



AGENDA

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

**MARCH 27, 2012
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 March 27, 2012 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 Northern Wilcher and Eric Blaha. Councilmembers Geoffrey Harter and Peter Tripodi were absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly announced that the Town Hall Meeting which was held on March 20th was a great experience and had 85 residents in attendance. The re-cap will be on the webpage at the end of the week. If you would like to register to receive this information go to www.townofossining.com

Supervisor Donnelly introduced John McGrory who has been the Interim Assessor during Josette Polzella's illness and now retirement. Mr. McGrory will be leaving the Town of Ossining this coming Friday and we wish him well and thanked him for his services. I would also like to introduce our new Assessor Mr. Fernando Gonzales who joined the Town of Ossining last week.

Supervisor Donnelly discussed the topics on the agenda this evening. We have a GE Settlement which we are very pleased with. I would like to thank John McGrory, Fernando Gonzalez and Wayne Spector for all of their hard work in formalizing this settlement agreement.

Please join us to clean up the parks during Stash the Trash which will take place on April 21st. The final budget adjustments for 2011 are on this evening's agenda. If you have interest in your Government, please join us at the Ossining Public Library on May 1st for a Town Hall Meeting where your comments and concerns can be made.

III. PUBLIC COMMENT ON AGENDA ITEMS

Mr. Jerry Gershner, Ganung Drive, had a question on one item on the Voucher Detail Report pertaining to a fax machine being leased for the Police Station at 507 North State Road in the amount of \$62 per month. It would be much cheaper to purchase one from Staples. They range in price from \$30 to \$100.

Supervisor Donnelly advised that they are working on this and other items at the Police Station.

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 March 13, 2012 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 Blaha that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated March 27, 2012 in the amount of \$10,383.10 for 2011 and \$183,703.79 for 2012, for a total of \$194,086.89.

Motion Carried: Unanimously

C.

TAX CERTIORARI

**GENERAL ELECTRIC CO.
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 General Electric Co., against the Town of Ossining to review the tax assessments made on Petitioner's property located at Shady Lane Farm Road, 1 and 5 Shady Lane Farm Road, Old Albany Post Road and 24 Old Albany Post Road, and designated on the tax assessment map of the Town of Ossining as Section 80.15, Block 1, Lot 31, ("the primary lot"), and Section 80.14, Block 2, Lot 13; Section 80.15, Block 1, Lot 24; Section 80.15, Block 1, Lot 25; Section 80.15, Block 1, Lot 27; Section 80.15, Block 1, Lot 28; Section 80.15, Block 1, Lot 29; Section 80.15, Block 1, Lot 30; Section 80.15, Block 1, Lot 4.1; Section 80.19, Block 2, Lot 1; Section 80.19, Block 2, Lot 2; Section 80.19, Block 2, Lot 3, ("the secondary lots"), for assessment years 2005 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18668/2005, 20473/2006; 19460/2007; 75029/2008; 23270/2009; 23739/2010; 14744/2011; and

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

<u>Assess. Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Reduced To</u>	<u>Amount of Reduction</u>
2012	3,803,030	3,272,500	530,530

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings for the “secondary lots,” subject to the approval of the Town Board, that all assessments for the secondary lots remain at the 2011 assessment level,

WHEREAS, the above Petitioner has also agreed that, upon the aforesaid reduction of the Assessment for the primary lot for the assessment year 2012, Petitioner shall discontinue all proceedings under index no. 18668/2005 and, furthermore, providing the Town maintains the assessments for the primary lot at levels provided for in the Consent Order and Judgment memorializing the settlement agreed to by the parties, through the assessment year 2018, the proceedings filed for the years 2006 through 2011 shall be discontinued in the order set forth in the Consent Order and Judgment.

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 none, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

D. Finance-2011 Capital Projects Budget Adjustment

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 the following Capital Projects budgets to be adjusted to actual revenue/expense amounts and closed as follows:

Decrease 037-0037-4089-0156 Police 08 Tech Grant Mobile Video to \$59,912.00

Decrease 037-3120-2156 Police 08 Tech Grant Mobile Video to \$59,912.00

Decrease 037-0037-4089-0169 Police Mobile License Plate Reader to \$29,842.00

Decrease 037-3120-2169 Police Mobile License Plate Reader to \$29,842.00

Decrease 037-0037-4089-0173 Police Portable Radios to \$5,993.25

Decrease 037-3120-2173 Police Portable Radios to \$5,993.25

Motion Carried: Unanimously

E. A RESOLUTION AUTHORIZING THE PURCHASE OF A DUMP TRUCK FOR THE PARKS DEPARTMENT IN AND FOR THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$55,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$55,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

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

Section 1. The purchase of a dump truck for the Parks Department in and for the Town of Ossining, Westchester County, New York, is hereby authorized at maximum estimate cost of \$55,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not exceeding \$55,000 serial 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 fifteen years, pursuant to subdivision 28 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. 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, 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 serial 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 serial 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 as of 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 official newspaper of said Town for such purpose, together with a notice of the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

Motion Carried: TABLED

F. Finance- Capital Project #2012-2177- Parks Truck Adjustment

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

Resolved, that the Town Board of the Town of Ossining hereby amends the approved budget for the 2012 Parks Truck purchase from \$53,273.62 to \$55,000, as per the actual amount awarded to the bidder.

037.7110.2177 (Expense) for \$55,000
037.0037.5730.0180 (Revenue-BAN) for \$55,000

Motion Carried: TABLED

G. Environmental Advisory Committee Appointment

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 appoints Todd Moore of Claremont Road, Ossining, to the Environmental Advisory Committee, for a term of five years expiring December 31th, 2017.

Motion Carried: Unanimously

H. Environmental Advisory Committee Re-Appointment

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 re-appoints John Ladd of Hudson Watch, Ossining, to the Environmental Advisory Committee, for a term of five years expiring December 31th, 2017.

Motion Carried: Unanimously

I. Finance- Capital Project #2012-2178- Justice Court Assistance Program (JCAP) Adjustment

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 amends the approved budget for the 2012 JCAP Grant from \$25,000 to \$17,457.64, as per the actual amount awarded by the State of New York Unified Court System under the Justice Court Assistance Program Grant.

Increase: 037.1110.2178 (Expense) \$17,457.64
Increase: 037.0037.3097.0178 (Revenue) \$17,457.64

Motion Carried: Unanimously

J. Finance- Capital Project #2012-2179- Local Government Records Management Improvement Fund Project

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 authorizes the establishment of Capital Project #2012-2179, entitled Local Government Records Management Improvement Fund (LGRMIF), in the amount of \$12,922, to be fully funded by the New York State Archives unit of the New York State Education Department.

Increase: 037.1220.2179 (Expense) \$12,922.00

Increase: 037.0037.3381.0179 (Revenue) \$12,922.00

Motion Carried: Unanimously

K. Finance- Capital Project #2011-2176 Cedar Lane Drainage

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 the following budget adjustment, increasing the budget of the Cedar Lane Drainage Capital Project from \$39,250.00 to \$40,500.00:

Increase: 031-9901-0900 \$1,250.00

Decrease: 031-1990-0400 \$1,250.00

Increase: 037-0037-5031-0176 (Revenue) \$1,250.00

Increase: 037-5110-2176 (Expense) \$1,250.00

Motion Carried: Unanimously

L. Personnel- Parks Department- Seasonal Appointment

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 appoints Danye Smith-Robinson, Ossining, to the seasonal position of Laborer in the Parks Department effective March 23rd, 2012 at \$9.00/hr.

Motion Carried: Unanimously

M. Personnel- Parks Department- Seasonal Appointment

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 appoints Ronnie L. Cuttino, Ossining, to the seasonal position of Laborer in the Parks Department effective March 26th, 2012 at \$9.25/hr.

Motion Carried: Unanimously

N. Personnel- Parks Department- Seasonal Appointment

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 appoints Dajuan Harris, Ossining, to the seasonal position of Laborer in the Parks Department effective March 23rd, 2012 at \$8.00/hr.

Motion Carried: Unanimously

O. Finance- Budget Modification

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 makes the following budget adjustments to the 2011 adopted budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
TAX COLLECTION			
010-1330-0402- Printing	625.00		
ASSESSMENT			
010-1355-0419-Maint/Repair	37.00		
CENTRAL COMMUNICATIONS			
010-1650-0438-Telephone/Web	997.00		
PARKS			
010-7110-0409- Electric	405.00		
RECREATION			
010.7310.0475-Village Oss Contractl	1312.00		
CEMETERY			
010-8810-0474-Fuel Oil	141.00	3517.00	010.6772.0101-Pers Srvc
Total General Fund:	3517.00	3517.00	
POLICE			
020-3120-0406-Telephone	211.00	211.00	020.8010.0414-Contractual Steno
Total TOV Fund:	211.00	211.00	
STREET ADMINISTRATION			
031-5010-0406- Telephone	267.00		
BENEFITS			
031.9010.803- Workers Comp	59.00	326.00	031.5110.0103-Out of Title
Total Highway Fund:	326.00	326.00	
CEMETERY			
032.8810.0406- Telephone	86.00	86.00	032.1680.0475- Village of Oss, Cntrctl
Total Cemetery Fund:	86.00	86.00	
Total Budget Adjustment:	4140.00	4140.00	

Motion Carried: Unanimously

P. Policies- Non Union and Elected Personnel Manual

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

Whereas, the Town of Ossining has a longstanding practice of providing insurance benefits to elected officials and officers/ employees appointed by the Town Board who serve at its pleasure and who are not otherwise covered by the terms of any collective bargaining agreement; and

Whereas, it is unclear from Town records presently available whether the Board has ever formally ratified these longstanding practices; and

Whereas, to avoid any issues regarding the continued provision of such insurance benefits to such elected officials and appointed officers/employees, the Board has determined that it would be beneficial to formally ratify the eligibility requirements for such insurance coverage's, as well as establishing a manual of practices for the aforementioned Town employees and elected officials;

Now therefore be it Resolved that subject to the terms and conditions set forth in the "Employee Handbook for Town Non-Union Personnel", the Town Board hereby approves the following guidelines for all elected officials and officers/ employees appointed by the Town Board.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. MONTHLY REPORTS

VII. VISITOR RECOGNITION

Brian Streb, Briarcliff Woods Condominium President, discussed the situation that began with Storm Floyd in 1999 and has continued. The flooding has displaced a number of residents and with the spring upon us that usually bring rain. As elected officials you have an obligation to assist us with this serious problem. A number of emails have been forwarded to you with no response. You stated that you would convene a meeting with contractors and invite me to attend. I am still awaiting a call to attend. The Town and Village have both let us down.

Robbie and Curt Zapman, Briarcliff Woods residents, were displaced from their home and have received no feedback from the Town or Village. Where does it stand now? The rainy season is coming and we need action immediately.

Supervisor Donnelly stated that the Town is undertaking quite a few projects at this time, however, Cedar Lane is on the front burner. The Engineering Study has been complete. The project has been brought down to a million dollars from \$1.8 million. A new water main will also be done at the same time. The Briarcliff Woods Condo also has remediation work to complete. We are moving forward with the project and we are moving as fast as we can.

Jane Pendergast, Northern Westchester Move-On Council made a presentation relating to the Court Case Citizens United v. Federal Election Commission. This decision gives corporation and other special interests the same constitutional rights as human citizens, such as free speech, and allows them to spend unlimited money in elections, which has been banned for decades by bipartisan legislation. Ms. Pendergast requested that the Town Board adopt a resolution opposing this Supreme Court decision.

Brian Streb stated that Briarcliff Woods is doing \$100,000 in remediation.

Dan Fullerton, Spring Pond Drive, was in support of Jane Pendergast and Move On Council.

Supervisor Donnelly advised that she will add this topic to our next Work Session on April 3, 2012.

Maureen Leo, Briarcliff Woods, questioned how long it takes to bid this project?

Supervisor Donnelly explained that the process takes about a month. By end of May or beginning of June we should be underway.

Dominick Leo, Briarcliff Woods, questioned why this is a million dollar project when there are other solutions?

Supervisor Donnelly explained both Town and Village Engineers have looked at this project and it is very complicated and she does not feel a temporary solution is the answer in this case. We will keep all the residents informed.

Richard Taxall, Briarcliff Woods resident, questioned how long does it take to get the money?

Supervisor Donnelly explained that getting the money is not this issue here, it is getting the bids approved.

VIII. ADJOURNMENT

At 8:17 P.M. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk