



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

**NOVEMBER 22, 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 November 22, 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, Peter Tripodi and Michael Tawil. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II. PUBLIC HEARING- In the Matter of 2012 Preliminary Budget**

At 7:32 P.M., the Public Hearing was opened.

Supervisor Borgia provided an overview of the budget process. The budget runs on a calendar basis. Estimates of expenses are compiled by the department heads during the summer as well as a preparation of goals for each department. The Town must file the Tentative Budget with the Clerk on or before October 30. The Town must then hold a Public Hearing and the budget must be adopted by December 20. The Town Board anticipates adoption on December 13. There are three components to the Budget: Town General, Unincorporated Area and Special Districts. The Town General is \$5,292,022 and the Town Outside is \$5,879,394. The Town and Village Court will be merged into the Town Court. The Village Court will be dissolved as of December 31, 2011. The Town was able to add \$460,571 due to the consolidation of the courts. There was no use of fund balance. The third largest sale at Dale Cemetery assisted as well. This is a continuation of the 6 year plan. The tax roll did decrease. There has been an increase in retirement of 8% and health care increases by 6%. The Town Court will handle parking violations; the administering of this function will be paid for by the Village. There is a slight decrease for the Town General of .07% and the Unincorporated area is a decrease in the amount of .02%.

Jerry Gershner, Ganung Drive, questions whether the Village will still receive the revenue from traffic violations? Supervisor Borgia responded that State Law provides for the Parking Violations. The Village will be paying for the administration of the Parking Violations.

Town Attorney Spector stated that it was an administrative function and is a common administrative element – local code violations. Where does the \$98,000 franchise fee – cable fees go? Supervisor Borgia responded that it went into the Town General.

Councilman Tripodi responded that it's not fair. The Court Consolidation is cutting out increase by \$460,000.

**Mr. Gershner commented on the Police Budget which includes a car. What about the Police Building which the Town Outside is paying for.**

**Supervisor Borgia responded that one car was kept in the budget for this year. Councilman Tawil commented that the speaker does not understand that the Town is responsible.**

**Supervisor Borgia stated that there were two proposals made which were not equal. The Town Board expressed concern for Town personnel. Neither proposal was interested in using the building at 507 North State Road. There are no active proposals for use of the building at this time.**

**Why does the Town Outside pay for the SRO at AMD when there are children from the Village of Ossining, Yorktown and New Castle. This expense should be borne by the school.**

**Supervisor Borgia responded that the use of the building on North State Road is based on geography and the health, safety and welfare of the residents.**

**Councilman Tripodi spoke as a Town Outside resident and that the building on North State Road is used for investigation of bank robberies, etc. County wide and we should be compensated for its use.**

**Bruce Bell, Minkel Road, questioned the \$20,000 in the budget for a car in the Police Department line. The part time officer has been re-instated and may require the use of a vehicle. The Ambulance District includes Briarcliff Manor, Croton and Ossining Town and Village. The Unincorporated and Villages pay 93% with 7% being paid by New Castle. A short term contract with Croton for staffing services 24 hours per day seven days a week is being worked on. There is a small administrative fee.**

**Anthony DeLucci, White Birch Drive, stated that in the aftermath of the October 29 snowstorm, there has been no clean up. The tree branches were picked up on November 21<sup>st</sup> and the leaves have still not been removed.**

**Supervisor Borgia responded that it has been a challenging year for the Highway Department as the leaves had not dropped prior to the snowstorm making the situation worse. Due to the leaves still being on the trees, the snow caused a great deal of the branches the fall. Supervisor Borgia apologized for the service not up to his expectations. The storm came down quickly during the day time.**

**Janet Zarowitz, White Birch Drive, discussed the excessive pressure put on Court Consolidation as well as the excessive cost of the police building. There was also a safety concern with the Highway Department Budget being lowered. In order to get to my home there are two steep hills and with the decrease in fuel and salt it may become a safety issue. Please re-consider what you might be saving.**

**Councilman Tripodi stated that there are spending cuts in the Highway Department and it is evident in the budget.**

**Supervisor Borgia responded that it was a calculated guess for the amount of salt.**

**At 9:00 P.M., the Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.**

### **III. ANNOUNCEMENTS**

**The Ossining Public Library reading at the Westchester Collaborative Theater will take place at 3 p.m. on December 4<sup>th</sup> and 5<sup>th</sup>. Please visit the Ossining Town website for more information.**

**IV. PUBLIC COMMENT ON AGENDA ITEMS**

**V. BOARD RESOLUTIONS**

**A. Approval of Minutes**

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 November 9, 2011 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 Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 22, 2011 in the amount of \$1,391,311.38.

Vote: 4-0-1  
Voting Aye: Wilcher,  
Harter, Tawil & Borgia  
Nay: Tripodi

**C. A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$800,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF CERTAIN JUDGMENTS, COMPROMISED CLAIMS OR SETTLED CLAIMS RESULTING FROM COURT ORDERS ON PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE REAL PROPERTY TAX LAW DUE AND PAYABLE IN THE CURRENT FISCAL YEAR OF SAID TOWN.**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of Town of Ossining, Westchester County, New York, as follows:

**Section 1.** For the class of objects or purposes of paying the cost of certain judgments, compromised claims or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law due and payable in the current fiscal year of the Town of Ossining, Westchester County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued not exceeding \$800,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

**Section 2.** The maximum estimated cost of the aforesaid class of objects or purposes is \$800,000, and the plan for the financing thereof shall be by the issuance of not exceeding \$800,000 bonds of said Town herein. Such bonds are to be payable from amounts which shall annually be levied on all the taxable real property in said Town, and the faith and credit of said Town of Ossining, Westchester County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 33-a of paragraph a of Section 11.00 of the Local Finance Law.

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 5.** All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 6.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 7.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 8.** This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

**Roll Call Vote:**

**Vote: 4-0-1**

**Ayes: Wilcher, Tawil, Harter & Borgia**

**Nay: Tripodi**

**D. Request for Bids- Delivery of Meals and Supplies for Nutrition Program**

**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 a Request for Bids for the delivery of meals and supplies for the Nutrition Program, located in the Ossining Community Center. Bids shall be submitted no later than 10:00AM on Monday, December 5th in the office of the Town Clerk.**

Motion Carried: Unanimously

**E. Palaia Stipulation- CSEA**

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 ratifies and approves the Stipulation between and among Sharon Palaia, the Town and the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit; and be it further

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

Motion Carried: Unanimously

**F. Call for Public Hearing on Traffic Violations Bureau Local Law No. 9**

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 calls for a Public Hearing to be held on Tuesday, December 13, 2011 at 7:30p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street, in the matter of the Traffic Violations Bureau Local Law No. 9.

Motion Carried: Unanimously

**G. Auctions International Bids**

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

Whereas, the Town Board of the Town of Ossining has authorized the surplus of 7 Town vehicles and,

Whereas, the Town Board has authorized those vehicles to be sold on Auctions International,

Resolved, that the Town Board of the Town of Ossining hereby authorizes the sale of the aforementioned surplus vehicles to the highest bidder on Auctions International.

Lot #1: 2005 Ford Expedition XLT \$8,550.00  
Lot #2: 2008 Ford Crown Vic \$7,700.00  
Lot #3: 2008 Ford Crown Vic \$8,100.00  
Lot #4: 1999 Ford E450 Bus \$2,850.00  
Lot #5: 2001 Dodge Ram 2500 Pickup \$2,026.00  
Lot #6: 2000 Ford Crown Vic \$1,175.00  
Lot #8: 2006 Ford Expedition XLT \$7,995.00

Motion Carried: Unanimously

**H. Peak Power Systems Contract Authorization- Generator**

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 Supervisor to sign a maintenance contract with Peak Power Systems of Middletown, New York for service of the generator at 507 North State Road in Briarcliff Manor, upon approval of the Town Attorney.

**Vote: 4-0-1  
Voting Aye: Wilcher,  
Harter, Tawil & Borgia  
Nay: Tripodi**

**I. Resolution Adopting Local law No. 8 of 2011- Amending the Zoning Law**

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

**Whereas, James Zappi, P.E. (Perryco Homes, NY) has submitted an application to the Town Board for the rezoning of an approximately 22,198 square foot portion of a 0.956-acre parcel located on the easterly side of North State Road and designated Section 90.15, Block 2, Lot 6, from R-10 to General Business (GB), so that the entire property would be zoned GB, so as to permit a project which would consist of 12 town homes on 12 individual lots, with three of the dwelling units constituting affordable housing (the “Proposed Action”); and**

**Whereas, the Planning Board issued a report dated February 14, 2011 recommending that the entire subject property be zoned General Business (GB) expressly for the purpose of constructing a residential development with a maximized affordable housing component, in accordance with Section 200-18B(1) and Article VI of the Town’s Zoning Law, and subject to the Town and the property owner entering into a voluntary contract to ensure the implementation of this purpose and no other; and**

**Whereas, the Westchester County Planning Department indicated that the County Planning Board supports the proposed rezoning if it will provide the foundation for a residential development that will include affordable affirmatively furthering fair housing units; and**

**Whereas, the Town Board declared itself Lead Agency for review of the subject application in accordance with the State Environmental Quality Review Act (SEQRA), determining the proposed action to be an Unlisted Action; and  
Whereas, on March 8, 2011, the Town Board, acting as lead agency, hereby adopts the attached Negative Declaration and has determined that the proposed action will not have any significant adverse impact upon the environment thereby ending the SEQRA review process; and be it further**

**Resolved, that the Town Board of the Town of Ossining hereby adopts the following Local Law 9-2011 which changes the zoning designation of the easterly portion of the property at 558 North State Road from R-10 One Family Residence District to GB General Business District, which property is designated on the Tax Assessment Map of the Town of Ossining as Section 90.15, Block 2, Lot 6.**

**Motion Carried: Unanimously**

**VI. CORRESPONDENCE TO BE RECEIVED AND FILED**

**VII. VISITOR RECOGNITION**

**VIII. ADJOURNMENT –WORKSESSION**

**At 9:22 p.m. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to work session**

**Albert Rivera presented and reviewed the bids for the Shine House. There were four contractors and 2 interior and roof and J & G Home Improvements. J & G recommended Westoff Roofing. Councilmember Tripodi questioned how much is covered by insurance? Supervisor Borgia advised that some of this is covered under insurance and \$18,000 will be covered for the interior repair. The roof repair will not be covered. Mr. Rivera recommends that the sky lights be eliminated and to make the roof flat. After review of all the bids Westoff was the least expensive.**

**Supervisor Borgia would like to discuss this further at the next work session on December 5<sup>th</sup>, 2011, the board would like some more time to review these bids.**

**Justice Court Budget- Justice Koba has been proceeding with consolidation. They have met with Chief Burton as far as phone service is considered. Superior Telephone is preparing a proposal to tie into Cablevision wires on the second floor. Debra Bart, JCAP Grant is \$25,000. This grant should cover the witness stand as well as the wall removal.**

**Councilman Tripodi questioned how much does a Mediator cost? The Mediator's services are free as this is done on a volunteer basis. The cost of the removal of the wall is approximately \$7,500 and the witness box is plus or minus \$1,800.**

**At 10:05 P.M. Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the meeting be adjourned to Executive Session-Litigation.**

**Motion Carried: Unanimously**

**IX. ADJOURNMENT –EXECUTIVE SESSION-LITIGATION**

**Approved:**

\_\_\_\_\_  
**Mary Ann Roberts, Town Clerk**