



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

**DECEMBER 9, 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 December 9, 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, Kim Jeffrey and Northern Wilcher. Also present were Deputy Town Attorney Mark Reisman, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

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

Michael G. O'Connor, Highway Superintendent, requested whether Councilmember Blaha was advised of the comments made by Mr. O'Connor during the department head meetings with the Board from which Councilmember Blaha was absent regarding the restitution of his salary? Mr. O'Connor stated that he will be retiring in three years and that the harm done will perpetuate into the future. He also discussed the planned retirement of his Office Manager and the position being made part time. This is a full time job and, please recognize it as a full time position.

Gloria Fried, Receiver of Taxes and a resident of Ryder Road, questioned that the presentation with the department heads was done in private and not taped.

John VanSteen, South Highland Avenue, questioned the specific line items he discussed at the November 25, 2014 Public Hearing on the 2015 Proposed Town Budget.

Jerry Wunderlich, North Water Street, questioned the 40% salary reduction of Mrs. Fried's salary and has requested that it be restored.

Tax Receiver Gloria Fried read the following Public Statement on the 2015 Budget by the Receiver of Taxes

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 was hired in 1994 as a programmer/analyst to help convert the Tax Office from paper to computers, and to automate the liens and the foreclosure process, and I am now 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 what I believe was exceptional public-service in the Tax Office. 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 to whose office will be docked for her 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. That sometimes leaves the Tax Office uncovered during lunch periods and other times when both the Receiver and Deputy must be absent.**

**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. There are no trained people now who can come in to 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 former people that had been trained, ne has been hired 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.

Gerold M. Wunderlich read the following statement:

I note that on December 31, 2013, at approximately 9:30 a.m., the Town Board attended an unscheduled meeting, in which no notice was publically posted, as required by law; that the public was not notified of said meeting, and that no member of the public, much less the two subjects of the vengeful slashing of salaries, had an opportunity to speak, contrary to public law. Further, it is indicated that the meeting lasted a full seven minutes so clearly a lively discussion did not take place.

As I understand it, at no time did any member of the Board of Trustees have a face to face meeting with either Gloria Fried or Michael O'Connor both, like you elected officials. It shows a lack of professional courtesy to other members of the Town of Ossining, who quite frankly, are far more qualified than yourselves!

It is clear that the capricious and retaliatory reducing of the salaries of two duly elected Town officials, Michael O'Connor and Gloria Fried, appears to be based solely on political punishment. It is very clear to me, as well as others, that the current board is making a huge mistake, and it may very well have a legal impact that could come back at you.

This budget must be requested until such time as it is properly amended so that the full salaries of both the Collector of Taxes and the Superintendent of Highways are fully restored.

### III. ANNOUNCEMENTS

Supervisor Donnelly read the following statement: The Clerk's office and Administration followed the law as far as posting for the public hearing for the budget. This administration goes out of its way to make this government as transparent as possible. The Journal News did not publish the announcement so to have no questions we decided to call for another public hearing which we have had this evening

The administration is very proud of this budget many hours of preparation has gone into producing the budget and again I want to thank the Budget Director Maddi and Tom, Dale and their staff in the Finance office for the great job they have done. Tonight we will be voting on the 2015 budget as well as approving other resolutions such as Recreation IMA including a lease to rent space for the Senior Nutrition Program at the Community Center from the Village. This IMA itself took a tremendous amount of time and effort on everyone's part and we again are proud that we can offer the residents of the Unincorporated Area benefits that were not available in the past.

There has been some discussion and we have made some changes to the budget  
Town Court: Shifting some money from the PT line to the Court Security line as we continue to work with the Village on how to staff the Court Officers/Police for 2015.  
Assessor: Adding \$1400 for scanning project  
Tax Receiver: Increasing salary from \$60,000 to \$70,556

**Medical: We will add 2 more coming onto the insurance, one family and one individual. Based on the rates we got, after contributions, that will be a difference of \$16,280 for family and \$8212 for the individual so we made it an even \$25,000 to include dental/ vision premiums.**

**In 020 (Unincorporated)**

**-Adding one requested dental plan, which will be about \$1300 extra we will expend.  
In 31:**

**-Salary of Highway Superintendent to be increased from \$81,000 to \$83,048.**

**In order to accomplish these changes and not increase the tax levy we moved the funds from lines that we have gotten accurate numbers for the 20, 31, and 45 funds because our estimates were a little bit high. As far as general fund we will take 25,000 from fund balance and 11,956 from general fund retirement expense account to cover the additional expenses of \$36,956.**

**We have accepted the resignation of George Weeks as Planning Board Chair. Again we thank George for his 30 + years of dedication to this community. There will be a Planning Board meeting tomorrow night with one item on the agenda The Woods in Westchester, Croton Dam Road & Hawkes Avenue, Site Plan Amendment to Wetlands Permit**

**We will also be voting on minutes and to pay our bills along with some budget adjustments as well as some of our monthly reports.**

**After the budget resolution.**

**There has been a great deal of information given out to the public concerning this budget some of it accurate some of it not.**

**Some information distributed compared apples to oranges and very likely confused some of the residents which are also inappropriate.**

#### **IV. PUBLIC COMMENT ON AGENDA ITEMS**

**John VanSteen, South Highland Avenue, questioned Resolution I (Approval of the 2015 Budget) questioned why there was a difference in the 10 Fund from the Preliminary Budget and the resolution for adoption. Supervisor Donnelly responded that there was additional money for salaries. Mr. O'Connor's salary is \$83,048 and Mrs. Fried's is \$70,556. He requested that the 2015 budget should reflect fully restored salaries for both. Please vote no on this resolution.**

#### **V. BOARD RESOLUTIONS**

##### **A. Approval of Minutes**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the November 25, 2014, Minutes of the Regular Meeting as presented.**

**Motion Carried: Unanimously**

##### **B. Approval of Minutes-Special Meeting**

**Councilmember Wilcher 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 December 2, 2014, Minutes of the Special Meeting as presented.**

**Motion Carried: Unanimously**

**C. Approval of Voucher Detail Report**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated December 9, 2014 in the amount of \$324,337.37.**

**Motion Carried: Unanimously**

**D. Budget Adjustments**

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

**Resolved, that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2014 adopted budget:**

<b>2014 Tax Certiorari Bond Budget Adjustment to Expense and Revenue lines charged; All funds</b>					
<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FRM G/L ACCNT</b>	
010.1930.0438	Judgments and Claims	34254.49			
010.0010.1001	Tax Revenue	5168.94	39423.43	010.0010.5710	Fund Balance
020.1930.0438	Judgments and Claims	63520.98			
020.0020.1001	Tax Revenue	9237.34	72758.32	020.0020.5710	Fund Balance
031.1930.0438	Judgments and Claims	49266.11			
031.0031.1001	Tax Revenue	7314.56	56580.67	031.0031.5710	Fund Balance
045.1930.0438	Judgments and Claims	14854.10			
045.0045.1001	Tax Revenue	1606.3	16460.40	045.0045.5710	Fund Balance
050.1930.0438	Judgments and Claims	426.45			
050.0050.1001	Tax Revenue	77.36	503.81	050.0050.5710	Fund Balance
063.1930.0438	Judgments and Claims	1396.03			
063.0063.1001	Tax Revenue	216.25	1612.28	063.0063.5710	Fund Balance
064.1930.0438	Judgments and Claims	12775.19			
064.0064.1001	Tax Revenue	2058.07	14833.26	064.0064.5710	Fund Balance
065.1930.0438	Judgments and Claims	12488.3			
065.0065.1001	Tax Revenue	1770.92	14259.22	065.0065.5710	Fund Balance
066.1930.0438	Judgments and Claims	6348.13			
066.0065.1001	Tax Revenue	1231.46	7579.59	065.0065.5710	Fund Balance

	<b>TOTAL</b>	224010.98	224010.98	
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**Motion Carried: Unanimously**

**E. Personnel: Senior Nutrition Program- Appointment**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Jeffrey Sutton, Ossining, to the probationary position of Part-Time Chauffeur in the Senior Nutrition Department, at an hourly rate of \$12.00, effective December 4<sup>th</sup>, 2014.

**Motion Carried: Unanimously**

**F. Authorization to Execute IMA with the Village Of Ossining for Recreation and Park Administration**

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

RESOLVED, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to execute an Inter-Municipal Agreement (“IMA”) with the Village of Ossining with a term effective January 1, 2015 through December 31, 2015 for the Village to provide recreation programming and Town park rental administration for the Town in accordance with said IMA, subject to the approval of the Town Attorney.

**Motion Carried: Unanimously**

**G. Authorization to Execute IMA with the Village Of Ossining for Senior Nutrition Program Rent**

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 authorizes the Supervisor to execute an Inter-Municipal Agreement (“IMA”) with the Village of Ossining with a term effective January 1, 2015 through December 31, 2015 for the Town to pay for the space within the Joseph G. Caputo Center utilized by the Senior Nutrition Program in accordance with said IMA, subject to the approval of the Town Attorney.

**Motion Carried: Unanimously**

**H. Personnel- Resignation**

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 accepts, with regret, the resignation of Town Planning Board Chair George Weeks, effective December 1<sup>st</sup>, 2014.

**Motion Carried: Unanimously**

**I. Approval of the 2015 Budget**

Councilmember Blaha 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 2015 Budget for the Town of Ossining. Total appropriations for the 2015 entire Town (10) Fund are \$5,377,191. Total appropriations for the Unincorporated (20) Area Fund are \$3,707,576 and total appropriations for the Highway (31) Fund are \$2,281,724. Total appropriations for the Water and Sewer Funds are \$569,076. Total appropriations for the Fire/Light/Refuse Funds are \$1,282,378. Total appropriations for the Ambulance District are \$612,981.**

**Councilperson Jeffrey extended her thanks to Supervisor Donnelly, Budget Officer Maddi Zachacz, Deputy Comptroller Dale Ferreira, and Comptroller Tom Warren for all of their efforts in providing the Proposed 2015 Budget to the Town Board. However, I cannot vote for this budget as it stands with the salaries for Gloria Fried and Michael O'Connor. Their salaries were slashed too quickly.**

**Councilperson Harter stated that the proposed budget for 2015 fails to restore the salaries for the Town Highway Superintendent and Tax Receiver. Councilperson Harter believes that they are deserving of the salary increases. Consequently, Councilperson Harter will vote not to approve for the 2015 Budget unless the funds are restored.**

**Councilperson Blaha thanked the Budget Committee for a remarkable example of doing more with less. The budget should be built around the taxpayers and not personal agendas. I am rather disappointed that my colleagues have chosen not to vote in favor of the budget due to the salaries. After a review of the Performance Reports, there was only minimum performance and the Board was held hostage.**

**Councilperson Wilcher stated that the Board worked hard on this budget. Nobody is asking why salaries were being discussed. Not this she said – he said business. Michael, when you were on the Board with me it was “not on my dime”. We could not get your attention so we had no other choice. We need to respect what each other has to say.**

**Councilperson Jeffrey attempted to clarify the reason that the reduction could not be discussed is due to the fact that there is pending litigation.**

**Supervisor Donnelly read the following statement:**

**We simply ask each employee of the Town of Ossining whether they are elected appointed or are in one of our two unions to do their job as any private or public sector organization would do. None of the changes we have made this year were surprises. We discuss at length issues and opportunities with everyone within the organization through series of meetings bringing all parties together. We observe all departments and believe that customer service is our priority**

**Again thank you to all who contributed to this process**

**Motion Carried: 3-2-0  
Ayes: Wilcher, Blaha & Donnelly  
Nays: Jeffrey & Harter**

## **VI. CORRESPONDENCE TO BE RECEIVED AND FILED**

## **VII. MONTHLY REPORTS**

**Councilmember Blaha 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 following monthly reports for the month of November 2014 from:**

- Supervisor's Office**
- Town Clerk's Office**

- **G.E. Helicopter Report**
- **Town Building Department**
- **Tax Receiver's Office**

**Motion Carried: Unanimously**

#### **VIII. VISITOR RECOGNITION**

**Michael O'Connor, Superintendent of Highway commented that he was not aware that his duties were being measured by a yardstick and he has no idea what type of yard stick is being used. Cooperative Agreement Paving all legally done – if not the Superintendent would have to pay for it himself. If you look at his marked up hours for the year you will find that it far exceeds normal working hours.**

**Councilman Blaha thanked him for his commented and stated that it was difficult for both to discuss this in public. I am sorry that it has played out on camera even though we have had numerous discussions.**

**Gloria Fried, Receiver of Taxes, stated that she has worked in private sector and when a problem arises it is noted in the individuals personnel file with three meetings to correct the problem. On October 13, 2013 an "Analysis of Jobs Performed and Duties Deemed Necessary" was FOILED for and denied. It does not exist. This occurred due to the fact that I refused to sign the Supervisor's Pledge. There is not a yardstick and no respect for elected officials.**

**John VanSteen had a comment regarding the parameter in which the employees are measured.**

**Supervisor Donnelly stated that all we ask is that the elected officials serve the public when the offices are open.**

**John VanSteen questioned about the measure that we have to measure the performance of the supervisor's. Are there specific metrics that you are looking for and these are often in writing.**

**Supervisor Donnelly stated that expect elected officials to come to work, be a team member and serve the public.**

#### **IX. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE**

**At 8:50 P.M. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

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**Mary Ann Roberts, Town Clerk**