

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

**JANUARY 26, 2010**  
**7:30 P.M.**

**SUPERVISOR**  
Catherine Borgia  
**COUNCILMEMBERS**  
Geoffrey Harter   Michael L. Tawil  
Peter Tripodi

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

The Regular Meeting of the Town Board of the Town of Ossining was held on January 26, 2010 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers, Geoffrey Harter, Michael Tawil, Northern Wilcher and Peter Tripodi. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Town/Village Clerk, Mary Ann Roberts.

## II. ANNOUNCEMENTS-None

### III. PUBLIC COMMENT ON AGENDA ITEMS-None

#### IV. BOARD RESOLUTIONS

### **A. Appointment-Councilman-Northern Wilcher**

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

Councilmember Tripodi stated it was not fair for the Town Board to choose either one of the candidates interviewed to fill the seat. The seat should be filled by holding a special election. How can you put a price on democracy? This is political rather than a democratic appointment and because of this I will abstain. Supervisor Borgia stated it was a difficult choice with the large pool of candidates. We hope that many who were interviewed will continue to serve the Community. Councilmember Tawil addressed Councilmember Tripodi's comments relative to the reason for appointing an individual to the seat. Town Law does not allow for a special election, but an appointment. Town Attorney Spector stated that if the Town had enacted a local law calling for a special election prior to this situation, then there would have been a run-off, however, since the Town does not have such a law in place there was no other option. The Town had two options; either to fill the vacancy or leave it vacant. Councilmember Tripodi proposed a local law to allow for a special election in the future. Supervisor Borgia stated that prior to changing the law, the Board would bring this issue to a Work Session at which time, the merits of this law would be thoroughly discussed. If the Board sees merits to this law a public hearing would be called for and then held to discuss the law in detail as well as for input from the residents and Board members. This has already been entertained for a future work session.

At this point Councilmember Harter called for a motion to table Councilmember Tripodi's motion and it was seconded by Councilmember Tawil. A vote was taken by the Clerk and the motion to table was adopted by the Board.

Resolved, that the Town Board of the Town of Ossining hereby appoints Northern Wilcher, 95 Broadway, Ossining, as Councilman, effective through December 31, 2010.

Vote: 4 –0 –1  
Voting Aye: Harter, Tawil,  
Borgia  
Abstained: Tripodi

**B. Approval of Minutes**

Councilmember Harter moved and it was seconded by Councilmember Tawil that the following resolution be tabled:

Resolved, that the Town Board of the Town of Ossining hereby approves the January 12, 2010 Minutes of the Reorganizational Meeting as presented.

Vote: 4 –0 –1  
Voting Aye: Harter, Tawil, Tripodi  
Borgia  
Abstained: Wilcher

**C. Approval of Minutes**

Councilmember Tawil 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 January 5, 2010 Minutes of the Special Meeting as presented.

Vote: 3 –0 –1  
Voting Aye: Harter, Tawil,  
Borgia, Tripodi  
Abstained: Wilcher

**D. Approval of Minutes**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the January 19, 2010 Minutes of the Special Meeting as presented.

Vote: 4 –0 –1  
Voting Aye: Harter, Tawil, Tripodi  
Borgia  
Abstained: Wilcher

**E. Approval of Voucher Detail Report**

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

Councilmember Tripodi questioned a line item on the voucher detail under Street Lighting Repair in the amount of \$1,084 and whether this was a yearly Village fee or a portion of it? Supervisor Borgia and Budget Officer Cerny stated they believed it was a quarterly installment, however, they will verify it on Wednesday.

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated January 26, 2010 in the amount of \$ 91, 464.64 for 2009 and \$195,859.79 for 2010.

Vote: 3 –1 –1  
Voting Aye: Harter, Tawil,  
Borgia  
Voting Nay: Tripodi  
Abstained: Wilcher

**F. Appointment-Planning Board-David R. Krieger**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints David R. Krieger, Bridle Path, Ossining, to the Planning Board for a five-year term expiring December 31, 2014.

Vote: 3 –0 –1  
Voting Aye: Harter, Tawil, Wilcher  
Borgia  
Abstained: Tripodi

**G. Certiorari Settlement**  
Plateau Associates, Inc.  
vs.  
Town of Ossining

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

Town Attorney Spector described the process followed in order to come to a settlement. There is risk on the part of both parties if it goes to trial. He commended the Assessor for her expertise and work on this settlement.

