

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

DECEMBER 23, 2008 – REGULAR MEETING
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter Northern Wilcher
David Krieger Kimberlie Jacobs

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on December 23, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Martha Dodge. Members of the Board present were: Northern Wilcher, David Krieger and Kimberlie Jacobs. Also present were Tom Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. PRESENTATIONS – Town Police Chief Kenneth Donato and Town Attorney Thomas Beirne

Supervisor Dodge read a statement in which she described the “moving on to a new Chapter” for two long term employees who will be retiring shortly. Chief Kenneth Donato will officially retire as of January 31, 2009 after providing proud leadership to the Town of Ossining Police Department. Chief Donato joined Ossining as an Officer in 1982 and was elevated to Chief on September 14, 1999. At this time Supervisor Dodge in Concert with the Town Board presented Chief Donato with a plaque for his many years of service.

Chief Donato stated that it had been a blessed career and he thanked the Citizens of Ossining for their support. He was proud to serve the Police Department and all of the surroundings departments. A thank you was extended to the Town Board’ the department heads but most importantly his family especially his wife, Teresa. It has been a long career and he has no regrets. In his new position as 211 Director he will be doing what he likes best and that is helping people.

Councilmember Jacobs commented that the Town was lucky for such professional leadership.

Councilmember Krieger commented on his professionalism and his concern for the residents of Ossining. He will be a beneficial member of the 211Helpline Team.

Councilmember Northern Wilcher commented that his son had gone to school with Chief Donato and could say nothing but nice things about him even during their school years. He has always been a nice, kind person.

Supervisor Dodge then made a statement describing Town Attorney Thomas Beirne as an “Indispensable repository of Town knowledge”. Supervisor Dodge learned a great deal from Mr. Beirne and regrets receiving his letter of retirement. She related a comment made several times by Attorney Beirne which is “What made the bullpen blow this game” referring to the Mets.

Councilmember Jacobs related a story from her teenage son who gave raved reviews during a Mock Trial he participated in with Attorney Beirne.

Councilmember Wilcher thanked Mr. Beirne for all of his assistance and support while Mr. Wilcher has been on the Board. All of your help was very much appreciated.

Councilmember Krieger commented that he was pleased to work with Attorney Beirne and thanked him for his common sense approach of doing business.

At this time, Supervisor Dodge and the Town Board presented Attorney Beirne with a plaque. Mr. Beirne served as Town Attorney from 1976-1977 and most recently from June 10, 1998 until December 31, 2008. He has accumulated much knowledge.

Attorney Beirne thanked the Board and the Community for the pleasure and privilege of serving with this Board and the other before them particularly John Chervokas. The Town Board is a valuable group of people interested in serving the public interest. He never felt uncomfortable. He expressed his feeling regarding the extremely impressive department heads with their professionalism.

III. ANNOUNCEMENTS

Councilmember David Krieger announced that the New York State Bar Association has established a Scholarship in the name of Charles Brient in the amount of \$5000. This is a Fellowship for Interns. The Ossining Public Library with sponsor a Jazz and Blues Concert on January 4, 2009 beginning at 3 p.m. in the Theater of the Library. A YOGA course will also be held beginning on January 9, 2009 and ending on March 27, 2009 from 8 a.m. – 8:45 a.m. at the Ossining Public Library.

Councilmember Kimberlie Jacobs announced a job opportunity in assisting with the 2010 Census. You can work up to 40 hours per week with hours being flexible. The pay is good and you are paid mileage. For further information please call 1-866-861-2010 or go on the website which is 2010CensusJobs.gov.

Supervisor Dodge announced that the Ossining Recreation brochure is available on the Village of Ossining Website as well as hard copies at the Ossining Public Library, Joseph G. Caputo Community Center and at 16 Croton Avenue.

IV. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Krieger 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 December 9, 2008 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated December 23, 2008 in the amount of \$289,183.78.

Motion Carried: Unanimously

C . Intermunicipal Agreement – Ossining (Town and Village) and Briarcliff Manor NYS Department of State Local Government Efficiency Grant 2008-2009 Program Year - Local Government Efficiency Evaluation – Police, Public Works/Highway Feasibility Study

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Resolved, that the Town Supervisor is hereby authorized to enter into an Intermunicipal Agreement with the Village of Ossining and the Village of Briarcliff Manor for the purpose of applying for a grant from the New York State Department of State-Local Government Efficiency Grant 2008-2009 Program Year.

Motion Carried: Unanimously

D. Intermunicipal Agreement – Ossining (Town and Village) and Briarcliff Manor NYS Department of State Local Government Efficiency Grant 2008-2009 Program Year - Local Government Efficiency Evaluation – Police, Public Works/Highway Feasibility Study

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

Whereas, the Town of Ossining, the Village of Ossining and the Village of Briarcliff Manor have agreed to enter into an Intermunicipal Agreement to submit a co-application for the New York State Department of State Local Government Efficiency Grant 2009-2009 Program Year, said application shall be entitled Ossining (Town and Village) and Briarcliff Manor – Local Government Efficiency Evaluation – Police, Public Works/Highway Feasibility Study; and

Whereas, the purpose of said application is to investigate possible cost savings, efficiencies and opportunities that might be achieved through additional shared services among the neighboring municipalities; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby endorses the submission of a co-application by the Village of Ossining Village Manager Linda Cooper to the Local Government Efficiency Grant Program for the 2008-2009 program year, said grant application includes the Town and Village of Ossining and the Village of Briarcliff Manor; and it is further

Resolved, that the maximum amount of grant requested for all three co-applicants is \$26,000, the Town of Ossining share of the local required match shall be \$867.00.

Motion Carried: Unanimously

E. Intermunicipal Agreement – Town of Ossining and Town of New Castle– Emergency Ambulance Services and General Ambulance Services on Behalf of the Ossining Ambulance District

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following resolution be approved:

Whereas, Section 122-b of the General Municipal Law authorizes municipalities to join together to provide for emergency ambulance services, general ambulance services or a combination of such services for the purpose of providing pre-hospital emergency medical treatment or transporting the sick or injured persons to a hospital, clinic, or other place of treatment for such illness or injury; and

Whereas, it is in the best interest of Ossining and New Castle to join in an inter-municipal cooperative agreement in regard to emergency ambulance and general ambulance services provided to residents of the two communities; and

Whereas, Article 5-G of the General Municipal Law allows local governmental units to make the most efficient use of their powers by enabling them to cooperate with other governmental units on the basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into an agreement with the Town of New Castle for Emergency Ambulance Services and General Ambulance Services on Behalf of the Ossining Ambulance District.

Motion Carried: Unanimously

F. Emergency Medical Transport Agreement -the Ossining Ambulance District and the Town of New Castle and the Ossining Volunteer Ambulance Corps, Inc (OVAC)

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

Whereas, OVAC has served the Village of Ossining, the Unincorporated Area of the Town of Ossining and the West End section of the Town of New Castle in the past and desires to continue to perform the services outlined herein for those communities, and

Whereas, the Ambulance District and New Castle are entering into an inter-municipal agreement for Emergency Medical Services, and

Whereas, the Ambulance District and New Castle (collectively, "the Participating Municipalities") have the authority to contract for the provision of emergency medical services within the municipal boundaries of the above-identified communities; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Ossining Ambulance District to enter into a collective agreement with the Town of New Castle and the Ossining Volunteer Ambulance Corps, Inc. (OVAC) for calendar year 2009 in accordance with the terms set forth in the agreement.

Motion Carried: Unanimously

G. Change Order Authorization-Samstag Avenue Retaining Wall

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the following change order with Abbott & Price, Inc. for the Samstag Avenue Retaining Wall project:

Install additional concrete, formwork, dowels, hand excavation as well as relocation of (1) residential water service valve/valve box and additional 18" concrete curb.

TOTAL	\$9,983.10
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Motion Carried: Unanimously

H. Termination - Parks Department – Seasonal Employee

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

Resolved, that the Town Board of the Town of Ossining hereby terminates the following seasonal employees:

<u>Name</u>	<u>Effective Date</u>
Dean Carretta	12/23/08
Louis Sutton	12/23/08

Motion Carried: Unanimously

I. Termination – Highway Department – Seasonal Employees

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby terminates the following seasonal employees:

<u>Name</u>	<u>Effective Date</u>
Kelton Burnett, Jr.	12/19/08
Pasqualino Velardo	12/19/08

Motion Carried: Unanimously

J. Resignation-Supervisor's Office-Intermediate Clerk

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

Resolved, that the Town Board of the Town of Ossining accepts, with regret, the resignation of Elisa Sciarabba from the part-time position of Intermediate Clerk in the Supervisor's Office effective December 19, 2008.

Motion Carried: Unanimously

K. Retirement-Chief of Police

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining accepts, with regret, the retirement of Kenneth Donato as Police Chief effective January 31, 2009

Motion Carried: Unanimously

L. Retirement-Town of Attorney

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

Resolved, that the Town Board of the Town of Ossining accepts, with regret, the retirement of Thomas R. Beirne as Town Attorney, effective December 31, 2008.

Motion Carried: Unanimously

M. Police Department – Disability Retirement

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

WHEREAS, the Town of Ossining was advised by letter dated December 17, 2008 that Town employee Jordan Fields has been granted a disability retirement by the New York State and Local Retirement System and;

WHEREAS, the Town has been directed by the Retirement System to remove Mr. Fields from the Town payroll;

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby ratifies and approves the removal of Jordan Fields from the payroll of the Town effective at the close of business on December 25, 2008.

Motion Carried: Unanimously

N. Agreement-Westchester County-Enhanced 911 System

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with Westchester County to participate in the enhanced 911 program for the period July 11, 2008 through July 10, 2013.

Motion Carried: Unanimously

O. Agreement-Northern Tier Transfer Station for Commingled Recyclable Goods and Organic Yard Waste

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with the Northern Tier communities for a shared Commingled Recyclable Goods and Organic Yard Waste transfer station on Roa Hook Road in the Town of Cortlandt. The term of this agreement shall be for five years and the cost to the Town of Ossining shall be \$500 per month for the lease of the property and a tipping fee of \$16.97 per ton for leaves and yard waste brought to the site. Costs shall be adjusted to inflation as necessary.

Motion Carried: Unanimously

P. Parkland Dedication – Engel Park/Ossining Boat & Canoe Club

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

Whereas, the Town of Ossining has in the past acquired various parcels of property on the Hudson River and devoted those parcels to park and recreation purposes, including Engel Park and the Ossining Boat and Canoe Club; and

Whereas, the Tax Map of the Town of Ossining has recently been amended to incorporate in one tax parcel, known as Section 97.06, Block 1, Lot 19.1, the various such parcels acquired over the years and dedicated to park and recreation use by the Town of Ossining; and

Whereas, the Town wishes to confirm the boundaries of its park and recreation land and improvements and further confirm the permanent dedication of such land and improvements as parkland not subject to sale, alienation or use for any purposes other than public use; Now, therefore, be it

Resolved, that the real property known and designated on the Tax Map of the Town of Ossining as Section 97.06, Block 1, Lot 19.1 is, has been and will always be parkland for the enjoyment and recreation of the public, not to be devoted to any other use or purpose whatsoever.

Motion Carried: Unanimously

Q. Waterview Subdivision

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Whereas, the Town has been advised by it's Engineering Consultant that work remains to be performed at the Waterview Subdivision in order to allow official dedication of improvements serving the final phase of the said subdivision; and

Whereas, the Town is in possession of an escrow account funded by the developer in the amount of \$5,000.00 for the purpose of insuring the completion and dedication of improvements necessary for the subdivision; and

Whereas, the above-referenced escrow funds have been on hand for an extended period of time while the developer has failed to complete the necessary work; and

Whereas, the Town has obtained a proposal from Thomas C. Merritts Land Surveyors to complete survey work which is necessary for official dedication at a cost of \$5,000.00; Now, therefore, be it

Resolved that the Supervisor be, and she is hereby, authorized to pay over the aforementioned escrow funds for completion of the necessary work, provided the developer has, in the opinion of the Town Attorney, been appropriately notified and deemed to have waived any claim it might have to the said funds.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following correspondence be received and filed.

1. Helicopter Schedule for October, 2008 from G.E.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Peter Tripodi, Quail Hollow Road, questioned what the water rate for 2009 would be? Supervisor Dodge stated that there had been no official notification from the Village. Mr. Tripodi further stated that the price of Recreation Cards was increasing to \$4 for Village residents and \$25 for Town residents. Health Care for part time individuals should be eliminated as it has risen from \$2400 to \$6000. Merry Christmas!

Bobby Williams, Spring Street, commended the Chief for his years of service and his respect for the public. He also congratulated Attorney Beirne on his retirement and his good service to the Town. Seasons Greetings!

Tom Beirne, River Road, commended Martha Dodge on her short term as Supervisor but felt she was one of the finest Supervisors. You have extraordinary energy and wished her well. He also thanked Councilmember Jacobs for her dedication during her short tenure as Town Councilmember. Thank you both for your dedication and service to the Town of Ossining

John Klappowski, Beach Road, commended the Board for the resolution dedicating parkland at the waterfront. He wished Councilmember Harter Godspeed. Merry Christmas and Happy New Year.

Councilmember Northern Wilcher announced that Village Trustee Susanne Donnelly was present at the meeting this evening.

Village Trustee Susanne Donnelly stated that it was a pleasure knowing and working with Supervisor Dodge and that she had done a marvelous job on the Ambulance District. Thank you!

Councilmember David Krieger commented that Supervisor Dodge met and exceeded our expectations.

Councilmember Northern Wilcher never realized how much work was entailed to being on the Town Board. He expressed his appreciation to Supervisor Dodge for so much grace and also thanked Councilmember Jacobs for her contributions to the Board.

Supervisor Dodge stated that it was an honor to serve the Town of Ossining as Councilmember as well as Supervisor. Thank you all for your hard work. Thank you to Councilmember Jacobs for joining the Board at a difficult time. Thank you to the Town employees as well as the residents of the Town of Ossining.

VII. ADJOURNMENT

At 8:38 p.m., Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk