



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

**SEPTEMBER 28, 2010
7:30 P.M.**

**SUPERVISOR
Catherine Borgia**

**COUNCILMEMBERS
Geoffrey Harter Michael L. Tawil
Peter Tripodi 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 28, 2010 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, Michael Tawil and Peter Tripodi were present. Councilmember Northern Wilcher was absent. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Councilmember Tripodi announced that on October 3, 2010 animals will be blessed at the Trinity Church located on South Highland Avenue at 10 a.m.

Councilmember Harter announced that on October 3, 2010 animals will be blessed at the Briarcliff Congregational Church located on South State Road, Briarcliff Manor at 10 a.m.

Councilmember Tawil announced that Family Fun Day will be held at Market Square on Saturday, October 2nd.

III. PUBLIC COMMENT ON AGENDA ITEMS

Bobby Williams, Spring Street, commented on Resolution C (Authorizing an Intermunicipal Agreement with Westchester County for Police Services) as he feels that the Town and the Village of Ossining should merge so as to keep it in the family. It would be more economical and should be left up to the voters in the form of a referendum. Supervisor Borgia responded that we are a family and have many IMA's together.

Bill Jaenike, Morningside Court, commented on Resolution C that the Town Board was headed for the right conclusion. The proposed \$932,000 should be saved and invested. As a former member of the Town Citizen Advisory Committee these dollars should be used to increase the Fund Balance. There is a need to restore the Fund Balance as it is important to our Moody's ratings. He recommended that half of the \$932,000 be used for the Fund Balance in 2011 and half in 2012.

Supervisor Borgia responded that it was a suggestion that the savings be spent on functions and to add a percentage point to the budget to increase the fund balance. The Police budget is only related to the Town Outside budget and not the Town General. The Town must make the School and the County whole regarding tax payments even though the residents have not all paid their taxes. It is now the policy of the Town to no longer dip into the Fund Balance.

Ellen Kahan, Ganung Drive, commented on Resolution C and complimented the Town for thinking out of the box. She also complimented them for hosting the Informational Meetings allowing residents to voice their opinion.

Councilmember Tawil stated that we are almost at the end of a long process. As a member of the IMA Committee, I would like to thank Richard Wishnie, Chief Busche, PBA members and the Village Board for listening to all of the voices and we will continue to listen for the health, safety and financial welfare of the Community.

Councilmember Tripodi stated that there were three main reasons that he is supporting the consolidation of the Town and County Police Departments which are as follows: The Village not willing to work with us; resident input and PBA support. Thank you to Richard Wishnie, Police Department, my colleagues as well as the public. These departments are all top-notch.

Councilmember Harter thanked Chief Busche and the PBA for their hard work and straight forwardness and the unincorporated area for their opinions. He also thanked Councilmember Trawil for sitting in on these meetings.

Supervisor Borgia thanked all who have been involved in this process which dates back to 2006-2007. The ICMA Study gave data with cost of services in the three Communities. It is commendable that all three Communities did research with a tremendous amount of outreach by the PBA. The PBA and Police Department worked with the Town last year and gave give backs to assist the Town with its budget issues. We must look to the future.

Councilmember Harter reminded the residents that the first half of your 2010/2011 School tax is due by September 30th.

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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

Resolved, that the Town Board of the Town of Ossining hereby approves the September 14, 2010 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 28, 2010 in the amount of \$251,401.78

Vote: 4 –1–0
Voting Aye: Tawil,
Harter, Borgia
Voting Nay: Tripodi

C. Authorizing an Inter-municipal Agreement with Westchester County for Police Services

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to commence negotiations to execute an inter-municipal agreement

between Westchester County and the Town of Ossining for the provision of police services in the Unincorporated Area of the Town of Ossining in accordance with proposal dated June 9, 2010 from the Westchester County Department of Public Safety; and be it further

Resolved, that the Town Board shall approve the final terms and conditions of the inter-municipal agreement in a form acceptable to the Town Attorney.

Motion Carried: Unanimously

D. Bid Award-Stormytown Road Pump Station Elimination & Gravity Sewer Replacement

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

Whereas, the Town of Ossining has solicited bids for the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement; and

Whereas, a public notice was duly advertised in the official newspaper of the Town of Ossining on September 3, 2010; and

Whereas, at 10:00 a.m., on Monday, September 20, 2010 all bids received were opened as summarized below; and

<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>BID BOND/CHECK</u>
Steve Giordano Builders	\$586,000.00	Yes
WD Excavation & Contracting	\$640,750.00	Yes
ELQ Industries, Inc.	\$758,000.00	Yes
Bilotta Construction Company	\$793,934.00	Yes

Whereas, upon reviewing the bids, the Town Consulting Engineer, James J. Vanoli has determined that the lowest responsible bidder meeting the requirements of the contract documents is Steve Giordano Builders; now therefore be it

Resolved, that the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement is hereby awarded to Steve Giordano Builders, 19 Pine Avenue, Ossining, for the total bid price of \$586,000.00; and be it further

Resolved, that the Supervisor is hereby authorized to execute and deliver all documents necessary or appropriate to accomplish the purpose of this resolution.

Motion Carried: Unanimously

E. Advertise for Bids-Tree Services

Councilmember Harter 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 Town Clerk to advertise for bids to furnish Tree Services, to be returnable no later than 10:00 a.m. on Monday, October 25, 2010 in the office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

F.

TAX CERTIORARI

DAVID SWOPE

vs.

TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by David Swope against the Town of Ossining to review the tax assessments made on Petitioner’s property located on 132 Hawkes Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.16, Block, 1, Lot 9, for assessment years 2008 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21432/08, 17210/10; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2008	36,600	32,940	3,660
2009	36,600	32,940	3,660
2010	36,600	32,940	**

** The 2010 Assessment Roll will be used for 2011 taxes for which there will be no refund, as taxes will be levied on the reduced number.

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 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, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit 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 \$1,041.05, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G.

TAX CERTIORARI
97 Croton Avenue, LLC
vs.
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 97 Croton Avenue, LLC against the Town of Ossining to review the tax assessments made on Petitioner's property located on 97 Croton Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.016, Block, 1, Lot 53, for assessment years 2001 through 2009, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 101-014940,02-016280,06-019071,07-019097,08-021381,09-021871; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2001	42,300	40,185	2,115
2002	42,300	40,185	2,115
2006	42,300	38,070	4,230
2007	42,300	38,070	4,230
2008	42,300	38,070	4,230
2009	42,300	38,070	4,230

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 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, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit 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 \$190.85, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. Termination-Part-Time Food Service Helper

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

Resolved, that the Town Board of the Town of Ossining hereby terminates the employment of Leonel Llano as part-time Food Service Helper effective August 16, 2010.

Motion Carried: Unanimously

I. Appointment-Chauffeur

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Irma Gomez, Spring Street, Ossining, to the part-time position of Chauffeur effective September 29, 2010 at \$13.00/hr.

Motion Carried: Unanimously

J. 2010 Budget Adjustment-Emergency Repair-Old Albany Post Road "S" Curve-FEMA funds

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

Whereas, the March 13-14, 2010 rain storm was declared a major disaster by the President and due to the declaration the Federal Emergency Management Agency (FEMA) and the New York State Emergency Management Office (SEMO) provide supplemental reimbursement for the repair or restoration of infrastructures and facilities; and

Whereas, the Town of Ossining applied for funding in the amount of \$8,084.00 for the emergency repair of Old Albany Post Road "S" Curve performed by Steve Giordano Builders; and

Whereas, the Town Board passed a resolution on April 13, 2010 establishing Capital Project # 2010-2171 in the amount of \$7,800.00 to be funded by the Federal Emergency Management Agency or a Highway Fund transfer; and

Whereas, the reimbursement from FEMA is 87.5% with the municipality contributing 12.5% toward the project costs; and

Whereas, the Town of Ossining received 87.5% of the total project costs in the amount of \$7,073.50 from both the federal and state share; and

Whereas, the following budget adjustments are necessary in order to accomplish the purpose of this resolution; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following accounts be established or adjusted as indicated:

037-5110-2171	\$7,800.00 (Expenditure Account)
037-0037-3960-0171	\$1010.50 (Revenue-State Share)
037-0037-4960-0171	<u>\$6063.00</u> (Revenue-Federal Share)
	\$7,073.50

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
037-0037-5031-0171- Revenue	726.50	726.50	031-5110-0447-Road Drainage
Increase: 031-9901-0906 Transfer to Capital Fund			\$726.50
Decrease: 031.5110.0447 Road Drainage			\$726.50

Motion Carried: Unanimously

K. Finance-Capital Project # 2010-2172-Old Albany Post Road "S" Curve

Councilmember Harter 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 # 2010-2172, entitled Old Albany Post Road "S" Curve in the amount of \$344,229.00 to be funded by the Federal Emergency Management Agency and a Bond Anticipation Note or Highway Fund Transfer.

Motion Carried: Unanimously

L. Consulting Engineering Services-Old Albany Post Road "S" Curve

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes James J. Vanoli, PE, Consulting Engineer, to proceed with engineering design and drafting services for the Old Albany Post Road "S" Curve project in accordance with his proposal letter dated September 17, 2010 at a total cost not to exceed \$33,100.

Motion Carried: Unanimously

M. Finance-Capital Project # 2010-2173-Police Department Portable Radios

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project # 2010-2173, entitled Police Department Portable Radios in the amount of \$6,000 to be funded by a grant from the United States Department of Justice.

Motion Carried: Unanimously

V. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the monthly reports for the month of August, 2010 from the Town Police Department and Building Department.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Ellen Kahan, Ganung Drive, stated that it is her understanding that there is a new lessee at Studio Hill Road and the County Police should be made aware of the Noise Ordinance, no tents on the property and no commercial use of the second floor of this property.

Mindy Lamarre, Haymont Terrace, stated that Mrs. Kahan covered most of the information regarding Studio Hill Road, but added that the residents have rights too and should be able to cut their lawns, use a chain saw to cut wood, etc. on weekends.

Bobby Williams, Spring Street, discussed 9-11 comments and the neighborhood's desire not to have a mosque. We are all Americans and should treat each other with respect. The Constitution of the United States allows religious organizations to have some privileges.

VII. ADJOURNMENT

At 8:30 P.M. Councilmember Tawil moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk