, Wayne, PA, for a Sharp AR-M257 25 ppm copier for the Town Clerk's Office, at a monthly payment of \$193.68 for a term of forty-eight months.

Motion Carried: Unanimously

J. Agreement-Gabel Equipment Corporation

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 authorizes the Supervisor to enter into an inspection/service contract with Gabel Equipment Corporation, Fox Island Road, Port Chester, NY for regularly scheduled inspection visits of the sewer pump stations from October 1, 2009-September 30, 2010 in accordance with the terms and conditions listed in the contract.

Motion Carried: Unanimously

K. CERTIORARI SETTLEMENT

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

Verizon
vs.
Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by, Petitioner, Verizon New York, Inc. against the Town of Ossining to review the tax assessments made on Petitioner's property located in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Parcel ID 5.02-056, Parcel ID 5.02-057, Parcel ID 5.02-05 and Parcel ID 5.02-03 for assessment years 2006 through 2008, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18649/06, 18874/07, 22401/08; 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:

Parcel ID 5.02-056

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2006	22,900	18,200	4,700
2007	22,900	17,800	5,100
2008	22,900	17,100	5,800

Parcel ID 5.02-057

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2006	34,300	27,300	7,000
2007	34,300	26,700	7,600
2008	34,300	25,600	8,700

Parcel ID 5.02-05

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2006	71,000	61,800	9,200
2007	71,000	58,400	12,600
2008	71,000	56,900	14,100

Parcel ID 5.02-03

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2006	29,700	24,100	5,600
2007	29,700	23,100	6,600
2008	29,700	22,100	7,600

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 \$3,278.87, which will be ordered pursuant to consent judgment.

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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

August Reports- Town Clerk
Building Department

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed war and conflicts as well as the Veterans Administration not taking care of the returning veterans.

VIII. ADJOURNMENT- At 7:55 p.m., Councilmember Harter moved and it was seconded by Councilmember Tawil that the meeting be adjourned into executive session for the purpose of personnel.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk