



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

**SEPTEMBER 27, 2011  
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 27, 2011 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 and Peter Tripodi. Councilmember Michael Tawil was absent. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts.

**II. ANNOUNCEMENTS**

Supervisor Borgia announced the Harvest Festival which will take place on Saturday, October 29, 2011 on Blue Lantern Road off of North State Road.

Town Clerk Roberts announced that the Ossining Historical Society will be holding their Annual Dinner and Silent Auction on Saturday, October 29, 2011 beginning at 6 p.m. at the Travelers Rest. The fee is \$55 per person. For reservations, please call the Museum at 941-0001.

**III. PUBLIC COMMENT ON AGENDA ITEMS**

**IV. BOARD RESOLUTIONS**

**A. Approval of Minutes**

Councilmember Wilcher 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 September 13, 2011 Minutes of the Regular Meeting as presented.

**Motion Carried: Unanimously**

**B. 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 27, 2011 in the amount of \$270,014.81**

**Vote: 3-0-1  
Voting Aye: Wilcher,  
Harter & Borgia  
Nay: Tripodi**

**C. Authorizing 2011 Ossining Boat and Canoe Club Building Improvement Plan**

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

**Resolved, that the Town Board of the Town of Ossining approves the 2011 Ossining Boat and Canoe Club building proposal as presented to the Town Board on September 14, 2011, and authorizes the members of OBCC to commence work on the improvements so detailed.**

**Motion Carried: Unanimously**

**D. Appointment of Temporary Intermediate Clerk**

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

**Resolved, that the Town Board of the Town of Ossining hereby appoints Scott Davidson, as a part-time temporary Intermediate Clerk effective July 31, 2011 at \$13.00/hr for a period not to exceed one hundred twenty (120) days.**

**Vote: 3-0-1  
Voting Aye: Wilcher,  
Harter & Borgia  
Nay: Tripodi**

**E.**

**TAX CERTIORARI**

**FOX HILL CONDOMINIUM**

**vs.**

**TOWN OF OSSINING**

**Councilmember Harter moved and it was seconded by Councilmember Wilcher 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 Fox Hill Condominium, against the Town of Ossining to review the tax assessments made on Petitioner's property located at Hawks Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20, Block 1, Lot 1 (Full Lot: 0101-3306), for assessment years 2005 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16941/2005; 19778/2006; 20381/2007; 21933/2008; 23856/2009; 25526/2010; 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:**

Ass't Year	Assessed Valuation		Amount of Reduction
	Reduced From	Reduced To	
2005	2,554,939	2,229,931	325,008
2006	2,557,679	2,058,156	499,523
2007	2,558,779	2,060,077	498,702
2008	2,561,154	2,180,848	380,306
2009	2,563,224	2,160,025	403,199
2010	2,563,774	2,136,146	427,628

(See Schedule of Individual Reductions Attached)

**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 \$330,417.22, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**F.**

**TAX CERTIORARI**

**7-ELEVEN, INC.**

**vs.**

**TOWN OF OSSINING**

**Councilmember Wilcher 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 7-Eleven, Inc., against the Town of Ossining to review the tax assessments made on Petitioner's property located at 230 N. Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.11, Block 1, Lot 8 for assessment year 2010, which proceeding is now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 23558/2010; 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:**

<u>Assmt. Year</u>	<u>Property Description</u>	<u>Original Assessed Value</u>	<u>Amount of Reduction</u>	<u>Final Assessed Value</u>
2010	89.11/1/8	\$50,825	\$ 5,083	\$45,742

**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 \$55.49, which will be ordered pursuant to said Consent Judgment.**

**Vote: 3-1-0  
Voting Aye: Wilcher,  
Harter & Borgia  
Abstain: Tripodi**

**G.**

**TAX CERTIORARI**

**97 CROTON AVENUE, LLC**

**vs.**

**TOWN OF OSSINING**

**Councilmember Harter moved and it was seconded by Councilmember Wilcher 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 at 97 Croton Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.16, Block 1, Lot 53 for assessment year 2010, which proceeding is now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 23559/2010; 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:**

<u>Assmt. Year</u>	<u>Property Description</u>	<u>Original Assessed Value</u>	<u>Amount of Reduction</u>	<u>Final Assessed Value</u>
2010	89.16/1/53	\$42,300	\$ 3,384	\$38,916

**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 \$36.94, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. TAX CERTIORARI  
KENNETH DENGLER  
vs.  
TOWN OF OSSINING

Councilmember Wilcher 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 Kenneth Dengler, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 84 Shadow Brook Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.16, Block 1, Lot 9, for assessment years 2006 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18817/2006; 20780/2007; 22787/2008; 23383/2009; 25666/2010; 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	Reduction From	Reduction To	Reduction
2006	\$27,500	\$23,050	\$4,450
2007	\$27,500	\$23,800	\$3,700
2008	\$27,500	\$24,800	\$2,700
2009	\$27,500	\$22,600	\$4,900
2010	\$27,500	\$23,350	\$4,150

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 \$183.97, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**I. Authorizing the Supervisor to sign a contract with Hudson Valley Appraisal Corporation**

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

**Whereas the Town of Ossining desires to have a full professional appraisal of Parcel ID# 98.14-1-30 as part of the defense of a tax certiorari case, and**

**Whereas the town board wished to hire Hudson Valley Appraisal Corporation for pre- and post- professional appraisal consultation services at a cost of \$115/hour and expert testimony and/or legal proceedings for the cost of \$1000/half day or \$1800/day, therefore be it**

**Resolved the Town board of the Town of Ossining authorized the Supervisor to sign an agreement with Hudson Valley Appraisal Corporation upon approval of the Town Attorney.**

**Motion Carried: Unanimously**

**J. Authorizing the opening of Capital project #2011-2176 Cedar Lane Drainage**

**Councilmember Wilcher 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 # 2011-2176, entitled Cedar Lane Drainage Program in the amount of \$39,250.00 to be funded by a transfer from Highway Fund Balance.**

**Resolved, that the Town Board authorizes the following budget adjustments:**

**Increase: 031-9901-0900 \$39,250.00  
031-0031-4795 \$39,250.00**

**Increase: 037-0037-5031-0176 (Revenue) \$39,250.00  
037-5110-2176 (Expense) \$39,250.00**

**Motion Carried: Unanimously**

**K. Finance – Budget Modification – ICMA Police and DPW Study (09/06/2011)**

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

**Resolved, the 2011 General Fund budget is modified to appropriate a Local Government Efficiency Grant of \$8,666.67 from the NYS Department of State, and \$2,922.00 from the Contingency Account for the remaining balance due the**

**International City/County Management Association (ICMA) for the joint Police and joint Highway/DPW studies, as follows:**

Increase Appropriations:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
020-1989-0487	IMA Study	\$5794.34
031-1989-0487	IMA Study	\$5794.33

Decrease General Fund Appropriations:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
020-1990-0400	Contingency	\$1461
031-1990-0400	Contingency	\$1461

Increase General Fund Estimated Revenues:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
020-0020-3089	State Aid – Other General Gov’t Support	\$4333.34
31-31-3089	State Aid – Other General Gov’t support	\$4333.33

**Motion Carried: Unanimously**

**L. Finance – Budget Modification**

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

**Resolved that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2011 adopted budget:**

TRANSFER TO G/L ACCOUNT	TO ACCOUNT:	FROM ACCOUNT:	TRANSFER FRM G/L ACCNT
<b>STREET ADMINISTRATION</b>			
031-5010-0413-Consultant	4500.00	4500.00	031-5010-0425-Labor Counsel
031-5010-0405-Conference	142.00	142.00	031-5010-0417-Education
<b>STREET MAINTENANCE</b>			
031-5110-0412-Diesel Fuel	10000.00	10000.00	031-5110-0411-Gasoline
<b>GARAGE</b>			
031-5132-0474-Fuel Oil	1000.00	1000.00	031-5110-0447-Road Drainage
	15642.00	15642.00	
TRANSFER TO G/L ACCOUNT	TO ACCOUNT:	FROM ACCOUNT:	TRANSFER FRM G/L ACCNT
<b>ENGINEER</b>			
020-1440-0413	2124.00	2124.00	020-1680-0475-Vill./Oss Cntrl
<b>JUDGEMENTS AND CLAIMS</b>			
020-1930-0425-Labor Counsel	1254.00	1254.00	020-1910-0468-Auto Ins.
<b>POLICE</b>			
020-3120-0105-Overtime	36037.00	35820.00	020-3120-0101-Pers.Svcs
020-3120-0411-Gasoline	998.00	1215.00	020-3120-0106-Longevity
<b>BUILDING</b>			
020-3620-0201-Equipment	1885.00		
020-3620-0455-Constables	100.00	1985.00	020-3620-0419-Maint/Repair/Copier

**PLANNING**

020-8020-0405-Conference	150.00	150.00	020-8020-0414-Cont/Steno
	42548.00	42548.00	

TRANSFER TO G/L  
ACCOUNT

AMOUNT

AMOUNT

TRANSFER FROM G/L ACCOUNT

**TOWN JUSTICE**

010-1110-0105-Overtime	1000.00	1000.00	010-1110-0109- Sick Incentive
010-1110-0455-Constables	1000.00	1000.00	010-1110-0401- Supplies

**SUPERVISOR**

010-1220-0110- PT	7350.00		
010-1220-0401-Supplies	4000.00		
010-1220-0405- Conference	130.00	11480.00	010-1220-0101- Personnel Services

**INDEPENDENT AUDIT**

010-1320-0438-Indpt Audit Srvcs	595.00	595.00	010-1220-0101- Personnel Services
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**ASSESSMENT**

010-1355-0101-Personnel Serv	40000.00		
010-1355-0105-Overtime	400.00		
010-1355-0110-Part Time	12750.00	20000.00	010-1220-0101-Personnel Services
010-1355-0404-Telephone	600.00	20000.00	010-9010-0817-Hospital/Med Insurance
010-1355-0419-Maint/Repair	700.00	13150.00	010-1990-0400-Contingency
010-1355-0449-Parts/Labor	600.00	1900.00	010-1355-0424-Consultant/Computer

**BOARD OF ASSESSMENT REVIEW**

010-1356-0438-Supplies	205.00	205.00	010-1355-0424-Consultant/Computer
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**TOWN CLERK**

010-1410-0405-Conference	108.00		
010-1410-0401-Supplies	3200.00	3308.00	010-1410-0402-Printing

**ELECTIONS**

010-1450-0419-Maint/Repair	194.00	194.00	010-1450-0437-WC Elections
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**BUILDINGS**

		4500.00	010-1910-0467-Liability
010-1620-0438-Supplies	30.00	2000.00	010-1910-0468-Auto
010-1620-0442-Sustainability	8308.00	1838.00	010-1910-0469-Bonds

**NUTRITION C-1**

010-6772-0201-Equipment	475.00		
010-6772-0401-Supplies	245.00	720.00	010-6770-0418-Contrctl/Food

**NUTRITION****TRANSPORTATION**

010-6772-0105-Overtime	95.00		
010-6772.0402-Printing	642.00	737.00	010-6770-0418-Contrctl/Food

**NUTRITION RUOK**

010-6774-0105	195.00	195.00	010-6774-0105-Overtime
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**PARKS**

010-7110-0106-Longevity	200.00		
010-7110-0474-Fuel Oil	3500.00	3700.00	010-7110-0409-Electric

**PARKS SEWER LIFT  
STATION**

010-7112-0409-Electricity	5000.00	5000.00	010-7110-0409-Electric
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<b>TOTALS</b>	<b>91522.00</b>	<b>91522.00</b>	
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TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
<b>Cemetery</b>			
032.8810.0442-Capital Improv.	13883.00	13883.00	032.0032.4795-Fund Balance

**Motion Carried: Unanimously**

**V. MONTHLY REPORTS**

**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 accepts the monthly report for September 2011 from the Town Clerk's office.**

**Motion Carried: Unanimously**

**VI. VISITOR RECOGNITION**

**Bobby Williams, Spring Street, commented on the Tax Certiorari resolutions on this evening agenda. Do you have a long term budget?**

**Supervisor Borgia responded that tax certioraris go in cycle. With the 2% Tax Cap, additional cost cutting measures will be put in place.**

**Town Attorney Spector stated that the State Equalization Rate changes on a yearly basis.**

**VII. ADJOURNMENT**

**At 8:12 P.M. Councilmember Wilcher moved and it was seconded by Councilmember Harter that the meeting be adjourned in memory Neal Bingell.**

**Approved:**

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**Mary Ann Roberts, Town Clerk**