



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

**MARCH 11, 2014
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey 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 March 11, 2014 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 Geoffrey Harter, Kim L. Jeffrey, Northern Wilcher and Eric Blaha. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Deputy Town Clerk Ann Marie Rocco

II. Public Hearing in the Matter of 2014 Cabaret License for North River Hospitality (D/B/A Haymont House)

At 7:31 P.M., the Public Hearing was opened.

Mindy Lamar Haymont Terrace explained that in the summer of 2013 there was extremely loud music coming from Haymont House and it forced it from our house and had to shut the windows and doors. Ms. Lamar questioned who is accountable for this cabaret license and makes sure they comply with the license?

Supervisor Donnelly stated that Mr. Bruschel is responsible.

Ms. Lamar questioned why wasn't Mr. Bruschel on the premises during the time of the loud music? Is it possible to add a provision to a cabaret license indicating that when loud music is played that the owner needs to be on the premises? Only the owner of the restaurant would have a stake in making sure he/she abides by the law.

Mr. Bruschel stated that there is always someone present in the restaurant during an event. Mr. Bruschel explained that he has a devise that he uses to measure the sound level. He has never received any complaints except from the Lamar's

Councilperson Jeffrey questioned if there has been any issues since the summer of 2013 incident?

Mr. Bruschel stated that there have been no incidents since then.

Supervisor Donnelly made it clear that even though the cabaret resolution is on this evening's agenda it does not mean that they have already voted on it. She advised that the resolution could be tabled.

Town Attorney Wayne Spector stated that it is not mandatory for the Board to table this resolution.

At 7:40 P.M., Trustee Wilcher moved and it was seconded by Trustee Blaha that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Donnelly read the following statement into the record:

Good evening

Wow! We have had an extremely eventful start to 2014. The Administration and the Board have been very busy with the Proposed annexation of Districts 17 and 20, but there are so many other items on our daily agendas. Today, we sent out our findings statement concerning the proposed annexation and it will be read this evening in its entirety, especially for those who do not have access to the internet and watch our meetings on the Government channel.

We have discussed this topic frequently at Work Sessions, Legislative Meetings and Town Hall meetings, and have continually asked residents for their input. We have taken our responsibilities in this matter very seriously and await the vote from the Village of Briarcliff Manor, which is planned for this evening at 8:00 PM. Once we've heard what they have to say, then we will determine the next steps.

We have been making sure all invoices are in for 2013 so that we can get ready for the auditors during the month of April. There are quite a few budget adjustments on the agenda that Maddi will review with us, but more importantly, we are staying within our overall spending plan for 2013 with some funds going back to Fund Balance, or the Town's rainy day accounts.

Town Comptroller Tom Warren will be briefly discussing the resolution levying unpaid water charges onto customers Town Tax bills, as well as Deferred Revenues from Real Property Taxes, before we begin the agenda this evening.

The Town has seen some turnover in personnel recently- we will miss all of our long time employees, but we know they have earned their time to take it easy and pursue their hobbies outside of Town business. We want to especially thank Albert Rivera for his almost 40 years of service to this community, and we welcome Mario Velardo as the new Town Parks Foreman. Mario has been with the Parks Department for nearly 15 years, and we look forward to moving the Parks Department forward with the benefit of his experience and knowledge. We will continue to work on the Shine House to create an Arts Center for the whole Ossining community. As you are aware, our Parks department is a Town-wide department. The transfer of revenue from FEMA funds received is allowing us to make this a place for all residents of the Town of Ossining, young or old, and we look forward to adding to our already extensive list of offerings in the area of recreation with this project and the completion of the stage at Engel Park for the summer concert series

There will be a pre-St. Patrick's Day concert on Friday, March 14th, 2014 at 7:30 p.m. at the Ossining Public Library to benefit the Ossining Waterfront Concert series. The concert will feature the Jammin' Divas along with Erin Hill and her Psychedelic Harp. Tickets for the show are \$40 per person and includes a pint of Guinness for guests 21 and over. Kids under 12 are free.

We will be hiring a replacement aide for the Tax and Assessor's offices. The schedules in these two offices have presented us with a unique opportunity to defray the cost of staffing in the Town, as the busy periods in each office are exact opposites. We are not adding a position but splitting an existing one, getting more work done without losing any employees. This is a perfect example of the kind of creative thinking that this Board employs every day to get the most out of your tax dollars.

We are closing some Capital Projects this evening as well, such as the Cedar Lane/ Stormytown Road water main, which not only allowed us to bring clearer water to

the residents but enabled us to allow Cedar Manor (a nursing/rehab center) to have uninterrupted access to water even if there is a water main break further down the road. There is more than \$7,500 from that project going back into debt service to assist in the payments of the bond. Other projects that are being closed are a highway truck and leaf machine, and the Samstag Avenue Retaining Wall project.

In an effort to continually train our employees to not only be safe but also to their jobs better, we will be holding confined space training this week and we will be approving the contract for those services. The Town conducts this training annually but this year, we've contracted with a firm who has lots of hands-on expertise and will guide our employees in the actual physical work involved in entering a confined space.

We have been asked to approve a short term tax payment plan for a resident who the tax receiver. Please note, this does not release the tax payer from any obligations, but does allow them to make a significant down payment and pay off the taxes abiding by a strict payment plan.

Our next time sensitive issue is the revaluation of every parcel (property) in the of Ossining. All residential properties, as well as commercial properties, will be reviewed and inspected to determine the fair and equable assessment for taxation purposes. Next Tuesday evening at our Work Session, we will meet with Tyler Technologies to answer any questions from the Board, and approve the contract that has been worked on by our Assessor Fernando Gonzalez along with the other municipalities involved as well as Town Attorney Wayne Spector.

Our next Town Hall Meeting is scheduled for April 15th, 2014 at the Public Library. The agenda will be about public awareness of the revaluation process, as we believe education and knowledge on what to expect from this process is essential for all of our commercial and residential property owners.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember Jeffrey 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 February 25, 2014, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 approves the March 4, 2014, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated March 11, 2014 in the amount of \$2,831.93 for 2013 and \$280,896.46 for 2014. Grand total of \$283,728.39

Motion Carried: Unanimously

D. Approval of Cabaret License-North River Hospitality Group, Inc.-25 Studio Hill Road, Briarcliff Manor, Town of Ossining

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

Whereas, the North River Hospitality Group, Inc. has filed an application for a Cabaret License for the calendar year 2014; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department;

Whereas, on March 11, 2014, the Town Board opened a Public Hearing on the subject cabaret application, at which time all persons interested were given an opportunity to speak on behalf of or in opposition to the cabaret application, and the public hearing was closed on March 11, 2014; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby approves the application of the North River Hospitality Group, Inc. 25 Studio Hill Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions: One (1) DJ using a Karaoke Machine shall be allowed on Sunday through Thursday evenings from 12:00 p.m. until 11 p.m., and live music on Friday evenings from 12:00 p.m. until 12:00 a.m.

1. Hours of Cabaret Operation: 12:00 p.m. to 11:00 p.m. (Sunday through Thursday) 12:00 p.m. to 12:00 a.m. (Friday and Saturday)
2. Alcohol will be served only after obtaining a liquor license through the New York State Liquor Authority.
3. One (1) Band, One (1) DJ, sound system, T.V. or movie with a maximum of six (6) performers will be allowed.
4. No amplified music will be allowed outside the premises at any time.

Motion Carried: Unanimously

E. Calling for a Public Hearing in the matter of an Amendment to the 2014 Cabaret License for Maya Riviera.

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 calls for a Public Hearing to be held on Tuesday, March 25, 2014 at 7:30 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the amendment to hours of the 2014 Cabaret application for Maya Riviera, 518 North State Road Briarcliff Manor, NY 10510.

Motion Carried: Unanimously

F. Appointment- Planning Board

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 Gareth Hougham, Ossining, to the Town of Ossining Planning Board to serve the remainder of a five year term set to expire on December 31st, 2014.

Motion Carried: Unanimously

G. Personnel- Retirement, Parks Department

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 accepts, with regret, the retirement of Parks Foreman Albert Rivera, effective February 28th 2014.

Motion Carried: Unanimously

H. Personnel- Parks Department, Promotion

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 promotes Mario Velardo, Assistant Parks Foreman, to the Probationary title of Parks Foreman at an annual salary of \$79,279, effective March 3rd, 2014.

Motion Carried: Unanimously

I. Personnel- Appointment Assessment/ Tax Aide

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 appoints Patti Cunningham, Ossining, to the full-time Provisional position of Assessment/ Tax Aide effective March 13th, 2014, at an annual salary of \$41,500.

Motion Carried: Unanimously

J. 2013 Budget Adjustment – Capital Project #2013-2183 Shinehouse Restoration

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

Resolved, that the Town Board of the Town of Ossining authorizes the adjustment of Capital project #2013-2183, entitled Shinehouse Restoration, from \$51,800 to \$65,350, with the additional amount of \$13,550 to be funded by a transfer from general fund FEMA revenues.

Increase:	037.7110.2183	\$13,550.00 – Shinehouse Restoration (Expense)
Increase:	037.0037.5032.0183	\$13,550.00 – Shinehouse Restoration (Revenue)

Increase:	010.0010.4960	\$13,550.00 – Fund Balance (Revenue)
Increase:	010.9901.0900	\$13,550.00 – Transfers (Expense)

Motion Carried: Unanimously

Village Treasurer Thomas Warren was present to discuss resolution K, Authorizing Annual Levy of Unpaid Water Charges on Town Tax Roll.

K. Annual Resolution – Authorizing Levy of Unpaid Water Charges on Town Tax Roll

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

WHEREAS, pursuant to an Inter-Municipal Agreement (“Water IMA”) dated January 1, 2002, the Village of Ossining supplies water to the Unincorporated area of the Town of Ossining (“Town Outside”) and directly bills consumers in the Town Outside for water supplied pursuant to the Water IMA; and

WHEREAS, pursuant to the Water IMA, any water charge that is delinquent for three or more months shall be levied against the delinquent property by the Town and shall be subject to penalty in the manner provided by law, in which event, upon collection by the Town, the Town shall remit the amount collected to the Village of Ossining; and

WHEREAS, pursuant to Section 198 of the Town Law, the Town of Ossining is authorized to levy unpaid water charges against delinquent properties;

NOW, THEREFORE, BE IT RESOLVED, that any water charges to a customer outside of the Village of Ossining corporate limits and in the Town of Ossining that is delinquent for three or more months shall be levied against the delinquent property and shall be subject to penalty in the manner provided by law; and

THEREFORE, BE IT FURTHER RESOLVED, that the Village Treasurer, on behalf of the Village Clerk of the Village of Ossining, shall file with the Supervisor of the Town of Ossining, as required by law, statements showing unpaid water charges to customers outside of the Village of Ossining corporate limits, but within the Town of Ossining, which are delinquent for three or more months and that such statements shall contain a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amounts chargeable to each for the purposes of levy and enforcement under “Water Rents” and upon receipt of such statement, the Supervisor will transmit said statement of delinquent water charges to the Receiver of Taxes for levy against those delinquent properties.

Councilmember Blaha moved to amend and it was seconded by Councilmember Wilcher that the resolution be adopted as amended.

Motion Carried: Unanimously

L. 2013 Budget Adjustment Capital Project #2011-2175 - Cedar Lane/Stormytown Road Water Mains

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 authorizes a 2013 budget adjustment to Capital Project #2011-2175, entitled “Cedar Lane/Stormytown Road Water Mains”, in the amount of \$7,597.28, decreasing the project expenditure account to \$392,642.72 and transferring the unexpended balance of \$7,597.28 to debt service as appropriated surplus.

Decrease: 037.8310.2175	\$7,597.58 Cedar Lane/Stormytown Road Water Mains
Increase: 037.9901.0900.2175	\$7,597.58 Transfer to other funds

Motion Carried: Unanimously

M. Capital Projects- Closed

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 authorizes the following completed capital projects to be closed:

- 037.5110.2158- Samstag Avenue Retaining Wall**
- 037.5130.2159- Highway Dump Truck**
- 037.5130.2163- Highway Leaf Machine**

Motion Carried: Unanimously

N. Contract- StartGroup for Confined Space Training

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 authorizes the Supervisor to sign a contract with StartGroup of Bloomingdale, Illinois, for a Confined Space Training course to be held in March of 2014, in a form acceptable to the Town Attorney.

Motion Carried: Unanimously

O. Budget Modifications

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 makes the following budget adjustments to the 2013 adopted budget:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
TOWN BOARD			
010.1010.0101 Pers. Services	1.00	1.00	010.1220.0101 Pers. Services
TOWN JUSTICE			
010.1110.0101 Pers. Services	3065.00		
010.1110.0104 Health Insurance Stipend	105.00		
010.1110.0105 Overtime	2332.00		
010.1110.0109 Sick Incentive	250.00		
010.1110.0110 Part Time	11166.00		
010.1110.0424 Consultant/Computer	715.00		
010.1110.0454 Court Security	2050.00	6628.00	010.1110.0414 Contractual Steno
010.1110.0455 Translator	813.00	13868.00	010.1130.0101 Pers. Service
TRAFFIC VIOLATIONS BUREAU			
010.1130.0455 Translator	1439.00	1439.00	010.1130.0101 Pers. Service
SUPERVISOR			
010.1220.0401 Supplies	125.00	125.00	010.1220.0101 Pers. Services
INDEPENDENT AUDIT			
TAX COLLECTION			
		165.00	010.1330.0419 Maint/ Repair
010.1330.0101 Pers Services	6970.00	3294.00	010.1356.0421 Appraisals
010.1330.0105 Overtime	107.00	750.00	010.1330.0110 Part Time
010.1330.0106 Longevity	200.00	1137.00	010.1330.0201 Equipment
010.1330.0402 Printing	1079.00	764.00	010.1330.0497 Internet Contract Fees
010.1330.0408 Books	204.00	2000.00	010.1330.0109 Sick Incentive
010.1330.0417 Education	134.00	584.00	010.1330.0436 Postage
ASSESSMENT			
010.1355.0101 Pers. Services	12350.00		
010.1355.0105 Overtime	391.00		
010.1355.0110 Part Time	296.00	3647.00	010.1356.0421 Appraisals

010.1355.0201 Equipment	610.00	10000.00	010.1356.0422 Certiorari
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BOARD OF ASSESSMENT REVIEW

TOWN CLERK

010.1410.0101 Pers. Services	2700.00		
010.1410.0105 Overtime	1609.00		
010.1410.0201 Equipment	581.00		
010.1410.0405 Conference	75.00		
010.1410.0419 Maint/ Repair	1476.00	1694.00	010.1356.0110 Part Time
010.1410.0428 Dues	10.00	775.00	010.1440.0402 Printing
010.1410.0466 Legal Notices	2772.00	6754.00	010.1410.0110 Part Time

TOWN ATTORNEY

010.1420.0403 Filing Fees	3100.00		
010.1420.0475 VOS Contractual	1.00	1156.00	010.1420.0426 Special Counsel
010.1420.0494 Auction Expenses	4732.00	6677.00	010.1420.0420 Litigation

ENGINEER

010.1440.0413 Consultant	2763.00	2763.00	010.1420.0426 Special Counsel
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ELECTIONS

010.1450.0404 Mileage	128.00		
010.1450.0437 West. County	240.00	368.00	010.1450.0417 Education/ Election Asst.

BUILDINGS

		253.00	010.1620.0428 Dues
010.1620.0419 Maint/ Repair	4509.00	600.00	010.1620.0201 Equipment
010.1620.0436 Postage	272.00	1101.00	010.1620.0402 Printing
010.1620.0442 Sustainability Initiatives	439.00	3266.00	010.1620.0401 Supplies

CENTEAL COMMUNICATIONS

		794.00	010.1910.0468 Auto
010.1650.0460 Cable TV	2150.00	1356.00	010.010.1650.0438 Phone Services

UNALLOCATED INSURANCE

010.1910.0467 Liability	161.00	161.00	010.1910.0468 Auto
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JUDGEMENTS AND CLAIMS

IMA STUDY

PUBLICITY

TRANSPORTATION SUPPORT SERVICE

010.6772.0101 Pers. Service	742.00		
010.6772.0109 Sick Incentive	250.00		
010.6772.0201 Equipment	57.00		
010.6772.0411 Gasoline	916.00		
010.6772.0416 Uniforms	194.00		
010.6772.0449 Parts/ Labor	882.00	3041.00	010.6772.0429 Call a Cab

SNAP

010.6773.0401 Supplies	141.00	141.00	010.6772.0429 Call a Cab
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PARKS

010.7110.0105 Overtime	5848.00		
010.7110.0110 Part Time	2928.00		
010.7110.0201 Equipment	539.00		
010.7110.0406 Telephone	381.00	18113.00	010.6772.0429 Call a Cab
010.7110.0410 Water	2589.00	3769.00	010.7112.0419 Maint/ Repair
010.7110.0411 Gasoline	6401.00	1250.00	010.7110.0109 Sick Incentive
			010.7110.0441 Paper Cleaning
010.7110.0419 Maint/ Repair	21168.00	2648.00	Supplies
010.7110.0442 Capital Improvements	650.00	3360.00	010.7110.0438 Tree Care Services
010.7110.0449 Parts/ Labor	2088.00	13452.00	010.7110.0101 Pers. Services

RECREATION IMA

010.7310.0475 VOS Contractual	876.00	876.00	010.6772.0429 Call a Cab
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CELEBRATIONS**CEMETERY****EMPLOYEE BENEFITS**

010.9010.0810 State Employee Retirement	4461.00	4461.00	010.9010.0812 Social Security
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TOTALS	123231.00	123231.00	
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TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
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ENGINEER

020.1440.0413 Consultant	1513.00	1513.00	020.1990.0400 Contingency
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UNALLOCATED INSURANCE**JUDGMENTS AND CLAIMS**

020.1930.0425 Labor Counsel	529.00		
020.1930.0438 Judgments and Claims	7549.00	8078.00	020.1990.0400 Contingency

MCTMT PAYROLL TAX

020.1980.0438 Payroll Tax	64.00		
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OTHER GENERAL GOVERNMENT

020.1989.0413 Consultant/ Contractual	2702.00	2702.00	020.1990.0400 Contingency
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POLICE

020.3120.0201 Equipment	515.00		
020.3120.0410 Water	235.00		
020.3120.0419 Maint/ Repair	1300.00		
020.3120.0472 Contractual	10920.00	12970.00	020.1990.0400 Contingency

BUILDING

020.3620.0101 Pers. Services	1.00		
020.3620.0109 Sick Incentive	250.00		
020.3620.0401 Supplies	114.00		
020.3620.0406 Telephones	490.00		
020.3620.0411 Gasoline	94.00		
020.3620.0436 Postage	153.00	1102.00	020.3620.0110 Part Time

PUBLICITY**ZONING**

020.8010.0436 Postage	214.00	214.00	020.8010.0414 Contractual Steno
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PLANNING

020.8020.0110 Part Time	628.00		
020.8020.0201 Equipment	14.00		
020.8020.0402 Printing	40.00		
020.8020.0423 Affordable Housing Mgmt	2698.00		
020.8020.0436 Postage	253.00	3633.00	020.8020.0413 Consultant

STORMWATER MANAGEMENT**EMPLOYEE BENEFITS**

020.9010.0812 Social Security	1413.00		
020.9010.0813 Worker's Comp	7935.00	9348.00	020.9010.0817 Hospital/ Med

BOND ANTICIPATION NOTES

TRANSFERS

	TOTALS	29969.00	29969.00	
TRANSFER TO G/L ACCOUNT	TO ACCOUNT:	FROM ACCOUNT:	TRANSFER FRM G/L ACCNT	
CENTRAL DATA PROCESSING				
031.1680.0475 VOS Contractual	1.00	1.00		031.9010.0813 Worker's Comp
JUDGEMENTS AND CLAIMS				
031.1930.0438 Judgements and Claims				
STREET ADMINISTRATION				
031.5010.0101 Pers. Services	2478.00			
031.5010.0106 Longevity	200.00			
031.5010.0419 Maint/ Repair	1576.00	4254.00		031.9010.0813 Worker's Comp
STREET MAINTENANCE				
031.5110.0101 Pers. Services	651.00			
031.5110.0103 Out of Title	166.00	50880.00		031.5110.0417 Education/ Safety Training
031.5110.0412 Diesel Fuel	7432.00	8120.00		031.5110.0110 Part Time
031.5110.0417 Road Drainage	55201.00	4450.00		031.5110.0411 Gasoline
MACHINERY				
031.5130.0201 Equipment	1528.00	1528.00		031.5130.0105 Overtime
GARAGE				
031.5132.0474 Fuel Oil	4113.00	4113.00		031.5132.0419 Maint/ Repair
WEEDS & BRUSH				
031.5140.0416 Uniforms	113.00			
031.5140.0419 Maint/ Repair	208.00	321.00		031.5140.0438 Maintenance of Tree
SNOW REMOVAL				
031.5142.0103 Out of Title	1757.00			
031.5142.0105 Overtime	1175.00			
031.5142.0450 Salt	12895.00	15827.00		031.9010.0813 Worker's Comp
EMPLOYEE BENEFITS				
BOND ANTICIPATION NOTES				
031.9730.0610 Principal	1.00	1.00		031.9730.0403 Filing Fees
TOTALS	89494.00	89494.00		

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
CEMETERIES			
032.8810.0411 Gasoline	1248.00		
032.8810.0419 Maint/ Repair	3690.00	4938.00	032.8810.0201 Equipment
TOTAL	4938.00	4938.00	

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
CONSOLIDATED SEWER DST			
045.1930.0438 Judgements and Claims	647.00	647.00	045.9730.0403 Filing Fees
TOTAL	647.00	647.00	

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
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STREET LIGHTING

063.1930.0438 Judgements and Claims	174.00	972.00	063.5182.0419 Maint.&Repair
063.5182.0409 Electricity	6588.00	5790.00	063.0063.4795 Fund Balance

INDEPENDENT AUDIT

BOND ANTICIPATION NOTES

FIRE PROTECTION DISTRICT

064.1930.0438 Judgements and Claims	1443.00	1443.00	064.0064.4795 Fund Balance
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FIRE INSPECTOR

BOND ANTICIPATION NOTES

REFUSE/ RECYCLING

065.1930.0438 Judgements and Claims	1416.00	1416.00	065.8160.0475 VOS Contractual
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REFUSE COLLECTION & DISPOSAL

065.8160.0470 Refuse & Recycling Contractual	1075.00	1075.00	065.8160.0475 VOS Contractual
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BOND ANTICIPATION NOTES

TOTAL	10696.00	10696.00	
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TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
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INDEPENDENT AUDIT

JUDGEMENTS AND CLAIMS

AMBULANCE

066.4540.0475 Ambulance District Contractual	133306.00	133306.00	066.0066.2351 Reimb.for Ambulance Svcs
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BOND ANTICIPATION NOTES

TOTAL	133306.00	133306.00	
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Budget Officer Madeline Zachacz spoke about the about budget modifications and thanked the Department Heads for staying within the budget.

Town Comptroller Thomas Warren was present to discuss deferred revenue and the collection of taxes after the fact.

Motion Carried: Unanimously

Town Attorney Wayne Spector and Budget Office Madeline Zachacz read the following document into the record:

TOWN OF OSSINING ANNEXATION FINDINGS, OBJECTIONS AND DETERMINATION

The following represents the findings, objections and the determination of the Town Board of the Town of Ossining in connection with the petition (“Petition”) requesting that the matter of the annexation of Election Districts 17 and 20 (“17/20”) by certain petitioners registered to vote and residing within Districts 17 & 20 be considered by the governing boards of both the Town of Ossining (“Town Board”) and the Village of Briarcliff Manor (“Village Board”) in accordance with the provisions of Article 7 of the New York General Municipal Law.

PRELIMINARY STATEMENT

This Town Board recognizes the right of residents of a municipality to seek annexation to another municipality only if such annexation would be in the best interest of the entire community that would be affected by such proposed annexation. After years of due diligence, including extensive analysis by the Town Board, input from the community, and meetings and exchange of information between the Boards of the Town of Ossining and Village of Briarcliff Manor, it is patently clear that annexation is NOT in the best interest of the community and therefore the annexation proposal should fail.

As detailed below, annexation would not improve existing services provided to the residents of 17/20 and in reality, annexation would have detrimental negative impacts on residents within 17/20. Detrimental negative impacts also would be suffered by the entire community including the Village of Ossining, Village of Briarcliff Manor, and Unincorporated Area of the Town of Ossining. Simply, the Petitioners have failed to demonstrate and cannot establish the minimum legal requirements for annexation. For years, the Town of Ossining has acted in a transparent manner by investigating and sharing all pertinent facts with the affected community. In contrast, it is this Town Board's opinion that the Village of Briarcliff Manor has not demonstrated a fair sense of transparency or open sharing of information. Unfortunately, it appears to this Town Board that, as "de facto" sponsor of the proposed annexation, the Village Board is motivated by its attempt to take the Town of Ossining business district that presently supplies a majority of more than 30% of Town tax revenue generated by Districts 17 and 20. The Village Board also may be guided by an unspoken agenda that, if annexation is successful, the Village Board would utilize new tax dollars to fund the creation of a co-terminus Town/Village of Briarcliff Manor.

It is also evident that the Village Board, in asserting that it can render services more efficiently, uses a completely inaccurate and artificial manner of measuring government efficiency. Utilizing a real-world method of comparing the manners in which the two governments spend taxpayer money, it is clear that the Town operates at an efficiency level that the Village simply cannot approach.

Whether or not the Village Board is motivated by new tax dollars and an unspoken agenda to create a co-terminus Town/Village, there can be no doubt that the Petitioners' proposed annexation is NOT in the best interest of the community and therefore the annexation proposal should fail.

DISCUSSION

The Town of Ossining reviewed the petitions, received October 16th, 2013. The Town acknowledges that the petitions meet the statutory requirements, in form, and that the number of signatures meets the minimum requirements to trigger this review. Out of 218 required signatures, the Town acknowledges that 268 are valid and not subject to challenge out of a total of 1090 eligible electors in the districts, representing 24.6% of eligible electors.

On December 12th, 2013, in accordance with General Municipal Law section 705, a joint public hearing of both governing boards was held. The law required that, at the hearing, "the boards hear any testimony and receive evidence and information which may be presented concerning the petition and the question of whether the annexation is in the overall public interest, including but not limited to testimony, evidence and information including the following:"

(e) "That the proposed annexation is or is not in the overall public interest (1) of the territory proposed to be annexed, or (2) of the local government or governments to which the territory is proposed to be annexed, or (3) of the remaining area of the local government or governments in which such territory is situated, or (4) of any school district, fire district or other district Corporation, public benefit corporation, fire protection District, fire along district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed."

This Board acknowledges that New York State Law requires that, prior to holding a mandated referendum by the eligible voters in 17/20, it must be established by the governing Boards that annexation would be in the best interest of the community as a whole. The referendum would be the last step in the process and there is no presumption in favor of a voter determination of annexation.

It is the position of the Town Board that the main purpose of the joint public hearing was to elicit information from the public regarding the proposed annexation. Specifically, this Board viewed the hearing as an opportunity for the residents of 17/20 to state specifically,

with factual support, why they either were for or against annexation. The hearing was not a forum for the municipalities to lobby the public to be either in favor of or against annexation. That stage of the process ended with the submission of the petitions and will only commence in the event that the matter does proceed to a referendum after the Boards complete their respective mandated reviews, or after Court proceedings if this matter ends up before the Appellate Division and the Court agrees that a referendum is in the public interest.

This Board concludes that establishing and changing municipal boundaries will cause significant impacts to multiple segments of the overall community. In the case of annexation, those impacts will be felt not just by the individuals living in the area being annexed, but in areas of the overall community that would never get a chance to vote if the matter goes to a referendum. This Board therefore understands that it has been charged with performing a high degree of due diligence in determining the effects on all impacted parties. In addition, we believe that in order to justify the many impacts, as well as the significant level of managerial and operational reorganization that would be necessary in the event of annexation, there needs to be a clear, actual and tangible benefit to all the parties that is evident to both governmental bodies and the communities as a whole. It is not the role of either Board to invent or surmise such benefits- actual factual evidence is required.

In conducting its mandated review, this Board adhered to the established authorities and legal precedents on annexation, as affirmed by the New York Court of Appeals, by viewing benefit and detriment to the community defined in terms of municipal services, such as police and fire protection, health regulations, sewer and water services, public utilities and public education. We believe that the main purpose of annexation, and therefore the major focus of review, under the law, is to facilitate the improvement of basic services being delivered to either the area being annexed or the municipality doing the annexing, without harming other portions of the overall community. Our other inquiry, not as critical as our review of the impact of annexation on the delivery of services, yet still important, was whether the annexing local government and the territory to be annexed have the requisite unity of purpose and facilities to constitute a community.

THE PROVISION OF SERVICES

We conclude that the Town provides an excellent level of service to the people residing in 17/20, as well as the entire unincorporated Town. We also note that the quality of services provided by the Town has not been the focus of the public at either the informational meetings held regarding annexation or during the joint public hearing. Few, if any, complaints were and are made by unincorporated residents concerning the quality of the services they receive from the Town. To the contrary, the Town is often complimented by the residents concerning the provided level of service. Those services are provided at a reasonable cost to the taxpayers, with the Town maintaining a relatively low debt load, and a high and improving bond rating. The Town's finances are currently in an exemplary condition and have improved further with the sale of the former police building on North State Road. The Town's fund balances meet and exceed the recommended levels by the New York State Comptroller, and The Town has thus far not been required to override the tax cap to maintain its favorable financial condition. The Town has also been at the forefront of sharing services through its extensive systems of intermunicipal agreements, eliminating many instances of government duplication.

After giving full consideration to all aspects of annexation, as it relates to the delivery of services to 17/20, as well as the other segments of the community, we have concluded that annexation of 17/20 will not facilitate the improvement of services to 17/20 or to any other portion of the greater community.

In order to justify annexation, it must be shown, not that taxes will be reduced, but that the residents of 17/20 will benefit from improved services or receive services that otherwise aren't being provided, as a result of annexation. Status quo is not sufficient- improvements, without detriment to other parties, is what is required. In this regard, we stand by the position that the special districts that exist will not be impacted by annexation, as dictated by the law. Therefore, water, sewer, fire, ambulance, solid waste and lighting service provision will not be changed and the same services that are provided now will continue to be provided after annexation through the existing Town Special Districts. We believe that this fact will result in double payment for those services in 17/20, if annexed, as would also be the case for the libraries. That is not in the interest of the taxpayers in 17/20. The Village's reliance on the premise of modifying existing legal or contractual relations to modify the impact of the Special Districts is, at best, speculative. Such talk, in any event,

represents an effort to create conditions that justify annexation, which is not the role of either Board. Doing so would, in any event, require near endless analysis of all the impacts, to all parties, of making such far-reaching changes to the current properly functioning governmental systems. We are required to examine existing conditions and facts to determine whether annexation is in the best interest of the overall community, not engage in speculation to create a different reality, solely for the purpose of justifying annexation. The Village is, and has been, directing much of its efforts into the issue of the Special Districts, namely, whether they actually exist, the impact of the Districts and what can be done in the event of annexation to address the Districts. Their efforts seem to focus on differentiating “District” from contracts. This discussion is not truly relevant to the annexation analysis and diverts the discussion from the real issue, which is the provision of services. We also do not feel that the Village has the standing to question the manner, which is within the law, that the Town provides services. That would be the role of the taxpayers who reside in the District. There is, however, a real logic to utilizing Special Districts to provide services. Special Districts create greater transparency by allowing the taxpayers to review the specific costs and expenditures for specific services, instead of lumping them together in a master budget, the way the Villages do. The continued focus by the Village on the District versus Contract discussion is diverting the Village from the real issue: whether 17/20 is receiving adequate service.

There is also a fundamental difference in approach between the Town and Village as to the most effective and efficient manner to provide services within their jurisdictions. The Village consistently asserts that the direct provision of services is superior to the Town’s method. We disagree. Other than its use of this argument as a talking point, the Village can present no actual evidence to support its position. As a matter of policy and practice, the Town prides itself on always applying the best businesslike approach to efficiently providing the highest level of service. This means, at all times, exploring options to provide the best return for taxpayer dollars. This approach is consistent with the mandates from New York State which have promoted the benefits of shared services to eliminate duplicate layers of government and to reduce costs. New York State has been at the forefront of providing incentives for local governments to explore means to improve the efficiency of local government. The Town has and will continue to take advantage of all available resources the state offers in this regard. Today, numerous intermunicipal agreements exist between the Town and Village of Ossining, covering such services as street lighting, fire protection, sewers, finance, parks, dumpsters, facilities, court functions and cable access television. The Town and Village of Ossining also share a Clerk’s office, a Treasurer and finance department and a Parks/Recreation Department. Additionally, the Town, through its Refuse District, contracts with an outside vendor for solid waste removal and with the County of Westchester for police services.

Significant portions of Westchester County and New York State are governed as unincorporated areas of Towns. There has been no information or evidence presented that adding a Village layer of government enhances services or provides any tangible benefits to the residents of those Towns or Villages. The State, however, has recognized the potential benefits from dissolving villages, and within recent years has modified the law to simplify the dissolution process and has also offered its technical assistance in that regard.

Town and Village of Ossining officials have consistently demonstrated a fundamental concern with providing municipal services on an economical, efficient and effective scale, and we believe that resident taxpayers are rarely concerned about the source of services if they are provided in an economical, efficient and effective manner. We stand by our position that our cooperative agreements and outside vendor agreements have resulted in efficient and effective service delivery for our constituents. We will continue to keep our focus on cost-sharing with resulting savings and our goals in forming partnerships will continue to make strides towards win/win situations for the Town and any other participating municipality.

Over the past several years, the Town has engaged in a number of in-depth efforts to analyze the services being provided with the goal of enhancing collective efficiency and effectiveness. These efforts, generally funded through grants, included a study on intermunicipal cooperation between the Town and Village of Ossining conducted by Pace University in 2009, a study on the consolidation of law enforcement services for the Village of Ossining, the Town of Ossining and the Village of Briarcliff Manor by ICMA in 2010, an

analysis on consolidation of Public Works within the Village of Ossining, Village of Briarcliff Manor and Town of Ossining conducted by Springsted in 2010 and, most recently, a joint effort between the Town and Village of Ossining in 2011 to study the best municipal structures for providing municipal services conducted by CGR. Each and every one of these studies, although making recommendations for improvements, recognized the overall benefits afforded to the communities at large through our cooperative relationships. We will not back down from continuing our efforts in this regard since we believe we are acting in the best interest of the public, consistent with the mandates and recommendations from New York State.

Unfortunately, and not due to lack of effort on the part of the Town, the same cooperative relationship as exists with the Village of Ossining does not exist with the Village of Briarcliff Manor. In addition, we strongly believe that 17/20, if annexed, would lose the advantage of being part of a progressive, forward thinking municipal government. Services reviewed by this Board, in its analysis, included Highway, Police and Recreation. Again, the question will not be whether the services can be provided by Briarcliff Manor more affordably, but whether the services can be, or are being, provided by the Town and whether annexation will improve them without countervailing detriments to others. The Town, in its analyses, has considered the quality of the services provided to the unincorporated area of the Town and has concluded that there would be no improvement in services to 17/20 if annexed. Discussed below are the major Town Services, including those services provided through Special Districts.

POLICE SERVICES

As for police services, the Town has considered the service provided by the Westchester County Police Department, including response times and other service components, and determined that there is no deficiency in police service provided to the Town. To the contrary, we feel the unincorporated area of the Town has greatly benefited from the extraordinarily high level of professional services provided by the Westchester County Police. The unincorporated area of the Town is fortunate to have an extremely low crime rate, and its policing needs reflect that fact. We have, however, constantly monitored performance criteria of the County Police. During the term of the contract, county police performance, as measured by response times, mutual aid statistics and public input, has been exemplary. Through the County, we have at all times been able to maintain the required level of police patrols without the coverage concerns normally faced by small police departments caused by illness, vacations, military service, 207-C status and other situations that typically limit available officers for patrols. The County force, due to its size, is always able to backfill patrols as needed, and provide backup whenever required. In addition, the County provides full investigative support, internal affairs, forensics, traffic control, full insurance and indemnification and communications. The other major benefit we have realized from our County contract has been the supervision provided on a seven day per week, 24 hour per day basis. With smaller police forces, the availability of continuous supervision, in addition to providing patrols, is always an issue. With the County, the level of supervision has been constant and exemplary. The County has also consistently been responsive to any issues raised concerning police services. We have access to the highest level of management, in addition to multiple levels below, who readily remedy any concern communicated to them. We receive regular communications and information from the County regarding police activity in the Town. In addition, immediate and significant cost savings were realized from the switch from a local to more regional force. Police services, as expected, are provided to the unincorporated Town at a significantly lower per capita rate than in the Village. Like ambulance service, regionalization of police service is a necessary trend that will continue as a means of addressing the high, and ever increasing, cost of providing first rate police service. It is well-known that several other communities in Westchester are looking to duplicate the Ossining police contract. The decision to contract with the County was reached after the public expressed this as their preference during public meetings at which both the County and Village of Ossining proposals were considered. Briarcliff Manor chose not to submit its own proposal, although it was invited to do so. We are now nearing the end of our initial four-year contract. Although we are pleased with the services provided by the County and satisfied that we have saved significant taxpayer money through the contract, we nonetheless are obligated to request proposals from other interested municipal entities. In reviewing those proposals, we will expect nothing less than the high level of service we have

received from the County. Whether or not the Town renews its contract with the County, annexation will not improve police service in 17/20. We also believe that any discussion by the Village of the merits of “community policing” versus regional policing is nothing more than a talking point. There is simply no empirical data supporting the operational superiority of “community policing”, especially in light of the economic stresses faced by municipalities in the age of tax caps and the clear service advantages afforded through the regional policing model.

HIGHWAY DEPARTMENT SERVICES

Similar consideration has been given to the Highway Department. In that regard, the Town has considered the recent referendum seeking to switch from an elected to appointed highway superintendent and the resounding vote in favor of retaining an elected highway superintendent, which is indicative of community support for the Town’s method of providing highway services. Town residents regularly praise the work our highway department performs, particularly in responding to snow events. The Town has also benefited from the excellent engineering services and support of our Highway Department provided through an Intermunicipal agreement with the Village of Ossining, resulting in taxpayer savings of hundreds of thousands of dollars. This arrangement has greatly aided the Town in planning and executing several vital infrastructure projects at the lowest possible cost to the taxpayers. Although we are always looking for ways to save taxpayer money by either sharing or consolidating services, our Board has been unified in its goal of not reducing the already high level of service the Town receives from the Highway department. We therefore conclude that annexation will not improve Highway services in 17/20.

RECREATION SERVICES

Regarding recreation services, the Town has considered the level and broad array of recreation services available to Town residents, including access to the state of the art indoor pool facility. Consideration has been given to the recreational opportunities provided to our residents, and whether there is a deficiency in available recreation services in the Town. In reviewing and comparing the recreational services available to Town residents and Village residents, we believe that those recreational services are, at the very least, comparable. Many Town services, such as senior programs, are also available to Village residents since they, too, are Town residents. In our parks, there exists a cooperative relationship between the communities, as evidenced by the Briarcliff Little League’s use of one of the Town’s Ryder Park fields. We also do not believe that the use of the Briarcliff outdoor pool, open only four (4) months per year in comparison to the Town’s 12 months, justifies annexation. This is also especially true given the limited number of residents that will likely make use of it. Town residents have full year use of a magnificent full year indoor pool facility at the Ossining Community Center every day of the year. Many Village residents also make use of that pool facility. Within the Town, residents also have available to them comparable and competitively priced facilities such as the private Torview Club. As for recreation, we also believe there are significant opportunities for our communities to work together to improve recreation opportunities for all our constituents; perhaps the Village and Town can reach an agreement that would open the Village pool to Town residents at an appropriate and reasonable price.

TRAIN STATION PARKING

Another matter which the Village asserts would be a potential benefit to 17/20 residents through annexation is the ability to park in the Scarborough train station parking lot, which currently requires use of parking attendants due to overcrowding. Parking is currently available at the Ossining train station parking lot. Commuters may find the Ossining station more convenient for any number of reasons, including the closer proximity to 17/20 geographically, as well as the fact that the Ossining station is an express stop. We conclude that a spot at the Scarborough station will provide no actual benefit to 17/20 residents. Additionally, if annexed, 17/20 residents would pay more to park at the Scarborough station lot than at the Ossining station lot. There would be no improvement in parking services in the event of annexation.

STREET LIGHTING

This service is provided through a Special District. The Village of Ossining provides personnel, equipment and materials necessary to maintain and repair the Town’s streetlights. There would be no change in street lighting and therefore no improvement in the event of annexation.

FIRE PROTECTION DISTRICT

Fire protection is provided through a Special District. The Village of Ossining fire department furnishes exceptional fire protection services to the majority of the Town, with the Village of Briarcliff Manor providing fire protection to a much smaller section including a section proposed to be annexed. There would be no change to fire protection service and therefore no improvement in the event of annexation.

SEWERS

Sewers are provided through a town-wide Special District. The Town Highway Department maintains the sewer lines and lift stations. The Village of Ossining disposes of sewage originating in the unincorporated Town. There would be no change to the sewer service and therefore no improvement in the event of annexation.

WATER

Water service is provided through a Town-wide Special District. The Village of Ossining supplies our water, and consumers in the Ossining Town-wide District pay for the water at an agreed upon rate. There would be no change to this water service and therefore no improvement in the event of annexation.

AMBULANCE

The residents of the unincorporated Town, Village of Ossining and a portion of the Town of New Castle receive extraordinary advanced life support and ambulance service through the Mid-Hudson Ambulance District, which contracts with the Ossining Volunteer Ambulance Corp. This partnership has provided the basis for ambulance service, professionally staffed, with 24 hour per day response times which would be the envy of virtually any other emergency service provider. Thankfully for those residing in the Town, this service would not be changed and therefore there would be no improvement in the event of annexation.

SOLID WASTE

Town-wide refuse and recycling collection is provided through a Town-Wide solid waste Special District. The Town contracts with an outside vendor for refuse and recycling collection. The Town receives excellent service at a fair and competitive rate. Like the Police service agreement, the Town bears no responsibility for pension, worker's compensation, and other benefit payments that emerge from providing this service, and has realized significant cost savings through the competitive bidding process. This service will not and should not change as a result of annexation. The favorable rate in the current contract, which includes two day per week pickups, is based on the "economies of scale" associated with providing service to the entire District. Refuse and recycling pickup is provided to unincorporated Town residents, as a result, at a significantly lower per capita rate than in the Village. This service will not and should not change as a result of annexation.

FACILITIES

As a result of the longstanding Intermunicipal agreement with the Village of Ossining and the County of Westchester, the Town has been spared most of the costs of owning and maintaining certain buildings and facilities such as the court and police facility, and Town Hall. The Village, on the other hand, has well documented long term significant capital needs, including the need for a new police and court facility, improvements to its Village Hall, a new Recreation Center, and its library.

ADMINISTRATION

As an unincorporated area of the Town, governed solely by the Town-wide government, the unincorporated area realizes extraordinary and undeniable benefits of sharing administrative costs between the Town-Wide and Unincorporated functions of the government. Since the Village is promoting the benefits of a Co-Terminus Town/Village, they surely must understand and appreciate the savings realized by the taxpayers. Districts 17/20 already exist in the functional equivalent of a Co-Terminus Town/Village structure, a structure which the Village has consistently promoted as superior to the simpler Village within a Town structure, exactly what the 17/20 residents would be part of if annexed and the Co-Terminus efforts on the part of the Village fail.

COURTS

Under State law, every Town must maintain a Town Court. Villages have no such requirement, since the Town Court would have jurisdiction over any matters that could be brought before a Village Court within a Town. Village Courts, and the expenses associated with them, are thus optional. With the active encouragement and assistance of the Ninth Judicial District and the Office of Court Administration, the Village of Ossining did dissolve its local court and merge its functions into the Ossining Town Court in 2012. Briarcliff Manor was actively encouraged to do the same, with the Court Administrative

authorities finding no actual impediment to doing so. It chose not to engage in the process and continues to operate its own court. Residents in the unincorporated area currently do not need to pay for their own dedicated court. If annexed, 17/20 would have to pay not only their share of the cost of the Village of Briarcliff Manor Court, but also their share of the cost of the Town Court, without any actual additional benefit since the Town Court performs the exact same functions.

As stated above, there has been no indication or proof that services to any constituent would be improved through annexation. Although our analyses could end there, we understand that members of the public are interested in other aspects of the annexation discussion brought up during several public information meetings.

ANNEXATION HISTORY

Although the Petitions were only recently delivered, the annexation debate has a long history, a history we believe is important to review. Annexation first came to the attention of the Town Board in approximately early 2011. We understand that the idea of annexation was initially led by a small group of property owners who organized the petition drive. They created a website promoting annexation and then commenced an intensive effort to encourage individuals to sign the petitions. During the initial period, this group was in complete control of the message.

Once the annexation effort was brought to the attention of the Town, efforts were made to understand the issues and the motivations of the proponents in an open and fully transparent manner. The Town arranged for a Town Hall style public meeting in May of 2011 to allow the public to express themselves on the topic and for information to be exchanged. As has always been the case, representatives of the Village of Briarcliff Manor government were invited and offered an opportunity to make a presentation. The Village Manager did appear at that meeting and made the first public presentation of the Village's position.

FISCAL IMPACTS

In its first presentation, the Village, via the Village Manager, represented that Briarcliff Manor was simply responding to the inquiries of Town residents and that Briarcliff Manor was "not soliciting annexation for additional area or financial expansion." There was no statement made concerning how annexation would improve services or whether any other public need could be addressed through annexation. He did, however, make the first of many public claims of potential tax savings that would result from annexation. At that time, the estimates he conveyed to the public were a 14.39% reduction in unincorporated Town taxes for 17/20 residents and a 3.96% reduction for Briarcliff Village residents. No mention was made of the tax impacts on the remaining area of the unincorporated Town. In response, the Town formulated its analysis of the potential tax implications of annexation and in August 2011, made those conclusions public. We believe that this analysis was performed utilizing realistic assumptions and, at that time, current figures. The conclusion reached by the Town at that time was that the potential savings to 17/20 residents would be no more than .05% of their total taxes, without taking into consideration capital projects that the Village had already acknowledged would be necessary, and which would more than eliminate any claimed saving. At the same time, the Town also found that the remaining area of the unincorporated Town would see a 24% increase in its unincorporated taxes, an average of \$536.00 per household. The Town also estimated that Briarcliff Manor Village taxes would also increase by 7%, contrary to the Village's claims. These conclusions were presented to the public in another Town Hall style public meeting held in September 2011. The Village Manager was also invited to that meeting and was given an opportunity to speak, during which time he reiterated his representation regarding the potential positive tax impacts for 17/20. These meetings were recorded and televised and were reported on extensively by the local media. The Village also held its own meetings with 17/20 residents in or around that time period. At least one meeting was held in the Briarcliff Manor library, attended by the Village Mayor and Village Board members, without prior notice to the Town and without notice to the public at large. All Town meetings on annexation were held with full public notice, and with invitations to all members of the public to be heard.

The matter thereafter went quiet for several months, until March of 2012, when the Village circulated its "Annexation Update" presentation to the 17/20 residents. In that update, the Village raised its estimates of alleged tax savings for 17/20 residents to 26.60% and 8.91%

for the village as a whole, again without adequate support and without mention of the impacts on the rest of the unincorporated Town. As of this past December, the Village estimate of tax savings for 17/20 ballooned to 29% and fell for the Village to 5.985%. The Town has continued to update its analysis and continues to maintain its position that tax savings for 17/20, if any, would be minimal, that the balance of the unincorporated Town would experience steep increases, and that Briarcliff Manor residents would realize no benefits and may see tax increases.

METHODOLOGY OF ANALYSIS

To be clear, as stated above, the Town does not consider individual property owners' rate of taxation before annexation or after annexation to be a significant factor in determining whether annexation would be in the overall public interest. However, without intending to lend credence to the Villages' misguided focus on taxation, we believe we owe a duty to the public to address this point. In reviewing the history of the dialogue, it is easy to discern why taxation rates are not the proper focus of review. With taxation, there are simply too many variables and too many opportunities to manipulate numbers. These numbers, as can be seen by constantly changing Village numbers, are moving targets. The numbers are easily manipulated by varying assumptions on key elements, such as manpower and the value of possible future contracts. Regarding the Village's latest tax estimates, improper assumptions are made by the Village (i) that would require the Town to renegotiate virtually all of its intermunicipal and third-party service agreements and contracts, (ii) that suggest the law regarding Special Districts in annexation can be ignored, and (iii) that Village services can be provided to additional 17/20 residents with little increase in cost. We find those assumptions to lack credibility. Promising lower taxes through annexation is not appropriate in our view. There is no possible and responsible way that the Village can guarantee future tax decreases to the 17/20. We believe that the people do understand this concept since, despite ever expanding promises of lower taxes, over a time period exceeding two years, over 75% of 17/20 residents elected to not sign the Petition.

The fact is that providing services costs money; the constants that all governments must deal with are universal, and include such items as union negotiated salaries and benefits, pension contributions, utilities, insurance, facility and equipment maintenance, and the full array of higher government mandates. We do not agree that the Village of Briarcliff Manor has somehow found a way to avoid these universal costs, or that the Village government operates at some level of efficiency that other municipal governments cannot achieve. Despite the Village's focus on small salaries of the Town Board members and Town Supervisor, the Town's administrative costs are comparatively low when the Salary of the Village Manager is considered. Once again, this is an example of how facts can easily be manipulated. Through our analysis, we conclude that the only way the Village will be able to come through on its lower tax promise, if it's possible at all, would be to drastically reduce the level of services the people of 17/20 are used to receiving from the Town.

Clearly, the Village's promises related to future taxation simply cannot be considered credible or reliable information to be factored into an annexation analysis.

There is an even greater flaw in the analysis by the Village with respect to the comparative efficiencies of providing services to constituents. The Village bases its claims of higher efficiency through an analysis of taxation rates per thousand dollars of assessed value. This is not the proper method of analyzing the efficiency or effectiveness of service provision. In the real world, services are provided to people, not increments of property value. The cost analysis relied upon by the Village is skewed by the differential in average assessed values per property. The Village is a wealthy community and, as such, it contains many homes and properties of very high value. The unincorporated Town, on the other hand, tends more towards the middle class with property values which reflect that fact. The Village contains approximately 2650 parcels with a population of 7115 with a total assessed value of approximately \$98,287,295. The average assessment per parcel is \$37,089.54. As for the unincorporated Town, there are 1945 parcels, a population of 5293 and a total assessed value of \$49,600,032. The average assessment per parcel is \$25,501.30. Tax rates are based on dividing government expenditures by thousands of dollars of assessed value. Based on its overall higher assessed value, it is only logical that the tax rate per thousand dollar of assessed value would appear artificially lower.

However, as the Town has analyzed and concluded, the actual tax rates per thousand dollars in assessed value of the unincorporated Town and the Village are relatively close. The reason is quite simple, and can be explained by expenditures. In 2011, unincorporated Town expenditures, including Special Districts, totaled \$8,451,000 as compared with expenditures in the Village totalling \$21,700,000. The differential in the cost of providing

services per person and parcel between the Town and Village is striking. The cost per parcel in the Village was \$8188.68 and \$3049.89 per person. In the unincorporated Town, the cost was \$4344.98 per parcel and \$1596.63 per person.

Just as striking is a comparison of the per capita municipal debt load. As of 2011, Briarcliff Manor carried a total outstanding debt of \$46,869,682, the equivalent of \$6587.44 per person. In contrast, the Town debt load, which will be reduced due to the sale of the former place building, was \$7,374,509 in 2011, the equivalent of \$1393.25 per person. In subsequent years, the incongruity between what is spent per capita in the two municipalities has remained constant or increased. Once again, since services are rendered to people, it is virtually impossible to ignore the exceptionally high level of efficiency realized by the Town. The budgets verify that, in reference to virtually all services, the Town renders those services at a lower per capita cost than the Village. All Town taxpayers, regardless of the actual taxes paid on a particular property, benefit from the high level of efficiency at which the Town operates. That efficiency, gained through innovation, hard work and the willingness to explore cost savings sharing arrangements would be directly threatened in the event annexation proceeded.

The implication of the focus of the Village on tax rates as opposed to actual costs tied directly to average assessed values is that the Village is promoting annexation as a means for 17/20 to become part a wealthier community, since they would then benefit from their relatively lower assessed values. Not only is this concept contrary to true purpose of annexation under the law, but it would set a dangerous precedent, as well as being simply the wrong way neighboring municipalities should interact.

THE VILLAGE'S AGENDA

We also find it significant that the Village has never come out in a public forum and stated whether it is in favor of annexation, even though its method of presentation and its increasing estimates of lower taxes has consistently demonstrated an effort to convince the 17/20 residents to sign the petition. In this regard, we find that the Village has not been forthcoming in presenting to the public its motivations. We believe that the Village has a responsibility, if it promoted annexation, to present its position, including its reasons for supporting annexation, in an open and transparent manner. Without a clear statement from the Village as to its motivation, we and the public are forced to draw our own conclusions that either there is no purpose or that the Village, contrary to the Village Manager's public statement, is seeking to enlarge its tax base through the acquisition of the North State Road business corridor. Its promotion of annexation is, in fact, consistent with various statements indicating the Village sees annexation as a means of addressing and spreading the load of its very large debt burden or as an important step toward its ultimate goal of seeking coterminous Town/Village status, a matter which we will not address at this time since it is not directly relevant to these findings and determination. If, however, as we believe, the goal of the Village is to promote annexation solely to enlarge its tax base and spread its significant debt load over a larger population, that would amount to an effort to shift taxation and its subsequent revenues from one community to another without any corresponding benefits to the community as a whole. This, again, is not a proper basis for annexation. Annexation would serve as a diversion from the real issue that plagues the Village: how to rein in its high per capita expenditures and address its high debt load. Addressing these issues should be the top priority, not covering up the problem by annexing additional tax ratable and assessable area.

DETRIMENTS TO THE REMAINDER OF THE TOWN

The Town, as required, has also considered the detriments to areas of the Town not included in the annexation effort. The Town has considered the verifiable estimates regarding the tax implications to the areas not being annexed, and, to the extent possible, the balance of Briarcliff Manor. There must be clear and verifiable, not just perceived, benefit to all affected parties to provide a basis to approve annexation. An increase in overall tax revenue could be a factor justifying annexation; however, simply shifting tax revenue from one municipality to another does not constitute an increase in overall tax revenue. If annexation facilitates the provision of services to an area which would allow greater development, thereby increasing overall tax revenues, that factor might favor annexation. That is not the situation existing herein. Annexation is not in the overall public interest where one municipality loses tax revenue without any corresponding benefit. Therefore, the fact that 17/20 has only 25% of the total unincorporated Town's population but a higher percent of the unincorporated Town's assessed value is a major factor we considered in determining that the remaining area of the unincorporated Town will be

harmed, let alone not benefited, by annexation. The commercial properties on North State Road are vital to the ability of the Town to maintain a balanced tax base, which is vital to the entire unincorporated area of the Town.

We also find it significant that the Village, in its attempts to justify its estimates of tax reductions, relies heavily on the concept of “economics of scale”. In doing so, it ignores the reverse impact that annexation would have on the remaining area of the unincorporated Town. By reducing the economics of scale in the remaining area of the Town, cost of services on a per capita basis will go up. Taking police services as an example, if the size of the unincorporated Town is reduced, the need to have patrols on its roads will not be equivalently reduced. Likewise, the same logic will apply to Highway services, engineering, finance, administration and facilities.

OTHER FACTORS

It is also significant to our determination that 17/20 are already fully developed, nearly to capacity. Proposed use of the annexed land can be an important factor in justifying annexation. In this case, there are no proposed new uses for 17/20 which would either benefit those districts or the balance of Briarcliff Manor.

The impact to the Village of Ossining has been considered by the Town as a factor in determining that annexation is not in the overall public interest, since the remaining governmental unit could also be said to include the Village of Ossining as part of the Town. This analysis focused on the cooperative existing relationship between the Town and Village of Ossining through a myriad of intermunicipal agreements. Those agreements, such as finance, clerk, rent and facilities amongst many others, indicate that carefully calibrated budgets of both municipal entities and staffing levels in various departments would be impacted. Again, there has been no benefit from annexation that has been identified which would justify the numerous changes that would need to occur to existing legal and contractual relations, all that currently function very well, and which provide significant tax savings through efficiencies gained through elimination of duplications of services. Suggestions have also been made by annexation proponents that the unincorporated Town should simply be split up and the parts absorbed by the Villages of Briarcliff Manor and Ossining. Interestingly, on the 17/20 website, proponents suggest that annexation is the only way to head off being absorbed by the Village of Ossining. That argument was, no doubt, intended to scare 17/20 residents into signing the petition, although unsuccessfully. In fact, annexation of any portion of the unincorporated Town into the Village of Ossining is not on the table. An internal petition to start that process would also be required and, to our knowledge, there is no such petition being circulated.

UNITY OF PURPOSE/COMMUNITY

The other required factor which we considered is whether the annexing local government and the territory to be annexed have the requisite unity of purpose and facilities to constitute a community. On this question, we have considered whether the residents of 17/20 feel more a part of the Ossining or Briarcliff communities. In reviewing this issue, we conclude that the requisite unity of purpose between the residents of 17/20 and Briarcliff Manor does not exist and that there is a greater connection and affinity to Ossining. In making this conclusion, we have considered the level of community support, in the form of signatures on the petition, as a significant factor. After two years of extensive lobbying by the pro-annexation group, assisted by the Village with ever increasing promises of reduced taxes, the number of signatures is still well below half the eligible voters in the districts. We have also considered the comments by the residents made during the public hearing, as well as those written comments received during the comment period after the meeting. In total, the vast majority of comments have been against annexation. We have been particularly impressed by the time and effort of residents who wrote compelling emails and letters urging us to reject annexation. It is one thing to sign a petition, whether one feels under duress, fully understands it or not, but it is quite another to get up at a public meeting and speak or communicate your thoughts through emails or letters. Also, based on the attendance at the public hearing, it does not appear that the majority of those who signed the petition have strong feelings concerning annexation. It appeared that most people decided to stay home that evening and also refrained from submitting written comments. On this issue, it also needs to be re-emphasized that the school district boundaries won't change, as 17/20 will remain in the Ossining School District. They also will continue to get their water and sewer services, as well as solid waste and street lighting through the existing Special Districts. Parts of 17/20 will also continue to be served by the Ossining ambulance district and Ossining fire district.

We also note that a vital part of our community, the business community, has not communicated its support for annexation. We have not received expressions of support for annexation from any individual North State Road business owner or from any business organization, such as the Chambers of Commerce or Rotary Clubs. This is an important portion of our community that also would not be permitted to vote in the event of a referendum.

Geographically, there is also no greater affinity between 17/20 and the Village than there is with the Town. If annexed, 17/20 would appear as an appendage, connected to the Village on one side but bordering other municipalities on three sides. There is simply and clearly no geographic condition or connection that favors annexation.

We have also considered the arguments made by some annexation proponents that being annexed to the Village would somehow improve the quality of governmental representation that they receive. We find no merit to that assertion. There is no support for the belief that 17/20 residents would somehow benefit from a more responsive government if absorbed by the Village. The 17/20 area will still be just one section of an overall Village, and their needs will be subservient to the needs of the greater Village. They will receive no special representation or attention. The Town now competently governs the unincorporated Town, as evidenced by the high level of services at a reasonable cost, provided to the unincorporated Town. Furthermore, the unincorporated Town benefits from both a Planning and Zoning Board with members appointed solely from the unincorporated Town. If annexed, land use in 17/20 would be controlled by the Village as a whole without any guarantee that decisions made would be in the best interest of 17/20.

To those who also feel that being absorbed by the Village would somehow improve their status or increase their property values, we must both take issue with that belief and add our comments. It is presumed that property owners either knew, or should have known, where they bought their homes. Location is indeed a fundamental decision homebuyers make. Seeking, after having made that choice, to change municipal boundaries to enhance perceived status, or for any reason, is a misuse of the laws that allow annexation. The clear purpose of the law is to improve the ability to render municipal services to the greatest number of residents. If residents aren't pleased with their current circumstances they should participate in the political process to affect changes. The annexation process should not be used to circumvent the democratic political process by those who disagree with decisions by duly elected representatives.

LAYERS OF GOVERNMENT

Finally, we need to address what we believe is a misconception that has been circulated concerning annexation. Proponents of annexation claim, as an argument in favor, that it will eliminate a layer of government. We disagree and instead conclude that it would *add* an unnecessary layer of government, not eliminate one. In New York State, counties are divided into Towns and Cities. Villages, however, can only exist within Towns or as Co-Terminus Town/Villages. Even in the co-terminus arrangement, the functions of a Town Government are not eliminated; they exist equally with Village government functions. Only the Village structure of government is optional. Towns cannot be dissolved but Villages can, and have often been dissolved as a way to eliminate duplications of government layers. We're not suggesting that the Village dissolve, but if there truly is an interest in reducing government duplication, the option should be explored. The co-terminus option for the Village also does not reduce layers of government, since it creates two Town layers of government in place of one. Additionally, the process to create a co-terminus Town/Village is a difficult one and, for many reasons, it will prove divisive. Interestingly, in all of New York State there are only 5 co-terminus town/villages, but in the last century at least 35 villages have dissolved. In sum, we believe that instead of creating barriers, we should all work together in exploring ways for the community, as a whole, to reduce costs and lower taxes. Instead of building walls between our communities, we should be building bridges. One segment of the overall community seeking to benefit on the back of another is not the way to go.

P. Final Determination of the Proposed Election Districts 17 And 20 Annexation

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

Resolved that the Town Board hereby adopts the proposed annexation Findings and Determinations as read into the record and incorporated herein and determines in

the affirmative that petitions for the proposed annexation of Elections Districts 17 and 20 in the unincorporated area of Ossining to the Village of Briarcliff Manor complied with the requirements of Article 17 of the New York General Municipal Law but that annexation will not be in the overall best interests of either Election Districts 17 and 20, the remainder of the unincorporated Town, the Village of Briarcliff Manor and the Village of Ossining and that no further steps in the annexation process, as set forth in Article 17 of the New York General Municipal Law, should be pursued.

Councilperson Jeffrey explained that this Board has been working on this before I became a councilperson. Does not believe that this would help the residents of the unincorporated area and feels that this would be detrimental. For the Town at large this is not in the best interest for district 17/20. Councilperson Jeffrey would like to do more with the Village of Briarcliff Manor and would like to be more cooperative as a Town.

Councilperson Harter thanked everyone for putting together this analysis and was very well written. Councilperson Harter feels that annexation would not improve District 17/20.

Councilperson Blaha thanked everyone on this Board and Town Attorney Wayne Spector and Budget Officer Madeline Zachacz. Councilperson Blaha feels that we have maintained transparency during this process and we have looked closely at how our government runs. We have proven that our services are exceptional to the Town residents.

Supervisor Donnelly thanked everyone who has been involved in this process.

Supervisor Donnelly explained that the Board will have to do a “yes” vote to confirm that they are not in favor of the annexation of 17/20.

Roll Call Vote: 5-0-0
Ayes: Councilmember Jeffrey,
Harter, Wilcher, Blaha &
Supervisor Donnelly

Q. Tax Payment Plan

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and the School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for three (3) properties on Ann Street; and

Whereas the Town Board occasionally grants such a plan and has the discretion to accept or reject any proposal by a resident or commercial property owner;

Now, therefore be it Resolved that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan to this property owner, with the understanding that this sets no precedent going forward for this or any other property in the future.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

VII. MONTHLY REPORTS

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 accepts the following monthly reports for the month of February 2014 from:

- **Town Clerk's Office**
- **Town Supervisor's Office**
- **Town Building Department**
- **G.E. Helicopter Report**
- **Town Highway Department**
- **Tax Receiver's Office**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

- **Resident stated that she was for very thankful for all of the work that the Town Board and staff has done on the District 17/20 project.**
- **Resident stated that she has been coming to the Town Hall meetings to gather information pertaining to District 17/20 and thanked the Town Board for all their work on this.**

IX. ADJOURNMENT

At 9:41 P.M. Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk