

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

October 13, 2009
7:30 P.M.

SUPERVISOR

Catherine Borgia

COUNCILMEMBERS

Geoffrey Harter Michael L. Tawil
David Krieger 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 October 13, 2009 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, Northern Wilcher, David Krieger and Michael Tawil. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Town Clerk, Mary Ann Roberts.

II. ANNOUNCEMENTS

Councilmember Krieger announced that the Ossining Public Library will be holding their Fall Book Sale on Friday, October 30th from 9 a.m. – 4 p.m., Saturday, October 31st from 9 a.m. – 4 p.m. and Sunday, November 1st from 12 noon – 3 p.m. The Ossining Public Library will also be hosting Chamber Music on October 25th beginning at 3 p.m.

Supervisor Borgia announced that the 2010 Merit Scholarship Awards have been submitted from Ossining High School, Florence Cool and Rachel Bass. Mayor Bill Hanauer was awarded the LOFT Award for County Leadership. Community Day will be held in conjunction with Fall Family Fun Day on Saturday, October 17th from 8 a.m. – 12 noon. Community Day is being sponsored by the Town of Ossining. Representatives from Open Door, IFCA, CAP, and the Ossining Children Center will participate in this event and will provide a wide range of valuable programs and services provided to residents. The Trinity Church will also hold a dinner at their church hall to recognize Marion Farrell on Saturday, October 17th.

Town Clerk Roberts announced the Annual Installation Dinner of the Ossining Historical Society to be held at the Travelers Rest on Friday, October 30th, beginning at 6 p.m. which will also include a Silent Auction. The fee is \$50 per person. For reservations contact the Ossining Historical Society at 941-0001.

Superintendent of Highways O'Connor announced that the Town of Ossining Highway Department will hold a Tire Recycling Day at the Highway Garage on Saturday, October 17th from 8 a.m. to 4 p.m.

SWEARING IN OF TOWN JUSTICE, Nancy Quinn Koba

Justice Koba was given the Oath of Office by Supreme Court Justice Francesca Connolly with her family as well as the Town Board present. Justice Connolly gave a brief background of Justice Quinn Koba. Justice Koba thanked the Board for the opportunity to serve as Town Justice and will do the job to the best of her ability. Supervisor Borgia congratulated Justice Quinn Koba and stated that she was the best qualified candidate of the group the Town Board interviewed and wished her well.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the September 22, 2009 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes – Special Meeting – October 6, 2009

Councilmember Krieger 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 October 6, 2009 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Work Session 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 October 6, 2009 Work Session.

Motion Carried: Unanimously

D. Approval of Voucher Detail Report

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 Voucher Detail Report dated October 13, 2009 in the amount of \$343,689.13

Motion Carried: Unanimously

E. Northern Westchester Energy Action Coalition Intermunicipal Agreement

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 does hereby authorize the Supervisor to execute the Northern Westchester Energy Action Coalition Intermunicipal Agreement as follows:

Northern Westchester Energy Action Coalition Intermunicipal Agreement

This agreement dated June 16, 2009 is between the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Ossining, Pound Ridge, Somers and Yorktown and the Villages of Croton-on-Hudson, Mount Kisco, and the Town and Village of Ossining in Westchester County, New York.

WHEREAS General Municipal Law §239-n of Consolidated Laws of the State of New York authorizes cities, towns and villages in New York to create intergovernmental relations

councils to conduct surveys and research, to provide for the distribution of information, to cooperate with county, state and federal agencies, to conduct local and intercommunity planning, and to provide a forum for local governments to explore and develop areas for municipal cooperative activities as further authorized under Article 5-G of the General Municipal Law; and

WHEREAS the cooperating municipalities share the goal of increasing energy efficiency throughout their communities, reducing energy costs for municipal, educational, not-for-profit, commercial, and residential entities;; and

WHEREAS the cooperating municipalities share an interest in:

- a. Establishing Energy Audit Procedures
- b. Decreasing Energy Demands
- c. Encouraging Renewable Energy Alternatives
- d. Maximizing the Benefits of Recycling and Other Solid Waste Management Practices
- e. Promoting Energy Efficient Land Use Planning
- f. Supporting a Green Innovation Economy
- g. Informing and Inspiring the Public of Energy Saving Opportunities
- h. Creating local jobs
- i. Maximizing benefits over the longest possible terms

WHEREAS the cooperating municipalities share the objective of establishing mechanisms and strategies for:

- a. implementing an energy management program; and
- b. enhancing the reliability of our electric supply; and
- c. offering the opportunity for homeowners and local businesses to earn money by accessing features of electric markets that pay for intelligent management of energy consumption; and
- d. offering the opportunity for homeowners and local businesses to gain knowledge about their real-time consumption to gain better control over that consumption; and
- e. achieving cost and research savings in the implementation of energy management through collaborative efforts; and
- f. achieving Intermunicipal cooperation in other efficient ways; and

WHEREAS the cooperating municipalities wish to explore mutually beneficial ways of:

- a. securing and sharing Federal, State, and County agency funding to accomplish these efforts and goals; and
- b. coordinating efforts with Federal, State, and County agencies and authorities to assure that activities are compatible with the plans and programs of the cooperating municipalities,
- c. leveraging Federal, State and County resources along with other public and private resources to accomplish these objectives

NOW, THEREFORE BE IT RESOLVED;

THAT the municipalities named herein have joined together to form the “Northern Westchester Energy Action Coalition” (NWEAC) to advise and inform its residents on methods to accomplish the interests and objectives contained above; and

THAT the NWEAC shall comprised one representative selected by each municipality and shall adopt by-laws providing for the further administration, finance and governance of the coalition, to be approved by each municipality; and

THAT the Coalition shall recommend specific ways in which the cooperating municipalities can accomplish their mutual objectives and interests; and

THAT the Town of Bedford shall be designated the lead municipality to accept and administer funds on behalf of the participating municipalities; and

IN WITNESS WHEREOF, the designated municipal official of each of the cooperating municipalities has affixed their signature by authority vested in them by the annexed copy of the resolution of their governing bodies authorizing their signature.

Motion Carried: Unanimously

F. Ossining (Town and Village) and Briarcliff Manor NYS Department of State Local Government Efficiency Grant 2009-2010 Program Year - Local Government Efficiency Evaluation – Police Feasibility Study

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

WHEREAS, the Town of Ossining, the Village of Ossining and the Village of Briarcliff Manor have agreed to enter into an Inter-municipal Agreement to submit a co-application for the New York State Department of State Local Government Efficiency Grant 2009-2010 Program Year, said application shall be entitled Ossining (Town and Village) and Briarcliff Manor – Local Government Efficiency Evaluation – Police 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 Town of Ossining Supervisor Catherine Borgia to the Local Government Efficiency Grant Program for the 2009-2010 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

G. Sewers – Approval of Valley View Sewer District Extension – Herbert E. Olmstead Sr. – 72 and 72B Hawkes Avenue

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

Whereas, a Petition for the extension of the Valley View Sewer District located at 72 and 72B Hawkes Avenue in the Town of Ossining, Westchester County, New York, dated August 19, 2009, has been presented to the Town Board by, Herbert E. Olmstead, Sr., and

Whereas, an Order was duly adopted by the Town Board on August 25, 2009 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying at September 22, 2009 7:40 p.m. in the Police/Court facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a Public Hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

Whereas, such Order was duly posted and published as required by law; and

Whereas, a public hearing on the matter was duly held by the Town Board on September 22, 2009, where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and

Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing borne by the Town of Ossining, the Valley View Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the Valley View Sewer District located at 72 and 72B Hawkes Avenue in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be

and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

H. Westchester Community Opportunity Program, Inc.-Appointing Town Representative

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 appoints Joan E. Whittaker to serve as the Town of Ossining representative to the Board of Directors of the Westchester Community Opportunity Program effective November 20, 2009.

Motion Carried: Unanimously

I. Appointment-Town Justice

Councilmember Krieger 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 Nancy Quinn Koba as Town Justice to fill the unexpired term of Francesca E. Connolly, effective October 15, 2009 to be paid at a rate comparable to the rate that the Office of Court Administration pays per diem local justice court judges through December 31, 2009.

Motion Carried: Unanimously

J. Personnel-Park Groundskeeper & Road Maintainer Abolishment

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

Whereas, due to the changing needs of the Town of Ossining, the Town Board has determined that for reasons of economy and efficiency it would be beneficial to eliminate two (2) full time positions in the labor class civil service titles of Road Maintainer and Park Groundskeeper;

Now, therefore, be it Resolved, that for reasons of economy and efficiency, the Board hereby abolishes one (1) full time position of Park Groundskeeper and one (1) full-time position of Road Maintainer effective October 14, 2009; and be it further

Resolved, that William David Finch is hereby laid off from the position of Park Groundskeeper effective October 14, 2009; and be it further

Resolved, that Anthony Bernardo is hereby laid off from the position of Road Maintainer effective October 14, 2009.

Motion Carried: Unanimously

K. Personnel-Resignation-Police Officer

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

Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of Alexander S. Ruhe as Police Officer effective October 16, 2009.

Motion Carried: Unanimously

L. Finance-Closing Capital Projects

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following capital projects to be closed and the unexpended balances transferred or adjusted as indicated:

<u>Project</u>	<u>Project Name</u>	<u>Surplus</u>	<u>Disposition</u>
2008-0057	Highway-Garage Doors	\$4,410.00	Transferred to debt service
2008-0058	Samstag Ave. Retaining Wall	\$2,679.78	Transferred to debt service
2007-2151	Cedar Lane Park Water Main	\$274,387.90	Transferred to debt service

Motion Carried: Unanimously

M. Authorizing Letter of Intent-New York State Department of Environmental Conservation-Stormwater mapping

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to submit a letter of intent to New York State Department of Environmental Conservation to participate in the Sleepy Hollow Consortium for the purpose of submitting a grant application for mapping of stormwater catch basins and manholes under the Water Quality Improvement Program; and be it further

Resolved, that the Town of Ossining shall contribute 25% of the project cost in in-kind services to map the Town's stormwater system.

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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

September- Tax Receiver's Monthly Report
September- Helicopter Report
September - Police Department

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Bea Weinman, Assistant to New York State Senator Suzie Oppenheimer, advised the Board that Senator Oppenheimer requested that she attend to make her presence known and that she is thinking of the Town of Ossining.

Bobby Williams, Spring Street, stated that layoffs hurt people and usually create problems with additional overtime.

Supervisor Borgia stated that the Town was having a difficult time in the 2010 budget. There is a one million dollar shortfall and there is a shortfall in mortgage tax and sale tax, etc.

VIII. ADJOURNMENT to Work Session- Michael G. O’Connor Budget

At 8:20 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned into Work Session- Michael G. O’Connor Budget.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk