



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

**APRIL 27, 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 April 27, 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, Peter Tripodi and Northern Wilcher. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Town Clerk, Mary Ann Roberts.

**II.     ANNOUNCEMENTS**

Councilman Harter announced the Dedication of the Organic Community Garden on Saturday, May 1, 2010, at Cedar Lane Park from 1 – 3 p.m. Also at the Organic Community Gardens on Saturday at 2 p.m. will be the dedication of a bench in Memory of Martha Dodge. There are 68 plots for planting and at this time 66 have already been taken. Research is being done to determine if the Community Garden is the first handicap accessible one. Spring and Summer registration at the Recreation Center are now open. Camp registration is underway on-line as well as in person. On Friday, April 30<sup>th</sup>, there will be a ceremony at Claremont School marking Arbor Day with the planting of a tree. Ossining has again been designated as a Tree Town. Councilman Harter will be assisting with the tree planting. Supervisor participated in a tree planting at Brookside School recently.

Supervisor Borgia announced that New York State Assembly Woman Sandra Galef will hold a Public Educational Meeting in Cortlandt on April 29<sup>th</sup>. Ossining Matters is sponsoring an evening of latin rock with del Sol on Saturday, May 1, 2010, at 7 p.m. in the Ossining High School Auditorium with a reception to follow at the Ossining Public Library.

**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 April 13, 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 Tawil that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated April 27, 2010 in the amount of \$ 216,744.07 for 2010.

Councilman Tawil made remarks relative to Resolution B (Voucher Detail) which has a payment for life insurance for the Police Department members. This is a great group of officers. All of us take the responsibility of keeping our families safe and well cared for via insurances, etc. Councilman Tripodi stated that he will be voting `8 against the voucher detail, but it is not a vote against the Police Officers.

Councilman Tripodi also presented the Board with a statement to be included in the Town Board Minutes.

Vote: 4 –1–0  
Voting Aye: Harter, Tawil,  
                  Borgia, Wilcher  
Voting Nay: Tripodi

To: Town Board Members

From: Councilman Tripodi

CC: Town Clerk, Wayne Spector, Connie Cerny, General Public

Re: Memo regarding Town Engineer and Tree Removal Policy; Procurement Policy Memo  
Number 1

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Greetings:

The purpose of this memo is to update you on the recommendations and enforcement strategies regarding the Town's Procurement Policy with respect to the Town Engineer position and Tree Removal Policy.

**Town Engineer Position**

It is my understanding that the highest paid employee in the Town of Ossining last year was not a fulltime employee, but a part-time employee who was paid \$238,000.00. While this figure includes reimbursements from Town Planning board applicants and money from capital projects; this amount is still excessive. In mentioning this to town residents their thoughts are all the same; some more articulate than others. Due to the fact NYS law does not require a competitive bid process for professional services, I believe that the Town of Ossining should create some form of a bid process for professional services if we continue to utilize this kind of professional service on an individual consultant basis. The Town should draft a policy that states exactly what is needed and expected from the engineer. The Town board should draft this requirement together along with the various department heads that work closely with the engineer. This will make sure everyone's needs are addressed when prospective engineer applicants submit an annual bid on what the service will cost.

Currently, to keep a more solid grasp on the financial cost of the engineer consultant the Town Board should immediately draft a policy requiring the current engineer consultant to keep a time log. This will ensure to taxpayers that the current engineer, who also has a full time job, is keeping good on time spent working for the Town of Ossining.

Another option would be to utilize a company that provides a Planner and Engineer as one on a yearly retainer fee. The Town of Lewisboro uses a service similar to this and it costs roughly \$115,00.00. Currently the Town uses a separate consultant engineer and

separate planning consultant. This costs a tremendous amount of taxpayer money. In 2009 alone the total cost for both of these consultant services was over \$280,000.00.

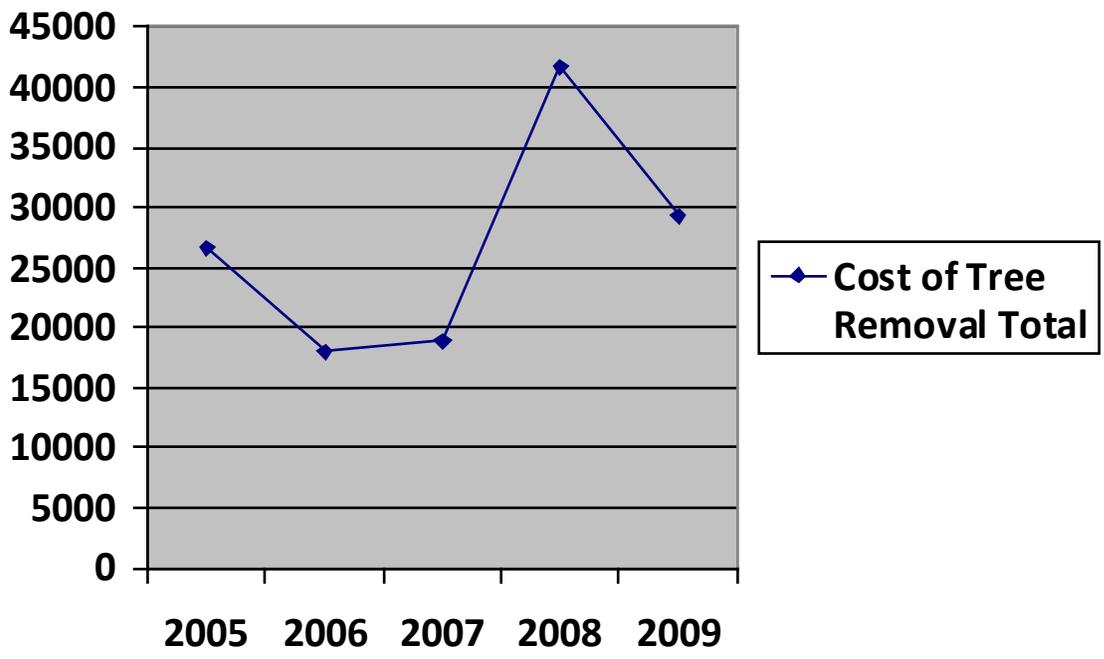
A third option would be to hire a full-time building inspector/engineer at \$120,000.00 annually. This job would have a licensed engineer perform two duties, that of building inspector and Town Engineer. The village of Briarcliff Manor utilizes this method at \$130,000.00 annually and it should be an option for the Town.

Still a fourth option would be to share the duties of the Village of Ossining Engineer with the Town Engineer and possibly consolidate or set up a partnership between the two municipalities. The current method the Town has in place is unsustainable given the amounts paid in previous years along with the current financial situation of the Town and economy. (SEE GRAPH 3).

#### **Tree Removal Policy**

Before we consider changing our procurement policy to better fit the economic times, it is imperative that we first make sure our own departments follow the *current* procurement policy. Recently there has been some headway dealing with this particular issue thanks to the Supervisor. However, it is strongly recommended that one particular issue be dealt with immediately; this issue is regarding tree removal. In the years from 2007-2008 the removal of trees (a public works project) doubled, the year after that it only dropped \$10,000.00 but remained more than previous years. (SEE GRAPH 1). What is not shown on the graph that so far in 2010 the cost of tree removal as of April 24<sup>th</sup>, 2010 is over \$14,000.00; this figure is subject to change substantially come December, 2010. In addition to a large increase in the cost of this public works project following 2007, the majority of the work from that same year forward went to one company ("Company A" in graph 2). This changed from years past, where the common practice of the tree removal costs was dispersed to different companies, but after 2007 this pattern changed and every year thereafter "Company A" was given a large majority of the work through no bid process. (SEE GRAPH 2)

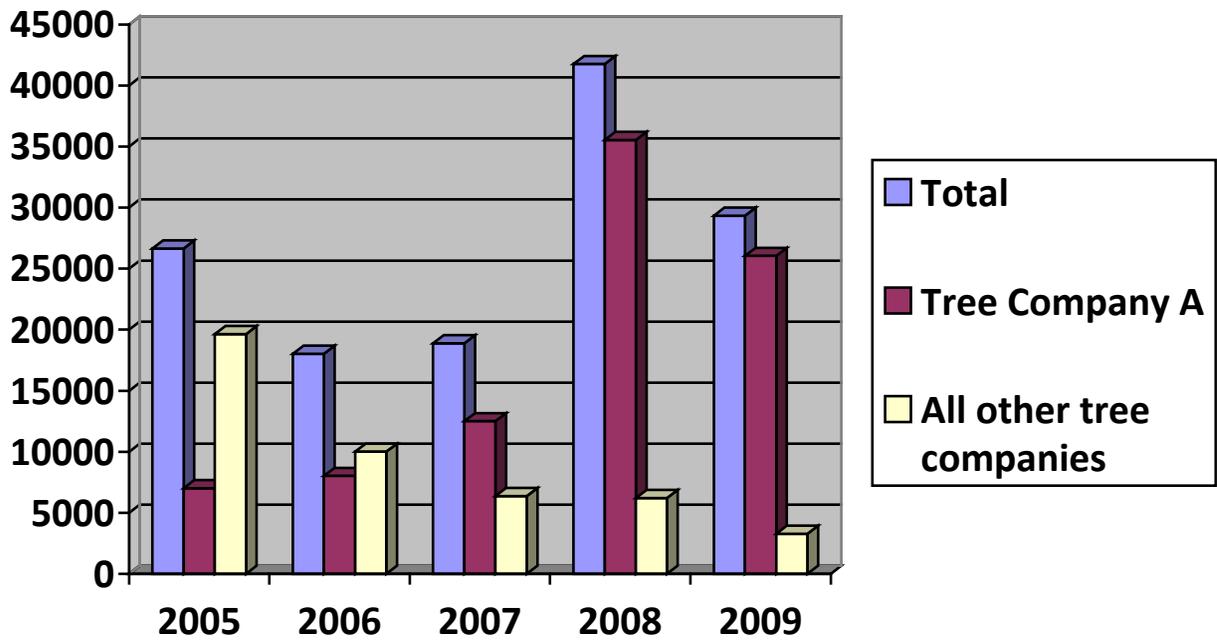
The Town has a procurement policy which states that any public works project of 20,000.00 or more is required to go through a competitive bidding process. The fact is that the total costs of these tree removal projects (excluding years 2006 and 2007) the amount spent was over \$20,000.00; exceeding the procurement policy limitation. During the time period from 2005-2009 the average annual cost of tree removal was \$26,932.91, six thousand dollars over the procurement policy amount. After 2007 this violation of the policy caused what the procurement policy was meant to stop; the majority of the work went to one company that did not bid. The only reason that this may have continued without question is the fact that the work was billed on an as needed basis, not based on an annual amount of work. Simply stated; instead of tree removal being billed by a regular annual bid contract, which according to our procurement policy all public works project over \$20,000.00 are required by law to do, each tree was billed individually. It is not my prerogative to accuse anyone of any wrong doing, however, it is my duty to recommend with this board's support that the tree removal projects should have been and now should be part of a regular annual competitive bid contract as started in our procurement policy.



	2005	2006	2007	2008	2009
Total Cost	\$26655.00	\$18035.00	\$18881.82	\$41756.25	\$29336.50

TOTAL COST OF TREE REMOVAL 2005-2009 PER VOUCHER DETAIL REPORTS

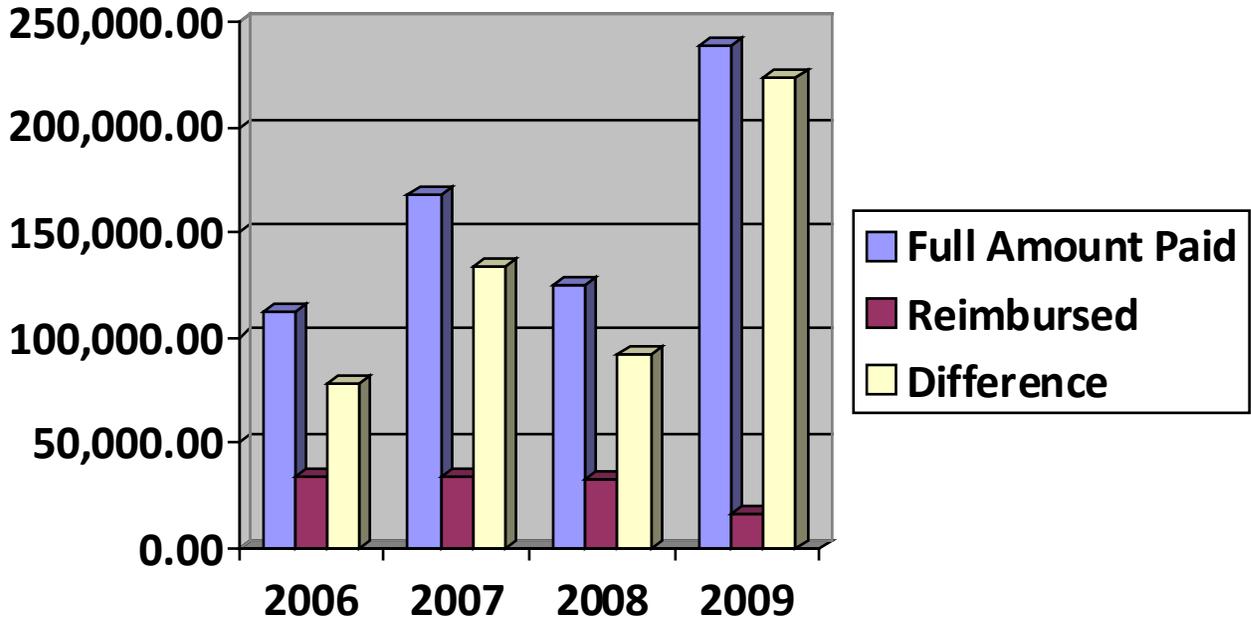
# GRAPH 1



	2005	2006	2007	2008	2009
Total	\$26655.00	\$18035.00	\$18881.82	\$41756.25	\$29336.50
Tree Co. A	\$7020.00	\$8025	\$12511.82	\$35550.00	\$26045.00
Other	\$19635.00	\$10010.00	\$6370.00	\$6206.25	\$3291.50

**GRAPH 2**

# ENGINEER CONSULTING PAYOUTS



	2006	2007	2008	2009
Full Amount Paid-	\$112,142.70	\$167,404.78	\$124,722.50	\$238,956.10
Reimbursed-	\$34,044.34	\$33,485.00	\$32,565.00	\$15,580.00
Difference-	\$78,098.36	\$133,919.78	\$92,157.50	\$223,376.10

Source:

(Voucher Detail Reports from 2006,2007,2008,2009)

### C. Teamsters-Stipulation of Settlement

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

Resolved, that the Town Board hereby ratifies and approves the Stipulation between Charles S. Bouton, Jr., 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

### D. Temporary Appointment-Intermediate Clerk-Town Clerk's Office

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Patricia Fracassi, Second Avenue, Ossining, to the full-time temporary position of Intermediate Clerk at an hourly rate of \$20.68/hr. effective May 6, 2010 pursuant to

Sec. 63 of the Civil Service Law and Rule 14 of the Westchester County Civil Service Rules. Such appointment shall not extend beyond three (3) months.

Motion Carried: Unanimously

**E. Lease Agreement-Dale Cemetery Caretaker**

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into a one year lease agreement with Manuel R. Barreto (Dale Cemetery caretaker) and Rosa Jarama in accordance with terms set forth in the lease agreement.

Motion Carried: Unanimously

**F. Authorizing Temporary Beer & Wine Permit for Westchester County Fire Convention at Engel Park**

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

Whereas, the Ossining Fire Department has completed an application to be submitted to the New York State Liquor Authority for a Temporary Beer & Wine Permit for the Westchester County Fire Convention to be held at Engel Park on Friday, August 6, 2010 from 4:00p.m. until 1:00a.m.; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the application granting permission for the sale or service of alcoholic beverages by the Ossining Fire Department for consumption at Engel Park.

Motion Carried: Unanimously

**G. Authorizing Temporary Beer & Wine Permit for Graduation Party**

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

Whereas, an applicant has completed an application to be submitted to the New York State Liquor Authority for a Temporary Beer & Wine Permit for a graduation party to be held at Gerlach Park on Saturday, May 29, 2010 from 2:00p.m. to 8:00p.m. with a rain date of May 30, 2010; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the application granting permission for the service of alcoholic beverages by the applicant for consumption at Gerlach Park.

Motion Carried: Unanimously

**H. Calling for a Public Hearing to consider a Local Law to amend Fines and Penalties in the Town Code**

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 calls for a Public Hearing on Tuesday, May 11, 2010 at the Police/Court Facility, 86-88 Spring Street, Ossining, NY to consider a local law to amend fines and penalties in the Code of the Town of Ossining including Chapter 50 entitled "Accessory Dwelling Units in Single-Family Homes," Chapter 63 entitled "Building Construction," Chapter 82

entitled "Electrical Standards," Chapter 87 entitled "Excavations," Chapter 92 entitled "Filling and Grading," Chapter 112 entitled "Garbage, Rubbish and Refuse," Chapter 148 entitled "Plumbing" and Chapter 200 entitled "Zoning."

Motion Carried: Unanimously

Councilman Tripodi thanked the Board for working with him on Resolution H (Local Law No. 1 of 2010, Fines and Penalties). Councilman Tawil stated that the Board always tries to move forward and work in a bipartisan way. Supervisor Borgia also commented on the fact that the Board does work together and listen to suggestions.

**I. Planning Board-Appointment-Deborah L. Cohen**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Deborah L. Cohen, Bridle Path Road, Ossining, to the Planning Board for a five-year term expiring December 31, 2014.

Motion Carried: Unanimously

**J. Agreement-Westchester County-Mutual Aid and Response Plan**

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 authorizes the Town Supervisor to enter into an intermunicipal agreement with Westchester County for a Mutual Aid and Response Plan. The term of this agreement will commence July 31, 2010 and terminate on July 30, 2015, unless terminated earlier in accordance with the provisions of the contract.

Motion Carried: Unanimously

**K. Intermunicipal Agreement-Northern Westchester Energy Action Consortium**

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

Whereas, the Northern Westchester Energy Action Consortium includes the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Ossining, Pound Ridge, Somers and Yorktown and the Villages of Croton-on-Hudson, Mount Kisco, and Ossining and the City of Peekskill; and

Whereas, the cooperating municipalities share the goal of increasing energy efficiency throughout their communities and reducing energy costs for municipal, educational, not-for-profit, commercial and residential entities; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an intermunicipal agreement with the Northern Westchester Energy Action Consortium in accordance with the terms set forth in the agreement; and be it further

Resolved, that the consortium members shall contribute an annual fee. The fee for calendar year 2010 is one thousand (\$1,000) dollars.

Motion Carried: Unanimously

**L. Town Property-Declaring Surplus Equipment**

**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 declares the following senior nutrition vehicle as surplus and authorizes the sale of, to the best offer made; however; if no sale is able to be made due to the poor condition of the vehicle, the Town Board authorizes the equipment to be disposed of:**

**VIN**

**YEAR/MODEL**

**1FALP57U7VG197932**

**1997 Ford Taurus**

**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 Report for the month of March, 2010 from the Tax Receiver, Town Police Department and Building Department.**

**Motion Carried: Unanimously**

**VI. VISITOR RECOGNITION-None**

**VII. ADJOURNMENT-EXECUTIVE SESSION- PERSONNEL**

**At 7:50 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to Executive Session.**

**Motion Carried: Unanimously**

**Approved:**

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**Mary Ann Roberts, Town Clerk**