

TOWN BOARD
TOWN OF OSSINING
OSSINING, NEW YORK

REGULAR MEETING
MAY 23, 2006
7:30 pm

POLICE/COURT
FACILITY
86-88 Spring Street

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on May 23, 2006 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor John Chervokas. Other members of the Board present were: Geoffrey Harter, Northern Wilcher, David Krieger and Martha Dodge. Also present were Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer; and Mary Ann Roberts, Town Clerk.

II. PRESENTATION - Stormwater Annual Report – Year 3 of 5

Supervisor Chervokas gave a brief overview of this program and turned it over to Superintendent of Highways, Michael G. O'Connor. Mr. O'Connor stated that this was a coordinated effort by the Town and the public up to this point. The storm water program dates back to the 1990's at which time it was determined that the drinking water must be protected. The DEC report meets the States mandate and this is the third year of the five year cycle. The report covers March 9 thru March 8th and there are measurable accomplishments. The Building Inspector and the Town Engineer having been working together to accomplish these goals. The Town Attorney will also become involved as this must be written into the Code of the Town of Ossining in year 4. The Town has added 212 catch basins which brings the total up to 512. They must be maintained and cleaned in order to divert storm water in four different directions which are the Hudson River, Croton River, streams in the Village of Ossining which go to the Hudson River and also the Pocantico River. These must all be examined. A vac-all has been purchased in order to keep the promise to the DEC to have a regimented cleaning plan in place. There are also educational components to this program regarding new construction. Public participation as far as marking the storm drains is also needed. The markers, which are in the shape of a fish, etc. flow into the waterways previously mentioned.

III. PUBLIC HEARING – In the matter of the Petition for an Extension of the North State Road Sewer District – Richard Hare

The public hearing was opened at 7:42 p.m. and there was no one present who wished to speak on this matter.

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

Motion Carried: Unanimously

IV. PUBLIC HEARING – Proposed Local Law to amend Chapter 200 (Zoning) of the Town Code to permit municipally-owned and operated fire houses as a conditional use in certain One-Family Residence and Residence-Office Districts

The public hearing was opened at 7:42 p.m.

Attorney Beirne stated that this proposal differs as it now reads the ordinance does provide for a firehouse or building structures owned by the Town of Ossining. The Town does not have a fire department as they rely upon the Villages of Ossining and Briarcliff Manor to provide fire services. Thus this proposed local law would allow public buildings such as a firehouse to be owned and operated by one of the Villages

(Briarcliff or Ossining). This is a conditional use and not of right. The Town has no interest in the outcome and will not profit in any way.

Donna Agajanian, 132A Hawkes Avenue, presented a letter to the Board to become part of the record of this public hearing. The letter expresses their opposition to this proposed project for a firehouse and development of single family homes at 116 Hawkes Avenue. They are not satisfied with the level of disclosure and given what limited investigation they have been able to conduct, there are significant questions yet to be answered such as the purchaser's information; environmental impact studies; conflict of interest with the Town Board appointing itself lead agency in this study; as well as the approval process itself.

Gerhard Randers-Pehrson, 113 Hawkes Avenue, provided written information to the Board regarding the objectionable environmental study. His opinion is that this is spot zoning. Many questions are raised regarding the number of parking spaces required; size of the present firehouse and as to whether this is a reasonable size. As far as accessories uses are concerned, will there be parties with in excess of 75 people and also questioned is the setback.

Attorney Beirne commented that the set back and the bulk will be addressed by the Planning Consultant. There are procedural points including County Planning as well as the Planning Board being a part of the process. The neighbors were not notified as this can potentially affect the entire Town. The Clerk was requested to send notification to neighboring communities (New Castle, Village of Ossining, Village of Croton-on-Hudson, Village of Briarcliff Manor and the Town of Mount Pleasant).

Supervisor Chervokas stated that these were very valid points, however, we would have to hold it over for at least a month and we will eventually have to enact an ordinance.

Eric Marler, Hawkes Avenue, commented that there are considerable complexities involved to insure that re-zoning will be proof of any legal gaps. The department must meet its needs.

Attorney Beirne stated he was not sure if you want to do that as the site must rise or fall on its own merits. The amendment did go thru the Planning Board.

Duval Cellai, Stormytown Road, commented that any residential property involved requires the services of the fire department. This is being done for the residents not the fire department.

Councilmember Harter requested that the Board have the opportunity to review the material that was presented to them by the residents this evening.

Supervisor Chervokas moved that this Public Hearing be adjourned until June 13th.

Motion Carried: Unanimously

V. ANNOUNCEMENTS

The Memorial Day Parade will take place on Monday, May 29th beginning at Croton Avenue and Roosevelt Square at 9:30 a.m. and will proceed down to Nelson Park where a Ceremony will take place at 11 a.m. The Memorial Day Parade in Briarcliff Manor will take place at noon.

The Annual Village Fair will take place on June 10th.

VI. TOWN BOARD RESOLUTIONS

A. Approval of Minutes – May 9, 2006

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

Resolved, that the Town Board hereby approves the Minutes of the May 9, 2006 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Dodge moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Resolved, that the Town Board hereby approves the Voucher Detail Report dated May 23, 2006 in the amount of \$339,518.08.

Motion Carried: Unanimously

C. Approval of the North State Road Sewer District Extension #1
Richard Hare

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

Whereas, a Petition for the extension of the North State Road Sewer District located at Morningside Drive in the Town of Ossining, Westchester County, New York, dated April 14, 2006 has been presented to the Town Board by Richard Hare, and

Whereas, an Order was duly adopted by the Town Board on May 9, 2006, reciting the filing of said petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying May 23, 2006 at 7:30pm in the Police/Court Facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a public hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

Whereas, such Order was duly posted and published as required by law; and

Whereas, a public hearing on the matter was duly held by the Town Board on May 23, 2006, where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and

Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing borne by the Town of Ossining, the North State Road Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the North State Road Sewer District located at Morningside Drive in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department

of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

Councilmember Harter moved and it was seconded by Councilmember Wilcher that Resolutions "D & E" be TABLED to the June 13, 2006 Regular Meeting.

Motion Carried: Unanimously

D. Adopting Negative Declaration to amend Chapter 200 of the Zoning Code to permit municipally owned and operated firehouses as a conditional use in the R-40, R-35, R-20 and R-20A Districts

WHEREAS the Town Board of the Town of Ossining, at its regular public meeting on May 23, 2006 held a public hearing pursuant to notice which would amend Chapter 200 (Zoning) of the Code of the Town of Ossining to permit municipally-owned and operated firehouses as a conditional use in the R-40, R-35, R-20 and R-20A Districts; and

WHEREAS the Town Board, as Lead Agency, determined that the proposed action was an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") and caused the preparation of a long form environmental assessment form ("EAF") resulting in a determination that ("the Proposed Action") will not have any significant adverse impacts upon the environment ("Negative Declaration") and, therefore, that no environmental impact statement need be prepared and the process required by SEQRA may be deemed complete; and

WHEREAS the Proposed Action does not directly involve site-specific construction or development activity but does involve the amendment of the Code of the Town of Ossining to permit municipally-owned and operated firehouses as a conditional use in certain zoning districts; and

WHEREAS any firehouse developed under the code, as amended, shall occupy a lot with an area of not less than two (2) acres; and

WHEREAS no building or part thereof shall be located within one hundred (100) feet of any street line and within sixty (60) feet of any other lot line; and

WHEREAS the sum of all areas covered by principal and accessory buildings shall not exceed twenty percent (20%) of the area of the lot; and

WHEREAS sufficient exterior illumination of the site shall be provided to assure convenience and safety and the direct source of all exterior lighting shall be shielded from the view of surrounding residential lots; and

WHEREAS only fire department members, their families and invited guests may utilize the firehouse for usual and customary accessory firehouse activities; and

WHEREAS the firehouse may also be used for community events such as municipal voting, blood drives, and disaster or other emergencies, with the approval of the Fire Chief or an Assistant Chief; and

WHEREAS the entire lot, except for areas covered by buildings or parking or loading areas, shall be suitably landscaped and properly maintained; and

WHEREAS there shall be no external alarms, sirens, air whistles or similar sounds emanating from the firehouse building; and

WHEREAS the appearance of the firehouse building shall be compatible with surrounding residential development; and

WHEREAS on-site parking areas shall comply with § 200-29.D, Regulations for Parking Spaces Adjacent to Lots in Any Residence District; and

WHEREAS the firehouse use shall comply with Chapter 130 of the Town Code regarding Noise; now therefore be it

RESOLVED that the Town Board hereby finds that the Proposed Action, namely the adoption of Local Law No. 3 of 2006, will not directly result in any significant adverse impacts on the environment, more specifically:

- The Proposed Action will not directly result in any physical changes to any properties.
- The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area (CEA).
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.
- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.
- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

- The Proposed Action will not have a significant adverse environmental impact on the public health and safety.
- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community; and it is further

RESOLVED that the aforementioned EAF and Negative Declaration are hereby adopted and approved and the Supervisor is authorized to execute any and all appropriate documents in connection therewith.

E. Adoption of Local Law 3-2006 to amend Chapter 200 (Zoning) of the Town Code to permit municipally owned and operated firehouses as a conditional use in certain One-Family Residence and Residence Office Districts

WHEREAS a public hearing on notice was duly held before the Town Board of the Town of Ossining on May 23, 2006 to consider whether the Town Board should amend Chapter 200 (Zoning) of the Code of the Town of Ossining to permit municipally-owned and operated firehouses as a conditional use in certain One-Family Residence and Residence Office Districts; and

WHEREAS the Town Board, as Lead Agency, duly caused the preparation of a long form Environmental Assessment Form (“EAF”) with respect to such Proposed Action and, upon the basis of such EAF, has found that the Proposed Action will not result in any significant adverse impacts on the environment and has therefore duly issued and approved a Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) meaning that the preparation of an Environmental Impact Statement with respect to the Proposed Action is not required; now therefore be it enacted by the Town Board of the Town of Ossining as follows:

Section 1 – Chapter 200 (Zoning) of the Code of the Town of Ossining is hereby amended as follows:

- (a) Section 200.7.C is renumbered to 200-7.D.
- (b) A new Section 200.7.C is added and shall read as follows:
 - C. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof and subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.
 - (1) Municipally owned and operated Firehouses owned and operated by a municipality whose offices are located within the territorial limits of the Town of Ossining, subject to the following regulations:
 - (a) Any such use shall occupy a lot with an area of not less than two (2) acres.
 - (b) No building or part thereof shall be located within one hundred (100) feet of any street line and within sixty (60) feet of any other lot line.
 - (c) The sum of all areas covered by principal and accessory buildings shall not exceed twenty percent (20%) of the area of the lot.
 - (d) Sufficient exterior illumination of the site shall be provided to assure convenience and safety. The direct source of all exterior lighting shall be shielded from the view of surrounding residential lots.

- (e) Only fire department members, their families and invited guests may utilize the firehouse for usual and customary accessory firehouse activities.
- (f) The firehouse may also be used for community events such as municipal voting, blood drives, and disaster or other emergencies, with the approval of the Fire Chief or an Assistant Chief.
- (g) The entire lot, except for areas covered by buildings or parking or loading areas, shall be suitably landscaped and properly maintained.
- (h) There shall be no external alarms, sirens, air whistles or similar sounds emanating from the firehouse building.
- (i) The appearance of the firehouse building shall be compatible with surrounding residential development.
- (j) On-site parking areas shall comply with § 200-29.D, Regulations for Parking Spaces Adjacent to Lots in Any Residence District, of this chapter.
- (k) The firehouse use shall comply with Chapter 130, Noise, of this Code.

(c) A new Section 200-8.C(3) is added and shall read as follows:

(3) Any use so permitted in, and as regulated in, the R-40 Residence District.

(d) A new Section 200-9.C is added and shall read as follows:

C. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof and subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

(1) Any use so permitted in, and as regulated in the R-40 Residence District.

(e) A new Section 200-10.C is added and shall read as follows:

Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof and subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

(1) Any use so permitted in, and as regulated in the R-40 Residence District.

Section 2 - The following parking requirement shall be inserted in Section 200-29.A(1):

Use	Minimum Required Off-Street Parking Spaces
Municipal firehouse	1 space per 200 square feet of gross floor area

Section 3 – This local law shall be effective immediately as permitted by law.

F. Zoning Board of Appeals – Appointment – James F. Blair

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

Resolved, that the Town Board of the Town of Ossining hereby appoints James F. Blair, Croton Dam Road, Ossining, to the Zoning Board of Appeals for a five-year term expiring 12/31/10.

Motion Carried: Unanimously

G. Amending Resolution adopted on January 10, 2006 regarding duties of Confidential Secretary

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

Whereas, it is hereby determined by the Town Board that the duties of Budget Officer and Personnel Director are to be separated from the title of Confidential Secretary to the Supervisor;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Ossining hereby appoints Connie Cerny, Tommy's Lane, South Salem, NY to the position of Budget Officer/Personnel Director effective January 1, 2006-December 31, 2006.

Motion Carried: Unanimously

H. Appointment of Confidential Secretary to the Supervisor

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Ann Carroll Malone, Iroquois Road, Ossining, NY to the position of Confidential Secretary to the Supervisor at an annual salary of \$35,000 effective June 1, 2006.

Motion Carried: Unanimously

I. Senior Citizens-Call-a-Cab Program

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a contract with Classic Taxi for participation in the Call-a-Cab program for January 1, 2006-December 31, 2006.

Motion Carried: Unanimously

J. Engel Park - Sprayground Change Order

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the following change orders with Pat. F. Corsetti, Inc.:

Furnish labor & materials to install backflow preventer and 3" water service connection	\$16,700
Labor & materials to re-feed existing site lighting from existing service. Work to include all excavation & backfill to	\$1,600

install underground service line. Supply & installation of approx. 70LF of 1 ½ conduit with connection to two existing light poles, supply & installation of approx. 70LF electrical service line and connection of site lights.

Motion Carried: Unanimously

K. 2006 Budget Adjustment

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following budget adjustment be made to the 2006 Budget:

<u>TRANSFER TO G/L ACCOUNT</u>	<u>AMOUNT</u>	<u>TRANSFER</u>	<u>FROM</u>	<u>G/L</u>
Capital Project-Sprayground 37-7110-2140	\$18,300		Trust & Agency-Park Land Deposits 033-033-0037	

Motion Carried: Unanimously

L. Parks Department-Seasonal Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Patrick Turck, State Street, Ossining, NY to the seasonal position of Laborer in the Parks Department at a rate of \$8.00/hr effective May 30, 2006.

Motion Carried: Unanimously

M. Highway Department-Part Time Appointment

Councilmember Krieger moved and it was seconded by Councilmember Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Jason Clark, Snowden Avenue, Ossining, NY to the part-time position of Laborer in the Highway Department at a rate of \$12.00/hr, effective June 5, 2006.

Motion Carried: Unanimously

N. Finance-Closing Capital Project

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following capital project to be closed:

37-5130-201-2001-0012 Heavy Duty Truck (Highway Department)

Motion Carried: Unanimously

O. Procurement Policy

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

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Town of Ossining involved in the procurement process, now, therefore, be it

RESOLVED, that the Town of Ossining does hereby adopt the following procurement process which is intended to apply to all goods and services which are not required by law to be publicly bid.

Purchases up to \$999

Town Department Managers may authorize purchase of not more than nine-hundred and ninety nine dollars (\$999) per purchase contract for materials, services, supplies or repairs provided that such purchase is made in conformance with the following procedure:

- A. A standard Claim Voucher is to be completed and submitted to the Supervisor's Office with the following information:
 1. Name and address of Vendor
 2. Date and vendor number
 3. Budget Account Codes
 4. Quantity, description and purpose of goods or services purchased
 5. Signature of Department Head

- B. The Claim Voucher must be accompanied by an original invoice and packing slip, if applicable.

Purchases between \$1,000-\$2,999

Department Managers may make purchases between \$1,000 and \$2,999 for materials, supplies and repairs provided that such purchase is made in conformance with the following procedure:

- A. Two verbal quotations are required. A verbal quotation form available in the Supervisor's Office must be used to document the quotes. Attach verbal quotation form to claim voucher along with invoice and submit to Budget Officer for approval.

Purchases between \$3,000-\$10,000

Department Managers may make purchases between \$3,000 and \$10,000 for materials, supplies and repairs provided that such purchase is made in conformance with the following procedure:

- A. A Purchase Order is to be completed in order to encumber the expenditure. This form shall be submitted to the Budget Officer with the following information:
 - a. Name and address of recommended vendor
 - b. Date, Vendor Number, Budget Account Codes
 - c. Quantity, description and purpose of the purchase
 - d. Unit cost and total cost of proposed purchase
 - e. Purchase Order must be signed by the Department Manager

- B. Three written quotations are required. A written quotation form available in the Supervisor's Office must be used to document the quotes. Attach written bid requests to the Purchase Order along with documentation from vendor indicating cost and submit to Budget Officer for approval.

- C. Approved purchases will be acknowledged to the Department Manager by copy of the signed Purchase Order signed by the Town Supervisor with a Purchase Order number assigned to it by the Finance Department.

D. Upon satisfactory receipt of the material, supply or repair, the Department Manager will submit to the Budget Officer the following:

- a. Purchase Order signed by the Department Manager to indicate approval for payment along with an invoice from the vendor attached to the Purchase Order.

Any public works contract over \$10,000 must follow above procedures and obtain three written quotes. A Public Works Contract over \$20,000 is subject to competitive bidding.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall failure to obtain the proposals be a bar to the procurement.

Purchases are subject to the availability of funds. Department Managers may not authorize purchases under this section when there are insufficient funds in the designated budget account. The Budget Officer distributes monthly budget expenditure reports showing the available funds in each department account.

Purchases of \$10,000 and over

All purchases of materials, supplies and repairs of equipment of \$10,000 or more and all public works contracts of \$20,000 or more requires competitive bidding subject to the laws of New York.

- A. The Town Supervisor and Clerk's office shall be responsible for the issuance of required documents, notices and advertisements required under the competitive bidding laws and for the receipt of such bids from vendors.
- B. Department Managers will be responsible for preparing information regarding the quantity, quality and specifications of the materials, supplies or work to be furnished.
- C. Capital Projects are defined as improvements to the Town's operations in excess of \$12,000 per project. Please consult with the Budget Officer in order to establish a Capital Project number and processing of Purchase Order.

General Provisions:

1. Where possible, purchases should be made from New York State and Westchester County purchasing contracts. These purchases are exempt from the competitive bidding requirements of General Municipal Law Section 103. Information regarding these contracts is available online at www.ogs.state.ny.us. The NYS Contract number must be written on claim voucher or purchase order along with a print-out from the OGS website indicating the item is on NYS Contract.
2. Documentation is required of each action taken in connection with each procurement.
3. Documentation and explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstance.
4. Pursuant to General Municipal Law Section 104-b(2)(f).the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following

circumstances, it may not be in the best interest of the Town of Ossining to solicit quotations to document the basis for not accepting the lowest bid:

- a. **Professional services or services requiring special or technical skill, training or expertise.** The individual or company must be chosen based on accountability, reliability or responsibility, skill, education, and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Town of Ossining Town Board shall take into consideration the following guidelines: 1) whether the services are subject to state licensing or testing requirements; 2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (3) whether the services require a personal relationship between the individual and municipal officials. Profession or technical services shall include but not be limited to the following: services of certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customization of pre-packaged software.

5. **Emergency purchases** pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety and welfare of the residents. This section does not preclude alternative proposals if time permits.
6. **Sole Source.** Competitive bidding is not required under Section 103 of the General Municipal Law in those limited situations when goods or services are available from only one source. If a determination is made that a particular item is available only from one source so that no possibility of competition exists, competitive bidding may not be required for the procurement of the item. Department Managers must document the unique benefits of the item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace
7. **Purchases of surplus and second hand goods** from any source. If alternative proposals are required, the Town of Ossining is precluded from purchasing surplus and second hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare process of used goods and a lower price may indicate an older product.
8. **Goods or services under \$1,000.** The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
9. The Town Board must authorize and approve all change orders on capital construction projects by Town Board resolution.
10. This policy shall go into effect on June 1, 2006 and will be reviewed annually.

Motion Carried: Unanimously

P. Finance-Capital Project# 2006-2144-Police Department-Advanced Mobile On-Line

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project# 2006-2144, entitled Police Department-Advanced Mobile On-line, in the amount of \$98,723, to be funded by a grant from the United States Department of Justice.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Bobby Williams, Spring Street, commented on various issues including his opposition to the war and the cuts that are being made to the Veteran's Programs.

VII. ADJOURNMENT

At 8:35 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Dodge that the meeting be adjourned.

Motion Carried: Unanimously

Mary Ann Roberts, Town Clerk

Approved: