

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

JUNE 23, 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 June 23, 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. Also present were: Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk. Absent: David Krieger.

II. PUBLIC HEARING - In the matter of the Petition for an Extension of the North State Road Sewer District – Ann McCudden

The public hearing was opened at 7:31 p.m. by Supervisor Borgia who indicated that Ann McCudden is requesting that her home be connected to this sewer district as her three neighbors have. Supervisor Borgia advised Mrs. McCudden that the Town Board would take a vote on this Sewer Line Extension at the next Town Board Meeting which will be held on July 14<sup>th</sup>.

At 7:32 p.m., Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

Motion Carried: Unanimously

III. ANNOUNCEMENTS

Supervisor Borgia extended her congratulations to the Ann M. Dorner Middle School graduates as well as the Ossining High School graduates. The appointment of Francesca Connolly as a New York State Supreme Court Justice was announced by the Supervisor. It must be confirmed by the New York State Senate before going into effect. The Town and Village of Ossining will be hosting fireworks at the Waterfront on Thursday, July 2<sup>nd</sup>, beginning with a concert at 7 p.m. and fireworks at approximately 9 p.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS - There were no comments.

V. BOARD RESOLUTIONS

A. Approval of Minutes – June 9, 2009

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 Minutes of the June 9, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Wilcher 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 June 23, 2009 in the amount of \$387,160.31.

Motion Carried: Unanimously

C. Considering a proposal to amend the Town of Ossining Zoning Map for Dr. Yosef Haroush-513 North State Road

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

Whereas, Dr. Yosef Haroush has submitted an application for a Zoning map amendment in accordance with the attached map to change the zoning designation of the easterly portion of the property at 513 North State Road from R-30 One-Family Residence District to GB General Business District, which property is designated on the Tax Assessment Map of the Town of Ossining as Section 90.19, Block 2, Lot 8; and

Whereas, Dr. Yosef Haroush proposes to construct a building and associated parking area, landscaping, etc. on the areas of the property to be rezoned General Business, and to relocate his animal health center from 438 North State Road to 513 North State Road; and

Whereas, the Planning Board issued a report dated March 25, 2009 indicating that the proposed rezoning would be reasonable and appropriate and that the Town Board should consider enacting said rezoning; and

Whereas, the Westchester County Planning Department indicated that the proposed action was a matter for local determination; and

Whereas, the Town Board of the Town of Ossining declared itself Lead Agency for review of the subject application in accordance with the State Environmental Quality Review Act (SEQRA), determining the proposed action to be an Unlisted Action; and

Whereas, on June 9, 2009, the Town Board opened a public hearing on the subject zoning map amendment, at which time all persons interested were given an opportunity to speak on behalf of or in opposition to the zoning map amendment and the public hearing was closed on June 9, 2009,

Now, therefore be it Resolved, the Town Board, acting as lead agency, hereby adopts the attached Negative Declaration and has determined that the proposed action will not have any significant adverse impact upon the environment thereby ending the SEQRA review process, and be it further

Resolved, that the Town Board of the Town of Ossining hereby approves the proposed amendment to the Zoning Map to change the zoning designation of the easterly portion of the property at 513 North State Road from R-30 One-Family Residence District to GB General Business District, which property is designated on the Tax Assessment Map of the Town of Ossining as Section 90.19, Block 2, Lot 8.

Motion Carried: Unanimously

D. Adoption of Local Law No. 1 of 2009 – Taxation of Converted Condominiums

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

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

LOCAL LAW 1 - 2009

A LOCAL LAW amending the Code of the Town of Ossining, Chapter 180 thereof, entitled Taxation, to enact a new Article IX entitled Taxation of Converted Condominiums

BE IT ENACTED by the Town Board of the Town of Ossining, as follows:

Section 1. Chapter 241 of the Code of the Town of Ossining entitled Taxation is hereby amended to enact a new Article IX thereof entitled Taxation of Converted Condominiums, to read and provide as follows:

Article IX  
Taxation of Converted Condominiums

Section 180-32. Taxation of Converted Condominiums

- A. This local law is adopted pursuant to Chapter 293 of the Laws of the State of New York 1997 which enacted Section 581.1.(c) of the Real Property Tax Law and Section 339-y.1.(f) of the Real Property Tax Law for the purpose of preventing lower assessments of converted condominiums.
- B. In accordance with Section 581.1.(c) of the Real Property Tax Law and Section 339-y.1.(f) of the Real Property Tax Law, neither Section 581.1.(a) of the Real Property Tax Law nor Section 339-y.1.(b) of the Real Property Tax Law shall apply to any converted condominium units in the Town of Ossining. A “converted condominium” shall mean a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership and has not been previously subject to the provisions of Section 581.1.(a) of the Real Property Tax Law or Section 339-y.1.(b) of the Real Property Tax Law.

Section 2. Except as otherwise provided herein, all other provisions of Chapter 180 Taxation shall remain the same.

Section 3. This Local Law shall take effect immediately upon publication and posting as required by law.

Voting Yes in a Roll Call Vote:  
Harter, Wilcher, Tawil,  
Borgia  
Motion Carried

E. Retirement-Deputy Town Clerk

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 accepts, with regret, the retirement of Patricia Fracassi as Deputy Town Clerk, effective June 19, 2009.

Motion Carried: Unanimously

#### F. Collateral Source Legislation-Settlement of Tort Claims

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

Whereas, under current state law, when public employees are hurt on the job, taxpayer dollars are used to pay the injured employee twice for the same lost future earnings; and

Whereas, a new bill has been proposed by New York State Trial Lawyers Association and has been introduced to legislation (S.4080-A by Senator Schneiderman/A.7504-A by M. of A. Weinstein); and which if passed, would end the unfair double recoveries against public employers and removes the impediment to the settlement of tort actions: and

Whereas, the bill would protect all participants of the lawsuit , and would not require payment from the employer to a health benefit provider or collateral source payor-however if there is a statutory right to such reimbursement, then settlement is encouraged;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining supports these bills and urges participation in this bill by lawmakers to vote this into law; and be it further

Resolved, that a copy of this resolution be forwarded to Peter J. Kiernan, Counsel to the Governor; New York State Senate Majority Leader Malcolm A. Smith; New York State Assembly Speaker Sheldon Silver; Senator Elizabeth Little; Assemblywoman Janet Duprey; and Barry P. Schwartz Senior Counsel New York City Law Department.

Motion Carried: Unanimously

#### VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the following correspondence be received and filed:

1. Transcript of Zoning Board of Appeals Public Hearing on Application of Jewel of Asian Realty Corp.

Motion Carried: Unanimously

#### VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed a variety of historic issues.

Ingrid Rodrigues a resident near Ryder Park lodged complaints relative to the condition of Ryder Park including the grass not being cut; the tennis courts locked due to poor condition as well as the need for recycling bins. They have not weed whacked around the pond for a long time. The poison ivy should be cut back during the winter months. Supervisor Borgia stated that the Board has been working on a remediation plan thru the Friends of the Parks. Councilmember Harter invited her to attend the next Rec Advisory Meeting which will be held again in the fall at 7 p.m. The meetings are held on the second Monday of the month at the Joseph G. Caputo Community Center.

Councilmember Harter stated that the situation at the State Senate is making a laughing stock of New York State throughout the United States. They are getting nothing done and their behavior is childish and hurtful to the entire State. Please write your Senator and ask that they resolve this situation now.

An announcement was made to the public to attend a meeting following the Town Board Meeting at 16 Croton Avenue with Lee Kyriacou, New York State Director of the Office of Real Property Services to discuss how assessments can be changed.

#### VIII. ADJOURNMENT

At 8:03 p.m., Councilmember Tawil moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

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Mary Ann Roberts, Town Clerk

Approved: