

**AGENDA**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**HELD VIA VIDEO CONFERENCING ONLY**

**NOVEMBER 9, 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**

The Regular Meeting of the Town Board of the Town of Ossining was held on November 9, 2021 via video conference, pursuant to Chapter 417 of the Laws of 2021 signed into law on September 2, 2021 by Governor Hochul. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Jackie G. Shaw, Gregory G. Meyer, and Northern Wilcher, Jr. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

A moment of silence was held for Marjorie Cheatham.

Supervisor Levenberg said the following: Last Friday, we lost Marjorie Cheatham – Marjorie was the mother of Marlene Cheatham, who has served in various capacities in the Town and Village of Ossining for many years, including service on the Recreation Advisory Board, Village of Ossining Zoning Board, and Village Board of Trustees. Marlene and her mother were always extremely close. Our thoughts are with Marjorie’s family during this challenging time--we know she will be missed.

**II. ANNOUNCEMENTS**

Supervisor Levenberg announced the following:

This Thursday, November 11, Veterans Day, the Ossining Centralized Committee of Organized War Veterans will hold their annual ceremony on starting with a mass at St. Augustine’s Church at 10am, followed by a service at Nelson Park at 11am. Westchester County will also be holding a Veterans Day Ceremony tomorrow afternoon, Wednesday, November 10 at 1:30pm at the Lasdon Park Arboretum and Veterans Memorial in Katonah. The event will also be streamed live to Facebook on the Westchester County page. All you need to do is visit [Facebook.com/Westchestergov](https://www.facebook.com/Westchestergov) to view the live stream. You do not need a Facebook account to watch the stream on the County’s public page. Please also remember Town offices will be closed on Thursday, November 11 in observance of Veterans Day.

This Saturday, November 13, Green Ossining is hosting another Repair Café at the Ossining Community Center from 11am to 3pm. Keep your broken or slightly used items out of the trash, like electrical appliances or worn jeans, by getting them fixed or repaired by the experts. Remember to wear your masks, required for all participants!

Make sure to head over to the Campwoods Holiday Craft Fair this Saturday, November 13 from 10am to 4pm. This highly anticipated annual event features

one-stop, high-end seasonal shopping for unique handcrafted items featuring the work of talented local artists and craftspeople. There will be refreshments, a raffle and more! Masks will be required for all participants, vendors, visitors and volunteers, so come prepared. Visit [www.campwoodsgrounds.com](http://www.campwoodsgrounds.com) or email [ocmamail@gmail.com](mailto:ocmamail@gmail.com) for more information.

Finally, with Thanksgiving and holiday gatherings seemingly right around the corner, please remember to protect yourself and your family by getting the flu vaccine, COVID shot, or COVID booster if you are eligible. We all want to get back to some normalcy, with our whole families around the Thanksgiving table, but we need to make sure we are protected first so we can reduce the living room spread syndrome we experienced last year. Everyone over the age of 6 months should get their flu shot, and with children ages 5-11 years old now eligible to receive the Pfizer vaccine, these preventative measures should be hugely beneficial to slowing the spread this holiday season. I encourage you to review the latest information on the COVID-19 vaccine and contact your healthcare provider, child's pediatrician, and/or pharmacist to inquire about getting your flu shot and COVID-19 vaccine or booster. OVAC continues to provide COVID-19 vaccinations to the community, and you can schedule an appointment by calling 914-941-9196 or e-mailing [Covidtest@ossiningvac.org](mailto:Covidtest@ossiningvac.org). OVAC is also able to provide at home vaccinations for those who are homebound or would simply like to get the vaccine in the comfort of their own home.

Councilmember Feldman announced the Ossining Boat and Canoe Club's annual holiday toy drive. If anyone wishes to help with the toy drive please contact the OBCC or Councilmember Feldman for more information.

### III. LIAISON REPORTS

#### IV. DEPARTMENTAL REPORT – Highway and Cemetery Departments, Superintendent Pete Connolly

Superintendent Pete Connolly provided the Town Board with an update on the project the Town Highway Department is working on. The McCarthy DR and Morningside DR Projects are underway and are progressing nicely. There were two drainage projects during the summer. The Highway Department is working with a contractor to remove dead trees. Curbside leaf pick-up has begun. People may also out their leaves out in the paper bags. Lift station were cleaned again. – can still put them in paper bags. Lift stations were cleaned again this year. Baby wipes cause a lot clogging found in the lift stations.

Superintendent Pete Connolly provided the Town Board with an update on the Cemetery Departments. To date there have been 77 internments in Dale Cemetery. The Town was recognized by the Westchester Municipal Planning Federation for its work on improvements to the Superintendent Cottage as part of historical conservation.

#### V. PUBLIC COMMENT ON AGENDA ITEMS

#### VI. BOARD RESOLUTIONS

##### A. Approval of Minutes—Regular Meeting – October 26, 2021

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 approves the October 26, 2021 minutes of the Regular Meeting as presented.

Motion: Carried

**B. Approval of Minutes—Special Meeting – November 4, 2021**

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 November 4, 2021 minutes of the Special Meeting as presented.

Motion: Carried  
Abstain: Wilcher

**C. Approval of Voucher Detail Report**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 9, 2021 in the amount of \$558,787.70.

Motion: Carried

**D. Resolution – SEQRA determination for Water Distribution System Upgrades**

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

WHEREAS, the Town is seeking to upgrade its water distribution system by replacing existing 6- to 8-inch diameter cast iron water mains on North State Road with new 8-inch diameter Class 54 ductile iron pipe, install in-line gate valves, new water service connections, valve boxes, and new fire hydrant (the Project); and

WHEREAS, the State Environmental Quality Review Act (SEQRA) identifies certain Type II actions that are not subject to review under 6 NYCRR Part 617, which actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law (ECL), Article 8; and

WHEREAS, specifically, the SEQRA regulations identify as Type II actions the “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part” (6 NYCRR 617.5(c)(2)) and “street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities” (6 NYCRR 617.5(c)(6)); and

NOW THEREFORE,

BE IT RESOLVED, based on the Town Board’s review and consideration of the Project and consideration of the criteria set forth in 6 NYCRR 617.5 identifying Type II Actions under SEQRA, the Town Board hereby determines that the Project is the replacement, rehabilitation or reconstruction of a facility or structure in kind on the same site, which is a Type II action under SEQRA pursuant to 6 NYCRR 617.5(c)(2) and (c)(6) and requires no further review under SEQRA.

Supervisor Levenberg said the following: The next three resolutions on our agenda tonight are to authorize the Town to apply to the New York State Water Infrastructure Improvement Act Grant Program for the North State Road Water Main Replacement project. We are hopeful that the up-to- \$3

million grant will help accomplish this important project, while not overburdening the water ratepayers of the Town and Village of Ossining.

Motion: Carried

**E. Resolution – Authorizing Application for NYS Water Infrastructure Improvement Act Grant**

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

WHEREAS, the Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects;

WHEREAS, the Town of Ossining has an identifiable need to conduct infrastructure improvements in the Unincorporated Town of Ossining, which is serviced by the Village of Ossining Water Department;

THEREFORE, BE IT RESOLVED, the Ossining Town Board does hereby authorize the Town of Ossining Supervisor to execute an application to the Environmental Facilities Corporation through the Water Infrastructure Improvement Act Grant Program to fund necessary infrastructure improvements in the Unincorporated Town of Ossining, specifically the replacement of the North State Road Water Main.

Motion: Carried

**F. Resolution – Authorizing the Use of Existing Matching Funds for the Grant Application to the New York State Environmental Facilities Corporation**

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

WHEREAS, the New York State Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS, through an intermunicipal agreement, the Village of Ossining has allocated funding for the proposed project to improve the Town of Ossining’s water distribution system; and

WHEREAS, the Environmental Facilities Corporation requires the use of matching funds to complete the improvement project;

THEREFORE, BE IT RESOLVED, the Town of Ossining does hereby authorize the use of matching funds in the amount of up to \$2,000,000 from the Village of Ossining Capital Fund in order to satisfy the required match for the Water Infrastructure Improvement Act Grant Program.

Motion: Carried

**G. Memorandum of Agreement for 2022-2026 – Town of Ossining CSEA Unit**

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

BE IT SO RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby approves the Memorandum of Agreement between the Town of Ossining and the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO, Town of Ossining Unit, Westchester County Local 860 covering the period January 1, 2022 –

December 31, 2026 and authorizes the expenditure of funds consistent therewith; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to execute a collective bargaining agreement covering the period from January 1, 2022 – December 31, 2026 that is consistent with the terms of the Memorandum of Agreement.

Supervisor Levenberg said the following: We are very pleased to be voting on this resolution tonight to approve our new contract with our CSEA unit. Thank you to the CSEA negotiating team of Al Ciosi from our Assessor's Office, Edmond Banta from the Senior Nutrition Program, and Vinny Castaldo from CSEA for coming to the Zoom table, and sometimes real table, with us to develop a contract for the next five years that we believe is both fair to our employees and our budgetary responsibilities to the taxpayers.

Motion: Carried

**H. Westchester County Urban County Consortium Contract Second Amendment for Senior Program Electric Bus**

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 authorizes the Supervisor to sign the second amendment to the contract between Westchester County and the Town of Ossining with regards to grant funding for the purchase of a fully-electric bus for the Senior Nutrition Program to increase the grant amount to \$100,000 and extend the expiration date of the agreement to August 31, 2022.

Supervisor Levenberg said the following: The Town is not immune to the ongoing supply chain issues impacting the entire country, but more specifically the auto industry. Our long awaited fully electric bus is going to take even longer than expected – our current delivery date is expected next April! – so we are grateful to the County for extending our contract end date for funding, and authorizing additional funds for this exciting project.

Motion: Carried

**I. Contract – Youth Zumba Program**

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 authorizes the Supervisor to sign an inter-municipal agreement with Westchester County for the purposes of receiving \$3,028 in funding to support a Zumba Positive Youth Development Program in Ossining.

Supervisor Levenberg said the following: The Town receives funding through the County to support a Youth Zumba Program via the Ossining Recreation Program. We hope Ossining youth have a lot of fun with this program!

Motion: Carried

**J. Donation – Sing Sing Kill Brewery**

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 accepts the donation of six picnic tables, valued at \$90 each, from Sing Sing Kill Brewery for use in the Town of Ossining parks.**

**Supervisor Levenberg said the following: Thank you to Sing Sing Kill Brewery for their generous donation of six picnic tables for our parks. We hope you enjoy a nice picnic soon on one of these tables at one of our beautiful parks!**

**Motion: Carried**

**K. Personnel – Court Attendant**

**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 appoints Ricquel Tolliver, Millwood, to the position of Court Attendant in the Town of Ossining Justice Court at an hourly rate of \$25, effective November 9, 2021.**

**Supervisor Levenberg said the following: With the recent retirement of Franklin Jackson, we were in need of a new Court Attendant. Ricquel Tolliver has a fairly extensive background in criminal justice through her education at Pace and time with the NYS Department of Corrections, so she was just about a perfect fit to meet the Court's needs. Welcome Ricquel!**

**Motion: Carried**

**L. Calling for a Public Hearing – 2022 Preliminary Budget**

**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 to be held on Tuesday, November 23, 2021 at 7:30pm to be held via Zoom videoconferencing only, pursuant to Chapter 417 of the Laws of 2021 signed by the Governor on September 2, 2021, in the matter of the 2022 Preliminary Budget for the Town of Ossining.**

**Supervisor Levenberg said the following: At our next Legislative Session, we will be holding the public hearing on the 2022 Budget. The 2022 Tentative Budget is published on the Town's website, and we will be reviewing it line by line over the next few days in our Budget Work Sessions. Please join us – or catch the YouTube recordings later – to learn more, and we look forward to hearing from the community at this public hearing.**

**Motion: Carried**

**M. Contract Amendment – WXY Architecture + Urban Design**

**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 authorizes the Supervisor to sign a contract amendment with WXY Architecture + Urban Design for consulting services relating to the Comprehensive Plan to increase the fee for services by \$10,000 to account for additional work performed, subject to approval by Counsel to the Town as to form.**

**Supervisor Levenberg said the following: As our Comprehensive Plan project begins to wrap up, our consultant brought to our attention that the process is taking significantly longer than anticipated in their contract,**

requiring additional compensation for their work. We look forward to sharing the Draft Comprehensive Plan with the public in the not too distant future, and we thank the team at WXY for their hard work on this important project.

Motion: Carried

**N. Finance – Ambulance District Budget Amendment**

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

Whereas, in response to the COVID-19 pandemic, the Ossining Volunteer Ambulance Corps (OVAC) established a community paramedicine program to provide additional healthcare services to residents in the Town of Ossining, and Westchester County as a whole, including COVID-19 testing and vaccinations; and

Whereas, OVAC provided these services free of charge with funding coming from various sources, including New York State, with the state providing funding specifically for the antigen and molecular COVID-19 test kits; and

Whereas, the community testing provided by OVAC is extremely beneficial to the Ossining community, in particular, their ability to provide free, molecular tests which yield quick results that are accepted by many entities as proof of a negative COVID-19 test, including for return to school after experiencing symptoms; and

Whereas, when the State of Emergency in New York State for COVID-19 expired in June 2021, funding for the COVID-19 response decreased, including funding for COVID-19 molecular test kits, requiring OVAC to begin charging community members for molecular tests; and

Whereas, the Town Board recognizes that free, molecular testing provided by OVAC is essential to the Ossining community’s response to the ongoing COVID-19 pandemic; and

Whereas, the Town’s Ambulance District Fund currently has \$107,728.62 in fund balance accumulated at 2020 year end; and

Whereas, the Town wishes to transfer \$50,000 from the Ambulance District Fund Balance to the Contractual Services expenditure account for payment of up to \$50,000 of costs incurred by the Ossining Volunteer Ambulance District for COVID-19 testing and supplies, so molecular tests can continue to be provided to members of the community at no charge, now therefore be it

**RESOLVED**, the revenue and expenditure accounts are amended as follows:

<u>Increase Ambulance District Fund Appropriations (2021):</u>		
<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
660 4540.520	Ambulance – Services	<u>\$ 50,000.00</u>
Total Increase Ambulance District Fund Appropriations		\$ 50,000.00
<u>Increase Ambulance District Fund Estimated Revenues (2021):</u>		
<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
660 0600.4795	Ambulance – Fund Balance	<u>\$ 50,000.00</u>
Total Increase Ambulance District Fund Estimated Revenues		\$ 50,000.00

Supervisor Levenberg said the following: As we discussed at a Town Hall meeting a few weeks ago, the Ossining Volunteer Ambulance Corps is in need of funds to continue their free, molecular testing to the community. We hope to dedicate our American Rescue Plan Act funds towards this important project, but in the meantime, our Comptroller highlighted to us that there was a small fund balance of approximately \$107,000 in the Town Ambulance Fund that had accumulated over the years. In an effort to get OVAC the funding they need to continue testing, and utilize these taxpayer dollars for the purpose they had been collected over the years, we determined this was a good first step to ensure molecular testing remains free for the community. Thank you to OVAC Captain Nick Franzoso for his continued work to ensure our community remains safe and healthy as we continue to battle this pandemic.

Motion: Carried

## VII. MONTHLY REPORTS

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

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

Motion: Carried

## VIII. VISITOR RECOGNITION

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

Ron Larson, Chappaqua RD, spoke about the trash problem facing his neighborhood. Suburban Carting, without any notice or call, has stopped picking up trash on his street. Suburban Carting told Chappaqua RD residents that they are not contractually obligated to pick up the trash there. They told residents to take their trash over to the end of another street to be picked up. The residents of Chappaqua RD ask the Town to please look into the problem as winter is coming and bringing down the trash down from Chappaqua RD will be challenging.

Dominick Rendina is the son of residents at Chappaqua RD. He spoke on behalf of them and echoed Mr. Larson's comments. His parents have lived at Chappaqua RD for 20 years and have always had their garbage picked up until now. They are asking for the garbage service to be restored. The hill at Chappaqua RD is very steep.

Jeanine Dinelli, Chappaqua RD, echoed previous comments. She expressed her frustration over not being notified that garbage pickup was being stopped at Chappaqua RD after 17 years of it being picked up. The hill at Chappaqua RD is very steep. Piling garbage at the end of Chappaqua RD will cause problems (i.e. animals getting into the garbage).

## IX. ADJOURNMENT

**At 8:17 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel, personnel, and contracts, and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

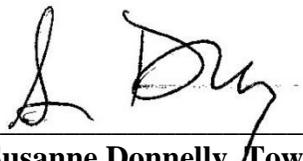
**At 9:16 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

**At 9:16 P.M., Councilmember Wilcher motioned to adjourn the Regular Meeting and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

**Approved:**

  
\_\_\_\_\_  
**Susanne Donnelly, Town Clerk**