



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

**JANUARY 11, 2011
REORGANIZATIONAL MEETING
7:30 P.M.**

**SUPERVISOR
Catherine Borgia
COUNCILMEMBERS**

**Geoffrey Harter Michael L. Tawil
Peter J. Tripodi IV 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 January 11, 2011 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 and Town Clerk Mary Ann Roberts.

II. PUBLIC COMMENT ON AGENDA ITEMS-None

III. ANNOUNCEMENTS

Supervisor Borgia announced that on Saturday, January 15, 2011 the Co-Operative Scholarship will hold its annual program at Ossining High School commemorating the birth of Dr. Martin Luther King, Jr. Tickets for the event are \$25. On January 17th at 7:30 p.m. at the First Presbyterian Church on South Highland Avenue the 17th Annual Community Service will be held commemorating the birth of Dr. Martin Luther King Jr.

1. Deputy Supervisor

Supervisor Borgia appoints Geoffrey Harter Deputy Supervisor for the Town of Ossining effective January 1, 2011.

2. Deputy Receiver of Taxes

In accordance with the appropriate provisions of law, Mrs. Nelga Farrelly and Mrs. Regina Manwaring will continue in the office of the Receiver of Taxes of the Town of Ossining for 2011, bearing the title and full responsibilities of Deputy Receiver of Taxes and serving at the pleasure of the Receiver of Taxes.

3. Supervisor's Liaison Appointments

Catherine Borgia

**De-facto on all committees
Historic Hudson River Towns
Inter-Municipal Leadership Team
Westchester Municipal Officials Association
Citizen Finance Advisory Committee
Ossining Communities That Care**

Geoffrey Harter

**Recreation Advisory Board
Citizen Finance Advisory Committee**

Westchester County

Michael Tawil

**IMA Committee
Historic Sing Sing Museum Committee
Ossining and Briarcliff School Districts
NYS Greenway Committee**

Peter Tripodi

**Green Ossining Committee
Chamber of Commerce
Ossining Historical Society
NYS Greenway Committee
GO-TV
Ossining Communities That Care**

Northern Wilcher

**IFCA
Ossining Volunteer Ambulance Corp.
Ossining Boat & Canoe Club
Ossining and Briarcliff Manor Fire Departments
New York State**

Councilman Tripodi read the statement below:

January 11, 2011

Madame Supervisor

Fellow Members of the Town Board

16 Croton Ave

Ossining NY 10562

Greetings:

The days of closed government and private meetings should end. If I or any other member of the public, or a member of one of our unions wishes to attend meetings pertaining to extremely important topics such as merging courts and DPW services, we should be able to attend. You all affirm the backward notion of closed meetings and un-transparent government. You downplay what I say and claim I don't know the Open meetings Law but you know I've spoken to Mr. Robert Freeman who is the head of the NYS Committee on Open government and I know exactly what I am talking about. You twist the situation around but in the end still openly support closed meetings. What happened to open, honest, transparent government? This is not a Republican or Democrat issue; it is the right thing to do. If a meeting is advertised publicly as a meeting – a quorum (majority) is allowed to be present, as is the public. In order to make these meetings public, all the IMA committee would have to do is advertise the meeting; therefore, allowing the public and myself to attend. It upsets me that everyone beside me on this board continues to openly support the private, closed meetings that exclude the public and fellow elected officials from attending these meetings. By having the meetings private and closed not only is the committee keeping fellow board members out, they keep the public out, and they also keep the unions out. For any consolidation topic, especially involving DPW where one department is CSEA and one department is Teamsters, all unions should be involved in the process from the beginning. Their input is extremely useful. Simply put, if I want to attend these meetings in order to better represent the citizens of Ossining I should be able to, if a member of the public wishes to attend these meetings to better understand local government issues they should be able to, if a member of a union wants to attend these meetings because they are fearful of their job being

eliminated due to consolidation we should have the decency to grant them that wish. I will make the promise that I will continue my pursuit to open these meetings up to the public and fight for an honest transparent government. And if that means showing up to these meetings then I will, you can call it disrupting the people's business by crashing a closed private meeting that I am not allowed to be present at, I call it disrupting the status quo.

*Respectfully submitted,
Peter J. Tripodi IV
Councilman, Town of Ossining*

IV. APPOINTMENTS

1. Deputy Town Attorney

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 re-appoints Mark Reisman as Deputy Town Attorney, effective January 1, 2011 through December 31, 2011.

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

2. Budget Officer/Personnel Director/Aide to the Supervisor

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

Resolved, that the Town Board hereby re-appoints Connie Cerny, Budget Officer for the Town of Ossining effective January 1, 2011 through December 31, 2011; and

Be It Further Resolved, that the duties of Personnel Director and Aide to the Supervisor are in addition to her duties as Budget Officer.

Motion Carried: Unanimously

3. Confidential Secretary – Jane Kanning

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

Resolved, that the Town Board hereby re-appoints Jane Kanning, Confidential Secretary to the Supervisor effective January 1, 2011 through December 31, 2011.

Motion Carried: Unanimously

4. Justice Court – Town Constables

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

Resolved, that the Town Board hereby re-appoints the following to the position of Town Constable, at an hourly rate of \$16.17, to serve at the pleasure of the Board during calendar year 2011:

**Carlos Castro, Ossining, NY
Allen Gantz, Ossining, NY**

Motion Carried: Unanimously

V. ANNUAL RESOLUTIONS

A. Official Newspaper

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

Resolved, that the Town Board hereby designates The Journal News as the Official Newspaper of the Town of Ossining for 2011.

Motion Carried: Unanimously

B. Town Council Monthly Meeting Schedule

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 adopts the following Monthly Meeting Schedule for 2011:

Regular Town Board Meetings – 2nd & 4th Tuesday – 7:30 p.m.
Birdsall/Fagan Police/Court Facility, 86-88 Spring Street

Work Sessions – 1st & 3rd Tuesday – 7:30 p.m.
Town of Ossining Police Facility, 507 North State Road

Motion Carried: Unanimously

C. Setting Town Office Hours

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

Resolved, that the office hours of the Town Offices for 2011 will be Monday through Friday, 8:30 a.m. to 4:30 p.m.

Motion Carried: Unanimously

D. Town Historian

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

Resolved, that the Town Board hereby appoints Martha R. Mesiti, Town Historian for 2011.

Motion Carried: Unanimously

E. Mileage Allowance

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

Resolved, that wherever it shall be appropriate to compensate Town Officials and/or Town Employees for mileage, they shall be reimbursed at a rate of \$0.51 per mile to be paid upon claim voucher, after audit and approval, in accordance with IRS standards.

Motion Carried: Unanimously

F. Membership in the Association of Towns

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

Resolved, that pursuant to Article 8 of the Town Law, the Town of Ossining shall pay the Annual Membership Dues for membership in the Association of Towns of the State of New York for 2011 in the amount of \$1,500.

Motion Carried: Unanimously

G. Authorization for Attendance at Association of Towns Meetings

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 authorizes the following Town Personnel to attend the Annual Meeting of the Association of Towns to be held in New York City, February 20 – 23, 2011 subject to approval of their Department Heads, and that they be reimbursed by the Town of Ossining for all actual and necessary expenses incurred by reason of such attendance: Town Supervisor and Members of the Town Board; Town Attorney and Deputy Town Attorney; Town Assessor; Building Inspector; Town Clerk and Deputy Town Clerk; Chief of Police; Receiver of Taxes and Deputy Receiver of Taxes; Superintendent of Highways; Town Justices; Town Court Clerks; Budget Officer; Confidential Secretary to the Supervisor; Highway Secretary; Assessment Personnel; Chairman and Members of the Zoning Board; Chairman and Members of the Planning Board and Chairman and Members of the Environmental Advisory Board.

Motion Carried: Unanimously

H. Delegate to the Association of Towns

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

Resolved, that the Town Board hereby designates Catherine Borgia, Supervisor, as Delegate to the Association of Towns Annual Meeting for 2011.

Motion Carried: Unanimously

I. Animal Control Agreement

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 authorizes the Supervisor to enter into an agreement with Jim Horton, Principal, of Quality Pro Pest and Wildlife Services, Hawthorne, New York pursuant to the terms and conditions of the agreement for the period January 1, 2011-December 31, 2011.

Motion Carried: Unanimously

J. Animal Control-SPCA of Westchester

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

Resolved, that the Supervisor be and hereby is, authorized and directed to execute an agreement with SPCA of Westchester for the period January 1, 2011-December

31, 2011, providing for humane procedures for homeless and stray dogs and cats seized by dog control officers, animal control officers, police and other agents of the municipality.

Motion Carried: Unanimously

K. Renewal-Delta Dental Insurance Program

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 acknowledges that the Town's dental insurance program with Delta Dental of New York will continue at the same rates as 2010 for the period January 1, 2011-December 31, 2011 for Group # 1576-0001 at a rate of \$62.58 per month per employee with no dependents and \$148.86 per month, per employee with family coverage; and be it further

Resolved, that Group # 1576-0002 shall be at a rate of \$67.56 per month per employee with no dependents and \$158.22 per month, per employee with family coverage.

Motion Carried: Unanimously

L. Approval of Compensation Plan for 2011

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

Resolved, that the Town Board hereby approves the following Compensation Plan for the year 2011:

TITLE OF POSITION	ANNUAL
<u>EXEMPT</u>	SALARY
ASSESSOR	\$133,523
ATTORNEY	61,200
DEPUTY TOWN ATTORNEY	18,360
CONFIDENTIAL SECRETARY	60,416
BUDGET OFFICER/PERSONNEL DIRECTOR	81,600
COURT CLERK	57,218
COURT CLERK	55,284
DEPUTY RECEIVER OF TAXES (2)	45,335
DEPUTY TOWN CLERK	52,902
<u>UNCLASSIFIED</u>	
TOWN CLERK	\$81,804
COUNCIL MEMBER (1)	10,842
COUNCIL MEMBER (3)	11,059
RECEIVER OF TAXES	83,150
SUPERINTENDENT OF HIGHWAYS	87,352
SUPERVISOR	65,769
TOWN JUSTICE (2)	35,783
RUOK WEEKEND RATE	18.00/HR
<u>NON-COMPETITIVE</u>	
MOTOR EQUIPMENT OPERATOR (3)	\$72,659
PARKS FOREMAN	75,643
ASSISTANT PARK FOREMAN	69,663
HIGHWAY FOREMAN	78,628
ROAD MAINTAINER (3)	66,973
AUTOMOTIVE MECHANIC	75,823
AUTOMOTIVE MECHANIC HELPER/LABORER	61,060

LABOR

PARK GROUNDSKEEPER	\$66,973
CHAUFFEUR (3)	33,388
FOOD SERVICE HELPER	33,388
BUS DRIVER	44,056

COMPETITIVE

CHIEF OF POLICE	\$136,698
POLICE LIEUTENANT	119,384
POLICE SERGEANT (4)	106,428
APPRAISAL TECHNICIAN	61,497
ASSESSMENT CLERK	56,005
ASSESSMENT ASSISTANT	38,578
OFFICE ASSISTANT AUTOMATED SYSTEMS (2)	46,401
NUTRITION SITE DIRECTOR	69,547
INTERMEDIATE CLERK	46,401

PART TIME EMPLOYEES

<u>NAME</u>	<u>TITLE</u>	<u>HOURLY RATE</u>
Barbara Sarmiento	PT Paralegal	\$25.00/HR
Christ, Alice	PT Cleaner, Police Dept	\$18.53/HR
Conn, Margaret	PT, Building Department	\$17.51/HR
Cuminsky, Mary	PT Availability, Tax Office	\$15.20/HR
DeIBourgo, Constance	PT, Nutrition	\$14.38HR
Fracassi, Patricia	PT Clerk's Office	\$21.09/HR
Gagliardi, Marie	PT Availability, Tax Office	\$15.20/HR
Girgenti, Catherine	PT Availability, Tax Office	\$15.20/HR
Gomez, Irma	PT, Nutrition	\$13.00/HR
Hamilton, John	PT, Building Inspector	\$38.46/HR.
Jackson, Nathaniel	PT, Assessor's Office	\$33.00/HR
Nacinovich, Antoinette	PT Availability, Tax Office	\$15.20/HR
Piqueras, Nicholas	PT Police Officer	\$32.96/HR.
See, Mary	PT, Clerk's Office	\$21.09/HR
Valentine, Arnestia	PT, Town Court	\$15.30/HR
Weeks, George	PT, Planning Director	\$32.08/HR

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ELECTION OFFICIALS

Coordinator/Liaison	\$2,700.00	
Party Representatives (2)	\$ 50.	Primary Elections
	50.	Special Elections
	75.	General Election
Clerical Assistants	60.	

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

M. Surety Bonds

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

Whereas, certain officers and/or employees of the Town of Ossining designated by law are required by law to file an undertaking which shall remain in full force and effect until the expiration of their term of office, the termination of their employment, or the further resolution of this Town Board, and

Whereas, the Town Board of the Town of Ossining by prior resolution has determined it is more beneficial and economical to provide the undertakings by a blanketed bond;

It is, therefore, Resolved, that all officers and/or employees of the Town of Ossining will be bonded by a blanket bond in the amount of \$500,000 except that the following position will carry an additional surety bond in the amount of \$100,000: Receiver of Taxes.

Motion Carried: Unanimously

N. Consulting Engineer

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

RESOLVED that James J. Vanoli, P.E. be, and he hereby is, retained as Engineering Consultant to the Town of Ossining for calendar year 2011 in accordance with the terms set forth in a letter from him to the Supervisor and Town Board dated September 6, 2010, except that the flat fee payable by the Town of Ossining for "Part 1 - Services Provided to Town Staff", consisting of "typical day-to-day Town Engineering services" shall be \$63,000. (\$5,250 per month)

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

O. Planning Consultants

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

Resolved, that the firm of Frederick P. Clark Associates is hereby retained as Planning Consultants for the Town of Ossining for calendar year 2011 in accordance with their contract letter and rate schedule of December 31, 2010.

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

P. Bond Counsel

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

Resolved, that the law firm of Orrick, Herrington & Sutcliff, LLP, 666 Fifth Avenue, New York, New York is hereby retained as Bond Counsel in accordance with the fees set forth in Sections 11 and 12 of the proposal received from Orrick dated November 5, 2008.

Motion Carried: Unanimously

Q. 2011 Schedule of Fees

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 following Schedule of Fees for calendar year 2011:

TOWN FEE SCHEDULE

Type of Application, License or Permit/Code Chapter Reference		Fee
Sale of Codebook	Chapter 1	Publisher's price
Access to Records	Chapter 45	
	Fees for copies of records not exceeding 8 ½ by 14 inches in size	\$0.25 per page
	Fee for reproducing records in excess of 8 ½ by 14 inches in size	Actual cost of reproduction
Accessory Dwelling	Chapter 50	
	Initial application	\$300
	Each renewal	\$150
Alarms	Chapter 51	
	Annual registration	\$25
	False alarms:	
	1 st and 2 nd offense	Warning
	3 rd offense	\$50
	4 th offense	\$100
	5 th offense	\$200
	6 th offense	\$500
Building Construction	Chapter 63	
	Certificate of occupancy, where the total value of the building is:	
	Less than \$10,000	\$20
	Greater than \$10,000 but less than \$20,000	\$30
	Greater than \$20,000 but less than \$50,000	\$40
	Greater than \$50,000 but less than \$100,000	\$50
	Greater than \$100,000 but less than \$150,000	\$60
	Greater than \$150,000	\$70
	Building permit issuance	
	Where the total value of the work is up to \$1,000	\$20
	For each additional \$1,000 or fraction thereof up to and including \$15,000	\$10
	For each additional \$1,000 or fraction thereof up to and including \$50,000	\$6
	For each additional \$1,000 or fraction thereof exceeding \$50,000	\$4
	Renewal of building permit	½ of B.P. Fee
	Electrical permits	
	Per dwelling	\$50

Type of Application, License or Permit/Code Chapter Reference		Fee
	Alteration to commercial building	\$100
	New commercial construction	\$250
	Plumbing permit	
	House sewer and tie-in	\$50
	Installation of 1 - 3 fixtures, appliances or standpipe connections	\$50
	Installation of 4 - 9 fixtures	\$75
	Installation of 10 or more fixtures	\$100
	Replacement of any hot-water heater or gas, electric or oil heating unit	\$25
	Gas certification	\$25
	New line for Plumbing Permit if not listed	\$50
	New line for HVAC Permit HVAC Residential HVAC Commercial	\$50 \$250
	Erecting signs	\$25
	Demolition permit	
	For structure less than 1,000 square feet	\$50
	For structure over 1,000 square feet	\$200
	Title search (office assistance)	\$10 per property
	Copies of certificates of occupancy and surveys	\$10 per copy
	Inspection and letter in lieu of certificate of occupancy	\$50
	Legalization of work performed with out permits	All fees tripled
	Failure to keep a scheduled appt. for an inspection	\$50
	Failure to be ready for a scheduled inspection appt.	\$50
	Same day inspection	\$50
	Non-Mandated Inspection Letter	\$50
Cabaret	Chapter 68	
	Annual license fee	\$100
	After July 1	\$75
	Renewal application 30-day extension	\$5 per month
Dog Fees	Chapter 74	
	License fees:	
	Spayed/neutered:	\$10.00
	Unspayed/unneutered: State fee	\$18.00
	Seniors over age 60 are exempt from local fee.	
	Redemption fees from impoundment of dogs	
	First impoundment	\$20 first 24 hours; \$5 each additional 24 hours
	Second impoundment	\$40 first 24 hours; \$10 each additional 24 hours

Type of Application, License or Permit/Code Chapter Reference		Fee
	Third impoundment	\$60 first 24 hours; \$15 each additional 24 hours
SEQR	Chapter 85	
	Environmental clearance form	No fee
	Application for preliminary environmental review	\$100
Street Opening	Chapter 87, Part 1	
	Simple Curb Cut	\$50
	Road Opening less than 150 sq ft	\$150
	Road Opening 150 sq ft and greater	\$400
Deposit for all Street Openings		
	Deposit per sq ft	\$300
Excavation of Topsoil or Gravel	Chapter 87, Part 2	
	For each 10 acres of property, or any portion thereof, proposed to be excavated	\$75
	Refund upon denial of application	\$25
	Permit renewal, for each 10 acres of property, or any portion thereof, proposed to be excavated	\$75
Filling and Grading	Chapter 92	
	Application for a filling and grading permit	
	For the first acre or part thereof	\$100
	For each additional acre or part thereof	\$30
	Application for a certificate of completion	
	For the first acre	\$50
	For each additional acre or part thereof	\$10
Floodplain Development	Chapter 102	
	Permit application	\$200
Freshwater Wetlands	Chapter 105	
	Application review fee for permits issued by Building Inspector (see § 105-6)	\$50
	Application review fee for permits issued by the Planning Board (see §105-7)	Included in site plan review fees
Parks	Chapter 138	
	Rental fees for Saturday, Sunday, holidays	
	1 - 100 people	\$225
	101 - 250 people	\$275

Type of Application, License or Permit/Code Chapter Reference		Fee
	250 people or more	\$350
	Rental fees for Monday through Friday	
	1 - 100 people	\$150
	101 - 250 people	\$200
	250 people or more	\$300
	Boat ramp	
	Daily	
	Residents	\$30
	Nonresidents	\$50
	Seasonal	
	Residents	\$90
	Nonresidents	\$150
Peddlers	Chapter 144	
	Annual license fee	\$100
Police Fees	Vehicle Impound Release Fee Meeting Room – Non –Profit Meeting Room - Profit	\$25.00 \$25.00 per hour \$50.00 per hour
Steep Slopes	Chapter 167	
	Application and inspection fee, residential only	\$50
	Application and inspection fee, nonresidential	Included in site plan review fees
Streams and Watercourses	Chapter 169	
	Permit application	\$50
Subdivision of Land	Chapter 176	
	Application review fee	
	Major	
	Preliminary plat	\$100, plus \$125 per lot
	Final plat	\$100, plus \$125 per lot
	Minor	\$100, plus \$125 per lot
	Recreation fee. However, in the case of multifamily developments, the Planning Board may adjust the recreation fee in relation to the recreational facilities provided within the subject development.	\$7,500 per lot or dwelling unit.
	Recreation Fee-Affordable Housing	\$2,500 per lot or dwelling unit
	Inspection fee	3% of the Town Engineer's estimated cost for all utility and roadway improvements, plus \$100 for an engineering estimate
	Escrow account deposits	(See fees under “Zoning” below.)
Taxi cabs and Limousines	Chapter 182	
	For each taxicab or limousine owner's license, on initial application	\$100

Type of Application, License or Permit/Code Chapter Reference		Fee	
	For each taxicab or limousine owner's license, for each annual renewal thereof	\$50	
	For each taxicab or limousine owner's supplementary license	\$25	
	For each vehicle licensed as a taxicab or limousine	\$25	
	For each taxicab or limousine driver's license	\$10	
	For each taxicab or limousine substituted	\$25	
	For replacement of a lost or destroyed taxicab or limousine license or sticker	\$20	
	For replacement of each driver's license or badge	\$5	
Call-a-Cab Coupons			
	Cost to qualifying senior citizen	\$3.00 per coupon	
	Redemption by Town to participating taxi company	\$4.75 per coupon	
Senior Services	Contribution from Qualifying Senior Citizen		
	Congregate Meals	\$2.00	
	Home Delivered Meals	\$2.50	
Tax Foreclosure	Title Search Legal & Publication Fees	\$ 250.00 \$ 550.00	
Tax Receiver	Administrative Re-Levy Fee for Unpaid Village Water Rents	\$100	
	Administrative Re-Levy Fee for Unpaid Town Charges/Alarm Fine Liens	\$100	
	Memo Bill Fee-Per Bill	\$5.00	
	Bounced Check Fee-Per Item Returned	\$20.00	
	Annual Tax File Subscription Charge for Tax Service Agencies	\$500.00	
Telecommunication	Chapter 182A		
	New telecommunications tower	\$5,000	
	Co-location of an existing telecommunications tower or high structure where no increase in height of the tower or structure is required	\$2,000	
Towing Services Agreement	Chapter 182B		
	Fees and services	Normal business hours Mon-Fri 8:00 a.m. to 5:00 p.m.	Sat/Sun/holidays and after 5:00 p.m. weekdays
	Light-duty straight Town (3 tons DVW)	\$94.50	\$120.75
	Light-duty service call	\$78.75	\$105
	Gate/yard	----	\$47.25
	Mileage, per mile	\$4.20	\$4.20
	2 nd truck	\$94.50	\$120.75
	Light-duty winching	\$94.50	\$120.75

Type of Application, License or Permit/Code Chapter Reference		Fee	
	Free Storage, up to 24 hours	----	----
	Storage, per day	\$50	\$50
Tree Removal	Chapter 183		
	Tree removal permit, residential only	\$50	
	Tree removal permit, nonresidential	Included in site plan review fees	
Zoning	Chapter 200		
	All appeals and applications made to the Board of Appeals	\$150	
	Special permit application	\$250	
	Site plan or conditional use permit		
	Application review fee	\$250, plus \$25 per parking space	
	Inspection fee	Same as application review fee	
	Request for rezoning or zoning amendment review fee	\$1,000 plus \$50 per acre of property owned or controlled by the applicant to which the rezoning or zoning amendment pertains	
	Environmental quality review. A full environmental assessment form review fee is required in all cases when this form is part of the application.	\$100	
	Performance and maintenance bonds	The amount of all performance and maintenance bonds shall be established by the Planning Board, based upon a recommended amount as specified by the Town Engineer	
	Each bond reduction request	\$100	
	Escrow accounts		
	For subdivisions, based on number of lots		
	0 to 2	\$3,750	
	3 to 10	\$7,500	
	11 to 35	\$22,500	
	More than 35	\$52,500	
	For site plan, conditional use permits and special permits, based on square footage		
	0 to 3,000	\$3,750	
	3,001 to 20,000	\$7,500	
	20,001 to 50,000	\$22,500	
	Greater than 50,000	\$52,500	
	For minor applications (includes accessory apartments, wetland permits, filling and grading permits, etc.)	\$500	
	Variances	As determined by the Zoning Board of Appeals	
	Pre-application meetings to discuss conceptual proposals, per meeting	\$350	
	After the Fact Application (Planning & Zoning)	Application Fee Tripled	

Type of Application, License or Permit/Code Chapter Reference		Fee
Filming		
	Per day	\$100

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

R. Records Management Officer

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

Resolved, that pursuant to Section 57.19 of the Local Government Records Law, the Town Board hereby appoints Mary Ann Roberts, Town Clerk, Records Management Officer of the Town of Ossining.

Motion Carried: Unanimously

S. Finance-Investment Policy

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

**INVESTMENT POLICY
FOR THE TOWN OF OSSINING**

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity of individual.

II. OBJECTIVES

The primary objectives of the local government’s investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board’s responsibility for administration of the investment program is delegated to the Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Ossining to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of Ossining to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Town of Ossining for all moneys collected by any officer or employee of the government to transfer those funds to the Finance Department and deposited in a designated Town of Ossining revenue account within one business day of receipt of the funds. The Town Supervisor’s office shall receive a copy of the transaction record. Employees will receive a written receipt for any cash amounts forwarded to the Finance Department and should maintain original receipt(s) in department records and copies of the receipt(s) in personal records.

The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management’s authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of Town monies are:

<u>Depository Name</u>	<u>Officer</u>
J. P. Morgan Chase	John Gardell
Wachovia	Avery White Paul DeGrato
Hudson Valley Bank	Michael Goldrick Linda Carrington
TD Bank	Nancy Meyer Caren Roeder
Key Bank	Cindy Resner
Bank of America	Linda Hadden
Citibank	Christine O’Neill
HSBC Bank	Mark Spiers
Mahopac National Bank	Amy Greiner
Emigrant Bank	Louis Schlosser
Citizens Bank	Robert Hatfield
Webster Bank	Robert Vanderslice

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the Town of Ossining, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value,” or provided by General Municipal Law, §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible “irrevocable letter of credit” issued by a qualified bank (or federal home loan bank) other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% (100% if federal home loan bank) of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by (the depository and/or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Ossining or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Town of Ossining authorizes the Town Supervisor to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;

- Obligations of the State of New York;
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Ossining;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Ossining within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Ossining within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Ossining shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institutions or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Ossining. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board (for example, NYCLASS – New York Cooperative Liquid Assets Securities System).
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Ossining by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement

shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United State of America where principal and interest are guaranteed by the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

**Appendix A
Schedule of Eligible Securities**

<u> X </u>	(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
<u> </u>	(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
<u> X </u>	(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
<u> X </u>	(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
<u> </u>	(v) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
<u> </u>	(vi) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
<u> </u>	(vii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
<u> </u>	(viii) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
<u> </u>	(ix) Commercial paper and bankers’ acceptance issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
<u> </u>	(x) Zero coupon obligations of the United States government marketed as “Treasury strips”.

Motion Carried: Unanimously

T. Finance-Debt Management Policy

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 adopts the Debt Management Policy as follows:

The Comptroller will monitor the debt portfolio annually for refinancing opportunities through services of a financial advisor. This can be done in connection to the continuing disclosure process.

The minimum criteria for bond refunding are as follows:

1. Refunding should produce savings equal to 3% of bonds to be refinanced
2. Savings after insurance premium should be 2 ½ times underwriters discount and other costs of issuance.

Motion Carried: Unanimously

U. Finance – Policy

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

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Town of Ossining involved in the procurement process, now, therefore, be it

RESOLVED, that the Town of Ossining does hereby adopt the following procurement process which is intended to apply to all goods and services which are not required by law to be publicly bid.

Purchases up to \$999

Town Department Managers may authorize purchase of not more than nine-hundred and ninety nine dollars (\$999) per purchase contract for materials, services, supplies or repairs provided that such purchase is made in conformance with the following procedure:

A. A standard Claim Voucher is to be completed and submitted to the Supervisor's Office with the following information:

1. Name and address of Vendor
2. Date and vendor number
3. Budget Account Codes
4. Quantity, description and purpose of goods or services purchased
5. Signature of Department Head

B. The Claim Voucher must be accompanied by an original invoice and packing slip, if applicable.

Purchases between \$1,000-\$10,000

Department Managers may make purchases between \$1,000 and \$10,000 for materials, supplies and repairs provided that such purchase is made in conformance with the following procedure:

A. A Purchase Order is to be completed in order to encumber the expenditure for all expenses between \$1,000-\$10,000. This form shall be submitted to the Budget Officer with the following information:

- a. Name and address of recommended vendor
- b. Date, Vendor Number, Budget Account Codes
- c. Quantity, description and purpose of the purchase
- d. Unit cost and total cost of proposed purchase
- e. Purchase Order must be signed by the Department Manager

B. Two verbal quotations are required for purchases between \$1,000-\$2,999. A verbal quotation form available in the Supervisor's Office must be used to document the quotes. Attach verbal quotation form to Purchase Order and submit to Budget Officer for approval.

C. Three written quotations are required for purchases between \$3,000-\$10,000. A written quotation form available in the Supervisor's Office must be used to document the quotes. Attach written bid requests to the Purchase Order along with documentation from vendor indicating cost and submit to Budget Officer for approval.

D. Approved purchases will be acknowledged to the Department Manager by copy of the signed Purchase Order signed by the Town Supervisor with a Purchase Order number assigned to it by the Finance Department.

E. Upon satisfactory receipt of the material, supply or repair, the Department Manager will submit to the Budget Officer the following:

- a. Purchase Order signed by the Department Manager to indicate approval for payment along with an invoice from the vendor attached to the Purchase Order.

Any public works contract over \$10,000 must follow above procedures and obtain three written quotes. A Public Works Contract over \$20,000 is subject to competitive bidding.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall failure to obtain the proposals be a bar to the procurement.

Purchases are subject to the availability of funds. Department Managers may not authorize purchases under this section when there are insufficient funds in the designated budget account. The Budget Officer distributes monthly budget expenditure reports showing the available funds in each department account.

Purchases of \$10,000 and over

All purchases of materials, supplies and repairs of equipment of \$10,000 or more and all public works contracts of \$20,000 or more requires competitive bidding subject to the laws of New York.

A. The Town Supervisor and Clerk's office shall be responsible for the issuance of required documents, notices and advertisements required under the competitive bidding laws and for the receipt of such bids from vendors.

B. Department Managers will be responsible for preparing information regarding the quantity, quality and specifications of the materials, supplies or work to be furnished.

C. Capital Projects are defined as improvements to the Town's operations in excess of \$12,000 per project. Please consult with the Budget Officer in order to establish a Capital Project number and processing of Purchase Order.

General Provisions

- 1. Where possible, purchases should be made from New York State and Westchester County purchasing contracts. These purchases are exempt from the competitive bidding requirements of General Municipal Law Section 103. Information regarding these contracts is available online at www.ogs.state.ny.us. The NYS Contract number must be written on claim voucher or purchase order along with a print-out from the OGS website indicating the item is on NYS Contract.**
- 2. Documentation is required of each action taken in connection with each procurement.**
- 3. Documentation and explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstance.**
- 4. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances, it may not be in the best interest of the Town of Ossining to solicit quotations to document the basis for not accepting the lowest bid:**
 - a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability or responsibility, skill, education, and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.**

In determining whether a service fits into this category, the Town of Ossining Town Board shall take into consideration the following guidelines: 1) whether the services are subject to state licensing or testing requirements; 2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (3) whether the services require a personal relationship between the individual and municipal officials. Profession or technical services shall include but not be limited to the following: services of certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customization of pre-packaged software.
- 5. A Request for Proposal must be prepared for Professional Services. This section is adopted from the Office of the State Comptroller's Financial Management Guide, Subsection 8.3020. Requests for proposals are traditionally used as a means of obtaining many types of professional services. RFPs are used to obtain the services of: architects, engineers, accountants, lawyers, underwriters, fiscal consultants, and other professionals. The purpose of a request for proposal is to have an effective way to award contracts for professional services. RFPs and evaluation of the proposals can consider price plus other factors such as experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the Town.**

The overall process involves making a request for proposals from various firms or professionals, and then evaluating the proposals received. Depending on the complexity of the situation, you may prepare the RFP in house or a consultant could

be obtained to help you prepare it. The Town Attorney will review all RFPs, contracts to be executed with the firm selected and any other needed items.

There should be a well planned solicitation effort in order to identify a sufficient number of qualified firms. This can be done by advertising in local trade journals, checking listings of professionals, talking to local officials, etc. A well planned solicitation effort can result in reduced costs through increased competition.

6. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety and welfare of the residents. This section does not preclude alternative proposals if time permits.
7. Sole Source. Competitive bidding is not required under Section 103 of the General Municipal Law in those limited situations when goods or services are available from only one source. If a determination is made that a particular item is available only from one source so that no possibility of competition exists, competitive bidding may not be required for the procurement of the item. Department Managers must document the unique benefits of the item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace
8. Purchases of surplus and second hand goods from any source. If alternative proposals are required, the Town of Ossining is precluded from purchasing surplus and second hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare process of used goods and a lower price may indicate an older product.
9. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
10. The Town Board must authorize and approve all change orders on capital construction projects by Town Board resolution.
11. The Town Supervisor and Budget Officer shall be the municipal officials responsible for providing guidance and making decisions as to application of this procurement policy.

Motion Carried: Unanimously

V. Reimbursement of Town Employee Business Expenses

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

WHEREAS, from time to time employees incur certain expense in connection with performing their duties, attending training, seminars and/or conferences; and

WHEREAS, The Town of Ossining has established guidelines which an employee may be legally reimbursed for expenses; now therefore be it

RESOLVED, that the Town of Ossining does hereby adopt the Reimbursement of Town Employee Business Expense Policy as follows:

Purpose of this Policy

The purpose of this policy is to establish the guidelines under which an employee of the Town of Ossining may be legally reimbursed for expenses related to the travel to and from, and attendance at, any event which has been recognized and authorized as an event related to Town business. The policy is adopted from the Office of the State Comptroller's Financial Management Guide, Subsection 8.1025. In the event of any misunderstanding or dispute, the Town Supervisor will make the final determination as to whether an employee is entitled to reimbursement of any expense.

Prior Written Authorization Required

Authorization must be obtained in writing from the Town Supervisor prior to attending an event for which an employee expects reimbursement. In the event that such prior authorization was not obtained, the Town Supervisor, at his/her discretion may authorize reimbursement by written notice to the Budget Officer.

Claim Voucher Required

In order to receive reimbursement of an expense, an employee must submit to the Budget Officer a properly completed and signed Town form, including as attachments, a copy of the Town Supervisor's written authorization, a copy of the brochure or other literature describing the event, and any required receipts. The claim form, available in the Supervisor's Office, must clearly state the title of the event, the sponsoring association, the location and date(s) of the event, and an itemized list of the expenditure categories to be reimbursed. In the event of a conference or training seminar where certificates of completion are issued, said certificates should be provided to the municipality.

Use of Petty Cash for Employee Reimbursements

Petty cash should be used minimally for the reimbursements of employee expenses. It should be remembered that petty cash should require replenishment no more than once a month. Further, any reimbursement made of employee expenses through petty cash still requires appropriate receipts and authorization from the Town Supervisor. A monthly report of petty cash deposits and expenditures must be submitted to the finance departments and supervisor's office

Legal Authority

General Municipal Law 77-b generally authorizes reimbursement of actual and necessary expenses incurred in attending a meeting, convention, conference or school conducted for the betterment of the Town. Written authorization must be obtained in advance from the Town Supervisor before such attendance can be considered a proper Town expense. "Actual and necessary" means that the expenses were:

1. Actually made
2. Necessarily incurred for an authorized purpose
3. An amount no greater than necessary (Opn. St. Comp. 69-563).

Tax Exempt Certificate

The Town is exempt from federal, state and local taxes, including sales tax. As such, it is the responsibility of any employee authorized to attend an event to ascertain that they carry with them a copy the Town of Ossining Tax Exemption Certificate. Such certificates should be presented to places of lodging and dining, so that any amounts paid are exclusive of taxes. The Town retains the right to refuse reimbursement of sales and other taxes paid as part of an employee's expense.

Reimbursement will be made for the following business related expenses:

- Transportation
- Meals
- Lodging

- **Gratuities**

Transportation

Transportation will be reimbursed for actual travel to and from an authorized event. Transportation will not be reimbursed for any personal travel incurred while away, or for normal commuting to and from home and Town Offices. Reimbursement will be made for:

- The amount spent using public transportation (bus, train, etc.) receipts are required.
- The amount spent for re-fueling a Town owned vehicle. Receipts are required.
- The standard mileage rate, as determined by the Town Board, when using a personal vehicle.
- The amount spent for tolls. Receipts are required.
- The amount spent for parking. Receipts are required.
- The amount spent for plane fare at the regular rate charged for a single coach fare, unless otherwise authorized in writing.

Meals

Meals will be reimbursed when the employee is attending an authorized event away from the regular work area for an extended period of time. If an employee is not attending an event which requires an overnight stay, breakfast and/or lunch will not be reimbursed. Expenditures for the purchase of alcoholic beverages or for guests will not be reimbursed. Receipts are required for all meal expenses.

Lodging

Lodging will be reimbursed at the usual cost of the single occupancy room rate for those nights which fall between the days of an authorized event. "Single occupancy room rate" means the regular room rate charged for a single occupant by the hotel, or the nearest available hotel to, where the event is held. Lodging will not be reimbursed for nights prior or subsequent to the days of an authorized event, unless authorized in advance in writing by the Town Supervisor. Receipts are required for all lodging expenses.

Registration, Tuition, Materials

Any other expenses required to participate in an authorized event, such as registration fees, tuition, books and supplies, will be reimbursed. Receipts are required for all such expenses.

Gratuities

Gratuities that are reasonable and actual may be reimbursed. Gratuities for meals may not exceed the greater of (\$1.00) dollar or fifteen (15%) percent of the cost for each meal, unless a mandatory minimum greater than this amount is required under the terms of the event

Periodic Review

This policy will be reviewed periodically by the Budget Officer. Any questions concerning this policy may be directed to the Budget Officer. The references cited above may assist employees in understanding this policy, and the basis for its contents.

Motion Carried: Unanimously

W. Agreement- 2011 Worker's Compensation Claims Runoff Management Services

Councilmember Tawil 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 enter into an agreement, in a form acceptable to the Town Attorney, with Wright Risk Management Services, 333 Earle Ovington Blvd, Uniondale, NY

to perform workers' compensation claims runoff management services for fiscal year 2011 at the rate of \$450 per claim.

Motion Carried: Unanimously

X. Agreement-NYS Municipal Workers' Compensation Alliance

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 continues its membership with the NYS Workers' Compensation Alliance for fiscal year 2011 to administer workers compensation claims at a cost not to exceed \$119,559.

Motion Carried: Unanimously

Y. Insurance Renewal-New York Municipal Insurance Reciprocal

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 continues its insurance policies and coverage with the New York Municipal Insurance Reciprocal (NYMIR) effective January 1, 2011 through December 31, 2011 at an amount not to exceed \$ 141,968.44

Motion Carried: Unanimously

REGULAR MEETING – BOARD RESOLUTIONS

I. BOARD RESOLUTIONS

A. Approval of Minutes

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

December 28, 2010-Regular Meeting

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the December 28, 2010 Regular Meeting as presented.

Motion Carried: Tabled

January 4, 2011 –Special Meeting

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 approves the Minutes of the January 4, 2011 as presented.

Motion Carried: Unanimously

B. 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 hereby approves the Voucher Detail Report dated January 11, 2011 in the amount of \$82,892.88 for 2010 and \$279,254.58 for 2011.

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

C. Appointment of Marriage Officers

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

Resolved, that the Town Board hereby appoints Mary Ann Roberts as Marriage Officer for the Town of Ossining for 2011.

Motion Carried: Unanimously

D. 2011-Refuse/Recycle Collection

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

Whereas, the Town of Ossining entered into an agreement with Sani-Pro Disposal Services Corp, for the removal of refuse, garbage and commingled recyclables at residential properties within the Unincorporated Area of the Town of Ossining on October 24, 2007; and

Whereas, the Town of Ossining has the option of renewing the agreement for 2011 upon the same terms and conditions,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby exercises its option to renew with Sani-pro Disposal of 566 North State Road, Briarcliff Manor, NY for fiscal year 2011 at a cost not to exceed \$450,362.

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

E. Personnel-Part-Time Appointment-Town Clerk's Office

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 appoints Patricia Fracassi as part-time Intermediate Clerk effective January 18, 2011 at an hourly rate of \$21.09/hr.

Motion Carried: Unanimously

F. Referring Proposed Local Laws to Planning Board and Westchester County Department of Planning for report and recommendation

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

Whereas, the Town’s Planning Consultant has prepared six (6) local laws which would implement specific recommendations of the Town’s Comprehensive Plan; and

Whereas, the proposed local laws are as follows:

- i. A local law to amend the Zoning Law to remove the R-35 and R-15X One-Family Residence Office Districts
- ii. A local law to amend the Zoning Law to add new definitions to Section 200-53, Definitions
- iii. A local law, for the purpose of amending Section 200-18, GB General Business District, of the Zoning Law Regarding Permitted Uses, Setbacks and Landscape Requirements, and Amending Section 200-33 of Article VI, Affordable Housing, of the Zoning Law as it pertains to the GB District.
- iv. A local law, for the purpose of amending the Zoning Law and Zoning Map to create a multi-family-inn (MF-1) Zoning District and to place a certain property on Hawkes Avenue into the new district.
- v. A local law, for the purpose of amending the Town Zoning Law and Zoning Map to change the O-RM Office-Research Manufacturing District to an O-RB Office-Research Business District, to create a new O-RE Office-Research Education District, and to place a certain property located on Executive Boulevard into the new O-RE District
- vi. A local law, for the purpose of amending the Zoning Law regarding fences, non-conforming uses, parking and impervious surfaces; and

Whereas, Section 200-52 of Chapter 200, Zoning, of the Town of Ossining Code requires that an amendment to said chapter shall be referred by the Town Board to the Town of Ossining Planning Board for a report and recommendation; and

Whereas, sections 239-l and m of the New York State General Municipal Law requires that the subject local laws be referred to the Westchester County Planning Board for a report and recommendation; and

Whereas, the Town Board has determined that the Proposed Action is a Type I action; and

Whereas, the Town Board will serve as the Lead Agency with regard to this Proposed Action under the requirements of the New York State Environmental Review Act (SEQRA) because there are no other involved agencies;

Now, therefore be it Resolved, that the Town Board hereby refers the proposed local laws to the Town of Ossining Planning Board and Westchester County Department of Planning for report and recommendation.

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

G. Agreement-Gabel Equipment Corporation

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 authorizes the Supervisor to sign generator inspection/service contracts with Gabel Equipment Corporation, Fox Island Road, Port Chester, NY to provide regularly scheduled general inspection visits for the town's sewer lift stations in accordance with the annual inspection contracts dated 1/1/11-12/31/11.

Motion Carried: Unanimously

H. Resignation-Part-time Chauffeur

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 Irma Gomez, Part-time Chauffeur effective January 14, 2011.

Motion Carried: Unanimously

I. Intermunicipal Agreement-Police Services

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 authorizes the Supervisor to execute an Intermunicipal Agreement to contract police services with Westchester County for the portion of the unincorporated Town of Ossining, or the portion not in the Village of Ossining and the Village of Briarcliff, pending approval by the Town Attorney.

Supervisor Borgia added that she asked for this resolution to be placed on tonight's agenda to make everyone aware of where we are in the process and she wanted this additional authority from the Town Board to sign this agreement.

Supervisor Borgia advised that we have been working with Westchester County for several months on this opportunity to have the County contract some of our police services. We have already accomplished two steps of this process:

- The County is now doing dispatch for the Town of Ossining.
- The County has now taken on ten of our Police Officers under the provision of our existing mutual aid agreement and we have agreed to pay for these services.

Supervisor Borgia added that this resolution is to execute the final IMA. The County Board of Legislators is reviewing this IMA in the next couple of weeks and we are hoping that we will have a contract that will complete the deal for our Sergeants', Lieutenants' and our Police Chief and this will add a substantial savings to our Town Outside Residents.

Councilmember Tripodi added that he received a call at 1:00 p.m. today advising him that this resolution would be placed on the agenda. If this is approving the IMA, it does not look like any other resolution which has ever been passed referring to an IMA. In September we did authorize the Supervisor to move forward and execute an agreement. The September resolution states it is pending Town Board approval and tonight's resolution does not indicate that. Mr. Tripodi is assuming that the IMA we received 2 weeks ago is the IMA that we are working with and that no changes will be made to that. Councilman Tripodi mentioned several issues/recommendations that he had regarding the IMA last week and they were not considered. Councilman Tripodi would like to see at least pending approval from the Town Board. If this is the final IMA, there is no mention of the resignations of the Sergeants', Chief and questions if there is an issue with this. Councilman Tripodi has been talking to County Police Officers and they have alerted him that there are issues with civil service

requirements and that the County was trying to have the officers come in as rank and the County did not like this and they did not want to sign a letter. In addition, nothing that Councilman Tripodi recommended was acted upon if this is the same IMA from 2 weeks ago and questions why this resolution does not look like a typical IMA resolution. Councilmember Tripodi added that this is not Washington DC and it is not what he signed up for and this is not the proposal that he received in June and does not believe this is what the public wants. Councilman Tripodi feels that this is being rushed and believes that the input from all board members is not being taken into consideration.

Supervisor Borgia advised we did have a conversation where we did discuss all of these issues that Councilman Tripodi mentioned and many of his issue were discussed at prior work sessions. Supervisor Borgia did advise that this is the final authorization so that is why it does not state pending approval of the Town Board. This is the actual approval from the Town Board. The resignations of the Chief, Sergeants' and Lieutenant's would happen after the IMA is executed There is a procedure going forward with respect to civil service which is why we are doing it in phases. There is no intent to rush this process and we have been working on this process for many months and it still represents a significant savings. The reason why this resolution was placed on tonight's agenda was because Supervisor Bogia wanted to be sure that everyone understood that we were moving forward and has legal authority to sign this agreement because we did have approval from the majority of the board members at the end of the work session and that is what the vote here today is to represent. Supervisor Borgia was not sure which County Officers Councilman Tripodi has been speaking with but Supervisor Borgia stated that the County has been working with her to make this transition a smooth one. This is an agreement that is very beneficial to the Town of Ossining and will serve as a model for many other communities.

Town Attorney, Wayne Spector reiterated that this has been a very detailed process and there has been considerable communication between myself and the County Attorney office and various aspects of the IMA proposed has been circulated and has been discussed. Councilman Tripodi's concerns/issues were discussed and it was felt that the better practice was to have the additional resolution regarding the IMA. There was a consensus by The Board and the Town Attorney did recommend that we move forward with this resolution.

Supervisor Borgia did make one final point of the Police Building. We did ask the County to use the police facility that we own and operate on North State Road. According to the County proposal they could provide the same police services out of the County Policy Headquarters.

Town Attorney Wayne Spector added that there was some back and forth regarding the building. Initially the County did make it clear that the use of the building was not critical. At the present time, the County does not have exclusive use of the building.

Councilman Harter added that he did have a conversation with Councilman Tripodi this afternoon regarding the wording of this IMA. In his opinion the wording of this resolution is satisfactory and is based on conversation, my notes and my understanding regarding this IMA and he is going to vote for this resolution.

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

II. MONTHLY REPORTS

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 accepts the following monthly reports for the month of December, 2010 from:

- **John F. Welch Learning Development Center (Helicopter Report)**
- **Town Clerk's office**
- **Tax Receiver's office**

Motion Carried: Unanimously

III. VISITOR RECOGNITION

Bobby Williams, Spring Street, wished the Board a Happy New Year. He also discussed his concerns regarding the Hudson River's contamination with PCP's. He was glad to see that GE has stepped up and is putting aside monies to pay for the cleanup of PCB's in the river. Also discussed was Resolution F (Referring Proposed Local Laws to Planning Board and Westchester County Department of Planning for report and recommendation) particularly iii relative to Affordable Housing on North State Road. The Town should be looking at other parts of The Unincorporated area for affordable housing units. Supervisor Borgia stated that there was a project being discussed at this time that is all affordable and not on North State Road. Councilman Tripodi stated that he was referring to affordable housing in this particular portion of the resolution, but the amendment making it impossible for a body shop to rebuild after a fire.

IV. ADJOURNMENT

At 8:45 P.M. Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the meeting be adjourned.

Councilman Tripodi read the names of the individuals that were brutally murdered in Arizona:

**District Judge, John Roll
Dorothy Murray
Dorwin Stoddard
Christina Greene
Phyllis Scheck
Gabe Zimmerman**

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk