



**TOWN BOARD
TOWN OF OSSINING
86-88 SPRING STREET
BIRDSALL-FAGAN POLICE COURT FACILITY
OSSINING, NEW YORK**

**NOVEMBER 9, 2016
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

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

6:30 P.M. EXECUTIVE SESSION-CONTRACTS

At 6:33 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Town Board enter into Executive Session.

At 7:30 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to Legislative Session.

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

The Regular Meeting of the Town Board of the Town of Ossining was held on November 9, 2016 at the Ossining Municipal Building, 16 Croton Avenue-3rd Floor Conference Room in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Kim Jeffrey, Northern Wilcher, Karen M. 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. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

Many of us have very strong feelings today as the results of the presidential election come into sharp focus. Much of what people are processing continues to be, in my opinion, fear. I do not feel like we can start tonight's meeting without acknowledging these feelings and discussing some potential ways to address them. As I am a person that tends to see a glass as half full rather than half empty, I believe we need to look for silver linings.

First, I believe, as we have heard from many, it is critically important to analyze not just what the results are, but why they are what they are. It is clear that, of those who voted, many were calling out for a change to the way government operates. Government needs to be more agile, more responsive, and more willing to get into the trenches to find real solutions to our everyday problems of living in safe, supportive, affordable, healthy, and happy environments.

Both of the slogans that were used in the presidential races, are important to consider: Making America Great Again as well as Stronger Together. Making America Great Again holds the promise of a return to lost ideals. As we decide to roll up our sleeves to figure out just what might have made us great in the past but is somehow not making us great today, we need to look to the founding fathers (and mothers). I have had the songs from the musical Hamilton coursing through my head since last night. Hamilton, the musical, turned history on its side by casting almost all people of color to

represent the early immigrant experience of making a new country and rallying against the establishment to do so. These early immigrants who founded this country used their talents to survive and build on their skills and experiences to create a new norm that could serve as a template for others to come and pursue life, liberty and happiness.

While many hear messages of hatred, again, I think these have been caused by fear. We need to help extinguish that fear. To do so, I propose forming a Kindness group, one that helps us, as a local government, support those most in need of kindness as well as recognize those who have the easiest time performing small acts of kindness for others on a regular basis without normally receiving any recognition. I am a strong believer that recognizing people for their positive actions perpetuates a yearning for others to do good, for each of us to do more good. I would like to call this group the Lemonade Brigade, and find people who both work for and volunteer with government to help identify a plan to turn lemons into lemonade every day to strengthen the core supports in our community, and to indeed realize the American Dream for all here in Ossining. I hope you will apply.

Today, I had the opportunity to think really hard about my own family history. My mother was hidden on a farm in Holland during the Second World War. As a Jewish child, she was “temporarily adopted” by righteous Christians who risked their lives to hide and raise my mother as if she were their own. She went to school with the other children from when she was 5 until 7 years old, hiding from the Nazis under haystacks when they came by. When the war ended, she was reunited with her parents, who had been hidden by other equally brave and kind and righteous Christians. During this time of fear of the unknown, good, hard-working people reached out to help strangers, because they did not believe that this type of person with a particular label or that type of person with another label was the cause of their demise. They serve as exemplars for all of us that we must believe in our fellow humans, support and cherish them, so we can all succeed. Other’s dreams do not threaten our dreams. We must show kindness to one another no matter what. That is how we will become much Stronger Together.

As we deconstruct the messages from this campaign, we must work hard to remember that love not hate, courage not fear, and kindness and hope are what make us human, what make our everydays worth living. We must help one another by showing our strength, our resilience, and work just that much harder to achieve our collective ideals. Today is the first day of the rest of our lives. Let’s grab it and let the goodness in us take hold at the local level so we can do our part to make this Town and this Country all that it can be.

*IFCA held a Ribbon Cutting for their consignment shop where now, with some help from Senator David Carlucci’s office, they have increased their hours and offered job training for those who now work in the shop. The store has some treasures, so be sure to stop by on the corner of Spring and Broad Streets to see what you can find. Councilwoman D’Attore, would you like to elaborate?**

On Sunday, November 6th, I was joined by many Ossining and Westchester friends aboard the Hornblower Ship leaving Yonkers Harbor for the “Sing Sing Swing,” a fundraiser for the Sing Sing Prison Museum project. Several hundred history buffs took a trip “Up the River” and learned about the history of the facility and the plans for the museum and how it will be transformative in our region once designated as a museum. This was a phenomenal event, and it would not have been possible without the hard work of many, including Jerry Faiella of Historic Hudson River Towns, Stephanie Lynn, Rochelle Udell, Dana White, Henry Welt, Tracey Corbitt, Mark Sarazen and so many others whose enthusiasm for the project is absolutely infectious and without whom this would not have been possible. I look forward continuing to work with this fantastic team as we inform more of our community about this exciting project.

Councilwomen Jeffrey, D’Attore, Feldman and I, along with many Town and Village officials, attended the Ossining Rotary’s Byington Scholarship Fundraiser on Monday

night, where we were offered a chance to nominate a Town Employee of the Year. We were hard pressed to choose just one, so the Rotary generously allowed us to nominate our incredible Father/Son team, Matteo and Mario Velardo. Matteo has worked for the Town Highway Department for almost 23 years, and Mario for the Town Parks Department since 2001. If you know these two gentlemen, you will understand how very deserving they are of this recognition, and I was thrilled to join the Rotary in celebrating their hard work and commitment. We have named today Velardo Day in the Town of Ossining in their honor, and there are only a few hours left, so go outside and build something beautiful to mark the occasion.

Tomorrow night, Thursday, November 10th, there are several interesting events taking place in our community to which I'd like to bring your attention. The Ossining Documentary and Discussion Series will be showing "Consuming Kids", which will take an in-depth look at the marketing machine that has been explicitly built to advertise to our children. This screening begins in the Budarz Theater at the Ossining Library will begin at 6:30PM, seating at 6:15PM. All are welcome.

Also tomorrow night, our very own Captain Scott Craven of the Ossining PD, who is also a known nautical history enthusiast, will be giving a talk on the Hudson River lighthouses at the Briarcliff Library. The program begins at 7PM, and is co-sponsored by the Briarcliff Manor/ Scarborough Historical Society. If you have ever heard one of Captain Craven's lectures before, you know this is not an event anyone should miss.

Finally, I would like to draw your attention to new legislation that we sure are glad has been signed into law. The "Slow Down to Get Around" law took effect this past week, and expands on 2012's "Move Over" law. The prior version made it a crime not to slow down when you spot a stopped emergency vehicle on the road side, but the 2016 change has made it so garbage and sanitation vehicles are now included as well. You must reduce your speed when passing a collection truck with flashing lights, in addition to doing so for emergency vehicles, or you may be subject to a fine and/or jail time. Make sure to follow this law not just to avoid the fine, but also out of respect for our hard working men and women who put their safety at risk out on the road to provide our services each day.

Councilmember Feldman announced that this Friday November, 11th 7:00 p.m. admission is free at the Ossining Boat and Canoe Club. Mr. James Frosic will share his knowledge of the amazing eel and it's complicated life journey.

III. LIAISON REPORTS

IV. DEPARTMENTAL REPORTS

I would like to invite our Superintendent of Cemeteries Pete Connolly to join us and give an update on Dale Cemetery, as well as some of our agenda items this evening.

- **Pete Connolly, Dale Cemetery**

Pete Connolly from Dale Cemetery addressed Resolution F (Changes to Dale Cemetery Fee Schedule) and Resolution I (Dale Cemetery: Acceptance of Gravestone from First Baptist Church). Mr. Connolly also reported that Section 9 has been paved.

V. PUBLIC COMMENT ON AGENDA ITEMS

Mr. Howard Fleicher Town Outside resident addressed the mortgage recording tax.

Supervisor Levenberg explained that this topic is part of our Work Session and is not part of our legislative session.

VI. BOARD RESOLUTIONS

Approval of Minutes-Regular Meeting

Councilmember Jeffrey 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 October 13, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: 3-0-2
Ayes: Jeffrey, Wilcher &
Levenberg
Abstain: D'Attore & Feldman

A. Approval of Minutes-Regular Meeting

Councilmember Wilcher 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 October 25, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember Jeffrey 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 November 1, 2016, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

D. Approval of Voucher Detail Report

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 hereby approves the Voucher Detail Report dated November 9, 2016 in the amount of \$364,853.12.

Motion Carried: Unanimously

E. Zoning Board Resignation

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

Resolved, that the Town Board hereby accepts, with regret, the resignation of Zoning Board of Appeals Member Ching Wah Chin, effective November 2nd, 2016.

Supervisor Levenberg stated while Ching Wah has submitted his resignation from the Zoning Board of Appeals, he will not be going far—Ching Wah has graciously accepted the position of Planning Board Chair, and we feel incredibly fortunate that he has volunteered to continue serving our residents in this new way.

Motion Carried: Unanimously

F. Changes to Dale Cemetery Fee Schedule

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

Therefore be it Resolved, that the following changes to the Dale Cemetery Fee Schedule be implemented effective November 10th, 2016:

Additions:

Under “Disinterment Charges”

Disinterment of Cremains to be Removed from the Cemetery*	\$850
Disinterment of Cremains to another grave site in Dale Cemetery, on the same day as the disinterment*	\$1350
Disinterment of Cremains to Somerset Colombarium*	\$850
Saturday Fee	\$400
*Containers/ urns must be supplied or additional charge will apply	

Supervisor Levenberg stated As Mr. Connolly shared with us earlier tonight, this was brought to light by a special request and we wanted to be sure that the fee charged was properly documented. While this is a rare situation, we will be prepared for the next time we are asked to perform this kind of service in our cemetery.

Motion Carried: Unanimously

G. Calling for a Public Hearing-2017 Preliminary Budget

Councilmember Wilcher 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, November 22, 2016 at 7:30 p.m. at the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street, Ossining, NY in the matter of the 2017 Preliminary Budget for the Town of Ossining.

Supervisor Levenberg stated The Town Board has had a chance to meet with 6 out of our 9 department heads over the past week, and I am proud to say that we have had some thoughtful conversations about where 2017 will take the Town of Ossining. We will be discussing components of the proposed budget at our next several work sessions, but calling for the Public Hearing to be held is an important step in the budgeting process and we hope you will join us on the 22nd, right here at the Courthouse at 7:30 P.M.

Motion Carried: Unanimously

H. Dale Cemetery- Bank Resolution

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

Whereas, the Town of Ossining was recently notified of two Wells Fargo accounts in the Town’s name that have no designated signatory; and

Whereas, Wells Fargo has explained that the accounts in question were initially opened by the Dale Cemetery Association, which no longer exists, as it was absorbed by the Town in 2004;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to be designated as a signatory on the accounts.

Supervisor Levenberg stated We received a call last week regarding these two accounts at Wells Fargo bank, and upon speaking with the representative there, learned that these are two trust accounts for columbariums on the Dale Cemetery property. In order to avoid

having the bank close these accounts due to a lack of signatory, we are asking the Board to approve having my name added to ensure the funds are protected.

Motion Carried: Unanimously

I. Dale Cemetery: Acceptance of Gravestone from First Baptist Church

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

Whereas, the Ossining Historic Cemeteries Conservancy has been approached by the Historian for the First Baptist Church regarding a gravestone on their property from dating back to 1818, marking the grave of Samuel M. Mattocks; and

Whereas, the graves from First Baptist were moved to Dale Cemetery in 1869, but this particular stone was not moved and has been kept on the grounds of First Baptist until this time, and the First Baptist Church has requested that Dale Cemetery take ownership of the stone and place it among the other re-interments from 1869;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining does hereby accept the aforementioned gravestone, and will instruct the Superintendent of Cemeteries to install it on the grounds of Dale Cemetery, at no cost to the Town nor fee to the Cemetery;

And be it further Resolved, that the Town of Ossining will become the owner and custodian of said property upon delivery and installation.

Supervisor Levenberg stated we were contacted several weeks ago by the Ossining Historic Cemeteries Conservancy about a request for a gravestone to be transferred to Dale Cemetery from the First Baptist Church in Ossining, where it has been in storage for nearly a century. We are pleased to place it at Dale Cemetery among the other stones moved from First Baptist in 1869, and we are humbled to be entrusted with this important piece of history.

Motion Carried: Unanimously

J. Zoning Board- Resignation

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

Resolved, that the Town Board hereby accepts, with regret, the resignation of Zoning Board of Appeals Member Edward Miller, effective November 9th, 2016.

Ed Miller has been served on the Town's Zoning Board of Appeals since 1999, and we are so very sad to see him resign from this post. Mr. Miller has expressed to the Board how much he has enjoyed serving these past 17 years, and we are grateful to him for his service in this sometimes challenging volunteer position.

Motion Carried: Unanimously

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

VIII. MONTHLY REPORTS

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 hereby accepts the following monthly reports for the month of October 2016:

- Town Senior Center
- Town Clerk's Office

- G.E. Helicopter Report
- Town Supervisor's Office
- Dale Cemetery- October 2016 Report

Motion Carried: Unanimously

IX. VISITOR RECOGNITION

Jerry Gershner, Stonegate Road, discussed the Mortgage Recording Tax and would like to thank Councilperson Jeffrey for her fairness. The opinion of the State Comptroller was correct with the use of Home Rule. Mr. Gershner is requesting the use with general purpose and re-applying for the Home Rule Act as to make the distribution equitable.

Mr. Howard Fleischer read the following statement:

Even if you do not live in the Unincorporated Town of Ossining, this information is important to know...for convenience the Proposed Budget links are clickable below!

The Mortgage Recording Tax is a fee that is assessed against people when they buy a house. As so many other fees are. When that happens the money that is from all of the municipalities is sent to the County.

The County then takes its cut and per a formula, redistributes the money back to the respective municipalities from which the houses were sold. In this scenario, based on the comptroller's opinion, the Village of Ossining, the Village of Briarcliff, and the Town General all receive a cut.

However, the Unincorporated Town does not receive its fair share of the cut even though houses are bought and sold from our particular area.

Because our makeup is different than almost any other town, during the past 2 years one of our Town Board members has requested, that we ask our legislators for a home-rule legislation that would allow a cut of this Fee / Tax to be sent to the Unincorporated Town Fund.

Based on previous figures, that comes out to be about \$80,000. The rest of the board or the majority of the board on the past two previous boards have refused to go ahead and do so. The citizens of the Unincorporated Town need to demand a change from how this is handled since it is simply NOT FAIR!

In last year's budget the Town Board Members shifted a portion of salaries of certain individuals who work for the Town onto the Unincorporated Town. This included 33% of the attorneys, 33% of the confidential secretary, and 33% of the budget director, with the argument that all of those individuals spend a portion of their time only working on issues with respect to the Unincorporated Town. It was the first time that has ever been done.

This year they are changing it in the budget so that it is 50% of the attorney, and 40% of the budget director salaries to be taken from the Unincorporated Town Fund. The confidential secretaries will be now 70% Town General and 30% from Dale Cemetery because she works on issues specific the Cemetery.

Donna Sharrett- Morningside Drive, read the following statement:

Dear Town Supervisor and Councilmembers,

- 1. Mortgage Tax reimbursement to Town Outside (should be considered)*
- 2. Shine house – village contribution? (answer: general fund)*
- 3. Leaf pick-up- needs to rethought. Education and town composting program (possible future composting plan)*
- 4. After last night, the fight to protect our environment on the national level will be more challenging.*

In our town, we can make changes that will yield real environmental protection and progress towards substantial reductions of our town's carbon footprint. Gains realized from the residential solar project are lost when the increased energy demands and uncompensated tree loss from new and proposed developments are considered, in addition to the tremendous uncompensated tree loss by state and utility projects.

Trees are 2nd only to wetlands in their ability to sequester carbon, one of their many eco-services.

I ask that you consider a Carbon Sequestration Initiative that would require, by law, that all proposed development replace all tree loss in quantities sufficient to meet at a minimum, 80% of the original existing tree(s) DBH. (30" DBH tree replaced with six 4"DBH trees) Tree species native to Westchester's original deciduous hardwood forests, a Landscape Maintenance Agreement, and Cornell tree planting methods (to include Structure Soil and Pervious Pavement for street tree planting) should be required to insure tree vigor and longevity.

If a developer cannot accommodate the required number of trees then they should be required to plant or pay for the planting of trees, and their maintenance, elsewhere in our town.

To be impactful, this initiative would require air tight codes, as should all our environmental codes.

Those guiding our town's planning reviews and the creation of codes must possess both a full understanding of the urgent need to protect our remaining natural resources, and a genuine dedication towards this goal.

With these measures, our town could truly be part of the climate change solution.

(additional info from US Forest service: <http://www.itreetools.org/>)

Thank you for considering my remarks.

Mark Frye spoke about the impact on the budget.

X. ADJOURNMENT – EXECUTIVE SESSION-CONTRACTS & REAL ESTATE

At 8:25 P.M., Councilmember Feldman moved and it was seconded by Councilmember Jeffrey that the meeting be adjourned to Work Session.

Motion Carried: Unanimously

At 8:44 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the meeting be adjourned.

Approved:

Mary Ann Roberts Town Clerk