



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

**DECEMBER 27, 2012
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
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 December 11, 2012 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Geoffrey Harter, Eric Blaha, Peter Tripodi and Northern Wilcher. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

Good evening and the entire Board hopes that you and yours are finding peace, joy and especially time together during this holiday season...It seems to be especially important this year because of all the unbelievable events that have happened right in our "backyard" the devastation of the hurricane and the senseless murder of so many babies and heroes all within a two month period...Sometimes we can distance ourselves from tragedy but we really never do...let us remember by standing together as a community so that we can move forward ...Please remember that if you need help know someone that needs help or are concerned about someone please let us know...the Town of Ossining as well as the Villages and school systems are available to help..

This has been a very exciting year for the Town of Ossining. The Town Board as well as the administration has been dedicated to accomplishing the goal of keeping services at the high level that the residents deserve, while being fiscally conservative with expenditures.

During 2012, we implemented and/or closely monitored several policies that not only protect tax dollars but also clarify procedures for all employees. The ability to have structured policies is important and we will continue to review, adjust and document purchasing and inventory policies in 2013.

1. Procurement Policy- enforcing the existing policy of purchasing through a bid process. We have seen a number of our projects come in very competitively during these times when contractors (just like the rest of us) understand they need to be competitive to stay in business. On smaller purchases the requirement of three bids has helped the Town because it forces the Department Heads to seek out other sources for materials and equipment.
2. Centralized purchasing of supplies...2012/2013 style - We implemented centralized purchasing of all office supplies that is nothing like the "old" days. Each

department submits an order that has to be approved by the Budget Director in the Supervisor's Office. This allows us to confirm what is being ordered, as well as to ensure that the department is staying within its budget.

The Town Board has fiscal responsibility to the taxpayer. They are the only people who can authorize a purchase order and/or pay an invoice. While several of the elected department heads are "autonomous", they have no ability to set policy and have no control over the budgets. These Department Heads must present their requests to the Town Board, just the same as the appointed professional Department Heads.

All projects that require the spending of Town funds must be presented to the Town Board. It is not only the short term expenditures such as the initial cost of software and hardware, end-user training, and the use of other department's personnel; It is our responsibility to also consider the long term costs, such as productivity of the employees and maintenance contracts.

This year, the Town Board reviewed all department structures in the areas of personal and job responsibility. Every department has been working "lean and mean" for the past few years, but there is always room for improvement. We pride ourselves on working closely with the Department Managers to understand how their departments function, so that together we can continue to "tweak" departments and ensure that productivity and resources are in the right places at the right times.

- 1. We have not budgeted for "as-needed" part time hours in the 2013 budget, except in the instances that the department has seasonal workers such as Highway and Parks.**
- 2. The Parks Department has struggled to keep the large Town Parks maintained over the past few years. In the second quarter, we will be hiring a new employee who will join the Teamsters as a Laborer in the Parks Department. We have worked with the Teamsters to re-evaluate the seniority/salary scale to make this possible.**
- 3. We have come to an agreement with the Police Officer out on Disability. He will retire at the end of 2012, and the Town's responsibility will be a fraction of what it is today. The Town will save approximately one million dollars with this action.**
- 4. We have several employees on which the Town has opted to take disciplinary action. While we will not discuss the actions or the employees, we have set a new norm: OUR employees work very hard at their jobs, and it is important that we encourage them to continue that practice throughout their time in the Town. To that end, we will continue to work with our Labor Counsel as the need arises to make sure that the majority of employees who do an excellent job are not subject to having to "carry" inefficient employees. We want to offer sincere thanks to the unions, as well as to our labor counsel, for constantly looking out for the hard working majority.**
- 5. It is the opinion of the Town Board that simply throwing money at problems or adding employees to our payroll does not solve any major issues. We must all work smarter, harder and come up with constructive solutions every day. As we move into a period of less funds from state and federal governments as well as less other revenue dollars such as mortgage tax and sales tax in an uncertain economy, it is essential that we do not burden the taxpayer unnecessarily. Our mantra has been to "think outside the box", we are always looking for our department managers to come up with proactive creative ideas on how to do things more efficiently, continuing to provide the excellent service the residents of the entire Town has come to expect.**
- 6. During 2013, we will be negotiating with the CSEA for a contract that will take us through the next few years. We applaud their professionalism when it comes to understanding that job responsibilities will play a big role when determining**

staffing levels in each department. The Teamsters also work with us constantly to ensure that all of the employees in that union understand their functions while ensuring each of them the leadership and support that the union brings.

Just a few examples of the many items that we discussed made decisions on, after we opened each for discussion, reviewed policy and determined the need to make changes or not are:

1. The Town hired a new Assessor – Fernando Gonzalez came on Board after Josette Polzella had to retire due to illness, and replaced our temporary assessor John McGrory. Fernando has brought an open door policy to the entire Town, and is working on making sure all of the assessments are fair and equitable. He has become our go-to guy on a revaluation with other communities in Westchester.
2. With the approval of the Town Board, we eliminated smoking in the Town parks where children play or congregate. This still allows people to smoke in certain areas, but we encourage people to abstain for their health and the protection of the parks.
3. The School Resource Officer that is part of our Public Safety contract with Westchester County. In the spirit of cooperation, the Town Board have decided to fund this position for only the first months of the 2013: we believe this leaves us the time to work with the County, the Schools, the Villages, and the Town of New Castle to determine the best way to finance this position. After this six month period, the Town will discontinue funding this position, which will be a huge relief to our Unincorporated Fund taxpayers.
4. As we have discussed many times, we will continue to have the same sanitation schedule that we have had in years past. It was important to learn about our options when we heard that some municipalities' fees had increases substantially when going to bid. We were fortunate to have our bids come back very favorable, as well as having the same company “win” the bid.
5. We changed the vehicle policy and made driver's safety classes mandatory for all Town vehicle drivers, as well as having decals put on the sides of all vehicles to identify them as belonging to the Town.
6. We made a change in the engineering services that the Town uses. After the first quarter of 2012, the Town of Ossining and the engineer with whom the Town had dealt with for many years, decided to go in different directions. After interviewing five private firms, we determined that using the Village of Ossining's engineering team was the best fit for the Town. We made an excellent decision. We are finishing up the final projects that the past engineer had any effect on, and while we have run into cost overruns resulting in change orders, none of those costs had to do with engineering but rather incomplete or inadequate bid documents from the previous engineer. The result is that we completed projects that went back as far as 2009, and have worked with federal and state agencies like FEMA and SEMA to make sure we can fix our roads, parks and some buildings from the many storms we have had.
7. We have completed multiple large projects, such as having records scanned in the Town/Village Clerk's office to be looked at electronically, purchased a Parks Dept truck, and auctioned off old vehicles and equipment, resulting in reduced insurance premiums. One open issue is the sale of the Police Station on North State Road, on which we work every day and have approached different groups about purchasing. We will keep up this effort until the building is sold- we still hold out hope that Briarcliff Manor will consider it for their police station when the time is right, but we have also toured the site with several banks, as we think a bank would be a huge asset to the North State Road Business District.
8. We have completed the Government Options study with the Center for Governmental Research in Rochester through a New York State grant, and while little may happen in the short term, so much information was gathered for our use in the future.
9. We started a Group Home Task Force in response to resident concerns, and met with agencies and neighbors both as everyone adjusted to the homes in particular neighborhoods. We have constructed charts and maps of the group homes for future use, so that if this comes before the Board in the near future, we are prepared for an informed discussion.

10. Making sure all the I's were dotted and the T's were crossed on different issues with the Villages was important: we made sure that we closed open issues and worked in a cooperative manner with both municipalities that are included in the Town.
11. As North State Road is the main Business district for the Town of Ossining, we moved forward on signage and creating a municipal parking lot at the Police Station for use of the merchants and their customers on North State Road.
12. The review and updating and establishing of policies such as the non-union handbook, electronic policies, a policy requiring new hires to be Ossining residents whenever possible, and installing and using of biometric time clocks in all Town offices continue to make the Town more efficient.
13. The establishment of the Energize Ossining program, including the PACE financing element, will be one of the many items that we will concentrate on in 2013.
14. Dale Cemetery being self sufficient, and the taking over of Sparta Cemetery, are efforts about which we feel very proud as a Board. These sites are not only the responsibility of the Town, but also important markers in the history of our community.
15. Our positive outlook from Moody's Investors Services helped us get extremely favorable rates when we went out for funding through Bonds and Bond Anticipation Notes.
16. And we worked on a budget for the past several months, through the storm called Sandy and stayed under the tax cap!

Your Town Board is proud of the budget that we will implement on January 1, 2013. As we move into the second year of this administration, we take pride in the fact that we have made this government run more efficiently and have taken responsibility for our decisions throughout the year. We have included, and will continue to include, the public in all of our discussions, as well as in our decisions. We make it a point to discuss each and every topic many times to ensure that you, the residents, hear it from us directly.

We will continue to have our Town Hall Meetings approximately every six weeks starting with our first of the year on January 29, 2013. This meeting will revolve around self-reliance and neighborhood reliance, especially given the problems the whole area experienced during Hurricane Sandy. We will be encouraging vendors to come and demonstrate generators, as well as other methods of becoming less dependent on Con Edison for our energy needs during times of crisis like we saw this year. We will have representatives from Westchester County, all of our First Responders, as well as other groups and companies who will share some of their ideas, concepts, services and equipment.

Please hold the date and join us at the library at 7:30 PM on Tuesday, January 29th. Don't forget to use the downstairs entrance.

As many of you are aware, I believe in the differences between what is business and what is personal, as well as making decisions without emotional attachments that are for the good of the community. To me, business of running the Town is just that-business. But today, as I conclude my recap of the 2012 year in the Town, I share with you a personal item about myself. I will be taking a few weeks off to have a radical hysterectomy. They have found some cancer in the early stages (thank goodness), and God willing and from all the tests results, it is confined and will be completely gone after the operation. I consider myself a very private person, but I wanted to be the one to tell you for no other reason than I refuse to allow rumors and innuendos to be your source of any information concerning the Town or the people who run it. I have full confidence in the Town Board and the Administration, especially Maddi, and will be only unavailable for a few days before emails, texts and phone calls will be allowed during the recovery period.

I want to take this opportunity to thank each of the Department Managers, as well as all of the professionals we share with the Village of Ossining especially in Finance, Engineering, Parks and Recreation, as well as with the First Responders. Together we are truly moving the Town into the 21st century in an efficient, timely manner, and with purpose.

I am so confident in our collective future that I am making the announcement tonight that I will be running for reelection next November. I hope that your pride in your Town, and your confidence in this Board, will allow us to continue to move this Town forward together.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Blaha 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 December 11, 2012, Minutes of the Regular Meeting as presented.

**Vote: 4-1-0
Voting Aye: Tripodi,
Harter, Blaha & Donnelly
Abstain: Wilcher**

B. Approval of Minutes-Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the December 18, 2012, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Blaha 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 Voucher Detail Report dated December 27, 2012 in the amount of \$685,807.29

Motion Carried: Unanimously

D. Change Order #1: North State Road Drainage Project 2180

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

Whereas the North State Road Drainage project has commenced, and

Whereas review of the physical location revealed additional requirements for satisfactory completion of the project in the form of modifying downstream chamber to match existing grades including additional pavement, relocate and modify inlet structure and pipe due to field conditions, and additional earth excavation less credit for reduction in concrete mat;

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign Change Order # 1 with Con-Tech Construction Technology, Inc. in the amount of \$14,247.71 to be funded by a transfer to the capital project from Highway Fund contingency.

Motion Carried: Unanimously

E. Finance- Capital project #2012-2180- North State Road Drainage Capital Project Adjustment

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

Resolved, that the Town Board of the Town of Ossining hereby increases the approved budget for the 2012 North State Road Drainage Capital Project from \$50,000 to \$85,702.93, with the additional amount of \$35,702.93 to be funded from Highway Fund Contingency.

Increase: 037.5110.2180 - North State Road Drainage \$35,702.93

Increase: 037.0037.5035.0180 - Transfer from Highway Fund \$35,702.93

Increase: 031.9901.0906 - Transfer to Capital Fund \$35,702.93

Decrease: 031.1990.0400 - Contingency \$35,702.93

Motion Carried: Unanimously

F. Stipulation of Agreement- Town Employee # 960002

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

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the attached Stipulation of Agreement between and among the Town, Town Employee #960002 and the CSEA, and;

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation of Agreement on its behalf.

Motion Carried: Unanimously

G. Intermediate Account Clerk

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

WHEREAS, on or about November 15, 2012 disciplinary charges were preferred against Intermediate Account Clerk Lori Cerbone pursuant to Section 75 of the Civil Service Law;

NOW THEREFORE, BE IT RESOLVED that, upon the recommendation of the Town Supervisor, the Charges brought against Ms. Lori Cerbone pursuant to Section 75 of the Civil Service Law are hereby withdrawn.

Motion Carried: Unanimously

H. Stipulation of Agreement

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

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the attached Stipulation of Agreement by and between the Town and Kevin Noye and;

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation of Agreement on its behalf.

Motion Carried: Unanimously

I. Sale of Town Property

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

Whereas, the Town of Ossining is currently contracting for police services through the Westchester County Department of Public Safety; and

Whereas, the Town of Ossining consequently no longer has use for some of the police equipment, owned by the Town, that was being used by the Town police force; and

Whereas, the Village of Ossining Police Department has made an offer for some of the equipment which is believed by the Town Administration to be the fairest price for these items;

Now therefore be it resolved that the Town Board of the Town of Ossining hereby authorizes the sale of the below equipment at the specified, and agreed upon, prices.

(2) TAZERs @ \$300 each, \$600.00

(2) "Glock T trainers" @\$350.00 each, \$700.00

(6) Kevlar helmets @\$50.00 each, \$300.00

(2) Clearing Barrels @\$50.00 each, \$100.00

Prisoners restraints, \$200.00

Motion Carried: Unanimously

J. Foreclosure Proceedings Belleview Avenue

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

Whereas on September 28, 2010, the Town of Ossining commenced an In Rem Foreclosure on 55 Belleview Avenue; and

Whereas the U.S. Government by virtue of Federal Law stayed all actions to Foreclose on the Town's tax Liens on this property because the owner was a defendant in a Federal criminal case and the property was subject to Federal Asset Seizure; and

Whereas the Town of Ossining entered into an agreement with the Federal Government and on March 2, 2012, a Stipulation of Settlement was filed with the court wherein the Federal Government agreed to pay the local property taxes and penalties outstanding and due to February 2, 2012, and any real property tax accruing on the property between February 2, 2012, and the date of the Final Order of Forfeiture or the date of the Interlocutory Sale, whichever date occurs first; and

Whereas the Federal Government is not required by law to pay local taxes on property to which it claims title; and

Whereas the Final Order of Forfeiture was filed with the Court on April 4, 2012; and

Whereas the Interlocutory sale of the property from the Federal Government to a private individual occurred on December 11, 2012; now

Therefore be it resolved that the Town of Ossining shall direct the Receiver of Taxes to adjust the total amount due as required by Federal Law on 55 Belleview Avenue for the period of time from April 4 to Dec 11, 2012; and the Town of Ossining shall direct the Receiver of Taxes to accept from the Federal Government \$41,637.32, in full payment of all taxes, penalties, and interest on 55 Belleview Avenue computed to April 4, 2012; and

the Town of Ossining shall forgive the Town and ambulance tax in the amount of \$218.15 for the period from April 4, 2012 to December 11, 2012; and

the Town of Ossining shall seek the refund of payments already paid to Westchester County on behalf of 55 Belleview Avenue totaling \$1,128.92 for County General, County Solid Waste and County Sewer Taxes; and

The Town of Ossining shall seek to adjust the Ossining School tax warrant in the amount of \$3,414.19 for the period from July 1, 2012 to December 11, 2012.

Motion Carried: Unanimously

K. Personnel- Seasonal Appointment- Parks Department

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 appoints Danye Smith-Robinson of Ossining to the seasonal position of Laborer, effective December 28th, 2012 at \$9.50 per hour.

Motion Carried: Unanimously

L. Stipulation of Agreement between Town of Ossining and Local 456

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

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation of Agreement regarding the donation of one day of vacation time from Mr. Gary Cecere to Mr. Charles Bouton, between the Town and Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Stipulation on the Town's behalf.

Motion Carried: Unanimously

M. Personnel- Parks Department

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

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the attached Stipulation of Agreement by and between the Town and Steven White, member of the Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Stipulation of Agreement on its behalf.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the monthly reports for the month of November 2012:

- **G. E. Helicopter Report**

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Vincent Sottile, Wyche Way, appeared before the Board regarding the Animal Health Center being erected on North State Road. The Building Code states that the building should be no taller than 35 feet and this building is 38.5 feet and with the roof at 39 feet. The dimensions of the building are 91 feet by 76.6 feet. How big is the average home in the Town of Ossining?

Supervisor Donnelly responded that the Animal Health Center is a commercial building and not residential. Supervisor Donnelly requested that this be scheduled for a work session at which time Building Inspector John Hamilton will present a written report. Mr. Sottile wished Supervisor Donnelly good health and a Happy New Year to the Board and the Department Heads.

VIII. ADJOURNMENT

At 8:07 P.M. Councilmember Tripodi moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk