



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

**MARCH 12, 2013
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
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 March 12, 2013 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Eric Blaha and Peter Tripodi. Councilmember Geoffrey Harter was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly read the following statement into the record:

Good evening,

What an exciting evening we have not only are we celebrating 10 of our young people from AMD's 6th grade we are also kicking off our call for Stash the Trash Teams.

The first 10 teams to sign up will receive water bottles for their team members. All teams will receive a bag with their team's tee shirts and bags for the cleanup. We encourage everyone to come prepared with gloves but should you need a pair they will be available at the Community Center on April 20th.

We are so excited about the Earth Day celebration that will be that day. The planning is going well and anyone who wishes to join us should on Thursday April 14th at the Municipal Building at 16 Croton Ave first floor conference room.

The Schools had a poster contest and they selected the winners. As you can see we have already made the posters to be distributed around town.

Our agenda tonight shows us awarding the 1st 2nd and 3rd place posters as well as the honorable mention winners.

With the bad weather from last night we are going to move them down the agenda a couple of slots while we wait for everyone to arrive.

This Friday evening we will be having cocktails at sunset at Shattemuc Yacht Club with the 5 representatives from the Ukraine who have been visiting our community over this whole week. The program they are with is a joint project between Please join us the fee is \$25. With a cash bar and share some of your leadership qualities with these 5 young ladies. 6:00 PM

Tonight's agenda has resolutions on it allowing the tax receiver to add unpaid water charges to the Town tax roll. We will also be refunding a penalty of a school tax payment that was accidentally received and deposited by the Village of Ossining. This payment was made, deposited and cleared by the bank before the deadline to pay these taxes without penalty. This does not open the door for anyone not to pay a penalty if they pay any of their taxes late. The severest penalty is on the school tax payment but please understand it is the law that these penalties be collected should your payment be late.

The Village's Bi-Centennial has a public stature element to it and the Village has requested requested some of them to be put down at Louis Engel Park. We will complete the access agreement when we are sure that all of the I are dotted and t are crossed.

We have a few adjustments to make in our Energy Loan Program (PACE). Watch for more details very soon.

The final resolution will be to authorize the bond for the Old Albany post rd dead end road project. We need to bond the money which we will use before getting repayment back from FEMA for this road cave-in that goes back to the storm called Irene. We are thrilled that FEMA has given us \$399,000 toward this project and we are hoping to come in close to that number. We will keep you updated.

Stash the Trash is scheduled for April 20th beginning at 10 a.m. April 27th is the rain date for this event.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Blaha 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 February 26, 2013, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Wilcher 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 Voucher Detail Report dated March 12, 2013 in the amount of \$22,332.95 for 2012 and \$329,985.02 for 2013 for a total of \$352,317.97.

Motion Carried: Unanimously

C. Authorizing Levy of Unpaid Water Charges on Town Tax Roll

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

WHEREAS, pursuant to an Inter-Municipal Agreement ("Water IMA") dated January 1, 2002, the Village of Ossining supplies water to the Unincorporated area of the Town of Ossining ("Town Outside") and directly bills consumers in the Town Outside for water supplied pursuant to the Water IMA, and

WHEREAS, pursuant to the Water IMA, any water charge that is delinquent for three or more months shall be levied against the delinquent property by the Town and shall be subject to penalty in the manner provided by law, in which event, upon collection by the Town, the Town shall remit the amount collected to the Village of Ossining; and

WHEREAS, pursuant to Section 198 of the Town Law, the Town of Ossining is authorized to levy unpaid water charges against delinquent properties;

NOW, THEREFORE, BE IT RESOLVED, that any water charges to a customer outside of the Village of Ossining corporate limits and in the Town of Ossining that is delinquent for three or more months shall be levied against the delinquent property and shall be subject to penalty in the manner provided by law.

THEREFORE, BE IT FURTHER RESOLVED, that the Village Treasurer, on behalf of the Village Clerk of the Village of Ossining, shall file with the Supervisor of the Town of Ossining, as required by law, statements showing unpaid water charges to customers outside of the Village of Ossining corporate limits, but within the Town of Ossining, which are delinquent for three or more months and that such statements shall contain a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amounts chargeable to each for the purposes of levy and enforcement under “Water Rents” and upon receipt of such statement, the Supervisor will transmit said statement of delinquent water charges to the Receiver of Taxes for levy against those delinquent properties.

Motion Carried: Unanimously

D. School Tax Payment-25 High Ridge Road

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

WHEREAS, The Town, by law, receives the School Tax payments from Town residents, payable in installments due by the end of September and the end of January each year, and then distributes those payments to the appropriate school districts; and

WHEREAS, The Town is required by law to collect penalties in the event of late payment of taxes which it collects , although those penalties can , in rare and appropriate circumstances, be waived by resolution of the Town Board; and

WHEREAS, The Town Board has by past practice only considered requests to waive penalties for late tax payments in specific cases where there was both proof that the payment was sent by the taxpayer on a timely basis and where the failure to pay was as a result of circumstances related to instances such as act of war, natural disaster or mistake or similar action by the municipality; and

WHEREAS, the owners of premises located at 25 High Ridge Road, Ossining , property I.D. # 89.006-0001-001.000/0101, demonstrated that they timely paid the School Tax installment due January 2013 but that the check for the payment was misdirected to The Village of Ossining Finance Department and that the Village of Ossining Finance Department acknowledged receipt of the check for the School Tax payment but failed to realize that it was directed in error to the Village so that it was deposited in a Village account; and

WHEREAS, The Village of Ossining Treasurer, upon realizing the error offered to transfer the misdirected payment to the Town of Ossining Tax Receiver but the Tax Receiver refused to then accept the payment, claiming it was late and therefore subject to the penalties provided by law; and

WHEREAS, The Taxpayer has repaid the January School Tax installment, with a penalty in the amount of \$364.70 to the Town Tax Receiver and now requests the

Town to refund the penalty portion of the payment due to the circumstances addressed above;

NOW, BE IT RESOLVED, that as a result of the specific circumstances established to exist in this matter, including the timely payment by the Taxpayer, and the inadvertent misdirection of the payment within the office of the Village Treasurer/Town Comptroller, that the penalties for late payment of the school tax installment be waived, in accordance with the authority granted to the Town by law, and the penalty portion of the payment be refunded to the Taxpayer. This resolution shall not be deemed to establish a precedent or a specific future policy of this or future Town Boards.

Motion Carried: Unanimously

E. Bi-Centennial Sculpture Project

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

Whereas, the Village of Ossining will be celebrating the bicentennial of their Village Charter, and has commissioned a sculpture project to commemorate this event; and

Whereas, the Village of Ossining has approached the Town of Ossining about featuring three of said sculptures at Louis Engel Waterfront Park, which is property of the Town of Ossining;

Now therefore be it resolved that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to execute an appropriate Access Agreement for the site which includes dates, placement, and insurance provision, upon approval by the Town Attorney.

Motion Carried: Unanimously

F. Municipal Agreement with the Energy Improvement Corporation (EIC)

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

Whereas, the Town of Ossining has entered into a Municipal Agreement with the Energy Improvement Corporation (EIC); and

Whereas, the EIC has suggested some minor changes to this document;

Now, therefore be it resolved that the Town Board of the Town of Ossining hereby authorize the Supervisor to execute the updated agreement, upon conferral with the Town Attorney.

Motion Carried: Unanimously

G. Amendment To Establish A Sustainable Energy Loan Program (PACE)

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

Whereas, the Town of Ossining passed Local Law #4 of 2012 on November 13th of that year, entitled “To Establish a Sustainable Energy Loan Program (PACE)”; and

Whereas, the Energy Improvement Corporation (EIC) is the local development corporation extending this service to the Town of Ossining and its residents, and has requested changes to wording in the approved law; and

Whereas, the changes are not appreciable and do not warrant an additional public hearing, in accordance with the Town Attorney;

Now, therefore be it resolved that the Town Board of the Town of Ossining hereby supports the changes to Local Law #4 of 2012, and the law will be so amended, by action of the Town Clerk.

Motion Carried: Unanimously

H. A RESOLUTION AUTHORIZING IMPROVEMENTS TO OLD ALBANY POST ROAD IN AND FOR THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$500,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF UP TO \$500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. Improvements to Old Albany Post Road in and for the Town of Ossining, Westchester County, New York, consisting of dead end restoration, including curbs, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$500,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any FEMA aid received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain

substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

4-0-0

Roll Call Vote:

Ayes: Councilman Tripodi,
Blaha, Wilcher &
Supervisor Donnelly

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. MONTHLY REPORTS

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

- G.E. Helicopter Report –February 2013
- Town Building Department-February 2013
- Tax Receiver’s Monthly Report-February 2013
- Town Clerk’s Monthly Report –February 2013

Motion Carried: Unanimously

VII. Special Presentation- Earth Day Poster Contest Award

Supervisor Donnelly presented plaques to ten of the poster contest winners with a \$100 Savings Bond going to the first prize winner; \$50 savings bond to the second place winner and a \$50 savings bond to the third place winner. The schools picked the best posters.

Supervisor Donnelly announced the following winners:

- 1st Place: Nathasha Victoria
- 2nd Place: Maraya Ramos
- 3rd Place: Dylan Wood

Honorable Mention:

- **Tara Tassio**
- **Leo Wang**
- **Susana Ligouri**
- **Patrick Saint Ange**
- **Aliya Bashir**
- **Emily Janush**
- **Maryem Ali**

Councilman Wilcher commented on the posters and stated that they are beautiful drawings. You have all done a great job. You can excel in other things besides sports.

Councilman Blaha welcomed the contestants' participation in this worthwhile program. Thank you for your participation.

Councilman Tripodi echoed the sentiments of the Board and stressed that you can always find something to excel in.

VIII. VISITOR RECOGNITION

Mr. David Brusler, was present to discuss Project Hope. Project Hope is an outreach program and confidential crisis program. Project Hope supports the communities within Northern Westchester. This program is free and confidential. Project Hope will connect people with various resources such as FEMA and crisis counseling which is available in both English & Spanish. All information regarding this program will be available on both the Village & Town websites.

IX. ADJOURNMENT

At 8:12 P.M. Councilmember Tripodi moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk

