



SPECIAL MEETING

**TOWN BOARD
TOWN OF OSSINING
MUNICIPAL BUILDING
16 CROTON AVE. 1ST FLOOR
OSSINING, NY 10562**

**SEPTEMBER 16, 2014
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey 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 16, 2014 at the Municipal Building, 16 Croton Avenue in Ossining. The meeting was called to order at 8:49 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Kim L. Jeffrey, Geoffrey Harter and Eric P. Blaha. Also present were and Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Deputy Town Clerk Ann Marie Rocco.

II. PUBLIC COMMENT ON AGENDA ITEMS

III. RESOLUTIONS

A. Consent to Enter into Contract Negotiations

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

BE IT RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Supervisor, Town Attorney, Budget Officer and one member of the Town Board to enter into contract negotiations with the Village of Ossining for the Provision of Police Services in the Unincorporated Area of the Town of Ossining.

Motion Carried: Unanimously

Supervisor Donnelly read the following press release:

The Town of Ossining administration has been extremely happy with the performance of the Westchester County Police over the past four years, as have the residents and commercial property owners of the Unincorporated Area. The County Police have demonstrated professionalism above and beyond our expectations, and have set a high bar for any police department that becomes responsible for the safety and well-being of the Unincorporated Area. We would not hesitate to recommend their services to any community interested in controlling the costs of policing their community.

However, after careful consideration, much research and investigation, the Town Board of the Town of Ossining has agreed to enter into contract negotiations with the Village of Ossining for the provision of police services. The Village of Ossining's proposal has many attractive elements, specifically the opportunity to pursue consistent policing throughout both the Town and Village, and also in the Ossining school system. We are also pleased that this contract includes hiring five people from the Town of Ossining, allowing our community members to serve their neighbors and grow in our community.

These contract negotiations must be completed no later than October 15th, 2014, but we have every hope that they will be completed sooner, allowing the Village to begin its hiring process and the Town to budget appropriately. Should the contract negotiations falter for any reason and are not completed by the aforementioned date, the Town Board is prepared to request a year extension of the current contract with the Westchester County Department of Public Safety. During that time, if necessary, we would request that New York State perform a complete evaluation of the public safety needs of the Unincorporated Area (free of charge), using that time to further ensure that prospective services will be provided responsibly and at the most reasonable cost.

Both the Village of Ossining and the Westchester County Department of Public Safety are exemplary police forces, and we feel the Unincorporated Area would be in good hands either way. However, we have concerns about certain details about the Village of Ossining's proposal that have kept us from making a quick decision based on cost-savings. Engaging armed police officers charged with protecting the public is the most sensitive service we provide, requiring individuals to always be at their best and being alert and ready for any emergency, and thus raises certain concerns regarding the considerable dependence on overtime in the Village's proposal.

The proposed method of providing services, relying so heavily on overtime, appears to have few, if any, adherents in local law enforcement. The Village has been asked to address the viability of this method and insists that it will devise a plan to effectively use this technique. It thus appears that the actual specifics may be a work in progress. The Town, in this instance, will insist on the Village meeting its contractual obligations and will rely on the Village providing the agreed services at the agreed price for the life of the contract. In this regard, the Village will be treated as any other outside contractor.

The Village has also been asked to address whether this contract may result in the Village "subsidizing" the Town by providing the services at less than actual cost. The Village denies that is the case. As with any other outside contractor, the Town cannot question the financial conclusions reached by the Village in formulating its proposal, but instead must assume that the Village and its fiscal analysts have fully considered the financial viability of its proposal. The Town simply does not have the ability to analyze the nuances of Village finances, and must assume that the Village officials fully understand their fiduciary obligations to the taxpayers of the Village in proposing the enforceable contractual obligations the Village will be assuming. The Village must understand that the Town administration likewise has a fiduciary obligation to the residents of the Unincorporated Town and, as a result, the Town will not be in a position to renegotiate the contract mid-term. The Village should not enter into this contract if it believes the contract can be renegotiated or the services reduced if the costs are found to exceed the guaranteed amounts the Town will be charged under the proposal.

More of our concerns are:

- *The use of overtime/double-up days as a "plan," not as an emergency provision. During the first seven months of the contract, while the five new officers train at the police academy, 100% of the Town coverage encompass officers working overtime or as part of a double-up day.*
- *The use of overtime throughout the contract. At current staffing requirements, there should be 10 officers assigned to the posts within the Town, in order to properly cover days off, personal days, sick days and vacations.*
- *What provisions have been made if one or more of the new officers do not successfully complete the police academy? To begin the process over will take another seven months, which means even more overtime than anticipated figured into the contract.*
- *How do we guarantee that the officers assigned to the two Town posts will, indeed, be covering the Town sectors? How do we ensure the residents of the Unincorporated Area are receiving the services for which we've contracted? To this end, the Town will be requesting delivery of monthly payroll and attendance records for officers assigned*

to the two Town sectors, along with logs of locations and the installation of GPS on all vehicles assigned to Town patrol.

We have verified that Village Police can be given legal authority to provide and enforce law enforcement in the Town, outside their current jurisdiction, through a Town Board Resolution, which will be forthcoming if and when the negotiations reach a successful conclusion.

We look forward to moving ahead with this process, and trust that the residents of the Unincorporated Area understand and respect both our decision and our process- together, we hope to continue to strengthen our community and partner on this new endeavor in a way that enhances all of Ossining.

Councilmember Jeffrey stated that this is not a vote against Westchester County Police since they have provided wonderful service.

Supervisor Donnelly reminded residents that there will be a Town Hall Meeting on Tuesday September 30, 2014.

Councilman Blaha explained that there is a lot of research and investigation that goes on with this topic. Councilmember Blaha stressed that they are working on what's best for this community. This is a process that is being taken very seriously and hopes that we are all comfortable with ultimate decision. Tonight's vote is to continue the process and to move on in a particular direction.

B. Stipulation of Agreement between Town of Ossining and Teamsters Local 456

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

BE IT RESOLVED, that upon recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation of Agreement regarding Marco Piscopiello and return of excess wages paid in error, between the Town and Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, effective September 16th, 2014; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Stipulation on the Town's behalf.

Motion Carried: Unanimously

C. Personnel- Resignation

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

Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of Chauffeur Nyesha Lamar, effective September 12th, 2014.

Motion Carried: Unanimously

D. Contract- Retaining Outside Counsel for Tax Certiorari

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

Resolved that the Town supervisor is authorized to sign a retainer agreement with Danielle G. Vincelette, P.C., to act as trial counsel in the Article 7 Tax Certiorari matter, 200 South Highland Avenue LLC versus the Town of Ossining, in accordance with the proposal letter dated September 10, 2014 and in a form approved by the Town Attorney.

Councilmember Blaha moved to amend and it was seconded by Councilmember

Wilcher that the resolution be adopted as amended.

Motion Carried: Unanimously

IV. ADJOURMENT-WORKSESSION

At 7:53 P.M. Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk