

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

APRIL 22, 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 22, 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 Deputy Supervisor Geoffrey Harter. Also present were Councilmembers Northern Wilcher and David Krieger. Interim Supervisor Martha Dodge was absent. Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk were also present.

II. ANNOUNCEMENTS

Councilmember David Krieger announced that April 22<sup>nd</sup> is designated as Earth Day. This is a day dedicated to cleaner air, protection of our wetlands and a suggestion of commuting by mass transit. Arbor Day will be next week and Brookside School planted a tree last Friday in honor of Arbor Day. The Town of Ossining is designated as Tree City USA. The DEC is providing free CD's for Hudson River Access points from Yonkers to Schenectady. If you would like to receive one, please call 845-256-3016. The Ossining Public Library is accepting applications from anyone 18 years or older who are interested in being a Library Board Member. On April 28<sup>th</sup> the Ossining Public Library will sponsor a program from 7 – 9 p.m. "Listening with Yours Eyes" with Dr. Cornelius Baker making the presentation.

III. BOARD RESOLUTIONS

A. Approval of Minutes – April 8, 2008

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 Minutes of the April 8, 2008 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Krieger 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 April 22, 2008 in the amount of \$ 211,407.91.

Motion Carried: Unanimously

C. Adoption of Local Law No. 1 – 2008

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 adopts Local Law No. 1 of 2008, entitled Exemptions for Cold War Veterans, as attached.

Motion Carried: Unanimously

Town Attorney Tom Beirne stated that from time to time the State makes amendments to various laws. This law pertains to Cold War Veterans who served honorably from 1945 to 1991. There are two levels of benefits, one basic program for all qualified cold war veterans and the second level which is an enhanced benefit for those who require additional assistance.

D. Parker Bale Pump Station

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

WHEREAS, the Town Board of the Town of Ossining has previously determined that the failure of an underground shut-off valve at the Parker Bale pump station constituted an "emergency" such that competitive bidding for the work involved was not required; and

WHEREAS, the Board nevertheless directed the Highway Department to seek informal proposals from more than one qualified entity so as to ensure a fair and reasonable price for the work to be performed; and

WHEREAS, the Highway Department has obtained at least two proposals from qualified persons and thereby determined that the proposal offered by Anthony L. Fiorito, Inc. is fair and reasonable; now therefore be it

RESOLVED, that the proposal of Anthony L. Fiorito, Inc. in the amount of \$15,850.00 be and it is hereby accepted and the Highway Department is authorized and directed to proceed with the above-referenced work immediately; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Anthony L. Fiorito, Inc. as set forth by the Town Attorney.

Motion Carried: Unanimously

E. Finance – Capital Project # 2008 – 2155 Parker Bale Pump Station

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 establishment of Capital Project # 2008-2155, entitled Parker Bale Pump Station, in the amount of \$15,850.00 to be funded by a transfer from the Croton Sewer District fund balance.

Motion Carried: Unanimously

F. 2008 Budget Adjustment

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 following budget adjustment to be made to the 2008 budget:

TRANSFER TO G/L ACCOUNT ACCOUNT	AMOUNT	TRANSFER FROM	G/L ACCOUNT
037-8120-2155 Capital Project Parker Bale Sewer Pump	\$15,850.00	059-0059-4795	Croton Sewer Dist Fund Balance

Motion Carried: Unanimously

G. Ratifying Appointment of Town Comptroller

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

WHEREAS, the Town of Ossining has an intermunicipal agreement with the Village of Ossining for consolidation of the position of Town Comptroller with Village Treasurer, and

WHEREAS, the Village Manager has announced her appointment of Thomas Warren to the position of Village Treasurer for a term ending December 31, 2010; now therefore be it

RESOLVED, that the Town Board of the Town of Ossining confirms the appointment of Thomas Warren to the position of Town Comptroller effective May 5, 2008 for the balance of the term which ends December 31, 2010.

Motion Carried: Unanimously

H. Croton Point Landfill Settlement

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

WHEREAS the Croton Point Landfill Joint Defense Group ("the Group") entered into a Consent Decree in an action brought by the State of New York and the New York State Department of Environmental Conservation ("the DEC") in the U.S. District Court for the Southern District of New York ("U.S.D.C.S.D.N.Y") pursuant to which the Group agreed to pay some \$9,500,000. on account of remediation costs incurred by Westchester County and the State of New York in cleaning up the Croton Landfill; and

WHEREAS the Group then brought an action pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") in U.S.D.C.S.D.N.Y. against all of the Westchester communities, including the Town Of Ossining, who had themselves, or whose contractors, had used the Croton Landfill for waste disposal during the period when such disposal was permitted, seeking contributions to the amount the Group had to pay pursuant to the above-referenced Consent Decree; and

WHEREAS the Town of Ossining entered into a joint defense agreement with most of the other municipal defendants so as to minimize costs and retained experienced counsel to defend the action; and

WHEREAS U.S. District Court Judge William C. Connor, the Judge assigned to the case, supervised mediation among the parties which eventually resulted in a proposed settlement which would resolve the action insofar as the Town of Ossining is concerned on the basis of payment by the Town of the total sum of \$6,174., of which \$5,716. is to be paid to the plaintiff Group, the balance in the

amount of \$458 going to counsel for the municipalities in payment of legal fees; and

WHEREAS the cost of the proposed settlement to the Town of Ossining, even with all legal fees incurred to date factored in, is less than the amount originally demanded by the Group and is clearly less than the potentially massive cost of continuing the litigation; and

WHEREAS settlement of the action in no way constitutes or involves any admission of wrongdoing or liability on the part of the Town of Ossining; now therefore it is

RESOLVED that the proposed settlement, as outlined above, is in the best interest of the Town of Ossining; and it is further

RESOLVED that the said settlement is accepted and approved and the Supervisor and the Town Attorney are authorized and directed to execute any and all documents necessary in order to implement the settlement and resolve the above litigation.

Motion Carried: Unanimously

I. Authorizing Temporary Beer & Wine Permit for Westchester County Fire Convention at Engel Park

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

WHEREAS, the Ossining Fire Department has completed an application to be submitted to the New York State Liquor Authority for a Temporary Beer & Wine Permit for the Westchester County Fire Convention to be held at Engel Park on Friday, September 19, 2008 and Saturday, September 20, 2008 from 3:00 pm until 11:00 pm; now therefore be it

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the application granting permission for the sale or service of alcoholic beverages by the Ossining Fire Department for consumption at Engel Park.

Motion Carried: Unanimously

J. Senior Services – Westchester County Food Establishment Permit Renewal

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 authorizes the Supervisor to execute and deliver an application to the Westchester County Department of Health for a permit to operate a food service establishment at the Community Center for senior citizens for the period of July 1, 2008 – June 1, 2009.

Motion Carried: Unanimously

K. Agreement – United States Department of Agriculture Natural Resources Conservation Service

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 Supervisor to enter into Amendment No. 3 with the United States

Department of Agriculture Natural Resources Conservation Service to amend the original agreement to allow for a no cost time extension until September 30, 2008 for the Engel Park Vegetative Restoration Project.

Motion Carried: Unanimously

L. Finance – 2008 Budget Adjustments

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 following budget adjustments to be made to the 2008 budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
<b>Town Justice</b>			
010-1110-0428-Dues	70.00	70.00	010-1110-0438-Miscellaneous
<b>Supervisor</b>			
010-1220-0417-Education	590.00	590.00	010-1620-0201-Equipment
<b>Tax Collection</b>			
010-1330-0428-Dues	50.00	50.00	010-1330-0424 - Consultant/Computer
<b>Assessment</b>			
010-1355-0201-Equipment	452.10	452.10	010-1355-0424-Consultant/Computer
<b>Highway</b>			
031-5110-0417-Education	150.00	150.00	031-5110-0447-Road Drainage
031-5142-0401-Supplies	100.50	100.50	031-5142-0450-Salt

Motion Carried: Unanimously

IV. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed the Pope’s visit to Westchester County and Washington, D.C. along with his historic visit to a synagogue. He also discussed the American trade with jobs going out of the Country to other parts of the world when our citizens are in need of a job.

V. ADJOURNMENT

At 8:15 p.m., Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

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Mary Ann Roberts, Town Clerk

Approved: