



SPECIAL MEETING

**TOWN BOARD
TOWN OF OSSINING
WESTCHESTER COUNTY POLICE
OSSINING COMMAND
507 NORTH STATE ROAD
BRIARCLIFF MANOR, NEW YORK 10510
SEPTEMBER 6, 2011
7:30 P.M.**

SUPERVISOR

Catherine Borgia

COUNCILMEMBERS

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

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

The Special Meeting of the Town Board of the Town of Ossining was held on September 7, 2011 at the Westchester County Police Ossining Command, 507 North State Road in Briarcliff Manor, NY. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Michael Tawil, Northern Wilcher, Geoffrey Harter and Peter Tripodi. Also present was Town Attorney Wayne Spector and Deputy Town Clerk Ann Marie Rocco.

II. PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Borgia explained that this part of the process is required by the Home Rule Legislation. Ossining is a Charter Village in New York State that requires enabling legislature from the New York State legislature for them to dissolve the Village Court. Typically Village's do not require this provision. The Home Rule Legislation is this provision that requires two municipalities to have this type of resolution two months prior to the election.

Officer Aaron Zimmerman, Vice President of PBA had the following questions:

- At last Wednesday's meeting Supervisor Borgia stated that Westchester County Police would be transporting all prisoners in the post consolidation. Is this still in fact true and if not, what has changed?
- If it is true we would like to know who is involved in the decision making process?
- We would also like to know if there has been a dollar figure attached to the Counties additional responsibility.
- Is this proposal in writing?
- Will all the county tax payers be compelled to underwrite any unforeseen future costs involving the County Police services to proposed Town Court or will these inevitable costs be completely funded by the Town of Ossining tax payers?

Supervisor Borgia responded that we have not resolved this issue and there are other options. They are as follows:

- Possibly add this option into the Westchester County Police contract and add prisoner transport as one the services.
- Leave the current plan as is and have the Village Police Department continue with the service and have the Village of Ossining pay for this service out of the police budget. The Village Board will need to make that decision.

- To have the Department of Corrections take on this responsibility at no additional cost.

At this time a decision has not been made.

Officer Zimmerman stated that Supervisor Borgia advised that the County Police would be doing the prisoner transport at the last Court Consolidation meeting is this still the case?

Supervisor Borgia advised that it was her understanding at the time that Westchester County Police would be doing the transport.

Officer Zimmerman questioned that if the County Police were to do it would be a line item under the police budget?

Supervisor Borgia advised that no that it would be the Town of Ossining's contract with the county police and would be part of the town general fund function and we would have to do a new calculation.

Officer Zimmerman questioned when this decision is made weather it is the County Police or Department of Correction how would this work logistically with the transports? Would the court officers stay in court?

Supervisor Borgia advised that this would be housed at the Police/Court facility because it is a court function.

Stephen Dewey, Gilbert Place had the following questions:

- Mr. Dewey stated that we have great clerks in the Town Court. The Town Court will be absorbing the Village Clerks. When we are talking about non-judicial employees of the Village Court we are talking about the Clerks correct? There are no other employees coming over? Supervisor Borgia confirmed yes, the position is clerk.
- Why are we bringing this entire crew over when we are actually going to have jobs repeated? Has this been studied?
- How will the fines be handled? Will these fees be sent back to the Village or do they stay within the Town?
- When would an immediate election take place for the third Judge position?

Supervisor Borgia responded that NYS laws has guidance on how the fees get split up any parking violations with the Village ordinances stay with the Village and any municipal portion with criminal matters stay with the Town since it is a Town Court.

Supervisor Borgia explained that we do not know what the operational needs are going to be in the Court facility since this is the first of its kind.

Supervisor Borgia believes that there will be long term savings with the consolidation. Judge Fried and Judge Koba will be in charge of the structure of the court. All the employees from the Village Court will be coming over with the same job titles. One employee is currently in a provisional role and will be bumped back to her protected role in January 2012.

Supervisor Borgia explained that according to the Home Rule message it does indicate that we will need to elect the third Judge in the immediate election on November 8, 2011. All of the parties have the right to nominate the candidate

Mr. Dewey questioned if the court officers are part of non judicial employees?

Supervisor Borgia explained that we are in the process of hiring another Court Attendant and we will also use the Village's Court Attendant.

Kim Izzarelli of Deertree Lane pointed out the following:

- **There are no financials on the table relating to this Court Consolidation and she has been told that they are somewhere on a website.**
- **38% of the cost of this Court Consolidation will be paid by residents of Briarcliff Manor.**

Ms. Izzarelli questioned the following regarding healthcare:

- **Which part-time employees do not have health insurance right now and how many of the full-time employees have health insurance?**
- **How many people to anticipate receiving health insurance that don't have health insurance now?**

Supervisor Borgia explained that most of the personnel coming over are members of the CSEA. When the courts are combined the CSEA members who are currently Village employees will become members of the CSEA bargaining unit of the Town. The Village is self insured and uses POMCO. The Town uses the Empire Plan. Our healthcare costs are high however there will not be any additional people coming on to the healthcare plan. We are adding a third Justice he/she will be offered to take the health care plan. There are no current part-time employees working for the Village who will now receive health benefits as a result of the consolidation. We do have one part-time employee in the Town who will continue on a part-time basis and part-time employees are not offered health insurance except for elected officials. We are not certain if the elected official (third Justice) will be enrolling in the health insurance.

Ms. Izzarelli stated that the Village of Briarcliff Manor will receive no benefit from this but we are picking up 38% of the cost.

Supervisor Borgia stated in New York State Towns are required to have justice courts and Villages are not. Supervisor Borgia hopes that the Village of Briarcliff will be able to join in a consolidated court in the future and understands that there are jurisdiction issues. Supervisor Borgia would like to reduce the true duplication of services and this process has not been done in haste. There has been a great deal of financials that have been discussed. This consolidation will be a great benefit to the community at large and we will provide equal or better service.

Sergeant Joe Tolve Village Police Department & PBA Trustee stated that decisions are being made without the proper research that goes on with a jail transport. The County police do these transports on a smaller scale. Sergeant Tolve has done many jail transports and when doing these transports the officers get a lot of information from the prisoners about crimes and cases and feels that we are going to lose an important level of intelligence when this responsibility is farmed out to another division. This is heavy volume, a lot of prisoners and whole day of transporting.

Sergeant Tolve questioned why would you relieve the Village of the burden of paying for prisoner transport because it does accrue over time and give over time to another jurisdiction and send the money out of the Village and put the burden of a tax base that is outside of the Village?

Supervisor Borgia advised that the Town is not part of the decision to continue to use the Village police for prisoner transport. This is something that the Village Board will need to discuss. Supervisor Borgia agrees that this is a valuable service. If we were to turn it over to Westchester County Corrections it would be because they are obligated to do the service.

Mr. Eric Blaha of Audubon Drive voiced his strong support for this consolidation.

Mr. Blaha believes that there is a great deal of waste and inefficiencies across the state and feels that this is a good opportunity for this community to change the status quo and to improve the efficiency of the local courts and to provide the tax

payers a cost savings. Mr. Blaha commended the two boards and was very impressed with the collaborative efforts between the two boards and pleased to see that our elected officials are willing to take some risks for the purpose of change.

Mr. Blaha stated that this Board is offering a transparent government. The public is very aware of the fact and figures relating to this consolidation. Mr. Blaha stated that there was discussions and questions to reduce overtime however, this decision is better for the community in the long run.

Supervisor Borgia stated that this process has been researched for a very long time and there has been a great deal of analysis. Supervisor Borgia explained that this resolution had to pass 60 days prior to the consolidation.

Ms. Izzarelli pointed out that when a consolidation is done in the private sector they are performed a certain way and when they are done in a private sector the decisions are made and people stand by them. What is happening here is happening behind closed doors and decisions are not being disclosed. Also, Ms. Izzarelli advised that every tax dollar that gets put her way she will fight for.

III. BOARD RESOLUTIONS

A. RESOLUTION RELATING TO THE MERGER OF THE OSSINING TOWN AND VILLAGE COURTS

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

WHEREAS, the Board of Trustees of the Town of Ossining has determined that the merger of the Ossining Town and Village Courts into a single Town of Ossining Justice Court is in the overall best interest of the residents of the Town Of Ossining; and

WHEREAS, certain enabling legislation, effective July 8, 2011, known as NYS Chapter 146 of the laws of 2011 was duly passed by both houses of the New York State legislature and thereafter signed into law by the Governor, which law granted authority to the Village of Ossining to abolish it's Justice Court and the office of Village Justice; and

WHEREAS, the enabling legislation further provided, in the event the Village of Ossining abolished its Justice Court effective January 1, 2012, that the Town of Ossining shall thereupon have three Town Justices instead of the current two, with the third Justice position being filled by election at the regular election prior to the effective date of Village Court abolition; and

WHEREAS, the enabling legislation further provided that, except by joint resolution of the Board of Trustees of the Village of Ossining and the Town Board of the Town of Ossining, all non-judicial employees of the Village Court of the Village of Ossining shall become non-judicial employees of the Town of Ossining at the same salary and seniority and comparable benefits, upon the effective date of abolition of the Village Court, and

WHEREAS, it is anticipated that the Board of Trustees of the Village of Ossining, will be passing a concurrent resolution to this resolution, wherein the Village of Ossining will be abolishing its Justice Court and the office of Village Justice, effective January 1, 2012.

NOW THEREFORE BE IT RESOLVED, that, contingent upon the Village of Ossining abolishing its Justice Court and the position of Village Justice, effective January 1, 2012, the Town of Ossining hereby establishes a third Town Justice office, equal to the existing Town Justices, in accordance with the hereinbefore mentioned enabling legislation, as well as the applicable provisions of the New York State Town Law and New York State Judiciary Law, and

BE IT FURTHER RESOLVED, that such third Town Justice office shall be filled by election at the regular election held immediately prior to the effective date of abolition of the Village Justice Court, provided the Village Justice Court is abolished effective January 1, 2012 with the election being held in accordance with the New York State Election and Public Officers Laws.

BE IT FURTHER RESOLVED, that effective January 1, 2012, provided the Village of Ossining abolishes its Village Court, effective January 1, 2012, all existing non-judicial employees of the Ossining Village Court, with the exception of one non-judicial employee holding the title of Assistant Court Clerk and six non-judicial employees holding the title of Court Attendants, shall become employees of the Town of Ossining and in accordance with the requirements of New York State Civil Service Law section 70(2).

BE IT FURTHER RESOLVED, that effective January 1, 2012, the Town Court of The Town of Ossining, shall assume the adjudication and administration of the Village of Ossining parking violations pursuant to the terms of an IMA, in a form acceptable to The Town Supervisor, Town Board and Town Attorney, whereby the Village of Ossining will pay the Town an agreed amount to cover the personnel costs associated with administration of the Village of Ossining parking violations.

BE IT FURTHER RESOLVED, that, upon abolition of the Ossining Village Court, effective January 1, 2012, and in accordance with Uniform Justice Court act section 2021(1), all fines imposed by the Town Court for violations of local Village of Ossining local laws, ordinances, or regulations shall remain the property of the Village of Ossining.

BE IT FURTHER RESOLVED, that effective January 1, 2012, upon abolition of the Ossining Village Court, all related matters pending in the Village Court and all records of proceedings pending in the Village Court shall be transferred to the Ossining Town Court.

Supervisor Borgia added that the Village of Ossining has agreed to pay the personnel costs for maintaining of the Parking Violations Bureau within this consolidation.

Councilman Tripodi stated that it was very clear at the last meeting that Westchester County would be doing the prisoner transport and now it is not certain and healthcare for elected officials is now uncertain. Councilman Tripodi added that these examples clearly illustrate the problems that this process has had from the beginning.

Councilman Tripodi read the following statement into the record:

This Court consolidation process lacks transparency, and cost savings.

The straw man argument of long term savings- everyone is touting long term savings but yet no one was brave enough to address specific areas in which long term savings would occur. While the Mayor of the Village of Ossining attempted to answer the question of specific long term savings- it did not suffice nor was realistic. The reality is pension contributions rise every year, salaries rise every year, and healthcare costs rise every year- and I am supposed to believe minimalizing the duplicated computer and telephone systems will result in long term savings over the previous large expenses I just mentioned? I think not.

The Mayor also indicated that it was a decision of the Town to give prisoner transport to the County Police and take over-time away from village police officers. Let me be clear, this may have been the decision of Catherine Borgia (again without approval from the Town Board), but I never authorized anything pertaining to this issue.

This resolution was borne out of a committee that met privately and behind closed doors for two years and just two weeks after having finalized financials the Town Board is expected to pass this resolution, financials that are in fact still not accessible on both Town and Village websites but only through a FOIL request which takes a week.

I received these financials on August 23rd at the end of the Town Work Session. The board met in executive session to discuss the issue, but not many questions were asked due to the fact no one had seen the documents until that night. We had no meeting the next week, and Wednesday of that week was the court consolidation public meeting. Now the Town is set to vote and pass this measure and we as a board have not even discussed the financials after having read them. I, in fact, still have serious questions- such as how court security and prosecution staff will be administered and staffed.

I do not believe the residents of the Town and Village of Ossining, as well as residents of the Village of Briarcliff Manor, are stupid enough to believe a bunch of local politicians that claim this consolidation will save money when, in fact, it does the opposite. I have more respect for the residents I serve than that and I am offended and embarrassed, for the first time in my public service career, to sit on a board that would try and do something like this. Meeting behind closed doors, locking out the public, locking out the unions, locking out fellow elected officials, not releasing financial data to public are just some of the reasons why I feel the way I do.

By voting yes to this resolution you are voting to raise taxes 6% on Ossining Village, Ossining Town, and Briarcliff Manor residents

By voting yes to this resolution you are voting increase spending 11%

By voting yes to this resolution you are voting to raise the salary for a part time justice job to nearly \$40,000.00 dollars

By voting yes to this resolution you are voting to offer free health insurance to part time elected officials.

By voting yes to this resolution you are voting to increase to the Town Justice Court debt to \$457,624.20-up \$195,845.42.....yes \$195,845.42 in new debt while the village loses all the debt they have in exchange for an over \$200,000.00 surplus.

Shame on the closed door, non-transparent committee; and shame on my colleagues that insist on closing these meetings. To realistically expect me to support a resolution born from a closed, non-transparent committee is just an insult to everything I stand for and the reason why I am in public service.

Once again a major issue directly affecting every single resident of Ossining and Briarcliff Manor is being rushed through the voting body with absolutely no transparency. Once again I must repeat: This is not Washington D.C., this is not dysfunctional Albany, this is not what I was elected to do.

I was elected to serve the residents of the Town in a transparent and respectful manner, to make decisions on their behalf, and to not take advantage of them. This does the opposite.

Councilman Tripodi had the following questions:

- **How will the prosecution be staffed and administered?**
- **How will the security of the court be staffed and administered?**
- **Councilman Tripodi also questioned the four year projection plan and it rises 2.5% every year until 2014. Is this a mistake?**

Supervisor Borgia explained that both the Town and Village have a prosecutor and they will continue to hire them as prosecutors to handle the influx of the new cases that come in. Supervisor Borgia stated that they will have a part-time police officer as we intend to rehire in the Town. We are unsure of the health insurance for the third Justice because it depends on that person. At the time of last week's meeting Supervisor Borgia was under the impression that the Village was no longer going to use the Police Officers for the prisoner transports and assumed that it would be a County function. The projections that are in the Town packets were done by the Comptroller and this is the impact of the 2% tax cap.

Councilman Tawil, Harter & Wilcher were in favor of the consolidation.

**Vote: 4-0-1
Voting Aye: Tawil,
Wilcher, Harter &
Borgia
Nay: Tripodi**

IV. ADJOURNMENT –WORKSESSION

At 8:47 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Approved:

Mary Ann Roberts, Town Clerk