



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

**DECEMBER 14, 2010
7:30 P.M.**

**SUPERVISOR
Catherine Borgia**

**COUNCILMEMBERS
Geoffrey Harter Michael L. Tawil
Peter Tripodi 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 14, 2010 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Michael Tawil, Peter Tripodi and Northern Wilcher were present. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARING – Local Law No. 3 to amend Chapter 74 of the Town Code concerning Dogs

The Public Hearing was opened at 7:31 P.M.

The Supervisor requested a description of the proposed local law from the Clerk and the Town Attorney. Clerk Roberts stated that the State of New York would no longer be issuing dog licenses and as of January 1, 2011, this will be done by the Town Clerk's office. This means we will register the dogs as well as issue licenses. As a matter of fact, it has been suggested that the Town enumerate the dogs in the Town, in other words, have a census of the pet population. Town Attorney Spector stated that this was an accurate description of the process.

Bobby Williams of Spring Street questioned whether there was a profit to be made for the Town? Supervisor Borgia responded that there would not be a profit to the Town, however, it's a service to our residents.

Councilman Tripodi felt that the State Government was handing down another burden to the local Governments. He suggested that municipalities ban together and file a legal action against the State to stop this sort of thing. However, he is not suggesting that it be the Dog Licensing. Councilman Tawil agreed with Councilman Tripodi as this is another example of passing it on to another.

At 7:36 P.M., Councilmember Tawil moved and it was seconded by Councilmember Harter that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Borgia announced that on Saturday, December 18th, Breakfast with Santa will take place at the Joseph G. Caputo Community Center with two sittings; one at 10 a.m. and the other at 11 a.m. Reservations must be made in advance. The All Holiday Party will take place on Wednesday, December 15, 2010 at the Travelers Rest at a cost of \$45 with a request for an unwrapped toy for donation to the Toys For Tots.

Councilman Tripodi read the statement below:

I know when I ran for office I promised to provide tax relief, and this has been achieved, however, many other issues remain unresolved. To sum this budget up in one line I would say this: There are immediate positive results but systematic long term problems have not been addressed and will still exist

Here are SOME problems I have with the budget:

Dale Cemetary- for a number of years this cemetery has been given roughly \$230,000.00 per year to keep it in operation, when in fact the only actions the Town must take required by law in regard to a cemetery that has failed financially is to mow the grass three times a year. Now, the Town limited that give away to \$50,000.00 for 2011 upon the bulk sale of cemetery plots that brought in a good deal of money. I would like to thank George Weeks for that. The best long-term solution would be to contract out the burying of individuals to another entity and also charge Dale for the money they were given in years past. Once again, this short-term shot in the arm of money will run out and we will be in the same position eventually. This is a typical “kick the can down the road approach” and will re-arise as a monetary burden on the Town in years to come.

Healthcare- This board believes it is right that you the taxpayer should pay for the free health coverage that is offered to Town Board members. Town councilmen are part time employees and are offered this outrageous benefit, they with the part time elected judges are the ONLY part-time employees offered free health coverage in the Town. Our Part-time employees that perform various tasks for the town are not offered this free health coverage. In addition, to realistically approach a union and ask that their FULL TIME EMPLOYEE members pay for health coverage while we offer free health care for only part time elected officials is ridiculous and will only hurt in contract negotiations.

Forclosures/ Raises - 2008- 4, 2009- 14, 2010- 24- (Gloria) and for 2011’s budget we raise elected officials pay with our Supervisor calling the raises “Just and Fair”! Even our fiscally insane federal government has frozen employee raises this year in realization of the financial crisis that is not over and will not be over for some time. For example, the part time Town prosecutor has been here since June 2010, worked about 40 hours since then, and will receive a raise in addition to becoming a district leader for the Democrat party

While peoples houses are being foreclosed upon we have a tenant of the Town who owes the taxpayer \$17,000.00 in rental arrears. Think about it- if you owed \$17,000.00 in taxes what would happen? The Supervisor took it upon herself and over stepped the Town Board’s authority and the powers granted to her by law and offered the tenant an extension on their rent all the while you the taxpayer suffer, even some of you having your houses foreclosed upon for much less than \$17,000.00.

IMA finance- 307k to pay the Village of Ossining for payroll and accounting services, I know we can do it for cheaper by outsourcing our payroll to an outside company, such as Paychecks, and our accounting is small enough to be handled in house by 1 full time person. In addition, I do not think it is fair to our taxpayers that we entrust another municipality to handle the majority of our finances. The Town of Ossining should handle the Town of Ossining’s finances, not another government.

OVAC tax district- OVAC has an increased budget and I have not seen any financial statements from them regarding the reasons for the increase as well as where the increases will go. When this tax district was created the duties to financially oversee this district was a big issue. With a budget statement due the 1st of September none was ever handed in nor was any cost increase properly explained to me, therefore I simply cannot support this increase mainly because I do not have the required (by the contract) facts and figures to make an informed choice about it.

If the Town Outside budget were to be voted on by itself I would have no objection, however, the tax decrease of 0.15% for Ossining Village, Ossining Town, and Briarcliff Manor residents is simply not enough. Elimination of raises, free health coverage for elected officials, and all the other needless perks would create a greater decrease and more responsible budget. I for one believe the taxpayer comes first- before my salary, before any employee's salary. The truth of the matter is that 24 homes are in foreclosure and some employees could have held off on a raise for another year, or taken permanent cuts.

In closing:

This budget affirms the notion that it is ok to offer free health coverage for only part time elected officials.

This budget affirms the notion that it is ok to raise elected officials and political patronage job salaries in the middle of a recession.

This budget affirms the notion that it is ok to cut our veterans budget while giving out raises.

This budget affirms the notion that it is ok to pay rent for Town offices when we own real property.

This budget affirms the notion that it is fair for a Town Outside resident to pay \$25 for a recreation card and a Village resident to pay \$4 dollars for the same recreation card, yet tout Village/Town cooperation in this area.

Therefore- because this budget contains the before mentioned I cannot approve and vote yes on something I feel is wrong and not fair to the taxpayer- I will be voting in the negative.

Councilman Harter stated that he has participated in at least 20 budgets and this is the tightest budget he ever worked on. He extended his congratulations to the Supervisor on an excellent budget.

Councilman Wilcher stated that he has not participated in 20 budgets but he has participated in 7 or 8 and has realized that not everyone will be happy, but it is important to allow people to keep their jobs. The public needs to know what we do and how we got there. The Supervisor presented a very good budget.

Councilman Tawil stated that the budget has given enough and wondered how someone could find trouble with it. I guess someone could find trouble with a sunny day. Councilmember Tawil added that to be able to provide a tax cut in this economy is a good thing and that this is a result of two years of careful budgeting, cost cutting, sacrifices and hard work by the Supervisor, Town Board and our Department Heads. Councilmember Tawil stated that it is a good thing that we are in a position to give a tax cut at the same time that we are restoring part of the pay cuts that we have imposed in the last few years. Councilmember Tawil feels that this is a very good budget and is happy to vote for it.

Supervisor Borgia stated that the Department Heads and Elected Officials salaries in 2010 reflected a 3% pay cut. This budget is an attempt to restore their salaries to where they were. The Town is negotiating with the CSEA at this time. There has been a request for employees to pay part of healthcare. If this does come to pass the unaffiliated employees and managers would follow the same pattern as the CSEA contract. We believe that this is fair. The Elected Officials and Department Heads will have the same benefits as the union employees. The Veterans budget is the same plus an additional amount which equates to the 2% the Supervisor would have received in 2011. Work is also being done with a pro bono fundraiser to assist the Veterans in securing additional funds. There will be more information on the Town Website on how anyone could contribute to the Veterans Fund.

At the advice of our Police Chief we do not anticipate moving any offices into the North State Road facility because we are not sure of how much of the building will be used under this new Police Contract. The OVAC portion includes the Town of Ossining, Village of Ossining and Town of New Castle in addition there are some citizen members on the board. What we pay for are the personnel cost associated with the services that we contract from the district. These are paid medical professionals and part of the Chief's salary is paid through the ambulance district.

At the request of this board, we are going to institute a more stringent financial oversight and OVAC has agreed to provide the Board with more detailed budget for the close of 2010 which they will have in early February 2011. The tax district is somewhat of a new entity and the service that is being provided is excellent and at a quality standard. There is no opportunity for OVAC to do any financial improprieties because they are sharing the information that they need with us. In 2011 there will be a more rigorous review process regarding the financials and OVAC is in agreement with this. Supervisor Borgia ended her comments by saying that she is very proud of this budget and thanked her colleagues for their work on this budget. This was a difficult process especially the Town General portion of the budget. The Town is required to make the school district whole. Again, Supervisor Borgia thanked her Managers for all their hard work on this budget and feels that we are on the right path.

IV. PUBLIC COMMENT ON AGENDA ITEMS- None

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Tawil 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 23, 2010 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Work Session Minutes

Councilmember Tawil 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 minutes of the November 3, 2010 Work Session.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated December 14, 2010 in the amount of \$481,690.95

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

**D. A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT
EXCEEDING \$4,400,000 TAX ANTICIPATION NOTES OF THE**

**TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, IN
ANTICIPATION OF THE COLLECTION OF TAXES LEVIED OR TO
BE LEVIED FOR THE FISCAL YEAR OF SAID TOWN
COMMENCING JANUARY 1, 2011.**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. Subject to the provisions of the Local Finance Law including, in particular, Section 24.00(a)(1)(a), the power to authorize the issuance of and to sell tax anticipation notes of the Town of Ossining, Westchester County, New York, in an amount not to exceed \$4,400,000, including renewals thereof, in anticipation of the collection of taxes levied or to be levied for the fiscal year of said Town commencing January 1, 2011, is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said supervisor, consistent with the provisions of the Local Finance Law.

Section 2. All further powers necessary to authorize the issuance of and to sell such tax anticipation notes as authorized in Section 1 hereof, including renewals thereof, in anticipation of the collection of any such taxes or assessments as described in Section 1 hereof, is hereby delegated to the Supervisor of said Town, the chief fiscal officer.

Section 3. Such notes shall be in such principal amount and shall otherwise be of such terms, form and contents as may be determined by said Supervisor, pursuant to the provisions of the Local Finance Law.

Section 4. This resolution shall take effect immediately.

Voting Yes in a Roll Call Vote:
Harter, Wilcher, Tawil, Tripodi
Borgia
Motion Carried

E. Adoption-2011 Budget

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

Resolved, that the Town Board of the Town of Ossining hereby approves the 2011 Budget for the Town of Ossining. Total appropriations for the 2011 entire Town (10) Fund are \$4,817,706. Total appropriations for the Unincorporated (20) Area Fund are \$3,560,943 and total appropriations for the Highway (31) Fund are \$2,312,173. Total appropriations for the Water and Sewer Funds are \$485,245. Total appropriations for the Fire/Light/Refuse Funds are \$1,197,640. Total appropriations for the Ambulance District are \$526,927.

Voting Yes in a Roll Call Vote:
Harter, Wilcher, Tawil,
Borgia
Voting No: Tripodi
Motion Carried

F. Compact Grant Application-Hudson River Valley Greenway

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

Whereas, the Town of Ossining is applying to the Hudson River Valley Greenway for a grant under the Greenway Compact Grant Program for a project entitled Parks Feasibility Study to be located in the Town of Ossining; and

Whereas, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

Now, therefore be it Resolved, that the governing board of the Town of Ossining hereby does approve and endorse the application for a grant under the Greenway Compact Grant Program, for a project known as Parks Feasibility Study and located within this community.

Motion Carried: Unanimously

G. Rescheduling December 28, 2010 Town Board Meeting

Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the following be TABLED:

Resolved, that the Town Board of the Town of Ossining hereby reschedules the December 28, 2010 board meeting from 7:30p.m. to 8:00a.m. in the Supervisor's Conference Room, 3rd Floor, 16 Croton Ave.

Motion Carried: Unanimously

H. Westchester County-Snow & Ice Agreement

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an inter-municipal agreement with Westchester County for the removal of snow and ice from Ryder Road a County road within the Town of Ossining beginning October 1, 2010-September 30, 2015.

Motion Carried: Unanimously

I. Referring a Proposed Rezoning application by James Zappi, P.E. to the Planning Board and Westchester County Planning Board for Report and Recommendation

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

Whereas, James Zappi, P.E. (Perryco Homes, NY) has submitted an application to the Town Board for the rezoning of an approximately 22,198 square foot portion of a 0.956-acre parcel located on the easterly side of North State Road and designated section 90.15, Plate 7A, Block 2, Lot 6, from R-10 to General Business (GB), so that the entire property would be zoned GB, so as to permit a project which would consist of 12 town homes on 12 individual lots, with three of the dwelling units constituting affordable housing (the "Proposed Action"); and

Whereas, Section 200-52, Zoning, of the Town of Ossining Code requires that a proposed amendment to the Zoning Map shall be referred by the Town Board to the Town of Ossining Planning Board and Westchester County Planning Board for a report and recommendation; and

Whereas, the Town Board has determined that the Proposed Action is an unlisted action; and

Whereas, the Town Board desires to serve as the Lead Agency with regard to this Proposed Action under the requirements of the New York State Environmental Quality Review Act (SEQRA);

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby refers the proposed Zoning Map amendment application to the Town of Ossining Planning Board and Westchester County Planning Board for report and recommendation; and be it further

Resolved, that the Town Board hereby directs the circulation of a declaration of intent to serve as Lead Agency notice to the other involved and interested agencies for the Proposed Action, wherein the Town Board will declare its intent to serve as the Lead Agency in accordance with the requirements of SEQRA.

Motion Carried: Unanimously

J. Termination-Highway Department Seasonal Employees

Councilmember Tawil moved and it was seconded by Councilmember Tripodi that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby terminates the employment of the following seasonal employees from the Highway Department effective December 17, 2010:

**Hurley Shealey
Yumar Castro**

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the monthly reports for the following months:

**October 2010: Tax Receiver's Office
November 2010: Police Department, Building Department & Tax Receiver's Office.**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed budgetary concerns of all levels of Government and it is hitting everyone in their pockets. Happy Holidays to all!

VIII. ADJOURNMENT

At 8:25 P.M. Councilman Harter made a motion to adjourn in the memory of Dr. Thomas Arminio who passed on Friday, December 10th. Dr. Arminio was a giant of a man who was very active in our Community including OVAC, Village Police Department, American Legion amongst many other organizations.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk