



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

**MAY 24, 2011
7:30 P.M.**

**SUPERVISOR
Catherine Borgia**

**COUNCILMEMBERS
Geoffrey Harter Michael L. Tawil
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 May 24, 2011 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, Michael Tawil, and Northern Wilcher and Peter Tripodi. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts.

II. Presentation-Stormwater Annual Report for the period March 10, 2010 to March 9, 2011.

Jim Vanoli announced that the Annual Report for the DEC is due by June 1 and the Town has met all requirements. This report will be posted on the Town website and will also be available in the office of the Supervisor, Town Clerk and Highway Department for the public to review. The Supervisor will sign off on this report for submission to the State.

Councilman Harter questioned whether the Town has met the rules and expectation including public education.

Jim Vanoli partnered with the County. There are six phases that the Town must meet including education of the residents which will also take place at the Village Fair. No. 3 is Illicit Discharge – DEC grant for mapping. IDDE sheets are located at the Highway and Building Departments; No. 4 – Pre-Construction; No. 5 – Post Construction Controls and No. 6 – Municipal Housekeeping. The permit is issued by the State for 5 years. There are many catch basins which hold debris.

Councilman Harter thanked the Highway Department and Jim Vanoli for all of the work that has gone into this project.

Supervisor Borgia reported that the Highway Internal DEC Audit stated that the shop was run very well.

III. Public Hearing –Considering Local Law No. 7 of 2011 Amending Article VI, Affordable Housing, of the Zoning Law.

Supervisor Borgia stated that the Town of Ossining has Affordable Housing on the books. The County has a model affordable housing provision. The Town will adopt a provision of the County model to meld with the Town's.

Supervisor Borgia read a letter from the County. David Stohlman of Frederick P. Clarke commented that it was most efficient in the County of Westchester. Supervisor Borgia commented that Norma Drummond from the County Planning

Department stated that it was not mandatory for the Town of adopt this change to the Affordable Housing.

IV. ANNOUNCEMENTS

Supervisor Borgia announced that there would be two parades on Monday, Memorial Day with one taking place in Ossining beginning at 9:30 a.m. and the second one in Briarcliff Manor beginning at noon. The Business Incentive Committee is looking for volunteers. Please send a letter and/or resume to Supervisor Borgia at 16 Croton Avenue.

V. PUBLIC COMMENT ON AGENDA ITEMS

Michael Sciotto, Stormytown Road, questioned whether there was an end in sight regarding the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement. There are porta sans, cement mixer and garbage all over the place. At this time it is an open road. He is also observing other construction workers dumping their garbage and plastics. Mr. Sciotto added that he did take pictures.

Supervisor Borgia requested that Mr. Sciotto send the pictures of the garbage to her since this could be a criminal matter. This has been going on for quite some time. One day they work on the project and then disappear for weeks on end. Supervisor Borgia responded that there was an end in sight, but could not give a definite date.

Mr. Sciotto stated that walkers have been using the porta sans. Is there any shot as to when it will be done? I know it is a worthwhile project, however, it sits idle for quite a while and then a bit of work is done. In addition, Mr. Sciotto questioned that why do the workers come for one day and then don't come back for another three weeks.

Supervisor Borgia explained that this is a complicated project and we have had some problems with the project particularly with the weather.

Supervisor Borgia stated that the pump station will be removed at the end of the project. Mr. Sciotto questioned if there is a date of when the project might be finished? Supervisor Borgia was not able to give a date since the Town was approving a change order. This is an extensive project and goes through a number of parcels. We are attempting to set up a site visit and would ask you to join us on this visit.

Kim Izzarelli, Deertree Lane, spoke relating to the presentation which was made to the Town Board by the Briarcliff Manor Board relating to Election Districts 17 and 20. There were a lot of assumptions made and data that was provided to the audience. She was disturbed that only two of the sitting board members were present. Why wasn't everyone one present?

Supervisor Borgia advised that this public comment time is for items on the agenda and these types of comments/questions are taken at the end of the agenda.

Supervisor Borgia advised that she was a few minutes late to the Briarcliff meeting and this is an offer that was made to our board. The Briarcliff board had already presented this material to the Village of Ossining in a closed executive session two months ago. Our board decided under the advice of counsel that it was not executive session material and we wanted it to be at an open session. The night that the Briarcliff Board gave us was a date that not all the board members could attend. It happens that sometimes not every member can attend. Supervisor Borgia advised that these discussions are preliminary and there will be ample time for the board members to review the information and participate in the presentation.

L. M. Caruso, Village resident, had several questions on the voucher detail report as follows: Police Department – replace thermostat \$357 and Cable Vision Light path equipment - \$1500 per month. Why is so much being spent on an empty building?

Resolution G (Authorizing Temporary Beer & Wine Permit for Westchester County Fire Convention at Engel Park) – there is no amount in the resolution for the permit. I believe it is \$36, but no one can verify that figure.

Supervisor Borgia responded that the County Police personnel are using North State Road 24 hours per day. No one is at the front desk; however, the building is not empty. We must continue to pay maintenance whether it is fully occupied or not. The police come out of the building for ever shift.

Ms. Caruso also stated that the Town did not know they owned 2 boats. There are no checks and balances. Councilman Harter responded that he and Trustee Cheatham knew all about the boats and they are insured.

VI. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Harter 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 May 10, 2011 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember Tawil 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 May 17, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Tawil 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 May 24, 2011 in the amount of \$149,133.07

Vote: 4-0-1

**Voting Aye: Tawil, Harter,
Wilcher & Borgia**

Nay: Tripodi

D. Agreement-Westchester County-Senior Citizens-Title III-B-Grant

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to sign agreements with Westchester County Department of Senior Programs and Services to receive federal funding for the following programs for the period of January 1, 2011 through December 31, 2011:

| <u>Program</u> | <u>Federal Funding</u> | <u>Local Match</u> |
|----------------|------------------------|--------------------|
| III-B | \$8,506 | \$5,911 |

Motion Carried: Unanimously

E. Agreement-CSEA Employee Benefit Fund-Platinum 24 Vision Plan

Councilmember Tawil 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 Supervisor to enter into an agreement with CSEA Employee Benefit Fund, Latham, New York to provide vision coverage for CSEA employees, in accordance with the CSEA Collective Bargaining Agreement for the period January 1, 2010-December 31, 2013.

Motion Carried: Unanimously

F. Assessment Roll Correction

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

Whereas, application has been made pursuant to section 556 of the Real Property Tax Law of the State of New York (“RPTL”) for correction of the 2011 Town/County tax roll of the Town of Ossining so as to accurately record thereon corrected assessments to which the owners of the real property below mentioned are entitled due to clerical errors; and

Whereas, the owners of the following properties have requested a refund and credit of real property taxes due to a clerical error; and

Whereas, the said applications for corrected tax roll have been reviewed by the Assessor and Westchester County Tax Commission, and it is their recommendation that the applications be approved and implemented as described below; now therefore be it

Ordered and Resolved, that the following corrections be made and implemented on the Assessment Roll, and other appropriate records by the Assessor and Receiver of Taxes and any other appropriate officials of the Town of Ossining:

| Assessment Year | Tax Year | Property | Original Assessment | Corrected Assessment | Difference | Rate | Refund Amount |
|--------------------|-------------|------------|------------------------|-------------------------|------------|-----------|------------------|
| 2010 | 2011 | 90.14-1-91 | 39,000 | 30,600 | 8,400 | 140.20207 | \$1,177.70 |
| 2010 | 2011 | 98.09-1-5 | 35,410 | 30,600 | 4,810 | 10.91713 | \$ 52.51 |
| 2010 | 2011 | 90.10-1-5 | 30,000 | 28,000 | 2,000 | 14.01454 | \$ 28.03 |

And be it further ordered and resolved that the refunds be approved and paid to the property owners who have already paid; and

Be it further ordered and resolved that to the extent that any or all of the foregoing corrections have already been made on the tax records of the Town of Ossining, the said entries and corrections, to the extent they are consistent with this resolution, are ratified and approved.

Motion Carried: Unanimously

G. Authorizing Temporary Beer & Wine Permit for Westchester County Fire Convention at Engel Park

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

Whereas, the Ossining Fire Department has completed an application to be submitted to the New York State Liquor Authority for a Temporary Beer & Wine Permit for the Annual Fireman's Parade to be held at Engel Park on Friday, August 5, 2011 from 5:00p.m. to 12:00a.m.; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the application granting permission for the sale or service of alcoholic beverages by the Ossining Fire Department for consumption at Engel Park.

Vote: 4-1-0

**Voting Aye: Tawil, Harter,
Wilcher & Borgia**

Abstain: Tripodi

H. Authorizing Temporary Beer & Wine Permit for Crawfish Boil

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

Whereas, John Giler has completed an application to be submitted to the New York State Liquor Authority for a Temporary Beer & Wine Permit for a Crawfish Boil to be held at Ryder Park on Saturday, June 4, 2011 from 12:00p.m. to 7:30p.m.; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the application granting permission for the sale or service of alcoholic beverages by John Giler for consumption at Ryder Park.

Motion Carried: Unanimously

I. Agreement-Charles A. Manganaro Consulting Engineers

Councilmember Tawil 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 Supervisor to sign a proposal to provide professional engineering services with Charles A. Manganaro Consulting Engineers, Hawthorne, NY dated February 14, 2011 for the installation of new 8-inch diameter water mains on Cedar Lane and Stormytown Road for an amount not to exceed \$70,780.00.

Motion Carried: Unanimously

J. Finance-Capital Project # 2011-2175-Surveying/Design Phase-Cedar Lane & Stormytown Road Water Mains

Councilmember Tawil 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 establishment of Capital Project # 2011-2175, entitled Surveying/Design Phase Cedar Lane & Stormytown Road Water Mains in the amount of \$25,240 to be funded by a transfer from debt service fund balance reserve for water fund.

Motion Carried: Unanimously

K. Finance-2011 Budget Adjustment-Capital Project # 2011-2175

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

Resolved, that the Town Board authorizes the following budget adjustments be made to the following accounts:

| | | |
|--------------------------|-------------------------------------|------------------------------------|
| Increase: Capital | 037.0037.5031.0175 (Revenue) | \$25,240 |
| | 037.8310.2175 (Expense) | \$25,240; and be it further |

Resolved, that the Town Board authorizes the transfer of \$25,240 from debt service water fund reserve to-revenue account 036.0036.4795; expenditure account 036.9901.0900.

Motion Carried: Unanimously

L. Receiver of Taxes-Payment Plan-6 Overton Road

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

Whereas, certain property taxes have not been paid on the parcel located at 6 Overton Road which will result in the 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 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 Town Code with the owner of property located at 6 Overton Road, 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

M. Receiver of Taxes-Payment Plan-135 State Street

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

Whereas, certain property taxes have not been paid on the parcel located at 135 State Street which will result in the 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 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 Town Code with the owner of property located at 135 State Street, 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

N. Authorizing use of inflatable bounce castle-Ryder Park

Councilmember Tawil 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 Amanda Bear Party Rentals, City Island, NY to provide an inflatable bounce castle for a party to be held at Ryder Park on Saturday, June 18, 2011; and be it further

Resolved, that Amanda Bear Party Rentals shall submit a Certificate of Insurance naming the Town of Ossining as an additional insured and be approved by the Town Attorney.

Motion Carried: Unanimously

O. Authorizing Town Clerk to advertise a Special Meeting-Community Development Block Grants (CDBG)

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

Resolved, that the Town Board of the Town of Ossining will hold a special meeting to obtain comments from the public on the submission of the Town of Ossining's Community Development Block grant (CDBG) Applications. The meeting will be held on May 31, 2011 at 8:00p.m. at the Municipal Building, 16 Croton Avenue, Ossining, NY, Supervisor's Conference Room. All members of the public who wish to speak will be heard and all comments will be duly noted.

Motion Carried: Unanimously

P. Change Order-Stormytown Road Pump Station Elimination and Gravity Sewer Replacement

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 the Supervisor to sign Change Order # 3 with Steve Giordano Builders, Inc., Pine Avenue, Ossining, NY for the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement project:

| | |
|---|--------------------|
| Under Drain Continuation-Dale Cemetery | \$53,975.00 |
|---|--------------------|

Motion Carried: Unanimously

Q. Resignation-Part-Time Police Officer

Councilmember Tawil 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, with regret, the resignation of Nicholas Piqueras effective June 3, 2011.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, was glad to hear that the Town is participating in the CDBG grant program. The Town should clean the debris on the beach at Engel Park.

VIII. ADJOURNMENT –EXECUTIVE SESSION

At 8:40 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to Executive Session.

Approved:

Mary Ann Roberts, Town Clerk