



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

**FEBRUARY 26, 2013
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Peter Tripodi 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 February 26, 2013 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 Blaha. Councilmember Peter Tripodi was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly read the following statement into the record:

Welcome to the Town Board's legislative meeting of February 26, 2013.

Aside from paying our bills, including some tax certs, and accepting minutes from past meetings, we have some exciting work on the agenda for this evening.

We have been working as a Board, an administration, and as a community on finding a solution for the road damage at the Old Albany Post Road Dead End. Tonight marks a major step in making progress, we will be voting to contract with an engineering firm to design a project to rebuild the road and also create improvements to the support system to prevent erosion in the future. To this end, we will also be opening a capital project this evening for this project, but rest assured we have commitment from FEMA to recover most, if not all, of the funds to make this project a reality. We will also be closing a series of old and completed capital projects.

As we embark on projects like these, we refer to our procurement policy for guidance on how to proceed. We will be making a change to our Procurement Policy this evening to allow for the purchase of used equipment, something that has not been allowed before in the Town. We feel that while we may not utilize it, we must give our department managers the option of seeking out creative opportunities to solve our problems, and sometimes, a used piece of equipment may do the trick. Please note that this is the only aspect of the Town's procurement policy that will be changing at this time.

In addition, we will be voting to support a bill sent to us from State Assemblyman, which would compel banks and other mortgage holder to provide contact information for owners of properties that have been foreclosed upon; as you may know, these properties have a tendency to fall into disrepair, especially when vacant, and finding the responsible party can be difficult. If this bill were to be passed,

finding the owner and making appropriate accommodations to the property would be less challenging. The Board feels this is a matter of health and safety, and urges you to learn more about this State Senate bill. We will also be voting on a payment plan for a foreclosed property this evening, which the Board occasionally does to help homeowners who have fallen behind.

Finally, we will be making some appointments, one to the Recreation Advisory Board, and two to our Board of Assessment Review. Appointing trustworthy and experienced person to these volunteer positions within the Town is a crucial part of keeping our government transparent. We thrive the most when we have resident involvement and these two boards will be fortunate to have the expertise coming aboard tonight. It is also worth noting that Teresa Duguet will be the first female in the Town's history to serve on the Board of Assessment Review.

Please join us at next week's Town Hall Meeting at the Ossining Library, Tuesday the 5th at 7:00 p.m. We will be hosting our County Executive and a question and answer session "Ask Astorino". Mr. Astorino will be present to answer any operational questions you may have about a resident of Westchester County whether or not you have questions in mind, this is a great opportunity to come out and hear more about what county government is doing for you!

Following Mr. Astorino's presentation we will transition into our typical Town Hall meetings, where the Board will address any questions, comments or compliments you questions, comments or compliments you have to share about living in our Town. We look forward seeing to seeing you all next Tuesday evening making sure to use the downstairs door at the library. Thank you.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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 February 12, 2013, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated February 26, 2013 in the amount of \$14,241.95 for 2012 and \$199,789.30 for 2013 for a total of \$214,031.25.

Motion Carried: Unanimously

C. Support for NYS - Contact Information for Vacant Structures

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

Whereas, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

Whereas, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

Whereas, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

Whereas, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

Whereas, the Town Board of the Town of Ossining believes this to be an issue of health, safety, and security for New York State residents;

Now, therefore be it resolved that the Town of Ossining hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Town of Ossining support the passage of said Bills.

Motion Carried: Unanimously

D. Finance – Procurement Policy

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

The Town Board authorizes the following addition to the Procurement Policy, replacing Subsection 8 under “General Provisions”:

Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Town of Ossining may purchase surplus and second-hand goods at auctions, through specific advertised sources, or from Town suppliers, if it can be determined that such purchase is at a fair market value, is in the best interests of the Town, and if approved by the Town Supervisor or Budget Officer. It is understood that it may be difficult to try and compare prices of used goods and that a lower price may indicate an older product.

Motion Carried: Unanimously

E. Receiver of Taxes-Payment Plan-94 South Highland Avenue

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

Whereas, certain property taxes have not been paid on the parcel located at 94 South Highland Avenue, Ossining, resulting in commencement of In Rem foreclosure proceedings, and the property owner has requested a payment plan for outstanding taxes due on the property; and

Whereas, the Town Board desires to allow the property owner an opportunity to pay for all outstanding taxes by authorizing the Receiver of Taxes to institute a payment plan, in a form acceptable to the Town Attorney, with the property owner; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Receiver of Taxes to set up a payment plan in accordance with the applicable laws and in a form acceptable to the Town attorney, with the owner of property located at 94 South Highland Avenue, Ossining, to satisfy all taxes, interest, penalties and fees due to the Town of Ossining; and be it further

Resolved, that based on the unique circumstances of this case, this arrangement shall not set a precedent with how future cases are handled.

Motion Carried: Unanimously

F. **TAX CERTIORARI**

449 North State Road Co.,
vs.
Town Of Ossining

Councilmember Blaha 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 449 North State Road Co., LLC against the Town of Ossining and Briarcliff Manor Union Free School District, to review the tax assessments made on Petitioner’s properties located at 449 North State Road, Town of Ossining, Village of Briarcliff Manor, and designated on the tax assessment map of the Town of Ossining as Section 90.19/1/8 for assessment years 2008 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.21938/08; 23848/09;25516/10;15701/11; and 66896/12; 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:

Ass't Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2008	170,000	119,000	51,000
2009	170,000	119,000	51,000
2010	170,000	119,000	51,000
2011	170,000	119,000	51,000
2012	170,000	93,500	76,500

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 \$2,990.05, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. TAX CERTIORARI

33 Havell Street Associates, 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 33 Havell Street Associates, LLC against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 33 Havell Street, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.15-2-80 for assessment years 2011 and 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.16050/11 and 67410/12; 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>Assessed Valuation</u>			
Assessment Year	Reduced From	Reduced To	Amount of Reduction
2011	\$28,800	\$23,400	\$5,400
2012	\$28,800	\$21,565	\$7,235

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 \$ 178.19 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. TAX CERTIORARI

Irene and Paul Bogoni,
vs.
Town Of Ossining

Councilmember Blaha 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 Irene and Paul Bogoni against the Town of

Ossining and Briarcliff Manor Union Free School District, to review the tax assessments made on Petitioner’s property located at 139 Scarborough Road, Town of Ossining, Village of Briarcliff Manor, and designated on the tax assessment map of the Town of Ossining as Section 98.13-1-5 for assessment years 2010 and 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.24421-10 and 14632-11; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceeding, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Assessment Year	Assessed Valuation		Amount of Reduction
	Reduced From	Reduced to	
2010	\$ 274,500	\$ 220,000	\$ 54,500
2011	\$ 274,500	\$ 225,000	\$ 49,500

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 \$1,134.69 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I. TAX CERTIORARI

Sefar America, Inc.
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 Sefar America, Inc. against the Town of Ossining to review the tax assessments made on Petitioner’s properties located at 333 South Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.19-2-2(formerly known as 4.11-009-043,044) for assessment years 2000, 2001 and 2002,, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.14423/00, 14261/01 and 15999/02; 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:

Map No. 97.19-2-2(formerly known as 4.11-009-043 & 044)

Assessed Valuation			
Assessment Year	Reduced From	Reduced to	Amount of Reduction
2000	542,500	489,825	52,675
2001	542,500	481,255	61,245
2002	542,500	442,100	100,400

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, 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 \$ 1,029.00 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

J. Capital Projects-Closed

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 authorizes the following completed capital projects to be closed:

037.1110.2174- 2011 JCAP Grant

037.8120.2139- Torbank Sewer Line

037.5110.2148- 55 Old Albany Post Road

037.5110.2161- Confined Space Equipment

037.5110.2181- 2012 Road Paving/ Resurfacing

037.5130.2149- 2007 Packer Truck

037.5130.2150- 2007 Dump Truck

037.7110.2146- Phase II Engel Park Improvements

037.7110.2152- 2007 Dump Truck

037.5132.2157- 2008 Garage Doors

Motion Carried: Unanimously

K. Board of Assessment Review- Appointment

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

Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the following be amended:

Resolved, that the Town Board hereby appoints Teresa Duguet to the Town of Ossining Board of Assessment Review to serve a five-year term, set to expire on 09/30/2017.

Motion Carried: Unanimously

L. Board of Assessment Review- Appointment

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

Resolved, that the Town Board hereby appoints Jerry Gershner to the Town of Ossining Board of Assessment Review, to serve the remainder of Mr. Robert Horner's five-year term, set to expire on 09/30/2013.

Motion Carried: Unanimously

M. Recreation Advisory Board

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

Resolved, that the Town Board hereby appoints Kurt Emerick, Ossining, to the Ossining Recreation Advisory Board.

Motion Carried: Unanimously

N. Capital Project-Old Albany Post Road Dead End Restoration & Repair

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 authorizes establishment of Capital project #2013-2182, entitled "Old Albany Post Road Dead End Restoration and Repair", in the amount of \$500,000. Project 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	\$500,000
Increase: 037.0037.5730.0182	\$500,000

Motion Carried: Unanimously

O. Engineering-Dolph Rotfeld, P.E.

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes Dolph Rotfeld, P.E., to proceed with the engineering design and drafting services for “Old Albany Post Road Dead End Restoration & Repair” project in accordance with his proposal dated February 21st, 2013, according to the following pricing schedule:

Task 1- Conceptual Design & Investigation: \$35,000.00

Task 2- Final Design: \$45,000.00

Task 3- Construction Administration: Based on hourly rate sheet & personnel assigned;

And, therefore be it resolved that these fees shall not be exceeded without authorization from the Town; and

Now, therefore be it resolved that the Town Board hereby authorizes the Town Supervisor to sign said agreement on behalf of the Town Board, subject to approval by the Town Attorney.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. MONTHLY REPORTS

VII. VISITOR RECOGNITION

VIII. ADJOURNMENT

At 8:00 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