



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

**MARCH 9, 2010
7:30 P.M.**

**SUPERVISOR
Catherine Borgia**

**COUNCILMEMBERS
Geoffrey Harter Michael L. Tawil
Peter Tripodi Northern Wilcher**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on March 9, 2010 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: Councilmembers, Geoffrey Harter, Michael Tawil, Northern Wilcher and Peter Tripodi. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Town Clerk, Mary Ann Roberts.

II. ANNOUNCEMENTS

Councilmember Tawil announced that Elizabeth Pujols, a student at Ossining High School received the Gold Key Award for a poem entitled "Willow Tree." Elizabeth will be participating in the Regional in New York City. The Briarcliff High School will be performing "Grease" on March 19, 20 and 21st.

Supervisor Borgia announced that Stash The Trash will take place on April 10th. Please meet at the Joseph G. Caputo Community Center at 9 a.m. for work assignments as well as equipment. There will be an Earth Day 40 Celebration at the riverfront beginning at 11 a.m. and going thru to 4 p.m. with vendors, games for the children, food and music. Please come and celebrate and learn ways to reduce your family's carbon footprint. If you are interested in a vendor spot, please contact Supervisor Borgia at 762-6001. The Green Committee sponsored a contest for a logo and the winner will be announced on Earth Day. The family of Martha Dodge has requested that a bench be placed at Engel Park in her memory. If you are interested in donating to this cause, please contact the Supervisor's office.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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

Resolved, that the Town Board of the Town of Ossining hereby approves the February 23, 2010 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Harter 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 Voucher Detail Report dated March 9, 2010 in the amount of \$ 8,943.00 for 2009 and \$ 208,016.21 for 2010.

Vote: 4 –1 –0

Voting Aye: Harter, Tawil,
Borgia, Wilcher

Voting Nay: Tripodi

C. Calling for a Public Hearing-MetroPCS New York, LLC- Special Use Permit for Wireless Telecommunications Facility

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

Whereas, MetroPCS, LLC has filed an application for a Special Use Permit pursuant to Chapter 182A of the Code of the Town of Ossining to locate a wireless telecommunications facility at 400 Executive Boulevard in the unincorporated area of the Town of Ossining; and

Whereas, the Town Board referred the application to the Planning Board and Telecommunications Consultant Russ Bogie to be reviewed and analyzed in accordance with Section 182A-6(A) of the Code; and

Whereas, the Planning Board and Telecommunications Consultant have submitted correspondence to the Town Board recommending that the Town Board approve the MetroPCS, LLC application for a special use permit; and

Whereas, the Town Board has acted as “lead agency” as defined in SEQRA and the Town Clerk has notified all appropriate agencies of the State of New York, the County of Westchester, the Village of Ossining and those municipalities which adjoin the Town of Ossining of the proposed application,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to review the application for a special use permit for a wireless telecommunications facility. The hearing shall be held on Tuesday, March 23, 2010 at 7:30 p.m. at the Police/Court facility, 86-88 Spring Street, Ossining.

Motion Carried: Unanimously

D. 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 Tripodi that the following be approved:

Whereas, The Tuscan Grille has filed an application for a Cabaret License for the calendar year 2010; 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., and live music on Saturday evenings from 7 p.m. until 11 p.m.

Motion Carried: Unanimously

E. Finance-2009 Budget Adjustments

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 authorizes the following budget adjustments be made to the 2009 budget:

To: Account Number	Description	Amount	From: Amount	Account Number	Description
Town Justice					
010.1110.0110	Part Time	562.00	1000.00	010.1110.0201	Equipment
010.1110.0401	Supplies	28.50	198.00	010.1110.0101	Pers Svce-Regular
010.1110.0419	Maint/Repair	137.03			
010.1110.0424	Consult/Computer	27.11			
010.1110.0436	Postage	64.05			
010.1110.0438	Miscellaneous	208.50			
010.1110.0455	Constables	170.81			
Supervisor					
010.1220.0417	Education	140.00	140.00	010.1220.0201	Equipment
Independent Audit					
010.1320.0438	Miscellaneous	1250.00	1250.00	010.1010.0101	Pers Svce-Regular
Tax Collection					
010.1330.0417	Education	157.50	323.55	010.1330.0105	Overtime
010.1330.0436	Postage	113.82			
010.1330.0497	Internet Merch. Site Fees	52.23			
Assessment					
010.1355.0101	Pers. Svce-Regular	2981.53	285.07	010.1355.0401	Supplies
010.1355.0110	Part Time	1562.78	250.00	010.1355.0408	Books
010.1355.0402	Printing	98.35	1742.11	010.1355.0417	Education
			399.00	010.1355.0424	Consult/Computer
			805.00	010.1355.0428	Dues
			490.59	010.1355.0105	Overtime
			100.85	010.1356.0438	Miscellaneous
			149.36	010.1410.0106	Longevity
			420.68	010.1355.0109	Sick Incentive
Town Clerk					
010.1410.0401	Supplies	155.18	3065.98	010.1410.0402	Printing
010.1410.0110	Part Time	446.66			
010.1410.0466	Legal Notices	2464.14			
Elections					
010.1450.0432	Carting/Light	1027.00	1173.00	010.1450.0401	Supplies
010.1450.0437	West Cty/ Reimburse	459.32	313.32	010.1450.0419	Maint/Repair
Buildings					
010.1620.0442	Sustainability Initiatives	280.00	280.00	010.1620.0428	Dues
Central Communications					
010.1650.0438	Phone/Web Services	3845.14	3845.14	010.1420.0420	Litigation
Judgements & Claims					
010.1930.0438	Miscellaneous	5092.28	5092.28	010.1420.0423	Litig/Equal Rate

MTA Payroll Tax						
010.1980.0438	Payroll Tax	5571.17	5571.17	010.1420.0420	Litigation	
Veterans Services						
010.6510.0438	Miscellaneous	126.35	126.35	010.6770.0201	Equipment	
Nutrition						
010.6772.0110	Part Time	132.58	521.46	010.6772.0449	Parts/Labor	
010.6772.0429	Call A Cab	201.76				
010.6774.0110	RUOK Part Time	187.12				
Parks						
010.7110.0105	Overtime	210.23	5934.01	010.7110.0474	Fuel Oil	
010.7110.0111	Custodial	430.00	623.43	010.7110.0103	Out of Title Pay	
010.7110.0410	Water	2411.54	427.68	010.7110.0110	Part Time	
010.7110.0449	Parts/Labor	3505.67				
010.7112.0105	Overtime	427.68				
Youth Programs						
010.7310.0475	Vill of Oss. Contractual	1943.24	1943.24	010.7110.0419	Repair/Maintenance	
Employee Benefits						
010.9010.0813	Workers Comp	1784.26	1800.66	010.9010.0814	Life/Dental	
010.9010.0812	Social Security	16.40				
Transfers						
010.9901.0900	Transfers	2425.00	2425.00	010.1355.0204	Automobile	
Engineer						
020.1440.0413	Consultant	1200.00	1200.00	020.3120.0105	Overtime	
Judgements & Claims						
020.1930.0425	Labor Counsel	777.67	777.67	020.3120.0110	Part-Time	
MTA Payroll Tax						
020.1980.0438	Payroll Tax	4997.03	4997.03	020.3120.0105	Overtime	
Police Dept						
020.3120.0101	Personnel Svcs.	3303.55	12409.87	020.3120.0105	Overtime	
020.3120.0203	Car	5295.01				
020.3120.0406	Telephone	2232.03				
020.3120.0424	Consult/Computer	1578.87				
020.3120.0474	Fuel Oil	0.41				
Fire Inspector						
020.3410.0101	Pers Svc	57.57	57.57	020.3620.0105	Overtime	
Building Dept.						
020.3620.0101	Personnel Svcs.	0.15	325.77	020.3620.0105	Overtime	
020.3620.0110	Part Time	144.64				
020.3620.0438	Rent	180.98				
Zoning						
020.8010.0466	Legal Notices	47.70	47.70	020.8010.0437	Professional Fees	
Planning						
020.8020.0413	Consultant	4855.23	4968.23	020.9010.0814	Life/Dental	
020.8020.0436	Postage	113.00				
Employee Benefits						
020.9010.0813	Workers Comp	29375.00	29375.00	020.9010.0811	Police Retirement	
Transfers						

020.9901.0900	Transfers	42947.68	40926.85	020.3120.0203	Automobile
			2020.83	020.3620.0203	Automobile
MTA Payroll Tax					
031.1980.0438	Payroll Tax	2301.85	2301.85	031.5010.0425	Labor Counsel
Highway-Street Admin					
031.5010.0101	Personnel Svcs.	0.22	381.27	031.5010.0413	Consultant
031.5010.0406	Telephone	381.05			
Highway-Street Maint					
031.5110.0448	Road Paving	1080.03	1080.03	031.5110.0419	Maint/Repair
Highway Garage					
031.5132.0419	Maint/Repair	78.20	235.20	031.5132.0428	Reg/Permit Fees
Weeds & Brush					
031.5140.0201	Equipment	157.00			
Snow Removal					
031.5142.0450	Salt	11106.73	11106.73	031.5142.0105	Snow-Overtime
Employee Benefits					
031.9010.0813	Workers Comp	13434.06	18053.06	031.9010.0817	Hosp/Med Ins.
031.9010.0815	Unemployment Ins.	4619.00			
Dale Cemetery					
032.8810.0203	Car	500.00	3003.00	032.8810.0442	Capital Improv
032.8810.0416	Uniforms	192.00	2293.00	032.8810.0413	Consultant
032.8810.0419	Maint/Repair	5986.06	840.55	032.8810.0492	Contract/Miscell
032.8810.0474	Heating	589.01	850.85	031.8810.0201	Equipment
			279.67	032.8810.0411	Gasoline
North State Rd. Swr.					
051.1930.0438	Judgements & Claims	321.37	832.92	051.8120.0419	Maint/Repair
051.1980.0438	MTA Payroll Tax	3.86			
051.9730.0403	Filing Fees	507.69			
Pine Tree Sewer					
052.9730.0403	Filing Fees	3.61	3.61	052.0052.4795	Fund Balance
Valley View Sewer					
053.9730.0403	Filing Fees	23.34	23.34	053.8120.0105	Overtime
Torbank Swr					
054.1980.0438	MTA Payroll Tax	5.23	276.16	054.8120.0105	Overtime
054.9730.0403	Filing Fees	270.93			
Lakeville Swr					
055.1980.0438	MTA Payroll Tax	2.84	196.4	055.8120.0409	Electricity
055.8120.0419	Maint/Repair	51.80			
055.9730.0403	Filing Fees	141.76			
Lakeville Ext Swr					
056.9730.0403	Filing Fees	155.7	155.7	056.8120.0409	Electricity
Stonewall Swr					
057.9730.0403	Filing Fees	8.97	8.97	057.8120.0105	Overtime
Stormytown Swr					
058.1980.0438	MTA Payroll Tax	3.67	3.67	058.8120.0105	Overtime
Croton Swr					
059.1980.0438	MTA Payroll Tax	8.79	575.72	059.8120.0409	Electricity
059.8120.0105	Overtime	566.93			
Brookside Swr					

061.9730.0403	Filing Fees	18.42	18.42	061.0061.4795	Fund Balance
Davis Sewer					
062.1980.0438	MTA Payroll Tax	2.78	103.17	062.0062.4795	Fund Balance
062.9730.0403	Filing Fees	100.39			
Lighting District					
063.1930.0438	Judgements & Claims	572.62	572.62	063.5182.0419	Maint/Repair
Fire Protect District					
064.1930.0438	Judgements & Claims	5835.53	5835.53	64.0064.4795	Fund Balance
Refuse/Recycling					
065.1930.0438	Judgements & Claims	6753.29	22379.04	065.8160.0456	Recycling & Envir.Waste
	Village of Oss.				
065.8160.0475	Contract.	15625.75			
Ambulance District					
066.1930.0438	Judgements & Claims	181.29	181.29	066.4540.475	Contractual

Motion
Carried:
Unanimously

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

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 authorizes the Town Supervisor to sign agreements with Westchester County Department of Senior Programs and Services to receive federal funding for the following programs for the period of January 1, 2010 through December 31, 2010:

<u>Program</u>	<u>Federal Funding</u>
III-B	\$8,954
III – C1	\$27,842
Estimated III –C1 NSIP	\$12,649
III C – 2	\$28,766
Estimated III-C2 NSIP	\$19,031

Motion Carried: Unanimously

G. NYS Department of State Local Government Efficiency Grant 2009-2010 Program Year-High Priority Planning Grant-Consolidation and Dissolution Study between the Town and Village of Ossining and the Village of Briarcliff Manor

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

Whereas, the Town and Village of Ossining and the Village of Briarcliff Manor have agreed to enter into an Intermunicipal Agreement to submit a co-application for the New York State Department of State Local Government Efficiency Grant 2009-2010 Program Year, said application shall be entitled Town and Village of Ossining and Briarcliff Manor-High Priority Planning Grant-Consolidation and Dissolution Study to reform the governments of the Town and Village of Ossining and Village of Briarcliff Manor; and

Whereas, the purpose of said application is to investigate possible costs savings, efficiencies and opportunities that can be achieved through the consolidation and dissolution of these municipalities; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes Town Supervisor Catherine Borgia to submit on behalf of the Town of Ossining, a co-application to the Local Government Efficiency grant program, High Priority Planning Grant for the 2009-2010 program year, said grant application includes the Town and Village of Ossining and the Village of Briarcliff Manor; and it is further

Resolved, that Town Supervisor Borgia is designated Lead Applicant Contact on behalf of the Town of Ossining, and is authorized to execute all financial and administrative processes which relate to said grant; and it is further

Resolved, that the maximum amount of grant requested for all three co-applicants is \$50,000, the Town of Ossining share of the local required match shall be \$1,667.00.

Motion Carried: Unanimously

H. Personnel-Stipulation of Settlement

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

Resolved, that the Town Board hereby ratifies and approves the attached Stipulation of Agreement between and among the Town, the Civil Service Employees Association and Dorothy Duffy, and further authorizes the Town Supervisor to execute the Agreement on its behalf.

Motion Carried: Unanimously

I. 2010 Holiday Schedule-CSEA/Management/Non-Union employees

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following 2010 Town of Ossining Holiday Schedule for Managers, Non-Union Employees, and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit, Westchester County Local 860. This calendar modification only applies to the 2010 calendar year.

2010 New Years Day	Friday, January 1
Martin Luther King Day	Monday, January 18
Presidents Day	Monday, February 15
Good Friday	Friday, April 2
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Columbus Day	Monday, October 11
Election Day	Tuesday, November 2
Veterans Day (observed)	Thursday, November 11
Thanksgiving Eve (1/2 day)	Wednesday, November 24
Thanksgiving Day	Thursday, November 25
Day After Thanksgiving	Friday, November 26
Christmas Day *	Friday, December 24
New Years Day *	Friday, December 31

* Holiday falls on a Saturday

Motion Carried: Unanimously

J. Authorizing levy of Administrative Fee-Unpaid Water Charges

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

Whereas, pursuant to an Intermunicipal 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 owner on the property tax bill 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, the Town Board wishes to recover the additional expenses incurred by the Town in administering the collection of the unpaid Village water rents,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Receiver of Taxes to levy an administrative fee in the amount of \$100.00, per property owner, to the 2010 list of unpaid water rents as described in the Village Treasurer’s Certification of Unpaid Water Rents dated March 5, 2010; and be it further

Resolved, that the Administrative Fee of \$100.00 shall be added the Town Fee Schedule.

Motion Carried: Unanimously

V. MONTHLY REPORTS

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 accepts the Monthly Reports for February, 2010 from the Town Clerk’s office, Town Police Department, and Tax Receiver’s Department.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Art Sullivan, Haymont Terrace, discussed the Highway Department/DPW Department consolidation issue which is being discussed with all three municipalities and he was of the opinion that Briarcliff has no desire to deal with us. Supervisor Borgia responded that there were other options available and that the municipalities would have to vote on the proposal. A preliminary report has been received in which recommendations have been made. The recommendation of the study is that the Village and Town of Ossining could merge DPW services. Briarcliff would like to further review the proposal. There is sincere interest of all the municipalities. Mr. Sullivan commended the Town of Ossining Highway Department for a wonderful job in cleaning up after the recent snowstorm. Supervisor Borgia stated that the Highway Department and the Police Department did a tremendous job during the recent snowstorm. Councilmember Tripodi stated that he rode with the police department two days after the storm when they located down trees, put up barricades and gave directions around the blocked roads to drivers. Councilmember Tawil stated that other municipalities did not have their roads open and cleaned up as quickly as Ossining.

Kevin Larkin, Reeback Drive, stated that he had received a postcard from Supervisor Borgia regarding coffees in various neighborhoods and wondered when there would be

one in his neighborhood? Supervisor Borgia responded that there was an excellent response to these postcards which were sent out by the election committee.

Supervisor Borgia invited the public to attend the next Town Work Session which will be held at 16 Croton Avenue on March 16th and the next Legislative Session which will be held at 86-88 Spring Street on March 23rd. Both of the sessions will begin at 7:30 p.m.

VII. ADJOURNMENT-EXECUTIVE SESSION-LITIGATION-PERSONNEL

At 8:20 P.M. Councilmember Tawil moved and it was seconded by Councilmember Harter that the meeting be adjourned to Executive Session.

Motion Carried: Unanimously

Approved:

**_____
Mary Ann Roberts, Town Clerk**

3/1/10

WHEREAS, the Town of Ossining ("the Town"), and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit, Westchester County Local 860 ("the Union") are parties to a collective bargaining agreement covering the period January 1, 2006 – December 31, 2009 ("the Contract"); and

WHEREAS, the Union filed a grievance dated January 20, 2010 ("the Grievance"), alleging a violation of Article VI(7) of the Contract related to the Town's refusal to pay Dorothy Duffy a terminal allowance upon her retirement; and

WHEREAS, the Town denied any violation of the Contract; and,

WHEREAS, the Town and the Union are desirous of resolving this Grievance without the need for a formal arbitration hearing being held;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between and among the Town, the Union and Dorothy Duffy, that the following terms and conditions are agreed to, as and for a Stipulation of Agreement:

1. Within ten (10) business days following ratification of this Stipulation by the Town Board, the Town shall pay Ms. Duffy ten (10) day's pay at her daily rate in effect as of December 31, 2009, less appropriate tax withholding and other applicable payroll taxes.
2. This Stipulation shall constitute a full and final disposition of Ms. Duffy's grievance related to the alleged violation of Article VI(7).
3. Neither the Town nor the Union admits by the signing of this Stipulation any wrongdoing or violation of the Contract whatsoever. The parties have entered into this Stipulation solely to avoid the time, financial cost and uncertainties of litigation.
4. This Stipulation constitutes the entire agreement between the parties hereto and supersedes all prior agreements, memoranda, correspondence, conversations, discussions and/or negotiations held/or which have taken place between the parties regarding the settlement of the above mentioned grievance.
5. This Stipulation, including this paragraph, may not be altered except by a writing signed by all parties. It may not be modified orally.
6. The language of all parts of this Stipulation shall be construed as a whole, according to their fair meaning, and not strictly for or against either party, regardless of who drafted them.
7. This Stipulation shall not establish a precedent with regard to how similar situations involving Ms. Duffy or anyone else may be handled in the future.

8. This Stipulation shall not be introduced by any party in any subsequent proceeding, arbitration or action involving the interpretation or application of the provisions of the Contract.

9. This Stipulation shall not be binding or effective unless and until ratified by the Town Board by duly enacted resolution.

Catherine Borgia (Date)
Town Supervisor

Fred Smit 3-3-10
Fred Smit (Date)
CSEA, Labor Relations Specialist

Dorothy Duffy 3/3/10
Dorothy Duffy (Date)