



**AGENDA**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**IN PERSON AT**  
**TOWN MUNICIPAL BUILDING**  
**1<sup>st</sup> FLOOR CONFERENCE ROOM**  
**16 CROTON AVE – OSSINING, NEW YORK**  
**AND VIA ZOOM**

Members of the public can view the meeting via computer or mobile app:  
<https://us02web.zoom.us/j/86239698470>

Members of the public can listen to the meeting by dialing in via phone: +1 929 205 6099

Meeting ID: 862 3969 8470

**\*\*Please note that by dialing in, your phone number will be visible to the host, participants, and attendees of the meeting.\*\***

**SEPTEMBER 14, 2021**  
**REGULAR MEETING**  
**7:30 P.M.**

**SUPERVISOR**  
**Dana A. Levenberg**

**COUNCILMEMBERS**  
**Elizabeth R. Feldman      Gregory G. Meyer**  
**Jackie G. Shaw          Northern Wilcher, Jr.**

- I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL**
- II. PUBLIC HEARING**
  - **Local Law to opt out of allowing on-site cannabis consumption sites in the unincorporated Town of Ossining**
- III. ANNOUNCEMENTS**
- IV. LIAISON REPORTS**
- V. PUBLIC COMMENT ON AGENDA ITEMS**
- VI. BOARD RESOLUTIONS**
  - A. Approval of Minutes—Regular Meeting – August 24, 2021**

**Resolved, that the Town Board of the Town of Ossining hereby approves the August 24, 2021 minutes of the Regular Meeting as presented.**
  - B. Approval of Minutes—Special Meeting – August 31, 2021**

**Resolved, that the Town Board of the Town of Ossining hereby approves the August 31, 2021 minutes of the Regular Meeting as presented.**
  - C. Approval of Voucher Detail Report**

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 14, 2021 in the amount of \$852,457.36**

**D. Resolution – Adopting Local Law #8 of 2021 – Opt Out of Allowing On-site Cannabis Consumption Sites in the Unincorporated Town of Ossining**

**WHEREAS, the on March 31, 2021 the State of New York enacted legislation known as the Marihuana Regulation and Taxation Act (“MRTA”), which, among other things, established a new Office of Cannabis Management for the regulation of cannabis, created a regulated and taxed cannabis industry in New York and provided for various social and economic justice initiatives related thereto; and**

**WHEREAS, while the MRTA preempted local regulations with respect to many aspects of cannabis sales and consumption, the MRTA did give local governments the ability to opt out of having cannabis retail dispensaries and/or on-site cannabis consumption establishments within the municipalities’ respective borders by December 31, 2021; and**

**WHEREAS, if the local government does not opt out by December 31, 2021, they are precluded from doing so in the future; however, a local government that does opt out by December 31, 2021 has the discretion to determine to opt back in to have such establishments in the future; and**

**WHEREAS, after holding a Town Hall meeting and work sessions on this topic to receive and consider input from the public, the Town Board decided to consider a local law to opt out of only on-site cannabis consumption establishments within the Unincorporated Town of Ossining; and**

**WHEREAS, as the only involved agency for this local law pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town Board prepared a Short Environmental Assessment Form, Part 1; and**

**WHEREAS, the Town Board held a duly-noticed public hearing on this local law at its regular meetings on Tuesday, August 24, 2021 and Tuesday, September 14, 2021 in the first floor conference room at Town Hall, 16 Croton Avenue, Ossining, New York 10562 and via Zoom videoconferencing, and members of the public having the opportunity to attend and be heard in person or via videoconferencing, the public hearing was closed on September 14, 2021; and**

**WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Ossining for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and**

**NOW THEREFORE,**

**BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration pursuant to SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the ability to opt out of allowing on-site cannabis consumption establishments was a right afforded to the Town Board by State law and this local law will maintain the status quo of not allowing on-site cannabis consumption establishments within the Town while the State implements its new licensing program and the Town can more definitively assess, based upon empirical evidence, the benefits and risks of allowing such establishments within the Town; and**

**BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 8 of 2021 entitled Opt Out of Allowing On-site Cannabis Consumption Sites in the Unincorporated Town of Ossining; and**

**BE IT FURTHER RESOLVED, pursuant to New York Cannabis Law § 131, this Local Law #8 of 2021 is subject to a permissive referendum and thus the**

local law may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or, if a valid petition has been filed, a referendum has been conducted approving this local law; and

**BE IT FURTHER RESOLVED**, the Town Clerk is directed to post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution concisely stating the purpose and effect thereof and specify that this resolution was adopted subject to a permissive referendum.

**E. Resolution – Holding meetings of the board of the Town of Ossining via videoconferencing through January 15, 2022**

**WHEREAS**, in furtherance of the State of Emergency issued on March 7, 2020 related to the COVID-19 pandemic, the Governor issued Executive Orders 202.1 and 202.15 that allowed municipal boards to hold meetings and public hearings remotely via videoconferencing or teleconferencing; and

**WHEREAS**, in furtherance of these Executive Orders, the boards of the Town of Ossining held their meetings via Zoom videoconferencing until June 2021 when the State of Emergency, and the corresponding authority to holding meetings via videoconferencing, expired; and

**WHEREAS**, on September 2, 2021, the State enacted legislation that allow municipal boards to continue holding meetings remotely via videoconferencing or teleconferencing until January 15, 2022; and

**WHEREAS**, in light of the prevalence and contagiousness of the COVID-19 Delta variant, as well as the convenience afforded to members of the public, the Town Board believes it is in the best interest of the health, safety and welfare of the Town, its officers, employees and constituents to resume holding board meetings via Zoom videoconferencing; and

**NOW THEREFORE**,

**BE IT RESOLVED**, until January 15, 2022, the meetings of the Town of Ossining Town Board, Planning Board, Architectural Review Board and Zoning Board of Appeals shall be held via Zoom videoconferencing, which meetings the public shall have the ability to view and the meetings shall be recorded and later transcribed; and

**BE IT FURTHER RESOLVED**, the Town Clerk, the Town Planning Board and Zoning Board Secretary, and any other appropriate staff and personnel, are hereby directed to notice these meetings as required by law; and

**BE IT FURTHER RESOLVED**, the Town Board will revisit this matter at its January 11, 2022 legislative session.

**F. Policy Regarding COVID-19 Vaccinations and Testing for Non-Union Employees**

**WHEREAS**, on March 7, 2020, the Governor of the State of New York issued an Executive order declaring a state of emergency for the entire State related to cases and community contact transmission of the Novel Coronavirus (“Covid-19”) occurring throughout New York State; and

**WHEREAS**, the State of New York, the residents of Westchester County, and the Ossining community continue to be impacted by the Covid-19 pandemic; and

**WHEREAS**, the Center for Disease Control (“CDC”) recently issued guidance that strongly recommends the continued use of multi-layered safety

protocols to enable individuals to be as safe as possible while at work, a significant component of which should be a requirement that all Town employees either be vaccinated or be tested for Covid-19 on a regular basis; and

WHEREAS, in response to the rapid spread of the Covid-19 Delta variant, on July 28, 2021, the Governor announced that effective Labor Day, all employees of the State of New York must be vaccinated or be tested on a regular basis; and

WHEREAS, the Governor has strongly encouraged all employers, and local government and school districts in particular, to require that all public employees either be vaccinated or be tested on a regular basis; and

WHEREAS, if employees of the Town have not voluntarily elected to be vaccinated, regular Covid-19 testing of such unvaccinated individuals is an essential component of the multi-layered safety protocols that will be put in place to help ensure the health and safety of all Town personnel and residents with whom they may come in contact;

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Policy annexed hereto as Exhibit A is hereby adopted by the Town Board as the Town's Covid-19 Vaccination and Testing Policy; and it is further

RESOLVED, that such Policy shall apply 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 it is further

RESOLVED, that the proper officers of the Town are authorized to take any further action and execute and deliver any agreements, instruments and documents, in the name of the Town, as in their judgment shall be necessary, proper or advisable in order to carry out the intent and accomplish the purposes of the resolutions adopted hereby.

The foregoing resolutions shall take effect September 13, 2021

**EXHIBIT A  
TOWN OF OSSINING  
COVID-19 VACCINATION AND TESTING POLICY**

1. Effective September 13, 2021, employees who have not submitted proof of a completed vaccination regimen for Covid-19 (see paragraphs 8 and 9, *infra*), shall be subject to periodic testing for Covid-19 as set forth herein.
2. The frequency with which Covid-19 testing shall be undertaken for individuals who have not submitted proof of a completed Covid-19 vaccination regimen shall be determined by the Town, and may periodically be changed at the sole discretion of the Town Supervisor on five (5) business days' written notice to the affected individuals. Initially, beginning in September 2021, such testing shall occur on a weekly basis.
3. The type of test to be utilized for Covid-19 testing shall be determined by the Town and may periodically be changed in the sole discretion of the Town Supervisor on five (5) business days' written notice to the affected individuals, provided however, that the type of test to be utilized shall be limited to those tests that have been approved by the FDA for such purpose. Initially, beginning in September 2021, the test to be utilized will be a nasal swab test.
4. The Town shall provide Covid-19 tests required pursuant to this Policy at the sole expense of the Town. Individuals shall not bear any expense related to the provision of the test kits to be utilized and/or the lab analysis of the specimens collected.

- 5. Administration of the Covid-19 tests shall occur during the regular workday and work hours of the affected individuals without any additional compensation related to such testing. Those individuals who are subject to the Covid-19 testing requirement shall report to the OVAC headquarters (located at 8 Clinton Avenue, Ossining NY) on the day and time designated by the Town for the administration of the Covid-19 test for each such individual. Initially, such testing shall occur on Mondays each week, or Tuesdays in those weeks in which Monday is a Town holiday. Following collection of the necessary specimen, individuals shall immediately report to their building/work site to perform their regular job duties.**
- 6. Those individuals who are subject to the Covid-19 testing requirement who are absent from work or otherwise fail to submit a test sample on the day on which they are scheduled by the Town for testing, shall be subject to testing during the next workday on which they report to work. In such event, the individual is required to contact the Town Supervisor's office upon reporting to work for direction as to what time they should report to OVAC Headquarters for testing.**
- 7. Any individual who is subject to the Covid-19 testing requirement as set forth herein, who fails to submit a test sample during their regular workday on a day designated by the Town for such purpose, shall be given notice by the Town that if they do not submit a test sample within two business days' following receipt of the notice, that they will thereafter, to the extent permitted by applicable law, be placed on an unpaid leave of absence until such time as they either submit proof of Covid-19 vaccination as set forth herein or submit to Covid-19 testing in accordance with the terms of this Policy. Notice shall be provided by both electronic mail (email) to the individual's Town-provided email address and a voicemail to a personal phone number that accepts voicemails provided by the individual for such purpose.**
- 8. To be relieved of the testing requirement set forth herein, individuals must submit written proof of being fully vaccinated (which shall be defined as being at least two weeks past a completed Covid-19 vaccination regimen) to the Town Supervisor. Acceptable proof of vaccination shall be limited to submission of a copy of the individual's CDC Covid-19 Vaccination Record Card or a printed copy of their New York State Excelsior Pass. Individuals must submit such documentation by September 13, 2021 to be relieved of the initial testing obligation in September 2021. Thereafter, individuals will prospectively be relieved of the testing obligation following submission of the required documentation.**
- 9. In the event that a booster or additional vaccination injection is recommended by the CDC or the New York State Department of Health for any segment of the population of which an employee is a member, such individuals shall be subject to the testing protocols set forth herein unless they submit proof of a completed booster/additional vaccine injection within thirty (30) calendar days of the State of New York making the booster/additional vaccine injection available to that segment of the population of which the individual is a member.**
- 10. In the event COVID-19 vaccinations are mandated by applicable law, rule or regulation, this Policy shall apply only to those individuals who are exempt from receipt of a vaccination pursuant to applicable law. Individuals who do not qualify for an exemption and who refuse to receive the vaccination, shall be placed on an unpaid leave of absence to the extent permitted by applicable law.**
- 11. All records of vaccination submitted to the Town Supervisor's office shall be kept confidential and shall be maintained as medical records in accordance with applicable law, rules and regulations governing the storage of such records.**
- 12. All records of test results shall be reported to the Town Supervisor's office, shall be kept confidential, and shall be maintained as medical records in accordance with applicable law, rules and regulations governing the storage of such records.**

**G. Memorandum of Agreement – Local 456, International Brotherhood of Teamsters**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign a Memorandum of Agreement between the Town and Local 456, International Brotherhood of Teamsters regarding COVID-19 vaccinations and testing for Town employees, effective September 13, 2021.

**H. Memorandum of Agreement – CSEA**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign a Memorandum of Agreement between the Town and the CSEA regarding COVID-19 vaccinations and testing for Town employees, effective September 13, 2021.

**I. Contract – Arts & Crafts Classes for Senior Nutrition Program**

Be it resolved, the Town Board hereby authorizes the Supervisor to enter into a contract with Ann Reibel to provide weekly, one-hour arts and crafts classes to the members of the Town of Ossining Senior Center for a fee not to exceed \$75 per class, in a form satisfactory to Counsel to the Town.

**VII. MONTHLY REPORTS**

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of August 2021:

- Town Highway
- Tax Receiver
- Dale Cemetery
- Town Clerk
- Town Supervisor

**VIII. VISITOR RECOGNITION**

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

**IX. ADJOURNMENT**