



SPECIAL MEETING

**TOWN BOARD
TOWN OF OSSINING
MUNICIPAL BUILDING
1st FLOOR CONFERENCE ROOM
16 CROTON AVENUE
OSSINING, NY 10562
May 31, 2011
8:00 P.M.**

SUPERVISOR

Catherine Borgia

COUNCILMEMBERS

**Geoffrey Harter Michael L. Tawil
Peter Tripodi IV Northern Wilcher**

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

The Special Meeting of the Town Board of the Town of Ossining was held on May 31, 2011 at the Ossining Municipal Building, 1st Floor Conference Room, 16 Croton Avenue in Ossining, NY. The meeting was called to order at 8:10 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Michael Tawil, and Peter Tripodi. Councilman Northern Wilcher was absent. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS-NONE

III. PUBLIC COMMENT ON AGENDA ITEMS

Tom Peckenham, Albany Post Road, a resident of the Gerlach Park area came to speak to the Board regarding the lights at Gerlach Park. Mr. Peckenham has spoken with the Parks Department, as well as past and present Board members and has not received a satisfactory response to this problem. The game lights are poorly maintained and shine into the windows of residents and turn their homes into a prison yard. The lights either shine into the sky, resident's homes or the sandbox. The Town should allocate some of the grant money to shield these lights.

Supervisor Borgia responded that the CDBG Grants are only for low income areas and none of the Town outside qualifies for the CDBG Grants. The grants are based on Federal Guidelines; however, it is possible to apply for a Greenway Grant.

Councilman Harter responded that when he last spoke to Recreation about 2 weeks ago there was some activity down at Nelson Park relative to lighting. Mr. Harter requested Mr. Peckenham's information and was going to contact him personally once he had information to share.

IV. BOARD RESOLUTIONS

A. 2012-2014 CDBG Application

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

WHEREAS, the Town of Ossining is a member of the Westchester Urban County Consortium of Communities; and

WHEREAS, as a member of the Consortium the Town is desirous of applying for federally-funded Community Development Block Grants; and

WHEREAS, the project was discussed at a special meeting on May 31, 2011 at which time all interested parties wishing to speak in connection with the aforesaid application were heard; now therefore be it

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to submit a Community Development Block Grant application in the amount of \$100,347.24 for Cedar Lane Park Improvements; and be it further

RESOLVED, that the total cost of the project is expected to be \$150,347.24; and be it further

RESOLVED, that the Town of Ossining match shall be \$50,000.00 and be it further

RESOLVED, that if the project exceeds the projected costs, the Town of Ossining will be responsible for the balance.

Councilman Tripodi commented on Resolutions A and B (2012-2014 CDBG Application) in the amounts of \$100,347.24 for Cedar Lane Park and \$8000 for Gerlach Park Improvements. He will not issue a blank check in the event either one or both of these projects exceeds the projected costs. He will be abstaining on these votes.

Supervisor Borgia responded that in the event that the projects exceed the \$50,000, the Town has the option of not continuing with the project.

**Vote: 4-1-0
Voting Aye: Tawil,
Harter & Borgia
Abstain: Tripodi**

B. 2012-2014 CDBG Application

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

WHEREAS, the Town of Ossining is a member of the Westchester Urban County Consortium of Communities; and

WHEREAS, as a member of the Consortium the Town is desirous of applying for federally-funded Community Development Block Grants; and

WHEREAS, the project was discussed at a special meeting on May 31, 2011 at which time all interested parties wishing to speak in connection with the aforesaid application were heard; now therefore be it

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to submit a Community Development Block Grant application in the amount of \$8,000.00 for Gerlach Park Improvements; and be it further

RESOLVED, that the total cost of the project is expected to be \$16,000.00; and be it further

RESOLVED, that the Town of Ossining match shall be \$8,000.00 and be it further

RESOLVED, that if the project exceeds the projected costs, the Town of Ossining will be responsible for the balance.

**Vote: 4-1-0
Voting Aye: Tawil,
Harter & Borgia
Abstain: Tripodi**

C. Personnel-Intermediate Clerk-Supervisor's Office

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 transfer of Nancy Kennedy, from the Assessor's Office to the Supervisor's Office effective May 20, 2011 as a part-time temporary Intermediate Clerk effective May 20, 2011 at \$13.00/hr for a period not to exceed sixty (60) days.

Motion Carried: Unanimously

D. Personnel-Intermediate Clerk-Supervisor's Office

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 Scott Davidson, as a part-time temporary Intermediate Clerk effective May 31, 2011 at \$13.00/hr for a period not to exceed sixty (60) days.

Motion Carried: Unanimously

E. Trial Counsel-Richard Blancato, Esq.

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

Resolved that the Supervisor be authorized to execute on behalf the Town a retainer with Richard Blancato, Esq., of 65 South Broadway, Tarrytown, New York, to act as trial counsel in the Matter of Westerly Marina v. Town of Ossining, index #'s 16690/03, 16481/05,20606/06,20766/07,23287/08, pending in the Westchester County Supreme Court Tax Certiorari Part and scheduled for trial on July 11 and 12, 2011, at the hourly rate of \$250.00 and in a form reviewed and approved by the Town Attorney.

Councilman Tripodi commented on Resolution E (Trial Counsel – Richard Blancato, Esq.) and questioned why this attorney was being hired. He has no recollection of this name coming up at a Work Session.

Town Attorney Spector responded that this particular case has been in the Court System for many years and is now coming up for trial. Tax Assessments are generally handled by specialized attorneys of which Mr. Blancato is. This issue was discussed at Work Sessions and every effort has been made not to engage outside counsel, however, there are times when it is necessary. Normally claims such as this are addressed by the Assessor and Town Attorney, however, this one has been in the Courts for many years. Trial Appraisals must be done with respect to the Court. The Town must defend its assessment. This attorney comes highly recommended by the Town Assessor as well as the Interim Town Assessor.

Supervisor Borgia responded that a blank check would not be written for this attorney, however, we must defend ourselves in court.

Town Attorney Spector made it very clear that he has no personal business or any relationship at all to this gentleman. There is a very limited element of the bar in this sort of practice.

Motion Carried: Unanimously

V. ADJOURNMENT

At 8:45 P.M. Councilmember Tawil moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Approved:

Mary Ann Roberts, Town Clerk