



**AGENDA**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**APRIL 13, 2021**  
**REGULAR MEETING**  
**7:30 P.M.**

**THIS MEETING WILL BE HELD VIA VIDEO CONFERENCING ONLY**  
Pursuant to Governor's Executive Order 202.1 dated March 12, 2020

Members of the public can view the meeting via computer or mobile app:  
<https://us02web.zoom.us/j/83749759569?pwd=U0J0QnF4VFdRckEveXF4NnA0NVRyZz09>

Members of the public can listen to the meeting by dialing in via phone: +1 929 205 6099

Meeting ID: 837 4975 9569  
Passcode: 277959

**\*\*Please note that by dialing in, your phone number will be visible to the host, participants, and attendees of the meeting.\*\***

**SUPERVISOR**  
Dana A. Levenberg

**COUNCILMEMBERS**  
Elizabeth R. Feldman      Gregory G. Meyer  
Jackie G. Shaw      Northern Wilcher, Jr.

- I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL
- II. PUBLIC HEARING
  - 2021 Cabaret License Renewal for The Briarcliff Manor Restaurant and Catering Corporation
  - LL 3-2021: Amendment to Zoning Map to apply Tier 2 Battery Storage Energy Floating Zone to St. Augustine Church (381 North Highland Avenue)
- III. ANNOUNCEMENTS
- IV. LIAISON REPORTS
- V. DEPARTMENTAL REPORT
  - Town Clerk Susanne Donnelly
- VI. PUBLIC COMMENT ON AGENDA ITEMS
- VII. BOARD RESOLUTIONS
  - A. Approval of Minutes—Regular Meeting – March 23, 2021

Resolved, that the Town Board of the Town of Ossining hereby approves the March 23, 2021 minutes of the Regular Meeting as presented.
  - B. Approval of Minutes—Special Meeting – March 30, 2021

Resolved, that the Town Board of the Town of Ossining hereby approves the March 30, 2021 minutes of the Special Meeting as presented.
  - C. Approval of Voucher Detail Report

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated April 13, 2021 in the amount of \$511,959.37

**D. A Resolution Authorizing The Issuance Pursuant To Section 90.00 Of The Local Finance Law Of Refunding Bonds Of The Town Of Ossining, Westchester County, New York, To Be Designated Substantially “Public Improvement Refunding (Serial) Bonds”, And Providing For Other Matters In Relation Thereto And The Payment Of The Bonds To Be Refunded Thereby.**

WHEREAS, the Town of Ossining, Westchester County, New York (hereinafter, the “Town”) heretofore issued \$2,425,000 Public Improvement (Serial) Bonds, 2012, pursuant to various bond resolutions, as further described in the bond determinations certificate of the Supervisor dated September 27, 2012 (hereinafter referred to as the “Refunded Bond Certificate”), such Public Improvement (Serial) Bonds, 2012, being dated September 27, 2012 and maturing or matured on February 1 annually, as more fully described in the Refunded Bond Certificate (the “Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$1,200,000 outstanding principal balance of the Refunded Bonds maturing in 2022 and thereafter by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds described above, including providing moneys which, together with the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$1,500,000 pursuant to the provisions of Section 90.00 of the Local Finance Law (the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$1,250,000, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-21 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature

annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

**Section 2.** The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

**Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.**

**The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.**

**The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.**

**The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by Section 90.00 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.**

**Section 3. It is hereby determined that:**

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;**
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the Refunded Bond Determinations Certificates which are incorporated herein by reference;**
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the specific object or purpose for which said Refunded Bonds were issued in accordance with Section 90.00 of the Local Finance Law;**
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.**

**Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to**

refund all of the Refunded Bonds in the principal amount of \$1,250,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

**Section 5.** The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in the Local Finance Law.

**Section 6.** The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

**Section 7.** All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties

having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

**Section 8.** Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

**Section 9.** In accordance with the provisions of Section 53.00 and Section 90.00 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

**Section 10.** The Refunding Bonds shall be sold at public or private sale for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Supervisor is hereby authorized to execute and deliver a purchase contract or similar agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds if sold at private sale.

**Section 11.** The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

**Section 12.** All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

**Section 13.** The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

**Section 14.** A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said Town, together with a

notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**E. Contract – NYS DEC Urban and Community Forestry Grant Program**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with the New York State Department of Environmental Conservation for the purposes of receiving \$33,750 in grant funds through the Urban and Community Forestry Grant program to perform tree maintenance in Town of Ossining parks.

**F. Fee Schedule – Beekeeping Permit**

Resolved, that the Town Board of the Town of Ossining hereby adopts the following fee schedule for a beekeeping permit in the Town of Ossining:

\$75 for initial application

\$0 for renewal

**G. 2020 Justice Court Audit**

Resolved, that the Town Board of the Town of Ossining accepts the statement of cash receipts, cash disbursements, and cash balances of the Town Justice Court of the Town of Ossining, for year ending December 31, 2020.

**H. Personnel – Seasonal Laborer**

Resolved, that the Town Board of the Town of Ossining appoints Nicholas Ferrao to the seasonal position of Laborer in the Town of Ossining Highway Department, at an hourly rate of \$15, effective April 19, 2021.

**I. Call for Public Hearing: A Local Law known and cited as Regulations for Boat Launch at Louis H. Engel, Jr. Park**

Resolved, that the Town Board of the Town of Ossining hereby calls for a public hearing in the matter of Local Law #4 of 2021 to be held at 7:30pm on Tuesday, April 27, 2021; and

Be it further Resolved, that pursuant to the Governor's Executive Orders 202.1 and 202.15, and subsequently extended, this public hearing will be held via videoconferencing only, with the information to participate in the public hearing to be duly noticed and circulated in accordance with the requirements for noticing public hearings.

**J. Call for Public Hearing: A Local Law adding provisions for a local energy code under Chapter 63 (Building Construction) of the Town Code**

Resolved, that the Town Board of the Town of Ossining hereby calls for a public hearing in the matter of Local Law #5 of 2021 to be held at 7:30pm on Tuesday, April 27, 2021; and

Be it further Resolved, that pursuant to the Governor's Executive Orders 202.1 and 202.15, and subsequently extended, this public hearing will be held via videoconferencing only, with the information to participate in the public hearing to be duly noticed and circulated in accordance with the requirements for noticing public hearings.

**K. Call for Public Hearing: A Local Law adopting a new Chapter 166 (Special Events, Parades and Public Gatherings) of the Town of Ossining Code**

**Resolved, that the Town Board of the Town of Ossining hereby calls for a public hearing in the matter of Local Law #6 of 2021 to be held at 7:30pm on Tuesday, April 27, 2021; and**

**Be it further Resolved, that pursuant to the Governor's Executive Orders 202.1 and 202.15, and subsequently extended, this public hearing will be held via videoconferencing only, with the information to participate in the public hearing to be duly noticed and circulated in accordance with the requirements for noticing public hearings.**

**VIII. MONTHLY REPORTS**

**Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of March 2021:**

- **Town Highway Department**
- **Town Clerk**
- **Tax Receiver's Office**
- **GE Helicopter**
- **Town Supervisor**

**IX. VISITOR RECOGNITION**

*Visitors shall be accorded one (1) four (4) minute opportunity to speak*

**X. ADJOURNMENT**