



**TOWN BOARD
TOWN OF OSSINING
1ST FLOOR BOARDROOM
16 CROTON AVENUE – OSSINING, NEW YORK
AUGUST 21, 2018
SPECIAL MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
Karen M. D’Attore Elizabeth R. Feldman
Jackie G. Shaw Northern Wilcher, Jr.**

I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

The Special Meeting of the Town Board of the Town of Ossining was held on August 21, 2018 at the Ossining Municipal Building –1st Floor Board Room, 16 Croton Avenue in Ossining, NY. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Karen D’Attore, Elizabeth R. Feldman, Northern Wilcher Jr. and Jackie G. Shaw. Also present were Town Counsel Christie Tomm Adonna, Budget Officer Madeline Zachacz. Interim Town Clerk Victoria Cafarelli was absent.

II. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

We have a few resolutions to approve tonight and we had originally planned for two work session topics, to discuss legislation restricting leaf blower use in the unincorporated Town, as well as a new solar code. However, unfortunately, we received word late in the afternoon that our planner, David Stolman, was not feeling well and would not be able to join us. Since we were expecting him to guide the board’s discussion, we will plan to instead postpone this work session topic until after our continuation of our public hearing on the subject, which is scheduled for next week, August 28th. I know many of you may have come to discuss this, so I would suggest that you might want to provide comments or attend next week’s public hearing.

Ossining has really gone through a lot over the past week, and many of our residents have had to deal with some unimaginable situations that have turned their world upside down. Once again, I want to extend my sincere thanks to Ossining Police Chief Kevin Sylvester, who did a stellar job at keeping our community informed during each breaking story, along with his exemplary officers, Ossining Fire Department Chief Angelo Manicchio, Ossining Volunteer Ambulance Corps Chief Nick Franzoso, and all of OFD and OVAC's outstanding volunteers. I also want to thank Village Engineer Paul Fraioli and Town Building Inspector John Hamilton (who was pinch-hitting for the Village this week) for keeping cool heads in the face of some very scary stuff-- Ossining is truly fortunate to have you all to call on in times of crisis, and we are lucky to work alongside you each day.

Due to the prediction, and appearance of, a massive downpour, last Friday’s waterfront DJ dance party featuring [DJ Catch1](#), along with the special Mind, Body, Spirit Ossining class with Tasia Sabatino of [Rebel Yoga Studios](#), has been postponed until Friday, September 7th. Please plan to join us on the 7th-- it's going to be a great night to end the first week of "back to school" in Ossining!

In the meanwhile, don’t miss the last two of our scheduled summer concerts in the 2018 series! This Friday, August 24th, join us at the waterfront for Sundad at 7PM.

Next Friday, August 31st, our concert will begin with Ossining's own Culture Hound at 7PM and will wrap up with the Old Mill Singers at 8PM. Thanks to everyone who has joined us this summer for the fantastic series—we have had a few weather issues, but overall, it's been a summer for the record books!

This Saturday, August 25th, is the Italian Heritage Festival hosted by the Columbus Lodge #692. Between 2PM and 10PM, visit Louis Engel Waterfront Park for food, rides, raffles with entertainment by Doug Ferony and Band. Come enjoy this annual community celebration, all are welcome. If the weather doesn't cooperate, not to fear-- rain date is Sunday, August 26th.

On Thursday, September 6th, Westchester County will be holding a vote by member municipalities on the Shared Services plan mandated by New York State. Many of us have been working with the County to find new, innovative ways of sharing. We are hoping that public input will help flesh out the County's plan and so next Tuesday, August 28th, please mark your calendars for Westchester County's third public hearing on the Shared Services Plan for the same County-wide shared services plan mandated by New York State. Don't miss your chance to weigh in at the White Plains Public Library Auditorium between 3 and 5PM. You can learn about the plan by visiting westchestergov.com/shared-services.

On Wednesday, August 29th, the Ossining School District will be hosting a Welcome Party for new families with children entering the school district in Ossining on Everett Avenue near Park School, beginning at 9:30AM. There will be lots of local organizations represented, so spread the word and meet some new neighbors!

Although a few weeks out, we have a lot of exciting events coming up in September. Don't tell the little ones, but "Back to School" time is almost here! When you're out and about shopping for school supplies, consider picking up some extras for students in our community who could use a boost. The J.W. Cofield Scholarship Ministry, in partnership with Star of Bethlehem Church, will be holding their "Back 2 School Bash" on Saturday, September 1st between Noon and 3PM. They are looking for backpacks and school supplies-- can you help? Donations can be brought to the Church at 304 Spring Street or to IFCA at 138 Spring Street.

Save the date for the Down to Earth Farmer's Market on September 8th-- the Annual Corn Roast is a community favorite, and perfect for getting in those last few tastes of the summer season! It is also Climate Action Day and you can learn how you can help sustain our planet. Also that day? The Ossining Matters 5K/2M Run/Walk! It should be a beautiful day for a romp through the Village. Check out www.ossiningmatters.org for some more info about the routes and how to register-- proceeds go to benefit additional programs and opportunities for students not covered by the annual district budget. Plus there's still time to register for Lobsterfest that night through the Greater Ossining Chamber of Commerce. This is always a great event so get on the list now to mark a lobster dinner as your own!

III.LIAISON REPORTS

IV.DEPARTMENTAL REPORTS

- **Departmental Report: Thomas Warren, Town Comptroller**

Town Comptroller Thomas Warren read the following report:

Town Comptroller Thomas Warren thanked Supervisor Levenberg and the Town Board for inviting him to present a mid-year Town financial review, and said that he was pleased to represent the Finance Department, and thanked his staff who works hard, especially Deputy Comptroller Dale Ferreira, and the new Accountant in the office (here almost one year), Liz Naccari.

There are three reasons as to why late July/August/early September period was a good time to review Town finances and discuss the nature and timing of the major revenue

categories and expenditure categories. (1) August is when the Town generally goes to the “bond market” to borrow moneys for capital projects, and part of the process may involve needing a bond rating from Moody’s Investors Service to sell serial bonds. Although, this year the Town was only issuing a one year Bond Anticipation Note (BAN), so no bond rating was necessary, which saved money by not having to pay for a bond rating. The Town has an underlying bond rating of Aa2, which is in the “excellent credit” category. (2) Another reason for reviewing Town finances year-to-date at this time of year is that large revenues are slow to show trends (for example, second quarter of sales tax distribution revenues is received in August, and the Nutrition Program state/federal aid is very slow to materialize), and on the expenditure side, budget variances (positive and negative) may start showing, so the Town can react and make budget changes to keep things in check. (3) Reviewing the Town’s budget vs. actual status at this time of year may also help the Town to develop the next year budget. For instance, downward revenue trends may need to be factored in, or there may be a need to increase appropriations.

Auditor’s Report: Just last month, we had a presentation from our auditors at O’Connor Davies, who reported on the excellent financial condition that the Town is in – a very healthy fund balance, coupled with very low outstanding debt.

BAN Sale: This year’s Bond Anticipation Notes (BAN) borrowing was \$2,202,791, which was about \$472,000 less than 2017’s BAN borrowing. There were no new borrowing additions to this year’s BAN, only roll-over of the prior year BAN after the budgeted paydown and an additional \$126,063 from Highway fund balance. The BAN includes the following projects: Old Albany Post Road Dead-End Improvements, Tax Reassessment Phases II & III, Spray Park Project, LED Streetlighting Project, Improvements at Dale Cemetery (2017), and Heavy Machinery & Equipment (2017). On the Old Albany Post Road Dead-End project, we had to retire \$126,063 more than was budgeted in the 2018, because the first of the three borrowings on this project had reached the maximum five years borrowing life without being converted to a long-term serial bond, and it was not cost-effective to issue such a bond this year, as we are still working with FEMA to get more Federal aid on this project. Our recommendation is to use Highway Fund fund balance to make this additional debt payment, which is consistent with the Town’s fund balance policy, and we will submit this budget modification for the Town Board’s approval at next week’s legislative session.

When the Town opened the bids for the sale of the BAN, we received three competitive bids, all of which were closely grouped with net interest costs ranging between about 2.01% and 2.39%. We accepted the low bid from Jefferies LLC, for 2.0079% net interest cost, and had the BAN closing last week.

Revenues: There are three large revenues to monitor, and which generally guide the revenue side of the budget: property taxes, mortgage tax, and sales tax distribution.

Property Tax revenues for the year won’t be known until we calculate the 60 day availability amount at the end of February 2019, but there are certain trends that we can look at now. Tax Receiver Holly Perlowitz recently filed her July monthly report, which included commentary on collection of delinquent taxes, and that current unpaid tax liens are less than those unpaid a year ago. In fact, unpaid taxes and tax liens year to year at the end of July are \$65,278 less this year, which is 5% less. So, we don’t know at this time how property tax collections will fare for the year, other than the year-to-year monitoring and comparisons. And, in the end, the amount of unpaid taxes taken to tax liens is such a small percentage of the total levies collected by the Receiver of Taxes, so it may not necessarily be that big a factor. Plus, the Town generally receives all of its property taxes, one way or another.

Mortgage Tax revenues for the first half of 2018, \$279,520, is consistent with that received in prior years 2013 to 2016, and should allow the Town to achieve our budgeted Mortgage Tax revenues estimate of \$546,281 for the year. Unfortunately, the Mortgage Tax revenues of \$1,010,883 received in 2017 appears to have been just a one-time high revenue amount. The Town had not seen \$1 million in annual Mortgage Tax revenues since 2008, before the Great Recession.

Sales Tax Distribution revenues are typical for 2018. This month, we just received our second quarterly Sales Tax Distribution payment, which brings the two payments to date to \$425,123, which is 7% more than the amount received for the first two quarters in 2016, and is 60.7% of our budgeted Sales Tax Distribution revenues estimate of \$700,000 for the year.

Expenditures to Date: On the expenditure side, much of the budget is predictable, for salaries and employee benefits, debt service, and many types of contractual expenditures. Due to the large number of expenditure accounts, I generally look at categories of expenditures (such as personal services, equipment, contractual expenses, employee benefits, etc.) to ensure that expenditures by category are trending as expected. I also factor in the type of expense, as payroll expenses show up quicker than contractual expenses due to the nature of the accounts payable process. In summary, for 2018 so far, expenses are generally trending as expected, with no unforeseen challenges for the Town.

However, there are two large vehicle/equipment capital purchases this year that need budget modifications to provide the needed appropriation to keep the budget in check: Parks Dept truck \$59,841, and Highway street sweeper \$71,780. Our recommendation is to memorialize the decision to use fund balance to finance a portion of these items with appropriation of fund balance in a budget modification, which we can provide the Town Board for adoption at next week's legislative meeting.

So, the good news on the expenditures side, plus the good revenue trends so far in 2018, I'd conclude that the Town is still in excellent financial condition, and the Town should end the 2018 budget year in very good shape.

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes-Special Meeting

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the August 7, 2018 minutes of the Special Meeting as presented.

**Motion Carried 3-2-0
Ayes: D'Attore, Feldman &
Levenberg
Abstain: Shaw & Wilcher**

B. Approval of Voucher Detail Report

Councilmember D'Attore moved and it was seconded by Councilmember Shaw that the following be approved:

Resolved, that the Town Board hereby approves the Voucher Detail Report dated August 21, 2018 in the amount of \$167,919.27.

Motion Carried: Unanimously

C. Resolution Authorizing the Town Supervisor to Sign a Memorandum of Understanding with Neutron Holdings, Inc. D/B/A Lime Bike

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

RESOLVED that the Town Supervisor is authorized to sign a Memorandum of Understanding with Neutron Holdings, Inc. d/b/a Lime Bike for the operation of a popup business to provide bicycles within the Town of Ossining between September 15 and 21, 2018, subject to approval by Town Counsel as to form.

Motion Carried: Unanimously

D. Resolution of Support- Hudson River Estuary Program Grant

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Whereas, the Town of Ossining owns parkland at 1 Westerly Road, Louis Engel Park, along the Hudson River; and

Whereas, the Louis Engel Park beach provides river access to the community for fishing, kayaking, wading, and other forms of water recreation; and

Whereas, the Town is interested in rehabilitating the Louis Engel Park beach to provide enhanced river access to the community for other forms of water recreation including swimming; and

Whereas, improvements to the Louis Engel Park beach will employ sustainable shoreline practices as well as universal design to protect the area from storm damage and allow for people of all abilities to enjoy the beach area; and

Whereas, funding is available from the New York State Department of Environmental Conservation's Hudson River Estuary Program for planning for Hudson River Shoreline Access Retrofits, including the scope of the desired improvements to the Louis Engel Park beach; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby endorses an application being made by the Town Supervisor's office to the New York State Department of Environmental Conservation's Hudson River Estuary Program for planning for the rehabilitation of the Louis Engel Park beach.

Motion Carried: Unanimously

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

VIII. MONTHLY REPORTS

IX. VISITOR RECOGNITION

X. ADJOURNMENT TO WORK SESSION

At 8:04 P.M., Councilmember D'Attore moved and it was seconded by Councilmember Shaw to enter into Work Session

Motion Carried: Unanimously

XI. WORK SESSION

- **Leaf Blower Local Law- Discussion**
- **Executive Session: Advice of Counsel, Contracts & Personnel**

At 9:08 P.M., Councilmember Shaw moved and it was seconded by Councilmember Wilcher to leave Executive Session.

Motion Carried: Unanimously

At 9:09 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Shaw to Adjourn Executive Session.

Motion Carried: Unanimously

Approved:

Victoria Cafarelli Interim Town Clerk