



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

**JUNE 22, 2010  
7:30 P.M.**

**SUPERVISOR  
Catherine Borgia**

**COUNCILMEMBERS  
Geoffrey Harter    Michael L. Tawil  
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 June 22, 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, Peter Tripodi and Northern Wilcher. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Deputy Town Clerk, Ann Marie Rocco

**PRESENTATION-CATHERINE BORGIA-WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC SAFETY PROPOSAL ON POSSIBLE POLICE  
SHARING OPTION**

Supervisor Borgia introduced Police Chief, Mark Busche, PBA President, Officer Perricone, and Police Chief, Hodges from Westchester County Police.

Supervisor Borgia provided a brief presentation of Westchester County Department of Public Safety Proposal on possible police sharing.

Supervisor Borgia stated the options being considered at this time:

- Merger with either or both village police departments
- Contract for police services with the County

The County Police services will result in immediate benefits to the Town of Ossining. The preliminary estimate of cost savings in 2011 will be \$832,000-\$932,000.

Police Chief, Mark Busche provided a brief statement regarding the possible police sharing option. He stated that the reason why they are considering merging with Westchester County is because both Villages were resistant with merging with the Town Police. Merging with Westchester County Police will be a way for other municipalities to show how they can improve their police force. Chief Busche assured the audience that the Town would receive better police service under the County Plan.

Town Police Officer, Perricone (PBA President) provided a statement. He advised that the same police officers will be working in the Town of Ossining. Residents will be getting more safety while lowering their taxes dollars. Both the Village of Ossining and Briarcliff Manor are resistant with merging with the Town police

**force. All members of the Town Police force are in agreement with the County Police merge.**

**Westchester County Police Chief, John Hodges feels that this will be a good relationship between the County and Town of Ossining.**

**Supervisor Borgia did confirm that the committee did go through the IMA studies with the Villages of Ossining and Briarcliff Manor. At this time, the Village of Briarcliff is not interested in merging services but the Village of Ossining is preparing a proposal that the Town of Ossining will take under consideration. Supervisor Borgia stated that for Westchester County the small police units don't make economic sense for the long term. In addition, Supervisor Borgia advised that all of the studies and financials are available for review on the Town's website [www.townofossining.com](http://www.townofossining.com)**

**John Perrillo, 72 Havell Street commented that the theme of this presentation is about saving money for the Town and the tax payers. He advised that the Village did discuss the proposal with The Town and they proposed that they would take six police officers and would patrol the area. Mr. Perrillo felt that it would make more sense monetarily to contract with The Village. Mr. Perrillo suggested that the Town research prior years when the Village was considering merging with the County Police and it was determined that it was not cost effective to pursue this. Mr. Perrillo was wondering if anyone on The Board researched this information. Mr. Perrillo stated that he has had discussion with Westchester County and they have no interest in purchasing the police building on North State Road. Mr. Perrillo states that he has spoken to many people who do not support this and feels that they may need more information and/or clarification.**

**Supervisor Borgia advised that they are aware of the discussions that went on between the Village and the County 20 + years ago. These economic times has forced us to make structural changes. The Town had a meeting with Village officials late last week and they were advised that they do have a proposal but it has yet to be completed. When the proposal is received from the Village we will consider it. The primary concern is to provide excellent policing for the area for which we are responsible at a cost that is reasonable for many years down the road. Supervisor Borgia advised that The Town has had many preliminary discussions with the County regarding the police building and we are looking at our options for the best use of this facility.**

**Arthur Sullivan, Haymont Terrace thanked the Town Police Department for their fine work. Mr. Sullivan had the following questions: When did negotiations with Briarcliff Manor and Village of Ossining stop? Does each officer have to apply for their jobs if they move over to County Police? Is this really a done deal? What is the effect on the Village of Ossining and Briarcliff Manor? He understands that there is a move to collapse the Village of Ossining to the Town. If that happens, what will happen with the Village Police Department? There are two officers out, one in the military and one is injured. Will the Town keep the responsibility for their salaries?**

**Supervisor Borgia advised that the ICMA study concluded that one police for the Town is sufficient. We are looking at all options. The County Policy has a level of concern for smaller police departments. It makes a lot more sense for police departments to share communications and records even if they don't wish to contract services. The petition to dissolve the Village is not something that our municipalities are involved in. It's a citizen run committee and we would not be involved in that decision. Both the Village and the Town are looking at their own obligations should this decision go through.**

**Police Chief Hodges confirmed that the Police Officers do not need to re-apply for their jobs. Pension plan will be carried over to the County.**

**Police Chief Busche answered that the officer on military leave will be offered a position and the officer on disability he could not comment on due to our HIPPA laws. Chief Busche truly believes we can save tax payers money over the long run.**

**Marcia Perillo, 72 Havell Street. Mrs. Perillo needed some clarification regarding when the negotiations started. She stated that originally, the Village Police rejected this proposal but wanted to confirm that negotiations are back on the table with the Village. Mrs. Perrillo advised that it's apparent that the main struggles here are with the Village and Town Police and that the Town Police is set to merge with County Police. We need to focus on cost saving measures.**

**Supervisor Borgia stated that we are still in discussions with both Villages but believes that this proposal from the County might be a better solution for the area that the Town of Ossining Police serves. However, Supervisor Borgia has not seen the Village proposal as of yet. Supervisor Borgia advised that this is a decision that the Board makes not the Police departments and it is true that we want to save tax payers monies in the short term and we also want to put in place, the correct structure for the long term and maintain the safety and well being of our residents.**

**Jerry Gershner, Stonegate Road. Mr. Gershner stated that the proposal presented at tonight's meeting is great. After reading the report, The Town will get better coverage with substantial savings to the town residents. He clarified that this issue pertains to only town-outside residents.**

**Mike Aurora, 43 Prospect. Mr. Aurora asked for some clarification on the dispatching on Fire and EMS. Supervisor Borgia advised that this proposal does not impact Fire and EMS. Mr. Aurora also questioned that if the Village of Ossining is dissolved and it consolidated with the Town of Ossining. What will happen to the Village Police Department? Will the County take over the Village Police?**

**Supervisor Borgia stated that if the Village is dissolved, they will have to come up with a plan that is best for their residents. Supervisor Borgia confirmed that the Town is looking at all options at this time. No decision has been made at this time.**

**Chief Busche recommended that the Village Police Department take a look at the County's proposal.**

**Sally Lewis, Tappan Terrace. Ms. Lewis was very appreciative that the Town was looking at consolidating the police services and reducing costs. Ms. Lewis explained that residents are concerned about consolidating because there was no prior notice or meetings. Supervisor Borgia explained that we are trying to put another option on the table and reiterated that they are awaiting a proposal from the Village. Supervisor Borgia wanted to give the residents a clearer understanding this evening and open up the discussions on this option. Supervisor Borgia does hope to make a decision on this in the calendar year 2010. Ms. Lewis questioned if the Town Board has a time line? Supervisor Borgia advised that this is a Town Board decision and whatever the option is decided on it will be discussed prior to the budget process. Supervisor Borgia stated that during the upcoming month she does plan on educating the public and having more meetings to answer questions.**

**Andrew Rivera, 71 Ganung Drive. Mr. Rivera had a concern after the five year period on the County Contract and the viability of the Town. Mr. Rivera thanked Chief Busche for being considerate of the tax payers and thanked Supervisor Borgia for opening the discussions up regarding the possible consolidation. Mr. Rivera was also concerned about the citizen run initiative to dissolve the Village into the Town and questioned if we will be able to overrule this IMA and will we be able to add an opt-out clause in our proposal?**

**Supervisor Borgia stated that an opt-out provision has not been discussed but will talk about it at the Town Board level. If the Village does dissolve, all the options will be on the table.**

**Barbara Fratiani, Haymont Terrace. Ms. Fratiani thanked everyone for their efforts on the ICMA study. Ms. Fratiani would like to see the Village Police get back into discussion with the Town. Supervisor Borgia stated that the Village has not left the discussions and the Town is waiting on their proposal. Ms. Fratiani questioned the time frame on the County contract? Supervisor Borgia added that she would like to see something in place to impact the taxpayers sooner rather than later. Ms. Fratiani also questioned what would be the fate of the Town Police center? What will be the cost of the residents to carry that building? Ms. Fratiani also feels that Village of Briarcliff, Village of Ossining and Town of Ossining should have a public hearing where they can lay out all of the benefits.**

**Supervisor Borgia added that we do intend to conduct public meetings on all of the proposals.**

**Nadia Rashard, Bracken Road. Ms. Rashard questioned if the County has been doing this with other towns? Police Chief Hodges added that Westchester County Police currently police in the Town of Cortlandt. Ms. Rashard questioned if the County will be pursuing other towns? Chief Hodges advised that they are open to discussion. It is up to each individual municipality and how they look at their budget. Ms. Rashard was concerned that if she had a problem at home how would she get help?**

**Chief Hodges added that with this particular proposal it takes the Town Police Department and rolls them into the County Police force. The level of service will remain the same and details are outlined in the report.**

**Fred Stenick Narragansett Avenue. Mr. Stenick questioned the eight vacancies that the County has open. Do they need to be filled? Chief Hodges added that those slots do not need to be filled.**

**Mindy Lamar, Haymont Terrace. Ms. Lamar stated that she is not for or against this proposal as of yet. Ms. Lamar feels that if she had a major problem she would have to contact someone at the County level. Supervisor Borgia added that we would have the same police officers but they would just be working as County Police. The contract states that we will have the same police officers. Ms. Lamar believes that if this contract is so attractive there would be one other municipality with the County Police. Ms. Lamar feels that the Town Police have done a tremendous job and would hate to see them report elsewhere. Chief Busche confirmed that everything we have in place is going to stay the same and believes it will be a success if this goes through.**

**Chief Hodges advised that he is a Police professional. He answers to the Town Supervisor in Cortlandt and has a tremendous amount of respect for Chief Busche and the Town Police Officers. This proposal could yield some very good results.**

**Jon Hammer, 17 Minkle Road. Mr. Hammer feels that the questions that have been posed tonight really have to be answered in the contract. Supervisor Borgia confirmed that a contract has not been established. Mr. Hammer questioned who would be making the hiring decision if/once there are openings at the Police Department? Supervisor Borgia confirmed that Westchester County would make the hiring decisions. Mr. Hammer questioned if the Town signs a contract with the County what will be the relationship with the Village or consolidation issues with the Village? Supervisor Borgia stated that The Town will be precluded from one nature of consolidation but there will be other opportunities to share services. Mr. Hammer stated that a referendum should be considered and the contract should be made available to the people.**

**Vincent Sottile 6 Wyche Way. Mr. Schautile wanted confirmation that it would be \$80/resident savings as a result of this consolidation? Supervisor Borgia added that it is premature to draw conclusions on that \$80 figure. Mr. Schautile feels that we are not properly being taxed and feels that this is something that the Town should**

be working on. Supervisor Borgia advised that this is an issue that needs to be addressed state wide and encouraged him to continue working with Assemblywoman Sandy Galef.

Ken Donato, Former Police Chief for the Town of Ossining. Mr. Donato was present and expressed that he was proud of the Police Department and the Town Board for moving forward. Mr. Donato just wanted to advise that he is available to provide a historical prospective on this issue and help out with any public meetings in the future.

Bruce Bell, 22 Minkel Road. Mr. Bell questioned if Chief Busche will remain on the force if the consolidation goes through? Mr. Busche advised that he will be on the force but will be reduced in rank. Mr. Bell also questioned if the Town Court system will remain the same. Supervisor Borgia added that we are looking at consolidating our Court Systems. At this time, Justice Court will remain here.

Mr. Bobby Williams, Spring Street commented on the history of the Village Police department when they were located on Croton Avenue and provided comments on the possible consolidation.

Mindy Lamar Haymont Terrace questioned if we enter into this agreement with the County and it does not work for us how much will it cost the Town to re-staff the police department? Supervisor Borgia added that she does not know the numbers but it would be something that we would look into.

John Perrillo, 72 Havell Street. Mr. Perrillo stated that is it the intention to disband the police department. He is concerned that the North State facility might be a sub-station for the County Police or other municipal services. Also, Mr. Perrillo questioned if Supervisor Borgia would be leaving the Supervisor position to take on Assemblywoman position and that Mayor Hanauer would be taking the Supervisor position. Mr. Perrillo strongly suggests that a referendum be put in place.

Supervisor Borgia added that Assembly members get elected through a special election should an assembly member leave. Supervisor Borgia advised that in this particular proposal it states that we have our police officers be members of the county police force and that we are contracting police services. In addition, the police building is still an area of question at this time and there are many different options that we can consider.

Mr. Perrillo questioned if the burden of this expense is on the police personnel or on the facility or both? Supervisor Borgia added that the savings in this proposal is to consolidate back office services such as supervision and dispatching.

Supervisor thanked the residents for coming and encouraged that the dialogue be continued.

Councilmember Tripodi thanked the public for attending the meeting tonight and would like to see attendance like this more often.

Councilmember Tawil advised the public that the needs of the residents are in the forefront of the thought process. Also, input from the public is essential in this process.

## **II. ANNOUNCEMENTS**

Supervisor Borgia announced that our annual fireworks display will be on Friday, July 2, 2010 at 9:15 p.m. on the waterfront.

Councilmember Tripodi announced the Ossining CAP will be having its 3<sup>rd</sup> Annual Celebrity Chef Event. Dinner will be held at Star Bethlehem Church on Saturday, June 26, 2010. If anyone is interested in this event, please see any of the CAP members or visit the CAP office for tickets. Tickets are \$25.

Councilmember Harter announced that the annual St. Ann's fair will begin on Tuesday, June 22, 2010 through Sunday, June 27, 2010.

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

**IV. BOARD RESOLUTIONS**

**A. Approval of Minutes**

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 approves the June 8, 2010 Minutes of the Regular Meeting as presented.

**Motion Carried: Unanimously**

**B. Approval of Voucher Detail Report**

Councilmember Tawil 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 June 22, 2010 in the amount of \$ 172,987.36

**Vote: 4 -1-0**

**Voting Aye: Harter, Tawil,  
Borgia, Wilcher**

**Voting Nay: Tripodi**

**C. Resignation-Citizen Finance Advisory Committee**

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, with regret, the resignation of Jean M. Diaz from the Citizen Finance Advisory Committee effective immediately.

**Motion Carried: Unanimously**

**D. Personnel-Police Officer-Grade and Salary Change**

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 acknowledges that Christopher Perricone moves to Patrol 1<sup>st</sup> Grade effective July 5, 2010 with a salary of \$88,773 in accordance with the Town of Ossining Police Association Agreement.

**Motion Carried: Unanimously**

**E. 2009 Justice Court Audit**

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

Resolved, that the Town Board of the Town of Ossining hereby acknowledges that in accordance with the Unified Court System's Action Plan for the Justice Courts, the 2009 Audit of the Town of Ossining Justice Court was conducted as required

and said audit has been distributed to and reviewed by the Town Board of the Town of Ossining.

Motion Carried: Unanimously

**F. Agreement-Telephone Audit**

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 authorizes the Town Supervisor to enter into an agreement with Phone Review, Mineola, NY to audit and evaluate all telephone billing charges, including cell phones, and negotiate with the appropriate carrier for errors to be eliminated and obtain a refund or credit for the period of time that the error existed. The fee for this service is 35% of the amount of past overcharges credited and collected. If no refund or credit has been determined, there is no fee for this service.

Motion Carried: Unanimously

**G. Sewers – Westchester County Sanitary Sewer District**

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

Whereas, a municipality can initiate a procedure to remove an eligible parcel from a County Sewer District, and

Whereas, a property owner located at 2 Cliff Drive, Ossining, NY only has septic service available and has requested to be removed from the County Sewer District as it is financially prohibitive to connect due to excessive distance and topography to existing lines,

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining hereby petitions the County Board of Legislators to remove from the Westchester County Sewer District the following property located at 2 Cliff Drive in the Unincorporated Town of Ossining with a total taxable assessed value of \$25,700; Section 80, Block 18, Lot 2-21; and

Be It Further Resolved, that copies of this resolution along with a description of the property be forwarded to County Legislator William Burton.

Motion Carried: Unanimously

**H. TAX CERTIORARI  
THE HAMLET ON SPRING POND CONDOMINIUM  
vs.  
TOWN OF OSSINING**

Councilmember Wilcher moved and it was seconded by Councilmember Tawil 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 The Hamlet on Spring Pond Condominium against the Town of Ossining to review the tax assessments made on Petitioner's property located at 1-81 Croton Dam Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20, Block, 1, Lots 10.0001-10.0081, for assessment years 2003, 2004, 2005, 2006, 2007, 2008 and 2009, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 15870/03, 14472/04, 15953/05, 19140/06, 19877/07, 21393/08, 21105/09; 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: (chart below reflects combined assessed values of all tax parcels within Spring Pond Condominiums.

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2003	1,046,441	1,046,441	0
2004	1,046,991	1,015,608	31,383
2005	1,049,091	996,663	52,428
2006	1,052,921	973,948	78,973
2007	1,052,921	968,687	84,234
2008	1,052,921	960,792	92,129
2009	1,052,921	947,629	105,292

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 \$54,954.24, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I. TAX CERTIORARI  
**EDWARD A. ALANY**  
 vs.  
**TOWN OF OSSINING**

Councilmember Tawil moved and it was seconded by Councilmember Wilcher 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 Edward A. Alany against the Town of Ossining to review the tax assessments made on Petitioner's property located at 430-450 North State Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.18, Block, 1, Lot 66, for assessment years 2007, 2008, and 2009, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 19775/07, 20870/08, 21831/09; 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	Corrected Assessment	Reduction
2007	233,000	198,000	35,000
2008	233,000	198,000	35,000
2009	233,000	169,000	64,000

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 \$18,490.63, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**J. TAX CERTIORARI  
WUSTHOF-TRIDENT OF AMERICA  
vs.  
TOWN OF OSSINING**

Councilmember Wilcher moved and it was seconded by Councilmember Tawil 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 Wusthof-Trident of America against the Town of Ossining to review the tax assessments made on Petitioner's property located on Old Albany Post Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.19, Block, 2, Lot 2, for assessment years 2008 and 2009, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22402/08 and 23706/09; 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	Corrected Assessment	Reduction
2008	542,500	330,775	211,725
2009	542,500	335,360	207,140

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 \$4,280.83, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**K. Referral to Planning Board- Draft proposed local laws to implement recommendations of the Town's Comprehensive Plan**

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

**Whereas, the Comprehensive Plan was adopted on September 24, 2002 and the plan recommended certain zoning code amendments; and**

**Whereas, the Town's Planning Consultant, David Stolman of Frederick P. Clark Associates prepared draft local laws to implement recommendations of the Town's Comprehensive Plan which are annexed hereto,**

**Now, therefore be it Resolved, that in accordance with Section 200-52 of the Town of Ossining Zoning Code, the Town Board hereby refers the annexed draft local laws to the Planning Board and Westchester County Planning Board in accordance with Sections 239 (l) and (m) of the General Municipal Law**

**Vote: 4-0-1  
Voting Aye: Wilcher Harter,  
Tawil, Borgia  
Abstaining: Tripodi**

**L. Waiver of Administrative Fee-unpaid water charge**

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

**Whereas, on March 9, 2010, the Town Board passed a resolution authorizing the levy of an administrative fee in the amount of \$100.00, per property owner, to the 2010 list of unpaid water rents as described in the Village Treasurer's Certification of Unpaid Water Rents dated March 5, 2010; and**

**Whereas, Arthur Sullivan, Haymont Terrace, was a property owner who was added to the unpaid water rents and subsequently paid the delinquent water bill on March 10, 2010, and is requesting that the administrative levy of \$100.00 be waived; and**

**Whereas, the Town/County tax bills were already printed and prepared to be mailed when Mr. Sullivan paid his water bill on March 10, 2010,**

Now, therefore be it resolved, that due to a cross in payment, the Town Board of the Town of Ossining hereby authorizes the Receiver of Taxes to refund the \$100.00 administrative fee to Arthur Sullivan, Haymont Terrace. This is a onetime refund and does not set precedent for future refunds.

Motion Carried: Unanimously

**M. Agreement-House of Refuge Apostolic Church-81 Croton Avenue**

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 accepts the letter of agreement between the Town Attorney and the House of Refuge Apostolic Church, dated June 17, 2010, and further authorizes the Assessor to take the necessary steps to reduce the assessed value for 2007, 2008 and 2009 in accordance with the terms of the agreement, contingent upon the passage of the enabling state legislation and an acceptable payment schedule to be agreed upon by the parties, and in accordance with the applicable law for the outstanding tax liability.

Motion Carried: Unanimously

**N. Authorizing the Town Supervisor to submit applications to the New York State Environmental Facilities Corporation-Stormytown and Stonegate Road sewer infrastructure projects**

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 authorizes the Supervisor to submit applications to the New York State Environmental Facilities Corporation to be considered for the Clean Water State Revolving Fund low interest financing for the Stormytown Road and Stonegate Road sewer infrastructure projects.

Motion Carried: Unanimously

**VI. MONTHLY REPORTS**

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the Monthly Reports for the month of May 2010 from the Town Police Department and Building Department.

Motion Carried: Unanimously

**VII. VISITOR RECOGNITION**

Mr. Mike Aurora, 43 Prospect Ave. was present to question the 2010 Duck Race. He advised that the newspaper quoted that the Rotary Club made a profit of \$6,500 and in the photo there are two town employees loading ducks into the water. Mr. Aurora wanted to make the board aware that the taxpayers paid overtime to these employees to run this event. Mr. Aurora wanted to get input from the board.

Supervisor Borgia advised Mr. Aurora that she is the President of the Rotary Club. The Rotary Club is a non-for profit organization that does charitable work in our municipality and all over the world. She advised that our Town/Village Recreation does allow non-for profit organizations to use the parks facilities and it is under the discretion of the Superintendent of Parks and Recreation on how he assigns the overtime. Supervisor Borgia advised that the correct profit from the event was

approximately \$4,800. Supervisor Borgia felt that the overtime allotted for this event was appropriate.

Mr. Aurora questioned if the Town would be hiring part-time employees this summer for the Parks and Recreation Department? Supervisor Borgia advised that we are on our second round of hiring for Parks and Recreation.

Mr. Aurora questioned how does the Town justify \$17,000 in overtime year to date? Supervisor Borgia advised that it is needed for maintenance for our parks and recreation.

Arthur Sullivan, Haymont Terrace. Mr. Sullivan questioned since we have merged the Town and Village Recreation Department, when are we going to remove the town outside recreation card? Supervisor Borgia advised that this is part of our on-going IMA discussions. Supervisor Borgia added that it is set up this way to offset our capital improvement costs.

#### **VIII. ADJOURNMENT**

At 10:10 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

**Motion Carried: Unanimously**

**Approved:**

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**Ann Marie Rocco, Deputy Town Clerk**