



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

**MAY 10, 2011
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 May 10, 2011 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, and Northern Wilcher and Peter Tripodi. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Borgia thanked everyone who participated in the Stash the Trash at which 60 bags of garbage were collected. Earth Day had a good turnout at the Waterfront.

III. PUBLIC COMMENT ON AGENDA ITEMS

Linda Caruso, Village Resident, questioned a number of vouchers on the Voucher Detail as follows:

Page 15 Dance Instruction
Page 22 Capital Improvement structure at Dale Cemetery
Page 22 Lost Dogs \$250
Page 31 \$105,000 plus to Village of Ossining
Page 33 Legal Counsel

IV. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 April 26, 2011 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 May 3, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. 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 May 10, 2011 in the amount of \$314,385.04 for 2011.

Vote: 4-0-1

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

Nay: Tripodi

D. Call For Public Hearing – Local Law 7 of 2011 Amending Article VI, Affordable Housing, of the Zoning Law

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

Whereas, the 2009 Westchester County Affordable Housing Settlement requires Westchester County to promote affordable housing regulations to the communities in Westchester County; and

Whereas, the Town Board has referred the Model Ordinance to the Planning Board for a report and recommendation; and

Whereas, the Planning Board has reviewed the Model Ordinance and has recommended a local law which combines the town's existing regulations with the provisions of the model ordinance; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing on May 24, 2011 at the Police/Court Facility, 86-88 Spring Street, Ossining on a local law to amend Article VI, Affordable Housing, of the Zoning Law, and to hear all persons interested in the subject thereof concerning the same; and be it further

Resolved, that the Town Board hereby refers the proposed local law to the Westchester County Planning Department for report and recommendation.

Motion Carried: Unanimously

E. Letter of Agreement-License Plate Reader

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

Whereas the Town of Ossining obtained a license plate reader under a federal grant obtained by Congresswoman Nita Lowey; and

Whereas the Town Board would like Westchester County Police Officers patrolling the Unincorporated Area of the Town of Ossining to have access to this equipment as it results in more effective traffic management and prosecution of traffic offenses; now therefore be it

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to issue a letter of agreement to Westchester County Department of Public Safety authorizing the use of the Town's license plate reader by Westchester County officers solely within the Unincorporated Area of the Town of Ossining.

Councilman Tripodi added that he understood that the Town was going to wait to see how we were going to use this equipment. The equipment is worth approximately \$30,000 and we were going to see if the County would purchase this equipment or possibly pay a user fee. If the Town is going to give it to the County at no charge he does not feel that it is in the best interest of the Town and would like to reconsider having them pay for it or apply a user fee for the use of the Plate Reader. Supervisor Borgia stated that there was an agreement at the last Town Work Session to allow this equipment for use in our borders because it allows for greater efficiency in traffic violations and it is a financial advantage to us to have this equipment. Supervisor Borgia advised that we are not transferring ownership to Westchester County and allowing this to be used by officers patrolling within the unincorporated area only. In the future, we could potentially sell the equipment. Supervisor Borgia feels that having the officer's use this equipment is to our financial benefit. However, Supervisor Borgia agrees with charging a user fee if the equipment is going to be used outside the jurisdiction.

Councilman Tawil added that the language of Resolution E is very clear and that the Town still owns the equipment. Councilman Tawil also agrees to charge a user fee if it's being used outside the jurisdiction.

Town Attorney Wayne Spector stated that as far as traffic tickets, the Town does receive a portion of the fines and the County does not receive any of the funds relating to the traffic tickets.

Councilman Tripodi added that the resolution states that the equipment is limited to the Town of Ossining unincorporated area but what has been done in terms of how the building is being used Chief Hodges said that the Internal Affairs Department has two offices in our building and these officers service a County wide scale and not the Town of Ossining outside residents. If this plate reader is used outside of the jurisdiction a user fee should be applied. The Resolution E does not indicate a recourse if the reader is used outside of the jurisdiction.

Supervisor Borgia added we did say that we would allow for use of police services at the North State Road facility because it is located at an advantageous area. Supervisor Borgia was unclear as to how we would enforce this provision and recommends that we sign the letter at this time and we will have further discussions with Chief Hodges regarding the user fee.

Vote: 4-0-1
Voting Aye: Tawil, Harter,
Wilcher & Borgia
Nay: Tripodi

F. Personnel-Temporary Appointment-Court Clerk

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 Mary DeRosa, Harrington Place, Mamaroneck to the temporary position of Court Clerk effective June 6, 2011 through June 10, 2011 for training at \$22.00/hr; and be it further

Resolved, that Ms. DeRosa will only be working in the Justice Court the week of June 6, 2011 and will return in August 2011 to replace the current Court Clerk during maternity leave.

Motion Carried: Unanimously

G. 2010 Justice Court Audit

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 acknowledges that in accordance with the Unified Court System's Action Plan for the Justice Courts, the 2010 Audit of the Town of Ossining Justice Court was conducted as required and said audit has been distributed to and reviewed by the Town Board of the Town of Ossining.

Motion Carried: Unanimously

H. Appointment-Chauffeur-Senior Center

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 appoints Jenny Bermeo, Gordon Avenue, Briarcliff Manor, to the position of Chauffeur in the Department of Senior Services at an annual salary of \$29,556 effective May 19, 2011 in accordance with Westchester County Civil Service Rules; and be it further

Resolved, that the annual salary of \$29,556 shall be pro-rated amongst the remaining payrolls in 2011; and be it further

Resolved, that pursuant to the Stipulation of Agreement with CSEA dated February 24, 2011, Ms. Bermeo shall receive a pro-rated 2.50% lump sum payment of \$445.64 which shall be paid out amongst the remaining 16 payrolls in 2011.

Motion Carried: Unanimously

I. Personnel-Parks Department-Seasonal Appointment

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 Jason H. Leslie, Ossining, to the seasonal position of Laborer in the Parks Department effective May 11, 2011 at \$7.50/hr.

Motion Carried: Unanimously

J. Retirement-Confidential Secretary to the Supervisor

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 accepts, with regret, the retirement of Jane E. Kanning effective May 20, 2011.

V. VISITOR RECOGNITION

Stuart Kahan, Ganung Drive, questioned the County Police Presentation at the last meeting regarding training and re-certification and the expenses associated with the decibel meter. Who is responsible for training as well as the expense involved with the calibration of the equipment? Is the license plate reader on one specific vehicle? Supervisor Borgia responded that the questions relative to the decibel meter will be discussed with Chief Hodges. As far as the license plate reader, it is not on a specific vehicle.

Linda M. Caruso, Ossining resident, stated that she was sorry to hear that Jane is leaving the Town of Ossining. After doing some research relating to the boat fire, it has been determined that neither asset was shown in the listing of assets and they were not insured. Thus far she has been able to track down 7 boats going back as far as 1990. Why are they collecting money for a 501-3C organization? Who owns the boats? There are no checks and balances by the Recreation Department.

VI. ADJOURNMENT –EXECUTIVE SESSION-LITIGATION

At 8:15 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned in memory of Joanne Moore an SPCA employee.

Approved:

Mary Ann Roberts, Town Clerk