

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

SEPTEMBER 23, 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 September 24, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Martha Dodge. Members of the Board present were: Geoffrey Harter, Northern Wilcher, David Krieger and Kimberlie Jacobs. Also present were: Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – In the matter of the Establishment of an Ambulance District to be known as the Town of Ossining Ambulance District Pursuant to Section 209-d of the Town Law.

The Public Hearing was opened at 7:31 p.m. by Supervisor Dodge.

A court stenographer was present to take the official minutes of the Public Hearing. Supervisor Martha Dodge opened the public hearing with a power point presentation outlining the situation as it now exists; explaining how it needs to change and the proposal that has been made to effect this change. A committee of officials from New Castle, Town of Ossining and the Village of Ossining has met on a regular basis to attempt to correct the situation. The Town Board is accepting written comments from the public which are to be sent or delivered to the office of the Town Clerk.

Mayor William Hanauer speaking on behalf of the Village Board stated that the Board is considering the seriousness of this situation and is in full support of the proposal. Councilmember Geoffrey Harter questioned whether Croton and Briarcliff will continue advanced life support. Supervisor Dodge responded that they would.

Steve Jennings a retired life member of OVAC related a story from 1983 which introduced him to the serves of OVAC. At that time he began his 15 year association with OVAC. OVAC is an all volunteer organization with a response time of approximately 8 minutes from the farthest point. OVAC thru the years has held fund drives and accepted donations of other types and now need the help of the Community and urges the Board to vote yes.

John Perillo, Havell Street, does support OVAC. In October 2004 the Village and Town Boards had a joint meeting to discuss the issues facing OVAC at that time and felt that they have had ample time to come to a resolution of this problem. A suggestion was made to provide an incentive to the volunteers such as what is offered to the Fire Department membership. Several questions and suggestions were posed such as whether an audit has been provided and that there should be more informational meetings to share concerns.

William McGovern, Ivy Road, New Castle, questioned whether they would go out for an RFP? Did New Castle reimburse OVAC for the 58 calls that were made to New Castle. The New Castle Town Board has been silent regarding the West End figures.

Marcia Perillo, Havell Street, stated that she is a big fan of OVAC, however does not understand why they are now rushing to find this money. Up until this point she has not heard that a problem exists. Can I forward questions and will I receive an answer to these questions? How is the money spent? Is there mismanagement in the organization? Has a financial audit been done and if so, what went wrong?

Michael Tawil, Woods Brook Circle, related a personal experience his family had with OVAC with a positive outcome. This tax district is a very serious step to be taking. There are several communities in the surrounding area that have taxing districts.

Sam Lubin, OVAC, stated that it is more competitive with paramedics than it has been in the past. He offered charts and graphs showing the increased call volume. Volunteers must now be supplemented with paid individuals.

Ray Martin, Belle Avenue, questioned whether the individuals being hired or are they filling the slots with per diem individuals?

Bobby Williams, Spring Street, expressed the opinion that this was the best way to go. This is the best way for the Community. Who will serve the Community when there is an accident, illness, etc. We need an ambulance and it costs more to save lives.

Richard Wishnie, OVAC, thanked the Boards for the 6 or 7 year discussion. OVAC has \$3.3 million in assets with a revenue recovery of \$532,000 in 2007 from insurance charges. At the present time there is a \$400,000 deficit. The Community has been enjoying a free service for the past 50 years with the use of dedicated volunteers. The district must be passed as OVAC can no longer provide a free service. There is a very dedicated oversight committee in place with members such as Village Justice Raymond Barlaam, Dr. Christie Joyce, Dr. Arno Houseman, Dr. Roberts Seebacher and Dr. Nigro from Phelps Memorial Hospital Center ER.

Peter Tripodi, Quail Hollow Road, questioned what other districts were doing? He opined that there has not been a strong enough dialog.

Anthony Sutton commended the Boards for trying to problem solve. This is an extremely strong organization that has done nothing wrong. There is a shrinking volume of paramedics.

Thomas Warren, Town Comptroller, stated that he has tried different financial models and that the advalorem tax would be the best way to go. There would be a contract between New Castle and OVAC for services.

Chief Kenneth Donato, Police Chief in the Town of Ossining, stated that he has been a police officer for 27 years and was born and raised in Ossining. He has done a trend analysis and finds that services have increased by 25% over the past 10 years. When officers have been injured, they have received top notch treatment and he expressed his appreciation of this service.

Sam Lubin, OVAC, invited the public to speak to him outside where he would answer questions and open the books if necessary.

Councilmember Geoffrey Harter thanked everyone for their participation.

Town Attorney Thomas Beirne stated that the assessment and tax is the only vehicle with the advalorem tax. It is more valuable. The number of calls was considered but not used with the results more in the middle. (Ossining is 93% and New Castle is 7%)

Supervisor Martha Dodge encouraged more volunteers with Ossining being the Volunteer Spirited Town. If you would like to volunteer at OVAC the following is the number of hours needed on a yearly basis. 130 hours for an EMT; additional 130 hours to be in Intermediate EMT, additional 600 hours for EMT CC; additional 1200 -1500 hours as a Paramedic. The plan will clarify the number of full time individuals which are currently per deum.

William McGovern stated that allowing volunteers to work with municipality and pay for health care benefits. Written comments will be very much appreciated.

At 8:47 p.m., Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the public hearing be adjourned to the October 14th Regular Meeting of the Town Board.

Motion Carried: Unanimously

The Board recessed from 8:47 p.m. until 8:55 p.m.

III. ANNOUNCEMENTS

Councilmember David Krieger announced that on September 25th at 7:30 p.m. in the Theater of the Ossining Public Library there will be a film entitled "Journey to the Bottom of the World" and on October 15th at 7:30 p.m. in the Theater of the Ossining Public Library will be a slide show presentation on the "Old Put" which is the history of the old Putnam Railroad. Relative to cable access, it is necessary to have a digital cable box in order to be able to view government and public access channels. If you are having a problem and have complaints, please notify the following: Public Service Commission, 1-800-342,3330 or at 3 Empire State Plaza, Albany, New York 12223 or the Attorney General's Office located at 120 Broadway, New York, New York 10271-0332 or at 1-800-771-7755.

IV. BOARD RESOLUTIONS

A. Approval of Minutes – September 9, 2008

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 approves the Minutes of the September 9, 2008 Regular Meeting.

Motion Carried: Unanimously

B. Approval of the Voucher Detail Report

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 approves the Voucher Detail Report dated September 23, 2008 in the amount of \$393,099.56.

Motion Carried: Unanimously

C. Lease Agreement – 16 Croton Avenue, 3rd Floor Copier

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 Town Supervisor to enter into a lease and maintenance agreement with De Lage Landen, 1111 Old Eagle School Road, Wayne, PA, for a Sharp MXM550 Digital Copier for 16 Croton Avenue, 3rd Floor Offices, at a monthly payment of \$464.20 for a term of forty-eight months.

Motion Carried: Unanimously

D. Westchester Community Opportunity Program Inc. – Appointing Town Representative

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 Reginald Bush to serve as the Town of Ossining representative to the Board of Directors of the Westchester Community Opportunity Program for the 2008-2009 years.

Motion Carried: Unanimously

E. Stipulation of Settlement-Local 456 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America

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

Resolved, that the Town Board hereby approves the Stipulation of Settlement between the Town of Ossining and Local 456 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, dated September 4, 2008 and be it further

Resolved, that the Town Supervisor is authorized to execute the Stipulation of Settlement.

Motion Carried: Unanimously

F. Authorizing Renewal of Generator Inspection Contract for Lift Stations

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 a renewal generator inspection contract with Gabel Equipment Corporation of Port Chester, New York, for regularly scheduled service visits of the Town's lift stations effective October 1, 2008 – September 30, 2009.

Motion Carried: Unanimously

G. Agreement – CARCO Group Inc.

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 Town Supervisor to sign an agreement with CARCO Group Inc., 5000 Corporate Court, Suite 203, Holtsville, New York, for pre-employment screening.

Motion Carried: Unanimously

H. Finance – 2008 Budget Adjustment

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

Resolved, that the Town Board hereby approves the following budget adjustment to be made to the 2008 budget:

TRANSFER TO G/L ACCOU	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
Police Department			
020-3120-0439 Investigations	\$300.00	\$300.00	020-3120-0405 Conferences

Motion Carried: Unanimously

I. Finance – Closing Capital Projects

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 following capital projects to be closed and the unexpended balances transferred or adjusted as indicated:

<u>Project</u>	<u>Project Name</u>	<u>Surplus</u>	<u>Disposition</u>
2007-2149	Highway Packer Truck	\$2,275.00	Transferred to debt service
2007-2152	Recreation Dump Truck	\$42.52	Transferred to debt service
9315	Croton Sewer District	\$0	Close-Out
2004-2129	55 & 57 Morningside Drive	\$0	Close-Out

Motion Carried: Unanimously

J. Police Department –Implementation of Tasers

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

WHEREAS, the Town of Ossining Police Department has reviewed the possible acquisition by the Department of one or more taser instruments in order to provide its' officers with an additional option for dealing with confrontations with disorderly and potentially dangerous persons; and

WHEREAS, after such review, the Police Chief concluded that the acquisition of one or more tasers would serve to protect members of the public coming in contact with Town of Ossining police officers, as well as the officers themselves, and would generally be in the best interest of the Town of Ossining; and

WHEREAS, the Police Chief has prepared a strict and comprehensive set of protocols for training of police officers in the use of the taser, including clear guidelines for the limited circumstances in which the taser is to be used, and

procedures for reviewing all incidents in which a taser is discharged to insure that such discharge was necessary and justified under the circumstances; and

WHEREAS, the Town Board has conferred with the Police Chief and carefully reviewed the information which is available concerning the subject balancing the risks of authorizing a new weapon with the potential for avoiding having to use more deadly weapons, and concluded that making the taser available to Town of Ossining police officers is in the best interest of both the general public and the officers themselves

NOW, THEREFORE, be it

RESOLVED, that the Town of Ossining Police Department be, and it hereby is, authorized to acquire one or more tasers utilizing the Forfeiture of Proceeds Fund and to carry and employ such tasers, subject to the guidelines promulgated by Chief Donato, for a period of six (6) months, after which the Town Board and the Police Department will review the situation and determine whether and under what conditions, the taser program will be made permanent

Motion Carried: Unanimously

K. Calling a Public Hearing – Cabaret License-Studio Hill Mansion

Councilmember Jacobs 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 calls for a public hearing to be held at 7:35 P.M. on Tuesday, October 14, 2008 in the Police/Court Facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret License by Studio Hill Mansion, 25 Studio Hill Road, Briarcliff Manor, NY.

Motion Carried: Unanimously

L. Calling a Public Hearing – Cabaret License – Tuscan Grille

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 calls for a public hearing to be held at 7:40 P.M. on Tuesday, October 14, 2008 in the Police/Court Facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret license by Tuscan Grille, 518 No. State Road, Briarcliff Manor, NY.

Motion Carried: Unanimously

M. Teamsters – Stipulation of Settlement

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

Resolved, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation between and among Anthony Bernardo, the Town and Local 456, I.B.T.; and be it further

Resolved, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation on its behalf.

Motion Carried: Unanimously

N. Highway Department – Disciplinary Issues

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 Town Supervisor to impose such discipline as she deems appropriate against an employee in the Highway Department now involved in disciplinary proceedings and/or to execute an agreement with the employee and the Teamsters Union as she deems appropriate which resolves any disciplinary issues with the employee.

Motion Carried: Unanimously

V. MONTHLY REPORTS – August, 2008

Resolved, that the Town Board of the Town of Ossining hereby accepts the Monthly Reports for August, 2008 from Town Clerk, Building Inspector and Receiver of Taxes.

VI. VISITOR RECOGNITION

John Perillo, Havell Street, questioned Resolution “C” which is the leasing of a new copy machine and questioned whether the price was included on the State contract bid list and whether it included supplies and a maintenance agreement. Resolution “J” relative to the tasers was also questioned as to what will happen after the 6 month trial and the Town decides this is not the way to go? Supervisor Dodge stated that they would be declared surplus and then sold. Mr. Perillo also stated that there was no public comment allowed prior to the adoption of the resolutions. The Board should be user friendly.

Bobby Williams, Spring Street, spoke on a number of overseas and financial issues in the United States.

Matthew Gullotta, Emwilton Place, invited the Community to the First Annual Fall Harvest which will be held on September 28, 2008 from 4 – 7 p.m. at Isabella’s Restaurant at \$35 per person for dinner and two drinks. These funds are for first responders, Family Ties and the Ossining Micro Fund. There will be a live and silent auction at this event.

Catherine Borgia, Audubon Drive, discussed the purchase of the tasers with information on the website regarding the story with OVAC. The Ossining Micro Fund has issued 18 loans and these are no interest loans made to individuals suggested by the Safety Net Organizations.

VII. ADJOURNMENT

At 9:32 p.m., Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk