



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

**MAY 11, 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 May 11, 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 Deputy Town Clerk, Ann Marie Rocco

II. PUBLIC HEARING- Local Law No.1 to amend Fines and Penalties in the Town Code.

The public hearing was opened at 7:31 P.M.

No one came to speak at this Public Hearing.

At 7:32 the Councilmember Tawil moved and it was seconded by Councilmember Tripodi that the public hearing be closed.

III. ANNOUNCEMENTS

Councilmember Tripodi announced that this Thursday, May 13, 2010 at 6:00 p.m. The Chamber of Commerce will be hosting a networking event at the Briar's Restaurant, North State Road, Briarcliff Manor. The cost is \$25 for members of the Chamber and \$30 for non-members. Councilmember Tripodi added that this is a great way to meet local members and business owners of the community. For more information regarding this event please visit the website at www.ossiningchamber.org.

Supervisor Borgia announced that the Green Ossining Committee will be meeting on Thursday, May 13, 2010 at 8:00 p.m. at the Armory.

Councilmember Harter announced that residents will be able to vote on the 2010-2011 School Budget on Tuesday, May 18, 2010 at the Ossining High School from 7:00 a.m. to 9:00 p.m.

Supervisor Borgia announced the following:

- St. Ann's School will be celebrating their Anniversary this Saturday, May 15, 2010. The event will begin at 5:00 p.m. with a mass and then a party 6:00 p.m. The cost is \$75. If you are interested in this event, tickets are still available.
- The Ossining Boat and Canoe Club is having their Commissioning Day on Sunday, May 16, 2010 at 11:00 a.m.
- There will be a ribbon cutting at Liz Fitness this Sunday, May 16, 2010. This is a new fitness facility that will open in downtown Ossining across from the Post Office on Main Street.
- The Rotary Duck Race will be on Saturday, May 22, 2010, tickets are still available.
- The Ossining Community Action Program will be having a fundraiser on Sunday, June 27, 2010. This will be a Celebrity Chef Event.
- Supervisor Borgia thanked Mr. Costello for pointing out errors in the spelling of the student's names that participated and won the (Intel) International Science and Engineering Fair. The spelling errors have been corrected in the March 23, 2010 minutes. Once again, Supervisor Borgia congratulated the students from Briarcliff Manor High School, Gregory Ellson and Michelle Neider. The Ossining High School winners were: Sean Maiorano, Florence Kuhl, Camila Linneman, Dara Illowsky, Laura Hellmich, Charlotte Kleiman and Alina Lesnovskaya.

IV. PUBLIC COMMENT ON AGENDA ITEMS-None

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Harter 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 27, 2010 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated May 11, 2010 in the amount of \$266,794.60.

Vote: 4 -1-0

Voting Aye: Harter, Tawil,
Borgia, Wilcher

Voting Nay: Tripodi

Councilmember Tripodi advised that he will be voting a negative on the voucher detail report. He believes that there are some items in the voucher detail report that could be changed such as the \$800 for the Yoga Instructor. Councilmember Tripodi felt that members of the community could possibly volunteer their services for this

program. If there is someone that might be interested please contact the Town Board and/or the Town Supervisor's office.

Supervisor Borgia added that this particular item on the voucher detail is for the Yoga class for the seniors. Again, if anyone is interested in volunteering their yoga services, please contact the Supervisor's office.

C. Authorizing Temporary Beer & Wine Permit for Fundraiser at Cedar Lane Park

Councilmember Harter moved and it was seconded by Councilmember Tripodi 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 fundraiser to be held at Cedar Lane Park on Sunday, June 13, 2010 from 12:00p.m. until 6:00p.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 applicant for consumption at Cedar Lane Park.

Motion Carried: Unanimously

D. Personnel-Police Officer-Grade and Salary Change

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 acknowledges that John Butcher moves to Patrol 1st Grade effective May 17, 2010 with a salary of \$88,773 in accordance with the Town of Ossining Police Association agreement.

Motion Carried: Unanimously

Supervisor Borgia added that this is a routine upgrade as per the contract.

E. Town of Ossining Police Association-Stipulation of Agreement

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

Resolved, that the Town Board hereby ratifies and approves the Stipulation between the Town and the Town of Ossining Police Benevolent Association for enhanced military leave benefits; and be it further

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

Motion Carried: Unanimously

Councilmember Tripodi added that on behalf of the Board, he thanked the officer that will be going overseas to fight for our country.

Councilmember Tawil added that one of our officers was called to go overseas to fight in Afghanistan. This particular officer is providing a service that we owe a great debt to.

Supervisor Borgia thanked the PBA and the Police Department to find the money to make this happen for one of our police officers.

F. Justice Court-Town Constable Re-Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby re-appoints Carmen Carrero to the position of Town Constable, at an hourly rate of \$16.17 and \$30.00 per court session for Spanish interpretation to serve at the pleasure of the Board during calendar year 2010.

Motion Carried: Unanimously

Councilmember Tripodi added this is an acceptable re-appointment.

Supervisor Borgia added that Ms. Carmen Carrero was a seventeen year employee with the Town of Ossining. She had moved to Florida and has now returned and expressed an interested in the Constable position and we are pleased to have her back.

G. Agreement-Westchester County-GIS Shared Services

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 Town Supervisor to enter into an intermunicipal agreement with Westchester County for the purpose of sharing geographic information system (“GIS”) data. The term of this agreement will commence November 1, 2009 and terminate on October 31, 2014, unless terminated earlier in accordance with the provisions of the contract. There is no fee associated with the exchange of data between the Town of Ossining and Westchester County.

Motion Carried: Unanimously

H. Town Property-Declaring Surplus Equipment

Councilmember Tawil moved and it was seconded by Councilmember Harter 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
1FDXE40S8WHB01110

YEAR/MODEL
1998 Ford Bus

Motion Carried: Unanimously

Supervisor Borgia added that this is a bus that we replaced with our CDBG funding that was received earlier this year.

Councilmember Tripodi added that he would like to work together to create a surplus policy. He believes that there is a conflict of interest if a Town employee bids on surplus equipment.

Supervisor Borgia added that the particular situation that Councilmember Tripodi is referring to is the employee who purchased the equipment was only able to bid on it after we put it up for auction twice. In general, the sale of town property should be handled in a hand's off manner.

I. Senior Services-Westchester County Food Establishment Permit Renewal

Councilmember Harter 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 execute and deliver an application to the Westchester County Department of Health for a permit to operate a food service establishment at the Community Center for senior citizens for the period July 1, 2010-June 30, 2011.

Motion Carried: Unanimously

Supervisor Borgia advised that this is a continuation of our every week day delivery of our food service.

J. Highway Department-Seasonal Appointment

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 Hurley Shealy, James Street, Ossining, to the seasonal position of Laborer in the Highway Department at a rate of \$12.00/hr effective May 12, 2010.

Motion Carried: Unanimously

Supervisor Borgia added that this person comes as a recommendation from our Highway Superintendent.

K. Adoption of the Stormwater Management Plan

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

Whereas, the Town of Ossining is a regulated MS4 under the Federal Phase II Stormwater Management Program; and

Whereas, Federal and State laws require urbanized communities to establish local Stormwater Management programs whose goal is to maintain pre-development runoff conditions; and

Whereas, the State/Federal Stormwater Management Program allows flexibility for local governments to manage stormwater in a way that suits their own individual conditions; and

Whereas, the Town of Ossining is required to develop and adopt a Stormwater Management Program Plan that describes how the Town will achieve measurable goals toward implementing the five minimum measures required by the Stormwater Management Plan; and be it further

Resolved, that the Town's Consulting Engineer recommends adoption of the Stormwater Management Program Plan dated May 2010; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby adopts the Stormwater Management Program Plan dated May 2010 to establish stormwater management requirements and to protect and safeguard the health, safety, and welfare of public residing in the Town of Ossining.

Motion Carried: Unanimously

Supervisor Borgia thanked the Project Manager, Connie Cerney for her work on this project. We are now in compliant with one of the provisions of this federally mandated MS4 program.

L. Finance-Amendment to Investment Policy

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

Whereas, the Town Board adopted an investment policy on January 12, 2010; and

Whereas, the Town Board of the Town of Ossining wishes to amend Section VI-Internal Controls to further enhance and safeguard the receipt of all revenues collected by town employees and/or officials; now therefore be it

Resolved, that Section VI-Internal Controls is hereby amended to read as follows (matter to be deleted in [brackets] and matter to be added is underlined):

VI. INTERNAL CONTROLS

It is the policy of the Town of Ossining for all monies collected by any officer or employee of the government to transfer those funds to the [Town Supervisor within five days of deposit, or the time period specified in law, whichever is shorter.] Finance Department and deposited in a designated Town of Ossining revenue account within one business day of receipt of the funds. The Town Supervisor's office shall receive a copy of the transaction record. Employees will receive a written receipt for any cash amounts forwarded to the finance department and should maintain original receipt(s) in department records and copies of the receipt(s) in personal records.

The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Motion Carried: Unanimously

Supervisor Borgia added that this is an enhancement to an existing policy.

M. Finance-Amendment to Employee Business Expense Policy

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

Whereas, the Town Board adopted an employee business expense policy on January 12, 2010; and

Whereas, the Town Board of the Town of Ossining wishes to amend the section that describes the use of petty cash for employee reimbursements in order to further enhance and safeguard the use and maintenance of petty cash; now therefore be it

Resolved, that the petty cash section in the employee business expense policy is hereby amended to read as follows (matter to be added is underlined):

Use of Petty Cash for Employee Reimbursements

Petty cash should be used minimally for the reimbursements of employee expenses. It should be remembered that petty cash should require replenishment no more than once a month. Further, any reimbursement made of employee expenses through petty cash still requires appropriate receipts and authorization from the Town Supervisor.

Complete bookkeeping must be maintained for any authorized petty cash accounts, including maintenance of paper receipts for any items spent and a ledger of sums in an out, which shall be turned over quarterly to department heads and the finance department, with copies to the Supervisor's office.

Employees are allowed to maintain private office funds with their own money for the purchase of coffee, paper, birthday cakes, and other sundry personal supplies. Town resources are not to be used to purchase such items.

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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 accepts the Monthly Report for the month of April 2010 from the Town Clerk's Office and Tax Receiver's office.

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street discussed the consolidation between the three municipalities. Mr. Williams had the following questions:

- **Is everyone serious about the three municipalities doing the right thing on this police study?**
- **Would a consultant be a waste of time and money?**

Supervisor Borgia answered Mr. Williams' question regarding the police study. She believes that they are serious about doing the right thing it's just a question of what the right thing turns out to be.

Supervisor Borgia feels that the consultant would not be a waste of time and money because we have gathered data that we did not have before. At this time, we are at the beginning stages, we have hired the consultant as part of a grant and we wanted them to do a very comprehensive look at all three municipalities. We are hoping to have a final report soon. Once the report is received, we schedule public meetings with all three municipalities. Supervisor Borgia added that we are very proud of our Town Police Department. They are very innovative at looking at new ways in doing policing which does save tax payers money. At this time, no decisions have been made and there are opportunities to do things better. We are looking forward to working with the other two municipalities.

Councilmember Tawil added that this is a very exciting project between all the municipalities and encouraged all members of the communities to come to the public meetings once the reports are released.

Councilmember Tripodi commented that he has already observed a great deal of cooperation between the three police departments; especially between the Town of Ossining and Village of Briarcliff Police Departments.

Mr. Arthur Sullivan, Town of Ossining (Town Outside) was present to discuss his water bill. Mr. Sullivan paid his water bill late and paid his penalty. He had the following questions:

- **How are water bills transferred to the town?**
- **How were they selected?**

- When the Deputy Receiver of Taxes are not busy, why are they not put into a pool for use within the town offices to cut down some of the taxes?
- A new state law has passed that eases the collapsing of a Village into the Town. How is that affecting Ossining Village/Town?

Supervisor Borgia answered Mr. Sullivan's questions:

- Legislation is currently looking at this law. It does allow for municipalities to easily combine.
- The Receiver of Taxes has very specific laws that she needs to follow. The Receiver of Taxes is asked to take the whole payment amount and not a partial payment. The Town was asked to identify the bills that were six months overdue. Supervisor Borgia advised Mr. Sullivan that in his case, there might be an administrative remedy.
- Deputy Tax Receivers are part of CSEA contract and the contract does not allow them to move from different departments within the Town.

Councilmember Harter explained to Mr. Sullivan that the he is on the Recreation Advisory Board and in some ways we have consolidated some of the parks and recreation programs. Councilmember Harter encouraged him to contact Recreation Advisory Board with his questions and concern regarding the Community Center.

VIII. ADJOURNMENT- EXECUTIVE SESSION-PERSONNEL

At 8:30 P.M. Councilmember Tripodi moved and it was seconded by Councilmember Harter that the meeting be adjourned to Executive Session-Personnel, that it also be adjourned in memory of Christian Frederico.

Motion Carried: Unanimously

Approved:

Ann Marie Rocco, Deputy Town Clerk