

FAQs for Referenda

The Town Board is currently considering three local laws to convert the elective offices of Town Superintendent of Highways, Town Receiver of Taxes and Town Clerk to appointive offices. There is a separate local law for each position. If the Board adopts any of these local laws, there will then be a referendum for each adopted law at the November 2019 general election where the public can vote on whether to implement the law. The local laws adopted by the Town Board only go into effect if approved by a majority of the voters voting on the local law. The Town Board wants to offer these options to the public because we believe that the passage of such legislation will:

- **Save money**
- **Increase accessibility**
- **Standardize processes**
- **Work faster**
- **Modernize systems**
- **Promote flexibility**

1. Where did this idea come from?

- Since as far back as most employees can remember, there has been talk of increased shared service agreements and consolidation in Ossining, specifically between the Town and Village of Ossining. This has been an ongoing conversation because of the region's high property taxes (even though the Town's portion of this burden is modest). Like many municipalities, the bulk of the Town's budget is comprised of salaries and personnel-related costs, which make it harder to reduce overall expenditures without impacting services. Now with the tax levy increase capped at 2% a year, which has been made permanent in the State of New York, coupled with the implementation of the SALT (State and Local Tax) act, which caps state and local deductions at \$10,000, the squeeze on municipalities like Ossining is even tighter as we try to balance development (which lowers taxes) with strain on infrastructure (which comes with development). No matter how you slice it, it all comes back to property taxes, which are the Town's predominant sources of revenue needed to operate. The fact that we have seen (or will shortly see) several of our highest paid administrative employees retiring (our longtime Receiver of Taxes and Superintendent of Highways retired in 2017 and 2019, respectively, and our longtime Town Clerk intends to retire at the end of 2019) means we have an opportunity to examine how we can modernize the offices through reallocation of expenditures to improve services for Town residents without hurting any individual person. Changing these roles from elected to appointed would give the elected Town Board the ability to be more agile and flexible as our staffing and programmatic needs change. It gives the Board the ability to seek out candidates who can perform tasks versus hoping that someone elected to the position could do so.

2. What other governments are structured this way?

- We do not have to look very far to find other governments that operate this way, some of which share our very borders and are larger than our Town. In the Village of Ossining, there is an appointed Superintendent of Public Works (this position is competitive, which means applicants must have taken, and done well on, an exam in order to be considered to be hired) and an appointed Village Treasurer. Interestingly, up until 1989, the Village of Ossining Treasurer/Tax Collector was an elected position. The Village switched to an appointed Treasurer and thus has managed to professionalize the position and the office of tax collection. In the Village of Ossining, the largest of the taxing districts within the Town, and where many community residents have lived for decades or even generations, the referendum for eliminating the elected position of Village Treasurer did not happen all that long ago—our neighbors, family members, or even many of us likely voted on the referendum that resulted in the elimination of this elected position in the Village of Ossining, for which the public overwhelmingly voted in favor; the referendum passed with a 3-1 margin. At present, the only elected officials in the Village of Ossining are the Mayor and 4 Village Board Members. The Village of Ossining had an appointed Clerk several decades ago, before contracting with the Town for Clerk services, and no longer has an employee in that role.
- Many of our neighbors, including the Town of New Castle, Town of Cortlandt, Town of Yorktown, Town of Greenburgh, and more have shifted at least one of the positions of Clerk, Receiver or Treasurer, and Highway Superintendent from elected to appointed, if not all three positions. The Town of Mt. Pleasant recently added a referendum to their November 2019 ballot to eliminate the elected office of Highway Superintendent and the residents of the Town of North Castle recently voted to eliminate the elected Office of Receiver of Taxes. Within our own borders, the Village of Briarcliff Manor has an appointed Treasurer, as well as an appointed competitive Superintendent of Public Works. The functions of a Village Clerk are performed by an appointed “unclassified” employee—even when appointed, there are no mandated civil service qualifications for the position; however, the Village may establish a desired set of qualifications for the job.

3. Doesn't this limit my role in the democratic process?

- This appears to be the biggest worry we have heard throughout this process— some constituents are concerned that this change will hamper their ability to “weigh in” on candidates for these jobs. That is absolutely true. However, voters must remember that if the measure passes, Ossining residents will count on their elected Town Board to advertise or canvas for positions, interview candidates who meet civil service or local requirements, and hire the person evaluated to be the best qualified for the job, **the same as they do for every other Town position at this time**. You would, of course, still continue to vote for, and have regular access to, your elected officials on the Town Board. With very few exceptions, the Ossining Town Board holds weekly public meetings, many of which include an opportunity for community comment. In terms of practicality, this changes very little about the process by which the Town communicates with you and vice versa. Currently, if an elected official desires to take certain actions

with respect to their department's operation (if the Highway Superintendent requires a bond issue for an infrastructure project, or the Receiver of Taxes has been approached about a tax payment plan), they too must come before the Town Board, as the Town Board controls the budget and is the only entity authorized to legislate on behalf of the Town. Also, instead of having accountability only every 2 to 4 years with an election, the Town Board regularly requires reports from department heads, and rigorous management oversight. In addition, it is important to remember that these positions will only become appointed if the public votes that they should become appointed. The public currently has the ability to decide who holds these positions with your collective voice through elections and these positions will only change from elected to appointed if the public's collective voice agrees they should be.

4. Why stop at these three positions? Why shouldn't the Town Board also be appointed?

- Generally speaking, "elected" officials are so installed because they are positions that set policy (legislators and arguably, judges). The positions of Superintendent of Highways, Receiver of Taxes and Town Clerk are all administrative positions that are entrusted by voters to carry out policy and not to establish it. For example, a Highway Superintendent manages the day-to-day operations of a Highway Department—prioritizing projects, deploying manpower and purchasing supplies and equipment to manage the job at hand. They do not, however, have the ability to change law—if a particular intersection is found by Highway staff to be problematic, the Superintendent of Highways can ask the Town Board to change the local law that allows overnight parking on the nearby streets. This is not a power that either an elected or appointed Superintendent has—very little changes with this distinction. Having administrative positions elected was common over 150 years ago when the Town of Ossining was established and before the concept of "civil service" or merit based appointments even existed in the United States, but that practice is not so common today.

5. What about qualifications? How can you assure the public that this isn't "cronyism"?

- If the Town Superintendent of Highways becomes appointed (as opposed to elected), the rules change significantly. Not only are there mandated qualifications (as opposed to suggested), but the job becomes "competitive," which means that applicants must take a comprehensive exam to test their fitness for the job; they must not only pass the exam, but be "reachable," a term used in civil service to mean they must be one of the top performers on the exam willing to take the job. The Town Board sets the terms of employment, inclusive of work hours, salary etc.
- As far as the other two roles (Town Clerk and Receiver of Taxes), they remain "unclassified" if they are no longer elected, meaning that there are recommended credentials but no skills or qualifications are specifically required. However, this current Town Board has a good track record here. When longtime Receiver of Taxes Gloria Fried announced her retirement, the Town publicly posted for the position and welcomed all to apply. The Town Board appointed an applicant who is a Certified Public Accountant with an MBA in Finance, and a career spanning decades working with property owners on lending and mortgages. That individual was then elected by the public to continue in

the role and by all accounts is doing a phenomenal job. For positions that do not require the canvassing of a civil service list, the Town publicly posts the job, reviews all resumes, and interviews qualified candidates. The Town also enters into the public record all resolutions by which full time, part time, and seasonal employees are hired, as well as their rate of pay, in the interest of transparency. So while no one has a crystal ball, the longtime practice of the Town of Ossining has been to fully vet candidates before hiring them, and there is no reason why that would change. Also, if the public is not happy with the performance of individuals in these appointed roles, the public still has remedies-- to come to the Town Board (at open meetings, or otherwise) and voice their concerns, and/or to elect different Town Board members.

6. How will my services change?

- We fully expect that the average resident will notice no difference in the quality of their service. The residents of the Unincorporated Area have made their view known—they LOVE their Highway Department, as they should! Our staff does an exceptional job of keeping our streets clear of snow, picking up leaves and brush in a timely manner, and answering our residents' questions. No one is advocating for any change to “boots on the ground” level service. The underlying motivation for moving from an elected to appointed Highway Superintendent is to allow the Town to flexibly address the immediate needs of the community, which could lead to reduced administrative overhead costs or reallocation of funds to address pressing needs.
- For the Receiver of Taxes and Town Clerk, we also have incumbents doing an incredible job at serving our public, but combining those two offices into one makes a lot of operational sense—neither office is equally busy year round, and their schedules complement one another quite well. Aside from saving money on administrative overhead (the ultimate plan would be to have one administrator serving the role of Clerk and Receiver), there are also major efficiencies in this model. For example, cross training all staff to provide better service, as well as one centralized office to conduct administrative Town business, would streamline operations. This structure is in place in the Town of New Castle, creating “one stop shopping” for residents and the opportunity for staff to be trained in both clerk and tax receiving functions, giving the Town Board a deeper bench to draw from when other opportunities become available, as well as improving staff ability to better service community members who come into the office. We suspect that services will improve in the short term also, due to our ability to introduce and use more modern technology, which will serve to improve experiences for our residents.

7. Will this save me money?

- Yes! Based on the staffing levels we foresee for the combined Receiver/ Clerks office (we are using as a guide for this staffing levels of our neighbors in other municipalities who employ the same structure we're proposing), we would handily save more than \$100,000 from the General Fund budget each year, potentially more depending on the way we repurpose the 3rd floor space, etc. The savings for the Unincorporated Town (Highway) would be more modest at first, but would enable the Town to explore new

ways to combine our own departments under unified leadership, and potentially enter into intermunicipal agreements for certain departments/services with other municipalities down the road. The most important takeaway is that it gives the Town flexibility—the ability to deploy resources differently when necessary while not taking any boots “OFF” the ground and finding savings at the very top.

This effort will only happen with the formal approval of voters, as it is ONLY with your authorization that these changes become possible. Town leadership going back several administrations has considered some form of the above, but many opponents were attached to the people who held the elected roles, not the jobs themselves. We now have an opportunity to take the faces away from the conversation and talk about a practical, un-emotional exercise that will help the Town save money in the short and long term without causing harm to longtime elected officials or to the existing rank-and-file. The local laws the Town Board is considering for these three positions is simply legislation to allow the public to ultimately decide on Election Day—no decisions have been made, nor bargains struck. **This is still your choice.**