



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

**JULY 23, 2013
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
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 July 23, 2013 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Geoffrey Harter and Peter Tripodi. Councilman Eric Blaha arrived at 7:45 p.m. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly announced that the Annual Italian Festival at St. Augustine's Church will take place on the grounds of St. Augustine's Church beginning on Tuesday, July 23 and running thru Sunday, July 27 with fireworks held on Wednesday, July 24. Summerfest will take place at Market Square on July 27th from 5 – 10 p.m. With the days being very hot please make sure you keep hydrated and look in on your neighbors especially the elderly.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the July 9, 2013, 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 July 23, 2013 in the amount of \$151,347.60.

Motion Carried: Unanimously

C.

TAX CERTIORARI

Soudronic, LTD.

vs.

Town Of Ossining

Councilmember Tripodi 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 Soudronic, LTD., 461-465 North State Road against the Town of Ossining, to review the tax assessments made on Petitioner’s property located at 461-465 North State Road, Village of Briarcliff Manor in The Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.19-7-1 fka 4.06-7-1 for Tax Assessment Years 2010 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23827/2010; 56506/2011 and 65514/2012; and

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

Assessment Year	Property Description	Reduced From	Reduced To	Amount of Reduction
2010	90.19-7-1 fka 4.06-7-1	\$251,910	\$166,800AV	\$85,110
2011	90.19-7-1 fka 4.06-7-1	\$251,910	\$175,500AV	\$76,410
2012	90.19-7-1 fka 4.06-7-1	\$251,910	\$183,000AV	\$68,910

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 \$2,555.84 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

D.

TAX CERTIORARI

**Golden Age Mortgage Corp.,
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 Golden Age Mortgage Corp. against the Town of Ossining, to review the tax assessments made on Petitioner’s property located at 20 Main Street, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.07/1/13for Tax Assessment Years 2010 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 24072/2010; 14821/2011 and 65727/2012; and

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

Section 97.07 - Block 1 - Lot 13			
Assessment Roll	Original Assessment	Settlement Assessment	Reduction in Assessment
2010	\$21,800	\$12,000	\$9,800
2011	\$21,800	\$12,000	\$9,800
2012	\$21,800	\$12,000	\$9,800

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 \$423.94, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E.

TAX CERTIORARI

**Getty Petroleum Marketing, Inc. #579
(formerly Getty Petroleum Marketing, 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 Getty Petroleum Marketing, Inc. #579 (formerly Getty Petroleum Marketing, Inc.) against the Town of Ossining, to review the tax assessments made on Petitioner’s property located at 185 North Highland Avenue, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.11, Block 1, Lot 83 for Tax Assessment Years 2009 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 021870/09; 023348/10; 014390/11; and 065463/12; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceeding, 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>
2009	89.11-1-83	\$ 72,800	\$ 13,104	\$ 59,696
2010	89.11-1-83	\$ 72,800	\$ 13,104	\$ 59,696
2011	89.11-1-83	\$ 72,800	\$ 13,104	\$ 59,696
2012	89.11-1-83	\$ 72,800	\$ 13,104	\$ 59,696

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 \$748.59 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F. Budget Modification

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

Resolved, that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2013 adopted budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
TOWN BOARD			
010.1010.0405 Conference	270.00	270.00	010.1990.0400 Contingency
TOWN JUSTICE			
010.1110.0105 Overtime	761.00	761.00	010.1110.0104 Health Insurance Stipend
SUPERVISOR			
010.1220.0110 Part Time	1826.00	1226.00	010.9010.0815 Unemployment
010.1220.0401 Supplies	645.00	600.00	010.1220.0201 Equipment
010.1220.0417 Education	210.00	645.00	010.1620.0401 Supplies
		210.00	010.1990.0400 Contingency
INDEPENDENT AUDIT			
010.1320.0438 Audit Services	161.00	161.00	010.1910.0467 Auto
TAX COLLECTION			
010.1330.0110 Part Time	1343.00	1343.00	010.1330.0402 Printing
ASSESSMENT			
010.1355.0404 Mileage	392.00	392.00	010.1355.0411 Gasoline
TOWN CLERK			
010.1410.0401 Supplies	2526.00	2526.00	010.1410.0419 Repair and Maint.
TOWN ATTORNEY			
010.1420.0405 Conference	135.00	135.00	010.1990.0400 Contingency
ENGINEER			
010.1440.0413 Consultant	5837.00	5837.00	010.1420.0426 Special Counsel
BUILDINGS			
010.1620.0442 Sustainability Initiatives	1551.00	1551.00	010.1620.0436 Postage
UNALLOCATED INSURANCE			
010.1910.0467 Liability	965.00	965.00	010.1910.0468 Auto
TRANSPORTATION SUPPORT SERVICE			
010.6772.0417 Education	57.00	57.00	010.1990.0400 Contingency
PARKS			
010.7110.0413 Consultant	475.00	475.00	010.7110.0441 Cleaning Supplies
010.7110.0419 Maint/ Repair	23000.00		
010.7110.0442 Improvements/ Capital	28200.00	51200.00	010.0010.2680 Insurance Recvs
CELEBRATIONS			
010.7550.0438 Supplies and Services	4051.00	4051.00	010.0010.2705 Donations
TOTALS	72405.00	72405.00	

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
UNALLOCATED INSURANCE			
020.1910.0467 Liability	613.00	613.00	020.8010.0414 Contractual Steno
OTHER GENERAL GOVERNMENT			
020.1989.0421 Appraisals	2900.00	2900.00	020.8020.0413 Consultant
POLICE			
020.3120.0101 Pers Service	28041.00		
020.3120.0419 Maint/ Repair	12966.00	41007.00	020.1990.0400 Contingency

BUILDING

020.3620.0203 Car	403.00		
020.3620.0428 Dues	75.00	478.00	020.1950.0438 Taxes on Assessed Prop

PLANNING

020.8020.0405 Conference	150.00		
020.8020.0402 Printing	23.00		
020.8020.0424 Consultant Reimbursable	800.00	800.00	020.0020.2116 Consultant/Reimbursable
020.8020.0428 Dues	15.00	188.00	020.8020.0413 Consultant

STORMWATER MANAGEMENT

EMPLOYEE BENEFITS

020.9010.0811 Police Retirement	7293.00	7293.00	020.1990.0400 Contingency
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TOTALS

TRANSFER TO G/L ACCOUNT TO ACCOUNT: FROM ACCOUNT: TRANSFER FRM G/L ACCNT

STREET ADMINISTRATION

031.5010.0419 Maint/ Repair	978.00	978.00	031.5010.0442 Environmental Improvements
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STREET MAINTENANCE

MACHINERY

031.5130.0106 Longevity	225.00	225.00	031.5130.0449 Parts/ Labor
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GARAGE

031.5132.0474 Fuel Oil	466.00	466.00	031.5132.0419 Maint/ Repair
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WEEDS & BRUSH

SNOW REMOVAL

031.5142.0450 Salt	4587.00	4587.00	031.5142.0105 Overtime
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TOTALS 6256.00 6256.00

TRANSFER TO G/L ACCOUNT AMOUNT AMOUNT TRANSFER FROM G/L ACCOUNT

CEMETERIES

032.8810.0474 Heating-Natural Gas	3500.00		
032.8810.0466 Colombarium Plaques	454.00		
032.8810.0410 Water	2000.00	454.00	032.0032.2195 Columbarian Plaques
032.1910.0467 Liability	109.00	5609.00	032.1990.0400 Contingency

TOTAL 6063.00 6063.00

Motion Carried: Unanimously

G. Finance- Capital Project #2013-2183 Shinehouse Restoration

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 authorizes the adjustment of Capital project #2013-2183, entitled Shinehouse Restoration, from \$28,000 to \$51,800, with the additional amount of \$23,800 to be funded by a transfer from general fund FEMA revenues.

Increase: 037.7110.2183 \$23,800.00 – Shinehouse Restoration (Expense)
 Increase: 037.0037.5032.0183 \$23,800.00 – Shinehouse Restoration (Revenue)
 Increase: 010.0010.4960 \$23,800.00 – Fund Balance (Revenue)
 Increase: 010.9901.0900 \$23,800.00 – Transfers (Expense)

Motion Carried: Unanimously

H. Finance- Capital Project #2013-2186 “Third Floor-Central Air Conditioning”

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 establishment of Capital project #2013-2186, entitled “Third Floor - Central Air Conditioning”, in the amount of \$50,000. Project will be funded by a transfer from General Fund from contingency funds (\$25,000) and fund balance (\$25,000).

Increase: 037.1620.2186 \$50,000 (Expense)
 Increase: 037.0037.5032.0186 \$50,000 (Revenue)
 Increase: 010.9901.0906 \$50,000 (Expense)
 Increase: 010.0010.4795 \$25,000 (Revenue)
 Decrease: 010.1990.0400 \$25,000 (Expense)

**Motion Carried: 4-0-1
 Ayes: Wilcher, Jeff & Donnelly
 Nays: Tripodi**

I. Dale Cemetery-Schedule of Fees

Councilmember Blaha 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 following Schedule of Fees for Dale Cemetery, as follows:

<u>GRAVE PRICES</u>	<u>OLD</u>	<u>NEW</u>	<u>INCREASE</u>
Single Depth Grave	\$1600.00	\$1800.00*	\$200.00
Double Depth Grave	\$2100.00	\$2300.00*	\$200.00
Child’s Grave (2 1/2” x 5’)	\$450.00	\$450.00	NC
Baby Grave (18” x 26”)	\$250.00	\$250.00	NC
Niche in Above Ground Columbarium (Holds Two Urns)	\$1200.00	\$1300.00	\$100.00
Bronze Name & Date Door Plate Installed	\$359.00 (According to supplier cost)		
Cremation Grave Space New 3’ x 3’	\$550.00	\$650.00	\$100.00

*A discount of \$100.00 will be given to any resident of Ossining in the cemetery except in Section nine.

GRAVE PRICES SECTION NINE ONLY

Single Depth Grave	\$1300.00	\$1500.00	\$200.00
Depth Grave	\$1600.00	\$1800.00	\$200.00

It should be noted that the new interment charges will apply to section nine as well as the rest of the cemetery.

INTERMENT PRICES

Single Depth with Vault/Liner	\$1100.00	\$1200.00	\$100.00
Single Depth with Casket	\$1175.00	\$1275.00	\$100.00
Double Depth with Vault/Liner	\$1250.00	\$1350.00	\$100.00
Double Depth with Casket	\$1325.00	\$1425.00	\$100.00
Child's Grave (Up to 5' in Length)	\$475.00	N/C	
Baby Grave (Up to 26" in Length)	\$300.00	N/C	
Cremated Remains	\$500.00	\$600.00**	\$100.00

** The price for direct cremated remains will be \$500.00

DISINTERMENT CHARGES

	<u>OLD</u>	<u>NEW</u>	<u>INCREASE</u>
Disinterment Remaining Here (with vault)			
Single Depth	\$2300.00	\$2500.00	\$200.00
Double Depth	\$2700.00	\$2900.00	\$200.00
Disinterment Remaining Here (casket only)			
Single Depth	\$2425.00	\$2625.00	\$200.00
Double Depth	\$2850.00	\$3050.00	\$200.00
Interment to another Cemetery (with vault)	\$1500.00	\$1700.00***	\$200.00
Disinterment to another Cemetery (casket only)	\$2150.00	\$2350.00***	\$200.00

***The above disinterment charges are for labor only. There will be additional charges if a new wood box or steel vault is necessary at the time of removal. Concrete vault company charges are additional.

ADDITIONAL CHARGES

There are NO INTERMENTS on Sundays or Holidays.

Burials must arrive by 2:00pm Monday through Friday. Saturday burials must arrive by 11:30am. There will be a charge of \$125.00 per half hour for late arrivals.

Saturday full interment fee \$550.00 (increase of \$50.00)

Saturday cremains interment fee \$250.00 (increase of \$50.00)

Dale Cemetery Management Corporation must be notified by 12:00 noon on Friday if a burial is scheduled for the following Monday, otherwise there is a \$550.00 fee for weekend preparation.

There will be a \$200.00 fee in winter if ice/snow conditions exist.

Motion Carried: Unanimously

J. Surplus of Police Equipment

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

Whereas, the Town of Ossining owns property at 507 North State Road originally intended to be utilized as a police station; and

Whereas, the Town of Ossining no longer maintains a police department and has decided to sell the building and land at 507 North State Road;

Therefore be it Resolved that the Town Board of the Town of Ossining hereby declares all non-sensitive contents of the building at 507 North State Road to be surplus, and furthermore agrees to allow the sale of said items to the highest bidder.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following:

- **Town Planning Board meeting minutes dated June 26, 2013**
- **Zoning Board of Appeals Decision dated June 24, 2013**

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for July 2013:

- **Town Building Department**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

VIII. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE

At 7:55 P.M., Councilmember Blaha moved and it was seconded by Councilmember Tripodi that the Regular Meeting be adjourned

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Town Clerk