



## SPECIAL MEETING

TOWN BOARD  
TOWN OF OSSINING  
OSSINING PUBLIC LIBRARY  
53 CROTON AVENUE-BUDARZ THEATER  
OSSINING, NEW YORK

MARCH 15, 2016  
7:30 P.M.

SUPERVISOR  
Dana Levenberg

### COUNCILMEMBERS

Karen M. D'Attore Elizabeth R. Feldman  
Kim L. Jeffrey 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 March 15, 2016 in the Ossining Public Library, 53 Croton Avenue –Budarz Theater in Ossining. The meeting was called to order at 7:31 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Kim Jeffrey Northern Wilcher, Elizabeth Feldman and Karen D'Attore. Also present were Town Counsels Steven Silverberg, Christie Tomm Addona and Budget Officer Madeline Zachacz.

#### II. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

*Welcome everyone to the Special Meeting of the Town Board, as well as to our Town Hall meeting. We have a few important items on our agenda for this evening.*

*First, I'd like to wish everyone a very happy St. Paddy's Day, and thank Michael G. O'Connor for representing us so well as Aide to the Grand Marshal in the Sleepy Hollow Parade this past weekend. Big congratulations are in order for the Ossining High School Girls Basketball team for their fourth straight New York State Championship win this past Saturday—and thanks to our police, ambulance and fire departments for welcoming the bus back in style with a procession to the high school parking lot when the girls arrived back in Ossining on Sunday morning. This is a phenomenal showing of our talented team and coaches and I know we all wish them ongoing success. We look forward to hearing that they are also a scholar athlete team, so that means they manage to be great on the court and in the classroom.*

*Also, I would be remiss if I did not mention the incredible production by the OHS Drama Club of *In the Heights*. The students and faculty really outdid themselves this year- ask any of the hundreds who packed the house Wednesday through Saturday. It was certainly a performance to remember.*

*As most of you know, assessment notices went out yesterday, so you may have received yours in the mail today or will shortly. There is information on the front table here tonight, and it will be posted on the Assessor's page to help you with next steps if you believe your assessment does not correspond to the market value of your property. Your first step will be to make an appointment with Tyler Technologies by calling 1-800-273-8605.*

*Town/County Tax Bills are scheduled to go out next week—which are still based on the old assessed values. You may pay on line, or in person at 16 Croton, and if you do come in person, you can get a receipt and post-date your check so that it will be sure to get in before the deadline. If you mail your check, be aware that the post office is inconsistent and often unreliable, and just getting a hand cancellation does not guarantee you anything. If you take the time to do that, we suggest you instead pay the Receiver's Office a visit at 16 Croton. Or if you do choose to mail your payment, please call the Receiver's Office to make sure they received it in advance of the deadline which is May 1<sup>st</sup>, so you can avoid having to pay any penalties.*

*April 16<sup>th</sup> is our Earth Day celebration organized by Green Ossining. There's still time to sign up for a booth. May 7<sup>th</sup> is our first Annual Health and Wellness Day and booths are available for that day as well, in support of the Baker-Collyer Cheer Fund. The Greater Ossining*

*Chamber of Commerce's Village Fair is scheduled for June 11<sup>th</sup>. We have links on our web page if you would like to secure a booth for any or all of these local events, and encourage you to do so, as well as mark your calendars to attend.*

*On tonight's Special Meeting agenda, we will be accepting the Town Court Audit 2015 by O'Connor Davies. I am pleased to report it was a clean audit, as expected. Our Town Comptroller Tom Warren noted he was very impressed with the court's accounting, procedures, checks and balances.*

*Next, we are accepting the revised bylaws of the Ossining Recreation Advisory Board, which have not been updated in some time. These were recommended by the Board, and add in specified term lengths for board members, which is always a good recommendation for healthy boards.*

*Next, we will be choosing a default rate for our Community Choice Aggregation program. This was discussed at our regular meeting last week, and the Board, as informally polled, indicated an interest in pursuing the default to be the 100% renewable option. You will hear about it in the resolution, and we will vote on it. Later in the Town Hall meeting, Leo Wiegman from Sustainable Westchester will speak on how the program will roll out.*

*Finally, for our Special Meeting, we will adopt a resolution allowing a charge to be levied on the tax roll for a loan repayment, allowing a local business that participated in the Energy Improvement Corporation financing plan to purchase solar panels, and that allows a municipality to levy 10 payments over 10 years on the tax roll.*

*Following the Special Meeting, we will hear a description from the new owners of Snowden House as to what improvements they will be making. They are asking for a Payment in Lieu of Tax extension, and have asked to present to us about their request. Then we will hear from Sunshine Children's Home about how their planned expansion has evolved in response to community requests and they will hopefully be able to answer questions from the public as well. We will hear from Sustainable Westchester about the CCA program roll out, and finally from Julie and Dennis Roche of Burbio about the latest new platform for a community calendar, which we hope will be easy to utilize by viewers and contributors and make it easier for everyone to find out what is going on in our communities.*

### **III. PUBLIC COMMENT ON AGENDA ITEMS**

### **IV. BOARD RESOLUTIONS**

#### **A. Town Court- Audit 2015**

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

**RESOLVED**, that the Town Board of the Town of Ossining hereby acknowledges that in accordance with the Unified Court System's Action Plan for Justice Courts, the 2015 Audit of the Town of Ossining Justice Court was conducted as required and said Audit has been distributed to and reviewed by the Town Board of the Town of Ossining.

**Motion Carried: Unanimously**

#### **B. Acceptance of Bylaws- Ossining Recreation Advisory Board (RAB)**

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 accepts the revised bylaws of the Ossining Recreation Advisory Board, adopted by the RAB on January 11<sup>th</sup>, 2016.

**Motion Carried: Unanimously**

#### **C. RESOLUTION CHOOSING DEFAULT RATE FOR CCA PROGRAM**

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

**WHEREAS**, the Town Board previously adopted a resolution unanimously authorizing the Town to participate in a Community Choice Aggregation Program ("CCA Program"). which

was intended to provide residential and small non-residential consumers “with the ability to lower their overall energy costs and the potential benefits of the CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources,” and as part of that resolution the Town Board authorized the Town Supervisor to execute any and all documents to give effect to the resolution; and

WHEREAS, in furtherance of the Town Board’s authorization, the Town Supervisor executed a Memorandum of Understanding (“MOU”) with Sustainable Westchester, a not-for-profit organization comprised of over forty municipalities in Westchester County, including the Town, for Sustainable Westchester to serve as Program Manager for the CCA Program; and

WHEREAS, Sustainable Westchester received compliant bids, as defined in the MOU, from several energy service companies and accepted a bid from ConEdison Solutions, pursuant to the terms of which ConEdison Solutions would provide electricity for a period of two (2) years at a lower fixed rate for both Basic Service Supply and 100% Renewable Energy Supply than the 2015 benchmark rate from the existing local utility as set forth in the below chart:

Rate Comparison		Westchester Smart Power Program rate choices with ConEdison Solutions	
Rate Class	Local utility rate in 2015 for Basic Service Supply (Brown benchmark)	100% Renewable Energy Supply (Green Option)	Basic Service Supply (Brown Option)
Residential (EL1)	\$0.0809	\$0.0768	\$0.0738
Small Commercial (EL2)	\$0.0968	\$0.0965	\$0.0961

; and

WHEREAS, as authorized by the Town Board, the Town Supervisor executed an agreement with ConEdison Solutions;

WHEREAS, because both the Basic Service Supply rate and the 100% Renewable Energy Supply rate are lower than the 2015 benchmark rate, the Town Board has to choose which rate to use at the default rate for electricity users within the Town participating in the CCA Program; and

WHEREAS, the Town Board recognizes that a main objective to participating in the CCA Program is to promote and pursue clean energy sources and given that: (1) the 100% Renewable Energy Supply is lower than the 2015 benchmark rate, (2) the Town Board understands from representatives of Sustainable Westchester that the annual difference between the 100% Renewable Energy Supply rate and Basic Service Supply rate will be relatively small (approximately less than \$30 per year for a residence), and (3) any electricity user within the Town participating in the CCA Program will be able to opt out of the default 100% Renewable Energy Supply and choose the Basic Service Supply;

NOW THEREFORE BE IT RESOLVED: the Town Board designates the 100% Renewable Energy Supply as the default rate for the CCA Program.

Motion Carried: Unanimously

**D. Resolution Authorizing the EIC Charge to be Added to the Tax Roll**

Councilmember Wilcher moved and it was seconded by Councilmember D’Attore that the following be approved:

WHEREAS, Article 5-L of the New York General Municipal Law, § 119-gg authorizes a municipality to establish a sustainable energy loan program using federal grant assistance or federal credit support, and

WHEREAS, Article 5-L § 119-gg(9) of the General Municipal Law allows the loan made under the sustainable energy loan program to be repaid by the property owner through a charge on the real property, which is levied and collected at the same time and in the same manner as municipal taxes, which charge must be separately listed on the tax bill, and

WHEREAS, the Town of Ossining adopted Local Law #4-2012, on November 13, 2012, to establish a sustainable energy loan program and to permit the Energy Improvement Corporation (“EIC”),

acting on behalf of the Town, to make funds available to property owners who qualify, and sets forth that repayment shall be made by property owners through charges on real property, and

WHEREAS, on November 19, 2012 the Town of Ossining authorized and executed the Energy Improvement Corporation Municipal Agreement, which under duties of the municipality in 2(b) requires the Town to add a charge to its tax rolls for each benefited property and to include the charge in the next tax levy so that the charge is due in the same manner and at the same time and in the same installments as the municipal taxes on real property, and

WHEREAS, an Energize Finance Agreement (“the Agreement”) was executed between the property owner Regatell Realty, LLC for property designated on the tax assessment map as 90.19.2-6 (“the Property”) and the EIC, and

WHEREAS, section 1 of the Agreement states that the property owner agrees to the repayment pursuant to Article 5-L of the General Municipal Law and Section 4(a) states the payments will be paid in 10 annual installments, collected by the municipality on the municipal tax bill, and

WHEREAS, the Annual Report Benefited Property List provided by EIC as required by the Municipal Agreement, provides that the amount of EIC levy to be added to the 2016 Tax Bill for the Property is \$26,094.76, which matches the total estimated annual payment on the Client Summary Term Sheet that was attached to the Finance Agreement, and

WHEREAS, the Town of Ossining is to reimburse the EIC by 5/30/16 after receiving the tax payment, as required by 2(c) of the Municipal Agreement and as provided on the Annual Report Benefited Property List.

Now Therefore It Is **RESOLVED**: the Assessor is authorized to add to the tax bill for the Property the sum of \$26,094.76 as a separate item for the EIC levy and the Receiver of Taxes is directed, upon receipt of payment to issue payment to the EIC, pursuant to the terms of the Agreement, for the amount of the EIC levy.

**Motion Carried: Unanimously**

**V. ADJOURNMENT –WORK SESSION**

At 7:48 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman the Special Meeting be adjourned.

**Motion Carried: Unanimously**

Approved:

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Mary Ann Roberts Village Clerk

BY LAWS OF THE OSSINING  
RECREATION AND PARKS  
ADVISORY BOARD

**ARTICLE I – NAME:**

The name of this organization shall be the “Ossining Recreation and Parks Advisory Board”.

**ARTICLE II – DUTIES AND RESPONSIBILITIES:**

**Section 1.** The Board shall consider suggestions , ideas, criticisms and changes proposed by Town and Village residents and organizations, or which may referred to it by the Superintendent of Recreation and Parks.

**Section 2.** The scope of subjects for Board consideration will be generally determined by the following definition of “recreation”.

Any activity or program (including facilities and personnel related thereto) which has, as its purpose, play, diversion, entertainment, or leisure activities for the general benefit of Ossining residents.

The Board shall, from time to time:

- a. Recommend programs, actions or activities that will foster community interest in Recreation;
- b. Recommend and advise of priorities for long range planning of programs and facilities;
- c. Maintain open communications with Ossining and Briarcliff Manor residents and interpret community needs and interests;
- d. Evaluate the maintenance and current uses of Town and Village parks for the purpose of developing recommendations for their improved use for recreational purposes as well as unprogrammed open space and other uses;
- e. Prepare and submit park and recreation studies as the Board and or the Town or Village Boards deem necessary;

- f.** Support, promote and assist in implementing all scheduled programs, activities and special events conducted by the Town and Village parks and recreation departments;
- g.** Remain informed on current trends in the parks and recreation field;

**h.** Advise on proposed recreation budget.

**Section 3.** The Board shall at all times endeavor to establish friendly and cooperative relationships with the schools (public and private) and other community groups which are concerned with Ossining recreation.

**Section 4.** The Board may undertake any activity which may be specifically authorized by the Town Board or Village Board.

#### ARTICLE III – MEMBERSHIP:

**Section 1.** The Board shall be composed of nine (9) residents from the Town of Ossining, five (5) shall be from the Village of Ossining appointed by the Village Board and four (4) shall be from the Town of Ossining appointed by the Town Board, two (2) of whom shall be from the Unincorporated Area of Ossining and two (2) from the Village of Briarcliff Manor. Each member of the Board shall be appointed for a term of three (3) years.

The Board shall elect one of its members to act as Chairperson for a term of one (1) year. No member shall serve as an officer for more than three (3) consecutive years. Election of Officers will take place in January.

**Section 2.** Each member of the Board shall have one vote.

**Section 3.** The Recreation and Parks Superintendent, one member of the Town Board and one member of the Village Board shall be ex-officio members of the Board. Ex-Officio members shall be non-voting members, who shall report to their respective Boards or staff regarding Recreation Board meetings.

**Section 4.** A vacancy in a Village membership on the Board shall be filled by appointment by the Village Board and a vacancy in a Town membership shall be filled by appointment by the Town Board.

#### ARTICLE IV – ORGANIZATION:

**Section 1.** The Chairperson shall preside at all meetings of the Board and shall perform the duties usually associated with the responsibilities of the Chairperson of such an organization.

**Section 2.** The Board shall elect one of its members to serve as Vice Chairperson during any absences of the Chairperson and assume the duties of the chair or chairperson as needed.

**Section 3.** The Board shall elect one of its members to act as Secretary. The

Secretary shall keep full and accurate records of all meeting of the Board and shall perform such other functions as may be incidental to the office. Copies of the minutes of all meeting of the board shall be distributed to each member of the Board, the Superintendent of Recreation and Parks, the Village and Town Boards' liaisons.

#### ARTICLE V – SUB-COMMITTEES:

**Section 1.** The Board may establish standing and Ad Hoc Committees as deemed necessary for the purpose of study or to promote the objectives or interests of the Board. Each sub-committee shall have its Chairperson appointed by the Chairperson of the Recreation Advisory Board.

**Section 2.** Sub-Committees may include other interested residents who may participate in meetings when pertinent but shall hold no voting rights.

#### ARTICLE VI – MEETINGS:

The Board shall meet nine times per year on a stated date to be selected by the Board and may hold such other meeting as the Board may from time to time determine. One-half of active members of the Board plus one shall constitute a quorum for the purpose of conducting business. If an odd number of active members, round down to nearest whole number. Any member of the Board who is absent for any three consecutive meetings (stated or adjourned) without an excused absence shall be automatically dismissed from the Board, unless reappointed by the governing body which originally appointed such member. Any reappointment shall not extend the term of such member.

As amended on January 11, 2016 by the Recreation Advisory Board.

The changes will not take effect until reviewed and approved by the Town Board of Ossining and the Village Board of Ossining.