



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

**OCTOBER 14, 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 October 14, 2014 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Deputy Supervisor Eric P. Blaha. Members of the Board present were: Councilmembers Geoffrey Harter, Northern Wilcher and Kim Jeffrey. Supervisor Susanne Donnelly was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Deputy Town Clerk Ann Marie Rocco.

II. ANNOUNCEMENTS

Deputy Supervisor Blaha reminded residents that the Supervisor's Office has an open door policy and residents are welcome to come in or give a call at any time. Deputy Supervisor Blaha thanked the Assessor's office, Budget Officer and Town Attorney Wayne Spector for all their work they do on our tax certiorari resolutions. Deputy Supervisor Blaha reminded residents to visit our Town website at www.townofossining.com to see the many items that the Board is working on. We recently heard from Tyler Technologies at our last Town Hall Meeting and they indicated that they are making progress on visiting homes. This revaluation is to make sure everyone pays their fair share of taxes. Also, it is budget time and the Budget Officer and Town Supervisor are meeting with the department heads to discuss how we can save more money in each department. The Town is nearing the final contract negotiations with the Village of Ossining Police Department and Deputy Supervisor Blaha thanked Westchester County for all their amazing services throughout the past couple of years. We appreciate the community feedback regarding the police services. Also, The Town has been making increased attention to the grounds at Dale Cemetery and the appearance at Dale Cemetery has much improved.

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 September 23, 2014, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember Jeffrey 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 October 7, 2014, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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 Voucher Detail Report dated October 14, 2014 in the amount of \$1,749,310.00

Motion Carried: Unanimously

D. TAX CERTIORARI

Woodland Farms, 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 Woodland Farms LLC against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 104 Woodside Avenue, Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.10-2-48 for Tax Assessment Years 2010, 2011, 2012, and 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 25041-2010, 15891-2011, 65155-2012 and 64528-2013; 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 Years 2010 thru. 2013

Total Assessment:

\$93,000

be and the said assessments are hereby corrected and reduced to the following amounts:

Assessment Year	Tax Year	Total Current Assessment	Reduction in Assessment	Proposed New Assessment
2010	2011	93,000	18,600	74,400
2011	2012	93,000	18,600	74,400
2012	2013	93,000	18,600	74,400
2013	2014	93,000	18,600	74,400

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,

concurring 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 \$849.12, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E.

TAX CERTIORARI

Woodland Farms, LLC

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 Woodland Farms LLC against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 120 Woodside Avenue, Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.10-2-47 for Tax Assessment Years 2011, 2012, and 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.15891-2011, 65153-2012 and 64527-2013; 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 Years 2011 thru 2013

Total Assessment:

\$49,095

be and the said assessments are hereby corrected and reduced to the following amounts:

Assessment Year	Tax Year	Total Current Assessment	Reduction in Assessment	Proposed New Assessment
2011	2012	49,095	9,820	39,275
2012	2013	49,095	9,820	39,275
2013	2014	49,095	9,820	39,275

WHEREAS, ally and all refunds necessitated by said settlement will be made without interest; and **WHEREAS**, the Town Board, upon the recommendation of the Assessor, concurring 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 \$ 341.09, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F. Personnel- Parks Department- End of Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby ends the seasonal appointment of Pauline Palma, effective September 19th, 2014.

Motion Carried: Unanimously

G. Personnel- Parks 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 Evan Rodriguez, effective September 19th, 2014.

Motion Carried: Unanimously

H. Personnel- Parks Department- End of Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby ends the seasonal appointment of Robert Hinson, effective September 30th, 2014.

Motion Carried: Unanimously

I. Full-time Determination-ACA

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

WHEREAS, pursuant to the Patient Protection and Affordable Care Act (the “Act”), the Town of Ossining (“Town”) must determine the full-time status of ongoing employees in order to satisfy its obligations under the employer shared-responsibility requirements of the Act; and

WHEREAS, such full-time employee status must be determined prior to the start of the health plan year beginning in 2015; and

WHEREAS, the regulations under the Act allow the Town to establish look-back periods to be used for ongoing employees to determine whether a given employee is full-time for purposes of the Act; and

WHEREAS, the Town desires to establish a look-back standard measurement period, administrative period and stability period for its ongoing employees; and

WHEREAS, the Town participates in and provides a health plan through the New York State Health Insurance Program (NYSHIP); and

WHEREAS, the Town's health plan operates on a calendar year plan year; and

NOW THEREFORE, BE IT RESOLVED, that the standard measurement period for ongoing employees shall be a period of 12 months to be measured from November 1, to October 31, with the first standard measurement period running from November 1, 2013 to October 31, 2014; and

BE IT FURTHER RESOLVED, that the administrative period for ongoing employees shall be a period of 60 days to be measured from November 1 to December 31, with the first administrative period running from November 1, 2014 to December 31, 2014; and

BE IT FURTHER RESOLVED, that the stability period for ongoing employees determined to have averaged at least 30 hours of service or more per week shall be a period of 12 months to begin immediately after the administrative period on January 1 and to continue until December 31, with the first stability period running from January 1, 2015 to December 31, 2015; and

BE IT FURTHER RESOLVED, that the stability period for ongoing employees determined not to have averaged at least 30 hours of service or more per week shall be a period of 12 months to begin immediately after the administrative period on January 1 and to continue until December 31, with the first stability period running from January 1, 2015 to December 31, 2015.

Motion Carried: Unanimously

J. Variable Hour Employees-ACA

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

WHEREAS, pursuant to the Patient Protection and Affordable Care Act (the "Act"), the Town of Ossining ("Town") must determine the full-time status of New Variable Hour employees in order to satisfy its obligations under the employer shared-responsibility requirements of the Act; and

WHEREAS, the regulations under the Act allow the Town to establish look-back periods to be used for New Variable Hour employees to determine whether a given employee is full-time for purposes of the Act; and

WHEREAS, the Town desires to establish a look-back initial measurement period, administrative period and stability period for its New Variable Hour employees; and

WHEREAS, the Town participates in and provides a health plan through the New York State Health Insurance Program (NYSHIP); and

WHEREAS, the Town's health plan operates on a calendar year plan year; and

NOW THEREFORE, BE IT RESOLVED, that the initial measurement period for New Variable Hour employees shall be a period of 12 months to be measured from the first day of the month beginning on or next following the employee's start date with the Town; and

**BE IT FURTHER RESOLVED, that the administrative period for New Variable Hour employees shall be a period which shall begin at the end of the initial measurement period and shall continue through the end of the first full calendar month beginning on or after the end of the initial measurement period; and
BE IT FURTHER RESOLVED, that the stability period for New Variable Hour employees determined to have averaged at least 30 hours of service or more per week during the initial measurement period, shall be a period of 12 consecutive calendar months to begin immediately after the end of the administrative period; and**

BE IT FURTHER RESOLVED, that the stability period for New Variable Hour employees determined not to have averaged at least 30 hours of service or more per week during the initial measurement period, shall be a period of 12 consecutive calendar months to begin immediately after the end of the administrative period.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Jeffrey 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 Planning Board meeting minutes dated August 13, 2014.

Motion Carried: Unanimously

VI. 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 following monthly reports for the month of September 2014 from:

- Town Clerk's Office**
- Town Supervisor's Office**
- Town Building Department**
- Town Highway Department**
- Tax Receiver's Office**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Mark Fry (member of the OBCC) advised the Board that they have been working on researching the history of the OBCC. He is doing research from 1915 through the present. OBCC has been serving the community for 97 years so far. During our research we wanted to find out if the OBCC was eligible for FEMA funding after hurricane Sandy.

According to Ron Krolkowski (FEMA representative) The Town owns the Boathouse, and has a license agreement (no lease) with the OBCC which states "the Town, as part

of its recreating program wishes to provide recreational boating and related opportunities, services and facilities for accommodation of the public, especially residents of the Town of Ossining, and the club desires to construct, improve, operate and maintain the facilities required in order that the said opportunities may be provided.

The Club agrees that should any building or structure upon the premises included in this agreement be damaged by fire, or any other cause whatsoever, so as to prevent the operation of this agreement to the satisfaction of the Town, then either party may, on notice, in writing, cancel and terminate this agreement and all rights and privileges hereunder shall cease and the Town will be free to use the premises for any purpose permitted by law.

The License agreement was not terminated after the disaster; moreover 39 members of the OBCC provided 1,361 hours of volunteer labor, equipment and purchased materials and contract services to restore the OBCC as described in Thomas Earle, OBCC Commodore, 1/23/13 letter report.

Additionally, The Town of Ossining employed professional engineering services for a structural inspection of the Westerly Rd. Boathouse. Grossfield Macri PC, consulting engineers inspected the Boat House on 11/19/12 and provided the following statement in their 11/26/12 letter report. "Despite the height of the water there are no visible signs of structural distress anywhere within the building. There is no indications that the building was displaced from the pile foundation. The wood floor framing appears to have been unaffected by the water inflow. In summary, we did observe any structural damage to the building.

Tom Earle Edgewood Rd. member of OBCC Historical Committee. Mr. Earle explained that when Mr. Chervokas was in office he wanted the OBCC to go on for a long time and thanked the board for letting them present this evening.

VIII. ADJOURNMENT

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

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk