

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

October 27, 2009  
7:30 P.M.

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 October 27, 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: Councilmembers Geoffrey Harter, Northern Wilcher, David Krieger. Michael Tawil was absent. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Deputy Town Clerk, Ann Marie Rocco.

II. ANNOUNCEMENTS

Councilmember Krieger announced that the Ossining Public Library will be showing Neil Simon's The Good Doctor on Wednesday, November 18, 2009. The library will also be showing Great American Song Writers on Sunday, November 22, 2009.

Supervisor Borgia announced that the Town/Village will be holding their annual Halloween Costume parade at Nelson Sitting Park on Saturday, October 31st at 3:00PM. Adults/children will line up at the park and march from Nelson Sitting Park to Market Square. There will be costumes, free cider and donuts and medals for all who attend. Then march over to the Community Center for the DARE program at the Joseph G. Caputo Community Center Saturday October 31<sup>st</sup> from 6:00 to 8:30pm.

Supervisor Borgia also reminded everyone that Tuesday, November 3, 2009 is Election Day and she encourages everyone in the community to come out and vote on Tuesday.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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 Minutes of the October 13, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Work Session Minutes

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 minutes of the October 20, 2009 Work Session.

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 27, 2009 in the amount of \$ 347,277.64

Motion Carried: Unanimously

D. Highway Department Bid – Two Dump Body Assemblies

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to advertise for Bids for two Heavy Duty Dump Body/Stainless Steel Material Spreader, Power-Reverse Plow and related truck attachments for use by the Town of Ossining Highway Department, to be returnable no later than 10:00 a.m. on Thursday, November 12, 2009 in the Office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

E. Calling for a Public Hearing-2010 Preliminary Budget

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 calls for a Public Hearing to be held on Tuesday, November 24, 2009 at 7:30p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street, in the matter of the 2010 Preliminary Budget for the Town of Ossining.

Motion Carried: Unanimously

F. Personnel-Resignation-Police Officer

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

Whereas, Alexander S. Ruhe has submitted a letter changing the date of his resignation to be effective October 14, 2009;

Now Therefore Be It Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of Alexander S. Ruhe as Police Officer effective October 14, 2009.

Motion Carried: Unanimously

G. Finance-Closing Capital Projects

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

Whereas, the Town Board of the Town of Ossining closed the following capital project at the Board meeting on October 13, 2009 and the unexpended balance was transferred to debt service;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the following capital project be reopened at the request of the Highway Superintendent until the remaining bills have been satisfied.

| <u>Project</u> | <u>Project Name</u>         | <u>Surplus</u> |
|----------------|-----------------------------|----------------|
| 2008-0058      | Samstag Ave. Retaining Wall | \$2,679.78     |

Motion Carried: Unanimously

H. IMA-Village of Ossining-Yard Waste Transfer Site

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 authorizes the Supervisor to enter into an agreement with the Village of Ossining for the Yard Waste Transfer Site, at a cost of \$23 per ton in accordance with the agreement. The term of this agreement shall be effective October 1, 2009 and shall expire on March 31, 2010.

Motion Carried: Unanimously

I. GIS Consulting Services Agreement

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 authorizes the Supervisor to enter into an agreement with James W. Sewall Company, at a cost of \$9,535.00 for the year 2009, to perform tax map maintenance. The term of this agreement shall be effective January 1, 2009 and shall expire on December 31, 2009.

Motion Carried: Unanimously

J.

AMENDED  
CERTIORARI SETTLEMENT DEERFIELD CONDO I, II, III  
vs.  
TOWN OF OSSINING

Councilmember Krieger 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 DEERFIELD CONDO I, II, III, Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at Deerfield Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 1.03, Block 002, Lots 9.0001 through 12.0006; Section 1.03, Block 002, Lots 4.0001 through 8.0006, and Section 1.03, Block 2, Lots 1.0001 through 3.0006, now known as Section 80.20, Block 1, Lots 16/0901 through 16/1206; Section 80.20, Block 1, Lots 16/0401 through 16/0806; and Section 80.20, Block 1, Lots 16/0101 through 16/0306, respectively, for assessment years 1998 through 2008, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15179/98, 16095/99, 15870/00, 16293/01, 17672/02, 16689/03, 17055/04, 16482/05, 20605/06, 20765/07 and 23288/08; and

WHEREAS, this settlement was previously approved by resolution approved January 13, 2009, but due to errors discovered in the assessment reduction calculations, it was determined that an Amended Resolution with the corrected calculations is required; 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:

CONDO I

| Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-----------------|---------------------|----------------------|-----------|
| 1998            | 428,640             | 428,640              | -0-       |
| 1999            | 428,640             | 428,640              | -0-       |
| 2000            | 428,640             | 428,640              | -0-       |
| 2001            | 428,640             | 428,640              | -0-       |
| 2002            | 428,640             | 428,640              | -0-       |
| 2003            | 432,070             | 410,469              | 21,601    |

| Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-----------------|---------------------|----------------------|-----------|
| 2004            | 432,070             | 380,224              | 51,846    |
| 2005            | 432,070             | 380,224              | 51,846    |
| 2006            | 432,070             | 358,622              | 73,448    |
| 2007            | 432,070             | 358,622              | 73,448    |
| 2008            | 432,070             | 358,622              | 73,448    |

CONDO II

| Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-----------------|---------------------|----------------------|-----------|
| 1998            | 322,930             | 322,930              | -0-       |
| 1999            | 322,930             | 322,930              | -0-       |
| 2000            | 322,930             | 322,930              | -0-       |
| 2001            | 322,930             | 322,930              | -0-       |
| 2002            | 322,930             | 322,930              | -0-       |
| 2003            | 325,830             | 309,540              | 16,290    |
| 2004            | 325,830             | 286,733              | 39,097    |
| 2005            | 325,830             | 286,733              | 39,097    |
| 2006            | 325,830             | 270,442              | 55,388    |
| 2007            | 325,830             | 270,442              | 55,388    |
| 2008            | 325,830             | 270,442              | 55,388    |

CONDO III

| Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-----------------|---------------------|----------------------|-----------|
| 1998            | 242,320             | 242,320              | -0-       |
| 1999            | 242,320             | 242,320              | -0-       |
| 2000            | 242,320             | 242,320              | -0-       |
| 2001            | 242,320             | 242,320              | -0-       |
| 2002            | 242,320             | 242,320              | -0-       |
| 2003            | 245,695             | 233,412              | 12,283    |
| 2004            | 245,695             | 216,212              | 29,483    |
| 2005            | 245,695             | 216,212              | 29,483    |
| 2006            | 245,695             | 203,930              | 41,765    |
| 2007            | 245,695             | 203,930              | 41,765    |
| 2008            | 245,695             | 203,930              | 41,765    |

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 calculate, process and pay any refunds of Town of Ossining taxes estimated to be \$72,057.38 due Petitioner by reason of this approved settlement.

Motion Carried: Unanimously

## V. MONTHLY REPORTS

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

|           |                              |
|-----------|------------------------------|
| October-  | Building Department          |
| October - | Planning & Zoning Department |

Motion Carried: Unanimously

## VI. VISITOR RECOGNITION

Bobby Williams, Spring Street announced that Tuesday, November 3, 2009 is Election Day and he would like to encourage all to go out and vote.

## VII. ADJOURNMENT

At 7:45 P.M. Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

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Mary Ann Roberts, Town Clerk