



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

**FEBRUARY 12, 2013
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Peter Tripodi Northern Wilcher**

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

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

II. Public Hearing in the matter of Cabaret License for North River Hospitality.

III. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

This has been a very exciting year for the Town of Ossining. The Town Board and the administration have been dedicated to accomplishing the goal of keeping services at the high level that the residents deserve, while being fiscally conservative with expenditures. We have had many learning experiences and have made sure that we communicate these experiences, as well as the nuances of Town Government, to the residents whenever possible. Our commitment to open government will continue, and in most cases, our Department Managers share this philosophy and have risen to the occasion.

We have concentrated on many issues in 2012, but they can be broken down into three distinct, but related, categories: staffing, structuring, and savings.

One of this Board's top priorities is to maintain appropriate staffing levels within the Town, as well as ensure that every job is performed efficiently and effectively. We have accomplished this by analyzing each departmental function, and making sure that staffing levels are always sufficient, seriously considering which vacancies need filling and which we can work without. That being said, this year we have hired a new Assessor, a new Assistant Court Clerk, a new Highway Laborer and a new Part-Time Paralegal, all of whom are filling vacancies left behind by other employees and affording the Town savings on salaries and longevity payments. The Town also plans to hire an additional Parks Department employee in 2013 to support the growing needs of the many large Parks under the Town's responsibility.

We have also enacted new policies, and updated older ones, to make sure that all of our employees have an understanding of what is expected of them at work. Unfortunately, in the handful of cases where we were not pleased with employee performance, we addressed the issue immediately and have not hesitated to take disciplinary action against employees not working up to Town standards. You have

the commitment of this Board that we will continue to monitor employee performance, while supporting the vast majority of our employees who embody the true spirit of the Town and work above and beyond our standards. We could not say this so confidently without the support of our unions, both of whom have been extremely cooperative during hard financial times and have been true partners in making the Town run smoothly. We look forward to negotiating our new contract with CSEA this coming summer.

We have also concerned ourselves regularly with updating policies to serve the Town's current needs. Our Board has passed a policy requiring vacancies to be filled by Ossining residents whenever possible, updated the Non-Union Employee Handbook, and has even enacted the use of biometric time clocks to create more accountability on the job. We have also enacted policies that will help our employees with their everyday job responsibilities, such as requiring defensive driving classes for anyone driving a Town vehicle, having Town seals visible on all Town vehicles, and getting photo identification for each employee who interacts with our residents, for their safety and for yours. The last major staffing issue pertains to our police force. Through working with our last remaining police officer out on 207-C disability, and with the tireless help of our labor counsel, this officer has retired effective December 31st, 2012. Consequently, the Town's liability in regards to this officer will be reduced by close to one million dollars over the coming years.

Our next focus has been on structuring, and the transparency that comes with the "Open Door" policy that the Town has committed to follow. We have recently completed the state-funded study of Governmental Options with our partners at CGR in Rochester, and have learned many lessons about the functions of all governments that fall under the Town "umbrella". One of the biggest lessons, however, is seeing how ahead of the curve the Town of Ossining is, compared with other municipalities in New York State and nationally.

One of the most significant changes we've made in 2012 was to contract with the Village of Ossining for our engineering services after we parted ways with our prior consultant; the results of this have been hugely beneficial in terms of saving taxpayer money on all fronts, from the cost savings of staffing under this IMA to the huge savings realized through properly planning capital projects and eliminating waste.

We have also endeavored, with the Village of Ossining, on our first year of a consolidated court, making us the first municipality in the area to reduce redundancies in the local court system. 2012 was the initial year of combining a very busy Village of Ossining Court with the Town Court. The Court is working on documenting procedures as we continue the learning curve into 2013. We are constantly evaluating the different job functions of the court clerks and as of December 2012 they have reduced the work force in the department by one full time employee. There have been some bumps in the road but communications and commitment to the end product is what both the Town and Village are looking for. Finally, we started a new program in the Town this past year where we take every third Work Session and hold a Town Hall Meeting for our residents, which have served as open forums during which you have the Town Board's attention: the agenda is dictated by resident interest. We will continue to have our Town Hall Meetings approximately every six weeks. Our first in 2013 was on January 29th where we discussed self-reliance and neighborhood reliance. We had a great presentation from Lieutenant Alongi, which you can view on line on the Town's web page. We also had a company representing a solar solution to grid dependence and a short discussion on the Northern Westchester Energy Action Consortium, or NWEAC. We are looking for all of these groups to be represented at Earth Day, where you can find out more information. This presentation turned out to be even more timely than expected- after our storm this past weekend, we were very lucky to have more information on how best to prepare. Our next will be held on March 5th at 7:30 PM at the Library. The Westchester County Executive will be joining us, so prepare your questions, research your concerns and come out and join us for a session of "Ask Astorino".

The Town Hall Meetings are YOUR meetings, so after a short Powerpoint presentation, the floor will be open for you to ask whatever questions you may have about the County level of our government. We don't always get the opportunity to talk with these representatives in such an open forum, so now is a good opportunity. We are fortunate to have local County and State representatives who regularly hold open meetings/coffees for the community; this gives you the opportunity to talk to the County Executive in the same manner.

These meetings have allowed the Town Board to focus on quality-of-life issues in our community, many of which were brought to the Board's attention by concerned residents at these meetings. One major accomplishment was making our parks safer and cleaner when, at the recommendation of the Recreation Advisory Board, the Town made it illegal to smoke in areas of Town Parks where children congregate. We also started a Group Home Task Force in response to a community in the Town dealing with some growing pains from their new neighbors- after weeks of research, meetings and commitment from all sides to move forward together, we ensured that this valuable asset in our community was able to fit in seamlessly and improve for all residents. We also signed on with the "Energize Ossining" PACE program, allowing commercial property owners to pay for energy-efficient improvements through low-interest loans, payable on their Town tax bills.

We also have been alerted to the issue of the SRO, or Student Resource Officer, in the Anne M. Dorner Middle School, the only school physically located in the Unincorporated Area of the Town. Some residents were concerned about the expense of the officer being shouldered by a small segment of the population, while still others worry about the safety and social outcomes for students in the event that this position was no longer funded. Through working cooperatively with the School Board, the Westchester County Police, the Towns of New Castle and Yorktown, as well as the Villages of Ossining and Briarcliff Manor, we hope to have a solution to this issue that satisfies all residents while ensuring the safety and social development of our students in the Middle School.

The community also had many concerns about our sanitation contract renewal- the Board, while analyzing options to lower contract pricing, had proposed that all bidders consider both two and one pickups per week. The residents were enthusiastic in that they needed for the two-day pick up to continue, and the Board listened. This is the kind of input the Board wants from you, our residents. We are here to serve the residents of Ossining, and we can only respond to issues if we're aware of them. We want to thank you all for your input and hope that it continues into 2013.

This transitions us into perhaps the cornerstone of this Board's philosophy, from which all other practices have grown- our commitment to saving taxpayer dollars wherever possible, which we have done through a combination of policies and to create the checks and balances necessary to run our municipality while making the most of our resources. Perhaps one of the most important steps has been focusing on our procurement policy and making sure that it is followed by all departments, regardless of the project.

Our Procurement Policy is a method of enforcing the existing policy of purchasing through a bid process when necessary, as well as the use of the purchase order system for other items. However, this does not give any Department Head the authority to make unjustified purchases just so long as they are under \$999, nor to dissect and manipulate invoices to keep them under this threshold. Every project expected to radically change procedure within any department must be presented to the Town Board, and must include any changes to the way we "do business" now, the use of other department employees, the total estimated cost of the project, and the return on investment to the community. We will review these projects at our work sessions, and the Town Board will make its decision after seeing all justifications.

Understanding and following the procurement policy (which is available on the Town of Ossining web page) is essential for the Town to not only be competitive but also free from any perception of improper purchasing practices. In 2012, we have seen a number of our capital projects come in very competitively priced during these times when contractors (just like the rest of us) understand the need to be competitive to stay in business. On smaller purchases, the requirement of three bids has helped the Town as it forces the Department Heads to seek out competitive sources for materials and equipment.

It is the opinion of the Town Board that simply throwing money at problems, or adding employees to our payroll, does not solve any major issues. We must all work smarter, harder and come up with constructive solutions every day. As we move into a period of less subsidy from state and federal governments, coupled with dwindling local revenues like mortgage tax and sales tax in an uncertain economy, it is essential that we do not burden the taxpayer unnecessarily. Our mantra has been to “think outside the box”- we are always looking for our department managers to come up with proactive creative ideas on how to do things more efficiently, and continuing to provide the excellent service the residents of the entire Town have come to expect.

We have also taken great strides to make the most of our resources to relieve the tax burden on our residents by way of promoting the North State Road Business District- we have done this with signage on North State Road, as well as by aggressively marketing the police station with hopes of bringing a new business to our community, as well as a new property on the tax rolls.

Perhaps the most important aspect of the Town’s savings is looking forward and considering where the Town will be years down the line. Our conversations with Moody’s Investors Services earlier this year cemented many goals that I’ve already spoken about, but one of the most crucial to them was that the Town maintain, or better yet, GROW, our fund balance accounts.

Lastly I would like to thank the Town Board, the Administration especially our Budget Director Maddi Zachacz, and Town Counsel Wayne Spector for working so well together as a TEAM during these every exciting times for the Town.

Town Comptroller Thomas Warren read the following statement:

I am pleased to provide this early preliminary review and analysis of Town finances for the fiscal year ended December 31, 2012 as part of the Town Supervisor’s State of the Town address. In this discussion, please keep in mind the following caveats:

- 1. Our accounting records are still open for the 2012 year, and we are still recording revenues and expenditures for 2012.**
- 2. Real Property Tax revenues need to be adjusted to reflect the availability of property tax receivables for the first sixty days of the 2013 year. Consequently, this revenue adjustment cannot be computed until March 1, 2013. Later, I will discuss this potential adjustment.**
- 3. We are primarily limiting our discussion to the three primary operating funds of the Town – the Town-Wide General Fund, the Unincorporated Town Fund that covers the Town-outside Villages area, and the Highway Fund. These three primary operating funds of the Town consist of the majority of Town operations, and are the funds that Moody’s Investors Service focuses on during their periodic bond rating reviews.**

The sound financial policies and procedures that have helped the Town of Ossining to improve its finances and fund balance position in 2010 and 2011 have continued in 2012. These measures have increased the unassigned fund balances (i.e., the available surplus, formerly referred to as unappropriated fund balance) of the Town’s three primary operating funds (Town-wide General Fund, Unincorporated Town Fund, and Highway Fund) from approximately \$2,470,000 at the end of the 2011 fiscal year, to an estimated \$2,780,000, an increase of about \$308,000 (+12.5%) and its highest level since 2002. This estimated unassigned fund balance of

\$2,780,000 represents approximately 25% of the 2013 budget, up from 22% of budget at 12/31/2011, and is at the level generally recommended by Moody's Investors Service bond rating agency. The improved financial position of the Town is evidenced by not having to issue a Tax Anticipation Note (TAN) in 2012 for cash flow purposes, and was a positive factor cited by Moody's in their bond rating this past year. In January 2010, the Town issued a TAN for \$4.4 million, which was reduced to a \$900,000 borrowing in January 2011. Although a 25% surplus might seem high, especially in this difficult economy and with the tax cap limitations, I wish to remind the Board and public that this available fund balance at 12/31/2012 has to be sufficient to finance Town operations for the first three to four months of the 2013 year until the April property tax bills are sent out and collected. Also, this surplus does not necessarily equate to cash, since some 2012 revenues are not received until January or February 2013. In addition, on April 5, 2013, the Town must make the two school districts whole for any uncollected school district taxes; in 2012, this amounted to nearly \$1.67 million.

Prior Years Review

As discussed in prior annual fiscal reviews, 2009 was a difficult and challenging year financially for the Town. At the end of 2008, just as the economic recession was taking hold, the Town's combined fund balances for the Town's three primary funds – the Town-Wide General Fund, the Unincorporated Town Fund, and the Highway Fund – was only about \$139,000, which represented just 1.2% of the 2008 budget. With the positive and effective steps taken to reduce appropriations and from the sacrifices that the Supervisor and Town Board, department managers and employees made, the combined fund balances for the Town's three primary funds have continued to increase each year, for four years now, to the estimated \$2,780,000 level.

Property Tax Collections

Despite the Town's success in controlling the budgeted appropriations in the past four years, the "wild card" was property tax collections, since the Town is responsible for enforcing and guaranteeing unpaid Town, County and School property taxes. The amount of unpaid tax assets that the Town has to guarantee and pay to the County and School Districts affects the amount of fund balance at year-end. As of 12/31/2008, the unpaid property taxes (excluding current year school taxes which does not get factored in) aggregated about \$447,000, and grew to more than \$1.2 million at 12/31/2009, but had leveled off and decreased to approximately \$1,064,000 at 12/31/2011. However, preliminary figures are that the amount of unpaid tax assets has increased approximately \$118,500, to \$1,182,477 as of 12/31/2012. Although the large amount of unpaid property taxes is unfortunate, it is generally a question of timing of revenue recognition, and these property tax revenues will materialize in a future fiscal year as delinquent property taxes are paid, or as properties are foreclosed upon and sold. In other words, when the taxes are collected, the fund balance will be increased.

Despite the increase in unpaid taxes at 12/31/2012, the application of generally accepted governmental accounting principles for the recognition of property tax revenues (i.e., inclusion of tax collections in the first 60 days of the ensuing fiscal year) will result in an accounting adjustment of property tax revenues for 2012. Based on the increase in unpaid property taxes from 2011 to 2012, and which continues into 2013, I estimated an increase allowance in the amount of deferred tax revenues of \$118,500 and a corresponding Real Property Tax revenues decrease of the same amount.

Tax Certiorari Claims and SCAR's

Also, the large amount of tax certiorari claims and small claims assessment reductions (SCAR's) continues to impact the Town's finances, in terms of debt being issued to pay such claims, and the impact on the tax base. In 2012, the Town

expended \$256,448 on tax certiorari claims and SCAR's, which is reduced from prior years' levels (\$465,809 in 2011).

Review of 2012 Operations

As was noted during my first review of 2012 Town operations in May, it was evident that certain revenues estimated in the 2012 adopted budget (such as Interest and Earnings, Park and Marina Fees, Alarm Fees and Fines, Impound Fees, Mortgage Tax, and Sales Tax Distribution) would not fully materialize. However, at the time, we were able to predict that Franchise Fees would exceed the amount estimated in the budget, and certain large Building Department revenues would help to offset the revenue shortfalls. Interest and Penalties on Taxes and Court Fines and Fees have also exceeded budget revenue estimates in 2012. As can be seen from the 2012 revenues budget to actual report, revenues overall should exceed budgetary estimates by an estimated \$58,000 for 2012, which is very good news for the Town.

In addition, expenditures were well within budgetary appropriations for 2012, with no fund being overexpended, which helped to increase fund balance at year-end. Departments that had significantly stayed within their authorized appropriations include Town Justice Court, Town Supervisor, Town Attorney, Police, and Highway Snow Removal. Also, Employee Benefits expenditures were well within the amount budgeted, due in part to employee and benefit cost-savings. Unexpended appropriations are estimated to exceed \$300,000 in the Town-wide General Fund, \$110,000 in the Unincorporated Town Fund, and \$190,000 in the Highway Fund.

Please note that the above expenditure variances do not account for the anticipated FEMA reimbursement for Superstorm Sandy. Because of the time involved to gather the data, and the delay in receiving reimbursement from FEMA, any such revenues will not be considered "available" and will not be recorded in fiscal year 2012, and the Town will have to absorb the Sandy expenditures incurred within the 2012 operating budget. The revenues will be recorded when received in 2013.

As noted above, the excess revenues received in 2012, coupled with the unexpended appropriations, helped to increase the unassigned fund balances of the three primary operating funds to \$2,780,000 at the end of 2012. Another positive factor and sound financial action was the reduced reliance on appropriated fund balance in the adopted budgets and the inclusion of Contingency Funds for unanticipated expenditures, which contributed to the retention of fund balance.

So, congratulations, to Supervisor Donnelly, the Town Board, and to Budget Officer Maddi Zachacz, for a job well done in improving the Town's financial position for 2012.

Notes of Appreciation...

I am available if there are any questions related to this document or Town finances. I sincerely thank and appreciate the dedication and work put forth by Deputy Comptroller Dale Ferreira and the Finance Department employees throughout the year, as well as the support from the Town Supervisor, members of the Town Board, Town department heads, and employees.

Councilman Harter thanked Tom Warren for his expertise in the financial condition of the Town of Ossining. We will forever be in your debt.

Councilman Wilcher thanked Supervisor Donnelly, Comptroller Warren, Budget Officer Zachacz, Deputy Comptroller Ferreira doing such a wonderful job. Thank you for your hard work.

Councilman Blaha commended Madam Supervisor for an excellent report and also thanked the entire Town staff.

Supervisor Donnelly looks forward to a better 2013 with this budget belonging to this Board.

Supervisor Donnelly announced that on April 20 there will be an Earth Day Celebration which will be an educational day. Vendor applications will be available at 16 Croton Avenue in the Supervisor's office. The Green Committee will be planning this educational day.

The Village of Ossining will be celebrating the Bicentennial in 2013 with many events planned for the year.

Councilman Harter congratulated Ossining High School Senior Girls Basketball Team Captain Saniya Chong who broke the all time scoring mark with 3 point record. Miss Chong has signed a letter of intent to go onto the University of Connecticut.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes

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 January 22, 2013, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 approves the January 29, 2013, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated February 12, 2013 in the amount of \$185,146.51 for 2012 and \$611,529.11 for 2013 for a total of \$796,676.62.

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 2013; 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 February 12, 2013, 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 February 12, 2013; 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. Call-a-Cab Agreement

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

Resolved, that the Town Board hereby authorizes the Supervisor to sign an agreement with the following cab companies for participation in the Call-a-Cab Program for the period ending December 31, 2013:

- Mega I Car Service
- Ecuca Taxi Limo
- A.J.'s Taxi
- B.C. Taxi Service
- Amigos Taxi
- Capricorn Taxi
- Big Taxi

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

- Town Planning Board meeting minutes date January 28, 2013

Motion Carried: Unanimously

VII. MONTHLY REPORTS

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

- **Town Clerk's Monthly Report-January 2013**
- **Town Building Department Monthly Report –January 2013**
- **Tax Receiver's Monthly Report-January 2013**
- **G.E. Helicopter Report –January 2013**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE

At 8:12 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