



**SPECIAL MEETING  
TOWN BOARD  
TOWN OF OSSINING  
OSSINING PUBLIC LIBRARY/BUDARZ THEATER  
53 CROTON AVENUE  
OSSINING, NEW YORK**

**SEPTEMBER 1, 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 Special Meeting of the Town Board of the Town of Ossining was held on September 1, 2015 at the Ossining Public Library/Budarz Theater, 53 Croton Avenue 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, Kim Jeffrey and Geoffrey Harter. Councilmember Northern Wilcher was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts

**II. PUBLIC HEARINGS:**

- **Public Hearing in the matter of Local Law #5 of 2015- “Amending Notification Provisions of the Town Code”**

At 7:33 P.M., the Public Hearing was opened.

Donna Sharrett, Morningside Drive, stated that notification signs should be posted on property at the beginning of the process. Ms. Sharrett also agrees with the 500 ft. radius. The Supervisor’s e blast is excellent.

Wendy Masserman, Morningside Court, stated that the changes should be in the beginning.

At 7:40 P.M., Councilmember Blaha moved and it was seconded by Councilmember Harter that the Public Hearing be adjourned until September 8<sup>th</sup>, 2015.

- **Public Hearing in the matter of Local Law #6 of 2015- “Amending the Tree Protection Chapter of the Town Code”**

At 7:40 P.M., the Public Hearing was opened.

Mr. David Stolman, described two changes to the local law which stated that the Planning Board must state that public trees must be replaced from the list of acceptable trees. No variation will be allowed without written permission of the Planning Board.

Donna Sharrett, Morningside Court, thanked the Town Board and the Consultant for all of their work on this local law. Discussion took place on the Cornell Cooperative Extension’s Cornell Guide for Planting and Maintaining Trees and Shrubs. Also discussed is Section 176-20 (g) which states guarantee for planted trees should be at least 3 years. A second or third year of drought or excessively hot summers or dry winters with inconsistent snow cover could kill newly planted trees

which have not yet rooted out sufficiently to withstand these stresses. Section 176 (h) which includes a list of acceptable trees.

At 7:45 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the Public Hearing be adjourned until September 8<sup>th</sup>, 2015.

- **Public Hearing in the matter of Local Law #7 of 2015- “Amending the Freshwater Wetlands, Watercourses and Water Bodies Protection Chapter of the Town Code”**

At 7:45 P.M., the Public Hearing was opened.

David Stolman provided a new definition of wetland as well as a new definition of growing season. The definition of growing season is a portion of the year with soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5 degrees C). Allowable activities for the following uses shall be allowed without a permit within a wetland or buffer area as specified below: Normal ground maintenance, including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence; 2. Repair of existing walkways and walls; 3. Maintenance of existing decorative landscaping and planting in buffer areas only; 4. Public Health activities and orders of the Westchester County Department of Health and/or the New York State Department of Health for emergencies only; 5. Normal gardening activities and the composting of leaves, grass clippings or other vegetation in buffer areas only, located within a private residential lot.

At 8:15 P.M., Councilmember Blaha moved and it was seconded by Councilmember Harter that the Public Hearing be adjourned until September 8<sup>th</sup>, 2015.

- **Public Hearing in the matter of Local Law #8 of 2015- “Amending the Steep Slope Protection Chapter of the Town Code”**

At 8:15 P.M., the Public Hearing was opened.

Wendy Masserman, Morningside Court, stated that her development should never have been built as it has made the flooding on North State Road worse. Review Chapter 105 which states that 9 out of 15 construction sites of any size must have a permit.

Laura Whitlinger Cedar Lane, lives above the watershed at the Indian Brook Reservoir where there are native plants which keep the water safe. The neighbors contribute to water supply and should practice organic gardening. Section 103-5A should have a review by a qualified professional. On Glendale Road gas, etc... is fed into the reservoir. There should be a Conservation Plan if you live in a special area.

Gareth Hougham, Old Albany Post Road, has reviewed the proposed changes and feel they are sound. Also discussed as the additional 3-10-1A. Construction of a driveway or culvert non-perched Section 3-12B4. In section 4, culvert and dams meet requirements remove “if applicable”. The sentence should be decided by guidelines to be added in the Town appendix.

Donna Sharrett, stated she was in complete agreement with the proposed changes in the law.

Howard Fleisher, Tavano Road, commented on the Echo Praise not touched for 17 years and was surprised. A lot of the wetlands were lost due to the Deerfield Condo. There has been a huge amount lost. He applauded the Board for taking Donna’s suggestions into consideration.

At 8:27 P.M., Councilmember Harter moved and it was seconded by Councilmember Jeffrey that the Public Hearing be adjourned until September 8<sup>th</sup>, 2015.

- **Public Hearing in the matter of Local Law #9 of 2015- “Amending the Subdivision of Land and Zoning Chapters of the Town Code”**

At 8:27 P.M., the Public Hearing was opened.

Adam Wekstein provided written statements.

Howard Fleisher, Tavano Road, applauds the effort of the Board to make long overdue changes. The Board should not listen to the threats of a lawsuit.

Donna Sherett, commented that she had recently attended a conference to include a natural resource inventory.

At 8:28 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the Public Hearing be adjourned until September 8<sup>th</sup>, 2015.

- **Public Hearing in the matter of Revisions to the 2002 Town of Ossining Comprehensive Plan**

At 8:29 P.M., the Public Hearing was opened.

At 8:32 P.M., Councilmember Harter moved and it was seconded by Councilmember Blaha that the Public Hearing be closed.

### **III. ANNOUNCEMENTS**

### **IV. PUBLIC COMMENT ON AGENDA ITEMS**

Jerry Gershner, Stonegate Road, discussed Resolution J (Dale Cemetery – Bank Account Signatory) and Resolution K (Dale Cemetery Mangement). A bigger hole is being dug with resolution J. How is it possible to file signatory cards. Was there a Board of Director’s Meeting? There are a number of financial liabilities.

### **V. BOARD RESOLUTIONS**

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

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

Resolved, that the Town Board of the Town of Ossining hereby approves the August 11, 2015, 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 Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the August 18, 2015, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

**C. Approval of Voucher Detail Report**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 1, 2015 in the amount of \$268,270.14.**

**Motion Carried: Unanimously**

**D. 2015 Budget Adjustments**

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

**Resolved, that the Town Board of the Town of Ossining hereby makes the following budget adjustments to the 2015 adopted budget:**

<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FROM G/L ACCOUNT</b>
<b>TOWN BOARD</b>			
010.1010.0405 Conference	75.00	75.00	010.1320.0438 Ind. Audit
<b>TOWN JUSTICE</b>			
010.1110.0424 Consultant/Computer	60.00	3000.00	010.1110.0436 Postage
010.1110.0110 Part Time	4166.00	1226.00	010.1110.0414 Contract. Steno
<b>TRAFFIC VIOLATIONS BUREAU</b>			
<b>SUPERVISOR</b>			
010.1220.0401 Supplies	4029.00		
010.1220.0417 Education	355.00	4384.00	010.1420.0403 Filing Fees
<b>INDEPENDENT AUDIT</b>			
<b>TAX COLLECTION</b>			
010.1330.0110 Part Time	121.00		
010.1330.0436 Postage	2460.00	2581.00	010.1620.0436 Postage
<b>ASSESSMENT</b>			
010.1355.0401 Supplies	420.00	420.00	010.1355.0424 Consult/ Computer
<b>TOWN CLERK</b>			
010.1410.0201 Equipment	371.00	521.00	010.1410.0402 Printing
010.1410.0419 Maint/ Repair	1650.00	1500.00	010.1410.0110 Part Time
<b>TOWN ATTORNEY</b>			
010.1420.0426 Special Counsel	1619.00		
010.1420.0494 Property Auction Exp.	400.00	2019.00	010.1990.0400 Contingency
<b>ENGINEER</b>			
<b>ELECTIONS</b>			
<b>BUILDINGS</b>			
010.1620.0401 Supplies	746.00	746.00	010.1620.0419 Maint/ Repair
<b>TAXES ON ASSESSED PROPERTY</b>			
<b>PUBLICITY</b>			
<b>TRANSPORTATION SUPPORT SERVICE</b>			

010.6772.0402 Printing	198.00		
010.6772.0449 Parts & Labor	1106.00		
010.6772.0201 Equipment	46034.00	46034.00	010.1990.0400 Contingency
010.6772.0437 Professional Fees	2055.00	3359.00	010.6772.0429 Call a Cab

**PARKS**

010.7110.0449 Parts/ Labor	2682.00		
010.7110.0419 Maint/ Repair	23970.00	26652.00	010.7110.0110 Part Time

**PARKS SEWER LIFT STATIONS**

010.7112.0105 Pers Service- Overtime	986.00	986.00	010.7112.0419 Maint/Repair
--------------------------------------	--------	--------	----------------------------

**RECREATION IMA**

**CELEBRATIONS**

010.7550.0438 Supplies and Services	4772.00	4772.00	010.7310.0475 Rec Prgms
-------------------------------------	---------	---------	-------------------------

**EMPLOYEE BENEFITS**

<b>TOTALS</b>	<b>98275.00</b>	<b>98275.00</b>	
---------------	-----------------	-----------------	--

<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FRM G/L ACCNT</b>
--------------------------------	---------------	---------------	-------------------------------

**INDEPENDENT AUDIT**

**ENGINEER**

**MCTMT PAYROLL TAX**

**OTHER GENERAL GOVERNMENT**

020.1989.0413 Consultant/ Contractual	12256.00	12256.00	020.1990.0400 Contingency
--	----------	----------	---------------------------

**POLICE**

**ANIMAL CONTROL**

**BUILDING**

020.3620.0419 Maint/ Repair	495.00	495.00	020.8020.0110 Part Time
-----------------------------	--------	--------	-------------------------

**ZONING**

**PLANNING**

020.8020.0436 Postage	46.00	46.00	020.8020.0110 Part Time
-----------------------	-------	-------	-------------------------

**EMPLOYEE BENEFITS**

**TRANSFERS**

<b>TOTALS</b>	<b>12797.00</b>	<b>12797.00</b>	
---------------	-----------------	-----------------	--

<b>TRANSFER TO G/L ACCOUNT</b>	<b>TO ACCOUNT:</b>	<b>FROM ACCOUNT:</b>	<b>TRANSFER FRM G/L ACCNT</b>
--------------------------------	--------------------	----------------------	-------------------------------

**INDEPENDENT AUDIT**

**MCTMT PAYROLL TAX**

**STREET ADMINISTRATION**

031.5010.0425 Labor Counsel	603.00	603.00	031.1910.0467 Liability
-----------------------------	--------	--------	-------------------------

**STREET MAINTENANCE**

031.5110.0103 OOT Pay	1.00		
031.5110.0106 Longevity	425.00	426.00	031.1910.0467 Liability

**MACHINERY**

031.5130.0201 Equipment	440.00	440.00	031.5130.0449 Parts/ Labor
-------------------------	--------	--------	----------------------------

**GARAGE**

**WEEDS & BRUSH**

**SNOW REMOVAL**

**EMPLOYEE BENEFITS**

**BOND ANTICIPATION NOTES**

**TRANSFERS**

<b>TOTALS</b>	<b>1469.00</b>	<b>1469.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	TRANSFER FRM G/L ACCNT
<b>CONSOLIDATED SEWER DST 045.8120.0201 Equipment</b>	<b>72340.00</b>	<b>72340.00</b>	045.0045.4795 Fund Balance
<b>WATER</b>			
<b>NORTH STATE ROAD SEWER</b>			
<b>TOTAL</b>	<b>72340.00</b>	<b>72340.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	TRANSFER FRM G/L ACCNT
<b>STREET LIGHTING 063.9730.0403 Filing Fees</b>	<b>153.00</b>	<b>153.00</b>	063.5182.0419 Maint/Repair
<b>FIRE PROTECTION DISTRICT</b>			
<b>REFUSE/ RECYCLING</b>			
<b>TOTAL</b>	<b>153.00</b>	<b>153.00</b>	

**Motion Carried: Unanimously**

**E. Personnel: Dale Cemetery- Appointment**

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

**Resolved, that the Town Board of the Town of Ossining hereby appoints Jose R. Castro, Ossining, to the probationary position of Laborer (in-house title of Lead Cemetery Worker) at Dale Cemetery, at an annual salary of \$37,440, effective August 31<sup>st</sup>, 2015.**

**Motion Carried: Unanimously**

**F. Personnel: Dale Cemetery- Appointment**

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

**Resolved, that the Town Board of the Town of Ossining hereby appoints Jose J. Castro, Ossining, to the probationary position of Laborer (in-house title of Cemetery Worker) at Dale Cemetery, at an annual salary of \$32,240, effective August 31<sup>st</sup>, 2015.**

**Motion Carried: Unanimously**

**G. Personnel: Dale Cemetery- Appointment**

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

**Resolved, that the Town Board of the Town of Ossining hereby appoints Peter Connolly, Ossining, to the position of Cemetery Superintendent at Dale Cemetery, at an annual salary of \$29,999, effective August 31<sup>st</sup>, 2015.**

**Motion Carried: Unanimously**

**H. Personnel: Dale Cemetery- Appointment**

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

**Resolved, that the Town Board of the Town of Ossining hereby appoints Sergio Schiavone, Ossining, to the seasonal position of Laborer at Dale Cemetery, at an hourly rate of \$12.00, effective August 31<sup>st</sup>, 2015.**

**Motion Carried: Unanimously**

**I. Sale of Surplus Equipment**

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

**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;**

**Whereas, the Town Board authorized the surplus and sale of those vehicles on Auctions International; and**

**Now therefore be it Resolved that the Town Board of the Town of Ossining authorizes the 2007 Chevrolet Impala to be sold to the high bidder for \$2,025, to be payable immediately to the Town of Ossining.**

***2007 Chevrolet Impala, VIN#2G1WS55R179351081***

**Motion Carried: Unanimously**

**J. Dale Cemetery- Bank Account Signatory**

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

**Resolved, that the Board hereby ratifies the actions taken as of September 23, 2014, whereby the Town Supervisor assumed the role as President of The Dale Cemetery Management Corporation and whereby the Town Supervisor was substituted as signatory on the Bank account for the corporation, such actions being taken as emergency measures, to enable continued operation of Dale Cemetery, authorized to attend to personnel matters, continued safe and proper operation of the Town owned Dale Cemetery and the safeguarding and proper use of Town funds which were used in the operation of the Cemetery.**

**Motion Carried: 3-0-1  
Ayes: Wilcher, Harter & Donnelly  
Nays: Jeffrey**

**K. Dale Cemetery- Management**

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

**Resolved that effective immediately all management and operations of the Town owned Dale Cemetery will be administered directly by the Town Administration, it being acknowledged that, the license agreement between the Town and the Dale Cemetery Management Corp. previously expired and was not renewed.**

**Motion Carried: 3-0-1  
Ayes: Wilcher, Harter & Donnelly  
Nays: Jeffrey**

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

**VII. MONTHLY REPORTS**

**VIII. VISITOR RECOGNITION**

**IX. ADJOURNMENT**

**At 8:50 P.M. Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

\_\_\_\_\_  
**Mary Ann Roberts, Town Clerk**