



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

**AUGUST 10, 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 August 10, 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, Michael Tawil, Peter Tripodi and Northern Wilcher. Councilmember Geoffrey Harter was absent. Also present were Town Attorney, Wayne Spector, Budget Officer, Connie Cerny and Deputy Town Clerk, Ann Marie Rocco

II. PUBLIC HEARING- LOCAL LAW NO. 2 TO AMEND CHAPTER 138, TREE PROTECTION OF THE TOWN

Supervisor Borgia opened the Public Hearing at 7:30 p.m.

Bobby Williams, Spring Street questioned the tree ordinance and wondered what was wrong with the old law?

Supervisor Borgia advised that this amendment strengthens the old law. For example, there are increases in penalties and more specifics on how to get a permit.

Town Attorney, Wayne Spector added that this amendment will strengthen the penalty phases of the Tree Protection Law and that this law will involve the Town in removal of certain trees and to ensure that trees are not taken down without the proper authorities. This will also streamline the process and make it easier for property owners.

Supervisor Borgia advised that there will be a letter campaign to all the landscapers in the area to advise them of the amendment.

At 7:36 p.m. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the public hearing on Local Law No. 2 to Amend Chapter 138, Tree Protection of the Town be closed.

III. ANNOUNCEMENTS

Supervisor Borgia announced that the Town is planning to have two public meetings on the following dates at 7:30 p.m. at Anne M. Dorner Middle School:

- Thursday, August 26, 2010
- Monday, September 13, 2010

Supervisor Borgia advised that they will discuss the two options that are before this board for sharing police services.

Supervisor Borgia announced that the Ossining Matters Organization is hosting their annual race/walk on Saturday, September 11, 2010. Please visit www.ossiningmatters.org for more information.

IV. PUBLIC COMMENT ON AGENDA ITEMS-None

V. 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 July 27, 2010 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated August 10, 2010 in the amount of \$313,503.86

Vote: 3 –1–0

Voting Aye: Tawil, Wilcher
Borgia

Voting Nay: Tripodi

C. Highway Department-Seasonal Employee

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

Whereas, Christian Pera, a seasonal Laborer in the Highway Department was offered full-time employment and will not be continuing as a seasonal worker with the Town of Ossining; now, therefore be it

Resolved, that the Town Board of the Town of Ossining hereby terminates Christian Pera from the seasonal position of Laborer in the Highway Department effective July 30, 2010.

Motion Carried: Unanimously

D. Highway Department-Seasonal Employee

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

Whereas, Hurley Shealy, a seasonal Laborer in the Highway Department has completed his seasonal employment from May 12, 2010 through August 27, 2010; and

Whereas, Mr. Shealy will be returning in October 2010 as a Highway Department seasonal worker for leaf collection; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby terminates Hurley Shealy as a seasonal Laborer in the Highway Department effective August 27, 2010.

Motion Carried: Unanimously

E. Highway Department-Seasonal Employee

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 appoints Jason Clark, Snowden Avenue, Ossining to the seasonal position of Laborer in the Highway Department at a rate of \$12.00/hr., effective August 9, 2010.

Motion Carried: Unanimously

F. Temporary Appointment – Assessment Assistant

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 appoints Suzanne Stark, Croton, NY, to the temporary position of Assessment Assistant at an hourly rate of \$15.00/hr effective August 19, 2010 pursuant to Sec. 63 of the Civil Service Law and Rule 14 of the Westchester County Civil Service Rules. Such an appointment shall not extend beyond the current incumbent's maternity leave.

Councilmember Tripodi advised that he has made promises to residents that he would consider hiring Ossining residents for these types of opportunities. Therefore, he would be abstaining on this resolution this evening.

Supervisor Borgia added that in the future, discussions regarding this would need to be discussed at work sessions.

Vote: 3 –0–1
Voting Aye: Tawil, Wilcher
Borgia
Abstaining: Tripodi

G. Part-Time Availability Appointment-Intermediate Clerk

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 appoints Patricia Fracassi, Second Avenue, Ossining to a part-time availability (substitute) appointment of Intermediate Clerk at an hourly rate of \$20.68/hr. effective August 9, 2010. This appointment shall be for the sole purpose of providing office coverage to the Clerk's office during personnel absences.

Motion Carried: Unanimously

H. Teamsters-Stipulation of Settlement

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

Resolved, that the Town Board hereby ratifies and approves the Stipulation of Settlement between the Town and Local 456, I.B.T.; and be it further

Resolved, that the Town Board acknowledges that this stipulation includes a change in work schedule for the Assistant Park Foreman; and be it further

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

Supervisor Borgia advised that this is a situation that came to us from the Assistant Parks Foreman. He had made a recommendation to the current schedule in the Parks Department.

Councilmember Tripodi added that he does not feel that this solves the problem. According to Mr. Velardo who wrote the letter, he stated that this would cut down on overtime. Councilmember Tripodi feels that his recommendation will only increase the overtime and if the Parks Foreman continues to come in on Saturdays the amount of overtime will continue to increase. Councilmember Tripodi stated that the amount of overtime that has been accumulated year to date is \$23,000 which is a quarter of the whole police department's overtime. It is not fair to the police or the tax payer that the Parks Foreman has earned \$23,000 in eight months. Based on this, Councilmember Tripodi will be voting no on this resolution.

Supervisor Borgia added that the terms of the stipulation will give the Town more flexibility on when the Assistant Parks Foreman can work.

Councilmember Tawil added that he did not recall anyone in our work session objecting to this settlement.

Vote: 3 –1–0

Voting Aye: Tawil, Wilcher
Borgia

Voting Nay: Tripodi

I. Dale Cemetery-Sales Agent Agreement

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 Supervisor to enter into an agreement with Mandy Or, Canal Street, New York, NY to act as an agent for the sale of cemetery plots at Dale Cemetery. Mr. Or shall receive a commission of ten percent (10%) of the amount of said sale, subject to execution of a formal agreement in a form acceptable to the Town Attorney.

Motion Carried: Unanimously

J. NYS Retirement System-Standard Work Day and Reporting Resolution

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

Whereas, on July 13, 2010 the Town Board passed a resolution establishing the standard work day and days per month to be reported for elected and appointed officials; and

Whereas, Councilmember Tawil and Justice Shapiro were not required to be listed on the resolution because the new retirement regulation pertains to officials elected or appointed after August 12, 2009 and both these officials were elected prior to that date; and

Whereas, under the old retirement regulation, elected officials were required to maintain a one month calendar of work activities and Councilmember Tawil and Justice Shapiro have submitted their one month log of activities to the Town/Village Clerk's Office; now therefore be it

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 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 | | | | | |
| Board Member | Michael Tawil | 6 | 01/01/2009-12/31/2011 | N | 6.61 |
| Town Justice | Edwin Shapiro | 6 | 01/01/2008-12/31/2011 | N | 20 |

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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 accepts the following monthly reports for the month of July 2010 from:

- Town Clerk's office
- Tax Receiver's office
- G.E.'s Helicopter Report

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Mr. Mike Aurora, Prospect Avenue had the following questions/comments:

- The Gazette stated that the Rotary Club expected to net \$6, 500 in this year's Duck Race. Albert Rivera Parks Foreman made \$213.34 in overtime at the Duck Race this year. Mr. Aurora requests that the Rotary Club pay the overtime pay for that day to Mr. Rivera.
- Mr. Aurora questioned the Market Square Permit that was issued for a Day Care Rally from the Parks Department. This rally required workers? Mr. Aurora questioned how do you feel about that?
- Mr. Aurora advised that it has been brought to his attention that the Village Building Inspector is performing inspections on the days that the Town Building Inspector is not working. Mr. Aurora asked for some clarification on this.

Supervisor Borgia advised that the Town does have a policy that allows organizations to use our individuals and park facilities. Under our current policy, we do not charge back our organizations for the overtime incurred for the event.

Supervisor Borgia advised that political rallies have been held in Market Square for many years and was not aware of any cost related to this particular event.

Supervisor Borgia added that as far the raid investigation, she has not heard anything about this and will be researching this issue with the Building Inspector.

Councilmember Tripodi added that he did bring up the issue of overtime at the last Work Session.

Councilmember Tripodi advised that the political rally that was held at Market Square was funded at the tax payers' expense. In addition, government equipment was used at this rally such as microphones and podiums. Councilmember Tripodi added that he has the same permit that Mr. Aurora was referring to regarding the rally and feels that the permit was tampered with. Councilmember Tripodi had two permits for the rally and one was not dated and one was dated. Councilmember Tripodi feels that taxpayer's monies should not have been used to fund this political event and overtime pay was added due to this event.

Councilmember Tawil added that he feels that it is not fair when an individual Board Member do not share information that they have obtained with other members of the Board. Information like this should have been shared at Work Sessions.

Supervisor Borgia added that currently our staff in the Parks Department has been greatly diminished. The Police Department does an extraordinary good job in managing their overtime. However, our Police Department is better staffed than our Parks Department. Supervisor Borgia advised that our use of the Parks have increased this year due to our current economic condition and we want to make sure that our Parks look good and are ready for use. Therefore, we do believe that if our Parks Foreman works overtime he needs to get paid as per the union contract. Supervisor Borgia added that the Parks Department is doing an extraordinary job with the limited resources that they have.

Mr. Art Sullivan Haymont Terrace questioned Local Law No. 2 Tree Protection for the Town and wanted to know if there was a clause for emergency removal?

Supervisor Borgia advised that there is a provision in the law that indicates that a tree can be cut down due to an emergency.

Mr. Sullivan questioned if the Town was planning on appointing a tree expert?

Supervisor Borgia advised that the way the law is written it will be up to the discretion of the Building Inspector to call in an arborist as needed. Supervisor Borgia advised that we do not have a specific individual as of yet.

Mr. Sullivan wanted confirmation if the Town Board shall appoint this individual? Town Attorney Wayne Spector added that it is upon the request of the Building Inspector.

Mr. Sullivan questioned if there is an easement, is the Town responsible? Supervisor Borgia advised that she will have to look into this particular situation and will get back to him regarding the details.

Mr. Sullivan questioned invasive species and wanted to know if The Town was including rare trees?

Supervisor Borgia advised that the intention of this particular clause was to discourage the introduction of new plants that would be considered invasive species and this would be outside the experience of our building inspector and would need to call in an expert.

Mr. Sullivan questioned if someone cuts down a large tree how many trees would need to be planted?

Supervisor Borgia advised that this would need to be discussed with the Building Inspector and there are different circumstances for different properties.

Mr. Bobby Williams, Spring Street provided an update on the homecoming celebration that occurred over this past weekend.

VIII. ADJOURNMENT

At 8:14 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

**_____
Ann Marie Rocco, Deputy Town Clerk**