



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

**SEPTEMBER 9, 2014
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey 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 9, 2014 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 Geoffrey Harter, Northern Wilcher and Eric P. Blaha. Councilmember Kim Jeffrey was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Deputy Town Clerk Ann Marie Rocco.

II. ANNOUNCEMENTS

Supervisor Donnelly announced the following:

- Reminded residents that there is still time to vote in tonight's primary election if you are registered democrat. The polls will be open until 9:00 p.m.
- Ossining Town and Village and Village of Briarcliff 9/11 Remembrance Ceremony – A Salute to America's Heroes – will be held on Thursday, September 11th at 7:00 P.M. -- Louis Engel Park on the waterfront adjacent to the Ossining Boat and Canoe Club. The Ossining Community is gathering to remember and recognize the sacrifices of those who lost their lives in the tragedy and also our local heroes who risk their lives every day in the service to others. Members of the public are invited to participate along with Village and Town of Ossining Emergency responders.
- Family Health & Fitness Day – Saturday, September 20 from 10AM-2PM at Richard G. Wishnie Park (Pleasantville and Orchard Road adjacent to Chilmark Shopping Center). Rain Date - Sunday, September 21. Activities, Fun & Prizes for all Ages! Fitness events, walking races, games, Recess Rocks, Yoga, Chiropractic Demonstrations, Health Exhibits, Information by local Health Professionals, Food & Nutrition, the new Westchester Knicks Basketball Team, and much more! Vendors welcome. Booths available. Contact 914-941-3189. Sponsored by the Ossining Recreation & Parks Department, Phelps Hospital, Open Door Medical Centers, Club Fit and the Friends of Richard G. Wishnie Park.
- The next Town Hall Meeting will take place on Tuesday September 30, 2014 at 7:30 p.m. at the Ossining Public Library/Budarz Theater. The Town Assessor will be presenting an update regarding the reassessment.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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 August 26, 2014, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Blaha 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 9, 2014 in the amount of \$232,689.97

Motion Carried: Unanimously

C. Appointment of Marriage Officer

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

Resolved, that the Town Board hereby appoints Susanne Donnelly as Marriage Officer for the Town of Ossining effective September 9, 2014.

Motion Carried: Unanimously

D. TAX CERTIORARI

400 Executive Boulevard, LLC
vs.
Town Of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Blaha 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 400 Executive Boulevard, LLC against the Town of Ossining , to review the tax assessments made on Petitioner’s property located at 400 Executive Boulevard, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20, Block 1, Lot 19 for Tax Assessment Years 2011 through 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.16076/11; 66894/12; and 66167/13; 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>Ass't Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2011	198,400	163,700	34,700
2012	236,280	189,000	47,280
2013	236,280	177,000	59,280

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 \$ 20,485.02, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. Personnel- Park Department- End of Appointment

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 ends the seasonal appointment of Matthew Stuck, Parks Department, effective September 1, 2014.

Motion Carried: Unanimously

F. Tax Receiver- Property Redemption, 57 Ellis Place

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

Whereas, property located at 57 Ellis Place, Ossining, has delinquent taxes resulting in commencement of In Rem foreclosure proceedings and a judgment of foreclosure; and

Whereas, the Town Board passed a resolution on May 20th, 2014, permitting the temporary removal of this property from the scheduled foreclosure auction pending a sale of the property; and

Whereas, the aforementioned condition has been met and the property owners have completed the sale of their property; and

Now, therefore be it Resolved that the Town Board of the Town of Ossining hereby allows for the property owners to redeem said property by paying all outstanding taxes, interest, penalties and fees, plus an additional ten (10%) percent penalty on the lien amount which, upon the recommendation of the Receiver of Taxes, the Town Board finds to be fair and appropriate based on the specific and unique circumstances of this case; and

Be it Further Resolved that the Town Board hereby authorizes the Receiver of Taxes to collect the lien amount plus the 10% penalty without delay.

Motion Carried: Unanimously

ADJOURNMENT -EXECUTIVE SESSION- LEGAL ADVICE

At 7:40 p.m. Councilmember Blaha moved and it was seconded by Councilmember Harter that the meeting be adjourned.

At 7:45 p.m. Councilmember Harter moved and it was seconded by Councilmember Wilcher that the board reconvene.

Motion Carried: Unanimously

G. Resolution Declaring September as “Attendance Awareness Month”

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

WHEREAS, good attendance is essential to student achievement and graduation, and the Town is committed to dedicating resources and attention to reducing chronic absenteeism rates, with a focus starting as early as kindergarten,

WHEREAS, chronic absence – missing 10 percent or more of school for any reason including excused and unexcused absences, or just two or three days a month – is a proven predictor of academic trouble and dropout rates,

WHEREAS, improving attendance and reducing chronic absence takes commitment, collaboration and tailored approaches to particular challenges and strengths in each community,

WHEREAS, chronic absence predicts lower third-grade reading proficiency, course failure and eventual dropout, it weakens our communities and our local economy,

WHEREAS, the impact of chronic absence hits all students and children of color particularly hard if they don’t have the resources to make up for lost time in the classroom and are more likely to face systemic barriers to getting to school.

WHEREAS, chronic absence exacerbates the achievement gap that separates low-income students from their peers, since students from low-income families are both more likely to be chronically absent and more likely to be affected academically by missing school. Absenteeism also undermines efforts to improve struggling schools, since it’s hard to measure improvement in classroom instruction if students are not in class to benefit from them,

WHEREAS, schools and community partners can reach out more frequently to absent students to determine why they are missing school and what would help them attend more regularly,

WHEREAS, schools and districts must do more to track, calculate and share the data on how many students are chronically absent so that we can deliver the right interventions to the right students,

WHEREAS, all students – even those who show up regularly – are affected by chronic absence because teachers must spend time reviewing for students who missed lessons, and

WHEREAS, chronic absence can be significantly reduced when schools, parents and communities work together to monitor and promote good attendance and address hurdles that keep children from getting to school.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Ossining declares that our community will stand with the nation in recognizing September 2014 as “Attendance Awareness Month” and we hereby commit to focusing on reducing chronic absenteeism to give all children an equitable opportunity to learn, grow and thrive academically, emotional and socially; and

BE IT FURTHER RESOLVED that the Board hereby: (a) seeks to raise public awareness and concern about the toxic impact of chronic absence; (b) encourages all Town residents to become engaged; and (c) calls for sustained civic action to help parents get their children to school every day.

Motion Carried: Unanimously

Councilmember Jeffrey arrived at 7:50 p.m.

H. Finance- Capital Project #2013-2182- Old Albany Post Road Dead End Restoration & Repair

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 a 2014 budget adjustment to Capital Project #2013-2182, entitled “Old Albany Post Road Dead End Restoration and Repair” increasing the adjusted project budget from \$1,300,000 to \$1,775,000. Additional project amount will be funded by a Bond Anticipation Note (BAN) for cash flow purposes, and repaid in full by the Federal Emergency Management Agency (FEMA) unless cost exceed allowable FEMA funds, in which case the BAN is also a permanent local source (i.e. to be repaid by property taxes) borrowing.

Increase: 037.5110.2182	\$475,000 Old Albany Post Road Dead End Restoration and Repair (Expense)
Increase: 037.0037.5730.0182	\$475,000 Old Albany Post Road Dead End Restoration and Repair (Revenue)

Motion Carried: Unanimously

I. A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF AN ADDITIONAL \$475,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF IMPROVEMENTS TO OLD ALBANY POST ROAD IN AND FOR SAID TOWN.

Councilmember Wilcher moved and it was seconded by Councilmember Blaha 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 the Town of Ossining, Westchester County, New York, as follows:

Section 1. Improvements to Old Albany Post Road in and for the Town of Ossining, Westchester County, New York, consisting of dead end restoration, including curbs, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, are now hereby authorized at a maximum estimated cost of \$1,775,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) By the issuance of the \$500,000 bonds of said Town heretofore authorized to be issued therefor pursuant to a bond resolution dated March 12, 2013;
- b) By the issuance of the \$800,000 bonds of said Town heretofore authorized to be issued therefor pursuant to a bond resolution dated January 14, 2014; and
- c) By the issuance of an additional \$475,000 bonds of said Town hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds ultimately to be issued shall be reduced dollar for dollar by the amount of FEMA aid received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 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 6. All other matters except as provided herein relating to the 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 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 7. 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 at 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

**Roll Call Vote: 5-0-0
Ayes: Jeffrey, Harter,
Blaha, Wilcher & Donnelly**

J. Sewers - Approval of Ossining Consolidated Sewer District Extension – Colleen Kelly, 43A Morningside Drive

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

Whereas, a Petition for the extension of Ossining Consolidated Sewer District located at 43A Morningside Drive in the Town of Ossining, Westchester County, New York, dated July 1st, 2014 has been presented to the Town Board by Colleen Kelly; and

Whereas, an Order was duly adopted by the Town Board on August 5th, 2014 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying August 26th, 2014 at 7:30pm in the Police/Court facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a Public Hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

Whereas, such Order was duly posted and published as required by law; and

Whereas, a public hearing on the matter was duly held by the Town Board on August 26th, 2014, where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and

Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing borne by the Town of Ossining, the Ossining Consolidated Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the Ossining Consolidated Sewer District in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

K. Personnel- Permanent Appointment, Town Court

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 ends the probation period for Sarath Nair, Intermediate Clerk, and converts his status to Permanent effective September 15th, 2014.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

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

- **Town Planning Board Resolution of Subdivision Plat Approval dated August 13, 2014**

VI. MONTHLY REPORTS

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

- **Town Clerk's Office**
- **G.E. Helicopter Report**
- **Town Building Department**
- **Highway Department**
- **Town Supervisor's Office**

VII. VISITOR RECOGNITION

VIII. ADJOURNMENT - EXECUTIVE SESSION-LEGAL ADVICE

At 8:07 p.m. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk