



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

**JULY 28, 2015  
7:30 P.M.**

**SUPERVISOR  
Susanne Donnelly**

**COUNCILMEMBERS  
Geoffrey Harter    Eric P. Blaha  
Kim L. Jeffrey     Northern Wilcher**

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

The Regular Meeting of the Town Board of the Town of Ossining was held on July 28, 2015 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Eric Blaha, Northern Wilcher and Kim Jeffrey. Councilmember Geoffrey Harter was absent. Also present were Deputy Town Attorney Mark Reisman, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II.    ANNOUNCEMENTS**

Supervisor Donnelly read the following statement:

The Town of Ossining has so many great accomplishments by so many talented people who love working together as a Team that we should spend more time talking about the good things and little to no time to those who wish to cost the taxpayer's money and do not like necessary change or making the hard decisions. Unnecessary and frivolous FOILs and lawsuits drain this great community of not only financial resources but valuable employee time.

There was some interesting and challenging news out of Albany last week. The allowed increase in tax levy will be .73% or  $\frac{3}{4}$  of 1%. While this administration strives to control tax increases every year with "out of the box", innovative business methods the State of New York and the Federal Government continue to push unfunded mandates down onto local governments resulting in less to send on important services and infrastructure projects needed at the local level. We must work together to evaluate all of these mandates to ensure that they are necessary. It is not about allowing municipalities to fund them outside the tax cap but rather to make sure they are necessary, not over burdening to the local municipality and/or redundant. We need support from the State and Federal governments for our infrastructure projects.

The Budget for the Town of Ossining It is that time again to begin our budget process for the 2016 calendar year. We will be beginning putting our numbers together, while evaluating the personal needs for each department. This process takes several months and we are very proud to have Maddi Zachacz as OUR Budget Director. It is a privileged to work with her and our Department Managers as we put together the "Supervisor's" budget that provides the services the residents and commercial property owners deserve while controlling taxes.

Town of Ossining Parks Department

The Town Park Department's scarifier broke down. This is the tool used to break up the clay on the fields and is used before games. We began the process of pricing one out and a new one was between \$ 14,000 and \$16,000. We began to look at used ones and they ran between \$4,500 and \$6,000. Our Town Park's Foreman took it upon himself to build a

scarifier, this way they would not be inheriting someone else's problems or burdening the taxpayer with the cost of a new piece of equipment. Bravo to Mario and his team for always thinking outside the box and coming up with cost effective solutions.



### Highway

Our Highway Department is very busy with the paving of the roads. Some roads are being milled which means to “rip off” old layers of asphalt and to prepare the roads for paving. The Highway team has been out preparing the roads by raising the manhole covers, lifting the storm drains and preparing the road for the company to come in and do their job. The Highway Team will be manning the traffic posts during the milling and paving so PLEASE be careful and respect them. While some of you might think this is an easy job it is not. Not to mention a dangerous one.

### Senior Nutrition



The new vans are in and the Seniors love them. We are so happy to have these new vehicles to drive our most precious resource our Seniors.

### Grants and funding of projects

Our Assistant Bes and I went to a very interesting meeting this morning concerning the CDBG funding that has been unavailable to Westchester County communities for the past 4-5 years. Thanks to elected officials like Nita Lowey the State of NY is going to administrate funding from the Federal Government. While this is just one tool in the toolbox for funding by municipalities it is important for communities like the Village of Ossining to have these funds for road and sidewalk repair. In 2009 the Town was awarded funds to replace the rest rooms in Gerlack Park under CDBG there was never a distribution of the funds because of the on-going issues with HUD and Westchester County over affordable housing. We will be resubmitting for funding in 2015 again for that project. The time frame is short so we have already begun the process. One of our questions to the folks that came down from Albany to explain the program to us Can we use it to complete funding of projects with other funding sources of project that have already begun. The answer was no. In our case it would be the additional funding needed to complete the recycling of water at the John Chervokas Spray Deck in Louis Engel Park. The initial \$100,000 from Senator Carlucci was a major shot in the arm.

### Some exciting things happening here in Ossining

Tomorrow evening July 29th at First Niagara Bank on South Highland Ave (Rt 9) at 6:30 PM – 8:30 PM Bob D’Agostino and Charles Auerbach SCORE Mentors will speak on “How to Finance and Grow your Business” – Please join them.

The Ossining Baseball Team 12/11 won their first game in the New York State Little League tournament on Thursday they play Commack South from Long Island in the Bronx at 5:30 PM at 1500 Waters Street for more information please visit Little League District 22 Facebook site.

The Friday night concert series continues this Friday with Teri Lamar and New Company with our own KJ Denhart on Aug 14<sup>th</sup> and the Old Mill Singers on Aug 21. We skip Aug 7<sup>th</sup> because we will all be lining the roads for the fire department parade down Croton to Main with the reviewing stand across from the post office.



Summerfest has been canceled for this Saturday night. It will not be rescheduled for this year but we hope it returns next year even bigger and better.

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Ladies Kayak Day II  
Sunday, August 2nd at 9:00am



Join us for a fun paddle on the Hudson River

### Ladies Kayak Day II

SYC invites you to Ladies Kayak Day on  
Sunday, August 2nd.

Back by popular demand! We are starting at 9am and will kayak from the SYC beach on the north side of the property.  
**BRING YOUR OWN KAYAK!**

We will be charging \$10 to be donated to the DARE program.



We will have breakfast at 8am and lunch at noon.  
For more information and reservations contact De Desousa at  
[dockmastersyc@hotmail.com](mailto:dockmastersyc@hotmail.com)

or call 914-755-6292

Saturday August 8<sup>th</sup> – Ossining Historical Cemeteries Conservancy will be cleaning gravestones at Dale Cemetery from 9:00 AM -12:00 PM Please help this group preserve the historical gravestones. It is worth a trip to see how beautiful Dale Cemetery looks now. We encourage everyone to drive through this memorial park thanks to Pete Connolly and his team. Please email [obcc10562@gmail.com](mailto:obcc10562@gmail.com)

Speaking of Dale Cemetery the speed limit is 15 mile per hour, the roads are small and very curvy many family members are walking on the roads. Also we have noticed that there has been some dumping of construction debris in the cemetery this will not be tolerated and the police will be patrolling Dale and we will take whatever action is needed to stop certain individuals from dumping or speeding through any of our parkland, including Dale Cemetery. The gate on Dale Ave is only open on the weekends for the convenience of those visiting loved ones, not as a drive through.

There is a heat advisory with heat indexes going as high at the upper 90 low 100 for the next few days. Please look in on your neighbors especially our seniors if they live along and might not use or turn on their air conditioning. I have gone into senior's homes and apartments and they do not realize how hot it is.

Councilmember Jeffrey announced Senator Carlucci and Senator Murphy are sponsoring a Narcan Training Session at the Ossining Public Library from 6:00 p.m.- 8:00 p.m.

### III. PUBLIC COMMENT ON AGENDA ITEMS

### IV. BOARD RESOLUTIONS

#### A. Approval of Minutes-Regular Meeting

Councilmember Blaha 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 July 14, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

#### B. 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 July 28, 2015 in the amount of \$440,049.98.

Motion Carried: Unanimously

#### C. TAX CERTIORARI

Highland Terrace Owners Corp.,

vs.

Town of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Highland Terrace Owners Corp. against The Town of Ossining, to review the tax assessments made on Petitioner's property

located at 123-135 South Highland Avenue and Holbrook Road in The Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.12, Block 1, Lot 8 and Section 97.12, Block 4, Lot 32; all for Tax Assessment Years 2008-2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 21433/2008; 22106/2009; 24075/2010; 14825/2011; 65740/2012; 64240/2013; and 65345/2014; and

**WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:**

Tax ID : Section 97.12, Block 1, Lot 8 SBL: 97.12-1-8 Holbrook Road Assessed Valuation

Assessment Roll Year	Original Assessment	Settlement Assessment	Reduction in Assessment
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2008	\$12,465	\$12,465	\$0
2009	\$12,465	\$12,465	\$0
2010	\$12,465	\$12,465	\$0
2011	\$12,465	\$12,465	\$0
2012	\$12,465	\$12,465	\$0
2013	\$12,465	\$12,465	\$0
2014	\$12,465	\$12,465	\$0

Tax ID: Section 97.12, Block 4, Lot 32 SBL: 97.12-4-32 123-135 South Highland Avenue, Ossining, N.Y. Assessed Valuation

Assessment Roll Year	Original Assessment	Settlement Assessment	Reduction in Assessment
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2008	\$723,850	\$672,310	\$51,540
2009	\$723,850	\$672,310	\$51,540
2010	\$723,850	\$672,310	\$51,540
2011	\$723,850	\$672,310	\$51,450
2012	\$723,850	\$687,040	\$36,810
2013	\$723,850	\$701,760	\$22,090
2014	\$723,850	\$723,850	\$0

**WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and**

**WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is**

**RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further**

**RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further**

**RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 3,681.07, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**D. Personnel- Town Court- Resignation**

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, with regret, the resignation of Court Attendant Elijah Garrison, effective July 7<sup>th</sup>, 2015.

Motion Carried: Unanimously

**E. Personnel- Parks Department- Rescinded Appointment**

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 rescinds the appointment of Stepfon Miller to the Seasonal position of Recreation Attendant, originally appointed by this Town Board on May 26<sup>th</sup>, 2015 to be effective May 30<sup>th</sup>, 2015.

Motion Carried: Unanimously

**F. Sale of Surplus Equipment- Senior Nutrition Program**

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

Whereas, the Town Board of the Town of Ossining has made a concerted effort to lower the amount of Town-owned vehicles; and

Whereas, the Town Board recently approved the purchase of two Transit vans for use by the Senior Nutrition Program to replace two vehicles in the Department that have outlived their usefulness to the Town;

Now therefore be it Resolved, that the Town Board of the Town of Ossining authorizes the following vehicles, no longer being used by the Senior Nutrition program, to be declared Surplus, and then to be sold on Auctions International to the highest approved bidder.

*2001 Ford Taurus Wagon, VIN# 1FAFP58U41G213333  
2007 Chevrolet Impala, VIN#2G1WS55R179351081*

Motion Carried: Unanimously

**G. IMA- Mutual Aid from Westchester County Department of Public Safety**

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

Whereas, the Town of Ossining contracts with the Village of Ossining for Police Services to the Unincorporated Area of the Town of Ossining; and

Whereas, the Town of Ossining wishes to supplement these services with the Mutual Aid and Rapid Response IMA, an agreement which the Town currently enjoys along with other Westchester municipalities who seek additional emergency backup for their first responders, an agreement that expires on July 30<sup>th</sup>, 2015;

Now therefore be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign this agreement with the Westchester County Department of Public Safety, in a form approved by the Town Attorney and upon review and comment by the Village of Ossining Police Department.

**Motion Carried: Unanimously**

**H. Spray Park Permit- Lothrop Associates LLP Architects**

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

**Whereas, the Town Board has commissioned the team from Trace Pools of Lothrop Associates LLP Architects to design the Spray Park Recirculation Project at Louis Engel Park; and**

**Whereas, the contracted engineering team requires permission from the Town to correspond with the Westchester County Department of Health for the purposes of execution and delivery of a “Permit to Operate”;**

**Now, Therefore be it Resolved that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the Certificate of Resolution for Authorization for the Spray Park Project.**

**Motion Carried: Unanimously**

**V. CORRESPONDENCE TO BE RECEIVED AND FILED**

**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 Town Planning Board meeting minutes dated June 24, 2015.**

**Motion Carried: Unanimously**

**VI. MONTHLY REPORTS**

**Councilmember Blaha 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 monthly reports for the month of June 2015:**

- **G.E. Helicopter Report**

**Motion Carried: Unanimously**

**VII. VISITOR RECOGNITION**

**Donna Sharrett Morningside Drive read the following statement:**

2015\_07\_28 Town Board comments

Stated in the EPA 2001 publication "Threats to Wetlands":

<http://water.epa.gov/type/wetlands/outreach/upload/threats.pdf>

*"More than 220 million acres of wetlands are thought to have existed in the lower 48 states in the 1600s."*

*"Approximately 100 million wetland acres remain in the 48 contiguous states, but they continue to be lost at a rate of about 60,000 acres annually. (...) development pressure is emerging as the largest cause of wetland loss."*

One recommendation in this publication, under the heading, "What You Can Do" is: *"Work with your local municipalities and state to develop laws and ordinances that protect and restore wetlands."*

**Upon the May 2015 amendment of the Clean Water Act (CWA), the EPA and USACE issued their joint May 2015 publication: "Technical Support Document for the Clean Water Rule: Definition of Waters of the United States"**

[http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/news/tech\\_spt\\_doc\\_for\\_CWR.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/news/tech_spt_doc_for_CWR.pdf)

p. 28: "(...) CWA jurisdiction extends to all waters that have a hydrologic connection to and form part of the tributary system of a traditionally navigable water, including streams that flow intermittently or ephemerally. "In sum, the Corps' unremarkable interpretation of the term 'waters of the United States' as including wetlands adjacent to tributaries of navigable waters is permissible under the CWA because pollutants added to any of these tributaries will inevitably find their way to the very waters that Congress has sought to protect."

p. 170 - 171: "(...) One of the main conclusions of the Science Report is that the incremental contributions of individual streams and wetlands are cumulative across entire watersheds (...)"

p. 183: "Small streams and wetlands are particularly effective at retaining and attenuating floodwaters."

One of the greatest threats to Ossining's wetlands is from development. Just last week an application was submitted to the Town of Ossining building department for a project which proposes to eliminate a 10,000 sq. ft. wetland, as is permitted by our wetland code, which only regulates wetlands that are ½ acre or larger. The Town of Ossining should welcome development which respects our land. Our wetland code should provide protection from those whose intentions are otherwise. The wetland code, current and as proposed, is inadequate to do this.

For those who advocate that the rights of man outweigh the need for environmental protection I invite you to view wetland and watercourse protection as a public safety issue.

Stated in the EPA 2006 publication: "Wetlands: Protecting Life and Property from Flooding":

<http://water.epa.gov/type/wetlands/outreach/upload/Flooding.pdf> Wetlands when considered on average have the capacity to retain 3 feet of storm water.



1 cubic foot holds 7.48 gallons of water

1000 sq. ft. wetland (20' x 50') could potentially hold 22,440 gallons of storm water

The 10,000 sq. ft. wetland that is being proposed to be eliminated could potentially hold 224,400 gallons of storm water.

The roughly estimated 7,500 sq. ft. wetland on my property has the potential to hold at least 168,300 gallons of storm water – a wetland that would be protected in every town in Westchester except the towns of Ossining and Pound Ridge.

Small wetlands along a watershed offer tremendous storm water retention services, particularly when considered cumulatively. When you eliminate a wetland, its storm water retention capacity is lost and storm water that would have been captured flows downstream, with the potential to flow into downstream communities. The wetland proposed to be eliminated is just upstream from the Village of Ossining.

For those who take the threat of climate change seriously, wetlands offer tremendous carbon sequestration services. To reduce fossil fuel consumption while eliminating wetlands is at best a zero sum game. All existing wetlands must be protected.

**Re: Buffers:**

**Environmental Law Institute's March 2008 publication: "A Planner's Guide to Wetland Buffers for Local Governments":** [http://www.eli.org/sites/default/files/eli-pubs/d18\\_01.pdf](http://www.eli.org/sites/default/files/eli-pubs/d18_01.pdf) illustrates the necessity of a 100' buffer for protection against the introduction of nitrogen. Nitrogen and other pollutants are equally harmful to watercourses and wetlands. A 100' buffer should be required for BOTH watercourses and wetlands. Both the current and the proposed wetland code requires only a 50 foot buffer for watercourses. This is illogical.

**In Summary**

Wetlands of all sizes support mammals, birds, reptiles, amphibians, insects & plants. They should be permitted to functional exist as long as the earth has the ability to support life.

Every resident in the Town of Ossining lives in a watershed. All Town of Ossining watersheds lead to the Hudson River. The Pocantico watershed includes our downstream neighbors. Nature does not recognize man-made boundaries. Wetlands and streams when negatively impacted or destroyed on one property can and quite often do cause negative impacts or destruction downstream.

Rachel Carson's 1962 book, Silent Spring: "Water must be thought of in terms of the chains of life it supports..."

In this year 2015, all of the Town of Ossining's wetlands should be regulated and protected regardless of size. 100ft buffers should be required for all wetlands, waterbodies and watercourses. Anything less will invalidate any claims of this town's environmental responsibility.

Donna Sharrett

84 Morningside Drive Ossining

**Approved:**

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**Mary Ann Roberts Village Clerk**