



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

**JULY 13, 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 July 13, 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 Deputy Town Clerk, Ann Marie Rocco

PRESENTATION-DOMINICK CONSOLO-O'CONNOR DAVIES MUNNS & DOBBINS, LLP-FY2009-FINANCIAL STATEMENTS

Mr. Consolo was present to review the 2009 Financial Statements for the Town of Ossining. He advised that the principal operating fund is the general fund and Mr. Consolo reviewed the schedule of revenues, expenditures and changes in fund balance. Mr. Consolo also reviewed the comparative actuals for the year ending December 31, 2008. In addition, he commented on how the Town worked very hard at putting up some cost savings measures on the expenditures side to offset the revenue short falls. The Town's fund balance was reduced by \$643,000.

Mr. Consolo reviewed the Town outside Village's fund and summarized that the Town's outside general fund is in good financial condition. The Highway Fund is in good condition as well.

Councilmember Tripodi questioned what the total amount paid to the Village was for miscellaneous fees?

Mr. Consolo did not have the actual numbers and referred Councilmember Tripodi to the Treasurer, Thomas Warren and Budget Officer, Connie Cerny.

Supervisor Borgia commented that Mr. Consolo does audits for other Municipalities in Westchester and questioned if our percentages of uncollected taxes are what they are seeing in other towns?

Mr. Consolo advised that most of Westchester is probably at the 98 or 99 % collection level but the numbers in this report does include uncollected taxes for the School and the County. Mr. Consolo advised that this is a similar problem that other Towns are having.

Supervisor Borgia advised Mr. Consolo that the Town recently adopted a Fund Balance Policy.

Mr. Bobby Williams of Spring Street questioned if there was limit in the amount of money that is allowed in the fund balance? Mr. Consolo advised that there is no limit as to the amount of money to be left in the fund balance. Mr. Consolo does recommend 15% in the fund balance.

Ms. Linda Mangano, Ellis Place. Ms. Mangano feels that there should be a better way to educate the public on the three funds and also commented that the Town's and Village's budgets are very different. Supervisor Borgia added that the Towns in Westchester County do guarantee the school taxes.

PRESENTATION- MATTHEW BROTMANN, SENIOR POLICY ADVISOR TO THE ATTORNEY GENERAL PROJECT SUNLIGHT PRESENTATION-NEW YORK STATE ATTORNEY GENERAL'S OFFICE

Attorney Matthew Brotmann demonstrated how Project Sunlight leads to greater government accountability and increases public participation in governance.

Attorney Brottmann provided an overview of the website www.sunlightny.com

Attorney Brotmann explained the following features on the website:

- Browse feature: browse bills, bill jacket's, state elected officials, member items, campaign finance, State contracts, State corporations, charities, local elected officials, local government by county.**
- Search feature: search contracts member items, corporations, charities, lobbyists, campaign finance.**
- Maps: View member items or local officials geographically.**

Ms. Linda Mangano, Ellis Place. Ms. Mangano questioned when this website went live? Attorney Brotmann answered three and half years ago.

Mr. Bobby Williams Spring Street. Mr. Williams questioned if there was any live feedback on this website. Attorney Brotmann advised there was not a live feed.

II. ANNOUNCEMENTS

Supervisor Borgia advised that the Town did receive their second Police Proposal from the Village of Ossining. Both proposals are on the Town's website. Supervisor Borgia announced that there will be a series of public meetings to discuss the proposals. One meeting will be held in August and one in September. Residents who have any questions and/or comments regarding the proposals should contact the Supervisors office at 914-762-6001.

III. PUBLIC COMMENT ON AGENDA ITEMS

Ms. Linda Mangano, Ellis Place questioned the Call-A-Cab program. On page 21, Ossining Taxi is getting paid \$655.50 for the Call-A-Cab program and questioned why we are not paying the other taxi companies in Ossining?

Supervisor Borgia advised that this is just a receipt for the Call-A-Cab program. The reason why it is being paid to this particular company is because the seniors decide what taxi companies to use and this is the reimbursement for the amount of taxi chit's that have been turned in.

IV. BOARD RESOLUTIONS

A. Approval of Minutes

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 the June 22, 2010 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated July 13, 2010 in the amount of \$ 321,898.90.

Vote: 4 –1–0

**Voting Aye: Harter, Tawil,
Borgia, Wilcher**

Voting Nay: Tripodi

Councilmember Tripodi believes that we should increase our restrictions particularly in verifying the employees of these companies are eligible to work in this country and would like to explore this further in future work sessions.

Councilmember Tripodi advised that he will be voting a negative on this resolution because he is not in agreement with some of the items in the voucher detail.

Councilmember Tawil added that we are subsidizing rides for seniors and it is a service that we provide to the seniors.

Supervisor Borgia added that any Taxi Cab Company within Ossining is allowed to apply for the Call-A-Cab program. Supervisor Borgia did agree that in future work session, the Board would discuss the particulars of this program.

Ms. Mangano questions how much does the Town pay for each Call- A-Cab ride? Supervisor Borgia advised that the Town pays .75 cents for each ride. Ms. Mangano questioned how much does a senior pay? Budget Officer, Connie Cerny answered \$2.75.

Supervisor Borgia advised that she will confirm all the numbers and post them the Town's Website.

Councilmember Wilcher added that the Town is looking out for our Senior Citizens in the best way we know how and we should all respect that.

C. A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$250,000 BONDS OF THE TOWN OF OSSINING, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF CERTAIN JUDGMENTS, COMPROMISED CLAIMS OR SETTLED CLAIMS RESULTING FROM COURT ORDERS ON PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE REAL PROPERTY TAX LAW DUE AND PAYABLE IN THE CURRENT FISCAL YEAR OF SAID TOWN.

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of Town of Ossining, Westchester County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of certain judgments, compromised claims or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law due and payable in the current fiscal year of the Town of Ossining, Westchester County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued not exceeding \$250,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid class of objects or purposes is \$250,000, and the plan for the financing thereof shall be by the issuance of not exceeding \$250,000 bonds of said Town herein. Such bonds are to be payable from amounts which shall annually be levied on all the taxable real property in said Town, and the faith and credit of said Town of Ossining, Westchester County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 33-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if: Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together

with a notice of the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

Councilmember Tripodi added that he understands that The Town must do this and is aware that many other Municipalities are doing this but he does not feel comfortable voting yes on this resolution and explained that he will be abstaining.

Supervisor Borgia added that last year we did have a negative assessment role and the Town knew that there were going to be an increase in the number of small claims made against our assessment role. Supervisor Borgia advised that the Town didn't feel that it was appropriate to levy a tax on an amount that we were not sure about and thought that this was the best option for our tax payers.

Motion Carried: 4-0-1
Roll Call Vote:
Ayes: Councilmembers
Harter, Tawil, Wilcher &
Supervisor Borgia
Abstaining: Councilmember
Tripodi

D. Authorization to Advertise for Bids for Stormytown Road Pump Station Elimination Project

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 authorizes the Town Clerk to advertise for bids for the Stormytown Road Pump Station Elimination and Gravity Sewer Replacement project, to be returnable no later than 10:00am on Monday, August 9, 2010 in the office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

E. Parks Department-Seasonal Employees

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 terminates the following employees from the seasonal position of Laborer in the Parks Department:

<u>NAME</u>	<u>EFFECTIVE DATE</u>
Robert Tyrone Hinson	July 15, 2010
Tavar R. Young	June 14, 2010

Motion Carried: Unanimously

F. Parks Department-Seasonal Employee

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 appoints Jason Leslie, Dale Avenue, Ossining to the seasonal position of Laborer in the Parks Department effective July 14, 2010 at an hourly rate of \$7.25/hr.

Motion Carried: Unanimously

G. Finance-2010 Budget Adjustments

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 authorizes the following budget adjustments be made to the 2010 budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
TOWN BOARD			
010-1010-0405-Conference	410.00	410.00	010.1010.0101-Personal Svcs.
TAX COLLECTION			
010.1330.0110-Part Time	1000.00	1025.00	010.1330.0497-Internet Site Fees
010.1330.0428-Dues	25.00		
ASSESSMENT			
010.1355.0201-Equipment	305.28	6410.28	010.1355.0101-Personal Svcs.
010.1355.0404-Mileage	50.00		
010.1355.0428-Dues	55.00		
010.1355.0110-Part Time	6000.00		
TOWN ATTORNEY			
010.1420.0403-Filing Fees	230.50	14845.02	010.1420.0426-Special Counsel
010.1420.0422-Certiorari	8614.52		
010.1420.0425-Labor Counsel	6000.00		
BUILDINGS			
010.1620.0419-Maint/Repair	1600.00	1000.00	010.1620.0201-Equipment 010.1620.0438- Miscellaneous
		600.00	
UNALLOCATED INSURANCE			
010.1910.0465-Gasb 45 Services	2479.50	2479.50	010.1910.0467-Liability
PARKS			
010.7110.0474-Fuel Oil	1600.00	5500.00	010.7110.0409-Electricity
010.7112.0409-Electricity	3900.00		
BOND ANTICIPATION NOTES			
010.9730.0403-Filing Fees	5499.08	5499.08	010.9760.0710-TAN Interest
CEMETERY			
032.8810.0203-Car	1200.00	1200.00	032.8810-0442-Capital Improv.
CONSOLIDATED SEWER			
045.1980.0438-Payroll Tax	19.11	321.18	045.8120.0413-Consultant
045.9010.0813-Workers Comp	302.07		
INDEPENDENT AUDIT			

020-1320.0438-Miscellaneous	0.73	0.73	020.1910.0467-Liability
UNALLOCATED INSURANCE			
020.1910.0465-GASB 45 svcs.	3001.50	3001.50	020.1910.0467-Liability
AMBULANCE DISTRICT			
066.9730.0403-Filing Fees	176.71	176.71	066.9760.0710-TAN Interest
OTHER GEN. GOV'T			
020.1989.0487-IMA Study	4290.00	4290.00	020.1910.0467-Liability
POLICE DEPARTMENT			
020.3120.0203-Car	378.80	378.80	020.3120.0419-Maint/Repair
PLANNING DEPARTMENT			
020.8020.0405-Conference	180.00	180.00	020.8020.0201-Equipment
020.8020.0428-Dues	60.00	60.00	020.8020.0423-Affordable Housing
BOND ANTICIPATION NOTES			
020.9730.0403-Filing Fees	590.37	590.37	020.9760.0710-TAN Interest
UNALLOCATED INSURANCE			
031.1910.0465-Gasb 45 Svcs.	1044.00	5334.00	031.1910.0467-Liability
031.1989.0487-IMA Study	4290.00		
HIGHWAY DEPARTMENT			
031.5010.0428-Dues	41.00	5176.80	031.5010.0413-Consultant
031.5010.0425-Labor Counsel	5000.00		
031.5142.0401-Supplies	135.80		

Motion Carried: Unanimously

H. Fourth Amendment Agreement-New York State Department of Environmental Conservation

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 authorizes the Town Supervisor to enter into a Fourth Amendment Agreement with New York State Department of Environmental Conservation for the Engel Park Vegetative Restoration Project to extend the contract end date from May 31, 2010 to December 31, 2010.

Motion Carried: Unanimously

I. Town Property-Surplus Vehicle

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 a bid from Brian Purdy, Ossining, NY for the following surplus vehicle at the bid price listed below:

1997 Ford Taurus Station Wagon VIN# 1FALP57U7VG197932 Bid Price: \$250.00

Supervisor Borgia added that Mr. Purdy is an employee of the Town of Ossining and reassured the Board that Mr. Purdy had nothing to do with declaring this vehicle a surplus. In addition, this was the only bid the Town received for this vehicle.

Motion Carried: Unanimously

J. Declaring Surplus Equipment

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 declares the following vehicle used by the Assessor's Office as surplus and authorizes the sale of, to the best offer made; however; if no sale is able to be made due to the poor condition of the vehicle, the Town Board authorizes the equipment to be disposed of:

<u>VIN</u>	<u>YEAR/MODEL</u>
1FALP52U8VG263296	1997 Ford Taurus

Motion Carried: Unanimously

K. Agreement-Village of Ossining vehicle fuel

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 authorizes the Town Supervisor to enter into an inter-municipal agreement with the Village of Ossining to provide fuel for Town vehicles at a cost to be determined by both the Supervisor and Village Manager and subject to review by the Town Attorney.

Motion Carried: Unanimously

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

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 establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials 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)
ELECTED OFFICIALS					
Supervisor	Catherine Borgia	7	01/01/2010-12/31/2011	Y	N/A
Receiver of Taxes	Gloria Fried	7	01/01/2010-12/31/2013	Y	N/A
Supt'd of Highways	Michael G. O'Connor	7	01/01/2010-12/31/2011	Y	N/A
Town Justice	Nancy Quinn Koba	6	01/01/2010-12/31/2013	N	5.51
Board Member	Peter Tripodi, IV	6	01/01/2010-12/31/2013	N	13.76
APPOINTED OFFICIALS					
Town Attorney	Wayne Spector	6	01/01/2010-12/31/2010	N	11.38
Deputy Town Attorney	Sonia Tanksley	6	01/01/2010-05/20/2010	N	1.77
Budget Officer	Connie Cerny	7	01/01/2010-12/31/2010	Y	N/A
Secretary to Supervisor	Jane Kanning	7	01/01/2010-12/31/2010	Y	N/A

Motion Carried: Unanimously

V. MONTHLY REPORTS

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 accepts the Monthly Reports for the month of May 2010 from the Tax Receiver's office and June 2010 monthly reports from the Clerk's office, Building Department and Police Department.

Motion Carried: Unanimously

VI. VISITOR RECOGNITION

Mr. Bobby Williams, Spring Street commented on the adults abusing the elderly.

Supervisor Borgia added that the Town Police Department has an elder abuse program which they do advocacy for the elder also; the Attorney General's office has information on elder abuse.

Attorney Matt Brotmann from the Attorney General's office was present and advised that if this was an immediate emergency, they should call the local Police Department. If it is a criminal matter, victims are urged to contact Westchester District Attorney's office.

Ms. Linda Mangano, Ellis Place commented on the invitation to the Project Sunlight Presentation. Supervisor Borgia advised that the flyer was in PDF form and the Supervisor's office was unable to make changes to it.

Ms. Mangano questioned the mileage on the Tarus mentioned in Resolution “J”. Supervisor Borgia advised that the car is not actually working right now and that it has logged in a certain number of miles.

Ms. Mangano advised the Board that the staff that at the Town's Court Facility are very knowledgeable and courteous and they always have an answer to a question.

Ms. Mangano commented on the Call-a-Cab program and she advised Councilmember Wilcher that Councilmember Tripodi was commenting on the financials of the voucher detail and not denying the seniors of anything.

Ms. Mangano questioned the annual fireworks. Ms. Mangano wanted to confirm that the Town was paying the Village money towards the Fireworks display, are residents being charged twice if they are paying Village and Town tax? Supervisor Borgia advised that the Town is not involved in the contracting of the Fireworks and we do pay a portion from the general fund. Supervisor Borgia will confirm the exact financing system. The Village does have a fully executed contract on the Fireworks.

Ms. Mangano advised that she owns a two family house. She advised that she had a level two sex offender living in her house. In addition, she had a tenant living in her house that took batteries out of the fire alarms. This tenant was convicting of murdering her boyfriend. This person is still living in Ossining. She is telling residents to be very careful since she is still living in Ossining.

Councilmember Tripodi added that the main reason for discussing the call-a-cab program is for safety reasons.

Supervisor Borgia added that if there are specific complaints regarding Taxi Cab Companies, they are to be directed to the Town Clerk’s Office.

VII. ADJOURNMENT

At 9:15 P.M. Councilmember Tawil moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

**_____
Ann Marie Rocco Deputy Town Clerk**