

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

September 8, 2009
7:30 PM

SUPERVISOR
Catherine Borgia
COUNCILMEMBERS

Geoffrey Harter Michael L. Tawil
David Krieger 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 8, 2009 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Geoffrey Harter, Northern Wilcher, David Krieger and Michael Tawil. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny.

II. PUBLIC HEARING – Considering the consolidation of all existing Sewer Districts in the Town of Ossining.

The Public Hearing was opened at 7:30 P.M. by Supervisor Borgia.

Supervisor Borgia stated that the State Comptroller advocates for consolidation in local municipalities. Sewer Districts have evolved and with capital improvements it allows us to consolidate all of the sewer districts into one.

Peter Tripodi, Quail Hollow Road, questioned why North State Road was not being incorporated. Supervisor Borgia responded that no, it is being incorporated however, the debt is staying in North State Road. Mr. Tripodi responded that other districts are in debt as well. Supervisor Borgia responded that few residential districts have debt and fund balance. All will be combined. The Board feels that this is a wisest financial move to maintain the infrastructure. Mr. Tripodi questioned whether it would be incorporated in the General Fund and Supervisor Borgia responded that it will not be and will have its own line as the water district does.

At 7:45 P.M., Councilmember Tawil moved and it was seconded by Councilmember Krieger that the public hearing be closed.

III. ANNOUNCEMENTS

Councilmember Krieger announced that the Ossining Public Library and the Historical Society will jointly sponsor an evening dedicated to Henry Hudson. This will take place on Tuesday, September 15, 2009 at 7 p.m. in celebration of the 400th Anniversary of Henry Hudson.

Councilmember Harter announced a common race/walk for the benefit of breast cancer in New York City. He also announced that the first full day of school will start on September 9th. He cautioned the community to be mindful of a stopped school bus.

Supervisor Borgia announced that the Ossining Matters Walk Race will be held on Saturday, September 12th, with a kickoff at 9 a.m. The Annual 9/11 Ceremony will take place at Engel Park on Friday September 11, 2009 at 11 a.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS

Peter Tripodi, Quail Hollow Road, questioned Agenda Item I (Personnel Part Time Intermediate Clerk) relative to hiring a part time clerk in the Town Clerk's Office. How is this split between the Town and Village? Supervisor Borgia responded that the Clerk is paid through the Town as we have an IMA with the Village. The Boards are working on

a cost breakdown to finalize the IMA. The new Deputy Town Clerk needs training as well as the fact that the last few months of the year are extremely busy in the Clerk's office. The Boards want to make sure we have a smoothly functioning department. The current split is 65/35. This will be the first IMA we will have completed and will serve as a template for other IMAs. Mr. Tripodi questioned whether the September Primary was a Village election. Supervisor Borgia responded that the Clerk handles all elections as a Town-wide function. Mr. Tripodi questioned whether the bulk of the work was for the Village. Supervisor Borgia responded yes, however, it is a Town function. Mr. Tripodi stated that the Village payout should be substantially more.

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Tawil 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 August 25, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Work Session Minutes

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

Resolved, that the Town Board of the Town of Ossining hereby approves the minutes of the August 18, 2009 Work Session.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Krieger 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 September 8, 2009 in the amount of \$245,197.90.

Motion Carried: Unanimously

D. Sewer-Approval of Valley View Sewer District Extension Keith H. Gordon and Elena Sabatini:

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

Whereas, a Petition for the extension of the Valley View Sewer District located at 78 Hawkes Avenue in the Town of Ossining, Westchester County, New York, dated July 29, 2009, has been presented to the Town Board by Keith H. Gordon and Elena Sabatini, and

Whereas, an Order was duly adopted by the Town Board on August 11, 2009 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying August 25, 2009 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 25, 2009, 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 Valley View 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 Valley View Sewer District located at 78 Hawkes Avenue 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.

The question being put, the roll was called with the following result:

Councilmember Geoffrey Harter	Voting	Yes
Councilmember David Krieger	Voting	Yes
Councilmember Northern Wilcher	Voting	Yes
Councilmember Michael Tawil	Voting	Yes
Supervisor Catherine Borgia	Voting	Yes

The resolution was thereupon declared duly adopted.

E. Order calling for a Public Hearing in the Matter of the Petition for Extension of the Valley View Sewer District – Herbert E. Olmstead Sr.

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

Whereas, a Petition for the extension of the Valley View Sewer District located at 72 and 72B Hawkes Avenue in the Town of Ossining, Westchester County, New York, dated August 19, 2009, has been presented to the Town Board by, Herbert E. Olmstead, Sr. and

Whereas, the boundaries of the proposed Sewer District Extension are described as follows:

72 Hawkes Avenue: Beginning at a point on the easterly side of Hawkes Avenue adjoining lands now or formerly of Jacob S. Pinckney, said point being the southwesterly corner of the parcel herein described; running thence northerly along said easterly side of Hawkes Avenue, North 16° 28' 20" East 150.34 feet to the northeasterly corner of the parcel herein described; thence South 69° 49' 40" East 371.63 feet to lands now or formerly of Charles K, Krueger; thence along said lands of Charles H. Krueger, South 16° 14' 10" West 150.38 feet to the aforementioned lands now or formerly of Jacob S. Pinckney, thence along said lands now or formerly of Pinckney, North 67° 03' 40" West 17.32 feet, North 69° 47' 50" West 30.14 feet, North 69° 03' 40" West 17.32 feet, North 69° 47' 50" West 30.14 feet, North 69° 24' 50" West 55.43 feet, North 70° 19' 00" West 96.84 feet, North 70° 04' 50" West 69.21 feet, North 69° 54' 00" West 103.32 feet to the aforementioned easterly side of Hawkes Avenue and the point or place of beginning.

72B Hawkes Ave. Property on E S Hawkes Ave., 75.17' N from Pinckney; N along Hawkes Avenue, N16-28-20E 75.17'; E thru Sleator S69 49-40-E 371.63' to Krueger; along last S16-14-10-W 75.19' to SE cor hereof; N69-49-40-W 371.93' to beg. Cont. 0.641 acre.

Said premises known as 72 and 72 B Hawkes Avenue, New York, and also known as Section 89.08, Block 1, Lot 41 on the Tax Map of the Town of Ossining," and

Whereas, the improvements proposed for said Sewer District Extension consist of the construction and installation of a sewer system, including sewer main, manhole and other improvements incidental thereto, all as more described in the map and plan accompanying the aforesaid petition, which map and plan are on file in the Town Clerk's Office of said Town for public inspection during regular business hours; and

Whereas, the cost of establishing such Sewer District Extension shall be borne entirely by the Petitioner; and

Whereas, it is now desired to call a Public Hearing to consider the Petition for the proposed establishment of said Sewer District Extension pursuant to Section 193 of the Town Law, as well as for purposes of determining the environmental impact of said action; Now Therefore be it

Ordered, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1: A meeting of the Town Board of the Town of Ossining, Westchester County, New York, shall be held at the Police/Court Facility, 86-88 Spring Street, In Ossining, New York, on the 22th day of September 2009, at 7:30p.m., for the purpose of conducting a public hearing to consider the aforementioned Petition and to hear all persons interested in the subject thereof concerning the same.

Section 2: The Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be published in the Journal News and posted in the manner provided by law.

Section 3: This Order shall take effect immediately.

Motion Carried: Unanimously

F. Resolution calling for Public Hearing in the Matter of the Increase and Improvement of Facilities of Stonegate Road Sewer District in the Town of Ossining Pursuant to Section 202-B.

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

WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has caused to be prepared a plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Stonegate Road Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station, at a maximum estimated cost of \$1,200,000; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Sewer District in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Ossining, New York, in said Town, on September 22, 2009, at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street at 7:30 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Stonegate Road Sewer District in the Town of Ossining, Westchester County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the Journal News, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Ossining, Westchester County, New York, will meet at the Town Hall, in Ossining, New York, in said Town, on September 22, 2009, at the Birdsall/Fagan Police Court Facility 86-88 Spring Street 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Stonegate Road Sewer District in said Town, consisting of the construction of gravity sewer lines and demolition of the existing pump station, at a maximum estimated cost of \$1,200,000. At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Section 4. This Order shall take effect immediately.

Motion Carried: Unanimously

G: Calling for a Public Hearing for Stormytown Road Sewer District Construction of Gravity Sewer lines/Demolition of Existing Pump Station \$2,000,000 (202-B):

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

WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has caused to be prepared a plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Stormytown Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station, at a maximum estimated cost of \$2,000,000; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Sewer District in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. A public hearing will be held at the Birdsall/Fagan Police Court Facility, in Ossining, New York, in said Town, on September 22, 2009, at the Birdsall/Fagan Police Court Facility 86-88 Spring Street 7:30 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Stormytown Sewer District in the Town of Ossining, Westchester County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the Journal News, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Ossining, Westchester County, New York, will meet at the Town Hall, in Ossining, New York, in said Town, on September 22, 2009, at the Birdsall/Fagan Police Court Facility 86-88 Spring Street

7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Stormytown Sewer District in said Town, consisting of the construction of gravity sewer lines and demolition of the existing pump station, at a maximum estimated cost of \$2,000,000. At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Section 4. This Order shall take effect immediately.

Motion Carried: Unanimously

H. Agreement-Workers' Compensation Claims Runoff Management Services

Councilmember Krieger 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 the Supervisor to enter into an agreement, in a form acceptable to the Town Attorney, with Wright Risk Management, 333 Earle Ovington Blvd, Uniondale, NY to perform workers' compensation claims runoff management services at the rate of \$450 per Claim.

Motion Carried: Unanimously

I. Personnel-Part-Time Intermediate Clerk

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

Whereas, the two Deputy Town Clerks within the Town/Village Clerk's Office both retired within the past few months and due to vacancies, Patricia Fracassi, retired Deputy Town Clerk, was appointed on a part-time availability basis as a temporary measure for the purpose of covering staff vacations effective July 31, 2009; and

Whereas, one Deputy Town Clerk was hired as a replacement for one of the recently retired Deputy Town Clerks in August 2009; and

Whereas, due to the financial situation of the Town, the Town Board has determined that it is not possible, at this time to replace the second vacancy of Deputy Town Clerk; and

Whereas, to assist in handling the needs of the office and to train the new Deputy Town Clerk, it has been determined that an additional part-time employee is needed in the Clerk's office; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby appoints Patricia Fracassi as a part-time Intermediate Clerk effective September 1, 2009 at an hourly rate of \$20.68; and be it further

Resolved, that this appointment shall conclude on December 31, 2009.

Motion Carried: Unanimously

J. Town Property-Surplus Vehicles

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the Offer to Purchase of Gary Cecere for the following surplus vehicles at the bid price listed below:

1999 Chevrolet 3500 Dump Truck	VIN # 1GBJK34R2XF088179	\$200.00
1998 Ford Expedition	VIN # 1FMPU18L5WLB31158	\$100.00

Motion Carried: Unanimously

VI. MONTHLY REPORTS-

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

August- GE Helicopter Report
August- Town/Village Clerk Report
August- Town of Ossining Police Department

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, announced that he was unable to be in three places at the same time. The County is holding a Public Hearing on Affordable Housing and the Village is also holding Public Hearings on Zoning etc. but he chose to be at the Town Board Meeting. He discussed the issue of education and that our children need to be educated in order to compete in the world. He also discussed affordable housing and hoped that the Town would find the needed space and it should include the whole Town.

Supervisor Borgia stated that the Town has one such project that does have an affordable component – Hawkes Crossing.

Town Attorney Spector stated we have an adopted increase in density and that Hawkes Crossing has two houses that are considered to be affordable.

Peter Tripodi, Quail Hollow Road, stated that it was great to see Hawkes Crossing including affordable housing. It is useless when it is put in only one section as it should be mixed and spread throughout the Community.

VIII. ADJOURNMENT- EXECUTIVE SESSION- CERTIORARIS

At 8:15P.M. Councilmember Harter moved and it was seconded by Councilmember Tawil that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk