



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

**JUNE 14, 2016
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

COUNCILMEMBERS

**Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey 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 June 14, 2016 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 Dana Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman Northern Wilcher, Jr. and Kim Jeffrey. Councilmember Karen D'Attore was absent. Also present were Town Counsel Christie Tomm Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

Welcome to the June 14, 2016 Regular Meeting of the Town Board of the Town of Ossining. Announcements:

Before we begin, I want to ask for a moment of silence in recognition of all of the victims of the senseless attack in Orlando. This type of behavior cannot be tolerated, and is certainly not something we condone in Ossining. Our hearts go out to all the families affected by this tragic event. We must stand together in the face of this heinous act and make it our duty to welcome and accept all people. Please join me in a moment of silence.

I am glad to say that we have an incredible number of positive things happening in Ossining.

This past Saturday, I saw many of you at the Village Fair, and boy, did we luck out with the weather! The thunderstorm never appeared, but the crowds did, and it was a beautiful and energized day spent in our downtown. Congratulations to our Chamber for a job well done, and a special thank you to the Village and Town staff for making sure everything went smoothly, and leaving no evidence behind! That same evening, I joined many of our community members at the Dine-A-Round event benefitting the Ossining Children's Center. Our good friends Richard and Marilyn Wishnie were honored for all the good work they've done to support our young people in the community so they can turn into productive community members, and I was proud to join in celebrating them while giving back to the Children's Center.

We have a busy weekend coming up in Ossining. The annual Ossining Rotary Officers Installation Awards Dinner will take place this Friday night at the General Electric Training Center at 6PM. For more information, please contact the Ossining Rotary.

Another exciting occasion: the Ann M. Dorner Middle School and Ossining High School graduation ceremonies will both be held this Saturday at Pace University in Pleasantville. The Middle School will be graduating at noon, the high school at 2PM. The community is welcome to come celebrate the great achievements of our students.

Also this Saturday is Portugal Day, starting at 11AM in Market Square, with the opening ceremony beginning at 12:30PM. Make sure to stop by one of the most anticipated yearly events in Ossining for some delicious food, festive music and traditional dancing.

The Friends of the Old Croton Aqueduct will be hosting “Invasive Strikeforce Volunteer Day” on Saturday, June 18th between 10AM and 3PM. Come out and learn under an experienced crew how to rid the trail of invasive species. Meet up at the entrance to the Croton Gorge Unique Area just north of 124 Quaker Bridge Road in Croton. You can get more information at www.aqueduct.org/events.

Westchester Collaborative Theater will be presenting “Notes from the Frontlines: Nine Monologues” this weekend at the Steamer Firehouse Gallery at 117 Main Street with performances on Friday at 8PM, Saturday at 8PM and Sunday at 3PM. Tickets are only \$15 general admission, but discounted tickets are available.

On Monday, June 20th, I hope you will join me at the Ossining Public Library’s Annual Meeting to the Community. Come hear about the past years accomplishments, goals for the coming year, and to recognize our exceptional library staff. The meeting begins in the Budarz Theater at 7PM and will be followed by light refreshments and music in the gallery, all are welcome.

The following weekend will also be a busy one in Ossining: on the evening of Saturday, June 25th, Ossining’s Relay for Life event will take place at the Ann M. Dorner Middle School. The Town and Village of Ossining has put together a team, and it’s not too late for you to do the same. Visit the Relay for Life website for information on how to start a team or donate to someone you know who is standing up to cancer.

We are getting excited for our annual Fireworks Celebration at Engel Park on Thursday, June 30th. Come down to the waterfront and listen to KJ Denhart and her band kick off the festivities at 7PM before the fireworks show at 9:15. Once the fireworks are over, Powderfinger will keep the music going, so bring a chair and start your holiday weekend off right!

KJ and Powderfinger are just the first artists in the 2016 Summer Concert Series—we have an exciting lineup for you this year, including Breakfast for the Boys, Soul Projekt, Sundad, TimbaWah, Roxy Perry, The Vibe Theory, the Mike Risko Band, and wrapping up the season with a “Party in the Park”! Keep an eye out around Town for some great posters featuring our headliners!

Next Thursday, June 23rd, the Lion’s Club will be honoring two OHS seniors at their Scholarship Awards Night at the Elks Club. Arrive at 7PM, and the meeting begins at 7:30PM. There will be a buffet dinner and a cash bar. RSVPs must be received by June 21st, contact Sandy McKee for more information.

Finally, I would like to wish a very Happy Father’s Day to all the fathers out there, including my own dad, my husband’s father, my husband, and all the other strong, loving men who support us, respect us, treasure us, and honor us every day. May you enjoy a weekend of rest, and of being doted on by all of the lucky people in your life.

III. LIAISON REPORTS

Councilperson Jeffrey as the liaison to the Parks & Recreation went on a tour of parks with Village Trustee John Codman, Superintendent of Parks & Recreations Christopher Soi, and Foreman Mario Velardo. They visited Cedar Lane Park, Ryder Park and Crawbuckie. I also attended a few of the Briarcliff Manor Board Meetings.

Councilperson Elizabeth Feldman reported on the event which is held annually at the OBCC “Hot Pie Breakfast Scholarship”. Tax Grievance Day is scheduled for June 21th.

IV. PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Levenberg read the following:

It’s been quite some time since our last regular regular meeting since we had a long May and a special joint work session at which we had an abbreviated regular meeting. Tonight, we will approve two sets of minutes, and perhaps our biggest voucher detail report of the year which includes five months of our Police contract, one of the biggest pieces of our budget, to make sure all of the residents of the town are safe and protected. The Village holds on billing us until we have had our first tax collection for the year for the town which happens during the month of April when the Town/County bills are paid. Following that, we will be opening a capital project for the sanitary sewer improvement work at croton Dam and Kitchawan Road. On May 24th, we approved a contract with Manganaro Engineering to do engineering design and construction oversight for a project that will be happening simultaneously to the culvert replacement project the NYS DOT is undertaking t that intersection. This is an opportunity for us to improve the way the sewer line is routed so it will not be impacted by the new culvert.

Next, we will be asked to approve the Westchester County Snow and Ice Agreement which authorizes us to accept payment from the county in exchange for plowing county-owned roads within the town.

Following that, we will be calling for a public hearing to declare a moratorium on development within the Town of Ossining. At last week’s work session, our Planner David Stolman presented the Board with a proposal to perform a planning and zoning analysis for recommendations made in the revisions to the comprehensive plan which were adopted last year. Those revisions only can implemented properly if they are in the form of new town codes, which take some time to prepare. The analysis would offer suggestions and insight as to how the codes would need to be revised if we decide that in fact the recommendations are in the Town’s best interests. The moratorium would allow time to evaluate and implement these recommendations. We want to clarify that this moratorium does not apply to projects already in the pipeline: projects already before the Planning or Zoning Board as of June 7th (the date of the work session where this was first discussed) are grandfathered in and their work with the Boards will continue as before.

Our next resolution will be to approve the contract for maintenance on the generators at our Sewer Lift Stations. For the 2015 year, the Superintendent of Highways decided to switch companies and do business with National Standby, the company who has proposed our contract for 2016. Mr. O’Connor is here in case the Board has any questions about the terms of this year’s agreement and it how it compares with years past.

Next, we will be calling for another Public Hearing on a local law that has been discussed in the Town since last year. Our Building Inspector has recommended a law to implement a “KnoxBox” system to help our emergency responders in the Unincorporated Area. This common sense legislation will ensure that our

commercial properties and multi-family residences will be easily accessible in the case of an emergency.

As discussed earlier, the Town Board will have the opportunity to approve Phase 1 of the proposal from F.P. Clark, which at this time, is only to perform the analysis I mentioned earlier, related to the Comprehensive Plan. If the Board decided to move forward on any or all of the topics analyzed, we will have another resolution for Phase 2 and associated charges.

Finally, the owners of one of our properties headed for foreclosure auction has asked for a chance to redeem the property. This would include paying all outstanding taxes and penalties, plus an additional 10% for redeeming at this late date.

John Perillo, Havell Street, questioned Resolutions F and I (Calling for a Public Hearing in the Matter of Local Law #6 of 2016 – Declaring a Moratorium on Construction within the Town of Ossining) and (Proposal – F.P. Clarke). When was the last time the Master Plan was adopted and reviewed? The Stony Lodge development is asking for spot zoning as I see it. Was this application filed before the moratorium? Why wasn't it recommended? What prompted the moratorium? Planning is the lead agency in assessing other plans which is a lengthy review process. The moratorium pertains to outstanding zoning issues. Spot Zoning is a dangerous precedent.

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 approves the May 24, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember Feldman 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 June 7, 2016, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. 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 June 14, 2016 in the amount of \$1,267,070.53.

Motion Carried: Unanimously

D. Finance- Capital Project #2016-2198- Sanitary Sewer Improvements-Croton Dam and Kitchawan Road

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

Resolved, that the Town Board of the Town of Ossining authorizes establishment of Capital Project 2198, titled Sanitary Sewer Improvements-Croton Dam and

Kitchawan Road, for sewer main relocation and new manholes. The project budget of \$50,000 is funded by a transfer from Consolidated Sewer fund balance.

Increase: 037.8120.2198 \$50,000 – Sanitary Sewer Improvements-Croton Dam and Kitchawan Road (Expense)

Increase: 037.0037.5031.0198 \$50,000 – Sanitary Sewer Improvements-Croton Dam and Kitchawan Road (Revenue)

Increase: 045.0045.4795 \$50,000 – Fund Balance (Revenue)

Increase: 045.9901.0906 \$50,000 – Transfer to Capital (Expense)

Motion Carried: Unanimously

E.Highway - Westchester County Snow and Ice Agreement

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

RESOLVED, that the Town Board of the Town of Ossining authorizes the Supervisor to execute an agreement with the County of Westchester for Snow & Ice removal from County Roads for the period commencing October 1, 2015 through September 30, 2020 at a compensation to be determined in accordance with the schedules referenced in Schedule “D” of the aforesaid contract.

Motion Carried: Unanimously

F. Calling for a Public Hearing in the Matter of Local Law #6 of 2016- Declaring a Moratorium on Construction within the Town of Ossining

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 calls for a Public Hearing to be held on Tuesday, June 28th, 2016 at 7:30 P.M. in the Police/Court Facility, 86-88 Spring Street in Ossining, in the matter of Local Law #6 of 2016, regarding the imposition of a temporary moratorium on development within the Town of Ossining to allow for a planning and zoning analysis consistent with the Town’s Comprehensive Plan.

Motion Carried: Unanimously

G. Contract: National Standby Repair Inc.

Councilmember Feldman 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 Supervisor to sign a contract with National Standby Repair Inc., Scarsdale, New York, for the scheduled service of sewer lift station generators, at an annual fee of \$8925; and

Be it further Resolved, that the Supervisor is hereby authorized to sign additional purchase orders with National Standby for required work on generators not covered by this contract, provided that the Town’s Procurement Policy is properly observed.

Motion Carried: Unanimously

H. Calling for a Public Hearing in the Matter of Local Law #7 of 2016- Emergency Access Systems

Councilmember Wilcher moved and it was seconded by Councilmember Feldman 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, June 28th, 2016 at 7:35PM in the Police/Court Facility, 86-88 Spring Street in Ossining, in the matter of Local Law #7 of 2016, regarding the imposition of a set of rules and regulations applicable to commercial structures within the Unincorporated Town designed to aid emergency responders.

Motion Carried: Unanimously

I. Proposal- F.P. Clark

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the proposal from F.P. Clark dated May 13th, 2016, for "Phase 1" of the Planning and Zoning Analysis in accordance with recommendations under the Town's Comprehensive Plan, with an estimated cost of \$6,355.

Motion Carried: Unanimously

J. Tax Receiver - Property Redemption, 12 Ellis Place

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

Whereas, the owner-occupied property located at 12 Ellis Place, Ossining, has delinquent taxes resulting in commencement of In Rem foreclosure proceedings and a judgment of foreclosure, and

Whereas, the property owners have requested to redeem the property; and

Whereas, the Town Board desires to allow the owners of said property a window of opportunity to redeem the property prior to auction;

Now therefore be it Resolved, that the Town Board of the Town of Ossining hereby allows the holder of property at 12 Ellis Place, Ossining to redeem said property by paying all outstanding taxes, interest, penalties and fees, plus an additional ten (10%) percent penalty on the lien amount, for a total of \$50,186.68 which, upon the recommendation of the Receiver of Taxes, the Town Board finds to be fair and appropriate based on the specific and unique circumstances of this case;

And Be it further Resolved, that failure of the property owner to pay the balance of taxes owed by July 31st, 2016 shall result in the property being included in the list of properties to be auctioned by the Town of Ossining in August 2016 in accordance with the recommendation of the Enforcement Officer to be submitted to the Town Board for consideration at the Town Board's June 28, 2016 meeting.

Motion Carried: Unanimously

VI. MONTHLY REPORTS

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 accepts the following monthly reports for the May of 2016:

- Town Clerk's Office

- Town Supervisor's Office
- G.E. Helicopter Report
- Tax Receiver's Office
- Dale Cemetery

Motion Carried: Unanimously

VII. VISITOR RECOGNITION

Matthew Gullotta, Emwilton Place, announced the first anniversary of Gullotta House with a Duck Race to provide a swing set and pavers for the child of an individual who was seriously injured in the Metro North Train Accident. The Duck Race will take place on July 30 from 10 a.m. to noon with a Family Fun Day following at Nelson Park. Permission was also requested to sell ducks at the fireworks on June 30th.

John Perillo, Havell Street, discussed Resolution G (Contract: National Standby Repair, Inc.) and Resolution J (Tax Receiver – Property Redemption, 12 Ellis Place). Doesn't Resolution G fall under the Procurement Policy? The wording of Resolution J is an embarrassment. The address should not be listed. A complaint was also lodged regarding the revaluation of a half dozen parcels. Six Havell Street is a two family with 3 meters which includes the third meter as the owner's meter. Seventy-two Havell Street was purchased for \$350,000 and has been appraised at \$535,000. Tyler appraised it t \$690,000. He is putting the Town on notice and demands an apology.

VIII. ADJOURNMENT – EXECUTIVE SESSION-CONTRACTS

At 8:50 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Special Meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Village Clerk