



**TOWN BOARD
TOWN OF OSSINING
16 CROTON AVENUE-FIRST FLOOR CONFERENCE ROOM
MUNICIPAL BUILDING
OSSINING, NEW YORK
FEBRUARY 28, 2017
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

**COUNCILMEMBERS
Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey Northern Wilcher, Jr.**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on February 28, 2017 at the Ossining Municipal Building, 16 Croton Avenue-1st Floor Board Room, Ossining, NY. The meeting was called to order at 7:31 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Kim Jeffrey, Northern Wilcher Karen D'Attore and Elizabeth R. Feldman Also present were Town Counsel Christie Tom Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARINGS:

Supervisor Levenberg stated that this evening, we will be re-opening two public hearings, the first of which relates to Local law #1 of 2017, which includes proposed changes to zoning in several areas of the Unincorporated Town. The Board has heard from many of you this past week via email, phone and letters, specifically regarding the rezoning of the Maryknoll property. While we plan to let everyone speak who wants to go on the record, I want to review the background of this particular part of our proposed local law for those who need a little context.

- Public Hearing in the Matter of Local Law #2-2017 for the Purpose of Amending the Zoning and Cabaret Chapters of the Town Code

At 7:32 P.M., Councilmember Jeffrey made motion to open the Public Hearing and it was seconded by Councilmember Wilcher.

Supervisor Levenberg stated that I would like to open this public hearing and invite anyone to address the board on the subject of Local Law #2. Also, just so you know, we plan to keep this hearing open and will reopen it at the Town Hall Meeting next Tuesday, March 7th.

Councilmember Feldman questioned whether the parcel has a Conservation Easement

Town Counsel Tomm Addona stated that other changes are being made at the present time by Frederick P. Clarke and will be discussed at the adjourned meeting on March 7, 2017.

Sister Regina Pellicore from Maryknoll commented that an email from the attorney was forwarded to the Town Board relating to an easement on the Sister's property. We understand the rationale behind the re-zoning of the property for the school district who are the true benefactor of re-zoning. This is being done for the wrong reasons. It should be more like the Town of Ossining.

At 7:37 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until March 7th, 2017 at the Ossining Public Library.

- Public Hearing in the matter of the 2017 Cabaret License Renewal for Ballroom Studio of Westchester

At 7:38 P.M., Councilmember Wilcher made motion to open the Public Hearing and it was seconded by Councilmember Feldman.

For our second Public Hearing of the evening, we had planned to re-open the Public Hearing on a cabaret license renewal for Ballroom Studios of Westchester on North State Road. In the interim, we asked our counsel to reach out to the applicant. Ms. Adonna, would you be so kind as to bring us up to speed please? Motion to adjourn the public hearing for one month.

Town Counsel Christie Tomm Addona stated that a letter was sent to address the issues including noise and they were directed to hire a sound engineer as well as an architect. The public hearing is being adjourned to a future date.

At 7:45 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned until March 28th, 2017 at the Police/Court Facility.

Motion Carried: 4-1-0
Ayes: Wilcher, Feldman, D'Attore & Levenberg
Abstain: Jeffrey

III. ADJOURNMENT TO WORK SESSION

Thank you everyone for your input on these two important and ongoing conversations. We will be re-opening the hearing on Local Law #2 at our Town Hall Meeting on Tuesday, March 7th at the Ossining Public Library. I hope you will join us in person, as meetings from the Library are not live-streamed.

At 7:45P.M., Councilmember Jeffrey moved and it was seconded by Councilmember D'Attore to adjourn into Work Session.

- Maple House PILOT Extension Proposal, National Foundation for Affordable Housing Solutions, Inc.

Supervisor Levenberg stated that tonight, we have invited the National Foundation for Affordable Housing to give a presentation to us. This group is working on purchasing Maple House, which, if you are unfamiliar, is a 105 unit building of senior housing rental units in the Village of Ossining that currently has a PILOT agreement in place-with 5 years remaining. The Foundation has asked for an extension of the PILOT agreement, and they are here to share with us some information about their background and their plans for the property. We have also invited representatives from the Ossining Village Board, as well as the Ossining School District and Library Boards to join us as the other involved taxing entities who would be impacted by the extension of a PILOT. Could everyone please introduce themselves and their affiliation?

IV. ADJOURNMENT OF WORK SESSION- RETURN TO REGULAR MEETING

At 9:30 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman to adjourn into Regular Meeting.

V. ANNOUNCEMENTS

Sueprvisor Levenberg announced the following:

I have a few short announcements to make before we proceed with our agenda. March is Women's History Month, and the Ossining Documentary and Discussion Series will be celebrating with a special event on Thursday, March 23rd, where they will host a showing of "Makers: Once and For All," at 6:30PM in the Budarz Theater at the Ossining Library. I hope you will attend this wonderful film and panel discussion to follow documenting the momentous fourth World Conference on Women in Beijing in 1995 and exploring the global struggle for women's rights.

You can also celebrate this important month this Thursday, March 2nd, the Croton Free Library will be hosting Croton Friends of History's presentation entitled "Ten Outstanding Croton Women", which will introduce you to ten Croton residents of the past who have had an enormous impact on the Village through their contributions well beyond our community. Don't miss this exciting walk into history beginning at 7PM. March also marks the third month of the Ossining Basics Kick-Off, and the principle this month is "Count, Group and Compare." As we all know, education begins at home and in the community, and every step we take towards getting our youngest scholars ready for the classroom is crucial to their life-long learning. Look out for some new initiatives around town to support this collective impact campaign in our Community.

I had the privilege of attending a sneak peak of Westchester Collaborative Theater's new space on Main Street, just behind Six Degrees of Separation. It is an exciting new space and new opportunity to grow this wonderful organization and to host other performing arts events. I also got to see a sneak peek of their upcoming world Premier of Lot's Wife, written by Albi Gorn and directed by Karina Ramsey, featuring some wonderful Ossining High School performers. It was truly impressive. In March there are multiple events available for the community to enjoy this new space and performance and I will share more with you in my supervisor's update this Friday.

Councilmember Kim Jeffrey announced that Senator Carlucci will hold a Student Council Meeting on March 9 from 4:30 p.m. – 6 p.m. from Grades 8th – 12th. Senator Carlucci will also sponsor a "Know Your Rights on March 15th from 6:00 p.m. – 8:00 p.m. at the Ann M Dorner Middle School.

Budget Officer Maddi Zachacz Announced the Town Hall Meeting will take place on March 7th.

VI. LIAISON REPORTS

VII. DEPARTMENTAL REPORTS

VIII. PUBLIC COMMENT ON AGENDA ITEMS

IX. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the February 14, 2017, Minutes of the Regular Meeting as presented.

Motion Carried: 4-1-0
Ayes: Wilcher, Jeffrey, D'Attore & Levenberg
Abstain: Feldman

B. Approval of Minutes-Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the February 7, 2017, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated February 28, 2017 in the amount of \$41,456.26 for 2016 and \$632,698.49 for 2017, for a total of \$674,154.75

Supervisor Levenberg stated that we still have a few bills from 2016 coming in, so you will likely see several more batches of 2016 vouchers before we need to close the year in preparation for the audit. As for 2017 bills, we are still getting comfortable with the MUNIS system and a lot of these are backlog from the first few weeks of the year, including 2 months of IMA payments to the Village of Ossining and one medical insurance bill.

Motion Carried: Unanimously

D. Calling for a Public Hearing in the matter of the 2017 Cabaret License Renewal for The Briarcliff Manor Restaurant & Catering Corp.

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, March 14th at 7:30 p.m. at the Birdsall/Fagan Police Court Facility 86-88 Spring Street Ossining NY 10562, in the matter of the 2017 Cabaret License for The Briarcliff Manor Restaurant & Catering Corp. located at 52 Studio Hill Road, Briarcliff Manor, N.Y. 10510.

Supervisor Levenberg stated that due to some confusion on the part of the Town, this application is coming before us a little later than anticipated. With our apologies to the owners for the delay, we look forward to having a conversation about this cabaret renewal at our Regular Meeting on March 14th.

Motion Carried: Unanimously

E. Call for Public Hearing on Local Law #3- 2017 Tax Payment Plans

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, March 14th, 2017 at 7:30 P.M. at the Birdsall/Fagan Police/Court Facility, 86-88 Spring Street in Ossining, N.Y. in the matter of Local Law #3 of 2017- Tax Payment Plans.

Supervisor Levenberg stated that when we retained Silverberg Zalantis LLC as our general counsel back in 2016, they made a recommendation that the Town reconsider the wording and procedures of tax repayment plans. Our attorneys have been working closely with our Receiver of Taxes to ensure that our code and our procedures reflect New York State law, while also allowing for payment plans to be structured in a way that works for our residents.

Motion Carried: Unanimously

F. A Resolution Authorizing Various Improvements At Dale Cemetery In And For The Town Of Ossining, Westchester County, New York, At A Maximum Estimated Cost Of \$390,000 And Authorizing, Subject To Permissive Referendum, The Issuance Of \$390,000 Serial Bonds Of Said Town To Pay The Cost Thereof.

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. Various Improvements at Dale Cemetery in and for the Town of Ossining, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$390,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$390,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 91 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such 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. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially 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 consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

Supervisor Levenberg stated that if you have been following along at home, chances are this resolution will not be a surprise to you. We have been hard at work for the past six months building a capital plan for our parks and open spaces, and while the original plan was to borrow close to \$1M to perform all of the work we need, we have managed to absorb almost half of that by using fund balance and In Lieu of Parkland monies to supplement the bond issue. This first resolution is for \$390K to perform work at Dale Cemetery, including a lot of paving, the re-pointing of several stone walls, section signs, and the restoration of 104 Havel Street, which houses our Cemetery offices. Again, as a reminder, the Town will still need to go out to bid on this work, and we expect it may come in lower than we anticipate. However, for the building itself, we feel it is important to consider the historic status of the building as we go forward and restore the building in a way that is historically appropriate and respectful. Much to our delight, these items are able to be bonded for 15 years, which will spread out the amount of time we have to repay the debt, making this an easier lift for our taxpayers while preserving a major community asset for the next several decades.

Roll Call Vote: 5-0-0

Ayes: Jeffrey, D'Attore, Feldman.
Wilcher & Levenberg

G. A Resolution Authorizing Purchase Of Heavy Equipment And Machinery For The Town Of Ossining, Westchester County, New York, At A Maximum Estimated Cost Of \$127,275 And Authorizing, Subject To Permissive Referendum, The Issuance Of \$127,275 Serial Bonds Of Said Town To Pay The Cost Thereof.

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. The purchase of heavy equipment and machinery for the Town of Ossining, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$127,275.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$127,275 serial bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such 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. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially 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 consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

Supervisor Levenberg stated that the other bond resolution is for the purchase of two major pieces of equipment: a Bobcat Skid Steer loader and a truck for our Parks Department. Both of the items also are to be bonded for 15 years.

Roll Call Vote: 5-0-0

**Ayes: Jeffrey, D’Attore, Feldman,
Wilcher & Levenberg**

H. Resolution – Authorizing Levy of Unpaid Water Charges on Town Tax Roll

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

WHEREAS, pursuant to an Inter-Municipal Agreement (“Water IMA”) dated January 1, 2002, the Village of Ossining supplies water to the Unincorporated area of the Town of Ossining (“Town Outside”) and directly bills consumers in the Town Outside for water supplied pursuant to the Water IMA; and

WHEREAS, pursuant to the Water IMA, any water charge that is delinquent for three or more months shall be levied against the delinquent property by the Town and shall be subject to penalty in the manner provided by law, in which event, upon collection by the Town, the Town shall remit the amount collected to the Village of Ossining; and

WHEREAS, pursuant to Section 198 of the Town Law, the Town of Ossining is authorized to levy unpaid water charges against delinquent properties;

NOW, THEREFORE, BE IT RESOLVED, that any water charges to a customer outside of the Village of Ossining corporate limits and in the Town of Ossining that is delinquent for three or more months shall be levied against the delinquent property and shall be subject to penalty in the manner provided by law,

AND BE IT FURTHER RESOLVED, that the Village Treasurer, on behalf of the Village Clerk of the Village of Ossining, shall file with the Supervisor of the Town of Ossining, as required by law, statements showing unpaid water charges to customers outside of the Village of Ossining corporate limits, but within the Town of Ossining, which are delinquent for three or more months and that such statements shall contain a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amounts chargeable to each for the purposes of levy and enforcement under “Water Rents” and upon receipt of such statement, the Supervisor will transmit said statement of delinquent water charges to the Receiver of Taxes for levy against those delinquent properties.

Supervisor Levenberg stated that this is an annual resolution, accompanied by a list of Town properties with delinquent Village water accounts. Passing this resolution enables the Town to collect these liens on behalf of the Village of Ossining via the Town/County tax bill, which we will begin preparing later this week.

Motion Carried: Unanimously

I. Contract- Interstate Fireworks

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with Interstate Fireworks Inc., PO Box 260, Rowland, Pennsylvania, to furnish a display of fireworks on July 3rd, 2017, for a contract amount totaling \$25,467.75.

Supervisor Levenberg stated that the Town and Village have been working with Interstate Fireworks for many years, and we are looking forward to our annual Independence Day celebration on Monday, July 3rd. This price represents a budgeted 5% increase over the 2016 rate, which has stayed the same for several years and which, according to our Superintendent of Recreation, is still a fine bargain for the exceptional service we are provided by Interstate.

Motion Carried: Unanimously

J. Highway -Westchester County Bus Shelter Agreement

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

RESOLVED, that the Town Board of the Town of Ossining authorizes the Supervisor to execute two agreements with the County of Westchester for the continuation of the County Wide Bus Shelter IMA for the bus shelter at North State Road and Chappaqua Road, consisting of one three month extension covering the period between April 1, 2016 through June 30, 2016, and one covering the period commencing July 1, 2016 through June 30, 2021.

Supervisor Levenberg stated that although a bit late, we are pleased to renew this agreement with Westchester County, which allows the Town to receive a cut of the advertising revenue from our one Bee Line Bus Shelter, which sits at the corner of North State and Chappaqua Roads. We have approached the County about expanding this program in Ossining, and will be following up to see if they are interested in working with the Town on another bus shelter in 2017.

Motion Carried: Unanimously

K. Changes to Town Fee Schedule

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

Be it Resolved, that the Town Board of the Town of Ossining does hereby amend the Town of Ossining Fee Schedule to reflect the following changes, effective March 1st, 2017:

Additions:

Type of Fee	Charge
Fields/ Facilities- Resident	\$50 for 2 hour rental, \$25 for each additional hour
Fields/ Facilities- Non Profit	\$50 for 2 hour rental, \$25 for each additional hour
Fields/ Facilities- Non Resident	\$150 for 2 hour rental, \$50 for each additional hour
Field/ Facility with Lights- Resident	\$100 for 2 hour rental, \$50 for each additional hour
Field/ Facility with Lights- Non Profit	\$100 for 2 hour rental, \$50 for each additional hour
Field/ Facility with Lights- Non	\$300 for 2 hour rental, \$100 for each additional hour

Supervisor Levenberg stated that at our last Work Session, we discussed the Fields and Facilities application, which this Board also adopted at that very same meeting. As the plan is to streamline work for the Recreation department by having both the Town and Village share this application, we needed to agree with the Village on the fees set for field and facility usage, and this represents what we collectively decided was the correct fit. Our fee schedule can be found on the Town’s website with all current rates as of tonight.

Motion Carried: Unanimously

L. Resolution: Adopting Energy Benchmarking Policy Requirements for Certain Municipal Buildings in the Town of Ossining

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

Whereas, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the higher performing buildings, for the exact same building use; and

Whereas, this Local Policy will use Building Energy Benchmarking to promote the public health, safety and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Ossining; and

Whereas, collecting, reporting, and sharing Building Energy Benchmarking data on the regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide; and

Whereas, equipped with this information, the Town of Ossining will be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvements; and

WHEREAS, the following definitions will apply:

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Supervisor” shall mean the Town Supervisor or his/her designee.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Ossining that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Supervisor’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations; and

WHEREAS, this Local Policy is applicable to all Covered Municipal Buildings as defined in item 4 above of this Local Policy; and

WHEREAS, the Supervisor or his/her designee may exempt a particular Covered Municipal Building from the benchmarking requirement if the Supervisor or his/her designee determines that it has characteristics that make benchmarking impractical; and

WHEREAS, no later than December 31, 2017, and no later than May 1 every year thereafter, the Supervisor or his or her designee shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year; and

WHEREAS, for new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Supervisor or his or her designee shall begin inputting data in the following year; and

WHEREAS, the Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than December 31, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

WHEREAS, the Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Local Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by this Local Policy) across calendar years for all years since annual reporting under this Local Policy has been required for said building; and

WHEREAS, the Department shall maintain records as necessary for carrying out the purposes of this Local Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years; and

WHEREAS, the Supervisor or his or her designee shall be the Administrator of this Local Policy; and

WHEREAS, the Administrator of this Local Policy may promulgate procedures necessary for the administration of the requirements of this Local Policy; and

THEREFORE BE IT RESOLVED THAT within thirty days after each anniversary date of the effective date of this Local Policy, the Administrator of the Benchmarking Policy shall submit a report to the Town Board including but not

limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Supervisor determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Local Policy; and

BE IT ALSO RESOLVED THAT this Local Policy shall be effective immediately upon adoption by the Town Board, and a copy of this resolution shall be provided to the Supervisor's Office.

Supervisor Levenberg stated that the Town is always on the lookout for ways to reduce our carbon footprint, and we are also regularly in pursuit of grant money to do just that. As part of our application to be a "Cleaner, Greener Community", this is one of two new actions that we are instituting to measure our progress going forward and keep ourselves accountable, not just to our residents through the reduction of energy costs, but to our environment and future generations. This program will be administered through the Supervisor's Office, and we look forward to getting up and running to share our data with the community.

Motion Carried: Unanimously

M. Resolution- Amendment to Town Benefit Policy for Elected and Appointed Officials

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

WHEREAS, by duly enacted resolution of the Town Board dated December 8, 2015, the Town adopted a policy (hereinafter "the Policy") regarding the provision of insurance benefits to elected officials and officers/employees appointed by the Town Board who are not otherwise covered by the terms of any collective bargaining agreement; and

WHEREAS, among other things, the Policy addressed the provision of such benefits into retirement; and

WHEREAS, the Town Board has determined that it would be beneficial to the Town to offer a retirement incentive applicable to all elected officials presently holding office as well as actively employed officers/employees appointed by the Town Board who are not otherwise covered by the terms of any collective bargaining agreement;

NOW THEREFORE, BE IT SO RESOLVED, that the Town Board hereby adopts and approves the following amendment to the Policy effective March 1, 2017:

Notwithstanding the provisions of Section 5(b) of the December 8, 2015 Policy to the contrary, effective March 1, 2017, any elected officials who currently hold office and any actively employed officers/employees appointed by the Town Board who are not otherwise covered by the terms of any collective bargaining agreement shall be eligible for either individual or family/dependent health insurance coverage into retirement with one hundred (100%) of the premium cost being paid by the Town, provided that they satisfy each of the following conditions:

- 1. They submit by no later than September 1, 2017 their irrevocable written notice of resignation from their elective office or title to which they have been appointed with an effective date no later than the close of business on December 31, 2017.**
- 2. If they have not already done so, they retire into the New York State Retirement System on or before December 31, 2017.**

3. They provide the Town with copy of their Medicare card and/or that of their spouse within fourteen (14) calendar days of the effective date of their resignation or the date they become Medicare eligible, whichever occurs first.

In all other respects, the provisions, terms and conditions of the Policy adopted on December 8, 2015 shall remain in full force and effect.

Supervisor Levenberg stated that back in 2015, the Town Board passed a resolution to delineate the benefits offered to retired elected and appointed officials, which included the end of a standing tradition to pay for the coverage of long time employees in perpetuity. It was brought to our attention that this abrupt change in policy may have adversely impacted some of our most senior employees, and this Board wishes to give a window of opportunity for eligible employees to take advantage of what was understood to be a benefit when they began employment.

Motion Carried: Unanimously

N. Stipulation of Agreement between Town of Ossining and Local 456

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

Be it Resolved, that upon recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation of Agreement regarding payment of overtime on the December 30th, 2016 half day holiday, between the Town and Local 456, effective March 1st, 2017; and

Be it further Resolved, that the Town Supervisor is authorized to execute the Stipulation on the Town's behalf.

Motion Carried: Unanimously

X. CORRESPONDENCE TO BE RECEIVED AND FILED

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

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

- Town Planning Board meeting minutes dated December 21, 2016
- Town Planning Board meeting minutes dated December 7, 2016

Motion Carried: Unanimously

XI. MONTHLY REPORTS

XII. VISITOR RECOGNITION

XIII. ADJOURNMENT-EXECUTIVE SESSION – PERSONNEL & CONTRACTS

At 10:16 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher to adjourn into Executive Session.

Supervisor Levenberg stated that we hope to see you next Tuesday, March 7th at the Ossining Public Library at 7:30 P.M. for our Town Hall Meeting. Have a great week, and goodnight.

At 11:50 P.M., Councilmember Wilcher moved to leave Executive Session and it was seconded by Councilmember D'Attore.

At 11:51 P.M., Councilmember Jeffrey moved to adjourn Executive Session and it was seconded by Councilmember Wilcher.

Approved:

Mary Ann Roberts Village Clerk