



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

**OCTOBER 22, 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 October 22, 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, Peter Tripodi and Eric Blaha. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II. ANNOUNCEMENTS**

Supervisor Donnelly announced that the Next Town Hall Meeting will take place on: Tuesday, November 19th, 2013 at 7:30 PM at the Ossining Library (Downstairs Entrance)

I apologize for (yet another!) lengthy update, but we have so much to share! The Town Board believes that having facts available to you on every issue is crucial to the operation of a functioning government, and while you may not have the time to read the whole update at once, we encourage you to save it and refer back to it should questions arise at a later date.

**Dale Cemetery**

The Town Board has decided not to go ahead with this purchase of property from the schools. However, we found it to be an excellent example of taxing agencies (in this case, Town and the school system) working together to determine if a project is beneficial to all tax payers in the community. The following excerpt comes from a letter written by the Town of Ossining to the Ossining Schools, to this end:

*"The Town Board has met several times on this issue and has determined that it is not in the best interest of the Ossining taxpayers (current and future) to move ahead with this process; in an arrangement requiring revenue sharing with the School District, would not provide a satisfactory return on investment for our constituents.*

*The Town Board wishes to thank the Administration of the Ossining Schools, as well as the School Board, for participating in the investigation and the due diligence each group required to examine this process. Further, we appreciate the input from the public and believe that this process has truly been an example of transparent government."*

## 17/20 District Annexation

We are in receipt of petitions submitted by a group of residents living in the Unincorporated Area of the Town who are interested in becoming a part of the Village of Briarcliff Manor. Annexation is a lengthy process that can become quite costly. It is important that you, the residents of the entire Town of Ossining, have all the facts so that you can participate in this process where and when you are permitted by New York State law.

The submission of signed petitions effectively presses the “start” button on an entire process, and does not simply put item on the ballot (as has been implied by some). Over the next few months, we will keep you updated as to the step we are on and the cost of the consequent action as we proceed.

In a nutshell, the steps (dictated by law) are as follows:

1. Petitions are received by the impacted municipalities (in this case, the Town of Ossining and the Village of Briarcliff Manor).
2. Both municipalities must do a complete analysis of how the change will impact all shareholders including all the residents of the Unincorporated Area, and the Town of Ossining residents in the Villages of Briarcliff and Ossining.
3. The two municipalities will hold a public meeting for anyone who wishes to speak or ask questions.
4. Each municipality will determine whether or not they believe the proposed change is in the best interest of all the impacted residents.
5. If there is not an agreement between the two municipalities, then the matter is presented to the NYS Appellate Division of the Supreme Court, which appoints an evaluator to do an in-depth financial, legal and structural analysis of the impact of annexation on all stakeholders. The analysis must also determine whether the remaining areas of the Unincorporated Town of Ossining would be able to continue to sustain necessary municipal services if the annexation were to proceed.
6. If the Appellate Division determines that the proposal is indeed beneficial for the districts requesting the annexation without harming any district within the overall community, the Town schedules a vote. Only residents in Election District 17 and 20 are permitted to vote on the measure.

### **FACTS and FIGURES You Should See:**

- In Election District 17, there are 540 Registered VOTERS. In Election District 20, there are 550 Registered VOTERS, combining for a total of 1090 Registered Voters.
- The petitions had 275 valid signatures, which represents 25% of the VOTERS in those two districts.
- There are 4,209 Registered VOTERS in the entire Unincorporated Area of the Town of Ossining. The two districts (17 & 20) represent 25.9% of the Registered VOTERS in the Unincorporated Area of the Town of Ossining.
- The Taxable Value of all properties in the Unincorporated Area of the Town of Ossining is \$ 49,922,084. The Taxable Value of all properties in District 17 & 20 is \$ 16,705,798. This represents 33.4% (or roughly, 1/3) of the value of the Unincorporated Area.
- The remaining districts in the Unincorporated Area DO NOT automatically become part of the Village of Ossining in this case of 17 & 20 annexation. Should this be something that people who reside in those districts wish to effectuate, they should contact the Town Board via the Supervisor’s Office as soon as possible.
- The remaining Election Districts in the Unincorporated area are Districts 13, 14, 24, 25 and 28.

### Ossining Boat and Canoe Club Building

As many of you are aware, we are conducting a Feasibility Study on the Town-owned building in Louis Engel Park that houses the Ossining Boat and Canoe Club. We have met with the OBCC membership, and our architect is moving forward with the study to determine the Town’s next steps for the property. It is essential that the Town

Administration and Board do everything within their power to protect the residents of the entire Town of Ossining; we are examining this situation not only for the people who use the building, but in order to protect all Town residents from any liability over and above what is deemed practical and necessary by our insurers.

We have visited the building with inspectors, and will be returning for a complete and thorough inspection this Friday. As we have noted before, we are working on a “Town Projects” page for the Town Web page so that residents can monitor our progress, which we hope to have up and running by the beginning of next week. We will store all pertinent information on this page so it can be easily accessed by the public.

#### **BDC (Business Development Committee)**

Calling all residents of the Town of Ossining!!! We are looking for a few good people to “step up to the plate” and work with us on the Business Development Committee. We will be accepting resumes until Monday, November 25<sup>th</sup> from interested residents of the Unincorporated Area of Ossining. Please submit a brief description of why you’d like to be involved, along with your resume of pertinent experience, to Maddi Zachacz in my office ([mzachacz@townofossining.com](mailto:mzachacz@townofossining.com)), and read more about the BDC on the Town’s website (see the agenda and minutes from the Town Board meeting held on September 10<sup>th</sup>, 2013).

#### **Mission Statement of the Business Development Committee (BDC)**

*To work with all of the commercial property owners and/or businesses within the Town of Ossining, as well as with the Ossining and Briarcliff Chambers of Commerce in the Unincorporated Area of Ossining, to determine their needs and how the Town of Ossining may assist them through their purposes, including the development of educational programs, facilitating government contact for purposes of discovering funding opportunities and sharing community-specific news, and the production and enthusiastic promotion of activities designed to engage residents and business owners while spreading positive public relations throughout the community.*

*To work with all taxing agencies involved in the Unincorporated Area to develop programs sharing of services, business education, internships for students, and the development, promotion and enactment of a “Shop Local” program.*

Town Clerk Roberts reminded the Community to attend DARE Halloween on October 31, 2013 at the Joseph G. Caputo Community Center fom 6 – 8 p.m. for games, food and fun. It’s a safe place for the children.

Councilman Tripodi announced that Maryknoll would be holding their annual bazaar on Saturday.

### **III. PUBLIC COMMENT ON AGENDA ITEMS**

### **IV. BOARD RESOLUTIONS**

#### **A. Approval of Minutes-Regular Meeting**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the October 8, 2013, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

#### **B. Approval of Minutes-Special 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 October 15, 2013, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

**C. Approval of Voucher Detail Report**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated October 22, 2013 in the amount of \$172,187.10.

Motion Carried: Unanimously

**D. RESOLUTION IN SUPPORT OF NYS LEGISLATION (Bill Nos. A7896 & S5500) TO PERMIT ENERGY AGGREGATION FOR CONSUMERS**

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

WHEREAS, on August 25, 2004, the New York State Public Service Commission issued a Policy Statement that outlined its vision of electric and gas retail markets, which stated, in pertinent part, that *the provision of safe, adequate, and reliable gas and electric service at just and reasonable prices is the primary goal. Competitive markets, where feasible, are the preferred means of promoting efficient services, and are well suited to deliver just and reasonable prices, while also providing customers with the benefit of greater choice, value, and innovation,* and

WHEREAS, only 22.7% of New York State residents have taken advantage of the opportunity to choose alternative electricity or gas suppliers other than the usual franchised utilities, and

WHEREAS, in other states such as Illinois, Ohio and Massachusetts, Community Choice Aggregation (“CCA”) programs, also known as Municipal Electric Aggregation programs, are currently serving more than ten million people and have saved consumers more than \$500 million, and

WHEREAS, in some communities such as Cleveland, Ohio, 77% of residential consumers were being served competitively in 2011, an increase in the 2009 number of 20%, and

WHEREAS, a modest savings on energy costs could save Westchester County businesses and residents more than \$40 million per year, and

WHEREAS, the Town of Ossining wants its residents and businesses to have the opportunity to save on energy purchases, as have residents and businesses in CCA states, and

WHEREAS, any CCA program in the Town will still compensate franchised utilities for the delivery of the utilities and for maintenance of and reliability in that delivery, thus allowing franchised utilities to concentrate on a resilient infrastructure, and

WHEREAS, any individual consumer is free to choose to “opt-out” of CCA offerings and purchase through the franchised utility, and

WHEREAS, the draft CCA pilot legislation for Westchester, known as A7896 (Paulin) and S5500 (Ball), requires that: (a) CCA customers must save on energy costs when compared to the franchised utility, in order for a municipality to execute a CCA contract; (b) the franchise utility retain its obligation to provide Service of

Last Resort offerings in the event a CCA supplier does not perform; and (c ) no customer who is currently purchasing energy from a free market supplier will be switched in the absence of that customer’s active request to switch.

**NOW THEREFORE BE IT RESOLVED THAT the Town of Ossining requests timely authorization from New York State to provide the opportunity for an aggregation of consumers as described in legislative bills A7896 and S5500.**

**Motion Carried: Unanimously**

**E. Appointment-Temporary Deputy Town Clerk**

**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 appoints Kim Palka to the position of Temporary Deputy Town Clerk to administer marriage licenses at the Sing Sing Correctional Facility effective October 22, 2013. This appointment is fully funded by the Sing Sing Correctional Facility.**

**Motion Carried: Unanimously**

**F. Resolution Establishing Standard Work Day and Days Worked to be Reported for Elected and Appointed Officials**

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

**BE IT RESOLVED, that the Town of Ossining / Location code 30042 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:**

Title	Name	Standard Work Day	Participates in Employer’s Time Keeping System	Days per Month (based on Record of Activities)	Number of Days Worked Per Bi-Weekly Payroll (26 Payrolls)
<b>ELECTED</b>					
Supervisor	Susanne Donnelly	7.0	Yes	21.67	10.0
Town Clerk	Mary Ann Roberts	7.0	Yes	21.67	10.0
Town Justice	Michael Tawil	6.0	No	6.55	3.023
Highway Superintendent	Michael G. O’Connor	8.0	Yes	21.67	10.0
<b>APPOINTED</b>					
Budget Officer	Madeline Zachacz	7.0	Yes	21.67	10.0
Assessor	Fernando Gonzalez	7.0	Yes	21.67	10.0
Town Attorney	Wayne Spector	6.0	No	9.94	4.588
Deputy Town Attorney	Mark Reisman	6.0	No	1.94	0.899

**Motion Carried: Unanimously**

G.

**TAX CERTIORARI**

**Antonio P. Chousa  
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 Antonio P. Chousa against the Town of Ossining, to review the tax assessments made on Petitioner’s property located at 130-136 Spring Street in The Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.07-3-80, for Tax Assessment Years 2009 -2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21848-09; 23030-10; 56951-11; 67202-12; and 64711-13; 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:**

**97.07-3-80 (130-36 Spring Street):**

<b><u>Assessment Year</u></b>	<b><u>Original Assessment</u></b>	<b><u>Revised Assessment</u></b>	<b><u>Amount of Reduction</u></b>
2009-10	\$47,205	\$41,480	\$5,725
2010-11	\$47,205	\$41,480	\$5,725
2011-12	\$47,205	\$41,480	\$5,725
2012-13	\$47,205	\$41,480	\$5,725
2013-14	\$47,205	\$41,480	\$5,725

**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 \$ 327.05, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

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

**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 accepts the following meeting minutes:**

- **Town Planning Board Meeting Minutes – September 18, 2013**
- **Town Planning Board Meeting Minutes – September 25, 2013**

**Motion Carried: Unanimously**

**VI. MONTHLY REPORTS**

**VII. VISITOR RECOGNITION**

**VIII. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE & PERSONNEL**

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

**Approved:**

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**Mary Ann Roberts Town Clerk**