



## AGENDA

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

**AUGUST 28, 2012  
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**
- 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 August 14, 2012 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 August 28, 2012 in the amount of \$134,594.23**

**C. Personnel- Justice Court Appointment**

**Resolved, that the Town Board of the Town of Ossining hereby appoints Barbara Sarmiento, Harrison, to the position of Assistant Court Clerk effective September 3rd, 2012 at an annual salary of \$45,000.**

**D. Justice Court Audit**

**RESOLVED, that the Town Board of Town of Ossining hereby acknowledges that in accordance with the Unified Court System's Action Plan for the Justice Courts, the 2011 Audit of the Town of Ossining Justice Court was conducted as required and said Audit has been distributed to and reviewed by the Town Board of the Town of Ossining.**

**E. 2011 Audit**

**RESOLVED, that the Town Board of the Town of Ossining hereby acknowledges that in accordance Section 35 of the General Municipal Law, the 2011 Audit of the Town of Ossining Financial Statements and Supplementary Information and management letter, and said Audit has been distributed to and reviewed by the Town Board of the Town of Ossining and said report shall be filed with the Office of the Town Clerk.**

**F. Local Law #3 of the year 2012 To Abolish The Position of an Elected Superintendent of Highways and Replace It With an Appointed Superintendent Of Highways In The Town Of Ossining.**

BE IT ENACTED by the Town Board Of The Town Of Ossining, New York, as follows:

**Section 1: Title**

This Local Law shall be known and cited as “Local Law # 3 of 2012, for the purpose of eliminating the elected position of Superintendent of Highways and replacing it with an appointed position of Superintendent of Highways.

**Section 2: Legislative Intent And Statutory Authority.**

The Town of Ossining desires to eliminate the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways. This Local Law is determined to be an exercise of the legislative powers of the Town and to promote the protection, health, safety and welfare of residents, to ensure the continued provision of excellent services to the public and to promote the fiscal welfare of the Town. This local law is enacted under the authority of Municipal Home Rule Law sections 10, 22 and 23. The Town hereby expressly states its intention to supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law section 20.

**Section 3: Abolition of Elected Position; Creation of Appointed Position of Superintendent of Highways.**

The elected position of the Superintendent of Highways in the Town of Ossining, New York is hereby abolished, effective January 1, 2014. The appointed position of the Superintendent of Highways in the town of Ossining, New York is hereby created, effective January 1, 2014.

**Section 4: Title.**

This local law shall be Incorporated in the Town of Ossining Code as a new Chapter thereof to be entitled: “The Office of the Superintendent of Highways”.

**Section 5: Transfer of Duties.**

Except as set forth in section 8, all duties, authority and power previously invested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of highways.

**Section 6: Minimum Qualifications.**

The Town Board shall determine the necessary minimum qualifications for the appointed position of Superintendent of Highways and shall adhere to those minimum qualifications in selecting an individual for appointment to the position.

**Section 7: Residency**

An appointee must be a resident of the Town of Ossining as of the effective date of such appointment unless the Town Board, in its sole discretion, determines that the most qualified candidate for the position resides outside the Town of Ossining and it is further determined that it is not a violation of New York State Law to hire a nonresident of the Town Of Ossining.

**Section 8: Authority of Superintendent; Appointing authority:**

- a) The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Ossining the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.

- b) The Town Board shall be the appointing authority for all employees of the Highway Department and shall have approval authority for all Highway Department procurements and expenditures.

**Section 9: Term of Office**

The appointed Superintendent of Highways of the Town of Ossining shall serve for a term of four years, upon the terms and conditions and salary determined by the Town Board. The first nine months of the term shall be considered probationary after which time the Town Board will determine whether to reaffirm the appointment. The appointment may also be terminated at any time by either party, for any reason, upon 90 days notice.

**Section 10: Mandatory Referendum**

This local law shall be subject to a mandatory referendum at the next regularly scheduled General Election on November 6, 2012.

**Section 11: Ratification, Re-adoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 12: Inclusion in The Code**

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; and that the sections and subsections of this Local Law may be renumbered or read letter to or accomplish such intention; and that the word "local law" shall be changed to "chapter", "section" or other appropriate word, as required for codification.

**Section 13: Renumbering**

The location and numerical designation of this Local Law and the sections included here in shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

**Section 14: Codification**

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section number by the codifier, General Code, in accordance with the numbering system of the Code.

**Section 15: Codifier's Changes**

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law of the provisions of the code affected thereby.

**Section 16: Codifier's Changes**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

**Section 17: Effective Date**

**This Local Law shall take effect immediately upon adoption and filing with the Sec. of State as provided by the Municipal Home Rule Law and upon the affirmative vote of a majority of the qualified electors of the Unincorporated section of the Town of Ossining voting therein at such General Election on November 6, 2012, and the filing with the Office of the Sec. of State in accordance with the applicable provisions of law on January 1, 2014.**

**V. CORRESPONDENCE TO BE RECEIVED AND FILED**

- **Town Planning Board Minutes dated August 8, 2012**
- **Town Planning Board Minutes dated July 11, 2012**

**VI. MONTHLY REPORTS**

**VII. VISITOR RECOGNITION**

**VIII. ADJOURNMENT**