

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

**FEBRUARY 24, 2009
7:30 PM**

**SUPERVISOR
Catherine Borgia
COUNCILMEMBERS**

Geoffrey Harter Michael L. Tawil
David Krieger Northern Wilcher

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on February 24, 2009 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Deputy Supervisor Geoffrey Harter. Other members of the Board present were: David Krieger, Northern Wilcher and Michael Tawil. Supervisor Catherine Borgia was absent. Also present were: Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Councilmember Krieger announced the following programs at the Ossining Public Library: March 4 @ 7 p.m. Films of John Ford; March 5 @ 7:30 p.m., Dee Dee Emerson Davis walked every street in New York City and took photographs as well as writing a book which she will be discussing at this program. March 18 @ 7:30 p.m., a program discussing the Leather Man – a local legend who is buried in Sparta Cemetery.

Deputy Supervisor Harter wished the Women's Basketball Team luck this evening as they play their first round of the Sectionals against Nanuet.

III. PUBLIC COMMENT ON AGENDA ITEMS

Andre LaMarr, Haymont Terrace, discussed Resolution E – Lease Agreement Police Car. He questioned the rationale of leasing a vehicle in the amount of more than \$28,000. Deputy Supervisor Harter responded that it was less expensive than an outright purchase and at the end of the lease the Town could purchase the vehicle for \$1.00. This vehicle is outfitted with a complete police package.

Peter Tripodi, Quail Hollow Road, questioned Resolution D which is the appointment of Richard Leins as Special Counsel.

IV. BOARD RESOLUTIONS

A. Approval of Minutes – February 10, 2009

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the February 10, 2009 Regular Meeting as presented.

Vote: 3 – 0 – 1
Voting Yes: Tawil, Wilcher, Harter
Abstaining: Krieger

Councilmember Krieger abstained as he was not present at the February 10th meeting.

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated February 24, 2009 in the amount of \$28,520.66 for 2008 and \$204,025.43 for 2009.

Motion Carried: Unanimously

C. Appointment-Town Attorney

Councilmember Tawil 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 appoints Wayne H. Spector, Waterview Drive, Ossining, as Town Attorney, effective March 1, 2009, for a term ending December 31, 2009, in accordance with Section 24 of the Town Law, at an annual salary of \$60,000. The annual salary will be prorated.

Motion Carried: Unanimously

D. Appointment of Special Counsel-Richard A. Leins, Esq.

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 enter into a retainer agreement with Richard A. Leins, Ossining, New York for general and special legal services for fiscal year 2009, to be rendered to the Town at an annual rate of \$40,000, payment to be for such services as are determined by the Town. The annual retainer is payable in monthly installments prorated for the balance of fiscal year 2009.

Motion Carried: Unanimously

E. Police Department – Vehicle Lease Agreement

Councilmember Tawil 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 Ford Motor Credit Company, Dearborn, Michigan, to lease a 2008 Mercury Sable at a cost of \$ 7,304.10 per year for four years. After the lease has been satisfied, the Town may purchase the vehicle for \$ 1.00.

Motion Carried: Unanimously

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

Councilmember Krieger moved and it was seconded by Councilmember Tawil 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 Westchester County Department of Senior Programs and Services to receive federal funding for the following programs for the period of January 1, 2009 – December 31, 2009.

| <u>Program</u> | <u>Federal Funding</u> |
|-----------------------|------------------------|
| III-B | \$9,949.00 |
| III-C1 | \$27,842.00 |
| Estimated III-C1 NSIP | \$12,649.00 |

| | |
|-----------------------|-------------|
| III C-2 | \$28,767.00 |
| Estimated III-C2 NSIP | \$19,031.00 |

Motion Carried: Unanimously

G. Westchester County – Employee Assistance Services

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 Town Supervisor to sign a renewal agreement between the Town of Ossining and

Westchester County Department of Community Mental Health for Employee Assistance Services for the period of January 1, 2009 – December 31, 2009 at a cost of \$2,275.00.

Motion Carried: Unanimously

H. Third Amendment Agreement – New York State Department of Environmental Conservation

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 Town Supervisor to enter into a Third Amendment Agreement with the New York State Department of Environmental Conservation for the Hudson River Shoreline/Riverfront Stabilization Erosion Controls and Runoff Treatment in Engel Park project to extend the contract end date from December 31, 2008 to May 31, 2010.

Motion Carried: Unanimously

I. Samstag Avenue Retaining Wall Repair – Maintenance Bond

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

Whereas, Abbott and Price, Inc. has completed the Samstag Avenue Retaining Wall repair and

Whereas, in accordance with the bid specifications, upon completion of the contract and before the final payment, the Contractor shall furnish a maintenance bond, which is a guarantee of all equipment, material and workmanship for a period of one (1) year in the sum of 100% of the final contract amount, and

Whereas, Abbott and Price, Inc. has furnished a maintenance bond in the full amount of the project, \$ 63,174.00, from Utica Mutual Insurance Company, New Hartford, New York, Bond No. SU 4136629 and upon review by the Town Attorney and consulting engineer, it was determined that the maintenance bond was acceptable, now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby accepts the maintenance bond from Abbott & Price, Inc. in the amount of \$ 63,714.00.

Motion Carried: Unanimously

J. Resolution – Authorizing Levy of Town Outside Unpaid Water Charges

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

WHEREAS, pursuant to an Inter-Municipal 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 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, pursuant to Section 198 of the Town Law, the Town of Ossining is authorized to levy unpaid water charges against delinquent properties;

NOW, THEREFORE, BE IT RESOLVED, that any water charges to a customer in the Town Outside that is delinquent for three or more months shall be levied against the delinquent property and shall be subject to penalty in the manner provided by law.

THEREFORE, BE IT FURTHER RESOLVED, that the Village Clerk of the Village of Ossining, shall file with the Supervisor of the Town of Ossining, as required by law, statements showing water charges within the Town Outside which are delinquent for three or more months and which have not appeared on any statements previously filed and that such statements shall contain a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amounts chargeable to each for the purposes of levy and enforcement under “Water Rents” and upon receipt of such statement, the Supervisor will transmit said statement of delinquent water charges to the Receiver of Taxes for levy against those delinquent properties.

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Mindy LaMarr, Haymont Terrace, questioned whether the Town has a Board of Ethics. Deputy Supervisor Harter responded that the Town has one, but there are no members at this time. Mrs. LaMarr questioned who a complaint is given to? Deputy Supervisor Harter responded that it should be given to the Supervisor or to the Town Board. At that point it will be distributed to all Town Board Members for discussion with the Town Attorney. Councilmember Tawil stated that the Town Board was in preliminary stages of discussion at this time. Deputy Harter responded that there was no set timetable and there has been preliminary discussion with the Supervisor, a former Village Trustee, who may take a lead from the Village who already have an Ethics Board in place.

Ellen Kahan, Ganung Drive, discussed the settlement with 25 Studio Hill Road. The owners of 25 Studio Hill Road have violated the settlement agreement numerous times. The Town should vacate the settlement as they used the second floor, tents, and many other things. The former Town Attorney took a position with the plaintiff’s firm. There has been a lack of willingness on the part of the Police or the Building Department to issue violations. Deputy Supervisor Harter responded that the settlement doesn’t restrict the police from issuing violations. The Town Attorney responded that there were no restrictions on the police. According to Mrs. Kahan the lease that Mr. DeMeo had violated the settlement. Allegedly the former Town Attorney told the Building Inspector not to issue violations. Town Attorney Spector stated that the Zoning Board of Appeals did not discuss specific violations as it was not a fact finding hearing. Deputy Supervisor Harter stated that the Board raised the issue with the Zoning Board as a result of public session discussion. There is a Zoning Board of Appeals Meeting on Monday, March 2, 2009. An Article 78 has been filed by the owner of 25 Studio Hill Road. Deputy Supervisor Harter thanked the Group and stated it would be taken under advisement. Town Attorney

Spector addressed the conflict of interest aspect and stated the firm is not currently representing the property owner. That information was contradicted by the speaker. Deputy Supervisor Harter requested that the Town Attorney research this accusation.

Peter Tripodi, Quail Hollow Road, questioned whether it was legal to hire the Village Attorney as Deputy Town Attorney? Why was this necessary? Town Attorney Spector stated this can be done and there is no conflict. Mr. Leins has the capabilities and expertise and was available. The agreement will guard against anything unethical. This was the most reasonable thing to do. Mr. Leins is not Deputy Town Attorney, but is General and Special Counsel.

Bobby Williams, Spring Street, discussed the recession and the cost of owning a home in Westchester County.

Ellen Kahan, Ganung Drive, reminded those in need of assistance with fuel costs, etc. to call 211.

Councilmember Wilcher responded that he had given that number to someone today and they will be interviewed on Friday.

Deputy Supervisor Harter announced that former Police Chief Kenneth Donato is now the Executive Director of 211.

VI. ADJOURNMENT

At 8:40 p.m., Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned in memory of Ronald Christopher Jankowski. Mr. Jankowski was former Captain and founding member of Engine 92 in Scarborough. He was 53 years old.

Motion Carried: Unanimously

Mary Ann Roberts, Town Clerk

Approved: