



**TOWN BOARD
TOWN OF OSSINING
OSSINING MUNICIPAL BUILDING-1ST FLOOR BOARD ROOM
16 CROTON AVENUE – OSSINING, NEW YORK
AUGUST 7, 2018
SPECIAL MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
Karen M. D’Attore Elizabeth R. Feldman
Jackie G. Shaw Northern Wilcher, Jr.**

I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

The Special Meeting of the Town Board of the Town of Ossining was held on August 7, 2018 in the Ossining Municipal Building, 1st Floor Boardroom, 16 Croton Avenue, in Ossining. The meeting was called to order at 7:31 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth Feldman and Karen D’Attore. Councilmembers Northern Wilcher, Jr. and Jackie G. Shaw were absent. Also present were Town Counsel Christie Tomm Addona, Budget Officer Madeline Zachacz, Town Planner David Stolman, and Interim Town Clerk Victoria Cafarelli.

II. PUBLIC HEARINGS IN THE MATTER OF:

- **Public Hearing- Local Law #4-Regulating Use of Leaf Blowers**

At 7:33 pm, the Public Hearing was opened.

Supervisor Levenberg stated that a resolution calling for a public hearing on this local law was passed on June 26, 2018 with the public hearing starting on July 10, 2018. The public hearing was re-opened on July 24, 2018 and again on August 7, 2018. Supervisor Levenberg also stated that the public hearing would remain open as the Town Board is waiting for input from the Environmental Advisory Committee.

Town Counsel Christie Tomm Addona stated that she will be preparing a chart comparing criteria that other municipalities use in regulating leaf blowers for the Town Board to review at a forthcoming work session. Supervisor Levenberg stated that there are many criteria the Town Board is interested in discussing in terms of regulation to address environmental and noise issues, for example, gas powered versus electric leaf blowers and which seasons are regulated. Town Counsel Christie Tomm Addona also noted that many municipalities follow EPA guidelines and regulations begin June 1.

Kim Jeffrey, 100B Morningside Drive thanked the board for bringing up this issue. Ms. Jeffrey asked if there were start times in terms of time of day, not just season of the year. Ms. Jeffrey stated this is an issue that needs to be addressed because no one calls the police to measure decibel levels on Sundays.

Supervisor Levenberg stated that the Town’s Noise Ordinance addresses time of day. Leaf blowers cannot be used prior to 10am on Sundays.

At 7:39 p.m. Councilmember Feldman moved and it was seconded by Councilmember D’Attore that the Public Hearing be adjourned to August 28, 2018.

- **Public Hearing- Local Law #5-Accessory Apartments**

At 7:40pm, the Public Hearing was opened.

Supervisor Levenberg stated that a resolution calling for this Public Hearing was passed on July 10, 2018. The Public Hearing was opened on July 24, 2018 and was adjourned to August 7, 2018.

Kim Jeffrey, 100B Morningside Drive asked why this local law was being brought up now, as the conversation has been going on for many years. Ms. Jeffrey stated she was concerned not about accessory apartments within people's homes but separate from their homes. Ms. Jeffrey asked if there were lot size restrictions in terms of construction of a separate structure. Ms. Jeffrey also asked if there are any restrictions as to who can live in the accessory apartments. Ms. Jeffrey also expressed concerns that this Public Hearing was happening during the summer.

Town Planner David Stolman stated that lot size requirements were not changing in terms of square footage.

Town Counsel Christie Tomm Addona stated that this local law will include the same regulations in terms of square footage on a single lot as accessory apartments within a single structure, just expanded to include separate structures outside of the primary structure.

Town Planner David Stolman stated that the local law limits accessory apartments to one-third of the habitable floor area allowed for the lot or 800 square feet, whichever is less. The primary dwelling must also be owner occupied.

Ms. Jeffrey asked how often the building inspector will inspect the accessory apartments.

Town Counsel Christie Tomm Addona stated that the building inspector will inspect the accessory apartments annually.

Ms. Jeffrey also expressed concerns regarding residents that are "snow birds" and do not occupy their home for several months out of the year.

Councilmember D'Attore stated that "snow birds" cannot sub-let their homes during those months, so the home would still be considered owner-occupied.

Ms. Jeffrey expressed concerns that this local law would open up the potential for new and expanded consequences regarding accessory apartments. Ms. Jeffrey stated that she is concerned this local law will compromise the single family character of the unincorporated area.

Councilmembers D'Attore and Feldman stated that this local law will restrict the number of accessory apartments within a geographic area to maintain the single family character of the unincorporated area.

Town Counsel Christie Tomm Addona stated that the Zoning Board of Appeals met the previous evening and was overall pleased with the local law, but had comments. Town Counsel Christie Tomm Addona presented the following memo from the Zoning Board of Appeals:

"I submit this memorandum on behalf of the Town of Ossining Zoning Board of Appeals. The ZBA held a public meeting on Monday, August 6, 2018, at which the ZBA engaged in a public discussion regarding the draft local law amending the Code provisions regulating accessory apartments. This local law is currently being considered by the Town Board and was referred to the ZBA for its review and comment. As set forth in the draft local law, and as has been the case under the existing law, the ZBA is the board charged with granting permits for accessory apartments.

Overall, the ZBA is pleased with the proposed changes to the Code; specifically, allowing accessory apartments in detached structures and moving these regulations to the Zoning Code so that the ZBA will have the authority to grant variances and issue interpretations when appropriate under State and Town law.

However, the majority of the ZBA had one concern that they felt strongly about and directed me to submit this comment on behalf of the ZBA. Proposed Code § 200-31.2(A) discusses the “Purpose” of these regulations and provides, in part, that “[t]his section will further the Town’s goal of providing *affordable* rental housing in Ossining without changing the low-density, predominantly single-family character of the Town” (*emphasis added*). The ZBA would like to see the reference to “affordable” removed. The ZBA recognizes that this language is a carry-over from the existing Code and that the section where the reference is made does not regulate accessory apartments, instead explaining the purpose for the regulations. Nonetheless, for the reasons explained below, the ZBA believes that the reference to “affordable” housing should be removed.

“Affordable” is a term of art with legal significance and connotations. To that point, the Town Code has regulations pertaining to “Affordable Housing”, which governs, among other things, when such housing is required and what the maximum rent and income level of the household can be. (See Town Code Chapter 200 (“Zoning”), Article VI (“Affordable Housing”).) However, the draft accessory apartments local law does not regulate the “affordability” of the accessory apartments as that term is used and regulated in Chapter 200, Article VI of the Code. Accordingly, the ZBA, as the Board charged with granting the special permits for the accessory apartments, has no ability to regulate whether the apartments will be “affordable” within the meaning of the Code. Further, the ZBA is of the opinion that property owners seeking to rent these accessory apartments will rent them at whatever price the market will bear, and while this rent may be lower than housing that is not an accessory apartment, the ZBA finds it unlikely that these apartments will be “affordable” as that term is used in the Code.

The ZBA is strongly in favor of providing more affordable housing in Ossining and recognizes the need for it. But because there is no mechanism in the local law to make these units “affordable,” the use of the term “affordable” in discussing the purpose of the local law could be misleading to property owners, renters and the public, and suggest the ZBA has the ability to and/or is required to put certain restrictions on the rent/income levels that it has no ability to do. Therefore, the ZBA respectfully requests that the draft local law be amended to remove the reference to “affordable” rental housing.”

Town Planner David Stolman stated that the local law could be amended to use the language “diversity of housing options” as opposed to “affordable.”

At 7:56 p.m. Councilmember Feldman moved and it was seconded by Councilmember D’Attore that the Public Hearing be adjourned to August 28, 2018.

- Public Hearing- Local Law #6-Solar Energy

The Public Hearing was opened at 7:57pm.

Supervisor Levenberg stated that a resolution calling for this Public Hearing was passed on July 24, 2018. The Public Hearing was opened on August 7, 2018.

Town Building Inspector John Hamilton provided the following written comments dated July 25, 2018:

“I took a look at the proposed solar panel law that David did such an excellent job on. I just had a few thoughts:

Sec. 200-31.3(D)(10) indicates the fencing around the storage batteries shall be 7 feet in height per the national electric code. Sec. 200-25(D)(1) regarding fences in residential districts indicates:

Fences or walls over 6 1/2 feet in height may not be erected in front, rear or side yards. Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings.

Does this impact the proposed section in any way or is it superseding? Will we be treating these 7 foot fences as buildings, which will require them to conform to building requirements?

Sec. 200-31(F) indicates Tier 2 systems will be treated as accessory structures. Sec. 200-31(F)(3) indicates the setback requirements shall comply with Table 2, which indicates twice the required setback distance in residential districts. This will place them 20 feet from the property line. Sec. 200-25(A)(1)(b) indicates for accessory structures: Such buildings shall be set back 10 feet from any lot line.

Is it the intent of the town to treat these different than accessory structures such as garages, barns, sheds, etc. by doubling the distance to the property line.

