



## AGENDA

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

**MARCH 9, 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**
- II.   ANNOUNCEMENTS**
- III.  PUBLIC COMMENT ON AGENDA ITEMS**
- IV.  BOARD RESOLUTIONS**

**A. Approval of Minutes**

**Resolved, that the Town Board of the Town of Ossining hereby approves the February 23, 2010 Minutes of the Regular Meeting as presented.**

**B. Approval of Voucher Detail Report**

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated March 9, 2010 in the amount of \$ 1,943.00 for 2009 and \$ 208,016.21 for 2010.**

**C. Calling for a Public Hearing-MetroPCS New York, LLC- Special Use Permit for Wireless Telecommunications Facility**

**Whereas, MetroPCS, LLC has filed an application for a Special Use Permit pursuant to Chapter 182A of the Code of the Town of Ossining to locate a wireless telecommunications facility at 400 Executive Boulevard in the unincorporated area of the Town of Ossining; and**

**Whereas, the Town Board referred the application to the Planning Board and Telecommunications Consultant Russ Bogie to be reviewed and analyzed in accordance with Section 182A-6(A) of the Code; and**

**Whereas, the Planning Board and Telecommunications Consultant have submitted a recommendation to the Town Board approving the MetroPCS, LLC application for a special use permit; and**

**Whereas, the Town Board has acted as “lead agency” as defined in SEQRA and the Town Clerk has notified all appropriate agencies of the State of New York, the County of Westchester, the Village of Ossining and those municipalities which adjoin the Town of Ossining of the proposed application,**

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to review the application for a special use permit for a wireless telecommunications facility. The hearing shall be held on Tuesday, March 23, 2010 at 7:30 p.m. at the Police/Court facility, 86-88 Spring Street, Ossining.

**D. Approval of Cabaret License – The Tuscan Grille – 518 North State Road, Briarcliff Manor, Town of Ossining**

Whereas, The Tuscan Grille has filed an application for a Cabaret License for the calendar year 2010; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department; Now, therefore, be it

Resolved, that the Town Board of the Town of Ossining hereby approves the application of The Tuscan Grille, 518 North State Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions: 1 DJ using a Karaoke Machine shall be allowed on Wednesday and Friday evenings from 7 p.m. until 11 p.m., as stated in the application.

**E. Finance-2009 Budget Adjustments**

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following budget adjustments be made to the 2009 budget:

<b>To:</b>			<b>From:</b>		
<b>Account Number</b>	<b>Description</b>	<b>Amount</b>	<b>Amount</b>	<b>Account Number</b>	<b>Description</b>
<b>Town Justice</b>					
010.1110.0110	Part Time	52.00	688.00	010.1110.0201	Equipment
010.1110.0401	Supplies	28.50			
010.1110.0419	Maint/Repair	137.03			
010.1110.0424	Consult/Computer	27.11			
010.1110.0436	Postage	64.05			
010.1110.0438	Miscellaneous	208.50			
010.1110.0455	Constables	170.81			
<b>Supervisor</b>					
010.1220.0417	Education	140.00	140.00	010.1220.0201	Equipment
<b>Independent Audit</b>					
010.1320.0438	Miscellaneous	1250.00	1250.00	010.1010.0101	Pers Svce-Regular
<b>Tax Collection</b>					
010.1330.0417	Education	157.50	323.55	010.1330.0105	Overtime
010.1330.0436	Postage	113.82			
	Internet Merch.				
010.1330.0497	Site Fees	52.23			
<b>Assessment</b>					
010.1355.0101	Pers. Svce-Regular	2981.53	285.07	010.1355.0401	Supplies
010.1355.0110	Part Time	1142.10	250.00	010.1355.0408	Books
010.1355.0402	Printing	98.35	1742.11	010.1355.0417	Education
			399.00	010.1355.0424	Consult/Computer
			805.00	010.1355.0428	Dues
			490.59	010.1355.0105	Overtime
			100.85	010.1356.0438	Miscellaneous
			149.36	010.1410.0106	Longevity

<b>Town Clerk</b>					
010.1410.0401	Supplies	155.18	2619.32	010.1410.0402	Printing
010.1410.0466	Legal Notices	2464.14			
<b>Elections</b>					
010.1450.0432	Carting/Light West Cty/	1027.00	1173.00	010.1450.0401	Supplies
010.1450.0437	Reimburse	459.32	313.32	010.1450.0419	Maint/Repair
<b>Buildings</b>					
010.1620.0442	Sustainability Initiatives	280.00	280.00	010.1620.0428	Dues
<b>Central Communications</b>					
010.1650.0438	Phone/Web Services	3845.14	3845.14	010.1420.0420	Litigation
<b>Judgements &amp; Claims</b>					
010.1930.0438	Miscellaneous	5092.28	5092.28	010.1420.0423	Litig/Equal Rate
<b>MTA Payroll Tax</b>					
010.1980.0438	Payroll Tax	5562.99	5562.99	010.1420.0420	Litigation
<b>Veterans Services</b>					
010.6510.0438	Miscellaneous	126.35	126.35	010.6770.0201	Equipment
<b>Nutrition</b>					
010.6772.0110	Part Time	132.58	379.34	010.6772.0449	Parts/Labor
010.6772.0429	Call A Cab	201.76			
010.6774.0110	RUOK Part Time	45.00			
<b>Parks</b>					
010.7110.0105	Overtime	210.23	5934.01	010.7110.0474	Fuel Oil
010.7110.0111	Custodial	430.00	623.43	010.7110.0103	Out of Title Pay
010.7110.0410	Water	2411.54	427.68	010.7110.0110	Part Time
010.7110.0449	Parts/Labor	3505.67			
010.7112.0105	Overtime	427.68			
<b>Youth Programs</b>					
010.7310.0475	Vill of Oss. Contractual	1943.24	1943.24	010.7110.0419	Repair/Maintenance
<b>Employee Benefits</b>					
010.9010.0813	Workers Comp	1784.26	1784.26	010.9010.0814	Life/Dental
<b>Engineer</b>					
020.1440.0413	Consultant	1200.00	1200.00	020.3120.0105	Overtime
<b>Judgements &amp; Claims</b>					
020.1930.0425	Labor Counsel	777.67	777.67	020.3120.0110	Part-Time
<b>MTA Payroll Tax</b>					
020.1980.0438	Payroll Tax	4989.31	4989.31	020.3120.0105	Overtime
<b>Police Dept</b>					
020.3120.0101	Personnel Svcs.	3303.55	12409.87	020.3120.0105	Overtime
020.3120.0203	Car	5295.01			

020.3120.0406	Telephone	2232.03			
020.3120.0424	Consult/Computer	1578.87			
020.3120.0474	Fuel Oil	0.41			
<b>Building</b>					
<b>Dept.</b>					
020.3620.0101	Personnel Svcs.	0.15	181.13	020.3620.0105	Overtime
020.3620.0438	Rent	180.98			
<b>Zoning</b>					
020.8010.0466	Legal Notices	47.70	47.70	020.8010.0437	Professional Fees
<b>Planning</b>					
020.8020.0413	Consultant	4855.23	4968.23	020.9010.0814	Life/Dental
020.8020.0436	Postage	113.00			
<b>Employee Benefits</b>					
020.9010.0813	Workers Comp	29375.00	29375.00	020.9010.0811	Police Retirement
<b>MTA Payroll</b>					
<b>Tax</b>					
031.1980.0438	Payroll Tax	2301.20	2301.20	031.5010.0425	Labor Counsel
<b>Highway-Street Admin</b>					
031.5010.0101	Personnel Svcs.	0.22	381.27	031.5010.0413	Consultant
031.5010.0406	Telephone	381.05			
<b>Highway-Street Maint</b>					
031.5110.0448	Road Paving	1080.03	1080.03	031.5110.0419	Maint/Repair
<b>Highway Garage</b>					
031.5132.0419	Maint/Repair	78.20	235.20	031.5132.0428	Reg/Permit Fees
<b>Weeds &amp; Brush</b>					
031.5140.0201	Equipment	157.00			
<b>Snow Removal</b>					
031.5142.0450	Salt	11106.73	11106.73	031.5142.0105	Snow-Overtime
<b>Employee Benefits</b>					
031.9010.0813	Workers Comp	13434.06	18053.06	031.9010.0817	Hosp/Med Ins.
031.9010.0815	Unemployment Ins.	4619.00			
<b>Dale Cemetery</b>					
032.8810.0203	Car	500.00	3003.00	032.8810.0442	Capital Improv
032.8810.0416	Uniforms	192.00	2293.00	032.8810.0413	Consultant
032.8810.0419	Maint/Repair	5986.06	840.55	032.8810.0492	Contract/Miscell
032.8810.0474	Heating	589.01	850.85	031.8810.0201	Equipment
			279.67	032.8810.0411	Gasoline
<b>North State Rd. Swr.</b>					
<b>Judgements &amp; Claims</b>					
051.1930.0438	Claims	321.37	832.92	051.8120.0419	Maint/Repair
051.1980.0438	MTA Payroll Tax	3.86			
051.9730.0403	Filing Fees	507.69			
<b>Pine Tree Sewer</b>					
052.9730.0403	Filing Fees	3.61	3.61	052.0052.4795	Fund Balance
<b>Valley View Sewer</b>					
053.9730.0403	Filing Fees	23.34	23.34	053.8120.0105	Overtime

<b>Torbank Swr</b>					
<b>054.1980.0438</b>	<b>MTA Payroll Tax</b>	<b>5.23</b>	<b>276.16</b>	<b>054.8120.0105</b>	<b>Overtime</b>
<b>054.9730.0403</b>	<b>Filing Fees</b>	<b>270.93</b>			
<b>Lakeville Swr</b>					
<b>055.1980.0438</b>	<b>MTA Payroll Tax</b>	<b>2.84</b>	<b>196.4</b>	<b>055.8120.0409</b>	<b>Electricity</b>
<b>055.8120.0419</b>	<b>Maint/Repair</b>	<b>51.80</b>			
<b>055.9730.0403</b>	<b>Filing Fees</b>	<b>141.76</b>			
<b>Lakeville Ext Swr</b>					
<b>056.9730.0403</b>	<b>Filing Fees</b>	<b>155.7</b>	<b>155.7</b>	<b>056.8120.0409</b>	<b>Electricity</b>
<b>Stonewall Swr</b>					
<b>057.9730.0403</b>	<b>Filing Fees</b>	<b>8.97</b>	<b>8.97</b>	<b>057.8120.0105</b>	<b>Overtime</b>
<b>Stormytown Swr</b>					
<b>058.1980.0438</b>	<b>MTA Payroll Tax</b>	<b>3.67</b>	<b>3.67</b>	<b>058.8120.0105</b>	<b>Overtime</b>
<b>Croton Swr</b>					
<b>059.1980.0438</b>	<b>MTA Payroll Tax</b>	<b>8.79</b>	<b>575.72</b>	<b>059.8120.0409</b>	<b>Electricity</b>
<b>059.8120.0105</b>	<b>Overtime</b>	<b>566.93</b>			
<b>Brookside Swr</b>					
<b>061.9730.0403</b>	<b>Filing Fees</b>	<b>18.42</b>	<b>18.42</b>	<b>061.0061.4795</b>	<b>Fund Balance</b>
<b>Davis Sewer</b>					
<b>062.1980.0438</b>	<b>MTA Payroll Tax</b>	<b>2.78</b>	<b>103.17</b>	<b>062.0062.4795</b>	<b>Fund Balance</b>
<b>062.9730.0403</b>	<b>Filing Fees</b>	<b>100.39</b>			
<b>Lighting District</b>					
<b>063.1930.0438</b>	<b>Judgements &amp; Claims</b>	<b>572.62</b>	<b>572.62</b>	<b>063.5182.0419</b>	<b>Maint/Repair</b>
<b>Fire Protect District</b>					
<b>064.1930.0438</b>	<b>Judgements &amp; Claims</b>	<b>5835.53</b>	<b>5835.53</b>	<b>64.0064.4795</b>	<b>Fund Balance</b>
<b>Refuse/Recycling</b>					
<b>065.1930.0438</b>	<b>Judgements &amp; Claims</b>	<b>6753.29</b>	<b>22379.04</b>	<b>065.8160.0456</b>	<b>Recycling &amp; Envir.Waste</b>
<b>065.8160.0475</b>	<b>Village of Oss. Contract.</b>	<b>15625.75</b>			
<b>Ambulance District</b>					
<b>066.1930.0438</b>	<b>Judgements &amp; Claims</b>	<b>181.29</b>	<b>181.29</b>	<b>066.4540.475</b>	<b>Contractual</b>

**F. Westchester County – Senior Citizens – Title III and NSIP Grants**

**Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to sign agreements with Westchester County Department of Senior Programs and Services to receive federal funding for the following programs for the period of January 1, 2010 through December 31, 2010:**

<u>Program</u>	<u>Federal Funding</u>
III-B	\$8,954
III – C1	\$27,842
Estimated III –C1 NSIP	\$12,649
III C – 2	\$28,766
Estimated III-C2 NSIP	\$19,031

**G. NYS Department of State Local Government Efficiency Grant 2009-2010 Program Year-High Priority Planning Grant-Consolidation and Dissolution Study between the Town and Village of Ossining and the Village of Briarcliff Manor**

Whereas, the Town and Village of Ossining and the Village of Briarcliff Manor have agreed to enter into an Intermunicipal Agreement to submit a co-application for the New York State Department of State Local Government Efficiency Grant 2009-2010 Program Year, said application shall be entitled Town and Village of Ossining and Briarcliff Manor-High Priority Planning Grant-Consolidation and Dissolution Study to reform the governments of the Town and Village of Ossining and Village of Briarcliff Manor; and

Whereas, the purpose of said application is to investigate possible costs savings, efficiencies and opportunities that can be achieved through the consolidation and dissolution of these municipalities; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes Town Supervisor Catherine Borgia to submit on behalf of the Town of Ossining, a co-application to the Local Government Efficiency grant program, High Priority Planning Grant for the 2009-2010 program year, said grant application includes the Town and Village of Ossining and the Village of Briarcliff Manor; and it is further

Resolved, that Town Supervisor Borgia is designated Lead Applicant Contact on behalf of the Town of Ossining, and is authorized to execute all financial and administrative processes which relate to said grant; and it is further

Resolved, that the maximum amount of grant requested for all three co-applicants is \$50,000, the Town of Ossining share of the local required match shall be \$1,667.00.

**H. Personnel-Stipulation of Settlement**

Resolved, that the Town Board hereby ratifies and approves the attached Stipulation of Agreement between and among the Town, the Civil Service Employees Association and Dorothy Duffy, and further authorizes the Town Supervisor to execute the Agreement on its behalf.

**I. 2010 Holiday Schedule-CSEA/Management/Non-Union employees**

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following 2010 Town of Ossining Holiday Schedule for Managers, Non-Union Employees, and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit, Westchester County Local 860. This calendar modification only applies to the 2010 calendar year.

2010 New Years Day	Friday, January 1
Martin Luther King Day	Monday, January 18
Presidents Day	Monday, February 15
Good Friday	Friday, April 2
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Columbus Day	Monday, October 11
Election Day	Tuesday, November 2
Veterans Day (observed)	Tuesday, November 11

Thanksgiving Eve (1/2 day)	Wednesday, November 24
Thanksgiving Day	Thursday, November 25
Day After Thanksgiving	Friday, November 26
Christmas Day *	Friday, December 24
New Years Day *	Friday, December 31

\* Holiday falls on a Saturday

**J. Authorizing levy of Administrative Fee-Unpaid Water Charges**

Whereas, pursuant to an Intermunicipal 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 owner on the property tax bill 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, the Town Board wishes to recover the additional expenses incurred by the Town in administering the collection of the unpaid Village water rents,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Receiver of Taxes to levy an administrative fee in the amount of \$100.00 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 be it further

Resolved, that the Administrative Fee of \$100.00 shall be added the Town Fee Schedule.

**V. MONTHLY REPORTS**

Resolved, that the Town Board of the Town of Ossining hereby accepts the Monthly Reports for February, 2010 from the \_\_\_\_\_ office and \_\_\_\_\_ .

**VI. VISITOR RECOGNITION**

**VII. ADJOURNMENT-EXECUTIVE SESSION**

3/1/10

WHEREAS, the Town of Ossining ("the Town"), and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit, Westchester County Local 860 ("the Union") are parties to a collective bargaining agreement covering the period January 1, 2006 – December 31, 2009 ("the Contract"); and

WHEREAS, the Union filed a grievance dated January 20, 2010 ("the Grievance"), alleging a violation of Article VI(7) of the Contract related to the Town's refusal to pay Dorothy Duffy a terminal allowance upon her retirement; and

WHEREAS, the Town denied any violation of the Contract; and,

WHEREAS, the Town and the Union are desirous of resolving this Grievance without the need for a formal arbitration hearing being held;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between and among the Town, the Union and Dorothy Duffy, that the following terms and conditions are agreed to, as and for a Stipulation of Agreement:

1. Within ten (10) business days following ratification of this Stipulation by the Town Board, the Town shall pay Ms. Duffy ten (10) day's pay at her daily rate in effect as of December 31, 2009, less appropriate tax withholding and other applicable payroll taxes.

2. This Stipulation shall constitute a full and final disposition of Ms. Duffy's grievance related to the alleged violation of Article VI(7).

3. Neither the Town nor the Union admits by the signing of this Stipulation any wrongdoing or violation of the Contract whatsoever. The parties have entered into this Stipulation solely to avoid the time, financial cost and uncertainties of litigation.

4. This Stipulation constitutes the entire agreement between the parties hereto and supersedes all prior agreements, memoranda, correspondence, conversations, discussions and/or negotiations held/or which have taken place between the parties regarding the settlement of the above mentioned grievance.

5. This Stipulation, including this paragraph, may not be altered except by a writing signed by all parties. It may not be modified orally.

6. The language of all parts of this Stipulation shall be construed as a whole, according to their fair meaning, and not strictly for or against either party, regardless of who drafted them.

7. This Stipulation shall not establish a precedent with regard to how similar situations involving Ms. Duffy or anyone else may be handled in the future.

8. This Stipulation shall not be introduced by any party in any subsequent proceeding, arbitration or action involving the interpretation or application of the provisions of the Contract.

9. This Stipulation shall not be binding or effective unless and until ratified by the Town Board by duly enacted resolution.

\_\_\_\_\_  
Catherine Borgia (Date)  
Town Supervisor

Fred Smit 3-3-10  
Fred Smit (Date)  
CSEA, Labor Relations Specialist

Dorothy Duffy 3/3/10  
Dorothy Duffy (Date)