

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

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

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 April 13, 2021 via video conference, pursuant to Governor's Executive Order 202.1 dated March 12, 2020. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Jackie G. Shaw, Elizabeth R. Feldman, Northern Wilcher, Jr., and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

Supervisor Levenberg said the following: This past week, we lost a music legend with a special connection to Westchester County, Earl Simmons was born in Mount Vernon, grew up in Yonkers, and unfortunately passed away last week in White Plains. His death is a huge loss to anyone who loves music, and even more painful for anyone who has experienced or loves someone who has struggled with addiction. On Sunday, Daunte Wright was fatally shot by a police officer in Brooklyn Center, Minnesota. This is yet one more tragic death of a Black man at the hands of police. Our nation is grieving these two lives ended far too early, and we share in that grief tonight with this moment of silence.

II. PUBLIC HEARINGS

- **2021 Cabaret License Renewal for The Briarcliff Manor Restaurant and Catering Corporation**

At 7:33 PM, the Public Hearing opened.

Town Counsel Tomm-Addona explained that the application is for a cabaret license renewal. The renewal was approved by the Ossining Police Department and the Town Building Department. The establishment is asking for extended hours of cabaret operation. The Town Board has to consider whether or not to approve of the petitioned extended hours.

Mindy Lamarre, resident of Ossining, expressed her concern over granting the establishment a cabaret license. Her property is located behind the establishment. She discussed the noise problems she has had with the establishment over the years. She is asking for the establishment to not interfere with the peace of the neighborhood.

At 7:39 PM Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

- **Local Law 3-2021: Amendment Zoning Map to apply Tier 2 Battery Storage Energy Floating Zone to St. Augustine Church (381 North Highland Avenue)**

At 7:40 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Our second public meeting is regarding the proposed Battery Energy Storage project at St. Augustine's church. The project has already completed SEQRA review with the Planning Board, so the next step is for the Town Board to consider approving the floating zone before final site plan approval with the Planning Board.

Greg Gibbons from Borrego Solar explained the battery storage energy project at St. Augustine.

Mike Conway stated that the battery system is going to be set up as a community solar program.

At 7:50 PM, Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Today has been a bit of a mixed bag for vaccine news, early this morning the CDC and FDA announced that they were recommending that administration of Johnson & Johnson vaccines pause while they evaluate six cases of a rare blood clotting disorder that may be a side effect. Nearly seven million people in the United States have received Johnson & Johnson so far, so this disorder is clearly extremely rare. Other everyday factors like smoking and COVID-19 infection have much higher rates of blood clots than these cases. Nevertheless, scientists at the CDC and FDA will be closely evaluating links between the vaccine and this rare disorder, so necessary safety precautions can be made going forward. The acting commissioner of the FDA has stated that the expected pause will be a few days while these risks are evaluated. New York State Health Commissioner Dr. Zucker announced that New York State will be following the federal recommendation and pausing Johnson & Johnson vaccine distribution for the time being. Dr. Anne Schuchat, principal deputy director of the CDC, advises that if you received the vaccine several weeks ago, the risk is highly unlikely as the six cases experienced the disorder within two weeks of vaccination, but for those who recently got the vaccine, they should monitor for unusual symptoms like severe headaches, abdominal pain, leg pain, or shortness of breath and contact a healthcare provider immediately in order to receive proper treatment.

Thankfully, the Biden administration remains confident that we will be able to reach the goal of reaching every adult who wants to be vaccinated by May 31. Locally here in Ossining, Open Door announced yesterday that they have administered 20,000 vaccines! We are so grateful to the folks at Open Door for their continued response on the frontlines of this pandemic. Westchester County also announced more appointments opening up at their vaccination clinic at Westchester Community College in Valhalla for any New York residents 18 years of age or older. This clinic administers the Moderna vaccine. Visit health.westchestergov.com/2019-novel-coronavirus, and navigate to "Vaccine Information" for links for specific dates for appointments. There are also many local pharmacies now offering vaccines and you can make appointments directly with these businesses. Of course, the New York State portal remains open for state-run vaccination sites like Westchester County Center.

The Ossining Briarcliff Vaccine Angels is group of volunteers who can help get appointments for those struggling to get the vaccine. They are also still taking names of homebound. You can contact the group at OTownVaccineAngels@gmail.com or call 914-236-4567. Thanks to our OTown Angels we are getting Ossining vaccinated!

Sadly, we continue to lose lives to this virus every day and we are not out of the woods. As tragic as any death is to family and loved ones, the economic burden of funerals and burials is often too much to bear. FEMA began processing applications this week for funeral assistance. FEMA is providing financial assistance for COVID-19 related funeral expenses incurred after January 20, 2020. Applicants may apply by calling 844-684-6333 from 9am to 9pm, Monday through Friday and multilingual services are available. Right now, there is a high call volume on the phone line, but please remember, no need to be anxious as there is no deadline to apply, try again later. We are grateful to our Federal leaders, especially Senator Chuck Schumer, for working to provide this unprecedented, but much needed respite, for so many families.

The 2021 Town and County tax bills should have arrived in mailboxes by now. If you have not received your tax bill, and you usually pay your taxes directly (not via a mortgage company), contact the Tax Receiver's office at (914) 762-8790 or hperlowitz@townofossining.com for more information. The due date for payment is April 30. The easiest and most secure way to pay is online via Xpress pay, available through the Town's website. You can also pay via mail or by placing your stamped envelope in the dedicated drop box at the Ossining Post Office lobby which gets delivered straight to our offices and doesn't get processed through White Plains before delivery. Or you can still stop by in person at Town Hall, 16 Croton Avenue, where the tax office is set up to take payments in the lobby between 9am and 2:30pm Monday through Friday. We strongly encourage taxpayers to consider paying online as it is an easy and economical way to be sure your payment reaches the tax office on time. Please do not wait till the last minute. If you need help navigating the online payment feature, or help with just about anything else with your Town/County taxes, just give the tax office a call at (914) 762-8790 – Receiver Holly Perlowitz, and her team Patti and Angela are always ready to help!

Earth Week is next week! This year, Green Ossining's Earth Day festival has been upgraded to Earth Week with a weeklong celebration of activities, partnerships and offers from local businesses from Saturday, April 17 through Sunday April 25. Visit www.greenossining.org/earth-day-festival to plan your Earth Week agenda. Be sure to mark your calendars for a couple of Lunch and Learns. On Monday, April 19 at 12noon via Zoom the Town and Village of Ossining are hosting one to focus on the results of Ossining's hosting of Cornell University's Climate-adaptive Design studio. In the fall of 2019, third year landscape architecture graduate students focused their studies on Ossining and developed visionary designs for a more climate change and sea-level rise-resilient Ossining waterfront. In the lunch and learn, Cornell Professor Josh Cerra will lead participants through an overview of the Ossining studio and how the Ossining community can take this visioning exercise from here. Zoom access details are available on the Green Ossining website and the Town and Village Facebook pages. We will also be displaying poster boards summarizing the Ossining studio during Earth Week at the Ossining Train Station during their open hours from 5am to 11am next Monday through Friday, if you would prefer to view some of the design boards in person.

We will also participate in a second lunch and learn on Tuesday, April 20th and hopefully we will have an exciting challenge to kick off our Grid Rewards program in the The Ossinings and Briarcliff. This is a program done in partnership with Sustainable Westchester and ConEd which includes an app you download that helps you monitor and adjust your energy use so you can help reduce the load on the grid and also overall save energy.

Finally, Wednesday, April 21st we will have another opportunity to learn about Energy Smart Homes and how you can save money and energy with more efficient heating and cooling systems.

The Town is also asking residents to participate in our Sustainable Ossining Comprehensive Plan survey during Earth Week. Hard copies of the survey can be found at the Ossining Public Library, Little Free Libraries at Louis Engel, Ryder, and Gerlach Parks, as well as the lobby at 16 Croton. Additionally, you can download the survey and reply via e-mail. Please visit our project webpage at www.sustainableossining.com to learn more.

There are also so many other great programs that are part of Earth Week: I am particularly looking forward to Elisha Simpson hosting a Mind, Body, Spirit-Ossining Yoga class at the waterfront, weather permitting, on Saturday, April 18th at 9am. Following that, our Habitat Stewards continue their work to clear invasives and planting natives in their place at Ryder Park, at 10am also on Saturday, April 17th. An on Saturday and Sunday there are multiple opportunities to join in and around our community in Stash the Trash efforts. Please check out Green Ossining's website to find out about all the Earth Week programming. Green Ossining Chair Suzie Ross will be joining us for our Town Hall meeting next week to highlight some of their programming. There's so much to learn and participate in – maybe with what you learn you'll be inspired to turn Earth Week into Earth Month...or Earth Year...or Earth Life!

Before, I close my announcements, I would like to take a moment to address ongoing discussions between the Village of Ossining, Town, School District, and Library regarding taxation of water properties. For those of you who are not aware, the Village of Ossining's Water Treatment Plant and the Indian Brook Reservoir are located in the unincorporated Town of Ossining and are subject to real property taxation, of which the current taxing jurisdictions include the Town of Ossining, the Ossining School District and the Ossining Library District, with the majority of the property taxes being paid to the School District. Westchester County exempted these properties some years ago. In January, this Board heard from Village Manager Karen D'Attore and Assistant Village Manager Maddi Zachacz with a request that the Town Board consider exempting these properties as well. The burden on water rate payers – which includes almost all residents in the unincorporated Town as well as the Town, School District, and Library as water customers – as a result of paying these taxes, is becoming increasingly more significant as the Village plans a much-needed new Water Treatment plant in the coming years. A new Water Treatment plant will temporarily inflate the value of those properties significantly, and in turn, increase the tax bill passed on to water rate payers. According to the Village's analysis, which the Town has reviewed and agrees with, water bills stand to increase approximately \$370 per year per rate payer based on just the increased assessment, which would be very difficult for so many of our residents to absorb, with a compounding impact on Unincorporated Town of Ossining, not to mention the impact on the budgets of the Town, School District, and Library because we pay to use water at our parks, in our school buildings, etc. Exempting these properties will have a nominal corresponding increase to taxpayers, with the value coming off the roll, but that increase is in the range of \$10-\$30 per year, much, much less than the increase in annual water rates from not exempting these properties. We acknowledge that the Ossining School Board exempting these properties offers a clear benefit to the whole community. I believe I speak on behalf of my board colleagues when I say that after our meeting in January, those benefits were quite clear to the Town Board and we would therefore be interested in considering exempting these properties in the near future. Nevertheless, the impact of the School District exempting these properties is much greater in magnitude than the Town or the Library doing so, and the Town doing this alone would have little impact on keeping the water rates steady. I hope between the remaining taxing

jurisdictions, we can come together to make the right decision on this complex topic, in order to provide much needed relief to our community.

IV. LIAISON REPORTS

V. DEPARTMENTAL REPORT

The Town Board Presented Deputy Clerk Quituisaca with a proclamation after becoming an honoree of Diligent's Inaugural Modern Governance 100 for Community Boards program.

Town Clerk Susanne Donnelly said the following:

The Clerk's office continues to move forward moving as much online as possible for the convenience of our residents and business owners as well as making our office as productive as possible. We are always interested in the comments, concerns, and compliments, to that end please feel free to contact the office as any time. You can contact me directly at 914-762-8428 or by email at sdonnelly@townofossining.com

Dog licensing – The Town has determined that all dogs should be licensed from June 1 or each year to May 31. That does not mean that should you adopt a dog throughout the year that you should not go online and register your dog with the Town of Ossining. It appears that many people do not understand that if it a New York State Law to have your dog licensed with your local municipality. In our case the Town takes care of the Village of Ossining as well as the Unincorporated Area for this purpose, while the Village of Briarcliff Manor license dogs through their Village Clerk. I would like to request that I be allowed to present to the Town Board a proposal I received to do a census of all dogs in the Town of Ossining. We have contacted a company who specializes in doing the census who have a great success rate. It is important that we let everyone know about registering their dog(s) as well as making it as easy as possible to license the dog(s) and re-license their dogs yearly. Victoria will be adding me to the May 4th work session to discuss in detail with the Board our requests for the dog census. As we work on the details the Village of Briarcliff Manor will be joining us during this census. It is very important that we work together on projects like this for the benefit of all of our residents.

Meanwhile during the end of April early May every registered (licensed) dog owners in the Village of Ossining and the Unincorporated Area will be receiving a letter reminding them to relicense their dog in May for a June 1 start date. This will be done online. You will need a current rabies vaccination record as well as the information from the letter for the dog's license number and other information. The renewal cost is \$15.00 for a neutered pet, \$23 for an unneutered pet, and \$1.00 for seniors over 60.

We will mail you the new dog park tag for use in the Town dog parks in Cedar Lane Park and Ryder Park. I am requesting that we can put on the renewal form to opt out of the Dog Park Tag. This will enable us to only mail to those who MIGHT use the dog parks, for example I would not because my rescue does not do well with other dogs. The 2021-2022 tag will be blue. Folks outside of the Town of Ossining can buy a Dog Park Tag for \$25.00.

Boat Ramp Permits – Using the same program as we do for parking in Municipal lots and Ossining Train Station we will be supporting the Town of Ossining, Ossining Recreation and the Ossining Boat and Canoe Club in having those who wish to purchase Yearly Boat Ramp permits as well as Daily permits to do so online, and pay online by credit card. Yearly permit holders will be able to park their trailer, daily permit holders will not. Yearly passes must be purchased online and at least 48 hours before using the Boat Ramp so that your information can be loaded into the handhelds for the parking enforcement and police dept. This will avoid you getting unnecessary parking tickets.

Upon looking at the current fee schedule it seems sensible for anyone who plans on using the Boat Ramp more than once, to purchase a seasonal pass for \$80 for residents of the Town of Ossining and \$150.00 for non-residents whereas the daily rate is \$40 for residents and \$50 for non-residents with no ability to park a trailer.

Looking forward to a wonderful boating season as we slowly return back to normal. Please remember to continue to wear masks in public and stay socially distant to those around you.

Renewal of licenses and permits- Our goal is to have a renewal process developed for all of our permits and licenses requiring less information to be submitted each year. As long as the applicant has not moved or changed other essential information we will be asking for the minimum when renewing renewals and licenses.... We are working with Seamless Docs on this project with Martha taking the lead.

As we said in our last update we believe it's important that our residents have a local outlet to purchase their hunting and fishing licenses. We offer that service during our hours of in person visits to the office 9:00 AM – 2:30 PM. We would appreciate those wishing to buy a fishing license come Tuesday Wednesday and Thursday from 10:30 AM -2:30 PM when our part timer Jeaneth is in the office.

We are the only open office open to the public in 16 Croton Ave. We are always available to issue handicap tags with the proper documentation, to complete marriage licenses and pickup preordered documents, licenses and permits to name a few. Our goal is to move people through as quickly as possible which has proven doable with the majority of forms online including the uploading of any documents needed. Beside the day to day flow of traffic for the Clerk's office there is a constant for the Finance office – water bills, on street parking, as well as tax collection and receipts for taxes paid for home owner's income tax are the most frequent requests. The Town Tax Receiver and Assessor are seeing a flow of traffic and the screeners are doing a great job of contacting the staff to help those who need it. The records room is set up for other departments to use as needed and the Assessor takes advantage of the McKinley Room to have their meetings with homeowners and commercial property owners. Having the two windows is essential especially when collecting taxes as the Tax Receiver is doing during the month of April.

FOILs take up a great deal of time and we stress there are time limits on sending the requested information to us or directly to the requester. We must be notified if any information goes to the individual so that the files in the office can be updated.

The departments have done a great job with their file retention and we have had the shredder truck here several times for duplicate files or those who have reached the end of their retention requirements. Another kudos to the Maintenance Dept. for the outstanding job during a time when they are extremely busy.

As the keeper of the files we understand our obligation to maintain files as long as required by the state of NY. Currently all contracts, agreements, local law documentation, and bond information, notices of claim, vital records, as well as any licenses and permitting and communications are kept electronically since 2020. We are currently scanning in all notices of claim by year and alphabetically. This is a major project, kudos to Martha and Jeaneth for taking this on.

Finally the Clerk's Dept. runs efficiently and with every step we take to have the residents and business owner's requests online we are free to complete other functions. We will be making improvements to our office so we can become even

effective and with quicker responses. Watch for more information about that in the coming weeks....

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – March 23, 2021

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 March 23, 2021 minutes of the Regular Meeting as presented.

Motion: Carried
Absent from Voting: Meyer

B. Approval of Minutes—Special Meeting – March 30, 2021

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 March 30, 2021 minutes of the Special Meeting as presented.

Motion: Carried
Absent from Voting: Meyer

C. Approval of Voucher Detail Report

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

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

Motion: Carried
Absent for Voting: Meyer

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.

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

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.

Supervisor Levenberg said the following: A few weeks ago, our Comptroller Dale Brennan brought to our attention an opportunity to save a little over \$50,000, net of costs, by refunding our 2012 bond. Thank you to Dale and our Bond Counsel for noting this opportunity, so we can do all we can to save taxpayer dollars!

Town Treasurer Brennan explained that the savings will be spread out for the rest of the duration of the bond.

Motion: Carried

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

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

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.

Supervisor Levenberg said the following: Late last year, we learned that we received \$33,750 in grant funding from the DEC’s Urban Forestry program to support tree maintenance in our parks. We hope to get an RFP issued for this work soon and get started in the fall, and the first step is to sign the contract with the state to begin receiving grant funds.

Motion: Carried

F. Fee Schedule – Beekeeping Permit

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

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

Supervisor Levenberg said the following: As discussed at our last work session, following the adoption of our beekeeping legislation a few months ago, the Town Board needed to set a fee schedule for the application. We decided on a \$75 initial application fee and \$0 renewal. Considering the resources that will need to be dedicated to each initial application, versus a renewal of likely the same information from year to year, as well as a review of nearby municipalities, this seems fair.

Motion: Carried

G. 2020 Justice Court Audit

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 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.

Supervisor Levenberg said the following: Annually, our auditors, PFK O’Connor Davies, also complete an audit of the Justice Court accounts, as required by the Office of Court Administration. The audit was completed a few weeks ago, and needs to be accepted by this Board before being filed with OCA. Based upon the short report, we are happy to report that it seems like everything is in tip top shape! Thank you to our Town Justices and Court Clerk for their hard work.

Motion: Carried

H. Personnel – Seasonal Laborer

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 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.

Supervisor Levenberg said the following: Tonight, we are re-appointing Nick Ferrao to the position of seasonal laborer in the Highway Department. Nick worked with us in the fall for leaf pick-up, and will be returning now for the spring/summer season when things start to pick up again. Welcome back Nick!

Motion: Carried

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

Councilmember Feldman 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 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.

Supervisor Levenberg said the following: Our April 27 meeting is going to be quite busy! This resolution and the next two resolutions are to set public hearings for the three proposed local laws discussed at our Work Session last week – one relating to regulations for the Boat Launch at Louis Engel Park, one for NYStretch Energy Codes, and one for Special Events. We will be posting draft versions of these laws prior to the April 27 date, and we look forward to hearing public comment on these proposed local laws on April 27.

Motion: Carried

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

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 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.

Motion: Carried

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

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

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.

Motion: Carried

VIII. MONTHLY REPORTS

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 accepts the following monthly reports for the month of March 2021:

- **Town Highway Department**
- **Town Clerk**
- **Tax Receiver’s Office**
- **GE Helicopter**
- **Town Supervisor**
- **Town Building Department**
- **Dale Cemetery**

Motion: Carried

IX. VISITOR RECOGNITION

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

X. ADJOURNMENT

At 8:38 P.M., Councilmember Shaw motioned to adjourn to Executive Session for advice of counsel, and contracts and Councilmember Wilcher seconded.

Motion Carried: Unanimously

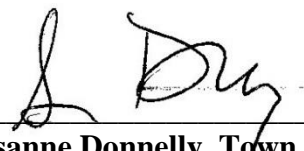
At 9:37 P.M., Councilmember Wilcher motioned to leave Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously

At 9:37 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Wilcher seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk