



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

**FEBRUARY 25, 2014
8:28 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey Northern Wilcher**

7:30 p.m. Town Work Session

- Discussion on sale of 507 North State Road/ Bond Repayment Questions- Tom Warren & Wayne Spector
- Discussion of Bond Issuance for Town-Wide Revaluation, 3 Phases- Tom Warren
- Capital Project Bid Opportunities- NJPA and Empire State Purchasing Group- Tom Warren
- Agreement with Briarcliff Little League- Sue Donnelly
- Adjournment-Legislative Session

At 8:27 P.M. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the work session be adjourned.

Motion Carried: Unanimously

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on February 18, 2014 at the Municipal Building, 16 Croton Avenue in Ossining. The meeting was called to order at 8:28 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Kim L. Jeffrey, Geoffrey Harter and Eric P. Blaha. Also present were Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts. Town Attorney Wayne Spector was absent.

II. ANNOUNCEMENTS

Supervisor Donnelly announced that the Town Hall Meeting which is scheduled for Tuesday, March 4, 2014, is the last meeting relating to Election Districts 17 & 20 before a vote must take place. The process must be completed within 90 days. Also on the agenda is an update on the Town's Revaluation.

A Special Meeting will be held after the Town Hall Meeting. This vote will be on the adoption of the SEQRA Environmental Impact.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 February 11, 2014, Minutes of the Regular Meeting as presented.

**Motion Carried: 4-1-0
Ayes: Harter, Wilcher, Blaha &
Donnelly**

B. Approval of Minutes-Special Meeting

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 February 18, 2014, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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 Voucher Detail Report dated February 25, 2014 in the amount of \$4,325.57 for 2013 and \$395,787.94 for 2014. Grand total of \$400,113.51

Motion Carried: Unanimously

D.

TAX CERTIORARI

CWBP Section No. 2, LLC

vs.

Town Of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Harter 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 CWBP Section No. 2, LLC against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 600 Executive Boulevard, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.19-2-34 for Tax Assessment Years 2000, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012 and 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15375/00; 17694/02; 15991/03; 16339/04; 18391/05; 21248/07; 22697/08; 24332/09; 26224/10; 57290/11; 68011/12; and 67391/13; 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:

Tax ID: 80.19-2-34 (Formerly 1.03-6-2) 600 Executive Blvd.

Assessment	Assessed Valuation		Amount of
<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2000	\$60,000	\$60,000	\$ 0
2002	\$60,000	\$60,000	\$ 0
2003	\$60,000	\$60,000	\$ 0
2004	\$60,000	\$60,000	\$ 0
2005	\$60,000	\$60,000	\$ 0
2007	\$60,000	\$55,200	\$ 4,800
2008	\$60,000	\$55,200	\$ 4,800
2009	\$60,000	\$55,200	\$ 4,800
2010	\$60,000	\$55,200	\$ 4,800
2011	\$60,000	\$60,000	\$ 0
2012	\$60,000	\$60,000	\$ 0
2013	\$60,000	\$60,000	\$ 0

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 \$ 2,814.25, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. Calling for a Public Hearing in the matter of 2014 Cabaret License for North River Hospitality.

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 calls for a Public Hearing to be held on Tuesday, March 11, 2014 at 7:30 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the application of the North River Hospitality, (Haymont House, LLC.) 25 Studio Hill Road Briarcliff Manor, NY 10510.

Motion Carried: Unanimously

F. Highway Superintendent Salary Local Law #1 of 2014

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

BE IT ENACTED by the Town Board Of The Town Of Ossining, New York, as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law # 1 of 2014”, for the purpose of increasing the salary of the Superintendent of Highways for 2014, retroactive to January 1, 2014, over the amount specified in the notice of hearing on the preliminary budget for 2014, published pursuant to section 108 of the New York State Town Law.

Section 2: Legislative Intent and Statutory Authority.

The Town of Ossining desires to increase the salary of the Superintendent of Highways for the year 2014, retroactive to January 1, 2014, from \$50,000, the amount specified in the notice of hearing on the preliminary budget for 2014 and duly published in accordance with section 108 of the New York State Town Law, to \$70,380. This Local Law is determined to be an exercise of the legislative powers of the Town and to promote the protection, health, safety and welfare of residents, to ensure the continued provision of excellent services to the public and to promote the fiscal welfare of the Town. This local law is enacted under the authority of Municipal Home Rule Law sections 10, 22 and 24. The Town hereby expressly states its intention to supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law section 20.

Section 3: Increase of The Salary of The Superintendent of Highways for the Year , retroactive to January 1, 2014 .

The salary of the Superintendent of Highways in the Town of Ossining, New York, effective January 1, 2014, shall be increased to \$70,380 from \$50,000, the amount specified in the notice of hearing on the preliminary budget for 2014 which was duly published.

4: Title.

This local law shall be Incorporated in the Town of Ossining Code as a new Chapter thereof to be entitled: “The Salary of Office of the Superintendent of Highways for 2014”.

Section 5: Permissive Referendum

This local law shall be subject to a permissive referendum in accordance with section 24 of the Municipal Home Rule Law of the State of New York.

Section 6: Ratification, Re-adoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 7: Inclusion in The Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; and that the sections and subsections of this Local Law may be renumbered or read letter to or accomplish such intention; and that the word “local law” shall be changed to “chapter”, “section“ or other appropriate word, as required for codification.

Section 8: Renumbering

The location and numerical designation of this Local Law and the sections included here in shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 9: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section number by the codifier, General Code, in accordance with the numbering system of the Code.

Section 10: Codifier’s Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law of the provisions of the code affected thereby.

Section 11: Codifier's Changes

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 12: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law and expiration of the time for filing a petition for a permissive referendum.

Roll Call Vote: 5-0-0
Ayes: Harter, Wilcher, Blaha,
Jeffrey & Donnelly

G. Agreement- Briarcliff Little League

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 Supervisor to enter into an agreement with the Briarcliff Little League regarding field usage at Ryder Park for the time period between April 1st, 2014 and October 31st, 2014, and general provisions related to league conduct and procedures for the time period of one year after the date signed, in a form acceptable to the Town Attorney.

Motion Carried: Unanimously

H. A RESOLUTION AUTHORIZING THE REVALUATION OF REAL PROPERTY FOR ASSESSMENT PURPOSES IN AND FOR THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,800,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$1,800,000 BONDS OF SAID TOWN TO PAY COSTS THEREOF.

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following 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 Town of Ossining, Westchester County, New York, as follows:

Section 1. The revaluation of real property for assessment purposes in and for the Town of Ossining, Westchester County, New York, is hereby authorized at maximum estimate cost of \$1,800,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$1,800,000 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 five years, pursuant to subdivision 53 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. This project is intended to be undertaken in three phases over three years. As such, the period of probable usefulness will convene for each phase upon the first borrowing therefor.

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: 4-1-0

Ayes: Blaha, Wilcher, Harter & Donnelly

Abstain: Jeffrey

I. Finance-Revision to Procurement Policy

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

WHEREAS, the Town Board of the Town of Ossining wishes to allow for purchases to be permitted through the Empire State Purchasing Group and the National Joint Powers Alliance (NJPA); now therefore it is

RESOLVED, that the Town Procurement Policy shall hereby be modified by replacing the entirety of Section One, Paragraph Two under “General Provisions” with the following:

“In addition, purchases under any NYS county or local government contracts, or purchased through the Empire State Purchasing Group or National Joint Powers Alliance (NJPA), provided that the contract is let in a manner that constitutes competitive bidding consistent with NYS law and made available for use by other governmental entities and subject to the approval of the Town Supervisor.” And be it further

RESOLVED, the Town Supervisor is authorized to sign the appropriate agreements to allow for the Town of Ossining to become members of these cooperative purchasing organizations.

Motion Carried: Unanimously

J. Highway Department- Acceptance of Bid for Loader

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

Whereas, the Town of Ossining Highways Department requires a new Loader; and

Whereas, the Town of Ossining accepted closed bids on one Tool Carrier Wheel Loader in accordance with multiple specifications for dimensions, capacity and mechanical performance;

Therefore, be it resolved that the Town Board of the Town of Ossining hereby accepts the bid by the lowest responsible bidder, namely Westchester Tractor, Inc. of Brewster, New York, in the amount of \$119,500.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. MONTHLY REPORTS

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 accepts the following monthly reports for the month of January 2014 from:

- **Town Tax Receiver’s Office**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Jim Curry a member of the Jesse Collyer League commented that he has been working with Henry Atterbury on the use of the fields.

VIII. ADJOURNMENT –EXECUTIVE SESSION- LEGAL ADVICE & PERSONNEL

At 8:55 P.M. Councilmember Harter moved and it was seconded by Councilmember Blaha that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk