



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

**NOVEMBER 25, 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 Regular Meeting of the Town Board of the Town of Ossining was held on November 12, 2014 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Geoffrey Harter, Eric Blaha, and Kim Jeffrey. Councilmember Northern Wilcher was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Deputy own Clerk Ann Marie Rocco.

II. Public Hearing in the Matter of the 2015 Tentative Budget

At 7:31 P.M., the Public Hearing was opened

Public Statement on the 2015 Budget by the Receiver of Taxes

Budget Officer Maddi Zachacz provided a brief overview of the 2015 budget which highlights the following items: Zero percent tax increase in Unincorporated Area (20 Fund); increase well within New York State allowable tax levy increase for 2015 and uses some 2014 carryover allowance of \$41,051; Recreation IMA moved from General Fund (10) to Unincorporated Area Fund (20) ensures parity in red card fees between Village of Ossining and Unincorporated Area residents; continued contingency accounts in Town General (10 fund), Unincorporated Area Fund (20 Fund) and Highway Fund (31); continued Six (6) Year Capital Plan for all departments including proposed methods of financing ; Taxable Assessed Value increased 1.07% in Town Outside and increased 0.15% in Town General; and Health Insurance (NYS Empire Plan): 6% projected increase; continued contribution to premium by both Teamsters and CSEA union members. The 2015 budget is on the Town website, Town Clerk's office as well as the Ossining Public Library for review by any resident. The Town is cautiously optimistic with the 2015 being under the New York State Tax Cap.

Gerald Wunderlich, North Water Street, commented that he felt the notice of public hearing was not properly posted. Town Clerk Mary Ann Roberts responded that it had been sent to the Journal News for publication; posted on the Town of Ossining Bulletin Board at 16 Croton Avenue and was also on the Town of Ossining website.

Gloria Fried, Receiver of Taxes read the following statement:

My name is Gloria Fried. I live at 22 Ryder Road in the Village and the Town of Ossining. I am the elected Receiver of Taxes for the Town of Ossining, and I would like to make a statement for the public record.

I've been a public servant in this town for 21 years. I served eight years under Marie Gagliardi, the previous Receiver of Taxes. I was hired in 1994 as a programmer/analyst to help convert the office from paper to computers, and to automate the liens and the foreclosure process.

When Mrs. Gagliardi retired I ran for the office, where I've served 13 years. I'm in my fourth term as the elected Receiver of Taxes. During these past 21 years, I've worked for five supervisors, William Burton, John Chervokas, Martha Dodge, Catherine Borgia, and Sue Donnelly. During 20 of those 21 years we were able to provide in the Tax Office with what I believe was exceptional public-service. We were able to serve the public coming in to pay taxes, answer their questions, take their phone calls, and provide the documentation that they required when they called us for help with an escrow problem, a tax problem, or any other problem, even when they called about things that weren't even tax related.

After 20 years of operating the office with two deputy receivers, supplemented by part-time help at the seasonal times of year when tax collection became very heavy, in late 2013 the Supervisor proposed and the Board agreed, to a budget that made decisions that appear to many people in our Town to be intended to significantly decrease and diminish the services that my office provides to the public. I'd like to identify some of those decisions for the public record.

The first decision was to eliminate one of the Deputy Receiver positions. This has now left the office at times in a situation where nobody is present to handle questions. When one person is on vacation and another goes to lunch there is no one in the office and it has to be closed to the public. The two deputies who worked in my office last year both retired and one of those positions was replaced by a part-time Assessment/Tax Aide who is in my office half of the time, but in the Assessor's Office the other half. That means we go back-and-forth as whose office will be docked for vacation time, and if she wants to take a course in Excel then we have to figure out whose time it's coming off of and that left the Tax Office uncovered for a lunch this last week.

The second decision, originally made in 2012, was to completely eliminate the part time seasonal employees who came in to work at the end of the months of January, April, September, and December when tax collections are heavy. I have no one, no trained people at all, who can come in now and cover the office when the entire staff is out or needs to go to training, which occurs at least once a month. There is nobody I can train now to come in, because if you're not getting employment you're going to find it elsewhere, and that's what they did. Of the people that had been trained, I hired one as my new deputy and the others have found other employment.

The third decision the Board made in 2013 was the refusal to fund one piece of software that would electronically copy checks at 550 per minute and also a second piece of software that would provide us with an Image Cash Letter, enabling us to electronically deposit checks to our bank on the same day as received and posted, without having to stamp the back of each check and prepare a deposit slip and courier bag. Not only would this software have speeded up operations, but furthermore, it would have provided more security for the office because our agreement with the bank courier does not cover checks. It only covers the ability to reconstruct a deposit, requiring us to have those copies of checks. You cannot stand front of the copier in the public area of my office making copies of checks three at a time, especially during the heavy periods of the collection when there is a line of taxpayers out the door.

The fourth decision the Supervisor and Board made in 2013, which was meant to deliberately diminish not only the service that the office provides, but also the stature of the office, was to slash the Receiver's salary by 45%. That brought the salary down below the level it was 18 years ago when Marie Gagliardi was the Receiver. The amount proposed in this year's budget for 2015 leaves it well below what it was when I first took office 13 years ago.

I'd like it on the record that I am also the Enforcement Officer for the Town of Ossining in addition to the Receiver and that means this is not a clerical position where we just accept a check and then deposit it. It's also a position where we send out delinquent letters, I run the foreclosures, and enforce delinquent liens.

At any one time I have four years worth of delinquent taxes open, in collection, and in enforcement -- that's every year and at any time. We have the current year's tax which people have not yet paid and which we are trying to collect. The second year's tax are the people who are already one year behind. Their delinquent taxes have been rolled into liens and were filed with the County in July, and we're now enforcing delinquent liens. The third year is the foreclosure stage. Last year we had 45 properties in the foreclosure. I actively worked directly with these property owners, bringing them before this board to get a payment plan or to have extra time to redeem their property. If I go back through Town Board minutes and look at your Board Resolutions, I see many resolutions I brought before you pertaining to people in foreclosure waiting for a payment plan, waiting for a delay to sell their property and at least gain something before the Town takes it.

The fourth and last stage of tax enforcement is the auction stage, and this year I ran the foreclosure auction from start to finish, from creating the mailings, creating the marketing materials, creating the website materials that the Town webmaster so graciously uploaded for me, creating all of the ads that were in the newspapers, fielding questions, registering bidders, and serving as auctioneer. That auction was so successful that it garnered for the Town more than half a million dollars. When the closings are completed and the Town has collected that revenue, the excess revenue above and beyond the taxes and interest will provide this town more than 12 times the amount that I'm asking you to restore to the Receiver's salary.

I'd like to add that in the budget message on the Town's website the Supervisor acknowledged these activities that I do for the Town, mentioning the success of the auction, the bringing forward of people for payment plans, the services to residents who are in tax difficulty, the compassion that I show to these people who come to me and really want to pay their taxes but need help.

I'm asking this Board to restore the public service that this office has provided to the Town and to Town of Ossining residents and commercial property owners. I am asking the board to restore that public service that was here for 20 years and was degraded last year.

I am asking the board to please restore part-time seasonal employees. I provided you with a chart that showed that during only 21 days at the end of collections in January, April, September, and December, we collected 31% of the 130 million dollars we collected last year, and this year, without the part-time employee, lines of taxpayers were out the door. That not only impacts people upstairs in my office, but also those downstairs looking for a parking space because the lot is full with the cars of those waiting to pay.

Second, I'm asking the Board to put the Tax/Assessment Aide back full-time to sit at the desk in my office and then allow her to work on assessment items while she is seated there. She would be able to access assessment records from that computer. This would provide someone to answer the phone so that when the Receiver or the Deputy is out the other can at least go to the bathroom without locking the door. And we have to lock the door, because don't forget, this is where the money is collected, so when we leave the room we have to lock the door.

Third, I would like this board to please fund the software I requested. I would love to be able to provide for you the demonstration that I provided to the New York State Association of Tax Receivers and Collectors the summer. I presented this software to considerable acclaim because they were very interested in ways to enhance security and also speed bank deposits and earn extra interest. I was presented a scholarship to provide this presentation to the New York State Association of Tax Receivers and Collectors because the education and conference

budget lines had both been cut from the Tax Office 2014 budget. I would like to show that presentation to this Board and I seek your approval to have that software back in operation in the Tax Office. I already have the equipment -- I just need the software.

And fourth, I would like this Board to restore the Receiver's salary. I feel that during this past year I have proven to you that I have earned the original salary. Not only did I get the Town a windfall in the auction, but I also have gotten the Town to a point where we have the best record in Westchester County with no liens older than 2013. That is the oldest lien and they are already in the foreclosure stage. The only other older liens that are open are the ones that we still have to close on the auction properties. This is due to hard work and it's also due to my connections with the tax service agencies and the automation that I provided.

I am asking the board to please bring these four restorations back to the 2015 budget.

Jeff Miller, Bellview Avenue, President of the Cedar Lane Dog Park Association, stated that this group has been funding the dog park with dues, etc. and due to some new circumstances are not able to continue. They understand that the Town of Ossining has been providing funding to a dog park at Ryder Park and are requesting funding for Cedar Lane as well. They are looking for between \$1500 and \$2000.

John Fried, Ryder Road, stated that he was an elected Town Justice and in conjunction with the other judges reviewed the tentative budget and did not request any changes. If the Town sees fit to make changes, the Town Judges request that they be made aware of any changes prior to adoption.

John VanSteen, South Highland Avenue, questioned whether the Town was going to use the PEG money for audio equipment at the Ossining Public Library. Also questioned were the fines and forfeitures, salaries in the Traffic Violations Department; salary increase in Supervisor's office; adding a new person in the Supervisor's office (Confidential Secretary); salary cut for Receiver of Taxes and Highway Superintendent.

Jerry Wunderlich, North Water Street, stated that Gloria Fried and Michael O'Connor deserve restoration of their salaries.

At 8:10 P.M., Councilmember Blaha moved and it was seconded by Councilmember Harter that the Public Hearing be closed.

III. ANNOUNCEMENTS

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes

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 November 12, 2014, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 25, 2014 in the amount of \$287,341.78.

Motion Carried: Unanimously

C. Local Law No. 4 of 2014 for the Purpose of Changing the Town Taxable Status Date From June 1st to May 1st.

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

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

BE IT ENACTED by the Town Board Of The Town Of Ossining, New York, as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #4 of 2014, for the purpose of amending Chapter 180 of the Town Code, Taxation Law, regarding the Taxable Status date for the town of Ossining and adding an Article X to the Taxation Law.

Section 2: Legislative Intent

The Town Board would like to improve the ability of the Assessor to correctly identify, on a timely basis, all exemptions which Town of Ossining property owners are entitled to on a yearly basis by adding certain provisions to Chapter 180 of the Ossining Town Code, providing for a change in the taxable status date in the Town of Ossining from June 1 to May 1 such change being authorized under section 383.141 of the Laws of The County of Westchester. This Local Law is determined to be an exercise of the legislative powers of the Town to promote the welfare of residents and to alleviate timing difficulties on the part of the Assessor in processing exemption applications.

Section 3: Chapter 180 of the Laws of the Town of Ossining “Taxation” Shall be Amended by Adding an Article X which will read as follows:

“A. Under section 283.141 (1) of the Laws of The County of Westchester County, the taxable status date for towns in Westchester county is June 1 of each year. By Local Law No. 3 of 2008, the County of Westchester amended section 283.141 to allow a town to elect May 1 of each year to be its taxable status date.

B. The Town Board finds it to be in the public interest and does hereby elect May 1 of each year as the Town’s taxable status date in order to alleviate timing difficulties on the part of the Assessor in accepting and processing exemption applications in order to meet the annual deadline for publishing the tentative assessment roll. ”

Section 4: Ratification, Re-adoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Inclusion in The Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; and that the sections and subsections of this Local Law may be renumbered or re lettered to or accomplish such intention; and that the word “local law” shall be changed to “chapter”, “section“ or other appropriate word, as required for codification.

Section 6: Renumbering

The location and numerical designation of this Local Law and the sections included here in shall be delegated to the discretion of the codifier, General Code, which may

renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 7: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section number by the codifier, General Code, in accordance with the numbering system of the Code.

Section 9: Codifier's Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law of the provisions of the code affected thereby.

Section 9: Codifier's Changes

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 10: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Sec. of State as provided by the Municipal Home Rule Law.

**Roll Call Vote: 5-0-0
Ayes: Harter, Jeffrey, Blaha
Wilcher & Donnelly**

**D. Request for Bids- Delivery of Meals and Supplies for Nutrition Program-
AMENDED**

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

Whereas, the Town Board of the Town of Ossining, on October 28th, 2014, authorized the Town Clerk to advertise a Request for Bids for the delivery of meals and supplies for the Nutrition Program; and

Whereas, the bids were to have been submitted no later than 10:00AM on Monday, November 17th to the office of the Town Clerk;

Now therefore, be it resolved that the Town Board of the Town of Ossining hereby authorizes an extension of this deadline to December 1st, 2014, with bids to be opened at 10:00AM in the office of the Town Clerk.

Motion Carried: Unanimously

E. Retainer Agreement- Bond, Schoeneck & King, 2015-2017

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

The Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a renewed retainer agreement with Bond, Schoeneck & King PLLC to continue serving

as Labor Counsel for the Town of Ossining from the years 2015 through 2017, according to the terms and conditions of their letter dated November 3rd, 2014, and in a form acceptable to the Town Attorney.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

VII. MONTHLY REPORTS

VIII. VISITOR RECOGNITION

Liz Feldman, Ossining Boat and Canoe Club, stated that the old FEMA map of the OBCC is still on the website.

IX. ADJOURNMENT -EXECUTIVE SESSION-LEGAL ADVICE

At 8:30 P.M. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk