



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET  
OSSINING, NEW YORK  
DECEMBER 8, 2015  
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 8, 2015 at the Birdsall-Fagan 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 and Northern Wilcher. Councilmember Eric Blaha arrived at 7:45 p.m. Councilmember Kim Jeffrey was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II.    ANNOUNCEMENTS**

Supervisor Donnelly announced that Local Laws No. 5 thru 10 are not on the evenings agenda. They will be adopted at a Special Meeting scheduled for December 15, 2015 at 16 Croton Avenue at 7:30 p.m. Supervisor Donnelly is proud of the accomplishments of the last two years in which a lot of research has been done pertaining to Resolutions A, B, C, and D. The voucher detail report has the monthly IMA fee; Medicare Part B; OVAC payment which has increased our voucher detail number. Supervisor Donnelly spoke about Resolution C Personnel Resignation; Budget Officer Madeline Zachacz spoke about Resolution D pertaining to the 2012 Non Union Handbook. Supervisor Donnelly discussed Resolution E Approval of the 2016 Budget. We are putting 35% salaries only pertains to 4 employees. These employees provide direct services to the unincorporated area as well as the elected officials. For more details please see the Supervisor's update on our web site at [www.townofossining.com](http://www.townofossining.com). We took Dale Cemetery in house this year at a fraction of the cost. We expect progress to continue and many more improvements on this property. Supervisor Donnelly spoke about the recent purchase of a ten wheel truck from the federal government surplus. The LED Lighting project is in progress. If residents have a problem with the lighting they should call DPW. This will save a lot of money in electrical cost. Supervisor Donnelly explained that there has been an increase in workers compensation premium in 2017. Supervisor Donnelly is very pleased with this Board and Administration and thanked everyone who has worked very hard.

**III.   PUBLIC COMMENT ON AGENDA ITEMS**

Councilperson Blaha stated that Ms. Jeffrey is entitled to her opinion which raised some concerns relative to the 35% of the salaries of 4 employees being transferred to the Unincorporated Area of the Town. The Budget Officer, Comptroller and the Supervisor all agreeing to the 35%. He commends the entire Board for an exemplary budget. The Budget Officer and the Supervisor have kept the budget under the tax cap and he is proud to vote yes on this budget.

Councilperson Northern Wilcher stated that it is hard work going into this budget. This is not a night to debate. The debate should have taken place at work sessions. We are arguing over the same items.

Councilperson Geoffrey Harter congratulated Supervisor Donnelly for the tight budget and thanked the Council for a great job.

Supervisor Donnelly stated that there is not a way of balancing the budget. She has had conversations with other Supervisors and they all stated that they have moved money around funds. This budget is transparent. Thank you all for your assistance in accomplishing this task. There are numerous unfunded mandates proposed by the State of New York. Personnel issues are never discussed in public but in executive session.

#### **IV. BOARD RESOLUTIONS**

##### **A. Approval of Minutes-Regular Meeting**

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 approves the November 24, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

##### **B. Approval of Voucher Detail Report**

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 approves the Voucher Detail Report dated December 8, 2015 in the amount of \$661,888.78.

Motion Carried: Unanimously

##### **C. Personnel: Supervisor's Office- Resignation**

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 accepts, with regret, the resignation of Confidential Secretary to the Supervisor, Besim Hoxha, effective November 25<sup>th</sup>, 2015.

Motion Carried: Unanimously

##### **D. Personnel: Health Benefits for Town Elected and Appointed Officials**

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

WHEREAS, the Town of Ossining has a longstanding practice of providing insurance benefits to elected officials and officers/employees appointed by the Town Board who are not otherwise covered by the terms of any collective bargaining agreement or employment agreement; and

WHEREAS, it is unclear from Town records presently available whether the Board has ever formally ratified some of these longstanding practices; and

WHEREAS, in an effort to update the Town's policy regarding the provision of such benefits to more closely conform to the insurance benefit structure provided to the

Town's unionized workforce, and to avoid any issues regarding the continued provision of such insurance benefits to such elected officials and appointed officers/employees, the Board has determined that it would be beneficial to formally memorialize and ratify the current conditions and eligibility requirements for such insurance coverages;

NOW THEREFORE, BE IT RESOLVED, that subject to the terms and conditions set forth in Appendix B hereto, the Town Board hereby approves the provision of insurance benefits to the full-time, part-time and/or retired elected officials and officers/employees appointed by the Town Board that are listed in Appendix A, and authorizes the necessary payments therefore.

Motion Carried: Unanimously

**E. Approval of the 2016 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 2016 Budget for the Town of Ossining. Total appropriations for the 2016 entire Town (10) Fund are \$5,265,044. Total appropriations for the Unincorporated (20) Area Fund are \$3,689,380 and total appropriations for the Highway (31) Fund are \$2,361,774. Total appropriations for the Water and Sewer Funds are \$539,134. Total appropriations for the Fire/Light/Refuse Funds are \$1,311,129. Total appropriations for the Ambulance District are \$628,651.

Madeline Zachacz read the following statement:

*I apologize for being unable to attend tonight's meeting. I am very much under the weather. Although I have been informed that I am unable to vote without being present, I believe that it is important for me to express my thoughts on the 2016 Budget. If I was able to attend the meeting tonight, I would vote "No" on the 2016 Budget. As I have stated in the past at meetings, while I understand people worked very hard on the budget, I do not believe it is fair and equitable in its entirety, and because of the presence of certain items I do not believe are fair and equitable to the Unincorporated Town and its residents, I cannot support it.*

*For example, the 35% transfer from the General Fund to the Unincorporated Town Fund for the four (4) employees is not in my opinion fair, but instead arbitrary and capricious. I have stated before that this is not an appropriate expense for the Unincorporated Town to carry, and I will state again that the Unincorporated Town residents have in many instances historically and continually subsidized other budgets, while at the same time and in other instances are not made whole with their share of revenue that should be but is not allocated to the Unincorporated Town. I also believe this 35% figure creates a slippery slope of trying to figure out how much actual time, what percentage of time, and how often all Town employees work either on Town general or Unincorporated Town matters. At the end of the day all Town employees work for the entirety of the Town whether or not they are working on portions of the Unincorporated Town, therefore I believe it should remain in the General Fund and not be allocated by some arbitrary figure and carried by the Unincorporated Town. This, to me, is unfair to the residents of the Unincorporated Town who for too long have been victimized by these types of allocations.*

*Also, as I stated last year and will state again, diminishing and fluctuating the salaries of employees is bad practice and poor policy. Last year it was the salaries of two elected officials, and this year the salaries of the deputy town attorney and the town attorney have been reduced, when those who voted for the budget last year had just increased these salaries. I do not see these actions as being well thought out or reasonable.*

*If the totality of the changes that I have discussed in this statement, and in more depth at meetings, are due to an inability to otherwise balance the General Fund Budget under the tax cap, then I would suggest and state that other resources and problem solving methods should have been implemented, such as, and only as one example, reinstating the court attendants as the security for the Courts under whatever legal title the Town could utilize.*

*I cannot support the 2016 Budget as it is presently constituted, and would have therefore vote "No". I look forward to working with the new Board in 2016 to revise some of these unjust issues should the current Board pass this budge.*

*Respectfully,*

*Kim Jeffrey*

*Town Council Member and Resident*

**Motion Carried: Unanimously**

**V. CORRESPONDENCE TO BE RECEIVED AND FILED**

**VI. 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 2015:**

- **Town Clerk's Office**
- **Town Supervisor's Office**
- **Town Building Department**
- **G.E. Helicopter Report**
- **Town Tax Receiver's Office**
- **Dale Cemetery**

**Motion Carried: Unanimously**

**VII. VISITOR RECOGNITION**

**Adam Stolorow of Sive Paget and Rizell commented on the Sunshine Children's Home who is requesting an up-grade to the sewer system. He has provided a letter to the Town Board. He is requesting the Town Board do an Environmental Study. The Town Board has met with New castle and we are an involved party. Supervisor Donnelly invited him to attend a work session.**

**Supervisor Donnelly thanked those residents who stop by to agree to disagree. There is a lot of appreciation out there. Happy Chanukah! May we all have peace and joy. We should provide a random bit of kindness daily.**

**VIII. ADJOURNMENT-EXECUTIVE SESSION-LEGAL ADVICE**

**At 8:07 P.M. Councilmember Harter 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**

**Appendix A**

Town Clerk

Tax Receiver

Highway Superintendent

Town Supervisor

Town Board Members

Assessor

Budget Officer

Town Justice

Confidential Secretary to the Town Supervisor

Town Attorney

Deputy Town Attorney

Nutrition Site Manager

Building Inspector

## Appendix B

This Benefit Policy is meant to serve as a summary of the current insurance benefits provided to individuals serving in and/or retired from the titles listed in Appendix A, and is not intended to be a contract, either expressed or implied, for any purpose or any duration and does not grant or create any rights. The Town hereby reserves the right to add to, modify, or eliminate any of the terms, conditions or benefits set forth herein from time to time as it deems appropriate, in the sole discretion of the Town Board unless otherwise provided by law.

Unless otherwise stated, this Benefit Policy shall supersede all prior Town Board resolutions, policies and memos that may have been issued from time to time on the subjects covered in this Benefit Policy.

### 1. Health Insurance:

a. Subject to the terms and conditions set forth below, active full and part-time elected officials and appointed officers/employees listed in Appendix A who are not otherwise covered by the terms of a collective bargaining agreement or other employment agreement shall be eligible to participate in such health insurance plan(s) as is offered by the Town. The plan and/or plan benefits and/or employee/retiree premium contribution, if any, shall be subject to change in the sole discretion of the Town upon duly enacted resolution of the Town Board. Presently, such plan is the New York State Health Insurance Program (“Empire Plan”).

b. Elected officials and appointed officers/employees shall be eligible for individual or family/dependent coverage at the individual’s option. The Town shall pay eighty-five (85%) percent and the individual shall pay fifteen (15%) percent of the applicable premium cost for individual coverage for so long as the individual remains in his/her position. If the individual elects family/dependent coverage, the Town shall pay seventy-five (75%) and the individual shall contribute twenty-five (25%) percent of the applicable premium cost of family/dependent coverage for so long as the individual remains in his/her position.

c. When two individuals who are both employed by the Town each qualify as dependents of the other and are each eligible for health insurance coverage from the Town, they shall be limited to the following options for coverage:

1. they may have one (1) Family Plan; or
2. they may have one (1) Family Plan and one (1) Individual Plan; or
3. they may each have an Individual Plan.

It shall be the sole discretion of the two individuals involved to determine which of them shall be the health plan enrollee in the event they choose to have a Family Plan.

d. Such insurance shall terminate upon the expiration of the individual’s term of office, death, termination, or separation from the Town for any reason, subject only to the provisions of Section 5, infra.

e. The Town reserves the right to make such changes at any time as it deems necessary to the insurance plan, plan benefits, premium contributions, and/or any other aspect of health insurance benefits.

### 2. Dental Insurance:

a. Subject to the terms and conditions set forth below, full time elected officials and appointed officers/employees listed in Appendix A who are not otherwise covered by the terms of a collective bargaining agreement or other employment agreement shall be eligible to participate in such dental plan(s) as is offered by the Town. The plan and/or plan benefits and/or employee/retiree premium contribution shall be subject to change in the sole discretion of the Town upon duly enacted resolution of the Town Board. Presently, the Town offers dental insurance through Delta Dental.

b. Full time elected officials and appointed officers/employees shall be eligible for individual or family/dependent coverage at the individual's option. The Town shall pay eighty-five (85%) percent and the individual shall pay fifteen (15%) percent of the applicable premium cost for individual coverage for so long as the individual remains in his/her position. If the individual elects family/dependent coverage, the Town shall pay seventy-five (75%) and the individual shall contribute twenty-five (25%) percent of the applicable premium cost of family/dependent coverage for so long as the individual remains in his/her position.

c. Such insurance shall terminate upon the expiration of the individual's term of office, death, termination, retirement or separation from the Town for any reason.

d. The Town reserves the right to make such changes at any time as it deems necessary to the insurance plan, plan benefits, premium contributions, and/or any other aspect of dental insurance benefits.

### 3. Vision Insurance:

a. Subject to the terms and conditions set forth below, full time elected officials and appointed officers/employees who are not otherwise covered by the terms of a collective bargaining agreement or other employment agreement shall be eligible to participate in such vision plan as is offered by the Town. The plan and/or plan benefits and/or employee/retiree premium contribution shall be subject to change in the discretion of the Town upon duly enacted resolution of the Town Board. Presently, the Town offers vision insurance through the CSEA Vision Plan.

b. One hundred (100%) percent of the premium cost (individual and/or family/dependent) of vision insurance coverage shall be paid by the individual.

c. Such insurance shall terminate upon the expiration of the individual's term of office, death, termination, retirement or separation from the Town for any reason.

d. The Town reserves the right to make such changes at any time as it deems necessary to the insurance plan, plan benefits, premium contributions, and/or any other aspect of vision insurance benefits.

### 4. Life Insurance:

The Town shall pay 100% of the premium cost for a group term life insurance policy providing a \$15,000 death benefit for all full-time and part-time elected officials and appointed officers/employees listed in Appendix A for as long as they remain in their current position. Such insurance shall terminate upon expiration of the individual's term of office, termination, retirement or separation from employment for any reason. The death benefit shall be subject to the terms and conditions of the insurance carrier and/or plan. The plan and/or plan benefits and/or employee premium contribution shall be subject to change in the discretion of the Town upon duly enacted resolution of the Town Board.

### 5. Health Insurance into Retirement:

a. Those elected officials and appointed officers/employees listed in Appendix A who at the time of retirement have completed a combined total of at least ten (10) years of full time service to the Town in one or more of the positions listed in Appendix A, shall be eligible for health insurance into retirement provided that they retire into the New York State Retirement System immediately upon their separation from the Town.

b. Effective immediately, both the Town and the official/officer/employee(retiree), including those individuals who are already retired into the New York State Retirement System as of the date this Policy becomes effective, shall pay the same percentage of the premium cost



for individual coverage into retirement as they each respectively contributed when the official/officer/employee(retiree) was an active employee. If the individual elects family/dependent coverage into retirement, the Town shall pay fifty (50%) of the applicable premium cost and the individual shall contribute fifty (50%) percent of the applicable premium cost of family/dependent coverage.

c. The provision of health insurance into retirement shall continue until the individual becomes eligible for Medicare, at which point Medicare will become primary and the NYSHIP coverage will become secondary. Individuals covered by this policy shall, within fourteen (14) calendar days following a request to do so, provide the Town with copy of their Medicare card and/or that of their spouse, once they become Medicare eligible.

d. The Town shall not pay health insurance premiums for surviving spouses of retirees who die. If the surviving spouse is eligible for coverage under the terms of the applicable carrier and/or plan document, the cost of such survivor coverage shall be paid entirely by the surviving spouse.

e. The Town reserves the right to make such changes at any time as it deems necessary to the insurance plan, plan benefits, retiree premium contributions, and/or any other aspect of retiree health insurance benefits.