



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

**JUNE 11, 2013
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
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 June 12, 2013 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Eric Blaha and Geoffrey Harter. Councilman Peter Tripodi arrived at 7:53 p.m. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly read the proclamation which was presented to Planning Board Chairman George Weeks. Mr. Weeks has been involved with the Planning Board for many years. He is also responsible for Dale and Sparta Cemetery. The Westchester County Planning Federation bestowed The Citizen's Planner Award at their recently held dinner.

Town Planning Board Chairman George Weeks appreciated the recognition and has enjoyed his 30 years on the Board. He has been attempting to make Ossining a place as he loves Ossining.

Supervisor Donnelly read the following statement:

It is hard to believe it is June 11th - we are almost through ½ of the 2013 year. So much has happened already this year, yet it seems like just yesterday was January 1st.

What an exciting weekend we just had. To have had both Saturday and Sunday be so pleasant was such a gift after the terrible storm on Friday night.

As usual, the Ossining Village Fair was a huge success. Many thanks to the Ossining Chamber of Commerce, their sponsors and vendors, and especially all the employees of the Village of Ossining, for a job well done. By 7:00 PM that evening, who would had known that several thousand people had crowded onto those streets for fun, music, shopping and to taste the foods and drinks of Ossining. Congratulations to all.

At the Joseph G. Caputo Community Center, the "hub" of this community, there was a "Kids Safety Day" with representation from all of our first responders, getting to know the community members while teaching the young people of this community about safety and responsibility, as well as letting them get up close to all

of the cool vehicles, especially the helicopter that our heroes use every day to protect us in any emergency.

Tonight on the agenda we have some unique and very important items to vote on, along with a department update from the Town Court. It has been 18 months since the Village and Town courts were consolidated, and many changes have been made in both personnel and procedures. We are pleased with this on-going transition, as well as with the professionalism that our duly elected judges have brought to the courts. As most of you are aware, the courts are a separate branch of government, and the Town would never interfere with the decisions of the courts or try to control the courts in any way. We are, however, responsible for the budget, and as such, work closely with the judges to make sure we run as efficiently as possible, especially in the back offices where the clerks do the day to day tasks of the court. We are happy to welcome Judge Koba and Judge Tawil this evening to give an update on the state of the Court.

We will also be requesting that the Village of Ossining rescind the negative declaration for Harbor Square, part of the New York State Environmental Quality Review Act, or SEQRA. We did not make this decision without a considering a tremendous amount of research and guidance from our outside consultants. Our concerns lie with the long term effects of the development: with the changing climate, we have seen unprecedented storm surges, and record setting weather events, such as super storm Sandy and Irene, to name a few. We believe the negative declaration was made prematurely, and based on flood maps that were constructed based on information that is now over a decade old. In the past 11 years, we have seen a major shift in our climate, and we know that storms such as Sandy will continue to cause damage in this area. We have had meetings with the developer this week to discuss the situation, and we are willing to continue meeting with them if they can show us other research, reports and determinations that the project will not affect the surrounding properties from storm surges and flooding. Please go the Town Web page if you have not had the opportunity to watch our last work session which includes a report from our planning consultant as well as our planning engineer. TownofOssining.com

Tonight, we will also appoint a seasonal worker to the Parks Department. These employees play an important role in ensuring that during the busiest time of the year, the Parks retain the quality that our residents deserve and expect.

The “Elected/ Appointed Officials Pledge” is something that this Board has been working on for several months. We want the residents to know that we hear your frustration that some of our elected officials are not available during working hours to receive your questions, concerns and compliments. We also have little control over promises made that cannot be kept because of Town and State law. We will be asking each of our elected and appointed Department Heads to take this pledge so that we can more efficiently deliver the customer service every resident deserves, while also put anyone promising unachievable items on notice. Please feel free to call the Supervisor’s Office if you have questions about policy, procedure or Town property. We will have the appropriate department get back to you with accurate answers.

We believe that resident participation is essential for the Town, which is often facilitated by committee work. One example of these committees or boards is the Environmental Advisory Committee, which serves as our watchdog on environmental issues in the community. We are very proud to appoint Donna Sharrett to the committee this evening- she brings a high level of expertise this very strong committee, and we are glad to have her on board.

We will also be voting to approve a few budget modifications, although there will be more on the agenda at the next meeting. As we move through the year, it essential that we stay on top of the budget at all times. Many thanks go out to Dale, our deputy comptroller and Maddi, the budget director, for their constant review of the entire budget.

We will be approving the beginnings of our engineering services for the Lakeville Sewer District project and the Cedar Lane Drainage project. We understand our responsibility to improve and maintain the infrastructure of the Unincorporated Area, and this Board will continue to make these projects a priority.

Finally, we will vote to approve a sewer tie-in on Cedar Lane: tying into the Consolidated Sewer System makes everyone's life easier, and we encourage every resident who has the ability to do so to reach out to the Building Department and learn about your options.

III. PUBLIC COMMENT ON AGENDA ITEMS

Jerry Gershner had a number of questions regarding Resolution C (Request for Retraction of Negative Declaration – Village of Ossining) . What was the purpose of this? We already have an estranged relationship with Briarcliff Manor, do we want to add the Village of Ossining. Where do we come off doing this? Where does it start and when does it stop? How much Town money was spent on this research?

Supervisor Donnelly responded that this measure is being taken to protect parkland from flood damage. The Town is just requesting that the Village do more research to avoid flooding the park.

Councilman Blaha commented that SEQRA would look after our own interests. There is not enough information available to make a a negative declaration determination.

IV. ADMINISTRATIVE REPORTS

Justice Nancy Quinn Koba and Justice Michael Tawil were present this evening and Town Justice Nancy Quinn Koba made the following presentation:

Report to the Ossining Town Board Regarding the Consolidated Court

**Submitted by,
Hon. Nancy Quinn Koba
Hon. John W. Fried
Hon. Michael L. Tawil**

June 11, 2013

OSSINING TOWN COURT

On January 1, 2012 the Justice Court of the Village of Ossining merged with the Justice Court of the Town of Ossining. During the first year, the cases were merged, new procedures were implemented, operations were streamlined, personnel from the Village Court became employees of the Town of Ossining and job assignments were re-evaluated. This year we continue to evaluate all operations and to implement procedures to facilitate the adjudication of matters coming before the court.

I. Initiatives Implemented in 2012

1. A Duty Judge system was developed. A specific judge was assigned for each week to facilitate conducting arraignments, issuing warrants etc and to address other issues as needed. The Village and County Police no longer have to call around for an available judge.
2. A procedure was implemented to have attorneys represent defendants at arraignments conducted when the court is not in session, i.e. evenings and weekends. Pursuant to the same, all defendants are now represented at their arraignment. The court has been advised that a program is being considered county wide based upon Ossining's program.
3. The hours of operation were revised as follows:

Monday: 6:30 p.m. – Small Claims Hearings (1st Mon. of the month)
 7:00 p.m. - Parking Trials

Tuesday: 9:00 a.m. to 2:00 p.m. – Criminal Matters
 2:00 p.m. to 4:00 p.m. - Municipal Code Violations/local ordinances

Thursday: 6:30 p.m. – Civil Cases
 7:00 p.m. - V & T Pretrial Conferences
 Parking Trials (2nd & 4th Th. of the month)

4. Trials : Mondays, Wednesdays, Thursdays or Fridays
 9:00 a.m. to 4:30 p.m. as scheduled by the Justice/ parties.

Several jury and bench trials were held as well as felony hearings and suppression hearings.

5. Systems were implemented to permit on line payments of both parking and traffic fines at no expense to the Town.

6. A mediation program was implemented for small claims matters.
7. A credit card machine was obtained from NYS for parking matters improving efficiency by reducing the number of fund transfers.
8. Facilitated implementation of new parking vendor, Complus, and training of employees on the new system.

II. Initiatives Implemented This Year

1. An attorney from Legal Services of the Hudson Valley is present on Thursday evenings to answer questions from qualified tenants appearing for summary proceedings.
2. Another evening of parking trials has been scheduled each month to hear older parking matters. By the end of this month, the backlog of parking trials will be cleared.
3. A grant was obtained from the Justice Court Fund to scan court records and make them available online. This process will be starting shortly.

III. Staffing

In 2011, the Village employed five full time clerks in its court, and the Town employed two full time and one part time clerk in its court for a total of seven full time employees and one part time employee. One full time position was eliminated as part of the consolidation and the remaining six former Village employees became Town employees. An additional full time position was eliminated as of December 31, 2012.

IV. Case Comparison

The court was fully operational during the consolidation process. The table below provides a comparison of the cases handled in 2012 and 2013 (YTD) with cases handled by the Village Court and the Town Court in 2011.

Table 1 – Case Comparison 2011, 2012 to 2013

Cases	2011		2012		2013	
	Village	Town			Town	
Statute	Started	Closed *	Started	Closed	Started	Closed
PL	443	95	588	314	307	72
VTL	2917	2572	4554	2635	2123	871
Civil	87	357	491	451	163	138

(sm claims)	(49)	(13)	(100)		(23)	
TO	0	19	21	7	12	2
VO	226		187	83	43	31
NYS	161	17	132	53	58	19
VZL	8					
ZL	11	5				
TL	5	162	71	39	44	25
CPL	2	4	4	2		
ABC	31		29	17	5	
NAV	2		7	5	6	2
VOC	1		28	6	19	10
ED		5	1	1		
TC			4	4		
ECL			2	1	6	3
BL			1	0		
CTY			5	3		
PHL			1	1		
NYC			1	0		
LOW			5	1	1	1
PMC	89	3	3	0		
TOC			1	0	16	7
COR	1					
FC	15					
TAX	3	4				
NYG		1			1	
AML					2	
Totals:						
Charges	4002	3245	6138	3625	2807	
Defendants	2831	2549	4543		1996	

Table 2 - Parking Comparison 2011 to 2013 (YTD)

Fines	
2011	\$ 370, 520
2012	\$ 476, 010
2013	\$ 176,464

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the May 28, 2013, 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 Tripodi that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 11, 2013 in the amount of \$264,647.87.

Motion Carried: Unanimously

C. Request for Retraction of Negative Declaration- Village of Ossining

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

Whereas, the Town has been designated as an “interested agency” with respect to the development project being reviewed by the Village of Ossining known as Harbor Square (“the project”) by reason of the project’s location within the Town Of Ossining, impacting Village of Ossining residents and properties that also happen to be located in the Town of Ossining and the project also being located in close proximity to parkland and structures owned by the Town of Ossining and utilized by residents of the Town of Ossining, some of whom are also residents of the Village; and

Whereas, as an “interested agency”, the Town has concluded that it is obligated to review the submissions in connection with the project to determine whether conclusions reached in connection with the project are in compliance with the New York State Environmental Quality Review Act (SEQRA), and is also obligated to render its independent assessment as to whether the project may result in environmental impacts affecting the Town of Ossining, its residents and its properties, including the adjacent Town park and associated structures; and

Whereas, specifically, the Town has considered whether the negative declaration adopted by the Village of Ossining Board of Trustees pursuant to the requirements of SEQRA, which concluded that no negative environmental impacts would occur as a result of the project, was based on a truly comprehensive and complete analysis which considered all of the necessary data relevant to such an analysis; and

Whereas, in reviewing the determinations made by the Village of Ossining, the Town commissioned the services of both its engineering consultant and planning consultant, both who have conducted thorough reviews of all information and documentation made available to them in connection with the project, and the Town has received and reviewed a written report by its consulting engineer which addressed, amongst other things, the adequacy of the review by the Village of the submitted documentation and information, which formed the basis for the negative declaration by the Village Board of Trustees and concluded that the Village adopted the negative declaration prematurely and without having received adequate and necessary information and analysis concerning such issues as the impact of the project on adjacent properties, including the adjacent Town park and the structures located thereon; and

Whereas, the Town, based on the findings of its consultants, has concluded that there may be significant negative environmental impacts from the project affecting neighboring properties, including the adjacent Town parkland, and that the future residents of the development, who will also become Town residents, may also be exposed to serious and significant environmental impacts associated with the project, and that in issuing the negative declaration, the Village failed to fully comply with the requirements of SEQRA;

Now, therefore be it resolved that the Town hereby requests that the Village of Ossining Board of Trustees rescind its aforementioned negative declaration, and that it require submission of the necessary data and documentation to conduct a full, complete and proper review of the project and its possible environmental impacts and that the Village, in conducting its review and in accordance with the requirements of SEQRA, give full consideration to the potential environmental

impacts that will affect all Village residents, including impacts to the adjacent Town parkland.

Motion Carried: Unanimously

D. Personnel-Parks Department-Temporary Appointment

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 appoints Jacob Feldman, Ossining, to the temporary position of Laborer in the Town Parks Department effective June 1, 2013 at a rate of \$7.25 per hour.

Motion Carried: Unanimously

E. Personnel- Elected/ Appointed Officials Pledge

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

Whereas, the Town Board of the Town of Ossining has a fiscal responsibility to residents of the Town of Ossining, along with an interest in seeing that residents of the Town are best served by the departments paid for by their tax dollars; and

Whereas, the Town Board acknowledges that it has limited ability to provide guidance and feedback to elected officials;

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the circulation of the pledge among all full time elected and appointed officials, the text of which reads:

“I _____, upon assuming the office of _____ pledge as follows:

I hereby acknowledge that while appointed officials are subject to specific work rules regarding matters such as daily working hours, sick, personal and vacation leave time, full-time elected officials are not subject to comparative work rules, and elected officials under New York State law cannot be regulated as to their work rules, and it is reasonable and understandable for the public to expect that full-time elected officials abide by certain standards as to their day to day job performance requirements; and

It is further reasonable and understandable for the public to expect me as a full-time elected/appointed public official to be present in my designated office and available to the public during standard business hours; and

I further acknowledge that public buildings are also subject to normal restrictions as to the hours of operation of those buildings and that there is a significant public interest in assuring that, for proper and safe use and maintenance of public buildings, as well as the safety of myself as a public official/employee, that, except under special circumstances or during regularly scheduled public meetings, the use of public buildings by officials and employees should be limited to their normal hours of operation; and

I further acknowledge that there is also a reasonable and understandable expectation by the public and that I, a full-time elected/appointed employee, along with other public officials, perform my work duties for a reasonable and necessary number of hours per week, and that compliance with such expectations is further in the public interest to assure proper official use of taxpayer monies and to ensure proper reporting to the state pension system; and

I acknowledge that, in the interest of promoting a high level of morale amongst the nonelected appointed and/or union employees of the Town that I, as a full-time elected official, should be subject to reasonable work standards in the same manner that all Town workers are subject to work rules.

I therefore pledge that upon taking office, and at the start of each subsequent term, I will establish normal and regular work hours, appropriate to the jobs and duties of my office, and that those hours will be during the normal business hours of the public building in which my office is located, and that I be limited to reasonable personal, sick and vacation time during each calendar year. I acknowledge that my participation in this pledge is voluntary, but that my participation is subject to public review.”

Motion Carried: Unanimously

F. Environmental Advisory Committee Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Donna Sharrett, Ossining, to the Environmental Advisory Committee, for the remainder of the vacated term set to expire December 31st, 2014.

Motion Carried: 4-0-1
Ayes: Wilcher, Blaha,
Harter & Donnelly
Nay: Tripodi

G. Budget Modification

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

Resolved, that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2013 adopted budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
PARKS			
010.7110.0442 Improvements/ Capital	\$27,800	\$27,800	010.0010.2680 Insurance Recoveries
010.7110.0413 Consultant	\$6,800	\$6,800	010.0010.3089 State Aid- Other
CEMETERIES			
032.8810.0201 Equipment	\$50,077	\$50,077	032.0032.4795 Fund Balance

Motion Carried: Unanimously

H. Construction Management Services for Capital Project #2013-2185, Lakeville Sewer Lift Station Remediation

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

RESOLVED, that the Supervisor is hereby authorized to accept a proposal from Hudson Engineering & Consulting, P.C., 55 South Broadway, Tarrytown, New York 10591 for professional engineering services on Capital Project #2013-2185, Lakeville Sewer Lift Station Remediation, in an amount not to exceed \$12,900.

Motion Carried: Unanimously

I. Construction Management Services for Capital Project #2011-2176, Cedar Lane Drainage

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

RESOLVED, that the Supervisor is hereby authorized to accept a proposal from Hudson Engineering & Consulting, P.C., 55 South Broadway, Tarrytown, New York 10591 for professional engineering services on Capital Project #2011-2176, Cedar Lane Drainage, in an amount not to exceed \$14,300.

Motion Carried: Unanimously

J. Sewers - Approval of Ossining Consolidated Sewer District Extension – Georgene Bonvento Viggiano and Joseph Viggiano, 124-126 Cedar Lane

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

Whereas, a Petition for the extension of Ossining Consolidated Sewer District located at 124 and 126 Cedar Lane in the Town of Ossining, Westchester County, New York, dated April 19th 2013, has been presented to the Town Board by Georgene Bonvento Viggiano and Joseph Viggiano; and

Whereas, an Order was duly adopted by the Town Board on April 23rd 2013 reciting the filing of said Petition, the boundaries of the proposed sewer extension, the improvements proposed and the cost thereof, and specifying May 14th, 2013 at 7:30pm in the Police/Court facility, 86-88 Spring Street, Ossining, New York as the date, time and place where the said Board would hold a Public Hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

Whereas, such Order was duly posted and published as required by law; and

Whereas, a public hearing on the matter was duly held by the Town Board on May 14th, 2013, where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and

Whereas, pursuant to Section 194 (6) of the Town Law, the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing borne by the Town of Ossining, the Ossining Consolidated Sewer District, or any prior extensions thereof;

Now, Therefore, Be It Resolved (a) that the petition is signed and acknowledged as required by law; (b) that all the property and property owners within the proposed extension are benefited thereby; (c) that all the property and property owners benefited thereby are included and (d) that it is in the public interest to grant the relief sought; and it is further

Resolved, that the extension of the Ossining Consolidated Sewer District located 124-126 Cedar Lane in the Town of Ossining, Westchester County, New York, as proposed in the Petition, be and the same is hereby approved, and that the said sewer district extension include the property as described in the said Petition; and it is further

Resolved, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Westchester.

Motion Carried: Unanimously

K. Stipulation of Agreement between Town of Ossining and Local 456

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

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation of Agreement regarding Albert Rivera and the carryover of 2012 vacation time through July 2013, between the Town and Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, effective June 11th, 2013; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Stipulation on the Town's behalf.

**Motion Carried: 4-0-1
Ayes: Wilcher, Blaha,
Harter & Donnelly
Nay: Tripodi**

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

VII. MONTHLY REPORTS

Councilmember Wilcher 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 following monthly reports:

- **Town Clerk's Department- May 2013**
- **GE Helicopter Report –May 2013**
- **Town Building Department-May 2013**
- **Town Supervisor's Office-May 2013**
- **Tax Receiver's Office-May 2013**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT –EXECUTIVE SESSION-REAL ESTATE

At 8:20 P.M., Councilmember Harter moved and it was seconded by Councilmember Tripodi that the Regular Meeting be adjourned.

Approved:

Mary Ann Roberts Town Clerk