



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

**JULY 24, 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 July 24, 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, Eric Blaha and Geoffrey Harter. Councilman Peter Tripodi was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II. PRESENTATION- Mike Ritchie from Dolph Rotfield Engineering, P.C. to answer any questions about the Town's Stormwater Management Plan.**

Mr. Michael Ritchie provided a review of the Annual MS-4 Compliance Report. The Annual Report covers March 2011 thru March 2012. This report must be filed with the State of New York. It covers six minimum items that the Town must do including public education which details pollutants of concern; public participation; illicit discharge; construction activities and post construction activities.

Councilman Blaha questioned whether the submission of this report opens up doors for grants? Mr. Ritchie responded that the Town of Ossining is part of a 15 community consortium which did receive a grant for mapping of the stormwater system.

Councilman Harter questioned is this report and work subsidized by the State of New York or is it an unfunded mandate?

Councilman Tripodi questioned how well we did? Could we use additional help? Mr. Ritchie responded that the Town could use additional help and we will be addressing those items. There is an audit every 5 years.

Councilman Wilcher questioned whether we had a Goose Management Program?

Councilman Blaha questioned whether discharge or leaks covered everything or just those which affect municipalities?

Supervisor Donnelly stated that it was a pleasure to have Mr. Ritchie and Dolph Rotfield Engineering on board.

**III. ANNOUNCEMENTS**

Supervisor Donnelly reported on the following resolutions: Resolution D (Town – Wide Water District – Installation of a Water Main); Resolution J (Call for Public Hearing – In the Matter of Proposed Local Law entitled “Local Law To Abolish the

Office of Elected Superintendent of Highways and Replace It With an Appointed Superintendent of Highways In the Town of Ossining’). Supervisor Donnelly stated that this was calling for a public hearing but stressed that it was the final say by the residents. Residents are requested to address any concerns. This referendum is to decide who will be the Superintendent of Highways by choosing a qualified candidate rather than by a popular vote. Mr. Donnelly also discussed Resolution I and L (Sewers – Approval of Ossining Consolidated Sewer District Extension – Diego Quizhpi Avila – Croton Dam Road and Michael and Rebecca Costello – 10 Ryder Road); and Resolution K (Agreement – Auditing of Financial Statements). Summerfest will take place at Market Square on Friday, July 27, 2012, from 4 p.m. – 10 p.m. We will close this meeting with a moment of silence for those who died and were injured in Colorado.

Councilman Harter reminded the Village residents that the Village Tax bill is due by July 31<sup>st</sup>.

#### IV. PUBLIC COMMENT ON AGENDA ITEMS

Subrata Chakravarty, Stonegate Road, questioned the calling for a Public Hearing regarding a local law to abolish the office of an elected Superintendent of Highways. Is it legal to un-elect an elected position?

#### V. BOARD RESOLUTIONS

##### A. Approval of Minutes

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 July 10, 2012 Minutes of the Regular Meeting as presented.

Vote: 4-1-0  
Voting Aye: Wilcher,  
Harter, Blaha & Donnelly  
Abstain: Tripodi

##### B. Approval of Minutes-Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the July 17, 2012 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 July 24, 2012 in the amount of \$250,768.94

Motion Carried: Unanimously

**D. Town –Wide Water District –Installation of a Water Main**

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

\_\_\_\_\_  
 In the Matter of the Increase and Improve-  
 ment of the Facilities of the Town-wide  
 Water District in the Town of Ossining,  
 Westchester County, New York

PUBLIC INTEREST ORDER

\_\_\_\_\_  
 :

WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Town-wide Water District in the Town of Ossining, Westchester County, New York, consisting of the installation of a water main on Cedar Lane and Stormytown Road, including improvements and costs incidental thereto; and

WHEREAS, at a meeting of said Town Board duly called and held on June 26, 2012, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Town-wide Water District in said Town at a maximum estimated cost of \$450,000 and to hear all persons interested in the subject thereof concerning the same at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, in Ossining, New York, in said Town, on July 24, 2012, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of the Town-wide Water District in the Town of Ossining, Westchester County, New York, consisting of the installation of a water main on Cedar Lane and Stormytown Road, including improvements and costs incidental thereto, at a maximum estimated cost of \$450,000.

**Section 2.** This order shall take effect immediately.

Motion Carried: Unanimously

**E. Capital Project #2010-2172 – Old Albany Post Road “S” Curve**

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

Resolved, that the Town Board of the Town of Ossining authorizes the budget for the Old Albany Post Road “S” Curve Capital Project #2010-2172, in the amount of \$162,000, to be funded by issuance of a bond anticipation note, as follows:

037.5110.2172 (Expense) for \$162,000  
 037.0037.5730.0172 (Revenue – BAN) for \$162,000

Motion Carried: Unanimously

**F. Finance – Capital Project #2010-2180 – North State Road Drainage**

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 amends the approved budget for the North State Road Drainage Capital Project # 2010-2180, in the amount of \$50,000, to be funded by issuance of a bond anticipation note, as follows:

037.5110.2180 (Expense) for \$50,000 (no change in amount)  
037.0037.5730.0180 (Revenue – BAN) for \$50,000

Motion Carried: Unanimously

**G. Finance – Capital Project #2011-2175 – Cedar Lane/Stormytown Road Water Mains**

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

Resolved, that the Town Board of the Town of Ossining hereby amends the approved budget for the Cedar Lane/Stormytown Road Water Mains Capital Project # 2011-2175, currently authorized for \$25,240, to increase authorized appropriations in the amount of \$450,000, to be funded by issuance of a bond anticipation note, as follows:

037.8310.2175 (Expense) increase of \$450,000  
037.0037.5730.0175 (Revenue – BAN) for \$450,000

Motion Carried: Unanimously

**H. Change Order #1: Old Albany Post Road “S” Curve**

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

Whereas the Old Albany Post Road “S” Curve project has commenced, and

Whereas review of the physical location revealed additional requirements for satisfactory completion of the project in the form of removal and disposal of pole for beam installation, backfill, curbing, guide rail, and restoration in addition to the original contract for the site to be returned to pre-storm condition;

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign Change Order # 1 with Parrott Enterprises for the Old Albany Post Road “S” Curve project in the amount of \$23,520.00 to be funded by a combination of a FEMA/SEMO funding and Town-issued debt.

Motion Carried: Unanimously

**I. Sewers - Approval of Ossining Consolidated Sewer District Extension – Diego Quizhpi Avila- 2 Croton Dam Road**

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

Whereas, a Petition for the extension of Ossining Consolidated Sewer District located at 2 Croton Dam Road in the Town of Ossining, Westchester County, New

York, dated May 1st 2012, has been presented to the Town Board by Diego Quizhpi Avila and

Whereas, an Order was duly adopted by the Town Board on May 8th, 2012 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying May 22nd, 2012 at 7:30pm in the Police/Court facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a Public Hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

Whereas, such Order was duly posted and published as required by law; and

Whereas, a public hearing on the matter was duly held by the Town Board on May 22nd, 2012, where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and

Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing borne by the Town of Ossining, the Ossining Consolidated Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the Ossining Consolidated Sewer District located 2 Croton Dam Road in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy of the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

**J. Call for Public Hearing- In The Matter of Proposed Local Law Entitled “ Local Law To Abolish The office of an elected Superintendent of Highways and Replace It With an Appointed Superintendent Of Highways In The Town Of Ossining.”**

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

WHEREAS, the Town Board of the Town of Ossining, has introduced a proposed local law entitled, “A LOCAL LAW TO ABOLISH THE POSITION OF AN ELECTED SUPERINTENDENT OF HIGHWAYS AND REPLACE IT WITH AN APPOINTED SUPERINTENDENT OF HIGHWAYS IN THE TOWN OF OSSINING”

And

WHEREAS, this proposed local law is intended to abolish the office of an elected Superintendent of Highways and replace it with an appointed Superintendent of highways subject to approval by mandatory referendum ballot at the 2012 November General Election;

**NOW, THEREFORE, be it**

**RESOLVED, that a public hearing, pursuant to section 20 of the Municipal Home Rule Law, be held at the Police/Court facility, 86 – 88 Spring Street in Ossining, New York on July 31, 2012 at 7:30 PM, relative to such proposed local law, and be it**

**FURTHER RESOLVED, that the Town Clerk prepare said notice of hearing, and that the Town Clerk shall cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.**

**Motion Carried: Unanimously**

**K. Agreement-Auditing of Financial Statements**

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

**Resolved, that the firm of O'Connor Davies Munns & Dobbins, LLP be appointed Auditors for the Town of Ossining for the audit of the 2012, 2013 and 2014 Financial Statements in accordance with their contract letter dated July 14, 2012 at a fee not to exceed \$64,100 for fiscal year ending 12/31/12, \$64,100 for fiscal year ending 12/31/13 and \$64,100 for fiscal year ending 12/31/14.**

**Motion Carried: Unanimously**

**L. Sewers - Approval of Ossining Consolidated Sewer District Extension – Michael & Rebecca Costello- 10 Ryder Avenue**

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

**Whereas, a Petition for the extension of Ossining Consolidated Sewer District located at 10 Ryder Avenue in the Town of Ossining, Westchester County, New York, dated June 14th 2012, has been presented to the Town Board by Michael and Rebecca Costello; and**

**Whereas, an Order was duly adopted by the Town Board on June 26th, 2012 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying July 10th, 2012 at 7:30pm in the Police/Court facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a Public Hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and**

**Whereas, such Order was duly posted and published as required by law; and**

**Whereas, a public hearing on the matter was duly held by the Town Board on July 10th, 2012, where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and**

**Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing borne by the Town of Ossining, the Ossining Consolidated Sewer District, or any prior extensions thereof;**

**Now, Therefore, Be It Resolved (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further**

Resolved, that the extension of the Ossining Consolidated Sewer District located 10 Ryder Avenue in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

**M. Local Government Performance and Efficiency Program Grant Application**

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

WHEREAS, The Town of Ossining Board would like to file a joint application to the New York Department of State Local Government Performance and Efficiency Program through the Consolidated Funding Applications, with the Village of Ossining as lead applicant, for an award to recognize the service and savings efficiencies resulting from the actions undertaken jointly by both municipalities which culminated in the consolidation of the Village Justice Court with the Town Justice Court that took place as of January 1, 2012 and the execution of the Inter-Municipal Agreement that will sustain the action and ensure future savings; and

WHEREAS, the Village of Ossining will be the lead applicant with the Village Manager Richard A. Leins as the Lead Applicant Contact Person;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees is in support of making an application for a grant, and Susanne Donnelly, as Town Supervisor of the Town of Ossining, is hereby authorized and directed to submit an application to the Local Government Performance and Efficiency Program seeking an award of such grant recognizing the efficiencies that resulted from the joint action of the Village of Ossining and the Town of Ossining in the consolidation of the Village Justice Court with the Town of Ossining Justice Court; and

BE IT FURTHER RESOLVED, if such grant should be awarded, that Susanne Donnelly, Town Supervisor, is hereby authorized to execute any agreements and engage in all financial and/or administrative processes relating to the implementation of the program.

Motion Carried: Unanimously

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

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

- Town Planning Board Meeting Minutes-June 27<sup>th</sup>, 2012

Motion Carried: Unanimously

**VII. MONTHLY REPORTS**

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

- Tax Receiver's Monthly Report- June 2012

Motion Carried: Unanimously

## **VIII. VISITOR RECOGNITION**

**Bobby Williams, Spring Street, was glad that the Town and Village are working together and offered his congratulations on saving money. The waterfront is not as clean as it used to be. People using the park not the community let things go. The Spray Park is a definite plus.**

**Art Sullivan, Haymont Terrace, commented on the for sale sign on 507 North State Road. Supervisor Donnelly responded that they have some good leads on potential buyers. Mr. Sullivan stated that it would be good for a data center/farms “Cloud Base”. Why get rid of Highway Superintendent? Supervisor Donnelly responded that the position requires flexibility to get things done with an educated individual; possibly an engineer.**

**Supervisor Donnelly announced that the next Town Hall Meeting will be held on August 21<sup>st</sup> at the Ossining Public Library at 7:30 p.m.**

## **IX. ADJOURNMENT –EXECUTIVE SESSION-REAL ESTATE**

**At 8:28 P.M. Councilmember Harter moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

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**Mary Ann Roberts, Town Clerk**