

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

MARCH 11, 2008 – REGULAR MEETING
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter Northern Wilcher
David Krieger

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on March 11, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Martha Dodge. Other members of the Board present were: Geoffrey Harter, David Krieger and Northern Wilcher. Also present were: Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. SWEARING IN – Interim Supervisor – Martha Dodge

Town Justice Edwin Shapiro administered the Oath of Office to the position of Town Supervisor to Martha Dodge. This was a ceremonial swearing in as Supervisor Dodge was officially sworn in by Town Clerk Mary Ann Roberts on Monday, March 3, 2008.

III. ANNOUNCEMENTS

Supervisor Dodge announced that the Town Board was accepting letters along with resumes for the position of Town Councilmember to fill the seat recently vacated by Supervisor Dodge. She requested that these letters and resumes be forwarded to the Supervisors Office by no later than March 31st.

There will be a Job Fair on April 5, 2008 at the Joseph G. Caputo Community Center from 2 – 4 p.m. relative to jobs for the youth of our Community.

Councilmember David Krieger announced that the Ossining Public Library would be holding a Book Sale on April 5th from 9 – 5; April 6th from 12 noon to 5 and April 7th from 10 – 2. The Ossining Public Library will also sponsor a free math tutoring program on Wednesdays at 7 p.m. for middle school and high school age students. Please call to make a reservation.

IV. BOARD RESOLUTIONS

A. Resignation – Councilmember

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

Resolved, that the Town Board of the Town of Ossining accepts the resignation of Martha Dodge, from the position of Councilperson, effective February 29, 2008.

Motion Carried: Unanimously

B. Approval of Minutes – February 26, 2008

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the February 26, 2008 Regular Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated March 11, 2008 in the amount of \$449,492.13.

Motion Carried: Unanimously

D. Finance –2008 Budget Adjustment –Cable Franchise Agreement

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

Whereas, the Town of Ossining entered into a Cable Franchise Agreement with Verizon New York Inc. on December 21, 2007, and

Whereas, section 5.4 of the agreement states the Franchisee shall provide to the Town of Ossining financial contributions in support of the production of local Public, Education, Government (PEG) programming, which is to be used for PEG access equipment, including, but not limited to, studio and portable production equipment, editing equipment and program playback equipment, or for renovation or construction of PEG access facilities, and for any other PEG related needs of the Town, and

Whereas, Verizon New York, Inc. has issued the first installment of PEG money in the amount of \$20,833.33,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the 2008 budget to be amended as follows:

Increase:

010-1989-0481 – Franchise Sharing-Peg Grant	\$20,833.33
010-0010-1171 - Franchise Fees- Peg Grant	\$20,833.33

Motion Carried: Unanimously

E. Insurance – Renewal of Workers' Compensation Contract

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

Whereas, the Village of Ossining entered into a contract for Workers' Compensation Insurance with Arthur Gallagher and Company, and

Whereas, the Town of Ossining is listed as an insured on the Village's policies with a self insured retention for the first \$125,000 of each claim and excess coverage provided by Princeton Excess and Surplus Lines Insurance Company and Safety National Insurance Company,

Now, therefore it be Resolved that the Town Board authorizes payment in the amount of \$67,622.96 to Arthur Gallagher and Company for Workers' Compensation Insurance from January 1, 2008 to December 31, 2008.

Motion Carried: Unanimously

F. Workers' Compensation – Triad Group

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into an agreement with Triad Group, 185 Jordan Road, Troy, New York 12180, to act as third party administrator for the Town's Workers' Compensation program for the term beginning January 1, 2008 to December 31, 2008 in accordance with the contract submitted, dated December 27, 2007.

Motion Carried: Unanimously

G. CERTIORARI SETTLEMENT
CONSOLIDATED EDISON COMPANY OF NY, INC.
vs.
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by CONSOLIDATED EDISON COMPANY OF NY, INC., Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 39 Central Avenue in the Village and Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.19, Block 5, Lot 75 (f/k/a Section 3.08, Block 15, Lot 20), for assessment years 2005 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18356/05, 18524/06 and 19009/07; 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:

YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	AMOUNT OF REDUCTION
2005	1,254,133	1,017,000	237,133
2006	1,254,133	887,400	366,733
2007	1,254,133	635,350	618,783

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$3,977.13, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. CERTIORARI SETTLEMENT

MYSTIC POINTE I CONDOMINIUM
MYSTIC POINTE II CONDOMINIUM
vs.
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by MYSTIC POINTE I CONDOMINIUM, Petitioners, against the Town of Ossining to review the tax assessments made on Petitioners’ property located at North Highland Avenue, Town of Ossining, partly in the Village of Ossining and partly in the Unincorporated Area, and designated on the tax assessment map of the Town of Ossining as Section 89.06, Block 1, Lots 1/0001-1/0168, and Section 80.18, Block 2, Lot 30/0070, for assessment years 2004 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 14470/04, 15960/05, 19143/06 and 19883/07; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by MYSTIC POINTE II CONDOMINIUM, Petitioners, against the Town of Ossining to review the tax assessments made on Petitioners’ property located at North Highland Avenue, Town of Ossining, partly in the Village of Ossining and partly in the Unincorporated Area, and designated on the tax assessment map of the Town of Ossining as Section 89.06, Block 1, Lots 1/0005-1/0166, and Section 80.18, Block 2, Lot 30/0061-30/0126, for assessment years 2004 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 14471/04, 15957/05, 19144/06 and 19884/07; 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:

MYSTIC POINTE I CONDOMINIUM

Assessment Year	Original Assessment (Totals)	Corrected Assessment (Totals)	Reduction (Totals)
2004	1,703,228	1,584,002	119,226
2005	1,706,981	1,536,283	170,698
2006	1,706,981	1,399,724	307,257
2007	1,706,981	1,365,585	341,396

MYSTIC POINTE II CONDOMINIUM

Assessment Year	Original Assessment (Totals)	Corrected Assessment (Totals)	Reduction (Totals)
2004	1,980,910	1,842,246	138,664
2005	1,981,750	1,783,575	198,175
2006	1,980,949	1,624,378	356,571
2007	1,980,949	1,584,759	396,190

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$ 34,764.31, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I. CERTIORARI SETTLEMENT

SCARBOROUGH GLEN CONDOMINIUM I
SCARBOROUGH GLEN CONDOMINIUM II
SCARBOROUGH GLEN CONDOMINIUM III
SCARBOROUGH GLEN CONDOMINIUM IV

vs.

TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by SCARBOROUGH GLEN CONDOMINIUM I, SCARBOROUGH GLEN CONDOMINIUM II, SCARBOROUGH GLEN CONDOMINIUM III, and SCARBOROUGH GLEN CONDOMINIUM IV, Petitioners, against the Town of Ossining to review the tax assessments made on Petitioners' property located at South Highland Avenue, in the Village and Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 4, Lots 7/0001-7/0136, for assessment years 2002 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18117/02, 15871/03, 14474/04, 15955/05, 19139/06 and 19878/07; 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:

SCARBOROUGH GLEN CONDOMINIUMS I – IV			
Assessment Year	Original Assessment (Totals)	Corrected Assessment (Totals)	Reduction (Totals)
2003	3,030,997	2,636,967	394,030
2004	3,028,997	2,423,198	605,799
2005	3,040,632	2,432,506	608,126
2006	3,044,858	2,283,643	761,215
2007	3,052,000	2,197,440	854,560

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$14,795.62, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

J. CERTIORARI SETTLEMENT

WACHOVIA CORPORATION
vs.
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by WACHOVIA CORPORATION Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at Pleasantville Road, Briarcliff Manor, Town of Ossining, partly in the Village of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.16, Block 6, Lot 61 (f/k/a Section 2.17, Block 35, Lot 3); and on Petitioner's property located at 3 Pleasantville Road, Briarcliff Manor, Town of Ossining, partly in the Village of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.16, Block 6, Lot 62 (f/k/a Section 2.17, Block 35, Lot 9); and on Petitioner's property located at 176 Croton Avenue, Briarcliff Manor, Town of Ossining, partly in the Village of

Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.16, Block 6, Lot 64 (f/k/a Section 2.17, Blocks 32, 35, Lot 21); and on Petitioner’s property located at 1050 Pleasantville Road, Briarcliff Manor, Town of Ossining, and partly in the Village of Briarcliff, and designated on the tax assessment map of the Town of Ossining as Section 98.10, Block 1, Lot 51 (f/k/a Section 4.21, Block 13, Lot 5); for assessment years 2002 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16389/02, 14776/03, 16409/04, 17306/05, 18650/06 and 18873/07; 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:

Pleasantville Road
89.16-6-61 (f/k/a Section 2.17, Block 35, Lot 3)

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2002	12,100	11,250	850
2003	12,100	10,400	1,700
2004	12,100	10,300	1,800
2005	12,100	9,650	2,450
2006	12,100	8,900	3,200
2007	12,100	9,050	3,050

3 Pleasantville Road
89.16-6-62 (f/k/a Section 2.17, Block 35, Lot 9)

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2002	9,700	9,000	700
2003	9,700	8,350	1,350
2004	9,700	8,300	1,400
2005	9,700	7,750	1,950
2006	9,700	7,100	2,600
2007	9,700	7,250	2,450

176 Croton Avenue
89.16-6-64 (f/k/a Section 2.17, Blocks 32, 36, Lot 21)

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2002	116,700	108,450	8,250
2003	116,700	100,350	16,350
2004	116,700	99,500	17,200
2005	116,700	93,000	23,700
2006	116,700	85,600	31,100
2007	116,700	87,100	29,600

1050 Pleasantville Road
98.10-1-51 (f/k/a Section 4.21, Block 13, Lot 5)

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2002	215,000	206,400	8,600
2003	215,000	206,400	8,600

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2004	215,000	195,650	19,350
2005	215,000	187,050	27,950
2006	215,000	172,000	43,000
2007	215,000	169,850	45,150

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$1,381.36, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

K. Town of Ossining - Support of Local Government

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

Whereas, Governor Spitzer created a Commission on Local Government Efficiency and Competitiveness with direction to study and recommend ways to make New York State’s local governments more efficient and competitive for economic growth and expansion, and

Whereas, it appears the Governor and the Commission are persuaded that there are too many local governments, including towns, and

Whereas, the Commission has indicated the efficiencies and economics will be achieved by consolidation of local governments, local services and transfer of functions, such as tax assessment and tax collection, among others, to a county or other regional governments, and

Whereas, this Town Board is concerned that any such proposals or changes would be a disservice to residents and taxpayers and would not result in more efficient services to our taxpayers and residents, and

Whereas, the taxpayers of this Town are serviced well and efficiently by tax assessment and tax collection service provided by the Town, and

Whereas, this Town Board recognizes it has options under present law to make changes as it deems appropriate for the Town, and

Whereas, this Town Board supports continuation of tax collection and tax assessment services presently provided in this Town, Now Therefore

Be it Resolved that this Board supports continuation of tax collection and tax assessment services in the Town of Ossining, and

Be if Further Resolved, that this Board opposes mandate changes or transfers of functions that may be proposed by the Commission.

Motion Carried: Unanimously

L. Personnel-Supervisor's Office

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes a one time payment of \$1500 and an additional five days vacation in 2008 only to Jane Kanning, Confidential Secretary to Supervisor and a one time payment of \$500 to Elisa Sciarabba for additional responsibilities in the Supervisor's Office during the Budget Officer's maternity leave.

Motion to TABLE: Carried Unanimously

M. Finance – Capital Project # 2008-2154 Justice Court Assistance Program (JCAP)

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project # 2008-2154, entitled Justice Court Assistance Program (JCAP), in the amount of \$9,597.20, to be fully funded by a grant from the New York State Office of Court Administration

Motion Carried: Unanimously

N. Finance – 2007 Budget Adjustment

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the 2007 budget to be amended as follows:

<u>Transfer to G/L Acct</u>	<u>Amount</u>	<u>Transfer from G/L Acct</u>
010-9010-813 - Workers Comp	31,865.00	010-0010-4795 - Fund Balance
020-9010-813 - Workers Comp	27,462.00	010-0020-4795 - Fund Balance
031-9010-813 - Workers Comp	12,930.00	031-0031-4795 - Fund Balance

Motion Carried: Unanimously

O. Authorization for the Town Clerk to Attend the NYS Town Clerk's Conference

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to attend the NYS Town Clerk's Conference in Saratoga on April 28, 29 and 30, 2008.

Motion Carried: Unanimously

V. MONTHLY REPORTS – February, 2008

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the reports for the Month of February, 2008 from Town Clerk and Receiver of Taxes be received and filed.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the following correspondence be received and filed:

1. February, 2008 Helicopter Log from G.E.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, congratulated and wished Supervisor Dodge well in her new position. Also questioned was the significance of the peg line and franchise fees.

Supervisor Dodge stated that the Peg Line provides for public access, educational as well as government programming.

Mr. Williams also questioned what the impact was on the schools with the assorted certiorari settlements in the agenda this evening.

Assessor Josette Polzella stated that \$1.9 million pertained to the schools and \$61,000 from the Town for refunds.

Mr. Williams also discussed the clean up of the Hudson River by G.E. which has been proposed for several years.

VIII. ADJOURNMENT

At 8:39 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the Board adjourn into Executive Session for the purpose of Personnel.

Motion Carried: Unanimously

Mary Ann Roberts, Town Clerk

Approved: