

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

**FEBRUARY 10, 2009  
7:30 PM**

**SUPERVISOR  
Catherine Borgia  
COUNCILMEMBERS**

**Geoffrey Harter                      Michael L. Tawil  
David Krieger                        Northern Wilcher**

**I.        CALL TO ORDER**

The Regular Meeting of the Town Board of the Town of Ossining was held on February 10, 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 and Michael Tawil. Councilmember David Krieger was absent. Also present were: Deputy Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

The Town Clerk read for adoption the following resolution appointing James Provenzano to the position of Lieutenant:

**Appointment – Police Lieutenant – James Provenzano**

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 appoints James Provenzano as Police Lieutenant, effective February 11, 2009, at an annual salary of \$109,686.00 in accordance with the rules and regulations of the Westchester County Personnel Department. The probationary period shall be for a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

**Motion Carried: Unanimously**

Supervisor Borgia administered the Oath of Office to James Provenzano elevating him to the position of Lieutenant in the Town of Ossining Police Department. Lieutenant Provenzano's wife pinned on his new badge. Lieutenant Provenzano thanked the Board and the Chief for this honor and most importantly his family for their support in his career. Chief Busch also thanked the Board for their support in this recommendation. Jim has been with the department for 9 years and has been sergeant for the past 5 years. Supervisor Borgia congratulated Lieutenant Provenzano and was looking forward to working with him.

A 10 minute recess was taken at 7:37 p.m. for a small reception and photos.

**II.       ANNOUNCEMENTS**

Councilmember Geoffrey Harter announced that a Special Kids Book Sale will take place at the Ossining Public Library on February 14<sup>th</sup> from 9 – 4 and again on February 15<sup>th</sup> from noon until 3 p.m. The Book Club Thursday Evening discussion will take place on February 19<sup>th</sup> and March 26<sup>th</sup> at 7 p.m. Discussion will be regarding "Ben Franklin –m American Life". Tax preparation aid will begin on February 5<sup>th</sup> and run thru April 9<sup>th</sup>. These sessions will take place on Thursdays from 10 a.m. – 3 p.m. If you seek this assistance, please bring last years return as well as other income documents. Help for Hard Times will be held at the Ossining

Public Library on Wednesdays beginning in March by appointment only. The session is in the Jobs Information Center – Career Section.

Supervisor Catherine Borgia announced the Senior Valentine's Breakfast which will be held at Park School on Thursday, February 12<sup>th</sup> beginning at 8:30 a.m. The Town Board is also accepting resumes for the Zoning Board of Appeals and Assessment Review Boards. The Work Session originally scheduled for February 17<sup>th</sup> will be moved to February 19<sup>th</sup> at the Municipal Building, 16 Croton Avenue, in the third floor Conference Room. The agendas for both the Formal Meetings and the Work Sessions are posted on the website. There will be a joint Village and Town Work Session at 16 Croton Avenue in the first floor Conference Room following this meeting to discuss a Study done by Pace University on Town and Village IMA's. All are welcome to attend.

Councilmember Michael Tawil announced that St. Matthews would be hosting its 51<sup>st</sup> Annual Black History Month dinner on February 27<sup>th</sup>. The fee for adults is \$65 and children under 12 \$25.

### **III. PUBLIC COMMENT ON AGENDA ITEMS**

Bobby Williams, Spring Street, questioned whether this was the right time for the Town to purchase dump trucks and snow spreaders. Supervisor Borgia responded that the Village and Town have a very strong relationship and will sometimes share equipment

### **IV. BOARD RESOLUTIONS**

#### **A. Approval of Minutes – January 27, 2009**

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 Minutes of the January 27, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

#### **B. Approval of Voucher Detail Report**

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 Voucher Detail Report dated February 10, 2009 in the amount of \$33,092.34 for 2008 and in the amount of \$451,597.28 for 2009.

Motion Carried: Unanimously

#### **C. Police Department-Resignation-Intermediate Clerk**

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

Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of Catherine DiSisto as part-time Intermediate Clerk effective February 13, 2009.

Motion Carried: Unanimously

#### **D. Assessor's Office-Personnel Adjustment**

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

Whereas, the Assessor's Office received grant funding for the employment of Michelle Carnevale, Intermediate Clerk part-time, to perform data entry of property record cards; and

Whereas, the funding for this project has been utilized and Michelle Carnevale's services under this grant have been completed;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby acknowledges that the grant funds have been allocated and used towards a data entry project in the Assessor's Office, and that Michelle Carnevale will be considered for part-time availability with the Town of Ossining on an as needed basis.

Motion Carried: Unanimously

**E. Rejection of Bids-Dump Body Assemblies, Spreader & Snow Plow**

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

Resolved, that the Town Board of the Town of Ossining rejects the bids for two Dump Body Assemblies, Spreader, & Snow Plow and authorizes the Town Clerk to notify the bidders of the rejection based upon the recommendation of the Superintendent of Highways and in accordance with Section 103(1) of The General Municipal Law, it being determined that the best interests of the Town will be served by the rejection of the bids and the re-advertisement for new bids with revised bid specifications.

Motion Carried: Unanimously

**F. Authorizing the Town Clerk to Advertise for Bids for Two Dump Body Assemblies, Spreader & Snow Plow for Highway Department**

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to advertise for Bids for Two Dump Body Assemblies, Spreader and Snow Plow for use by the Town of Ossining Highway Department, to be returnable no later than 10:00a.m. on Tuesday, March 3, 2009 in the Office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

**G. Finance-Capital Project # 2009-2166-Design/Planning Phase-Stormytown Road Pump Station Elimination**

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

Resolved, that the Town Board of the Town of Ossining hereby establishes Capital Project # 2009-2166, entitled Design/Planning Phase-Stormytown Road pump station elimination in the amount of \$100,000 to be financed by a Bond Anticipation Note.

Motion Carried: Unanimously

**H. Finance-Capital Project # 2009-2167- Design/Planning Phase-Stonegate Road Pump Station Elimination**

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

Resolved, that the Town Board of the Town of Ossining hereby establishes Capital Project # 2009-2167, entitled Design/Planning Phase-Stonegate Road Pump Station Elimination in the amount of \$65,000 to be financed by a Bond Anticipation Note.

Motion Carried: Unanimously

**I. BOND RESOLUTION DATED FEBRUARY 10, 2009.**

**A RESOLUTION AUTHORIZING THE PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS FOR SEWER IMPROVEMENTS AT A MAXIMUM ESTIMATED COST OF \$165,000 AND AUTHORIZING THE ISSUANCE OF \$165,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK TO PAY THE COST THEREOF.**

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

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** The preparation of preliminary plans and specifications for sewer improvements in the Town of Ossining, Westchester County, New York, is hereby authorized at a maximum estimated cost of \$165,000.

**Section 2.** The plan for the financing of such maximum estimated cost is by the issuance of \$165,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

**Section 4.** The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such

recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 8.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 9.** This resolution, which takes effect immediately, shall be published in summary form in the Journal News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

**J. Authorizing the Town Supervisor to submit project listing forms to New York State Environmental Facilities Corporation**

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

Whereas, New York State Environmental Facilities Corporation provides low cost financing to communities through the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF). The State Revolving Funds offer low cost financing to help communities, and in some cases private entities, finance critical water quality projects; and

Whereas, the Town of Ossining would like to submit project listing forms to the New York State Environmental Facilities Corporation to receive consideration for the financing of the Stormytown Road and Stonegate Road pump station elimination projects, and if approved, submit a completed application package,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to submit project listing forms to the New York State Environmental Facilities Corporation, Clean Water State Revolving Fund, to request low interest financing for the Stormytown Road and Stonegate Road pump station elimination projects.

Motion Carried: Unanimously

**K. CERTIORARI SETTLEMENT**  
**Briar Oaks 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, Petitioner, Briar Oaks Condominium, against the Town of Ossining to review the tax assessments made on Petitioner’s property located on Chappaqua Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.19 Block 2 , Lots 13./0012 through 13./0026; for assessment years 2008, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21434/08; 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:

Unit Number	Original Assessment	Corrected Assessment	Reduction
353-12	16,400	13,268	3,132
353-15	17,500	12,688	4,813
353-16	18,900	13,703	5,198
353-21	18,300	13,268	5,033
353-22	22,600	16,385	6,215
353-23	17,900	12,978	4,923
353-24	17,220	12,485	4,736
353-25	20,500	14,863	5,638
353-26	22,600	16,385	6,215

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in by the Deputy 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 Deputy 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.

Motion Carried: Unanimously

**V. MONTHLY REPORTS**

Councilmember Harter moved and it was seconded by Councilmember Tawil that the reports for the Month of January, 2009 from Town Clerk, Receiver of Taxes and Police Department and Building Department be received and filed.

Motion Carried: Unanimously

## **VI. VISITOR RECOGNITION**

**Mary Jane Cavanagh, Kelly Court, requested that the Town Board waive a penalty for late payment of Town taxes in the amount of \$647.69. The Receiver of Taxes turned away the certified check as it did not include the 10% penalty. Supervisor Borgia responded that late fees were uniformly applied. The Receiver of Taxes is not allowed to receive partial payments. Deputy Town Attorney Wayne Spector stated that the Tax Receiver does not have the ability to waive penalties or interest. His suggestion was to pay the taxes with the penalty and interest included and the Town would review the laws.**

**Bobby Williams, Spring Street, discussed various Federal issues.**

## **VII. ADJOURNMENT**

**At 8:27 p.m., Councilmember Harter moved and it was seconded by Councilmember Tawil that the meeting be adjourned into Executive Session for the purpose of Personnel.**

**Motion Carried: Unanimously**

**Members of the public are welcome to attend an information presentation to the Town and Village Boards of Ossining by Pace University, with respect to its study on Intermunicipal Cooperation between the Town and Village of Ossining at 9:15 p.m. at the Municipal Building, 16 Croton Avenue, Ossining.**

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**Mary Ann Roberts, Town Clerk**

**Approved:**