



TOWN OF OSSINING

The Volunteer Spirited Town

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Peter J. Tripodi, IV
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Northern Wilcher
Council Member

To: Town Board Members

From: Catherine Borgia

CC: Town Clerk, Wayne Spector, Connie Cerny, Ann Marie Rocco, General Public

RE: Response regarding Councilmember Tripodi's "Memo Number 2" regarding Town Employees being banned from purchasing town surplus equipment

This memo is in response to Councilmember Tripodi's memo which was read into the record at the May 11, 2010 legislative session of the Ossining Town Council.

Mr. Tripodi's memo recommends that anyone who is involved in the decision to declare a piece of Town equipment or property as "surplus" should not be allowed to participate in the auction to purchase such item.

As we discussed in our May 18, 2010 work session, this recommendation seems unworkable, as there are many decision points that go into declaring a piece of Town property as surplus. I recommended that if we wanted to pursue such a policy, we should prohibit all employees from purchasing any surplus town property, regardless of whether or not they were involved in the decision to declare it surplus. I expressed a worry, which was shared by some other council members, that such a policy might violate our employees' rights. The board agreed that this matter should be taken up by the Ethics Committee, chaired by Town Attorney Wayne Spector.

I think Mr. Tripodi has made this recommendation because he believes there was some unethical behavior involved in a transaction in 2009, where a town employee purchased a surplus vehicle from the Town. I wish to assure the public that the vehicle was put out to auction twice, and that no other bidders made an offer on the vehicle. The town employee who purchased the vehicle made the offer after the Town Board and Highway Superintendent had determined to pay a vendor to have the vehicle removed from Town property. At no time was this employee given any preferential treatment or insider knowledge; in fact he made the offer only after the two auctions failed to produce a bidder. The Town Clerk's office handles the auctions in a scrupulously legal manner.