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by, Petitioner, Plateau Associates, Inc. against the Town of Ossining to review the tax assessments made on Petitioner’s property located in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Parcel ID 89.014-0001-011, for assessment years 2004 through 2009, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17008/04, 16789/05, 18234/06, 21249/07, 22695/08, 24337/09; 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:

Assessment Year	Original Assessment	Reduced Assessment	Reduction
2004	88,300	62,300	26,000
2005	88,300	56,800	31,500
2006	88,300	49,500	38,800
2007	88,300	48,700	39,600
2008	88,300	50,800	37,500
2009	88,300	48,600	39,700

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$1,280.28, which will be ordered pursuant to consent judgment.

Vote: 4 –0 –1  
Voting Aye: Harter, Tawil, Tripodi  
Borgia  
Abstained: Wilcher

H. **Certiorari Settlement**  
Briarcliff Self Storage  
vs.  
Town of Ossining

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

Town Attorney Wayne Spector, stated that the Tax Receiver and the Assessor developed a process to deal with the Certioraris.

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by, Petitioner, Briarcliff Self Storage, Inc. against the Town of Ossining to review the tax assessments made on Petitioner’s property located in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Parcel ID 90.011-0001-049, for assessment years 2007 through 2009, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 07-20941, 08-23240, 09-21847; 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:

Assessment Year	Original Assessment	Reduced Assessment	Reduction
2007	325,100	300,000	25,100
2008	325,100	290,320	34,780
2009	325,100	265,000	60,100

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$8,412.33, which will be ordered pursuant to consent judgment.

Vote: 4 –0 –1  
Voting Aye: Harter, Tawil, Tripodi  
Borgia  
Abstained: Wilcher

## **I. Personnel-Police Officer-Grade and Salary Change**

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

Councilmember Tripodi rode along with Town Police Friday evening and would like to thank Officer Perricone for the tour. He witnessed a DWI arrest and the cooperation between the Town of Ossining and the Village of Briarcliff Manor Police. Supervisor Borgia hoped that with the study taking place additional cooperation will take place.

Resolved, that the Town Board of the Town of Ossining hereby acknowledges that Michael C. DeMaio moves to Patrol 1<sup>st</sup> Grade effective January 29, 2010 with a salary of \$88,773 in accordance with the Town of Ossining Police Association agreement.

Vote: 4 –0 –1

Voting Aye: Harter, Tawil, Tripodi  
Borgia

Abstained: Wilcher

## **J. Call-a-Cab Agreement**

Councilmember Harter moved and it was seconded by Councilmember Tawil 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 Big Taxi for participation in the Call-a-Cab program for the period ending December 31, 2010.

Vote: 4 –0 –1

Voting Aye: Harter, Tawil, Tripodi  
Borgia

Abstained: Wilcher

## **V. MONTHLY REPORTS**

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

December-Police Report  
December – G.E. Helicopter Report  
December-Town Clerk's Report

Vote: 4 –0 –1

Voting Aye: Harter, Tawil, Tripodi  
Borgia

Abstained: Wilcher

## **VI. VISITOR RECOGNITION**

David Krieger, Bridle Path, was in a tie with Councilmember Wilcher for the Councilmembers seat in the November 2009 election and wished all of the Town Board members the best and expressed his appreciation to all. Mr. Krieger wished Councilmember Wilcher good luck.

Bobby Williams, Spring Street, congratulated David Krieger on his new appointment to the Town Planning Board. He was glad to see that Mr. Krieger was willing to serve on the Planning Board. He commended Board Members for serving the long hours on the Board with a stipend because you cannot consider their pay as a salary. More people should get involved in the Community by volunteering their time. A thank you was extended to each and every one of you for your stipend volunteer. The young people in the audience this evening may be a future Supervisor or even future Governor. Supervisor Borgia thanked our citizen volunteers and urged others to do the same.

Councilmember Northern Wilcher thanked the Supervisor and Board Members for their appointment. He truly enjoyed working with David Krieger and wished him well. Councilmember Wilcher stated that “try as you may all the people will not like you.” I have lived long enough that I don’t care as long as I know that I did my best. If I feel satisfied, then it’s okay. Supervisor Borgia has been in the hot seat the whole time she has been here, and this must have been very difficult for her. We are thankful for her and her dedication to the Community.

Supervisor Borgia announced that the Town Board will hold a Work Session on February 2, 2010 on the 3<sup>rd</sup> floor of the Municipal Building beginning at 7:30 p.m. and the next Legislative Session on February 9, 2010 at 7:30 p.m. at the Birdsall Fagan Police Court Facility.

## **VII. ADJOURNMENT**

At 8:25 P.M. Councilmember Tripodi moved and it was seconded by Councilmember Harter that the meeting be adjourned in memory of Luiz Carlos DaCosta.

Motion Carried: Unanimously

Approved:

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Mary Ann Roberts Town Clerk