



AGENDA
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
OCTOBER 9, 2018

7:00 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

II. PUBLIC HEARINGS IN THE MATTER OF:

(Visitors shall be accorded one (1) three (3) minute opportunity to address the public hearing)

- Public Hearing- Local Law #6-Solar Energy

III. ANNOUNCEMENTS

IV. LIAISON REPORTS

V. DEPARTMENTAL REPORTS

- Paul Fraioli, Town/Village Engineer

VI. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Resolved, that the Town Board of the Town of Ossining hereby approves the September 25, 2018 minutes of the Regular Meeting as presented.

B. Approval of Voucher Detail Report

Resolved, that the Town Board hereby approves the Voucher Detail Report dated October 9, 2018 in the amount of \$380,117.82.

C. CDBG Application, 2019-2021 Cycle, Bus for Senior Nutrition Program – Revised

Resolved, that the Town Board of the Town of Ossining endorses the Community Development Block Grant (“CDBG”) application entitled Bus for Senior Nutrition Program with a total project cost of \$230,000, \$75,000 requested from the CDBG program and \$155,000 provided as a local match comprised of a cash contribution of \$75,000 from the Town of Ossining and \$80,000 from the NYSERDA VIP Incentive Voucher program.

D. Engel Park- Greenway Grant

WHEREAS, the Town of Ossining is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Grant Program for a project entitled “Master Park Plan for Louis Engel Waterfront Park” to be located in the Town of Ossining; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the governing board of the Town of Ossining hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Grant Program, for a project known as “Master Park Plan for Louis Engel Waterfront Park” and located within this community.

E. Resolution Authorizing Supervisor to Execute Electric Service Agreement with Sustainable Westchester and Constellation NewEnergy, Inc. for Community Choice Aggregation Program

WHEREAS, the Town Board previously adopted a local law authorizing the Town to participate in a Community Choice Aggregation Pilot Program, which is intended to provide residential and small non-residential consumers “with the ability to lower their overall energy costs and the benefits of the CCA Program 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

WHEREAS, in 2016 the Town Supervisor executed a Memorandum of Understanding 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, in 2016 the Town Supervisor executed an Electric Service Agreement with Con Edison Solutions to provide power supply to Ossining residents in accordance with the CCA Program, and

WHEREAS, for municipalities in the territory serviced by Con Edison, including the Town, the CCA Pilot Program will conclude on December 31, 2018, and

WHEREAS, the Town Board desires to continue to participate in the CCA Program, recognizing the substantial benefits it has to the Town and its constituents to promote and pursue clean energy sources, and

WHEREAS, at its August 7, 2018 special meeting, the Town Board authorized the Supervisor to execute a new Memorandum of Understanding with Sustainable Westchester for Sustainable Westchester to serve as the Program Manager for the CCA Program and to solicit bids and perform such other services as may be reasonably required to facilitate the implementation of the CCA Program, and

WHEREAS, Sustainable Westchester sought bids from electric service suppliers for residential and small commercial properties and on October 5, 2018 the bids were opened and Constellation NewEnergy, Inc. was the winning bidder to provide services for 24 months with the possibility of a six-month extension with standard product residential and commercial rates of \$.07709 per kilowatt hour and 100% renewable clean power product residential and commercial rates of \$.079959 per kilowatt hour, and

WHEREAS, Sustainable Westchester has determined this bid to be compliant with the requirements for the CCA Program and the Town Board desires to enter into an agreement with Constellation to provide the services at the proposed rates, and

WHEREAS, when the Town Board approved the agreement with ConEdison in 2016 it selected the 100% Renewable Energy Supply as the default rate for the Town’s residents recognizing 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 comparable to the rate provided by ConEdison for residential consumers and substantially lower than the ConEdison rate for

commercial consumers, (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 clean power product and choose the standard product, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Electric Service Agreement with Constellation and Sustainable Westchester, subject to approval of Counsel to the Town as to form, and

BE IT FURTHER RESOLVED, the Town Board designates the 100% renewable clean power product as the Town’s default rate for the CCA Program.

F. Resolution Authorizing Town to Participate in Coalition for Purpose of Submitting Comments to IRS on Draft Regulations Regarding Charitable Contributions

WHEREAS, in response to the Federal Tax Cuts and Jobs Act (“TCJA”), the State of New York has enacted legislation as part of its FY2019 Budget that authorizes counties, local governments, and school districts to establish a charitable gifts reserve fund and to authorize a real property tax credit of up to 95% of the amount of a property owner’s monetary contribution(s) to an established charitable reserve fund during the “associated credit year”; and

WHEREAS, on August 23, 2018, the Internal Revenue Service (“IRS”) issued proposed regulations providing rules on the availability of federal charitable contribution deductions when the taxpayer receives or expects to receive a corresponding state or local tax credit; and

WHEREAS, the proposed regulations impair the incentives for individual taxpayers to make contributions to these charitable reserve funds; and

WHEREAS, state, county, and local entities, including the Town, have expressed confusion, doubt, and skepticism on the draft regulations and have raised questions as to whether they constitute an arbitrary and capricious interpretation of federal tax law; and

WHEREAS, the IRS has invited the public to submit comments on the proposed regulations no later than October 11, 2018; and

WHEREAS, State Assemblywoman Amy Paulin’s office has been working with Baker & McKenzie LLP to prepare comments on the draft regulations for submission during the public comment period on behalf of an ad hoc coalition of like-minded state, county, municipality, or school district agencies or organizations; and

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the Town to be part of the above-referenced ad hoc coalition solely for the purpose of submitting comments on the draft regulations by October 11, 2018 as prepared by Baker & McKenzie LLP, subject to approval by Counsel to the Town as to form, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the one-time payment of \$1,000 toward the administrative expenses of the ad hoc coalition in preparing the comments on the draft regulations, and

BE IT FURTHER RESOLVED, this resolution does not bind the Town to any further involvement or action with respect to the ad hoc coalition or authorize any additional financial contributions to the ad hoc coalition, which further involvement, actions and/or payments must be separately approved by the Town Board on a case-by-case basis.

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

Resolved, that the Town Board of the Town of Ossining hereby accepts the following meeting minutes:

- **Town Planning Board meeting dated September 5, 2018**

VIII. MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the following reports for the month of September, 2018:

- **Town Supervisor's Office**
- **Town Clerk's Office**
- **Town Building Department**
- **Town Tax Receiver's Office**
- **G.E. Helicopter**
- **Dale Cemetery**

IX. VISITOR RECOGNITION

X. ADJOURNMENT