



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

**AUGUST 24, 2010
7:30 P.M.**

**SUPERVISOR
Catherine Borgia**

**COUNCILMEMBERS
Geoffrey Harter Michael L. Tawil
Peter Tripodi Northern Wilcher**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on August 24, 2010 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Michael Tawil, Peter Tripodi and Northern Wilcher. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Councilmember Tripodi announced that the Ossining Historical Society Fair will take place on Sunday, September 12, 2010 from 10:00 a.m. to 5:00 p.m. at the Ossining Historical Society, Croton Avenue.

Supervisor Borgia announced that the Ossining Matters Organization is hosting their annual run/walk on Saturday, September 11, 2010. Please visit www.ossiningmatters.org for registration and more information.

Councilmember Tawil announced that there will be a public meeting to discuss Police Consolidation and proposals on Thursday, August 26, 2010 at 7:30 p.m. at A.M.D Middle School. The proposals from Westchester County and the Village of Ossining are available for download on www.townofossining.com

III. PUBLIC COMMENT ON AGENDA ITEMS-None

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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 August 10, 2010 Minutes of the Regular Meeting as presented.

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

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated August 24, 2010 in the amount of \$170,075.58

Councilmember Tripodi added that he will be abstaining from this vote because his parents are receiving monies for a small claims settlement.

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

C. Dale Cemetery-Schedule of Fees

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 approves the following Schedule of Fees for Dale Cemetery, as follows:

GRAVE PRICES

Single Depth Grave Upper Portion of Hill	\$1800.00
Single Depth Grave Double Depth Grave	\$1600.00 \$2100.00
Child's Grave (21/2" x 5')	\$450.00
Baby Grave (18" x 26")	\$250.00
Single Space in Columbarium (Inscription not included)	\$800.00
Cremation Grave Space 3' x 3'	\$550.00

GRAVE PRICES SECTION NINE ONLY

Single Depth Grave	\$1300.00
Double Depth Grave	\$1600.00

It should be noted that the new interment charges will apply to section nine as well as the rest of the cemetery.

INTERMENT PRICES

Single Depth with Vault/Liner	\$1100.00
Single Depth with Casket	\$1175.00
Double Depth with Vault/Liner	\$1250.00
Double Depth with Casket	\$1325.00
Child's Grave (Up to 5' in Length)	\$475.00
Baby Grave (Up to 26" in Length)	\$300.00
Cremated Remains	\$500.00

DISINTERMENT CHARGES

Disinterment Remaining

Here (with vault)

Single Depth \$2300.00
Double Depth \$2700.00

Disinterment Remaining

Here (casket only)

Single Depth \$2425.00
Double Depth \$2850.00

Disinterment to another Cemetery (with vault)

\$1500.00*

Disinterment to another Cemetery (casket only)

\$2150.00*

***The above disinterment charges are for labor only. There will be additional charges if a new wood box or steel vault is necessary at the time of removal. Concrete vault company charges are additional.**

ADDITIONAL CHARGES

There are NO INTERMENTS on Sundays or Holidays.

Burials must arrive by 2:00pm Monday through Friday. Saturday burials must arrive by 11:30am. There will be a charge of \$95.00 per half hour for late arrivals.

Saturday full interment fee \$400.00 (increase of \$125.00)

Saturday cremation interment fee \$175.00 (increase of \$50.00)

Dale Cemetery Management Corporation must be notified by 12:00 noon on Friday if a burial is scheduled for the following Monday, otherwise there is a \$400.00 fee for weekend preparation.

There will be a \$200.00 fee in winter if ice/snow conditions exist.

Ossining residents shall receive a \$100 discount on grave sites only. This discount does not apply to "Grave Prices-Section Nine" listed above.

Supervisor Borgia provided a brief overview regarding the Dale Cemetery resolutions that are on tonight's agenda. Supervisor Borgia added that over the past year we have been looking at ways that we can make Dale Cemetery a more viable business and a more self sustaining entity. We will be working with a Cemetery Consultant that will be helping us sell cemetery plots in bulk.

Motion Carried: Unanimously

D. Dale Cemetery-Workers' Compensation Board Memorandum of Understanding

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

Whereas, in 2002 the Dale Cemetery Association joined the New York State Cemeteries Trust (NYSCT) which was prior to the Town of Ossining holding title and assuming all of the liabilities and assets of the Dale Cemetery; and

Whereas, in 2004 the Town of Ossining acquired title to Dale Cemetery and created a license agreement with Dale Cemetery Management Corporation to administer and maintain the Cemetery; and

Whereas, once the Dale Cemetery Association was dissolved the Dale Cemetery Management Corporation continued as a member of the New York State

Cemeteries Trust (NYSCT) under the new name beginning August 11, 2004- January 31, 2008; and

Whereas, the New York State Cemeteries Trust ceased operations due to liquidation and the Workers' Compensation Board assumed the administration and final distribution of the assets and liabilities of the New York State Cemeteries Trust (NYSCT) with a total deficit totaling three and a half million dollars; and

Whereas, the Workers' Compensation Board has served all former members of NYSCCT with invoices detailing their pro rata share and joint and several liability for NYSCCT's alleged accumulated deficit; and

Whereas, the Workers' Compensation Board wishes to avoid the time, effort and expense of litigation to compel the payment of the 2010 Final Assessment by the former NYSCCT Members; and

Whereas, the Town of Ossining wishes to participate in this interim solution for eighteen months to allow the Workers' Compensation Board to continue its investigation and litigation with the former NYSCCT to potentially reduce the three million dollar deficit; and

Whereas, such agreement is without prejudice to the rights of the Town of Ossining and the Dale Cemetery Management Corporation to challenge any such determination regarding the liability; and

Whereas, the Workers' Compensation Board has prepared a Memorandum of Understanding which outlines terms and conditions including a monthly payment of 55% of the 2010 Final Assessment charges against the Member, at the rate corresponding to the longest repayment plan available to such former NYSCCT Members,

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a Memorandum of Understanding with the Workers' Compensation Board to effectuate the terms of the agreement.

Supervisor Borgia added that we are members of this organization to provide workers compensation protection for our employees and there was a miscalculation in the trust itself. We will be participating in this as an interim solution.

Town Attorney, Wayne Spector added that this is a complex matter and the membership in a trust creates continuing liability for any deficits. Mr. Spector advised that over the next 18 months we do anticipate some positive changes.

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

E. Town Property – Surplus Vehicle

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 a bid from Thomas R. Wenzel, Ossining, NY for the following surplus vehicle at the bid price listed below:

<u>VIN</u>	<u>YEAR/MODEL</u>	<u>BID PRICE</u>
1FALP52U8VG263296	1997 Ford Taurus	\$200.00

Motion Carried: Unanimously

F. Agreement-Cemetery Planning Consultant

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

Whereas, the Town Board passed a resolution on January 12, 2010 authorizing the Supervisor to enter into an agreement with Cemetery Planning Resource Alliance (CPRA) of Littleton, Colorado to better utilize the approximately two and a half acres of space that was added to the cemetery and to explore ideas for generating new revenue at a cost not to exceed \$14,270; and

Whereas, the total amount paid to date to CPRA is \$12,305.01, with a remaining balance of \$1,964.99; and

Whereas, the Dale Cemetery Director wishes to apply the remaining balance of \$1,964.99 towards a new agreement with CPRA to implement the final design plan and assist with laying out the new asian burial section in the Cemetery; and

Whereas, the additional cost to accomplish this endeavor is \$6,707.00; for a total cost of \$19,012.01 to be paid to CPRA; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an agreement with Cemetery Planning Resource Alliance (CPRA) Littleton, Colorado, for an additional amount of \$6,707.00; and be it further

Resolved, that the Town Board authorizes the following budget adjustment be made to the 2010 budget in order to allow for the additional expenditure:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
CEMETERY			
032-8810-0413-Consultant	4,742.01	4,742.01	032.8810.0442-Capital Improvements

Supervisor Borgia added that we have made several improvements to the cemetery by working with this organization and we have recently entered into an agreement with a re-saler who will be purchasing large number of plots.

Councilmember Tripodi questioned how this consultant does work from Colorado? Supervisor Borgia advised that they have traveled to the area a few times and their services are also handled via technology. This organization works with many different cemeteries to provide this level of utilization.

Councilmember Tripodi added that he was not aware that this consultant was from Colorado and understands that there is a financial burden but he does not feel that it is prudent to transfer more money to a consultant in Colorado.

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

G. Rejection of Bids and Re-Advertisement of Stormytown Road Pump Station Elimination Project

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

Whereas, the Town of Ossining has solicited bids for the “Stormytown Road Pump Station Elimination and Gravity Sewer Replacement Drainage Improvements;” and

Whereas, a public notice was duly advertised in the official newspaper of the Town of Ossining on July 19, 2010; and

Whereas, at 10:00 a.m., Monday, August 9, 2010, all bids received were opened and read aloud; and

Whereas, subsequent to the preparation of the bid specifications, the Town was informed that this project can receive short-term market rate financing through New York State Environmental Facilities Corporation (EFC) with a potential to achieve a reduced interest rate for long-term financing; and

Whereas, in order to be eligible for the program, the Town must comply with EFC’s Minority and Women’s Business Enterprise/Equal Employment Opportunity and Davis-Bacon Prevailing Wage Requirements; and

Whereas, since these requirements were not a part of the original specifications the bids will need to be rejected and re-bid in order to receive low interest financing for this project through EFC;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby rejects all bids received on August 9, 2010 for the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement; and be it further

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to re-advertise for bids for the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement project, to be returnable no later than 10:00 a.m. on Monday, September 20, 2010 in the office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Supervisor Borgia added that it was good news to see that we might be eligible for this funding through New York State. Supervisor Borgia advised that the best way to handle this is to reject all bids and start over with the new requirements.

Motion Carried: Unanimously

V. MONTHLY REPORTS

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 the monthly reports for the month of July 2010 from the Building Department and Police Department.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Bobby Williams, Spring Street, welcomed Town Clerk, Mary Ann Roberts back. Mr. Williams discussed the proposed Mosque down at Ground Zero.

VII. ADJOURNMENT

At 7:55 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Town Clerk