

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

APRIL 14, 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 April 14, 2009 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Geoffrey Harter, David Krieger, Northern Wilcher and Michael Tawil. Also present were: Wayne Spector, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

II. PRESENTATION – Judith McCarthy, New York State Attorney General's Office

Judith C. McCarthy, New York State Attorney General's Office. Ms. McCarthy was introduced by the Town Clerk. She gave an overview of the duties of the Attorney General's Office. Their office is located in White Plains and covers Westchester, Rockland and Putnam Counties. Consumer Protection, Defensive action in prisons as well as mediations are handled by the Attorney General's office. They have received 1600 complaints with \$500,000 in restitution. They deal with rent deposits not being returned, credit card companies, as well as businesses. An example given was the recent issue with Fortunoff not honoring gift cards once they filed for bankruptcy as well as not delivering furniture items which were already on trucks. There are also outreach programs for senior citizens (Smart Senior Program). Other programs available are Project Internet Safety and Sunlight which deals with open government. There is a Health Care Bureau that deals with advocacy for health care billing issues.

III. ANNOUNCEMENTS

Councilmember Krieger announced that on April 16th at the Ossining Public Library in the Theater there will be a presentation of "Doubt, a Parable" by John Patrick Shanley which is free to the public. The play will begin at 7:30 p.m. Also at the Ossining Public Library on April 25th from 2 – 4 p.m. will be Birding for Beginners which will be a program teaching individuals to identify birds in your neighborhood.

Supervisor Borgia announced that a Teen Skills Workshop will take place at the Ossining Public Library on April 18th from 11 a.m. to 4 p.m. There will be four Job Skills Workshops as follows: Job Skills 1 – I Want to Work: Where and how to look for a job from 11 a.m. to 12 noon; Jobs Skills 2 – What Do I Need : Work permits and more from 12 noon to 1 p.m.; Jobs Skills 3 – How Do I Sell Myself: A resume helps from 1:30 p.m. – 2:45 p.m. and finally Job Skills 4 – What Do I Say: Ace the Interview – Do's and Don'ts from 2:45 to 4 p.m. There will be a Job Fair at the Joseph G. Caputo Community Center on Saturday, April 25th from 1 – 3 p.m. Also on April 25th from 10 a.m. to noon will be the Annual Stash the Trash. Supervisor Borgia also announced that there were several vacancies on the following Town of Ossining Committees: One on the Planning Board; one on the Zoning Board of Appeals; Shared Services Committee and Citizen Advisory

Board. The Shared Services and Citizen Advisory are both new committees. If you are interested, please forward your resume or letter to the Town Supervisor Office at 16 Croton Avenue, Ossining, New York.

IV. PUBLIC COMMENT ON AGENDA ITEMS – There were no comments.

V. BOARD RESOLUTIONS

A. Approval of Minutes – March 24, 2009

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the March 24, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Wilcher 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 approves the Voucher Detail Report dated April 14, 2009 in the amount of \$19,145.68 for 2008 and \$963,562.48 for 2009.

Motion Carried: Unanimously

C. Approval of Cabaret License – The Tuscan Grille – 518 North State Road, Briarcliff Manor, Town of Ossining

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

Whereas, The Tuscan Grille has filed an application for a Cabaret License for the calendar year 2009; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department; Now, therefore, be it

Resolved, that the Town Board of the Town of Ossining hereby approves the application of The Tuscan Grille, 518 North State Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions: 1 DJ using a Karaoke Machine shall be allowed on Wednesday and Friday evenings from 7 p.m. until 11 p.m., as stated in the application.

Motion Carried: Unanimously

D. Teamsters – Stipulation of Settlement

Councilmember Harter moved and it was seconded by Councilmember Krieger 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

E. Highway Department-Rejection of Bids-Dump Body Assemblies, Spreader & Snow Plow

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

Whereas, the Town of Ossining solicited bids for two (2) dump body assemblies, Spreader & Snow Plow; and

Whereas, the public notice was advertised in the Journal News on February 19, 2009; and

Whereas, at 10:00am, Tuesday, March 3, 2009 all bids were opened and upon reviewing the bids, the Highway Superintendent and Town Board, in consultation with the Town Attorney, determined that the bids should be rejected based on the current financial condition of the Town;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby rejects bids for two (2) dump body assemblies, Spreader & Snow Plow based on the current financial condition of the Town and economic hardship and authorizes the Town Clerk to notify the bidders of such decision.

Motion Carried: Unanimously

F. Amendment to the Town of Ossining Vehicle Policy

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

Whereas, the Town Board adopted a vehicle policy on November 13, 2007; and

Whereas, the Town Board of the Town of Ossining wishes to amend Number 13j of the Vehicle Policy to read as follows (matter to be deleted in [brackets]):

No advertisements, signs, bumper stickers [or other markings of a political or commercial nature] may be displayed on Town vehicles at any time. [except those of a limited community service nature which have been authorized by the Town Board]

Vote: 4 – 1 – 0

Voting Yes: Harter, Krieger,
Wilcher, Borgia

Voting No: Tawil

G. Westchester County Department of Public Safety-TraCS Agreement

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

Whereas, New York State Police, working with the New York State Department of Motor Vehicles, the Governor's Traffic Safety Committee, the Office of Court Administration and other state and federal agencies, has developed a system for the electronic capture of ticket and accident report data in a police vehicle environment and the electronic transfer of that data from law enforcement agencies to DMV and courts; and

Whereas, the software system is called TraCS (Traffic and Criminal Software) and is provided to any police agency free of charge, based on New York State Police support staff availability and the Lead Agency's ability to self-support;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Police Chief to enter into an agreement with Westchester

County Department of Public Safety as Lead Agency and New York State Police for the TraCS system (Traffic and Criminal Software).

Motion Carried: Unanimously

H. Appointment-Part-Time Availability-Police Department

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 appoints Catherine DiSisto, Beekman Road, Hopewell Junction, NY as Intermediate Clerk, part-time availability in the Police Department effective April 15, 2009 at an hourly rate of \$18.17.

Motion Carried: Unanimously

I. Termination-Temporary Appointment-Court Clerk

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 terminates Mary DeRosa from the temporary position of Court Clerk effective April 14, 2009.

Motion Carried: Unanimously

J. Finance-2008 Budget Adjustments

Councilmember Tawil 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 Budget Adjustments to be made to the 2008 Budget:

TRANSFER TO G/L ACCOUNT	AMOUNT:	AMOUNT	TRANSFER FROM G/L ACCOUNT
Unincorporated Area- Employee Benefits			
020-9010-0813-Workers Comp	4,658.10	4,658.10	020-0020-4795-Fund Balance
Tax Collection			
010-1330-0201-Equipment	3,253.84	3,618.68	010-9010-0813-Workers Comp
010-1330-0401- Supplies	364.84		

Motion Carried: Unanimously

K. Finance-2009 Budget Adjustments

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

Whereas, the Town Board wishes to reduce the 2009 Town General and Unincorporated Area fund adopted budgets; and

Whereas, several meetings have been held with Department Heads to accomplish the appropriation reductions listed below; now therefore be it

Resolved, that the Town Board hereby amends the 2009 budget by the net sum of budget appropriation reductions as follows:

Town General Fund \$73,168.36
 Unincorporated Area Fund \$128,233.00
 Highway Fund \$26,440.37

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the following budget adjustments be made to the 2009 budget in order to accomplish the above stated appropriation reductions:

Town of
 Ossining
 2009 Budget Reduction Adjustments - General

To:			From:		
Account Number	Description	Amount	Amount	Account Number	Description
010.0010.4795	Fund Balance	1500.00	1500.00	010.1010.104	Personnel Services
			1000.00	010.1110.408	Books
			500.00	010.1110.436	Postage
010.0010.4795	Fund Balance	2000.00	500.00	010.1110.455	Constables
			7307.00	010.1220.101	Personnel Services
			12179.55	010.1220.110	Part Time
			300.00	010.1220.404	Mileage
			350.00	010.1220.406	Telephone
010.0010.4795	Fund Balance	20636.55	500.00	010.1220.417	Education
010.0010.4795	Fund Balance	400.00	400.00	010.1330.402	Printing
			500.00	010.1355.401	Supplies
			300.00	010.1355.402	Printing
			1229.19	010.1355.406	Telephone
			400.00	010.1355.411	Gasoline
			1500.00	010.1355.424	Consultant/Comptr
			500.00	010.1355.428	Dues
010.0010.4795	Fund Balance	5325.19	896.00	010.1355.458	Tax Maps
			500.00	010.1410.201	Equipment
			500.00	010.1410.402	Printing
			75.00	010.1410.404	Mileage
			50.00	010.1410.408	Books
			50.00	010.1410.417	Education
010.0010.4795	Fund Balance	1675.00	500.00	010.1410.424	Consultant/Comptr
010.0010.4795	Fund Balance	11773.00	11773.00	010.1420.101	Personnel Services
			1000.00	010.1620.402	Printing
			100.00	010.1620.408	Books
010.0010.4795	Fund Balance	1950.00	850.00	010.1620.428	Dues
010.0010.4795	Fund Balance	6582.40	6582.40	010.1910.467	Liability
010.0010.4795	Fund Balance	2000.00	2000.00	010.6773.423	Food Supplies
			5500.00	010.6774.105	Overtime
010.0010.4795	Fund Balance	10300.00	4800.00	010.6774.110	Part Time
			2000.00	010.7110.201	Equipment
			2937.22	010.7110.409	Electricity
010.0010.4795	Fund Balance	8437.22	3500.00	010.7110.413	Consultant
010.0010.4795	Fund Balance	<u>589.00</u>	<u>589.00</u>	010.8810.409	Electricity

Total General Amount-Budget Reduction 73168.36 73168.36

Town of Ossining
2009 Budget Adjustments – General

To:			From:		
Account Number	Description	Amount	Amount	Account Number	Description
010.1110.414	Contractual Steno	1500.00	1500.00	010.1110.408	Books
010.1330.201	Equipment	200.00	200.00	010.1330.402	Printing
010.1330.408	Books	150.00	150.00	010.1330.402	Printing
010.1330.424	Consultant/Computer	150.00	150.00	010.1330.402	Printing
010.1330.428	Dues	100.00	100.00	010.1330.402	Printing
010.1420.426	Special Counsel	33334.00	33334.00	010.1420.101	Personnel Services
010.1440.413	Consultant	12000.00	3500.00	010.7110.413	Consultant
			<u>8500.00</u>	010.9901.907	Trnsfr to Dale Cmtry
Total General Amount-Budget Adjustment		<u>47434.00</u>	<u>47434.00</u>		

Town of Ossining
2009 Budget Reductions – TOV

To:			From:		
Account Number	Description	Amount	Amount	Account Number	Description
			101950.00	020.3120.101	Personnel Services
			10000.00	020.3120.110	Part Time
			2000.00	020.3120.201	Equipment
			250.00	020.3120.402	Printing
			1000.00	020.3120.406	Telephone
			500.00	020.3120.408	Books
			2083.00	020.3120.409	Electricity
			5000.00	020.3120.417	Education
			200.00	020.3120.428	Dues
			250.00	020.3120.438	Miscellaneous
020.0020.4795	Fund Balance	123433.00	200.00	020.3120.439	Investigative Funds
			500.00	020.3620.401	Supplies
			150.00	020.3620.402	Printing
			200.00	020.3620.408	Books
			1000.00	020.3620.411	Gasoline
			100.00	020.3620.417	Education/Confrence
			250.00	020.3620.449	Parts/Labor
020.0020.4795	Fund Balance	2300.00	100.00	020.3620.455	Constables
020.0020.4795	Fund Balance	<u>2500.00</u>	<u>2500.00</u>	020.8020.423	Affordable Hsng Mgt
Total TOV Amount-Budget Reduction		<u>128233.00</u>	<u>128233.00</u>		

Town of Ossining
2009 Budget Reduction Adjustments - Highway

To: Account Number	Description	Amount	From: Amount	Account Number	Description
031.0031.4795	Fund Balance	2633.37	2633.37	031.1910.467	Liability
			75.00	031.5010.419	Education
			72.00	031.5010.419	Maint/Repair
			105.00	031.5010.428	Dues
031.0031.4795	Fund Balance	352.00	100.00	031.5010.436	Postage
			5632.00	031.5110.110	Part Time
			3000.00	031.5110.411	Gasoline
			50.00	031.5110.417	Education/Safty Trg
			2000.00	031.5110.419	Maint/Repair
			5000.00	031.5110.447	Road Drainage
031.0031.4795	Fund Balance	18682.00	3000.00	031.5110.448	Road Paving
			1273.00	031.5132.409	Electricity
031.0031.4795	Fund Balance	3273.00	2000.00	031.5132.474	Fuel Oil
			500.00	031.5140.201	Equipment
			500.00	031.5140.416	Uniforms
031.0031.4795	Fund Balance	<u>1500.00</u>	<u>500.00</u>	031.5140.419	Maint/Repair
Total Highway Amount-Budget Reduction		<u>26440.37</u>	<u>26440.37</u>		

Town of
Ossining
2009 Budget Adjustments – Highway

To: Account Number	Description	Amount	From: Amount	Account Number	Description
031.5010.201	Equipment	1000.00	1000.00	031.5010.419	Maint/Repair
031.5010.409	Electricity	128.00	128.00	031.5010.419	Maint/Repair
031.5142.450	Salt	10000.00	8000.00	031.5110.110	Part Time
			1000.00	031.5142.103	Out of Title Pay
			1000.00	031.5142.414	Contractl Services
Total Highway Amount-Budget Adjustment		<u>11128.00</u>	<u>11128.00</u>		

Town of
Ossining
2008 Budget Reduction Adjustment - Dale Cemetery

To: Account Number	Description	Amount	From: Amount	Account Number	Description
			8000.00	032.8810.413	Consultant
032.0032.5032	Transfer from General	<u>8500.00</u>	<u>500.00</u>	032.8810.417	Education
Total Dale Cmtry Amnt-Budget Reduction		<u>8500.00</u>	<u>8500.00</u>		

Motion Carried: Unanimously

L. Call-a-Cab Agreement

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 J & A Cab, 1 Alexander Street, Yonkers, NY for participation in the call-a-cab program for the period ending December 31, 2009.

Motion Carried: Unanimously

M. Town Property – Surplus Vehicle

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 accepts the Offer to Purchase of Liberty Motors Inc. of Jersey City, New Jersey, for the following surplus vehicle at the bid price listed below:

1999 Crown Victoria VIN# 2FAFP71W4XX108916 \$626.99

Motion Carried: Unanimously

N. Environmental Advisory Committee-Appointment - Christopher O'Connor

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 appoints Christopher O'Connor, Ossining, NY to the Environmental Advisory Committee for a five-year term expiring 12/31/13.

Motion Carried: Unanimously

O. Agreement-Wireless Telecommunications Consultant

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 Supervisor to enter into a one (1) year agreement with Richard A. Comi d/b/a The Center for Municipal Solutions, 70 Cambridge Drive, Glenmont, New York for the purpose of assisting, advising and representing the Town of Ossining on matters relating to reviewing and analyzing applications for Wireless Telecommunications Facilities. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Board in connection with the review of any application.

Motion Carried: Unanimously

VI. MONTHLY REPORTS – March, 2009

Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the Reports for the Month of March, 2009 from Town Clerk and Building Department be received and filed.

Motion Carried: Unanimously

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the following correspondence be received and filed:

1. March 11, 2009 Planning Board Minutes.
2. March, 2009 Helicopter Log from G.E.

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

Bill Jaenike, Morningside Court, questioned what 25% in Police Overtime equated to in the 2009 Budget. Supervisor Borgia stated she did not have that number off the top of her head, but would telephone Mr. Jaenike tomorrow with the information. Why did the Town of Ossining opt out of the COPS Program? Supervisor Borgia stated that since the Town of Ossining, Village of Ossining and the Village of Briarcliff Manor are researching the possible merger of the departments, they opted out of the COPS Program as you had to keep staffing at the same level for 4 years. The overtime was high in the 2008 Police budget due to a variety of injuries. The Police Department is aware of scheduling and the overtime budget is kept lean.

Peter Tripodi, Quail Hollow Road, thanked Councilmember Tawil for his vote against the resolution amending the Town of Ossining Vehicle Policy. Mr. Tripodi also questioned the members of the Board who voted for the adoption of the 2009 Town Budget and why they now voted for the amendments to the budget. Supervisor Borgia stated that financial issues changed and in order to face further reductions down the line such as a reduction in mortgage taxes, these amendments to the budget must take place. Councilmember Tawil thanked Mr. Tripodi for his comments and stated that the Board periodically had differences of opinions, but usually worked them out.

Bobby Williams, Spring Street, commented on the Attorney General's Office presentation and wished he had known about the health care assistance with fees. He was also glad to see that there were adjustments made to the Budget. He hopes the Village of Ossining will follow suit. Also discussed were GE and the pcb's in the Hudson River. Supervisor Borgia stated that the fire boat is on permanent loan from the US Naval Militia and will be shared by the fire department, police department and OVAC. Assemblywoman Sandy Galef was instrumental in securing this boat.

IX. ADJOURNMENT

At 8:27 p.m., Councilmember Krieger moved and it was seconded by Councilmember Tawil that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk