



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

**SEPTEMBER 8, 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 September 8, 2015 at the Birdsall-Fagan 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, Geoffrey Harter and Northern Wilcher. Councilmember Kim Jeffrey arrived at 7:40 p.m. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts. Budget Officer Madeline Zachacz was absent.

**II.    SPECIAL PRESENTATION-PURPLE HEARTS REUNITED-Pvt. John R. Clark**

Supervisor Donnelly welcomed everyone to this presentation to the Ossining Historical Society from Zachariah File, Founder and CEO, of Purple Hearts Reunited. The Purple Heart is an American decoration, the oldest military decoration in the world in present use and the first American award made available to the common soldier. It was initially created as the Badge of Military Merit by one of the world's most famed and best loved heroes, General George Washington. This is a non-for-profit organization that brings Purple Hearts home to WWII Vets. The Viet Nam veterans saw the sacrifices made by the WWII veterans. Pvt. John "Jack" Ray Clarke Jr. was born in Ossining on March 4, 1915 and later enlisted in the United States Army. He served with the 1<sup>st</sup> Battalion, 168<sup>th</sup> Infantry Regiment, 34<sup>th</sup> Infantry Division (Red Bull) and was wounded in battle on February 2, 1943. His awards and decorations include the Bronze Star, Purple Heart, Good Conduct Medal, European-African-Middle Eastern Campaign. He spent his life in Ossining and West Islip, New York. Pvt. Clark's medal should be treasured.

Richard R. Gerbeth, Jr., National Assistant Sgt-at-Arms and the Department of New York Junior Vice Commander and also the Chapter Commander of Chapter 1782, "The Badger of Military Merit". With me today is our Senior Vice Commander Richard Drago. Our Junior Vice Commander Ken Dwyer is not able to be with us today, but he is definitely here in spirit. When the Pvt. Clark's medal was first brought to our attention, Vice Commander Drago and I asked Ken to take the lead on this and this is the culmination of his efforts. Also with me today is James Kastanis an Iraqui War Veteran who served in Iraqui Freedom in 2004. James is also a member of Ossining's finest. The Military Order of the Purple Heart Mission statement is: TO foster an environment of goodwill and camaraderie amount Combat Wounded Veterans, promote Patriotism, support necessary legislative initiatives, and most importantly, provide service to all veterans and their families.

The Military Order of the Purple Heart Vision statement is: To undertake a Pro-Active Representation in all forms of public opinion that will consistently seek to improve the status of its Veteran Members, their dependents, families and survivors.

**So what does all that mean to me, and why does the Military Order of the Purple Heart have a vested interest to be here today? We are here because Every Purple Heart Matters and one Purple Heart is just as important as the next. It doesn't matter what the war was or is – it doesn't matter whether you agree with it or not – because it's not about the war, it's about the warrior! I feel it is my obligation to live by the MOPH mission statement every day, especially in promoting Patriotism and providing service to all veterans and their families. That is exactly what we are doing here today by bringing Private John R. Clark's medal back to his birthplace in Ossining, New York. This undertaking is being carried out by the unwavering dedication of one of our Patriot members that I am very proud to call a friend.**

**In addition to being a United States Army Captain, as you know Zachariah Fike has made it his life's mission to return lost or stolen Military Medals, mostly Purple Hearts. What you may not know is that we at MOPH are so proud to have Captain Zachariah Fike onboard as of August 2014 as a National Officer like myself, he is the National Director of the MOPH Medal Recovery Program. We are lucky to have Patriot members like him in our ranks. On behalf of the Military Order of the Purple Heart I thank you all for being here today.**

**Eugene Lang, Sgt 1<sup>st</sup> Air Cavalry, Sr. Vice Commander, stated that the Town of Ossining was proclaimed at Purple Heart Community in 2013.**

**Captain Fike told a story of how a dog found a lost Purple Heart while digging in the backyard. All Purple Hearts deserve a home. This is a symbol of a soldier who shed blood for their county. Never forget the man. Captain Fike made the presentation to John Wunderlich, of the Ossining Historical Society. Mr. Wunderlich accepted on behalf of the Historical Society and it will be placed in the War Room.**

### **III. PUBLIC HEARINGS:**

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

**At 7:52 P.M., the Public Hearing was opened.**

**Public Hearing in the matter of Local Law #5 of 2015 "Amending Notification Provisions of the Town Code.**

**Gareth Hougham, Old Albany Post Road, read a prepared statement. Councilman Eric Blaha questioned whether he had approached the DEC with this analysis.**

**Wendy Masserman, commented on High View Farms.**

**At 7:53 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the Public Hearing be adjourned until September 22nd 2015.**

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

**At 7:54 P.M., the Public Hearing was opened.**

**At 7:55 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the Public Hearing be adjourned until September 22nd 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 7:55 P.M., the Public Hearing was opened.**

**Mr. Gareth Hougham read the following statement:**

**I applaud most of the changes in the proposed new wetland regulations. However, there is a problem with the current proposed version. The main issue I believe is that in the proposed version 2 only water courses of the NYS Dept. of Environmental Conservation classes A, B, and C are protected whereas in the original version, all watercourses, no matter how small were technically protected. This is a step in the wrong direction. (An example of the impact of the proposed regulation is that it would exempt the High View Farm wetland discharge streams from buffer protections since none of them are classified as NYS DEC A, B or C.) I understand the motive, that “drainage ditches” not be subjected to buffer zone restrictions-which is reasonable for reasons of practicality and the balancing of private property rights against the public good. (Though it could be argued that such drainage ditches are just as important because fertilizers and pesticides washing into a drainage ditch without protection of an absorptive buffer will still end up in a main stream and ultimately the Hudson River. See an analogy added as a P.S. The solution though, removing all protections for small water ways is not reasonable.**

**I would like to propose adding language that “all waterways smaller than NYS DEC class A, B or C including temporary drainage ditches, are required to be treated with all the same protections of class A, B and C waterways excepting buffer setbacks. This is to include prohibitions of pollution discharges and the design requirements of road and driveway crossings.”**

**At the least, I think that driveway and road crossings of such small waterways need to be required to be designed to allow free migration of aquatic wildlife by insuring that ALL culverts conform to NYS DEC guidelines, which can be summarized as: “all crossings should whenever practicable have a natural bottom and when a non-natural bottom is deemed essential and a culvert pipe is used that it be non-perched with the upstream side buried 40% in the streambed and the downstream side is buried 20%.”**

**Please consider making this small but important modification to the proposed new wetland regulations.**

**At 7:59 P.M., Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until September 22nd 2015.**

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

**At 8:00 P.M., the Public Hearing was opened.**

**Wendy Masserman read the following statement:**

**I would like to address the issue of steep slopes. Until March of 2013, I was totally unaware of what a steep slope was and much less that there were town codes protecting them. And then I learned about the plan to create cluster homes behind my home otherwise known as High View Farm. With a very large slope behind my next door neighbor's home and adjacent to mine, I decided it was time to take a crash course in steep slopes.**

**I began by reading Town code chapter 167 which states, "Protection of steep slopes is a matter of concern to the entire town. Once a steep slope is disturbed, ~~that disturbance~~ is, for all practical purposes, irreversible. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and**

general welfare. Experience has demonstrated a need for effective protection of steep slopes, including careful review and regulation and the implementation of stringent mitigation measures where, in the opinion of the approval authority, no practicable alternative to such disturbance exist.

I later learned that the slope in our backyard is 40 ft. tall and the highest point in the Town of Ossining. Any disturbance of this slope could be disastrous. This qualifies as an extremely steep slope. I also learned that there were other steep slopes throughout the property.

Very quickly a group of concerned citizens got together to ensure that this property would not be overdeveloped. We called ourselves The Concerned Citizens of Ossining and-in-May of this year-I, was asked, to be the Chair.

At last week's public hearing, Mr. Adam Wekstein spoke about steep slopes as they relate to High View Farm. He stated that this project's opposition, from their perspective, has morphed into these changes particularly #7 & 8.

I do not believe that this is true. But if our persistence in bringing environmental concerns to light, has spurred our lawmakers to update these codes, then I am pleased to have been a part of it.

I hope that the Board will not allow itself to be bullied with threats of a law suit. I commend you again for making these changes.

David Gordon and attorney representing Concerned Citizens of Ossining commented on both Local Law No. 8 (Amending the Steep Slope Protection Chapter of the Town Code) and Local Law 9 (Amending the Subdivision of Land and Zoning Chapters of the Town Code".) Mr. Wekstein was threatening the Town Board with legal action because these laws are unconstitutional. These types of local laws passed are not the same laws as he speaking of. He is speaking of land use laws pertaining to zoning amendments, etc. You are not wiping our 60/70/80 percent of multiple family residents. SEQRA is a broad environmental and changing the character of the Town develop ability. Protect your own work and support this legislation. As they say "No Good Deed Goes Unpunished

At 8:15 P.M., Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until September 22nd 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 8:15 P.M., the Public Hearing was opened.

At 8:16 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Blah that the Public Hearing be adjourned until September 22nd 2015.

**IV. ANNOUNCEMENTS**

Supervisor Donnelly announced the Run/Walk Ossining Matters race on Saturday, September 12, 2015 followed by Zumba/Yoga at Market Square.

**V. PUBLIC COMMENT ON AGENDA ITEMS**

**VI. BOARD RESOLUTIONS**

**A. Approval of Voucher Detail Report**

Councilmember Harter 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 Voucher Detail Report dated August 25, 2015 in the amount of \$359,153.30

Motion Carried: Unanimously

**B. Authorizing Town Justices and Town Supervisor to submit a grant application to New York State Office of Court Administration**

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Justices and Town Supervisor to submit a 2016 Justice Court Assistance Program application to the New York State Office of Court Administration with a request not to exceed \$30,000.

Motion Carried: Unanimously

**C. Request for Bids- Conversion of Surplus 2007 Freightliner to a Heavy Duty Dump Body**

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 authorizes the Town Clerk to advertise a Request for Bids for the Conversion of a Surplus 2007 Freightliner US Army Ten-Wheeler Truck Tractor into a Heavy-Duty Dump Body, and furnish and install a Duraclass Body, all according to the specifications outlined in the legal notice to bidders and bid packet. Bids shall be submitted no later than 10:00AM on Monday, October 5<sup>th</sup>, to the office of the Town Clerk.

Motion Carried: Unanimously

**D. Order Calling a Public Hearing in the matter of the Petition for Extension of the Ossining Consolidated Sewer District, 73 Morningside Drive**

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

Whereas, a written petition, dated August 27<sup>th</sup>, 2015, in due form and containing the required signature, has been presented by Norah Eliasson to the Town Board of the Town of Ossining, Westchester County, New York, for the extension of the Ossining Consolidated Sewer District in said Town; and

Whereas, said premises are known as 73 Morningside Drive, Ossining, New York , and also known as Section 90.15-1-6, on the Tax Map of the Town of Ossining, and

Whereas, the improvements proposed for said Sewer District Extension consist of the construction and installation of a sewer system, including sewer main, manhole and other improvements incidental thereto, all as more described in the map and plan accompanying the aforesaid petition, which map and plan are on file in the Town Clerk's Office of said Town for public inspection during regular business hours; and

Whereas, the cost of establishing such Sewer District Extension shall be borne entirely by the Petitioner; and

Whereas, it is now desired to call a Public Hearing to consider the Petition for the proposed establishment of said Sewer District Extension pursuant to Section 193 of the Town Law, as well as for purposes of determining the environmental impact of said action; Now Therefore be it

Ordered, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1:** A meeting of the Town Board of the Town of Ossining, Westchester County, New York, shall be held at the Police/Court Facility, 86-88 Spring Street, In Ossining, New York, on the 22<sup>nd</sup> day of September at 7:30p.m., for the purpose of conducting a public hearing to consider the aforementioned Petition and to hear all persons interested in the subject thereof concerning the same.

**Section 2:** The Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be published in The Gazette and posted in the manner provided by law.

**Section 3:** This Order shall take effect immediately.

Motion Carried: Unanimously

**E. Calling for a Public Hearing in the matter of Local Law #10 of 2015-  
Establishment of an Architectural Review Board**

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 calls for a Public Hearing to be held on Tuesday, September 22<sup>nd</sup>, 2015 at 7:35 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, for the Purpose of Adding a Chapter Entitled "Architectural Review Board" to the Town Code.

Motion Carried: Unanimously

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

**VIII. MONTHLY REPORTS**

Councilmember Harter 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 August 2015:

- Town Clerk's Office
- Town Supervisor's Office
- G.E. Crotonville Helicopter Report
- Town Building Department
- Dale Cemetery
- Town Tax Receiver's Office

**Motion Carried: Unanimously**

**IX. VISITOR RECOGNITION**

**Liz Feldman announced the Ossining Boat & Canoe Club Hudson River Fun Day on Saturday, September 12, 2015 from 11:00 a.m.-4:00 p.m. Come celebrate a day for the kids and families of Ossining. Enjoy the river with crafts, games, fishing and more. The police boat will also participate. On Friday, September 11<sup>th</sup> at the waterfront will be the 9-11 Service beginning at 7 p.m. At 8 p.m. at the Ossining Boat & Canoe Club will be a History Program.**

**Dana Levenberg announced that IFCA and the Micro fund will have a program at Park School with child care available. This program is to assist those wanting to buy a home.**

**Councilperson Jeffrey announced that Senator Carlucci will be holding at meeting at the Library on September 24, 2015 from 4:30 p.m. – 6:00 p.m. for a Student Advisory Council with grades 8th – 12th welcome.**

**X. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE**

**At 8:25 P.M. Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

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**Mary Ann Roberts, Town Clerk**