



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

**JUNE 14, 2011
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 14, 2011 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 and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Borgia announced that the Town and Village of Ossining held a joint meeting this evening at 16 Croton Avenue at 6 p.m. at which time two consultant groups provided a presentation on alternate government proposals. This Joint Meeting was televised. All four of the proposals are on the Town website for review. This is being funded by a Department of State High Efficiency Grant.

Congratulations on a wonderful job at the Village Fair. A wonderful time was had by all. The Atria on Hudson will hold their Grand Re-Opening on Tuesday, June 21, from 5:30 p.m. – 7:30 p.m. with the ribbon cutting ceremony taking place at 6:30 p.m.

On June 30th at 5 p.m. the Ossining Fire Department will host their Annual Inspection at the Ossining Fire Headquarters, Senate Hook & Ladder Quarters on the second floor located at 21 State Street.

Supervisor Borgia reminded residents that Community That Cares is working with our Recreation Department to create some positive activities for our young people this summer.

The Boathouse received a good review in the Journal News this weekend.

The Town and Village of Ossining will host the fireworks on July 1 at the waterfront at 9:15 p.m. with a concert beginning at 7 p.m. Croton Point Park will host the Clearwater Festival the weekend of June 18 and 19.

Councilman Tripodi announced that St Ann's will hold their annual fair beginning on June 21 running to June 25.

III. PUBLIC COMMENT ON AGENDA ITEMS- None

IV. BOARD RESOLUTIONS

A. 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 May 24, 2011 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 May 31, 2011 Minutes of the Special Meeting as presented.

Vote: 4-1-0

Voting Aye: Tawil, Harter,
Tripodi & Borgia

Abstain: Wilcher

C. Approval of Minutes-Special Meeting

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 7, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

D. Approval of Voucher Detail Report

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 Voucher Detail Report dated June 14, 2011 in the amount of \$421,779.78 for 2011.

Vote: 4-0-1

Voting Aye: Tawil, Harter,
Wilcher & Borgia

Nay: Tripodi

E. Firework's Approval – St. Augustine's Church

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

Whereas, the Church of St. Augustine, by letter dated May 27, 2011 has requested a permit from the Town of Ossining for a fireworks display to be held on the evenings of July 20, 2011 (rain date of July 21, 2011) and July 24, 2011; and

Whereas, the Church has submitted the information required by Section 101-5 of the Code of the Town of Ossining and Section 405(2) of the Penal Law of the State of New York; and

Whereas, the bond/insurance coverage submitted by the Church has been found by the Town Attorney to comply with the requirements of Section 101-6 of the Ossining Code and Section 405 of the State Penal Law; and

Whereas, the Fire Chief has made an inspection of the premises where the fireworks display will be held and reported that such display will not be hazardous to persons or property;

Now, Therefore, Be It Resolved, that the application of the Church of St. Augustine's for a fireworks display on July 20, 2011 at 9:15 p.m. (rain date July 21, 2011,) and July 24, 2011 at 9:15 p.m., is approved subject to the following conditions pursuant to Section 405(3) of the Penal Law:

1. The actual point at which the fireworks are to be fired shall be at least 200 feet from the nearest permanent building, public highway or railroad or other means of travel and at least 50 feet from the nearest above-ground telephone or telegraph line, tree or other overhead obstruction;
2. The audience at such display shall be restrained behind lines at least 150 feet from the point at which the fireworks are discharged and only persons in active charge of the display shall be allowed inside these lines;
3. All fireworks that fire a projectile shall be so set up that the Projectile will go into the air as nearly as possible in a vertical direction, unless such fireworks are to be fired from the shore or a lake or other large body of water, in which case they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water;
4. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining;
5. No fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 miles per hour;
6. All persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task;
7. There shall be at least 2 such operators consistently on duty during the discharge; and
8. At least 2 soda acid or other approved type fire extinguishers of at least 2 and one-half gallons capacity each shall be kept at as widely separated points as possible within the actual area of the display; and it is further

Resolved, that a copy of this Resolution duly certified by the Town Clerk of the Town of Ossining shall constitute a Permit, meeting the requirements of the Code of the Town of Ossining and the Penal Law of the State of New York.

Motion Carried: Unanimously

F.

TAX CERTIORARI

KEMEYS COVE CONDOMINIUM

vs.

TOWN OF OSSINING

Councilmember Harter 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 Kemeys Cove Condominium, against the Town of Ossining to review the tax assessments made on Petitioner's property located at Revolutionary Road in the Town of Ossining, and designated on the tax

assessment map of the Town of Ossining as Section 97.19, Block 1, Lot 4 (Full Lot: 101-624), for assessment years 2003 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 14772/2003; 16406/2004; 17302/2005; 18646/2006; 18879/2007; 22396/2008; 23423/2009; 25025/2010; 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:

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2003	1,118,902	1,118,902	Ø
2004	1,118,902	1,118,902	Ø
2005	1,103,976	1,103,976	Ø
2006	1,103,976	1,026,714	77,262
	<i>See, Exhibit "A" attached</i>		
2007	1,103,976	1,026,714	77,262
	<i>See, Exhibit "B" attached</i>		
2008	1,103,976	993,594	110,382
	<i>See, Exhibit "C" attached</i>		
2009	1,103,976	993,594	110,382
	<i>See, Exhibit "D" attached</i>		
2010	1,103,976	993,594	110,382
	<i>See, Exhibit "E" attached</i>		

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 \$4,592.88, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G.

TAX CERTIORARI

HIGH MEADOW COOPERATIVE NO. 1, INC.

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 High Meadow Cooperative No. 1, Inc., against the Town of Ossining to review the tax assessments made on Petitioner's property located on 98 South Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 3, Lot 31, for assessment years 2004 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15666/2004; 16945/2005; 19780/2006; 20382/2007; 21934/2008; 23857/2009; 25528/2010; 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:

<u>Ass't Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2004	1,112,800	1,068,300	44,500
2005	1,112,800	1,046,000	66,800
2006	1,112,800	945,880	166,920
2007	1,112,800	945,880	166,920
2008	1,112,800	1,001,520	111,280
2009	1,112,800	1,023,775	89,025
2010	1,112,800	1,023,775	89,025

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 \$6,128.58 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. Personnel-Highway Department-Seasonal Appointment

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 appoints Hurley Shealy, Ossining, to the seasonal position of Laborer in the Highway Department effective June 10, 2011 at \$12/hr.

Motion Carried: Unanimously

I. Personnel-Highway Department-Seasonal Appointment

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 appoints Gary Cecere, Jr. to the seasonal position of Laborer in the Highway Department effective June 9, 2011 at \$12/hr.

Vote: 4-0-1

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

Nay: Tripodi

J. Personnel-Intermediate Clerk-Assessor's Office

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 appoints Michele Yozzo-Carnevale, Ossining, as a part-time temporary Intermediate Clerk effective June 3, 2011 at \$24.9136 per hour to handle miscellaneous clerical projects in the Assessor's office for a period of up to six month (s).

Motion Carried: Unanimously

K. Taxes-In Rem Foreclosure-Re-appointment

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 appoints Mark S. Tulis, Esq. of Oxman, Tulis, Kirkpatrick, Whyatt & Geiger LLP, 120 Bloomingdale Road, White Plains, New York as Special Counsel to conduct In Rem foreclosure proceedings upon its tax liens appearing in the 2009 list of delinquent taxes as to which payment has not been made. Compensation to Mr. Tulis shall be in accordance with his letter to the Town of Ossining dated July 20, 2010.

Motion Carried: Unanimously

L. Taxes-Foreclosure 2010 Title Search

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 authorizes Maureen Redmond of Judicial Title Insurance Agency, Inc. to perform the title and lien searches required in connection with the 2010 In Rem foreclosure proceedings at a fee of \$250 per parcel.

Motion Carried: Unanimously

M. Resolution Authorizing Advertising Request for Proposal

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

RESOVED that the Town Board authorizes placement of advertisements of a Request For Proposal to solicit for 3 self-contained food vendors to sell food at Engel Park on Thursdays from 6-8pm, Fridays from 6-9pm, and Weekends from 1-6pm

and for the duration of special events such as summer concerts as scheduled for the months of July and August, 2011.

Motion Carried: Unanimously

N. Resolution Appointing Part-Time Police Officer

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

RESOLVED that the Town Board appoints John W. Simkins to the position of part-time police officer for the purposes of providing security for the Town Justice Court, at the rate of \$32.96/hour.

Motion Carried: Unanimously

O. Resolution Appointing Part-Time Police Officer

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

RESOLVED that the Town Board appoints Domenick Angiello to the position of part-time police officer for the purposes of providing security for the Town Justice Court, at the rate of \$32.96/hour.

Motion Carried: Unanimously

P. Resolution Authorizing the Sale of Service Revolvers to former Town Police Officers

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

WHEREAS the Town of Ossining has entered into a contract for police services with Westchester County and all of the former Town Police Officers became Westchester County employees, and

WHEREAS the Westchester County Department of Public Safety use a different make and model of service revolvers,

WHEREAS the Town Board desires to offer the Town's service revolvers to former town officers who desire to purchase them, including former Police Chief Ken Donato, at a rate of \$100 for each firearm, for their personal use, therefore be it

RESOLVED, that the Town Supervisor is authorized to enter into an agreement with each individual former Town police officer who wishes to purchase a service revolver from the Town, after complying with all legal protocol associated with the purchase of firearms in Westchester County, upon the approval of the Town Attorney.

Motion Carried: Unanimously

Q. Resolution to sign contract with Invoice Cloud

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

WHEREAS the Receiver of Taxes has made available to taxpayers of Ossining the option of online payment of taxes for the past several years, and

WHEREAS the Invoice Cloud, Braintree MA, system offers greater functionality and service at a lower cost to the Town of Ossining, therefore be it

RESOLVED that the Town Board Authorizes the Town Supervisor to sign a contract agreement for the period of 3 years, for a fee of \$ 750 upon review and approval of the Town Attorney. Fees for the payment of bills will be 3% for credit card bill payments and \$.95 for electronic check payments.

Motion Carried: Unanimously

R. Approval to sign an agreement with the merchant account provider:

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

Resolved that the Town Board authorizes the Town Supervisor to sign an agreement with Chase Paymentech, Merchant Services, 4 Northern Boulevard, Salem, NH 03079-1952, the merchant account provider for Invoice Cloud software.

Motion Carried: Unanimously

S. Resolution accepting Dock from Metro North Railroad

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

WHEREAS, Metro North Railroad is in the process of renovation to the ferry dock located in the Village of Ossining, and

WHEREAS, the old ferry dock was slated to be demolished and there are several pieces which are suitable for salvage by the Town, to be used to extend the dock space available for recreational use by residents of Ossining and boaters on the Hudson, therefore be it

RESOLVED that the Town of Ossining hereby accepts the old ferry dock from Metro North Railroad.

Motion Carried: Unanimously

T. Home Rule Legislation (Town/Village Court)

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

RESOLVED, that on behalf of the Town of Ossining, the Supervisor hereby requests from the Senate and the Assembly of the State of New York the enactment of a special law, otherwise known as Home Rule legislation, pertaining to the abolition of the Court of the Village of Ossining and subsequent merger with the Court of the Town of Ossining and the creation of a third Town Justice position for the Town of Ossining Justice Court.

Vote: 4-1-0

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

Abstain: Tripodi

V. CORRESPONDENCE TO BE RECEIVED AND FILED

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

- **April 27, 2011 Minutes of the Town Planning Board.**
- **May 11, 2011 Minutes of the Town Planning Board.**

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports:

Month of April 2011:

- **Tax Receiver's office**

Month of May 2011:

- **Tax Receiver's office**
- **Clerk's Office**
- **Westchester County Police**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Regina Valko, Duers Court, discussed an expenditure at Veterans Park for a timer for the lights. What lights does the timer impact? The lights are sometimes on at 1 a.m. Is there any resolution to the pond situation? Councilman Harter stated that six lights have been received from the USTA which focus down. A representative from this organization has suggested that these six lights be used at Nelson Park.

Supervisor Borgia responded that the lights can be operated from a remote area. There is no resolution to the pond situation.

Bobby Williams, Spring Street, discussed the River Rose which is now located in Newburgh. This vessel was located in the Village of Ossining a number of years ago. Mr. Williams questioned why he had to go to Newburgh to enjoy the River Rose?

Town Clerk Mary Ann Roberts requested a motion to adjourn the meeting in memory of Arthur Slater, Jr. who passed away on Sunday at the age of 87. Mr. Slater was a surveyor in the Village of Ossining for 60 years and his Father before him.

VIII. ADJOURNMENT –EXECUTIVE SESSION-NEGOTIATIONS

At 8:25 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to Executive Session.

Approved:

Mary Ann Roberts, Town Clerk