

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

AUGUST 26, 2008 – REGULAR MEETING
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter Northern Wilcher
David Krieger Kimberlie Jacobs

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on August 26, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order by Interim Supervisor Martha Dodge. Members of the Board present were: Councilmembers David Krieger, Northern Wilcher and Kimberlie Jacobs. Councilmember Geoffrey Harter was absent. Also present were: Thomas Beirne, Town Attorney and Constance Evans, Deputy Town Clerk.

II. PUBLIC HEARING – Continuation – Studio Hill Mansion

Supervisor Dodge announced that the public hearing would be closed this evening. As of this date, the cabaret application is still incomplete as their Liquor License has not been issued. The Zoning Board of Appeals will be addressing the two issues with regard to the temporary tent and whether the premises can be used as a restaurant. Neighbors will be notified of the time and location of the ZBA meeting.

At 7:32 p.m., Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the public hearing be closed.

Motion Carried: Unanimously

III. PRESENTATION – Robert Hoch of Cablevision

Mr. Hoch, Director of Governmental Affairs for Cablevision, was here this evening to answer questions with regard to the recent change in service affecting the public education government access channels. In early August, customers as well as the Town were notified that as of September 16th, access channels that are currently transmitted in analog and digital format will be transmitted in digital format only. This means either a digital TV or cable box will be required in order to receive those channels. Residents will have until October 16th to receive a free box and remote for one year. The toll free number for residents to call is 800-353-9821. There will be one free box per family or location. Councilmember Krieger asked that a location such as a school that had a TV in each classroom, would they receive a free box for each TV. Mr. Hoch said no. They would receive only one and would have to pay for each addition box, which is currently \$6.50 per box per month. Councilmember Krieger asked how long will the free box and remote be free. Mr. Hoch said there was no time limit. Councilmember Krieger asked if that could be put into writing. Supervisor Dodge asked why Yorktown residents were given a different cutoff date then Ossining residents. Mr. Hoch said he didn't know but would check into both questions.

IV. ANNOUNCEMENTS

Councilmember Krieger announced the Ossining Public Library is presenting "Journey to the Bottom of the World". Professional photographer Anne Marie

Leone will be sharing her trip to Antarctica, beginning at 7:30 p.m. on September 25th.

Councilmember Krieger also stated anyone wishing to contact Public Service Commission with questions regarding Cablevision can do so by calling 1-800-342-3330, or on the web at dps.state.ny.us or by mail at 3 Empire State Plaza in Albany 12223.

Supervisor Dodge announced that the Town of Ossining was awarded a Records Management Grant for the storing and microfilming of records for Dale Cemetery. The Board thanked George Weeks and Elisa Sciarabba for all of their work on this grant.

V. BOARD RESOLUTIONS

A. Approval of Minutes - August 12, 2008

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following be approved:
Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the August 12, 2008 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated August 26, 2008 in the amount of \$203,210.64.

Motion Carried: Unanimously

C. Call-a-Cab Agreement

Councilmember Krieger 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 Town Supervisor to sign an agreement with M K Taxi, 260 North State Road, Briarcliff Manor, for participation in the call-a-cab program for the period ending December 31, 2008.

Motion Carried: Unanimously

D. Awarding of Bid – Samstag Avenue Retaining Wall

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

Whereas, the Town of Ossining has solicited bids for the installation of a retaining wall and concrete curbs on Samstag Avenue; and

Whereas, a public notice was advertised in the Journal News on July 28, 2008; and

Whereas, at 10:00 AM, Thursday, August 14, 2008 all bids received were opened and upon reviewing the bids, the Consulting Engineer determined that the lowest responsible bidder meeting the requirements of the contract documents for the installation of a retaining wall and concrete curbs on Samstag Avenue is Abbott & Price, 71 Sunset Drive, Ossining, at a total bid price of \$63,714.00; Now

Therefore be it Resolved, that the Samstag Retaining Wall bid is hereby awarded to Abbott & Price, 71 Sunset Drive, Ossining, NY for a total amount of \$63,714.00.

Motion Carried: Unanimously

E. Finance – Capital Project # 2008 - 2158 – Samstag Avenue Retaining Wall

Councilmember Jacobs 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 establishment of Capital Project # 2008-2158, entitled Samstag Avenue Retaining Wall in the amount of \$63,714.00 to be financed by a Bond Anticipation Note.

Motion Carried: Unanimously

F. Awarding of Bid – Engel Park Planting and Overlook Phase III

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

Whereas, the Town of Ossining has solicited bids for the Engel Park Planting and Overlook Phase III project; and

Whereas, a public notice was advertised in the Journal News on July 28, 2008; and

Whereas, at 11:00 am on Thursday, August 14, 2008, all bids received were opened and upon reviewing the bids, the Town Attorney determined that the lowest responsible bidder meeting the requirements of the contract documents is Vernon Hills Contracting Corp., 395 N. MacQuesten Pkwy., Mt. Vernon, NY for a total amount of \$145,210.00; now

Therefore be it Resolved, that the Engel Park Planting and Overlook Phase III bid is hereby awarded to Vernon Hills Contracting Corp., 395 N. MacQuesten Pkwy., Mt. Vernon, NY for a total amount of \$145,210.00

Motion Carried: Unanimously

G. Appointment – Police Officer

Councilmember Krieger 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 Michael DeMaio as Police Officer, Third Grade, effective August 27, 2008 at an annual salary of \$69,551.00 in accordance with the rules and regulations of the Westchester County Personnel Department. The probationary period shall be for a minimum of twelve (12) weeks to a maximum of fifty- two (52) weeks.

Motion Carried: Unanimously

H. Appointment – Intermediate Clerk – Supervisor’s Office

Councilmember Jacobs 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 Elisa Sciarabba, Old Oregon Road, Cortlandt Manor, New York, to the part-time position of Intermediate Clerk effective September 5, 2008 at \$15.50/hr. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

I. Agreement – CGI Communications, Inc.

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

Whereas, CGI Communications, Inc. has entered into a partnership with the US Conference of Mayors using technology they developed for streaming Video applications on the internet; and

Whereas, the Town of Ossining has been presented with the opportunity to receive a fully produced Community Video Showcase program, which will be linked to the Town's website at no cost to the Town;

Now, Therefore Be It Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into a three year agreement with CGI Communications, Inc. for a Community Video Showcase program.

Motion Carried: Unanimously

J. Entering into an agreement with Auditel Telecommunications Corp. for the purpose of auditing telephone billing for the Town of Ossining

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

Resolved, that the Town Board of the Town of Ossining authorizes the Town Supervisor to enter into an agreement with Auditel Telecommunications Corp. of 31 Merrick Avenue, Merrick, NY to audit and evaluate the Town of Ossining's telephone billing; and be it further

Resolved, that there shall be no fee for Auditel Telecommunications Service except if Auditel discovers overcharges to the telephone billing, the fee shall be 35% of the amount of overcharges credited to or collected by the client on a one time basis only.

Motion Carried: Unanimously

K. AmericanTowns.com LLC Service Agreement

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

Whereas, the Town of Ossining desires to communicate its events and initiatives broadly and efficiently to the local community and to participate with other community organizations in a shared Ossining Community Calendar; and

Whereas, AmericanTowns.com LLC. has agreed to host and maintain a shared "community webspace" at no cost to the Town, for use by the residents of the Town of Ossining, which will include a shared community calendar, an area for local news and posting of news and announcements by the community; now

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an agreement with AmericanTowns.com LLC. , 43 Ruane Street, Fairfield CT, for a term of one year, which term shall be automatically renewed each year for an additional one year term unless written

notice of cancellation is received prior to the renewal date. The agreement may also be terminated by either party on 30 days written notice.

Motion Carried: Unanimously

L. Intermunicipal Agreement – Tax Collection

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

WHEREAS, the Village of Ossining (the “Village”), which has in the past been responsible for the collection of Village taxes in January (First Half) and July (Second Half) of each calendar year, requested the assistance of the Town of Ossining (the “Town”) in collecting Second Half 2008 Village taxes because a Village employee with primary responsibility for such collection had terminated her employment as of July 22, 2008; and

WHEREAS, the Town Tax Receiver and her staff agreed to provide the assistance needed to effect prompt and efficient collection of Second Half 2008 Village taxes, in return for which the Village agreed to reimburse the Town as set forth in a proposed Inter-Municipal Agreement which has been reviewed and considered by the Town Board;

NOW, THEREFORE, it is

RESOLVED that the Supervisor be, and she hereby is, authorized and directed to execute an Inter-Municipal Agreement, as described above, with the Village of Ossining providing for tax collection assistance to the Village by the Town in connection with 2008 Second Half Village taxes and appropriate reimbursement of expenses to the Town by the Village, all as recited in the said Inter-Municipal Agreement.

Motion Carried: Unanimously

M. Retainer Agreement – DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

Councilmember Wilcher 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 retains the law firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as special counsel for Tax Certiorari matters with a period ending date of December 31, 2008. Compensation to the law firm shall be in accordance with their letter dated August 12, 2008.

Motion Carried: Unanimously

Attorney Beirne stated that he is disclosing the fact of his affiliation with this law firm. He explained that he would be handling certioraris that would be settled locally and that special counsel would handle the matters going to trial.

N. 2008 Budget Adjustments

Councilmember Wilcher 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 transfers to be made to the 2008 budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
Town Justice			
010-1110-0428-Dues	45.00	45.00	010-1110-0405-Conference
Town Attorney			
010-1420-0425-Labor Counsel	5000.00	5000.00	010-1989-0487-Pace Univ. IMA Study
Assessment			
010-1355-0402-Printing	700.00	1400.00	010-1355-0105-Overtime
010-1355-0406-Telephone	700.00		
Buildings			
010-1620-0438-Miscellaneous	100.00	100.00	010-1620-0201-Equipment
Nutrition			
010-6772-0411-Gasoline	4860.93	2860.93	010-1910-0467-Liability
		2000.00	010-6772-0101-Personnel
010-6770-0418-Contract/Food	10000.00	17000.00	010-9010-0817-Hospital/Med
010-6771-0418-Contract/Food	6000.00		
010-6773-0401-Supplies	1000.00		
Parks			
010-7110-0103-Out of Title Pay	225.60	225.60	010-7110-0405-Conference
010-7110-0105-Overtime	7000.00	7000.00	010-7110-0110-Part-time
Police			
020-1930-0438-Judg & Claims	20583.35	20583.35	020-9010-0817-Hosp/Med Insurance
Building			
020-3620-0455-Constables	100.00	100.00	020-8010-0405-Conference

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Art Sullivan, Haymont Terrace, said that regarding Resolution M, he found it abnormal that the Town would retain a law firm for tax certiorari matters, when the Town's attorney is employed by that firm.

Mindy LaMarr, Haymont Terrace, stated that since Attorney Beirne had recused himself with regard to this cabaret license application, the Town should have had an attorney present this evening to answer questions.

Bobby Williams, Spring Street, stated that he was very much in support of the proposed ambulance district, which is a very important and much needed service in the community and hopes that there will be additional informational meetings in the future.

VII. ADJOURNMENT

At 8:22 p.m., Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Constance Evans, Deputy Town Clerk