



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

**SEPTEMBER 14, 2010
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 September 14, 2010 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:32 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Michael Tawil, Peter Tripodi and Northern Wilcher. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Borgia reminded the Community that today was Primary Day and that the polls will be open until 9:00 p.m.

The Food Pantry is holding its Annual Event on Sunday 19, 2010 from 5-8 p.m.

III. PUBLIC COMMENT ON AGENDA ITEMS-None

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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 August 24, 2010 Minutes of the 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 September 14, 2010 in the amount of \$294,297.04

**Vote: 4 –1–0
Voting Aye: Tawil,
Harter, Wilcher Borgia**

Voting Nay: Tripodi

C. Approval of Work Session Minutes

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 September 7, 2010 Work Session.

Motion Carried: Unanimously

D. Resignation-Citizen Finance Advisory Committee

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 William F. Jaenike from the Citizen Finance Advisory Committee effective immediately.

Motion Carried: Unanimously

E. RESOLUTION FOR THE PROPOSED ELIMINATION OF THE STONEGATE ROAD PUMP STATION AND REPLACEMENT WITH A GRAVITY SANITARY SEWER LINE

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

Whereas, the Proposed Action is the proposed elimination of the Stonegate Road pump station in the Torbank Sewer District, and replacement of the pump station with a gravity sanitary sewer line; and

Whereas, Part 617.5(c) of the SEQRA regulations lists Type II actions, and Type II actions are not subject to review under SEQRA; and

Whereas, the Proposed Action is listed as a Type II action under Part 617.5(c)(11) of the SEQRA regulations which includes the, "extension of utility distribution facilities including...water and sewer connections to render service in approved subdivisions or in connection with any action on this list;" and

Whereas, the new gravity sanitary sewer line will serve approved subdivisions,

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining hereby finds that the Proposed Action, namely the elimination of the Stonegate Road pump station in the Torbank Sewer District and replacement of the pump station with a gravity sanitary sewer line is a Type II action, which will therefore not require further evaluation or processing under SEQRA.

Motion Carried: Unanimously

F. RESOLUTION FOR THE PROPOSED ELIMINATION OF THE STORMYTOWN ROAD PUMP STATION AND REPLACEMENT WITH A GRAVITY SANITARY SEWER LINE

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

Whereas, the Proposed Action is the proposed elimination of the Stormytown Road pump station and replacement of same with a gravity sanitary sewer line; and

Whereas, Part 617.5(c) of the SEQRA regulations lists Type II actions, and Type II actions are not subject to review under SEQRA; and

Whereas, the Proposed Action is listed as a Type II action under Part 617.5(c)(11) of the SEQRA regulations which includes the, “extension of utility distribution facilities including...water and sewer connections to render service in approved subdivisions or in connection with any action on this list;” and

Whereas, the new gravity sanitary sewer line will serve approved subdivisions;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining hereby finds that the Proposed Action, namely the elimination of the Stormytown Road pump station and replacement of same with a gravity sanitary sewer line is a Type II action, which will therefore not require further evaluation or processing under SEQRA.

Motion Carried: Unanimously

G. Agreement-Capital Markets Advisors, LLC

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 Capital Markets Advisors, LLC to provide financial advisory services in connection with the financing of sewer infrastructure improvements on Stormytown & Stonegate Road in accordance with their letter dated August 26, 2010.

Motion Carried: Unanimously

H. Agreement-Orrick, Herrington & Sutcliffe, LLP

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 accepts a proposal from Orrick, Herrington & Sutcliffe, LLP (Thomas Myers) to render an approving opinion in connection with the Stormytown Road & Stonegate Road sewer infrastructure bond issuance in accordance with their letter dated August 24, 2010.

Motion Carried: Unanimously

I. Considering a proposed local law to amend Chapter 183, Tree Protection, of the Town Code

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

Whereas, the Town Board is considering amendments to Chapter 183 of the Code of the Town of Ossining regarding Tree Protection; and

Whereas, the Town Board referred said local law to the Planning Board and Environmental Advisory Committee for review and recommendations; and

Whereas, after extensive review, the Planning Board and Environmental Advisory Committee submitted recommendations to the Town Board; and

Whereas, on August 10, 2010 the Town Board opened a public hearing on the subject Local Law at which time all persons interested were given an opportunity to speak on behalf of or in opposition to said Local Law and the public hearing was closed on August 10, 2010,

Now, Therefore, Be It Resolved, that the Town Board, as lead agency for the review of the proposed law pursuant to the requirements of the State Environmental Quality Review Act, and after review of the Environmental Assessment Form and due deliberation, finds that such local law will not result in any significant adverse environmental impacts; and

Be It Further Resolved, that the Town Board hereby adopts a negative declaration for the reasons stated therein, hereby ending the State Environmental Quality Review process.

Now, Therefore be it Resolved, that the Town Board of the Town of Ossining hereby adopts Local Law # 2, 2010, amending Chapter 183 of the Town Code regarding Tree Protection.

Motion Carried: 5-0-0
Roll Call Vote:
Ayes: Councilmembers
Harter, Tawil, Troodi, Wilcher
& Supervisor Borgia

J. Fox Hill Condominium Address Change

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

Whereas, the Board of the Fox Hill Condominium Association has requested address changes to the homes in the condominium complex, which were incorrectly depicted as apartments; and

Whereas, after residents of Fox Hill Condominiums were notified and after discussions with the Town Supervisor, Police Chief and the Postmaster, it was determined that the address change would be beneficial and that there would be no financial implications to the town; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the changes to the addresses within Fox Hill Condominiums in accordance with a letter dated August 9, 2010 from President Mary Henshaw.

Motion Carried: Unanimously

K.

TAX CERTIORARI
HARBOR SQUARE, LLC.
vs.
TOWN OF OSSINING

Councilmember Wilcher moved and it was seconded by Councilmember Tawil 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 Harbor Square, LLC against the Town of Ossining to review the tax assessments made on Petitioner's property located on Westerly Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.06, Block, 1, Lot 9.1, for assessment years 2007 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18389/07, 08-21394, 21104/09; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2007	730,500	547,875	182,625
2008	781,000	585,750	195,250
2009	781,000	585,750	195,250
2010	781,000	585,750	195,250

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 \$6,439.77, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

L. 2010 Budget Adjustment

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

Whereas, the projects listed below were funded through Bond Anticipation Notes and there are excess funds remaining that must be transferred to debt service;

Now, therefore Be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the unexpended balances in the following projects to be transferred to debt service:

<u>Project#</u>	<u>Project</u>	<u>Amount</u>
2008-2159	Highway Department Dump Truck	\$14,418
2008-2158	Samstag Retaining Wall	\$899.00

Motion Carried: Unanimously

M. House of Refuge Apostolic Church-Assessment and Tax Roll Correction

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

WHEREAS, pursuant to Section 556 of the Real Property Tax Law of the State of New York (“RPTL”) and Chapter 414 of the Laws of 2010, the Assessor of the Town of Ossining is authorized to grant an application for exemption from real property taxes pursuant to section 420-a of the Real Property Tax Law from the House of

Refuge Apostolic Church for property located at 81 Croton Avenue in the Town and Village of Ossining otherwise known as section 89.015, block 3, lot 34; and

WHEREAS, the said applications for corrected assessment roll have been reviewed by the Westchester County Tax Commission and the Ossining Union Free School District; and

WHEREAS, it is the recommendation of the Westchester County Tax Commission that the application be approved and implemented as described below; Now, Therefore Be It

Resolved, that the following corrections be made and implemented on the Assessment Roll, the warrant(s) for taxes and other appropriate records by the Assessor, the Receiver of Taxes and any other appropriate officials of the Town of Ossining; and

Changes to the Assessment Roll:

Assessment Roll Year / Tax Roll Year	Original Assessment	Less: Religious Exemption Granted	Revised Taxable Assessment
2007/2008	111,200	44,480	66,720
2008/2009	111,200	100,080	11,120
2009/2010	111,200	100,080	11,120

Be it Further Resolved, that the Receiver of Taxes is authorized and directed to process and adjust the Town of Ossining taxes estimated to be \$2,396.34 plus \$9,396.09 in penalties; and be it further

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

V. MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the monthly reports for the month of August, 2010 from the following:

- G.E.**
- Town Clerk's**

VI. VISITOR RECOGNITION

There was no one to speak at this time.

VII. ADJOURNMENT

At 7:55 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Supervisor Borgia announced that the timeline for the Police Consolidation is as follows: Board discussion at their Work Session on September 21, 2010 on the third floor Conference Room at 16 Croton Avenue. Hopefully a decision will be made at that time and the Board will adopt the resolution at the next Legislative Session which will be held on Tuesday, September 28, 2010 at the Birdsall; Fagan Police County Facility located at 86-88 Spring Street.

Approved:

Mary Ann Roberts Town Clerk