



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

**NOVEMBER 23, 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 November 23, 2010 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Michael Tawil, Peter Tripodi and Northern Wilcher were present. Also present were Town Attorney Wayne Spector, Budget Officer Connie Cerny and Town Clerk Mary Ann Roberts.

**II. PUBLIC HEARING – In the matter of Tentative Budget 2011**

The Public Hearing was opened at 7:38 P.M.

Supervisor Borgia thanked all of the staff members and department heads for controlling expenses during this challenging year. A special thank you was extended to Michael G. O'Connor, Tom Warren, Mark Busche, James Provenzano, Henry Atterbury and Albert Riveria. This is a success story over the 2009 crisis that we faced. The tax cut for 2011 is a result of the employees joining together with a list of goals and objections for each department and estimates of costs. The 2011 Tentative Budget was delivered to the Town Clerk's Office on November 1<sup>st</sup> and will be adopted at the meeting of December 14. The Town General includes the Village of Ossining, 90% of the Village of Briarcliff Manor, and Special Districts. Tax Collection is done as the physical agents for the Town, County and School districts. The Town is required to make the County and School Districts whole whether or not all of the property taxes have been paid. Dale Historic Cemetery has been the responsibility of the Town for the past six years. The decrease in the Unincorporated Area was attained by the decrease in the Police Budget. We are attempting to restore the fund balance. A six year Capital Plan has been put into place. The assessed value of properties has decreased. Also, New York State Retirement Fund notified the Town that there would be a significant increase in 2011.

Bill Jaeneke, Morningside Court, congratulated the Board on a job well done on the 2011 Budget. In 2009 Moody's wanted to downgrade our rating, but after a letter to Moody's advising that the Board was focusing more on Finances, it was left the same. The OVAC Meeting presentation in his opinion was not done well. The fund balance is a rainy day fund and I think those days are here. Councilmember Tawil stated that Mr. Jaeneke was so knowledgeable regarding the Town finances as he was a former member of the Town's Citizen Advisory Group.

Tim Carey from Parker Bale and the Central Committee thanked Supervisor Borgia for donating her 2% increase, however, the Central Committee would like the line re-instated to what it was in the 2008. This shows a lack of commitment on the part of the Board during war time. The Committee uses this money to honor the

deceased Veterans on Memorial Day, Veterans's Day, Pearl Harbor and other items including the maintenance of the Post.

Andrew Riveria, Ganung Drive, was most impressed with the Budget Presentation. The June estimate of savings was \$800,000 and the symbolic savings should be returned to the taxpayers. The Veterans Budget should be reconsidered. Further discussion should take place regarding part time health benefits with employees paying for part of their health insurance. The building in Briarcliff, 507 North State Road, should be utilized by moving other Town operations to that location.

Supervisor Borgia responded that the OVAC budget is a rough estimate The Oversight Committee met regarding compliance to the financial reporting. The service quality is excellent and the 2010 rate will continue at the same rate unless OVAC complies by December 14. The Veteran's Budget has seen no cuts in 2011. We have been working with a pro bono fundraiser in order to raise additional funds. We have been soliciting the RSVP (Retired Professional). We will also be taping Work Sessions in January. The Police merger will save \$800,000 - \$900,000. The North State Road Facility will be used as a precinct. Thus far no moves are being anticipated at this time. Healthcare has been offered to Board Members for many years. There is a long history of healthcare being offered to Board members. Police Chief Mark Busche commented that the savings are already incorporated in the tax rate. The Building at 507 North State Road should be put on hold until the short and long term goals have been examined. There will be 10 officers, 1 Detective, 1 School Resource Officer And 1 Commander working out of this building.

Andrew Riveria, Ganung Drive, stated that Congress has enacted a healthcare bill and the Town's policy is redundant particularly since a member of the Board is part of a law firm. The money being spent is a bit too generous.

Councilmember Tawil responded that the Town cannot give back money in a rebate since we are not taking the money in the first place. Secondly as far as healthcare is concerned, Judges and Board members have been offered this benefit since 1958 and it is not free, as there is a contribution made.

Councilmember Tripodi responded that it was not free but the family policy costs \$15,000 which is more than we make. The County should also be paying rent for 507 North State Road since they will be utilizing that space. The Judge is getting free healthcare. The Veterans came in to speak to the Board in June and he feels that the Board should put the money for the Veterans back into the budget.

Supervisor Borgia responded that the Town is not asking the Unions to do anything different. The Town Board is not offered anything different.

At 8:40 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the Public Hearing be closed.

Motion Carried: Unanimously

### III. ANNOUNCEMENTS

Councilmember Tawil apologized for not announcing earlier the Hearing on Capital Improvements for Construction and Renovation the Ossining Union Free School District which will take place on December 13th and 14th at Claremont School.

Supervisor Borgia also announced that Winter Basketball registration has begun. The Tree Lighting will take place on December 7 with Santa arriving at 6:15 p.m. Breakfast with Santa will take place at the Joseph G. Caputo Community Center on Saturday, December 18, 2010 with sittings at 10 and 11. Reservations must be made in advance.

**IV. PUBLIC COMMENT ON AGENDA ITEMS-None**

**V. 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 November 9, 2010 Minutes of the Regular Meeting as presented.**

**Motion Carried: Unanimously**

**B. Approval of Minutes-Special Meeting**

**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 approves the November 16, 2010 Minutes of the Special Meeting as presented.**

**Motion Carried: Unanimously**

**C. Approval of Work Session Minutes**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the minutes of the October 19, 2010 Work Session.**

**Motion Carried: Unanimously**

**D. Approval of Work Session Minutes**

**Councilmember Tawil moved and it was seconded by Councilmember Tripodi that the following resolution be TABLED:**

**Resolved, that the Town Board of the Town of Ossining hereby approves the minutes of the November 3, 2010 Work Session.**

**Motion Carried: Unanimously**

**E. Approval of Voucher Detail Report**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 23, 2010 in the amount of \$ 237,578.56**

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

**F. New York State Retirement System-Standard Work Day and Reporting Resolution**

Councilmember Tawil 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 reports the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the below listed official to the clerk of this body:

| Title                | Name         | Standard Work Day (Hrs/Day) | Term Begins/Ends | Participates in Employer's Time Keeping System (Y/N) | Days/Month (based on record of activities) |
|----------------------|--------------|-----------------------------|------------------|--|--|
| APPOINTED OFFICIAL   |              |                             |                  |  |  |
| Deputy Town Attorney | Mark Reisman | 6                           | 5/26/10-12/31/10 | N  | 1.92                                       |

**Motion Carried: Unanimously**

**G. Bid Award-Stonegate Road Pump Station Elimination & Gravity Sewer Replacement**

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

Whereas, the Town of Ossining has solicited bids for the Stonegate Road Pump Station and Elimination and Gravity Sewer Replacement; and

Whereas, a public notice was duly advertised in the official newspaper of the Town of Ossining on October 18, 2010; and

Whereas, at 10:00a.m. on November 8, 2010 all bids received were opened as summarized below; and

| <u>BIDDER</u>            | <u>BID AMOUNT</u> | <u>BID BOND/CHECK</u> |
|--------------------------|-------------------|-----------------------|
| Abbott & Price, Inc.     | \$249,000         | Yes                   |
| ELQ Industries           | \$268,500         | Yes                   |
| Landi Contracting        | \$364,500         | Yes                   |
| Steve Giordano Builders  | \$383,500         | Yes                   |
| Cassidy Excavating       | \$469,100         | Yes                   |
| Sun Up Enterprises, Inc. | \$472,500         | Yes                   |
| Burtes Construction      | \$473,070         | Yes                   |
| Siteworks Contracting    | \$479,000         | Yes                   |
| Bilotta Construction     | \$480,580         | Yes                   |
| Cal Mart Enterprises     | \$494,494         | Yes                   |
| McNamee Construction     | \$557,720         | Yes                   |

Whereas, upon reviewing the bids, the Town Consulting Engineer, James J. Vanoli has determined that the lowest responsible bidder meeting the requirements of the contract documents is Abbott & Price, Inc.; now therefore be it

Resolved, that the Stonegate Road Pump Station Elimination and Gravity Sewer Replacement is hereby awarded to Abbott & Price, Inc., Sunset Drive, Ossining, for the total bid price of \$249,000; and be it further

Resolved, that the Supervisor is hereby authorized to execute and deliver all documents necessary or appropriate to accomplish the purpose of this resolution.

Motion Carried: Unanimously

**H. Finance-Capital Project # 2009-2166-Stormytown Road Pump Station Elimination**

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

Whereas, on February 10, 2009, the Town Board established Capital Project # 2009-2166, entitled Design/Planning Phase-Stormytown Road pump station elimination in the amount of \$100,000 to be financed by a Bond Anticipation Note; and

Whereas, the Town of Ossining has applied and received short-term market rate financing from the New York State Environmental Facilities Corporation for the purpose of financing and refinancing the planning, design, acquisition, construction and installation of the project; and

Whereas, the estimated project costs for short-term market rate financing for the Stormytown Road Pump Station Elimination project totals \$994,448; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes Capital Project # 2009-2166 entitled Stormytown Road Pump Station Elimination be amended from \$100,000 to the estimated amount of \$994,448 to be financed by the New York State Environmental Facilities Corporation.

Motion Carried: Unanimously

**I. Finance-Capital Project # 2009-2167-Stonegate Road Pump Station Elimination**

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

Whereas, on February 10, 2009, the Town Board established Capital Project # 2009-2167, entitled Design/Planning Phase-Stonegate Road pump station elimination in the amount of \$65,000 to be financed by a Bond Anticipation Note; and

Whereas, the Town of Ossining has applied and received short-term market rate financing from the New York State Environmental Facilities Corporation for the purpose of financing and refinancing the planning, design, acquisition, construction and installation of the project; and

Whereas, the estimated amount requested for short-term market rate financing for the Stonegate Road Pump Station Elimination project totals \$507,475; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby authorizes Capital Project # 2009-2167 entitled Stonegate Road Pump Station Elimination be amended from \$65,000 to the estimated amount of \$507,475 to be financed by the New York State Environmental Facilities Corporation.

Motion Carried: Unanimously

**J. Termination-Temporary Appointment-Assessment Assistant**

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

Resolved, that the Town Board of the Town of Ossining hereby terminates the employment of Suzanne Stark from the temporary position of Assessment Assistant effective November 15, 2010.

Motion Carried: Unanimously

**K. Re-Hire-Parks Department Seasonal Employee**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Luke DeMarchis to the seasonal position of Laborer in the Parks Department at \$10.50/hr. effective November 15, 2010 through December 15, 2010.

Motion Carried: Unanimously

**L. Termination-Parks Department Seasonal Employee**

Councilmember Tawil 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 employment of Brett A. Wells from the seasonal position of Laborer in the Parks Department effective November 10, 2010.

Motion Carried: Unanimously

**M. Appointment Extension-Chair-Citizen Finance Advisory Committee**

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

Resolved, that the Town Board of the Town of Ossining hereby re-appoints Ingrid M. Richards, Morningside Drive, Ossining as Chair to the Citizen Finance Advisory Committee for a five year term expiring December 31, 2015.

Motion Carried: Unanimously

**N. Calling for a Public Hearing on a Local Law to amend Chapter 74 of the Town Code concerning Dogs**

Councilmember Tawil 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 calls for a Public Hearing to be held on Tuesday, December 14, 2010 at 7:30p.m. at the Village of Ossining Police/Court Facility, 86-88 Spring Street, to consider amending Chapter 74 of the Town Code concerning licensing and license fees for Dogs.

Motion Carried: Unanimously

**O. Bid Award-Tree Bid for the Unincorporated Area of the Town of Ossining**

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

Whereas, the Town of Ossining has solicited bids for tree services in the Unincorporated Area of the Town of Ossining; and  
Whereas, a public notice was duly advertised in the official newspaper of the Town of Ossining on October 4, 2010; and

Whereas, at 10:00a.m. on October 25, 2010 all bids received were opened as summarized below; and

| <b><u>BIDDER</u></b>            | <b><u>BID AMOUNT</u></b> |
|---------------------------------|--------------------------|
| Golden's Tree Service           | \$59.80/man hour         |
| Adams Tree Service              | \$100/man hour           |
| Hawthorne Brothers Tree Service | \$100/man hour           |

Whereas, upon reviewing the bids, the Highway Superintendent, has determined that the lowest responsible bidder meeting the requirements of the contract documents is Golden's Tree Service; now therefore be it

Resolved, that the Tree Bid for the Unincorporated Area of the Town of Ossining is hereby awarded to Golden's Tree Service, Montrose, for the total bid price of \$59.80 per man hour; and be it further

Resolved, that the Supervisor is hereby authorized to execute and deliver all documents necessary or appropriate to accomplish the purpose of this resolution.

Motion Carried: Unanimously

**P. CSEA-Stipulation of Settlement**

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

Resolved, that the Town Board of the Town of Ossining hereby ratifies and approves the Stipulation between and among Sharon Palaia, the Town and the Civil Service Employees Association, Inc.. Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit; and be it further

Resolved, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation on its behalf.

Motion Carried: Unanimously

**Q. Westchester Community Opportunity Program, Inc.-Appointing Town Representative**

Councilmember Harter 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 re-appoints Joan Whittaker to serve as the Town of Ossining representative to the Board of Directors of the Westchester Community Opportunity Program effective November 21, 2010 for a period of one year.

Motion Carried: Unanimously

**VI. MONTHLY REPORTS**

Councilmember Tawil 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 accepts the monthly reports for the month of September 2010 from the Police Department.

Motion Carried: Unanimously

**VII. VISITOR RECOGNITION**

**VIII. ADJOURNMENT – WORK SESSION**

**At 9:05 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

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**Mary Ann Roberts, Town Clerk**