

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

MARCH 25, 2008 – REGULAR MEETING  
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter    Northern Wilcher  
David Krieger

I.      CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on March 25, 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. Other members of the Board present were: Geoffrey Harter, David Krieger and Northern Wilcher. Town Clerk Mary Ann Roberts was also present. Town Attorney Tom Beirne was absent.

II.     ANNOUNCEMENTS

Councilmember Krieger announced that the Ossining Public Library will be holding a Book Sale on April 5<sup>th</sup> from 9 – 5; April 6<sup>th</sup> from noon – 5 and April 7<sup>th</sup> from 10 – 2. Also at the Ossining Public Library on April 17<sup>th</sup> at 7:30 p.m. will be a free presentation of Chapter II. The Ossining Public Library will also sponsor a free photo shop course beginning at 7:30 p.m. on April 15<sup>th</sup>.

Supervisor Dodge announced there is an open Councilmember seat on the Town Board and resumes are being accepted in the Office of the Supervisor until March 31<sup>st</sup>. The Job Fair will take place at the Joseph G. Caputo Community Center from 2 – 4 p.m. on April 5<sup>th</sup>. Bring your resume and your best job seeking outfit.

III.    BOARD RESOLUTIONS

B.    Approval of Minutes – March 11, 2008

Councilmember Harter 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 approves the Minutes of the March 11, 2008 regular Meeting as presented.

Motion Carried: Unanimously

C.    Approval of Voucher Detail Report

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 hereby approves the Voucher Detail Report dated March 25, 2008 in the amount of \$233,206.27.

Motion Carried: Unanimously

D. Calling a Public Hearing on a proposed local law with regard to the Property Tax Veterans' Exemption

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

Resolved, that the Town Board hereby calls for a Public Hearing to be held on Tuesday, April 8, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining, on a proposed local law amending Chapter 180 of the Code of the Town of Ossining by adding a new Article VIII to provide Cold War Veterans with a real property tax exemption authorized by Section 458-b of the Real Property Tax Law

Motion Carried: Unanimously

E. Safe Routes to School Grant

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

Whereas, the safety of student pedestrians walking to and from the Anne M. Dorner and Claremont Schools depends on the provision of adequate infrastructure, signage, and traffic enforcement; and

Whereas, the Village of Ossining will assume the role of Sponsor for the Project and the Ossining Union Free School District will assume the role of Applicant; and

Whereas, Linda Cooper, Village Manager of the Village of Ossining is filing a grant application with the New York State Department of Transportation (Safe Routes to School Program) for an amount not to exceed \$79,860 to include construction of a portion of sidewalk where none exists currently on Claremont Road, signage, and lighting improvements on Van Cortlandt Avenue and Claremont Road in the Village and Town of Ossining, purchase of a second Smart Trailer, and advertising and educational outreach components for the 2009 Ossining School Community Walk Day;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining fully supports the Safe Routes to School grant application to be submitted by the Village of Ossining and the efforts made to improve safety for students while walking to and from school.

Motion Carried: Unanimously

F. Change Order Authorization – Cedar Lane Water Main Project

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 hereby authorizes the Supervisor to sign the following Change Order with Steve Giordano Builders, Inc. for the Cedar Lane Water Main Project:

Connection of the Cedar Lane Park Distribution System to the water main	<u>\$19,300.00</u>
Total	\$19,300.00

Motion Carried: Unanimously

## G. Reimbursement of Town Employee Business Expenses

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

Whereas, From time to time employees incur certain expense in connection with performing their duties, attending training, seminars and/or conferences; and

Whereas, the Town of Ossining has established guidelines which an employee may be legally reimbursed for expenses; now therefore it be

Resolved, that the Town of Ossining hereby adopt the Reimbursement of Town Employee Business Expenses Policy as follows;

### **Purpose of this Policy**

The purpose of this policy is to establish the guidelines under which an employee of the Town of Ossining may be legally reimbursed for expenses related to the travel to and from, and attendance at, any event which has been recognized and authorized as an event related to Town business. The policy is adopted from the Office of the State Comptroller's Financial Management Guide, Subsection 8.1025. In the event of any misunderstanding or dispute, the Town Supervisor will make the final determination as to whether an employee is entitled to reimbursement of any expense.

### **Prior Written Authorization Required**

Authorization must be obtained in writing from the Town Supervisor prior to attending an event for which an employee expects reimbursement. In the event that such prior authorization was not obtained, the Town Supervisor, at his/her discretion may authorize reimbursement by written notice to the Budget Officer.

### **Claim Voucher Required**

In order to receive reimbursement of an expense, an employee must submit to the Budget Officer a properly completed and signed claim voucher, including as attachments, a copy of the Town Supervisor's written authorization, a copy of the brochure or other literature describing the event, and any required receipts. The claim voucher, available in the Supervisor's Office, must clearly state the title of the event, the sponsoring association, the location and date(s) of the event, and an itemized list of the expenditure categories to be reimbursed. In the event of a conference or training seminar where certificates of completion are issued, said certificates should be provided to the municipality.

### **Use of Petty Cash for Employee Reimbursements**

Petty cash should be used minimally for the reimbursements of employee expenses. It should be remembered that petty cash should require replenishment no more than once a month. Further, any reimbursement made of employee expenses through petty cash still requires appropriate receipts and authorization from the Budget Officer.

### **Legal Authority**

General Municipal Law 77-b generally authorizes reimbursement of actual and necessary expenses incurred in attending a meeting, convention, conference or school conducted for the betterment of the Town. Written authorization must be obtained in advance from the Town Supervisor before such attendance can be considered a proper Town expense. "Actual and necessary" means that the expenses were:

1. Actually made
2. Necessarily incurred for an authorized purpose
3. An amount no greater than necessary (Opn. St. Comp. 69-563).

### **Tax Exempt Certificate**

The Town is exempt from federal, state and local taxes, including sales tax. As such, it is the responsibility of any employee authorized to attend an event to

ascertain that they carry with them a copy the Town of Ossining Tax Exemption Certificate. Such certificates should be presented to places of lodging and dining, so that any amounts paid are exclusive of taxes. The Town retains the right to refuse reimbursement of sales and other taxes paid as part of an employee's expense.

Reimbursement will be made for the following business related expenses:

- Transportation
- Meals
- Lodging
- Gratuities

### **Transportation**

Transportation will be reimbursed for actual travel to and from an authorized event. Transportation will not be reimbursed for any personal travel incurred while away, or for normal commuting to and from home and Town Offices.

Reimbursement will be made for:

- The amount spent using public transportation (bus, train, etc.) receipts are required.
- The amount spent for re-fueling a Town owned vehicle. Receipts are required.
- The standard mileage rate, as determined by the Town Board, when using a personal vehicle.
- The amount spent for tolls. Receipts are required.
- The amount spent for parking. Receipts are required.
- The amount spent for plane fare at the regular rate charged for a single coach fare, unless otherwise authorized in writing.

### **Meals**

Meals will be reimbursed when the employee is attending an authorized event away from the regular work area. The employee will be reimbursed an amount not to exceed \$10.00 for Breakfast, \$20.00 for Lunch and \$30.00 for dinner. Receipts are required for all meal expenses. Expenditures for the purchase of alcoholic beverages or for guests will not be reimbursed. The cost of meals while performing the usual duties of the office or position within the local government is considered a personal expense, rather than an actual and necessary expense incurred in the performance of official duties and will not be approved for payment by the Budget Officer.

### **Lodging**

An Official performing official duty may be reimbursed for any necessary lodging expenses incurred during their travel for an extended period of time. Lodging will be reimbursed at the usual cost of the single occupancy room rate. "Single occupancy room rate" means the regular room rate charged for a single occupant by the hotel, or the nearest available hotel to, where the event is held. Receipts are required for all lodging expenses.

### **Registration, Tuition, Materials**

Any other expenses required to participate in an authorized event, such as registration fees, tuition, books and supplies, will be reimbursed. Receipts are required for all such expenses.

### **Gratuities**

Gratuities that are reasonable and actual may be reimbursed. Gratuities for meals may not exceed the greater of (\$1.00) dollar or fifteen (15%) percent of the cost for each meal, unless a mandatory minimum greater than this amount is required under the terms of the event

### **Periodic Review**

This policy will be reviewed periodically by the Town Board. Any questions concerning this policy may be directed to the Budget Officer. The references cited

above may assist employees in understanding this policy, and the basis for its contents.

Motion Carried: Unanimously

#### H. Procurement Policy

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

Whereas, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

Whereas, the Town solicited comments from all officers in the Town of Ossining involved in the procurement process, and on May 24, 2006 the Town Board adopted a Procurement Policy, and

Whereas, the Town Board has decided to amend the policy to include a section adopted from the Office of the State Comptroller's Financial Management Guide, Subsection 8.3020 pertaining to the requirement for Requests for Proposals (RFP) when obtaining professional services, now, therefore be it

Resolved, that the Town of Ossining hereby adopt the following amended procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid:

#### **Procurement Policy**

##### **Purchases between \$1,000-\$2,999**

Department Managers may make purchases between \$1,000 and \$2,999 for materials, supplies and repairs provided that such purchase is made in conformance with the following procedure:

- A. Two verbal quotations are required. A verbal quotation form available in the Supervisor's Office must be used to document the quotes. Attach verbal quotation form to claim voucher along with invoice and submit to Budget Officer for approval.

##### **Purchases between \$3,000-\$10,000**

Department Managers may make purchases between \$3,000 and \$10,000 for materials, supplies and repairs provided that such purchase is made in conformance with the following procedure:

- A. A Purchase Order is to be completed in order to encumber the expenditure. This form shall be submitted to the Budget Officer with the following information:
  - a. Name and address of recommended vendor
  - b. Date, Vendor Number, Budget Account Codes
  - c. Quantity, description and purpose of the purchase
  - d. Unit cost and total cost of proposed purchase
  - e. Purchase Order must be signed by the Department Manager
- B. Three written quotations are required. A written quotation form available in the Supervisor's Office must be used to document the quotes. Attach written bid requests to the Purchase Order along with documentation from vendor indicating cost and submit to Budget Officer for approval.
- C. Approved purchases will be acknowledged to the Department Manager by copy of the signed Purchase Order signed by the Town Supervisor with a Purchase Order number assigned to it by the Finance Department.

D. Upon satisfactory receipt of the material, supply or repair, the Department Manager will submit to the Budget Officer the following:

a. Purchase Order signed by the Department Manager to indicate approval for payment along with an invoice from the vendor attached to the Purchase Order.

Any public works contract over \$10,000 must follow above procedures and obtain three written quotes. A Public Works Contract over \$20,000 is subject to competitive bidding.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall failure to obtain the proposals be a bar to the procurement.

Purchases are subject to the availability of funds. Department Managers may not authorize purchases under this section when there are insufficient funds in the designated budget account. The Budget Officer distributes monthly budget expenditure reports showing the available funds in each department account.

#### **Purchases of \$10,000 and over**

All purchases of materials, supplies and repairs of equipment of \$10,000 or more and all public works contracts of \$20,000 or more requires competitive bidding subject to the laws of New York.

- A. The Town Supervisor and Clerk's office shall be responsible for the issuance of required documents, notices and advertisements required under the competitive bidding laws and for the receipt of such bids from vendors.
- B. Department Managers will be responsible for preparing information regarding the quantity, quality and specifications of the materials, supplies or work to be furnished.
- C. Capital Projects are defined as improvements to the Town's operations in excess of \$12,000 per project. Please consult with the Budget Officer in order to establish a Capital Project number and processing of Purchase Order.

#### **General Provisions**

- 1. Where possible, purchases should be made from New York State and Westchester County purchasing contracts. These purchases are exempt from the competitive bidding requirements of General Municipal Law Section 103. Information regarding these contracts is available online at [www.ogs.state.ny.us](http://www.ogs.state.ny.us). The NYS Contract number must be written on claim voucher or purchase order along with a print-out from the OGS website indicating the item is on NYS Contract.
- 2. Documentation is required of each action taken in connection with each procurement.
- 3. Documentation and explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not

responsible shall be made by the purchaser and may not be challenged under any circumstance.

4. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances, it may not be in the best interest of the Town of Ossining to solicit quotations to document the basis for not accepting the lowest bid:

- a. **Professional services or services requiring special or technical skill, training or expertise.** The individual or company must be chosen based on accountability, reliability or responsibility, skill, education, and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Town of Ossining Town Board shall take into consideration the following guidelines: 1) whether the services are subject to state licensing or testing requirements; 2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (3) whether the services require a personal relationship between the individual and municipal officials. Profession or technical services shall include but not be limited to the following: services of certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customization of pre-packaged software.

5. All Professional Service agreements require a request for proposal. This section is adopted from the Office of the State Comptroller's Financial Management Guide, Subsection 8.3020. Requests for proposals are traditionally used as a means of obtaining many types of professional services. RFPs are used to obtain the services of: architects, engineers, accountants, lawyers, underwriters, fiscal consultants, and other professionals. The purpose of a request for proposal is to have an effective way to award contracts for professional services. RFPs and evaluation of the proposals can consider price plus other factors such as experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the Town.

The overall process involves making a request for proposals from various firms or professionals, and then evaluating the proposals received. Depending on the complexity of the situation, you may prepare the RFP in house or a consultant could be obtained to help you prepare it. The Town Attorney will review all RFPs, contracts to be executed with the firm selected and any other needed items.

There should be a well planned solicitation effort in order to identify a sufficient number of qualified firms. This can be done by advertising in local trade journals, checking listings of professionals, talking to local officials, etc. A well planned solicitation effort can result in reduced costs through increased competition.

6. **Emergency purchases** pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety and welfare of the residents. This section does not preclude alternative proposals if time permits.
7. **Sole Source.** Competitive bidding is not required under Section 103 of the General Municipal Law in those limited situations when goods or services are available from only one source. If a determination is made that a particular item is available only from one source so that no possibility of competition exists, competitive bidding may not be required for the procurement of the item. Department Managers must document the unique benefits of the item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace
8. **Purchases of surplus and second hand goods** from any source. If alternative proposals are required, the Town of Ossining is precluded from purchasing surplus and second hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare process of used goods and a lower price may indicate an older product.
9. **Goods or services under \$1,000.** The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
10. The Town Board must authorize and approve all change orders on capital construction projects by Town Board resolution.

Motion Carried: Unanimously

I. New York State Department of Environmental Conservation – Consent Order

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

Whereas, the Town of Ossining (“the Town”), acting in concert with Westchester County (“the County”) and using funding obtained from the New York State Department of Environmental Conservation. (“the DEC”), completed improvements involving the stabilization of the shoreline of the Hudson River at Engel Park in 2006; and

Whereas, prior to making such improvements, the Town had applied to the DEC for an Article 15 permit on August 16, 2004, had been advised by the New York State Department of State, in a letter dated September 21, 2004, that the proposed improvements met the applicable criteria of that department and had been further advised by the Department of the Army (Army Corps of Engineers), in a letter dated December 10, 2004 responding to the Town’s application of August 16, 2004, that the work could be performed without any further authorization from that office; and

Whereas the above-referenced shore stabilization work was completed to the satisfaction of all involved agencies, including the DEC; but

Whereas the DEC, notwithstanding the above history and notwithstanding the fact that an inspection of the work by DEC revealed that the work was



satisfactory in all respects and required no remediation whatsoever, issued a violation notice because the DEC had never granted the Town's permit application of August 16, 2004 and notified the Town, in December 2007, that it was suspending review of the Town/County's latest project for improvement of the shoreline at Engel Park, involving construction of a breakwater structure, re-grading of the sand beach and installation of salt marsh plantings, pending resolution of the said violation notice; and

Whereas, the DEC, while conceding the alleged violation is technical in nature involving no harm to and, in fact, an enhancement of the environment in Engel Park and on the Hudson River, maintains that a token fine is the appropriate way to resolve the violation notice and has further agreed to fix such fine at \$250; and

Whereas, the Town believes that further resistance to the DEC violation notice will involve significant expenditures of taxpayer funds and, perhaps even more importantly, delay in the further enhancement of Engel Park and the Hudson River while the administrative proceeding and possible appeals continue; now therefore be it

Resolved, that the Supervisor be, and she hereby is, authorized and directed to sign a Consent Order resolving all issues with the DEC pursuant to the above violation notice upon payment by the Town of Ossining of the sum of \$250; and it is further

Resolved, that the Town/Village Clerk shall forward a copy of this resolution to Rebecca Crist, Environmental Analyst, at the DEC office in New Paltz, along with a request from the Supervisor for lifting the above-mention suspension of consideration of the Town/County's latest application (DEC Application #3-5542-00039/00006).

Motion Carried: Unanimously

#### J. Alarm Review Board

Councilmember Harter 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 dismisses the false alarm fine for Permit No. 462 pursuant to Local Law 2 of 2007.

Motion Carried: Unanimously

#### K. Authorizing Capital Improvements – Ossining Boat & Canoe Club

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

Whereas, the Town of Ossining ("TOWN") entered into a License Agreement with the Ossining Boat and Canoe Club, a New York Not-for-Profit corporation ("OBCC"), pursuant to which the OBCC maintains and operates a boat and canoe club ("the Club") on property on Westerly Road owned by the Town; and

Whereas, the said License Agreement provides that OBCC is to make capital improvements to the Club during each year of the agreement totaling at least \$4,000.00; and

Whereas, the OBCC has submitted a proposal for 2008 building improvements dated March 4, 2008 which has been reviewed and found acceptable by the Town Board; now therefore be it

Resolved, that the building improvements totaling \$4,800.00 described in the aforementioned proposal of March 4, 2008 be and they are hereby approved and the Supervisor is authorized to convey such approval to the OBCC and request the improvements be implemented promptly.

Motion Carried: Unanimously

L. Westchester County – Senior Citizens – Title III and NSIP Grants

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to sign an agreement with Westchester County Department of Senior Programs and Services to receive federal funding for the following programs for the period of January 1, 2008 – December 31, 2008:

<b><u>Program</u></b>	<b><u>Federal Funding</u></b>
III-B	\$9,949
III-C1	\$27,842
Estimated III-C1 NSIP	\$20,462
III-C2	\$28,767
Estimated III-C2 NSIP	\$32,284

Motion Carried: Unanimously

M. Justice Court – Part Time – 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 hereby appoints Maria A. Gorordo-Daly, Spring Pond Road, Ossining, NY, to the part-time position of Intermediate Clerk effective March 25, 2008 at \$15.00/hr. Ms. Gorordo-Daly shall receive an additional \$10.00 per hour for interpreting services. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

N. Tax Receiver- Part Time Availability – Intermediate Clerk

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Suzanne L. Muller, Harrison Street, Croton, NY, to the position of Intermediate Clerk on a part time availability basis effective November 14, 2007 at \$13.83/hr.

Motion Carried: Unanimously

O. Personnel-Supervisor's Office

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 approves the expenditure of funds in accordance with an IMA agreement with the Village of Ossining dated October 16, 2007 in the amount of \$5,261.03, which has already been paid to Dale Ferreira for services rendered as Acting Budget Officer for the period November 5, 2007-February 1, 2008; and be it further

Resolved, that the Town Board of the Town of Ossining hereby authorizes a one time payment of \$1500 and an additional 35 hours of compensatory time in 2008 only to Jane Kanning, Confidential Secretary to Supervisor and a one time payment of \$500 to Elisa Sciarabba for additional responsibilities in the Supervisor's Office during the Budget Officer's maternity leave.

Motion Carried: Unanimously

P. Police Officer Jordan Fields-207-c status

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

Whereas, Police Officer Jordan Fields was injured in the performance of his duties on November 7, 2007; and

Whereas, by e-mail dated March 14, 2008, Police Officer Fields requested that he be granted General Municipal Law Section 207-c status related to his injuries;

Now, Therefore Be it Resolved, that the Town Board hereby grants Police Officer Fields' request and authorizes the Town Supervisor to advise Officer Fields thereof.

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Bobby Williams, Spring Street, discussed various issues regarding the war in Iraq. He also congratulated the new Governor and wished him well.

VI. ADJOURNMENT

At 8:12 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

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Mary Ann Roberts, Town Clerk

Approved: