



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

**SEPTEMBER 13, 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 September 13, 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., Karen D'Attore and Kim Jeffrey. Also present were Town Counsel Steven Silverberg and Budget Officer Madeline Zachacz. Town Clerk Mary Ann Roberts was absent.

II. ANNOUNCEMENTS

Dana Levenberg read the following statement:

Good evening, and welcome to the September 13th, 2016 Meeting of the Town Board of the Town of Ossining. Please stand for the pledge.

We have a relatively concise agenda this evening, but before we get to it, I'd like to share some announcements. We had a beautiful weekend in Ossining, starting with the Ossining Matters 5k 2M Run/Walk on Saturday morning. It is always such a pleasure to see everyone come together and enjoy getting some great exercise for a wonderful cause—the Ossining Schools. Later that evening, we also joined to celebrate the 125th anniversary of our very own Monitor Hose Company. On Sunday, I was joined by elected officials from the federal, state, county and village governments at the 9/11 Remembrance Memorial at Engel Park. On that tragic day 15 years ago, our community came together like never before. It was particularly moving for me to hear words from FDNY Lieutenant Dave Morkal, and share the moments on stage with Retired Ossining Officer Donny Farrell who organized the gathering, Nancy Scorgia who sang our national anthem and Amazing Grace, County Legislator Catherine Borgia, and Town Councilwomen Karen D'Attore and Liz Feldman because we all happen to have children at Park School on that day in 2001, so in addition to all of our community residents, we Park school parents had another particular nexus that day, 15 years ago, and many shared memories. Yet Dave Morkal had very intense involvement at Ground Zero which I had never heard about until he was able to join us, for the first time on September 11th in Ossining at our local remembrance. I know we are all so grateful to Dave, the FDNY, and all of our local first responders who were there for all of us that tragic day, and put their lives on the line and their families on hold, as they are here for us and do for us every day. Additionally, our entire community came together to pitch in wherever and however we could each do, individually and collectively, and have done so ever since. One great example of that is here tonight. Our next generation. Also on Sunday, many of us attended the unveiling at Gerlach Park, of a new place for us to remember. Local Eagle Scout, Chris Krajca, completed his Eagle Scout project by installing a sitting area in honor of his friend's parent, Gary Haag, Ossining resident, who lost his life at

the World Trade Center on 9/11. Chris's project produced something that everyone can enjoy, including a stone with a bronze plaque identifying Gary and Arthur J. Jones from Ossining, and Ariel Jacobs and Krishna Moorthy from Briarcliff and, as well as red oak tree that was planted, a small red bird house that was erected, and a picnic table he made from scratch with the help of other troop members and volunteers that has an American Flag painted on top. This is truly a special spot where we can go to remember those we lost. Chris and his mother, Mary Langan, are here tonight, and I'd like to ask them to come up now to be recognized.

Thank you, Chris, for providing such a valuable addition to our beautiful Town Park and to our community.

I also had an opportunity to go to New York State's Mid-Hudson Region Economic Development Council meeting yesterday where the region announced their recommendations they are sending to the state for priority project funding. I was pleased to hear they are recommending the Sing-Sing Museum project to go on for further consideration which means there is a very good chance the project will get additional funding for the next phase. Some of us also had the chance to hear from the Museum consulting company, Lord Cultural Resources, with the Museum Program Plan which they presented to the Museum Board last week. It is very exciting to see this project moving forward with strong regional, local and state support. Also at the meeting I had the opportunity to connect with the Regional Director of the State Parks Department to discuss the proposal for the bike lanes that would connect our public spaces and bike trails to one another as well as with our commercial and open space corridors. They were excited to hear about this and willing to help identify and mark trails so we are hopeful we will hear more good news about that project in the coming months.

We have multiple events coming up this weekend, many of which are part of the Hudson Valley Ramble. There are several events to choose from at 10AM on Saturday morning. Enjoy a free sail on the Hudson with Ferry Sloops out of Shattemuc Yacht Club, take a "hike through history" at Teatown, or join a guided tour of the Weir Chamber starting from the Community Center. Another event near and dear to me is the Legends and Lore presentation that will be taking place at our own Sparta Cemetery, where famed storyteller Jonathan Kruk will be recounting the legend of The Leatherman before the "Legends and Lore" marker is unveiled, bearing The Leatherman's story. Admission is \$10 per person or \$20 per family. All proceeds will benefit the Ossining Historic Cemeteries Conservancy. "Rambler" can park at Scarborough Presbyterian Church in Briarcliff and take a free shuttle across the street to Sparta—no cars will be allowed at the Cemetery. All of these events begin at 10:00A.M. this Saturday, September 17th, but Ramble events will be ongoing throughout the month of September. Another local event of note will be on Saturday, September 24th, where our state Senator, David Carlucci will be leading a hike at Teatown starting at 8 A.M. Don't miss this great opportunity to meet your Senator and catch up on the great work he's doing in our region. You can get more information on these and other Ramble events at www.hudsonrivervalleyramble.com.

Also this weekend, the Town will be holding two Mind, Body, Spirit Ossining events, beginning with an all-levels Boot Camp at Engel Park on Saturday morning at 9:30 A.M. Club Fit Trainer Tracey Bielenberg and Fitness Director Susie Reiner will be leading a 60-minute workout based on body weight exercises, and the first 25 participants will win a Club Fit water bottle and be entered into a raffle to win a Club Fit membership.

On Sunday at 9:30AM, Enrique Rosario of ICU Fit Training will be leading another of his famous "Sunday Fun-Day" 30 minute workouts, but this one is extra special: in honor of the start of football season, this Sunday will be a "Train Like the Pros" workout. No equipment required, but your favorite team jersey and eye black are recommended! This will also be at Engel Park.

This Saturday evening is the Westchester Collaborative Theater's annual fundraiser. The Endless Summer Gala will be held at Shattemuc Yacht Club between 7PM and 10PM on September 17th, so come down and support the arts in Westchester. More information or to purchase tickets, go to wctheater.org.

Another event in the coming weeks will be the Annual Senior Fair, hosted by Assemblywoman Sandy Galef and State Senator David Carlucci. Join us on Thursday, September 29th at the Joseph G. Caputo Community Center between 10AM and 1PM to learn about services and get connected with resources available to our seniors.

I also want to invite everyone to our next Town Hall Meeting which will take place next Tuesday, September 20th at the Ossining Public Library at 7:30 P.M. We have a variety of topics scheduled, so keep an eye on the Town website later this week for the agenda.

III. LIAISON REPORTS

IV. DEPARTMENTAL REPORTS

- Reports Senior Nutrition Program- Kathy Asaro

Ms. Asaro stated that the Senior Center provides the following:

- Nutrition program provides lunch to our senior's everyday
- Home delivery meals
- Are you ok? Phone calls
- Various exercise programs
- Trips to Shoprite
- Blood Pressure testing
- Taxi Coupons
- Bingo games
- Golden Age meeting
- Line dancing
- Flu shots
- Senior Fair is September 29th at the Ossining Community Center
- October 3rd 10:00 a.m. at the Ossining Community Center citizen preparedness program
- Food bank visits
- Art classes
- Knitting classes
- Social Worker

Supervisor Levenberg stated that our Senior Program is offered to all our residents that are age 60 and over. If residents would like information regarding the Senior Program they should call (914)762-1350 or visit the Ossining Community Center on the 1st floor.

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes

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 approves the August 23, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember D'Attore 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 September 13, 2016 in the amount of \$561,684.68.

Motion Carried: Unanimously

C. Acceptance of High Bid- 27 Secor Road

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

Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 27 Secor Road, Tax ID# 97.7-1-41; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the four properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Mr. Pedro Silva of I & P Realty Corp, Ossining, NY, was the successful bidder at a bid price of \$159,000;

Now therefore, be it Resolved that the Town accepts the high bid of \$159,000 for the property at 27 Secor Road, submitted by Mr. Pedro Silva, the Town is authorized to accept a deed for the property from the Receiver of Taxes in a form approved by Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.

Motion Carried: Unanimously

D. Acceptance of High Bid- Hunter Street Lot

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

Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was a vacant lot on Hunter Street, Tax ID# 97.7-2-70; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the four properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Mr. Karl Dibble of KWD Realty Inc, Irvington, NY, was the successful bidder at a bid price of \$51,000; and

Now therefore, be it Resolved that the Town accepts the high bid of \$51,000 for the property at Hunter Street, submitted by Mr. Karl Dibble, the Town is authorized to

accept a deed for the property from the Receiver of Taxes in a form approved by Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.

Motion Carried: Unanimously

E. Acceptance of High Bid- 35 Yale Avenue

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

Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 35 Yale Avenue, Tax ID# 89.15-2-59; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the four properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Ms. Juanna M. Correa Braun, Ossining, NY, was the successful bidder at a bid price of \$148,000; and

Now therefore, be it Resolved that the Town accepts the high bid of \$148,000 for the property at 35 Yale Avenue, submitted by Ms. Juanna M. Correa Braun, the Town is authorized to accept a deed for the property from the Receiver of Taxes in a form approved by Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.

Motion Carried: Unanimously

F. Acceptance of High Bid- 18 Sarah Street

Councilmember D’Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 18 Sarah Street, Tax ID# 89.15-4-50; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the four properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Mr. Willman A. Morocho, Ossining, NY, was the successful bidder at a bid price of \$70,000; and

Now therefore, be it Resolved that the Town accepts the high bid of \$70,000 for the property at 18 Sarah Street, submitted by Mr. Willman A. Morocho, the Town is authorized to accept a deed for the property from the Receiver of Taxes in a form approved by Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.

Motion Carried: Unanimously

G. Tax Payment Plan- 47 Yale Avenue

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the owner occupied property at 47 Yale Avenue, Tax Parcel Designation 89.15-2-56; and

Whereas, the Town Board, pursuant to Article 5 of the Ossining Town Code, as authorized by section 1184 of the New York Real Property Tax Law, before entry of a final judgment, may withdraw a parcel for which payment of real property taxes is delinquent, from a foreclosure proceeding and enter into an installment plan for payment of all delinquent taxes, as well as interest and penalties, and does occasionally grant such a plan and has the discretion to accept or reject any proposal by a residential or commercial property owner, providing the owner meets the eligibility requirements set forth in section 180-17 of the Town Code and the payment plan conforms to the requirements for such a repayment plan set forth in section 180-18 of the Town Code;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan, which terms comply with the Town Code, to grant this property owner, who has been determined to be eligible, with the understanding that this sets no precedent going forward for this or any other property in the future.

Motion Carried: Unanimously

H. Contract- Affordable Care Act Reporting

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 authorizes the Supervisor to enter into a contract with Corporate Plans, Inc., doing business as CPI-HR, PO Box 293, Syracuse, NY 13214 and with corporate offices at 6830 Cochran Road, Solon, OH 44139, subject to approval by Counsel to the Town, for consulting services in connection with employee benefits administration under the Affordable Care Act, effective April 1, 2016 through March 31, 2017, at a fee not to exceed \$8,075.

Motion Carried: Unanimously

I. Contract- Michael Haberman Associates, Inc. Equitable Small Claims Software

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 authorizes the Supervisor to sign an agreement with Michael Haberman Associates, Inc. of 125 Front Street, Mineola, New York, to furnish Equitable Small Claims software to the Town of Ossining for the purposes of preparing court-ready appraisals to defend property values, in accordance with their proposal dated August 30th, 2016 at an amount not to exceed \$12,000 for the initial year and \$3,000 for each additional year; and

Be it further Resolved, that this contract is subject to approval by Counsel to the Town.

Motion Carried: Unanimously

J. Agreement - Call a Cab

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 authorizes the Supervisor to sign an agreement with Aguila Taxi at 25 Yates Avenue in Ossining and Mommy's Taxi at 7 Fuller Road in Ossining, NY ending December 31, 2016, with all coupons to be reimbursed at the rate of \$4.75 each.

Motion Carried: Unanimously

VIII. 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 following to be received and filed:

- **Schneider Resolution of Subdivision Plat Approval from the Town Planning Department dated September 7, 2016.**
- **Town Planning Board meeting minutes dated July 20, 2016**

Motion Carried: Unanimously

IX. MONTHLY REPORTS

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 following monthly reports for the month of August 2016:

- **Town Supervisor's Office**
- **Town Clerk's Office**
- **G.E. Helicopter Report**

Motion Carried: Unanimously

X. VISITOR RECOGNITION

Brenda Tim Glendale Road, Ossining, NY read the following letter on behalf of Linda Lowell (Town of Ossining resident):

Dear Supervisor Levenberg and Board Members,

On September 28, the New Castle Zoning Board of Appeals (ZBA) is scheduled to vote on a resolution to approve the Sunshine Children's Home's application to expand. I urge you, in the days that remain, to press the ZBA to issue a POSITIVE declaration. Beyond that, if they approve the expansion with a negative declaration, I urge you bring an Article 78 proceeding on behalf of the Town of Ossining in pursuit of that positive declaration, or file an amicus brief supporting any Article 78 actions brought by other concerned residents of the Towns of Ossining and New Castle.

I make this request because I believe that the question of Sunshine's water and waste requirements are of critical importance to the Town of Ossining. Sunshine has manipulated its projected water requirements, not to reflect reality, but in order to render it's application palatable to the ZBA. Without a real, in-depth independent EIS, the Town's sewage disposal system and Ossining residents on wells in the vicinity of Sunshine face unknown but real risks.

Sunshine initially asserted that it would need 11,300 gallons per day for 122 patients. After being urged to study the impact on neighbor's wells by the New Castle Planning Board also an Involved Agency for SEQRA purposes and hearing many objections from Sunshine's neighbors, the ZBA ordered a report from an independent hydrologist. That hydrologist reported that Sunshine's estimated water budget of 11,300 gallons per day "would severely tax the bedrock aquifer during drought conditions, allowing for only a 9% surplus of available groundwater based on daily demand of the facility." He recommended that water use be projected using NYSDOH standards: 21,350 gallons per day at a rate of 175 gallons per day per bed and 15 gallons per day per employee (80 employees, half the actual projected). Or, if historical data be used, at least five years data be supplied.

Following that report, Sunshine approached the Village of Ossining for water, but was turned down. Then the Town of Newcastle Supervisor attempted to resolve the water problem by proposing the Spring Valley Road Water District. Adopted, that plan would have been an illegal segmenting of the Sunshine Application. It failed for that reason, as well as because two board members opposed it as a "quid pro quo" for Ossining's

purchase of backup water supply while it upgrades its water treatment facility and because the Village of Ossining disowned it in a press release. Supervisor Rob Greenstein's ardent remarks in favor of the District also raised issues of fire safety at Sunshine, which if pursued could have cast a new shadow over the application.

On the death of the Water District Plan, Sunshine ordered a report from its own hydrology firm, who purported to analyze 5 years of data. They threw out three years of those readings, saying a pipe leaked, and then cherry-picked the two years of historical data by taking averages of winter months, on the justification that it would not use well water for irrigation, so winter months would more representative of actual use. Those averages were then averaged. Lo and behold, the strategy yielded a projected 11,300 gallons per day, Sunshine's initial water budget projection. This manipulation is straight out of LYING WITH STATISTICS 101.

This study was presented to New Castle's independent hydrologist, who reversed himself and agreed with Sunshine's hydrologists report. He did condition his agreement, however, by reminding that the Westchester County Department of Health has the final say. Still, it evolves that his firm will be given a contract to monitor neighboring wells for two years after the build out is complete in case negative impacts do occur. In response to questions from the public, he affirmed the existence of this arrangement between his firm, the Town of New Castle and Sunshine during the ZBA's April 27 public hearing.

Sunshine also deployed its retained lobbyists to procure a supportive letter from Westchester County Department of Health (this is supported by material obtained via FOIL requests of the DOH). This letter accepted use of historical data and projected a water requirement of 99 gallons per day per bed or 12,078 gallons per day per 122 patients. The DOH engineer writing the letter added proviso that "source capacity analysis and the design of the water system must be in accordance with the "Recommended Standards for Water Works, 2012 edition" (aka "10 States Standards"). This condition has apparently been overlooked by the ZBA and New Castle's Director of Planning. The 10 State standards are far more stringent. Applying them to the data used by Sunshine's hydrologist, peak demand indicates the new facility would require 31,854 gallons per day.

What is the right number? 21,350 under NYS DOH standards? 11,300 using twice-averaged data? or the 31,854 gallons per day indicated by the 10 States Standards?

The answer has direct bearing on Ossining. Sunshine's latest waste water plan is sketchy: the first 10,393 gallons per day would go through the 20-year old lift station. (Former Ossining Town Supervisor Sue Donnelly herself said in the December 15, 2015 Town Board meeting that the station is due for an overhaul.) Any overage would be diverted from the nursing facility to existing septic fields serving administrative buildings scattered over the 30 acre site.

This non-plan presents a number of problems. 1) Sunshine intends to exceed its current agreement with Ossining for 10,000 gallons per day by 393 gallons per day. It

would be fair to say that is a small discrepancy if the entire calculation weren't fictional.

2) Sunshine's application includes no narrative, drawing, or engineering proposal to indicate what mechanism will divert the extra nursing facility waste to existing fields. 3) Those existing fields serve buildings that were constructed by Rush Kress well before he sold his estate to the Asthma Institute and the 52 Association over sixty years ago. Sunshine can assert the fields are functioning, but any homeowner knows that the real condition of septic fields may not be known until the property is inspected on sale. Regular maintenance often does not reveal the destruction wrought by time, roots, etc. The lift station was built and the predecessor to Sunshine hooked up to Ossining's sewage system in 1969 because an "emergency situation" existed - the nursing building's leach fields were failing. Ossining would be hard pressed not to acquiesce to pleas from Sunshine to upgrade the lift station after the built out is complete. 4) What if Sunshine adds more beds than the 122 it is currently zoning approval for? They would have the room for hundreds more under current DOH regulations. And they've done it before, without approval from the ZBA. After taking over in 2009, the current for-profit operators added 10 beds. This is how they explained it to the NYS DOH in their 2014 Certificate of Need Application for the expansion:

The applicant has indicated that the reason for the 2010 losses is the result of the following: the facility's rate did not adequately address its costs. The applicant has indicated that that they implemented the following steps to improve operations: the facility received a rate increase that reflected its actual costs; the facility increased occupancy from 2010, and the facility increased certified bed capacity from 44 to 54 beds.

Elected representatives of the residents of the Town of Ossining - do your own due diligence! Determine for yourselves what the NYS Health and Health Planning Council considers when they approve a Certificate of Need application. Don't doze off thinking that the State authorized these beds and that's really all you need to know. Or that New Castle is going to send an army of inspectors to make sure everything is kosher. New Castle doesn't know about anything that doesn't come before its Boards. Once the COO is issued, New Castle's inspectors will vanish. The NYS Health and Health Planning Council did not review site plans, does not know that Sunshine has no access to municipal water or municipal fire and rescue services, does not know that Sunshine is proposing to increase the nursing facility by almost 800% in order to increase beds by 200%. When the Council reviewed Sunshine's application they did not ask about the neighborhood, the zoning, the nature of the roads, the number of trees to be removed, the acres of bed rock to be removed. All it knows is that there is demand in downstate New York for more beds and Sunshine's for-profit owners want to build those beds, is solvent and can finance the construction.

Be very careful! Sunshine has explained on record that when their reimbursements do not cover their costs, it will increase the number of beds. Take a long look at their site

plans and consider that the costs generated by their lavish project can exceed their Medicaid reimbursement (over 90% of revenues). Wonder for yourselves what pressures Medicaid reform will put on Sunshine's bottom line. Ask yourselves what your recourse will be when Sunshine adds beds to stay profitable?

**Sincerely,
Linda Lowell & Jacqueline Allen
229 Cedar Lane, Ossining**

Kaja Gam Village of Ossining Resident expressed concerns and discrepancies over the building expansion at the Sunshine Children's Hospital expansion.

Town Supervisor Dana Levenberg stated that the Town did send a letter to the Planning Board earlier in the year requesting that they do pause because the Town did believe that there would be environmental impacts.

XI.ADJOURNMENT –EXECUTIVE SESSION-CONTRACTS-LEGAL ADVICE

Councilmember Wilcher announce that Bobbie Williams passed away this past week. There will be a funeral service at STAR Bethlehem Church on Friday, September 16th, at 7:00 p.m.

Supervisor Levenberg also announced:

- **The Town/Village will be participating in the Organ Donor Enrollment Day for New York State on Thursday, October 6th at the Community Center and various locations around the Town/Village of Ossining.**
- **Ossining Documentary Series will be on Thursday, September 15th 6:30 p.m. at the Ossining Public Library.**

At 8:40 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the meeting be adjourned and they held a moment of silence for Mr. Bobbie Williams.

Motion Carried: Unanimously

At 11:03PM, Councilmember Jeffrey made a motion to leave Executive Session and it was seconded by Councilmember D'Attore.

At 11:04PM, Councilmember D'Attore made a motion to adjourn and it was seconded by Councilmember Jeffrey.

Approved:

Mary Ann Roberts Village Clerk