

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

APRIL 8, 2008 – REGULAR MEETING
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter Northern Wilcher
David Krieger

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on April 8, 2008 in the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Martha Dodge. Members of the Board present were: Geoffrey Harter, Northern Wilcher and David Krieger. Also present were: Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – Proposed Local Law with Regard to Cold War
Veterans' Real Property Tax Exemption

Supervisor Dodge opened the public hearing at 7:31 p.m.

Councilmember Harter gave a brief explanation of the proposed local law which sole purpose is to grant Cold War Veterans who the requirements set forth in the Section of the New York State Real Property Tax Law with a real property tax exemption. This law is honoring those who served our Country.

Town Attorney Tom Beirne stated that the State Legislature made a judgment call on this issue and it is not mandatory that municipalities adopt this local law.

Bobby Williams, Spring Street, thought it was a great idea and felt that various neighborhoods would benefit by this law. It is a way of showing respect to those that served our Country. He also questioned whether there could be double dipping meaning that there would be individual homeowners getting more than their fare share. Town Attorney Beirne responded that there would be no double dipping; however, if an individual receives the Veteran exemption or a senior exemption, they could still qualify for this as well.

At 7:37 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the public hearing be closed.

Motion Carried: Unanimously

III. ANNOUNCEMENTS

Councilmember David Krieger announced that Teatown would be holding a Plant Sale on May 9th from 4 – 7 p.m. and an admission fee of \$5 and again on May 10th from 9 – 2 p.m. with admission free. There will also be workshops held. The Ossining Public Library will host a photo exhibit displaying 8 x 10 photos of our fore bearers who either live or work in Ossining. This will take place during the month of August and if you are interested in participating, forward these photographs to Miguel Hernandez, 10 North Water Street, Ossining, New York 10562. DO not send originals as they will not be returned. Make a notation of the name of the person and the relationship.

IV. BOARD RESOLUTIONS

A. Approval of Minutes – March 25, 2008

Councilmember Harter moved and it was seconded by Councilmember Krieger that the March 25, 2008 Minutes be approved with a correction to Resolution D, calling a public hearing on a local law to amend the Town Code and not the Laws of Westchester County.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Krieger 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 approves the Voucher Detail Report dated April 8, 2008 in the amount of \$345,542.33.

Motion Carried: Unanimously

C. Parker Bale Pump Station

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

WHEREAS the Town's Highway Superintendent and its Engineering Consultant have advised the Town Board that an inlet flow control valve serving the Parker Bale Pump Station has failed and must be replaced; and

WHEREAS this condition, so long as it persists, precludes access to the pump station for repair purposes which, in turn, means that the Town will not be able to act effectively to prevent a raw sewage overflow into homes on the system and a nearby pond if a breakdown of the pump station were to occur; and

WHEREAS the Town Board believes that allowing the above condition to remain unaddressed while competitive bidding for repair of the failed valve is pursued poses an unacceptable risk to residents of the Town of Ossining and to the environment; now therefore be it

RESOLVED that the failed inlet flow control valve condition at the Parker Bale pump station, as described in the Memorandum of the Town's Engineering Consultant dated April 2, 2008, constitutes an emergency within the meaning and intent of section 103(4) of the General Municipal Law so as to permit immediate repair of the condition without a formal competitive bidding process; and it is further

RESOLVED that, notwithstanding the foregoing determination, the Town's Highway Superintendent and its Engineering Consultant shall make a good faith effort to obtain price proposals from as many qualified contractors as possible so as to have the work done at a fair and reasonable cost to the Town of Ossining.

Motion Carried: Unanimously

D. Adoption of Town Fee Schedule

Councilmember Harter moved and it was seconded by Councilmember Krieger that the following be adopted:

Whereas, at the January 8, 2008 Reorganizational Meeting, the Town Board inadvertently adopted the incorrect fee schedule;

Now, Therefore, Be it Resolved, that the Town Board of the Town of Ossining hereby approves the Fee Schedule listed below:

TOWN FEE SCHEDULE

Type of Application, License or Permit/Code Chapter Reference		Fee
Sale of Codebook	Chapter 1	Publisher’s price
Access to Records	Chapter 45	
	Fees for copies of records not exceeding 8 ½ by 14 inches in size	\$0.25 per page
	Fee for reproducing records in excess of 8 ½ by 14 inches in size	Actual cost of reproduction
Accessory Dwelling	Chapter 50	
	Initial application	\$300
	Each renewal	\$50
Alarms	Chapter 51	
	Annual registration	\$25
	False alarms:	
	1 st and 2 nd offense	Warning
	3 rd offense	\$50
	4 th offense	\$100
	5 th offense	\$200
	6 th offense	\$500
Building Construction	Chapter 63	
	Certificate of occupancy, where the total value of the building is:	
	Less than \$10,000	\$20
	Greater than \$10,000 but less than \$20,000	\$30
	Greater than \$20,000 but less than \$50,000	\$40
	Greater than \$50,000 but less than \$100,000	\$50
	Greater than \$100,000 but less than \$150,000	\$60
	Greater than \$150,000	\$70
	Building permit issuance	
	Where the total value of the work is up to \$1,000	\$20
	For each additional \$1,000 or fraction thereof up to and including \$15,000	\$10
	For each additional \$1,000 or fraction thereof up to and including \$50,000	\$6

Type of Application, License or Permit/Code Chapter Reference		Fee
	For each additional \$1,000 or fraction thereof exceeding \$50,000	\$4
	Renewal of building permit	\$10
	Electrical permits	
	Per dwelling	\$50
	Alteration to commercial building	\$75
	New commercial construction	\$150
	Plumbing permit	
	House sewer and tie-in	\$10
	Installation of 1 - 3 fixtures, appliances or standpipe connections	\$50
	Installation of 4 - 9 fixtures	\$75
	Installation of 10 or more fixtures	\$100
	Replacement of any hot-water heater or gas, electric or oil heating unit	\$25
	Gas certification	\$25
	Erecting signs	\$25
	Demolition permit	
	For structure less than 1,000 square feet	\$50
	For structure over 1,000 square feet	\$200
	Title search (office assistance)	\$10 per property
	Copies of certificates of occupancy and surveys	\$10 per copy
	Inspection and letter in lieu of certificate of occupancy	\$50
Cabaret	Chapter 68	
	Annual license fee	\$50
	After July 1	\$25
	Renewal application 30-day extension	\$5 per month
Dog Fees	Chapter 74	
	License fees:	
	Spayed/neutered: State fee (\$2.50) plus local fee (\$5)	\$7.50
	Unspayed/unneutered: State fee (\$7.50) plus \$3 surcharge plus local fee (\$5)	\$15.50
	Seniors over age 60 are exempt from local fee.	
	Redemption fees from impoundment of dogs	
	First impoundment	\$20 first 24 hours; \$5 each additional 24 hours
	Second impoundment	\$40 first 24 hours; \$10 each additional 24 hours
	Third impoundment	\$60 first 24 hours; \$15 each additional 24 hours

Type of Application, License or Permit/Code Chapter Reference		Fee
SEQR	Chapter 85	
	Environmental clearance form	No fee
	Application for preliminary environmental review	\$100
Street Opening	Chapter 87, Part 1	
	Street opening permit application fee	\$20 or 10% of the amount of the deposit, whichever is greater
	Street opening permit application fee where bond has been filed in lieu of deposit	\$0.40 per linear foot of street opening measured along the length of the street opening, or \$20, whichever is greater
	Street opening deposit	
	Concrete or reinforced concrete pavement to be disturbed, for each square yard	\$60
	Bituminous-type pavement over concrete base (other than macadam) to be disturbed, for each square yard	\$50
	Macadam pavement to be disturbed, for each square yard	\$30
	Sidewalk (concrete, bluestone flag, bituminous or other type) to be disturbed, other than for the installation of underground storage tanks, for each square foot	\$2, with a minimum of \$50
	Curbing and gutter (brick, stone or other type) to be disturbed, for each square foot	\$20, with a minimum of \$60
	Cinder or other pavements to be disturbed, for each square yard	\$20
	Surfaces other than above types to be disturbed, for each square yard	\$20
	Structures; connection to existing manhole, catch basin or other structure, for each separate connection	\$200
	Structures; construction of new manhole, catch basin or other structure, for each separate structure	\$800
	Trenching in any type of street pavement area (i.e., between curblines) and, in addition to above specified deposits:	
	Where the total depth is 10 feet or less below the pavement surface, for each linear foot of trench	\$10
	Where the total depth is greater than 10 feet below the pavement surface, for each linear foot of trench	\$20

Type of Application, License or Permit/Code Chapter Reference		Fee
	Connection of sewer or drainage service to cast-iron pipe sanitary sewer or stormwater drain, for each separate connection	\$200
	Connection of sewer or drainage service line to other type of sanitary sewer or stormwater drainpipe, for each separate connection	\$100
	Minimum amount of deposit for each street opening	\$400
Excavation of Topsoil or Gravel	Chapter 87, Part 2	
	For each 10 acres of property, or any portion thereof, proposed to be excavated	\$75
	Refund upon denial of application	\$25
	Permit renewal, for each 10 acres of property, or any portion thereof, proposed to be excavated	\$75
Filling and Grading	Chapter 92	
	Application for a filling and grading permit	
	For the first acre or part thereof	\$25
	For each additional acre or part thereof	\$30
	Application for a certificate of completion	
	For the first acre	\$10
	For each additional acre or part thereof	\$5
Floodplain Development	Chapter 102	
	Permit application	\$200
Freshwater Wetlands	Chapter 105	
	Application review fee for permits issued by Building Inspector (see § 105-6)	\$50
	Application review fee for permits issued by the Planning Board (see §105-7)	Included in site plan review fees
Parks	Chapter 138	
	Rental fees for Saturday, Sunday, holidays	
	1 - 100 people	\$100
	101 - 250 people	\$150
	250 people or more	\$200
	Rental fees for Monday through Friday	

Type of Application, License or Permit/Code Chapter Reference		Fee
	1 - 100 people	\$50
	101 - 250 people	\$75
	250 people or more	\$100
	Boat ramp	
	Daily	
	Residents	\$20
	Nonresidents	\$30
	Seasonal	
	Residents	\$75
	Nonresidents	\$125
Peddlers	Chapter 144	
	Annual license fee	\$100
Police Fees	Fingerprinting	\$25.00
	Accident Report Fee	\$5.00
	Vehicle Impound Release Fee	\$10.00
Steep Slopes	Chapter 167	
	Application and inspection fee, residential only	\$50
	Application and inspection fee, nonresidential	Included in site plan review fees
Streams and Watercourses	Chapter 169	
	Permit application	\$50
Subdivision of Land	Chapter 176	
	Application review fee	
	Major	
	Preliminary plat	\$100, plus \$125 per lot
	Final plat	\$100, plus \$125 per lot
	Minor	\$100, plus \$125 per lot
	Recreation fee. However, in the case of multifamily developments, the Planning Board may adjust the recreation fee in relation to the recreational facilities provided within the subject development.	\$2,000 per lot or dwelling unit.
	Inspection fee	3% of the Town Engineer's estimated cost for all utility and roadway improvements, plus \$100 for an engineering estimate
	Escrow account deposits	(See fees under “Zoning” below.)
Taxicabs and Limousines	Chapter 182	
	For each taxicab or limousine owner's license, on initial application	\$100
	For each taxicab or limousine owner's license, for each annual renewal thereof	\$50

Type of Application, License or Permit/Code Chapter Reference		Fee	
	For each taxicab or limousine owner's supplementary license	\$25	
	For each vehicle licensed as a taxicab or limousine	\$25	
	For each taxicab or limousine driver's license	\$10	
	For each taxicab or limousine substituted	\$25	
	For replacement of a lost or destroyed taxicab or limousine license or sticker	\$20	
	For replacement of each driver's license or badge	\$5	
Call-a-Cab Coupons			
	Cost to qualifying senior citizen	\$2.75 per coupon	
	Redemption by Town to participating taxi company	\$4.75 per coupon	
Telecommunication	Chapter 182A		
	New telecommunications tower	\$5,000	
	Co-location of an existing telecommunications tower or high structure where no increase in height of the tower or structure is required	\$2,000	
Towing Services Agreement	Chapter 182B		
	Fees and services	Normal business hours Mon-Fri 8:00 a.m. to 5:00 p.m.	Sat/Sun/holidays and after 5:00 p.m. weekdays
	Light-duty straight Town (3 tons DVW)	\$90	\$115
	Light-duty service call	\$75	\$100
	Gate/yard	----	\$45
	Mileage, per mile	\$4	\$4
	2 nd truck	\$90	\$115
	Light-duty winching	\$90	\$115
	Storage, per day	\$50	\$50
Tree Removal	Chapter 183		
	Tree removal permit, residential only	\$50	
	Tree removal permit, nonresidential	Included in site plan review fees	
Zoning	Chapter 200		
	All appeals and applications made to the Board of Appeals	\$75	
	Special permit application	\$250	
	Site plan or conditional use permit		
	Application review fee	\$250, plus \$25 per parking space	
	Inspection fee	Same as application review fee	
	Request for rezoning or zoning amendment review fee	\$1,000 plus \$50 per acre of property owned or controlled by the applicant to which the rezoning or zoning amendment	

Type of Application, License or Permit/Code Chapter Reference		Fee
		pertains
	Environmental quality review. A full environmental assessment form review fee is required in all cases when this form is part of the application.	\$100
	Performance and maintenance bonds	The amount of all performance and maintenance bonds shall be established by the Planning Board, based upon a recommended amount as specified by the Town Engineer
	Each bond reduction request	\$100
	Escrow accounts	
	For subdivisions, based on number of lots	
	0 to 2	\$3,750
	3 to 10	\$7,500
	11 to 35	\$22,500
	More than 35	\$52,500
	For site plan, conditional use permits and special permits, based on square footage	
	0 to 3,000	\$3,750
	3,001 to 20,000	\$7,500
	20,001 to 50,000	\$22,500
	Greater than 50,000	\$52,500
	For minor applications (includes accessory apartments, wetland permits, filling and grading permits, etc.)	\$500
	Variances	As determined by the Zoning Board of Appeals
	Pre-application meetings to discuss conceptual proposals, per meeting	\$350
Filming		
	Per day	\$100
Tax Foreclosure	Legal fees	\$800 per property

Motion Carried: Unanimously

E. Agreement-Ossining Boat & Canoe Club

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to renew a licensing agreement with the Ossining Boat & Canoe Club Inc. for a period of five years beginning January 1, 2008 and terminating December 31, 2012.

Motion Carried: Unanimously

F. Police Department-Resignation

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

RESOLVED, that the Town Board of the Town of Ossining hereby accepts the resignation of Brian J. Purdy from the duties of Police Sergeant and accepts his re-assignment to Patrolman 1st Grade effective March 21, 2008.

Motion Carried: Unanimously

G. Assessment Roll Correction

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

WHEREAS, application has been made pursuant to Section 550 of the Real Property Tax Law of the State of New York ("RPTL") for correction of the 2007/2008 tax roll of the Town of Ossining so as to accurately record thereon STAR exemptions to which the owners of the real property below mentioned are entitled; and

WHEREAS, the said applications for corrected tax roll have been reviewed by the Westchester County Tax Commission, the Ossining and Briarcliff Manor School Districts ;and

WHEREAS, it is the recommendation of the Westchester County Tax Commission and the Ossining and Briarcliff Manor School Districts that the applications be approved and implemented as described below; Now, Therefore Be It

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

Ossining School District -- Change Basic to Enhanced Star Exemption

Assmnt Year	Tax Year	Property	Disposition of Correction	Amount
2006	2007	90.14-1-90	Correct Roll and warrant	\$ 1,790.50

Ossining School District -- Add STAR Exemption

2004	2005	90.19-2-30	Correct Roll - School Refunded	\$ 2,012.88
2005	2006	90.19-2-30	Correct Roll - School Refunded	\$ 2,001.61
2006	2007	90.19-2-30	Correct Roll - School Refunded	\$ 2,009.45
2006	2007	97.11-2-82 Co-op	Correct Roll - School Refunded	\$ 2,009.34
2006	2007	97.11-2-82 Co-op	Correct Roll - School Refunded	\$ 2,009.34
2004	2005	97.15-2-54	Correct Roll - School Refunded	\$ 2,012.88
2005	2006	97.15-2-54	Correct Roll - School Refunded	\$ 2,001.61
2006	2007	97.15-2-54	Correct Roll - School Refunded	\$ 2,009.45
2004	2005	89.20-3-87	Correct Roll - School Refunded	\$ 2,012.88
2005	2006	89.20-3-87	Correct Roll - School Refunded	\$ 2,001.61
2006	2007	89.20-3-87	Correct Roll and warrant	\$ 2,009.45
2004	2005	89.16-3-58	Correct Roll - School Refunded	\$ 2,012.88
2005	2006	89.16-3-58	Correct Roll - School Refunded	\$ 2,001.61

2006	2007	89.16-3-58	Correct Roll - School Refunded	\$	2,009.45
2005	2006	97.15-2-16/1406	Correct Roll - School Refunded	\$	2,001.61
2006	2007	97.15-2-16/1406	Correct Roll - School Refunded	\$	2,009.45
2006	2007	80.20-1-16/1003	Correct Roll - School Refunded	\$	2,009.45
2005	2006	97.07-6-46	Correct Roll - School Refunded	\$	2,001.61
2006	2007	97.07-6-46	Correct Roll - School Refunded	\$	2,009.45
Total Amount to Adjust Ossining School Tax Warrant					\$3,799.95

Briarcliff Manor School District -- Add STAR Exemption

Assmnt Year	Tax Year	Property	Correction		Amount
2006	2007	97.20-1-39	Correct Roll - School Refunded	\$	2,183.80
Total Amount to Adjust Briarcliff Manor School Tax Warrant					\$0.00

And Be It Further

Ordered and 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

H. Parks Department-Temporary/Part-Time Availability Appointments

Councilmember Harter 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 appoints the following temporary/part-time availability employees to the Town Parks Department:

<u>NAME</u>	<u>HIRE DATE</u>	<u>RATE</u>
E. Lawrence Abreau	4/9/2008	\$200.00/week
Louis Sutton	4/9/2008	\$13.00/hour
Dean Carretta	5/1/08	\$30.00/Waterfront \$50.00/Gerlach

Motion Carried: Unanimously

I. 2008 Budget Adjustment

Councilmember Harter 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 authorizes the following budget adjustment to be made to the 2008 budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
20-3120-101-Personnel	\$5,000	20-3120-110-Part-time

Motion Carried: Unanimously

J. Senior Citizens – Call-a-Cab Program

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a contract with MRM Leasing, Inc. (Camp's Taxi), 1215 Main Street, Peekskill, New York 10566, effective immediately through December 31, 2008.

Motion Carried: Unanimously

K. Highway-Request for Bids-2008/2009 Materials and Supplies

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to advertise a Request for Bids for Highway Materials and Supplies for the period ending April 30, 2009 as specified in the bid form available in the Office of the Town Clerk. Bids are returnable to the Town Clerk's office, 16 Croton Avenue, Ossining, no later than 10:00 a.m. on Wednesday, April 30, 2008.

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Bobby Williams, Spring Street, clarified his earlier statement regarding "double dipping" as a quote from former President Ronald Reagan. At that time there were two different retirement plans which an individual could take advantage of. That practice is no longer allowed. Also questioned was resolution H regarding a part time employee who is paid \$30 and \$50 for the weekend. He wondered if this was for the cleaning of the bathrooms at the parks. Mr. Williams reminded everyone that the proposed school budget is over \$100 million and the Community should take part at School Board Meetings to make sure we are getting our moneys worth.

VI. ADJOURNMENT

At 8:01 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

Mary Ann Roberts, Town Clerk

Approved: