



MINUTES
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
JULY 23, 2019
REGULAR MEETING
7:30 P.M.

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

The Regular Meeting of the Town Board of the Town of Ossining was held on July 23, 2019 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Northern Wilcher Jr., Jackie G. Shaw, Elizabeth R. Feldman and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Madeline Zachacz, and Confidential Secretary Victoria Cafarelli.

II. PUBLIC HEARINGS IN THE MATTER OF *Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.*
****TO BE HELD CONCURRENTLY***

At 7:32 p.m., the Public Hearing opened.

Supervisor Levenberg stated that we will be re-opening five public hearings, the first three of which pertain to the three referenda the Town Board is considering putting on the ballot for the November election, which will ask Ossining voters to contemplate changing the ELECTED offices of Superintendent of Highways, Receiver of Taxes and Town Clerk to appointive offices. Two questions that routinely are asked: Why these positions, and why now? In response to the first, Why these positions, the answer is simply: we are small. Between the Town General functions, and the Unincorporated Town, we only employ around 60 people. Every time we have a changeover in staff, we slow down and consider how to move forward—do we fill the same job? Do we make a full time job part time, or vice versa? Is this a job we can share with one of our Villages or have performed through an IMA? We are treating these positions the same as we do for every other role in the Town so that we can stay agile and address the immediate needs of our residents, rather than submitting a roll-over budget and never questioning staffing levels, re-visiting programmatic needs, or reallocating funds to areas of need. And that brings me to the second question, Why now? This year, we are in a position to look at two of three positions because of a recent or pending retirement. Particularly in jobs at the department head level, which tend to command higher salaries than our unionized staff, we are always on the lookout for the flexibility to share responsibilities and allocate resources more effectively. The fact that two of these three positions have been (or will soon be) vacated by long term incumbents underscores the importance of the process we usually take when considering vacancies. We are looking at this now because the opportunity has presented itself and we think it's worth discussing. The Town Board is merely suggesting a community wide vote. If you think this is a terrible idea, I urge you to come to the polls and tell us so. If you think it's a fantastic idea, I urge you to come to the polls and tell us so. If you are still on the fence, I urge you to learn more.

- **Local Law #4 of 2019 – Abolishing the office of Elective Town Superintendent of Highways and creating the office of Appointive Town Superintendent of Highways subject to a mandatory referendum***

At 7:40 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until August 6, 2019.

At 7:32 p.m., the Public Hearing opened.

- **Local Law #5 of 2019 – Abolishing the office of Elective Town Receiver of Taxes and creating the office of Appointive Town Receiver of Taxes subject to a mandatory referendum***

At 7:40 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until August 6, 2019.

At 7:32 p.m., the Public Hearing opened.

- **Local Law #6 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum***

Town Counsel Christie Tomm-Addona explained that if the Board were to adopt the local laws they would have to do so more than 60 days before the November election so that we are in compliance with the general municipal law and municipal home rule law. By the end of August, the Board will have to close the Public Hearing and vote on the local laws in order to be within the more than 60 days time frame before the November 5th election. The Public Hearing had been opened since February.

No one from the public came to speak on these local laws.

At 7:40 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until August 6, 2019.

At 7:32 p.m., the Public Hearing opened.

- **Local Law #7 of 2019- Amendments to Chapter 74 of the Town Code entitled “Dogs” to Regulate Registration for and Use of the Town’s Dog Parks.**

Supervisor Levenberg stated that based on the feedback received some changes were made to the draft of the local law. The Town will be placing dog signs in Cedar Lane Dog Park and Ryder Park Dog Run in an effort to encourage residents to provide feedback on the proposed local law.

Town Counsel Christie Tomm-Addona elaborated on the changes being made to the draft of local law #7. Concerns have been raised over the extra registration fee that residents in the Unincorporated Town, Village of Ossining, and Village of Briarcliff Manor that belong to the Town of Ossining are paying. The draft of local law #7 is being revised to address these concerns. We are still waiting to get more feedback from interested groups that have been reached out to regarding this law. We are specifically waiting to get feedback from the Village of Ossining and Village of Briarcliff Manor. One of the items the Town wants to discuss with the Village of Ossining is the possibility of the Village going on to the same licensing schedule that the Town is on. Local law #7 is intending to have dog licensing run June 1st of each year until May 31th of the following year. During that time period there will be a different colored tag that will be given to each dog during the registration period, thus making it easier to identify whether or

not a dog has been properly registered. If there is a different scheduling for when the licenses have to be issued it could make it difficult to identify what dogs have been properly registered since everyone wouldn't have their dog tags at the same point in time.

Councilmember Wilcher questioned why the dog tags wouldn't be plastic. Councilmember Feldman explained that feedback received had revealed that plastic dog tags break before the year. Town Counsel Christie Tomm-Addona stated that they would consider other type of materials to make the dog tags out of.

No one from the public came to speak on these local laws.

At 7:52 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned until August 6, 2019.

At 7:40 p.m., the Public Hearing opened.

- **Increase and Improvement of Facilities of Consolidated Sewer District In the Town of Ossining, Westchester County, New York**

Supervisor Levenberg explained that the Town is looking to borrow \$100K to make improvements to our Sewer District, specifically with regards to lift station generator replacement. The lift stations play a critical role in our sanitary sewer systems. Operating generators ensure that should power go off line to these machines, there is a backup in place so our sewer system can continue to operate. Our Highway Superintendent and Engineering team are currently surveying which generators are in most urgent need of replacement, and we can expect to purchase between 3 and 4 new generators with these funds. As we have used some of our fund balance in this District already this year to purchase replacement pumps, we were advised that bonding was the best way to go to initiate this next phase of upgrading our system.

Town Comptroller Tom Warren spoke about the bond and noted that there would not be a permissive referendum on it as a result of it involving special districts.

Superintendent of Highways Pete Connolly spoke about the use of generators for lift stations and the need for new ones.

Supervisor Levenberg discussed how backup generators help to repower pumps and lift stations after they fail during electrical surges. At times it does not work, but without backup generators it would be more likely that a pump failure will last for a longer period of time. Current generators are aging and need to be replaced.

No one from the public came to speak on this bond.

At 8:04 p.m., Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

At 7:52 p.m., the Public Hearing opened.

III. SPECIAL PRESENTATION

- **Rob Daniele of O'Connor Davies gave the following presentation on the 2018 Audit:**

Town of Ossining

The Valley's Most Spirited Town



Town of Ossining, New York

Report to the Town Board

December 31, 2018

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Robert Daniele, Partner

July 23, 2019



Summary Overview

General Fund

- 2018 Budget to Actual Summary
- Fund Balance Analysis – 3 Year Comparison
- Unassigned Fund Balance as a % of Total expenditures
- 2018 Budget to Actual – Revenues
- Major Revenues – 3-Year Comparison
- 2018 Budget to Actual – Expenditures
- Major Expenditures – 3-Year Comparison

Town Outside Villages Fund

- 2018 Budget to Actual Summary
- Fund Balance Analysis – 3 Year Comparison
- Assigned Fund Balance as a % of Total Expenditures
- 2018 Budget to Actual – Revenues
- Major Revenues – 3-Year Comparison
- 2018 Budget to Actual – Expenditures
- Major Expenditures – 3-Year Comparison

Other Considerations

Summary – Closing Points



- Fieldwork completed in April, follow-up and completion in May
- Deliverables
 - Independent Auditors' Report on the basic financial statements
 - Unmodified opinion for each opinion unit
 - Required communications to those charged with governance
 - Management letter
 - We did not identify control deficiencies that we consider to be material weaknesses or significant deficiencies concerning internal control over financial reporting
 - Town Justice Court audit report

No recorded audit adjustments and no uncorrected audit adjustments

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KNOW GREATER VALUE General Fund - 2018 Budget Summary Actual

Page 62 - Basic Financial Statements

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Total Revenues	\$ 5,480,182	\$ 5,480,182	\$ 5,345,883	\$ (134,299)
Total Expenditures	5,057,116	5,119,622	4,871,695	247,927
Excess of Revenues Over Expenditures	423,066	360,560	474,188	113,628
Total Other Financing Uses - transfers out	(509,928)	(576,840)	(576,835)	5
Net Change in Fund Balance	(86,862)	(216,280)	(102,647)	113,633
Fund Balance - Beginning of Year	86,862	216,280	3,403,196	3,186,916
Fund Balance - End of Year	\$ -	\$ -	\$ 3,300,549	\$ 3,300,549

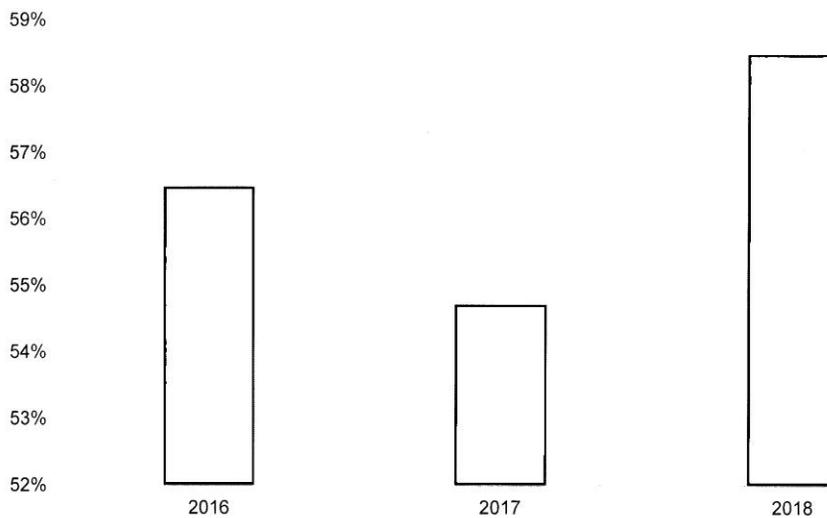
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**Fund Balance Comparison
General Fund**

	Increase (Decrease) 2018 vs 2017	2018	2017	2016
<i>Nonspendable-</i> Prepaid expenditures	\$ (1,692)	\$ 70,213	\$ 71,905	\$ 64,949
<i>Assigned-</i> <i>Purchases on order:</i> General government support	2,630	19,181	16,551	1,312
Home and community Services	(5,331)	-	5,331	-
Subsequent year's expenditures	(40,308)	24,692	65,000	75,000
Total Assigned Fund Balances	(43,009)	43,873	86,882	76,312
<i>Unassigned</i>	(57,966)	3,186,463	3,244,429	2,861,725
Total Fund Balances	\$ (97,336)	\$ 3,308,549	\$ 3,397,885	\$ 3,002,986
<i>Unassigned</i> 2019 adopted Budget		3,186,463	5,628,792 =	56.6 %

Unassigned Fund Balance as a % of Total Expenditures





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General Fund – 2018 Budget Revenues

REVENUES	Budget		Actual	Variance with Final Budget (Negative)
	Original	Final		
Real Property Taxes	\$ 3,608,630	\$ 3,608,630	\$ 3,283,956	\$ (324,674) 1
Other Tax Items	496,423	496,423	408,656	(87,767) 2
Departmental Income	43,000	43,000	44,120	1,120
Intergovernmental charges	349,341	349,341	350,399	1,058
Licenses and permits	4,000	4,000	11,333	7,333
Use of Money and Property	34,300	34,300	123,339	89,039 3
Fines and Forfeitures	160,000	160,000	160,529	529
Sale of property and compensation for loss	-	-	35,162	35,162
State Aid	647,488	647,488	796,072	148,584 4
Federal aid	77,000	77,000	72,069	(4,931)
Miscellaneous	60,000	60,000	60,248	248
Total Revenues	\$ 5,480,182	\$ 5,480,182	\$ 5,345,883	\$ (134,299)

1. Real Property Taxes – Variance represents change in allowance for taxes and anticipated tax collections less than expected.
 2. Interest and penalties on real property taxes of \$397,025, which fell short of the budget by \$87,975.
 3. Due to favorable interest rates, interest earnings exceeded the budget by \$78,349.
 4. Variance represents mortgage tax revenues realized of \$617,525, \$156,037 better than budget.
- Overall – within 2.5% of the adopted budget.

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General Fund – Major Revenue Comparison

	2018	2017	2016
Real property taxes	\$ 3,283,956	\$ 3,585,605	\$ 3,480,984
Gain on sale of tax acquired property	-	342,969	194,306
Interest and penalties on real property taxes	397,025	514,961	501,741
Intergovernmental services - clerk	350,399	335,277	185,913
Fines and Forfeited Bail	160,529	149,459	73,238
State aid - Mortgage tax	617,525	852,160	621,644
All other categories	536,449	549,768	659,785
	\$ 5,345,883	\$ 6,330,199	\$ 5,717,611

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General Fund – 2018 Budget to Actual Expenditures

	Budget		Actual	Variance with Final Budget - Positive (Negative)
	Original	Final		
EXPENDITURES				
Current:				
General Government Support	\$ 2,483,122	\$ 2,447,731	\$ 2,316,059	\$ 131,672
Economic opportunity and development	614,906	619,356	572,824	46,532
Culture and Recreation	663,581	791,314	771,635	19,679
Employee Benefits	1,288,019	1,253,733	1,203,690	50,043
Debt Service:				
Interest	7,488	7,488	7,487	1
Total Expenditures	5,057,116	5,119,622	4,871,695	247,927
OTHER FINANCING SOURCES (USES)				
Transfers in	-	-	-	-
Transfers out	(509,928)	(576,840)	(576,835)	5
Net Change in Fund Balance	(86,862)	(216,280)	(102,647)	113,633
FUND BALANCE				
Beginning of Year	86,862	216,280	3,403,196	3,186,916
End of Year	\$ -	\$ -	\$ 3,300,549	\$ 3,300,549

Overall – Savings in all expenditure categories and a positive budget variance of approximately \$248,000 or 4.8% of expenditures.

Total Budget, Revenues and Expenditures – Positive Budgetary Variance of \$113,633.



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General Fund – Major – 3 Year Comparison

	2018	2017	2016
General Government Support	\$ 2,316,059	\$ 2,382,242	\$ 2,298,207
Transportation support Services	420,592	423,090	412,117
Parks	667,335	619,815	464,614
State retirement	291,625	294,750	278,483
Hospital and medical insurance	688,849	695,816	648,743
Transfers out			
Debt Service Fund	409,923	413,784	231,417
Capital Projects Fund	66,912	506,502	163,671
Special Purpose Fund	100,000	100,000	100,000
All other categories	487,235	493,990	468,872
	\$ 5,448,530	\$ 5,929,989	\$ 5,066,124



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Town Outside Villages Fund Budget to Actual Summary

Page 69 - Basic Financial Statements

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Total Revenues	\$ 3,672,363	\$ 3,672,363	\$ 4,068,035	\$ 395,672
Total Expenditures	3,417,678	3,417,678	3,225,236	192,442
Excess of Revenues Over Expenditures	254,685	254,685	842,799	588,114
Total Other Financing Uses	(274,432)	(274,432)	(273,689)	743
Net Change in Fund Balance	(19,747)	(19,747)	569,110	588,857
Fund Balance - Beginning of Year	19,747	19,747	3,123,153	3,103,406
Fund Balance - End of Year	\$ -	\$ -	\$ 3,692,263	\$ 3,692,263

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Fund Balance - Town Outside Villages Fund Retrospective

Fund Balance Comparison Town Outside Villages Fund

	Increase (Decrease) 2018 vs 2017	2018	2017	2016
<i>Nonspendable-</i> Prepaid expenditures	\$ 1,451	\$ 5,067	\$ 3,616	\$ 3,577
<i>Restricted:</i> Cable Television Purposes	41,350	128,269	86,919	72,813
Total Restricted Fund Balances	41,350	128,269	86,919	72,813
<i>Assigned-</i> <i>Purchases on order:</i> General Government support	131	819	688	-
Public safety	(4,380)	14,679	19,059	101
<i>Unassigned/assigned major funds</i>	530,568	3,543,439	3,012,871	2,554,244
Total Fund Balances	\$ 569,120	\$ 3,692,273	\$ 3,123,153	\$ 2,630,735

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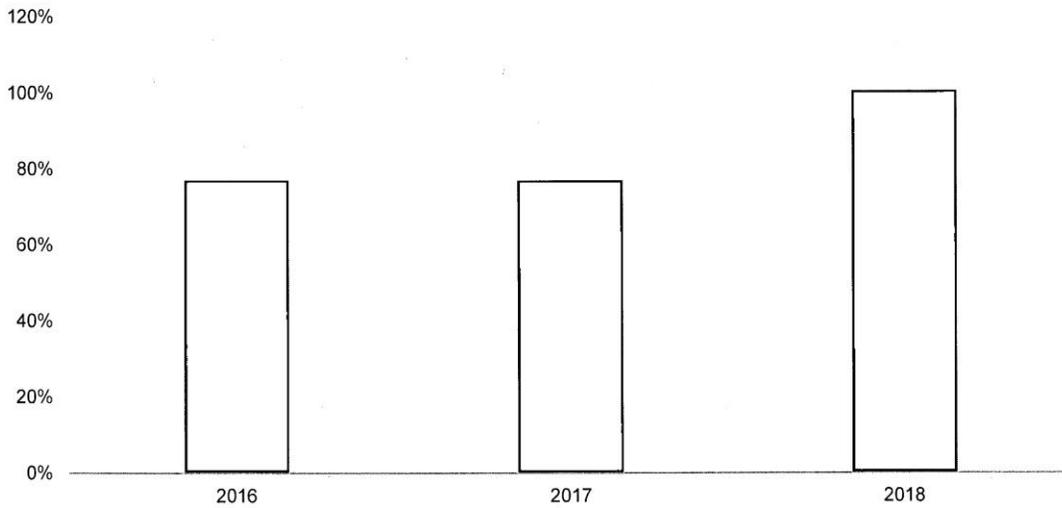


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Fund Balance Analysis

PKF O'CONNOR DAVIES

Assigned Fund Balance as of % of Total Expenditure



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ACCOUNTANTS AND ADVISORS



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Town Outside Villages Fund Actual Revenues

	Budget		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
REVENUES				
Real property taxes	\$ 2,670,550	\$ 2,670,550	\$ 2,669,542	\$ (1,008)
Other tax items	123,770	123,770	150,646	26,876
Non-property taxes	700,000	700,000	865,530	165,530 1
Departmental income	88,250	88,250	300,521	212,271 2
Use of money and property	5,000	5,000	24,318	19,318
Licenses and permits	-	-	3,200	3,200
State aid	84,793	84,793	53,881	(30,912) 3
Miscellaneous	-	-	397	397
Total Revenues	\$ 3,672,363	\$ 3,672,363	\$ 4,068,035	\$ 395,672

1. Non-Property Taxes – Variance represents actual sales tax revenues which exceeded the budget by \$165,530.
 2. Departmental income including building inspection, zoning and planning board fees exceeded the budget by \$212,271.
 3. State aid – mortgage tax revenues fell short of the budget by \$30,912.
- Overall – Positive Budget Variance of \$395,672 or 10.8% of Revenues.

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O'CONNOR
DAVIES
ACCOUNTANTS AND ADVISORS



Town Outside Villages Fund Revenues – 3-Year Comparison

	2018	2017	2016
Real property taxes	\$ 2,669,542	\$ 2,627,056	\$ 2,781,930
Franchise fees	146,725	162,914	158,229
Non-property tax distribution from County	865,530	824,820	789,350
Departmental income - permit fees	300,521	134,164	80,600
Transfers In - Debt Service Fund	27,750	478,000	-
All other categories	<u>85,717</u>	<u>178,260</u>	<u>12,150</u>
	<u>\$ 4,095,785</u>	<u>\$ 4,405,214</u>	<u>\$ 3,822,259</u>

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	Budget		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
EXPENDITURES				
Current				
General government support	\$ 355,420	\$ 355,419	\$ 338,050	\$ 17,369
Public safety	2,206,753	2,208,664	2,190,016	18,648
Culture and recreation	352,421	352,421	352,420	1
Home and community services	49,322	47,412	22,354	25,058
Employee benefits	453,762	453,762	322,396	131,366
Total Expenditures	<u>3,417,678</u>	<u>3,417,678</u>	<u>3,225,236</u>	<u>192,442</u>
Excess of Revenues Over Expenditures	<u>254,685</u>	<u>254,685</u>	<u>842,799</u>	<u>588,114</u>
OTHER FINANCING USES				
Transfers in	27,750	27,750	27,750	-
Transfers out	(302,182)	(302,182)	(301,439)	743
Total Other Financing Uses	<u>(274,432)</u>	<u>(274,432)</u>	<u>(273,689)</u>	<u>743</u>
Net Change in Fund Balance	<u>(19,747)</u>	<u>(19,747)</u>	<u>569,110</u>	<u>588,857</u>
FUND BALANCE				
Beginning of Year	<u>19,747</u>	<u>19,747</u>	<u>3,123,153</u>	<u>3,103,406</u>
End of Year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,692,263</u>	<u>\$ 3,692,263</u>

- Overall – Positive Budget Variance of \$192,442 or 5.6% of expenditures.
- Expenditure savings in all categories most notably in the area of employee benefits - hospital and medical insurance.

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	2018	2017	2016
General Government Support	\$ 388,050	\$ 317,435	\$ 332,430
Police	1,975,429	1,824,400	1,700,543
Building inspection	202,935	197,028	166,163
Intermunicipal Agreement with Village	352,420	346,529	342,758
Hospital and medical insurance	273,280	253,523	258,177
Transfers out			
Highway Fund	225,000	362,500	75,000
Debt Service Fund	76,439	536,697	364,729
All other categories	33,122	74,684	73,864
	<u>\$ 3,526,675</u>	<u>\$ 3,912,796</u>	<u>\$ 3,313,664</u>

Other Considerations

- Highway Fund (pages 74-76) – remains strong, although ended the year with expenditures that exceeded revenues by \$349,794 resulting in ending fund balance of \$727,747 of which \$696,310 is considered assigned for highway purposes. (Assigned Fund Balance \$693,310/\$2,639,604-adopted 2019 Highway Budget = 26.3%.)
- Special Districts Fund – (pages 78-81) – is trending positively. Ended the year with expenditures that exceeded revenues by \$19,017 resulting in ending fund balance of \$913,866.
- Capital Projects Fund (pages 82-85) - Approximately 22 active projects. Fund deficit of \$962,590, supported by \$2,202,791 in bond anticipation notes outstanding.

2018 Fund Balance Comparison
Highway, Special Districts and Capital Projects funds

	Highway	Special Districts	Capital Projects
<i>Nonspendable-</i>			
Prepaid expenditures	\$ 31,437	\$ 731	\$ -
<i>Assigned:</i>			
Subsequent years expenditures	-	-	-
Transportation	5,849	-	-
<i>Unassigned/assigned major funds</i>	690,461	913,135	(962,590)
Total Fund Balances	<u>\$ 727,747</u>	<u>\$ 913,866</u>	<u>\$ (962,590)</u>

- Debt Service requirements (page 44-45) are approximately \$540,000 for next year, \$435,000 for 2020 and then drops below \$390,000 for the next 3 years.

Purpose	Year of Issue	Original Issue Amount	Final Maturity	Interest Rate	Amount Outstanding at December 31, 2018
Public Improvements	2000	\$ 1,561,000	June, 2020	5.500 %	\$ 180,000
Public Improvements	2007	1,695,000	April, 2027	4.125 - 4.25	430,000
Public Improvements	2012	2,425,000	February, 2032	2.000 - 3.00	1,580,000
Public Improvements	2014	1,693,947	September, 2026	2.000 - 2.50	1,170,000
					<u>\$ 3,360,000</u>

Year Ended December 31,	Principal	Interest	Total
2019	\$ 460,000	\$ 80,006	\$ 540,006
2020	365,000	69,656	434,656
2021	330,000	59,956	389,956
2022	255,000	54,406	309,406
2023	335,000	47,056	382,056
2024-2028	1,190,000	132,321	1,322,321
2029-2032	425,000	23,853	448,853
	<u>\$ 3,360,000</u>	<u>\$ 467,254</u>	<u>\$ 3,827,254</u>

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- **Implemented Government Accounting Standards Board (GASB) Statement No. 75** "Accounting and Financial reporting for Postemployment Benefits Other than Pensions" (OPEB).

No funding mechanism in place in NYS.

Actuarially determined liability at December 31, 2017 = \$6.5 million. New Pronouncement implemented this year which increased the liability to close to \$15 million, inclusive of a **cumulative effect of change in accounting principle of \$9.2 million**.

The Town funds this on a pay-as-you go basis with annual contributions of approximately \$500,000 (Page 51).

- Pension reporting (pages 46-50) reflects ERS system being funded at 94.7%, thus creating a liability of \$346,270 (the Town's proportionate share) at a discount rate of 7%.

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The continuation of the Towns overall good financial health can be credited to:

- *Continued leadership of the Town Board and Administration*
 - Having remained within the 2% tax cap "Tax levy Limitation Law" since it was enacted in June 2011.
- *Cost effective purchasing procedures/strategic use of services from the Village .*

Financial Health is important because:

- *Assists in the computation of the Town's Tax levy*
- *Improves cash flow and can impact credit rating*
 - Town currently maintains **Aa2 Bond rating from Moody's**
- *Funds unexpected and unbudgeted contingent expenditures while preserving Town programs*
- *The Town guarantees the full payment of the school district tax warrant and assumes responsibility for uncollected taxes. Paid to SD by April.*
- *Enables the Town to meet future challenges*

Issued Report to Those Charged With Governance

"Management letter", No material weaknesses or significant deficiencies noted.

New GASB Pronouncements

GASB Statement No. 85 – Fiduciary Activities 2019

GASB Statement No. 87 – Leases 2020

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Contact Information

www.pkfod.com

Robert Daniele, Partner

rdaniele@pkfod.com

H. Chris Kopf, Partner

ckopf@pkfod.com

665 Fifth Avenue
New York, NY 10022
T: 212.286.2600

20 Commerce Drive
Suite 301
Cranford, NJ 07016
T: 908.272.6200

293 Eisenhower Pkwy
Suite 270
Livingston, NJ 07039
T: 973.535.2880

32 Fostertown Rd
Newburgh, NY 12550
T: 845.565.5400

2 Bethesda Metro Center
Suite 420
Bethesda, MD 20814
T: 301.652.3464

500 Mamaroneck Avenue
Harrison, NY 10528
T: 914.381.8900

300 Tice Boulevard
5th Floor East
Woodcliff Lake, NJ 07677
T: 201.712.9800

3001 Summer Street
5th Floor East
Stamford, CT 06905
T: 203.323.2400

100 Great Meadow Road
Wethersfield, CT 06109
T: 860.257.1870

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IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

This Friday, head down for Food Truck Fridays and Summer Concert Series performance by Ossining favorite – the Mike Risko Band! The music starts at 7pm, but come down early at 5pm for the food trucks. The Chamber of Commerce has blown us away with the great line-ups of food trucks they have put together these past few weeks, and attendance has been booming. I am excited to taste what they

have in store for us this Friday. So far, Aji Limo, Brother's Fish n Chips, and the EMB rice ball truck will be back at the waterfront, and new comers Foodie Bus, Penny Lick Ice Cream, Lobstercraft, and Baked by Susan will be joining in the fun. Word is there will also be a wine tasting and the Chamber of Commerce will be selling craft beer curated by Tapsmith in Croton.

As a reminder, there will be no concert on Friday, August 2nd as the Ossining Fire Department Parade is scheduled for that evening.

Mind, Body, Spirit Ossining continues this weekend, first with Recess Rocks by Open Door on Friday, July 28th at 3:30pm at Louis Engel Park. On Saturday, Solarah Delphi will lead a class in SharQui, the Belly Dance Workout, at 11am at Sparta Park, and Sue Radparvar of Studio95 Zumba will lead a class at Market Square at 4pm. Also next Saturday, August 3rd, join Ben Leavitt for Tai Chi Easy at Cedar Lane Park at 9am for the last of his monthly Tai Chi classes. If you register in advance on the Town's website, you will qualify for raffles from Club Fit Briarcliff and UMAC Briarcliff and be notified in the event of a weather related cancellation. Hope you will come join us!

Tonight starts St. Augustine Church's 42nd annual Italian Festival! The festival will run from tonight until Sunday, July 28th every night from 6-11pm. Tomorrow night, July 24th will be their annual fireworks display. Come and enjoy the delicious food, rides, fireworks, casino, games, and so much more.

Next Thursday, August 1st at 7:30pm, the Ferry Sloops Summer Music Series continues with a performance by singer-songwriter Rosie D'Angelo. Head over to the Shattemuc Yacht Club to enjoy a night of live acoustic music on their deck overlooking the Hudson. Admission is free and open to the public!

This weekend, Westchester Collaborative Theater's Short plays continue. I saw them last week and they were outstanding. There are 4 shows left Friday through Sunday, so get your tickets now! Next Saturday, August 3rd, Westchester Collaborative Theater continues its Jazz Music Series with the Valerie Capers Quartet, featuring Valerie, an accomplished performer, educator, and composer and her band – John Robinson on bass, Alan Givens on saxophone and flute, and Doug Richardson on drums. The band will perform two sets at 7:30pm and 9pm at WCT at 23 Water Street. \$20 tickets can be purchased online at wctheater.org.

Finally, I want to address the fact that one week ago today, we were all seated in this room with a standing room only crowd of Ossining residents who came to listen to our work session and/or voice their concerns about the proposed River Knoll project. I make it a point not to conduct business on social media as a matter of course, but I am aware that here has been a lot of back and forth about the proceedings and perhaps an insinuation that this is a "fait accompli." I want to assure you, the residents who elected us to serve you, that this is not the case. The Town Board has, and will continue to, carefully consider all concerns and issues that have been raised, and take all feedback under advisement. We are listening to you. While this project has not yet been returned to Town Board by the Planning board, I urge you to continue to participate in the review process, and let us know your concerns on the proposal before the Town. This process is far from over, and we are here to listen to all viewpoints. Please keep engaging with us as we work through this process together.

V. LIAISON REPORTS

VI. DEPARTMENTAL REPORTS

- Superintendent of Highways Pete Connolly gave the board an update on the Highway Department. Mechanics have begun the replacement of rotted truck body number 56. This vehicle will only be used during the winter months. By doing repairs in-house the Town has saved approximately \$30,000. The Highway Department additionally repaired storm drainage pipes along Samstag Avenue,

Old Albany Post RD, Minkle RD and Tappan Terrace over the past couple months. Sewer pumps burned out at White Tail Circle and Mystic Point. A backup pump was used while an electrician replaced the damaged circuit panels. The pump at Mystic Point will be repaired while the one at White Tail Circle will not due to its age. Installation of screening at two pump stations at Parker Bail and Yes Turn has begun. Over the next couple of months the Highway Department will be replacing 950 feet guardrail throughout the Town.

- Superintendent of Cemeteries Pete Connolly gave the board an update on the Cemetery Department. There have currently been 34 interments in Dale Cemetery since January. Last month there was 1 interment in Sparta Cemetery and Revolutionary RD. All current monument foundations orders are up to date. The Austin Historical Cemeteries Conservancy purchased two new park benches and a tree that was planted in Section 5. Whenever possible we work together with the Park Department in maintaining the cemetery grass. The Cemeteries Department will continue working on our yearly tree trimming and working on a return date for the monument preservation company to come back and fix broken older monuments.

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting- July 9, 2019

Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the July 9, 2019 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting- July 16, 2019

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the July 16, 2019 minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated July 23, 2019 in the amount of \$420,418.01.

Motion Carried: Unanimously

D. Personnel: Clerk's Office- Appointment

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby appoints Martha Quituisaca, Ossining, to the position of Deputy Clerk in the Town Clerk's Office effective July 29th, 2019 at a pro-rated annual salary of \$61,162.

Motion Carried: Unanimously

E. Resolution Authorizing The Supervisor To Apply For And Receive Funding Under The 2019 Department Of State – Local Waterfront Revitalization Program

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

WHEREAS, the Town of Ossining Town Board has caused the preparation of a Department of State Local Waterfront Revitalization Program Grant Application to be prepared and supports the submittal of the application to the New York State Department of State; and

WHEREAS the Project shall be titled “Town of Ossining Local Waterfront Revitalization Project and Louis Engel Waterfront Park Master Plan” and include a grant narrative, work plan, and other supporting documents necessary for submission of the application; and

WHEREAS should funding from the New York State Department of State be awarded, such state assistance shall not exceed 75% of the total eligible project costs set forth in the application or 85% of the total eligible project costs in an environmental justice community; and

WHEREAS the Louis Engel Park is located entirely in an environmental justice area and the Town is committed to focusing on improving the environment and addressing disproportionate adverse environmental impacts that may exist in this area of the Town; and

WHEREAS the Town Council is hereby committed to using municipal funds and in-kind services as a local match in accordance with the requirements of NYS Environmental Conservation Law §54-1101 and NYS Executive Law §42-918 for an amount up to fifteen percent (15%) of the total project cost or twenty-five percent (25%) of the total project cost should the New York State Department of State not deem the project to benefit and serve the environmental justice area population; and

NOW THEREFORE BE IT RESOLVED by the Town of Ossining Town board that the Town shall hereby apply to the Department of State for the Local Waterfront Revitalization Program Grant Funds; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and designated as the representative and to act as such in connection with the application to provide additional information as may be required including all understandings and assurances contained in the application; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute any contract and/or agreement with the NYS Department of State upon grant award in connection with the Application and her designee is further authorized to request funds from the NYS Department of State pursuant to said contract and/or agreement; and

BE IT FURTHER RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor all are hereby ratified and confirmed and this Resolution take effect immediately.

Motion Carried: Unanimously

F. Resolution Authorizing Participation in New York State Climate Smart Communities Grant and Provision of Local Match

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

Whereas, the Town Board of the Town of Ossining hereby pledges to participate in the “Climate Action Planning Institute Westchester County” project that will be submitted as a grant proposal to the New York State Climate Smart Communities Grant Program by Westchester County as lead applicant; and

Whereas, the Town of Ossining hereby pledges to participate in this climate action planning leadership program, in partnership with the Hudson Valley Regional Council and ICLEI – Local Governments for Sustainability; and

Whereas, the Town of Ossining certifies that it has identified and secured a minimum of \$11,007 in matching funds from donated professional services from the Town staff and volunteer time from Green Ossining/Climate Smart Communities Task Force and Town of Ossining Environmental Advisory Committee as contribution to the “Climate Action Planning Institute Westchester County” project, pursuant to the requirements of Environmental Conservation Law Article 54 Title 15, the balance of the match needed to meet the NYSDEC CSC grant requirement of 50% for this project will be contributed by Westchester County and other participating Westchester County municipalities; and now

Therefore, be it resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to act on its behalf for submittal of a letter of commitment for matching funds provision and participation in Westchester County’s “Climate Action Planning Institute Westchester County” application to the Consolidated Funding Application.

Motion Carried: Unanimously

G. Non-Agricultural Nonpoint Source Planning Grant Program – Beach Restoration Louis Engel Park

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

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

Whereas, Louis Engel Park has many park amenities available to the community, including an access point to the Hudson River at the beach; and

Whereas, swimming has not been allowed at the Louis Engel Park beach for many years and there is community interest in re-opening the beach to swimming, requiring planning and parks improvements to address issues related to water quality, rising sea levels, and increased flooding and restore the beach; and

Whereas, funding is available through the New York State Department of Environmental Conservation Division of Water’s Non-Agricultural Nonpoint Source Planning grant program to fund beach restoration planning projects under the Consolidated Funding Application; now therefore be it

Resolved, that the Town Board of the Town of Ossining authorizes the submission of a grant application to the Non-Agricultural Nonpoint Source Planning grant program under the Consolidated Funding Application to complete a feasibility study and beach sanitary survey at the Louis Engel Park Beach; and

Be it further Resolved, that the Town Board of the Town of Ossining commits matching funds in the form of cash match as required by the Non-Agricultural Nonpoint Source Planning grant program.

Motion Carried: Unanimously

H. Resolution In Support Of Us Coast Guard Appropriations Bill To Put A Temporary Ban On The Establishment Of Anchorages Along The Hudson River

Councilmember Shaw moved and it was seconded by Councilmember Feldman that the following resolution be approved.

WHEREAS, many cities, towns and villages along the Hudson River in New York, from Yonkers to Albany, have expressed concerns about the U.S. Coast Guard's ongoing review of requests to establish a number of permanent anchorages along the Hudson River; and

WHEREAS, the U.S. Coast Guard, in order to have a formal process to review these proposals with representatives of industry, of commerce and government, established a Ports And Waterways Safety Assessment (PAWSA) process; and

WHEREAS, as an ongoing review of that process, the Hudson River Safety Navigation Operations Committee, which is an offshoot of the PAWSA process, has been reviewing related Coast Guard activities; and

WHEREAS, the Hudson River Safety Navigation Operations Committee circulated information with regard to the U.S. Coast Guard Appropriations Bill in Congress, noting that Section 420 includes a temporary blanket prohibition on the establishment of all anchorages in the Hudson River from Yonkers north to Kingston; and

WHEREAS, while the provisions of this bill do not mean that in the event of an emergency a tug or commercial vessel cannot ask for an emergency anchor, but basically prohibits the Coast Guard from establishing any formal, designated anchorage areas within this area, and would establish a temporary blanket prohibition of all formally designated anchorage areas in the Hudson River from Yonkers north to Kingston;

NOW, THEREFORE, BE IT RESOLVED that the Town of Ossining does hereby express its support for the U.S. Coast Guard Appropriations Bill in Congress, noting that Section 420 includes a temporary blanket prohibition on the establishment of all anchorages in the Hudson River from Yonkers north to Kingston, so that the U.S. Coast Guard, the Hudson River Safety Navigation Operations Committee, and all involved and affected parties, may work cooperatively and have a thorough and methodical process for the formal establishment of anchorages on the Hudson River between Yonkers and Kingston, NY.

Motion Carried: Unanimously

I. Resolution In the Matter of the Increase and Improvement of the Facilities of the Consolidated Sewer District in the Town of Ossining, Westchester County, New York.

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has under consideration the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000; and

WHEREAS, at a meeting of said Town Board duly called and held on July 9, 2019, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Consolidated Sewer District in said Town at a maximum estimated cost of \$100,000

and to hear all persons interested in the subject thereof concerning the same at 86-88 Spring Street, in Ossining, New York, in said Town, on July 23, 2019, at 7:52 P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000.

Section 2. This order shall take effect immediately.

Roll Call Vote: 5-0-0
Ayes: Shaw, Wilcher, Meyer,
Feldman, & Levenberg

J. **A Resolution Authorizing The Issuance Of \$100,000 Serial Bonds Of The Town Of Ossining, Westchester County, New York, To Pay The Cost Of The Increase And Improvement Of The Facilities Of The Consolidated Sewer District In The Town Of Ossining, Westchester County, New York.**

Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated July 23, 2019, said Town Board has determined it to be in the public interest to increase and improve the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, at a maximum estimated cost of \$100,000; and

WHEREAS, it is now desired to provide funding therefor; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000, there are hereby authorized to be issued \$100,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$100,000 and that the plan for the financing thereof is by the issuance of the \$100,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid objects or purposes is thirty years, pursuant to subdivision 4 of paragraph

a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. 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 such obligations 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 obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Consolidated Sewer District in the amounts and in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ossining, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 9. The validity of such bonds and bond anticipation notes 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 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in summary in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

**Roll Call Vote: 5-0-0
Ayes: Shaw, Wilcher, Meyer,
Feldman, & Levenberg**

**J. Permission to Serve Alcohol at Town of Ossining Summer Concert Series-
Brimstone Hill Vineyard**

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

Resolved that the Brimstone Hill Vineyard is hereby authorized to operate a wine tasting during the Summer Concert Series event held on July 26th, at the Louis Engel Waterfront Park in the Town of Ossining and serve for consumption by persons over 21 years of age, Brimstone Hill Vineyard wine; and

Be it further Resolved, that the Brimstone Hill Vineyard will also obtain all necessary permits including an event permit and/or marketing license from the New York State Liquor Authority and will provide proof of insurance and the letter of indemnity to the Town in a form acceptable to Counsel to the Town.

Motion Carried: Unanimously

K. Resolution – Calling for Public Hearing on Local Law # ___ of 2019 – Amendments to Chapter 180 of the Town Code entitled “Taxation” to Implement the “Solar Energy System PILOT Law of the Town of Ossining, New York.”

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

WHEREAS, New York Real Property Tax Law § 487 provides for an exemption of the value of a solar panel system from local property taxes, the intention of which is the State’s efforts to meet its clean energy goals by providing economic incentives for solar systems; and

WHEREAS, RPTL § 487 also allows taxing jurisdictions to opt out of the tax exemption, making the added value of the solar panel system fully taxable; or alternatively, if the taxing jurisdiction does not opt out of the exemption, the taxing jurisdiction can require a solar developer to pay an annual fee or “payment-in-lieu of taxes” as a replacement for the taxes it would have otherwise collected, so long as the PILOT does not exceed what the taxes would have been without the exemption; and

WHEREAS, recognizing that a balance is needed to encourage clean energy within the Town while still ensuring the property owner pays its fair share of taxes, the Town Board desires to adopt a local law to implement a formulaic, jurisdiction-wide PILOT agreement process with solar developers and property owners; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, August 6, 2019 at the Ossining Municipal Building-1st Floor Conference Room located at 16 Croton Avenue., Ossining, NY 10562 in the matter of Local Law # ___ of 2019 – Amendments to Chapter 180 of the Town Code entitled “Taxation” to implement the “Solar Energy System PILOT Law of the Town of Ossining, New York.”

Motion Carried: Unanimously

IX.CORRESPONDENCE TO BE RECEIVED AND FILED

X.MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of June 2019:

- **Dale Cemetery**
- **Town Highway Department**

Motion Carried: Unanimously

XI.VISITOR RECOGNITION- *Visitors shall be accorded one (1) four (4) minute opportunity to speak*

Stanley Dorsainnile from NYS Senator David Carlucci's Office announced that the Senator's Office had asked the New York Metropolitan Transportation Council to improve Route 9A. The office also asked the Council to add a study on easing traffic congestion at the intersection of Route 133 and Route 9 in the Village of Ossining to their five-year Transportation Improvement Project.

XII.ADJOURNMENT EXECUTIVE SESSION-PERSONNEL & ADVICE OF COUNSEL

At 9:27 P.M., Councilmember Shaw motioned to adjourn into Executive Session and Councilmember Feldman seconded.

Motion Carried: Unanimously

At 10:28 P.M., Councilmember Wilcher motioned to leave Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously

At 10:29 P.M., Councilmember Shaw motioned to adjourn Executive Session and Councilmember Wilcher seconded.

Motion Carried: Unanimously

Approved:

Town Clerk, Mary Ann Roberts