Sec. 200-31(F)(4) indicates the height of Tier 2 systems in residential zones shall not exceed those as set forth in Table 3, which is 10 feet. Sec. 200-25(A)(1)(a) states:

Such building shall not exceed 15 feet in height. This is the current allowable height of an accessory structure. Is it the intent of the board to keep solar systems as accessory structures lower to the ground than other accessory structures?

Sec. 200-31(G) does not allow Tier 3 systems in the GB zone. This is a commercial zone that might be the least intrusive to residential properties. While there are currently no spaces that meet the criteria, spaces could become available in the future. For example, if the sanitation company on North State Rd. were to leave, it would be an ideal location for a solar farm. It doesn't have residential properties near it and it has Rt. 100 on one side, North State Rd. on another and two commercial entities on the other sides.

It appears that roof mounted systems on accessory structures in residential districts will fall under Tier 3 requirements. Tier 1 roof mounted systems only apply to systems placed on the roof of the principal building, as indicated in the definitions section. Tier 2 are ground mounted systems. All other systems fall under Tier 3. In reviewing the Tier 3 permit application requirements, it appears some of the sections may not be applicable to the roof mounted accessory structure system. For example the sections on security deposits, abandonment and decommissioning, changes to grading, vegetation clearing and plantings to name a few. Perhaps the board will consider placing the roof mounted systems on accessory structures in a residential district in Tier 1, with a requirement they receive architectural review board approval."

Town Building Inspector John Hamilton provided the following written comments also dated July 25, 2018:

"If the solar panels on the ground will only be 10 feet maximum height and we are treating them like accessory structures, I thought we would allow the 15 foot permitted accessory height for them. But David may have a valid reason for placing them lower to the ground. I also feel the Tier 3 placement for panels on accessory structures requires many procedures that have nothing to do with their placement on a roof. It just makes sense to me to put them in Tier 1, but require them to go to ARB. I also think something should be added in the zoning code as an exception to the 7 foot fence height for the storage batteries. I was always taught when two laws are in conflict the more restrictive one is the one that should be followed. I think just adding this fence as an exception to Sec. 200-25(D)(1) would eliminate any potential conflict. And I don't know why we are excluding the GB district from any solar farms. It's commercial in nature and would be the least intrusive to adjoining property owners.

Just my thoughts. There may be very valid reasons why the law was written as is."

Donna Sharrett, 84 Morningside Drive, provided the following written comments dated August 6, 2018:

“Dear Supervisor Levenberg and Town Board members,

Please consider including the following in the proposed solar legislation:

1. a maintenance plan for the duration of the solar operation that all proposed plants to be considered as visual screening be maintained in a healthy condition with a requirement for replacement of any or all plants that don’t thrive or survive.

2. language that promotes the establishment of beneficial habitat plantings under non-roof mounted solar units, using Minnesota legislation as example:

https://www.revisor.mn.gov/bills/text.php?number=SF2689&version=1&session=ls89&session_year=2016&session_number=0

a. Article from Audubon as to the importance of habitat plantings under solar units:

<https://www.audubon.org/news/can-solar-plants-make-good-bird-habitat>

b. New York Times article regarding the alarming decline in insect populations:

<https://www.nytimes.com/2018/05/26/opinion/sunday/insects-bugs-naturalists-scientists.html>

Thank you for considering my comments as part of your public hearing on the proposed solar legislation.

**Cc: Mitzi Elkes, EAC Chairperson
Suzi Ross, Green Ossining Chairperson”**

Town Counsel Christie Tomm Addona provided the following written comments on behalf of the Zoning Board of Appeals:

“I submit this memorandum on behalf of the Town of Ossining Zoning Board of Appeals. The ZBA held a public meeting on Monday, August 6, 2018, at which the ZBA engaged in a public discussion regarding the draft local law enacting Code provisions regulating Solar Energy Systems. This local law is currently being considered by the Town Board and was referred to the ZBA for its review and comment.

The ZBA is in favor of regulating solar energy systems and was pleased with the draft local law that was circulated. The only comment the ZBA had was to reiterate a comment that was also made by John Hamilton, the Building Inspector, that Tier 3 systems be permitted in the GB zone as it is a commercial zone and would likely have minimal impacts to neighboring properties.”

Annie Kline of DelBello, Donnellan, Weingarten, Wise, & Wiederkehr, LLP, representing CVE North America who is looking to establish a solar farm at 90 Somerstown Road commended the Town Board for taking up this legislation. Ms. Kline noted that her client, Travis Scott, had a few recommended modifications based on his experience working in this industry.

Travis Scott, CVE North America, stated that he has done business establishing solar farms in Massachusetts and New York. Mr. Scott stated that regulations in Massachusetts were state-wide, making the process easier to implement. Mr. Scott’s primary concerns were with the building coverage limits in the local law. Mr. Scott stated that 20% building coverage is too small and higher percentage building coverage is not prohibitive and is in-line with other state regulations. Mr. Scott urged the Town Board to consider set-backs instead of building coverage as the regulation, or increase building coverage to 35%.

Ms. Kline provided the following written comments:

“Thank you for the opportunity to speak with the Board in connection with the proposed Local Law #6 regarding solar energy. This firm represents CVE North America (“CVE”), an independent producer of renewable energy that is active in the solar and biogas markets. CVE is interested in potentially developing a solar farm in

the Town at the property located at 90 Somerstown Road. We have had the opportunity to review the proposed legislation and offer the following modifications to the draft currently under review by the Board (underlined text to be added):

1. Section 200-53.A: Ground-Mounted Solar Energy System: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption. Maximum impervious surface coverage and building coverage for Tier 3 Solar Energy Systems shall be the aggregate square footage of the ground coverage area of the solar panels and any other ground mounted equipment, excluding the open space between solar panels, rows and/or arrays of solar panels.
2. Section 200-31.3(D)(6): The area beneath Ground-Mounted Solar Collectors shall be included in calculating maximum impervious surface coverage and building coverage for the applicable zoning district notwithstanding that the collectors are not “buildings”. For Tier 3 Solar Energy Systems, the maximum impervious surface coverage and building coverage of the Ground-Mounted Solar Collectors shall be the aggregate square footage of the ground coverage area of the solar panels and any other ground-mounted equipment, but shall exclude the open space between solar panels, rows and/or arrays of solar panels. Maximum impervious surface coverage and building coverage for Tier 3 Solar Energy Systems shall be 35% in all zoning districts.

We believe that the above modifications better balance the needs of the industry with the interests of the Town. Please feel free to contact me if you have any questions.”

Kathy Haake, Clean Energy Collective provided the following written comments:

“I’m only commenting on Tier 3 Systems.

Page 4, 2.B(2) Statement of Purpose – decreasing cost of electricity:

Add multifamily complexes and rental properties to this section. Community solar projects will allow any resident to decrease their electricity costs. With CEC’s Roofless Solar Program they only need to sign up for a program within their utility area and they will be able to reduce their energy bills and support clean solar energy.

Page 5, D(3) Safety: and snow removal.

We see regular snow removal as an unnecessary expense which can become significant some years. If we need to access the site we would remove snow as necessary. The chances of needing emergency equipment on site in winter is extremely slim. If there is snow on the ground there is nothing there to burn. The need for an ambulance is significantly less than needing to rescue someone from a trail-less recreational open space property. There is no reason for anyone to be on the site, it is private property, will be fenced.

Page 5, D(5). Screening is something we understand is very important and will work with the town and neighbors.

Page 5, D(6) Impervious cover

We would like to emphasize that only the driveway and posts create impervious cover, we do use a gravel drive rather than paving. The ground beneath the panels will be planted with a low growing pollinator-friendly seed mix. The panels have significant space between rows with vegetation below them. Panels typically have a width of 4-5 feet and don’t usually collect enough water to create a dripline in the vegetation below. Simple example: your picnic table and umbrella on the grass in your back yard doesn’t create stormwater issues because although the ground below is covered it still is absorbing rainwater.

The site we are currently considering is 16 acres zone One Family R40 and allows for 18% impervious cover. Since we typically need 5 acres to generate one megawatt of

power and we are considering 1.8 megawatts, that would necessitate a 70-acre site. Considering the value of land in this area, it is unlikely to find a financially feasible site in Ossining.

Alternatively, we suggest including only the size of the panels and not the rows between, or the whole array envelope, in the impervious cover calculations.

Page 10, section I(9) Town Tree Law

Since a solar farm is environmentally sustainable and reduces more carbon emissions than is absorbed by a similarly sized forest (as show by the EPA Greenhouse Equivalency Calculator) we would hope that a solar farm could have some relief from the Tree law. Obviously we would not be able to plant new trees on site. We typically plant significantly screening vegetation, maybe that could be included as some of the planting requirements? Tree law does say in section 183-11 B(2)d:

‘...the removal of a regulated tree may be favor by the approval authority if...It will have a positive effect upon...Solar access...’

And it also allows for the planting of ‘other vegetation’ in section 11 B (3).”

Town Planner David Stolman stated that the tree law allows for a tree bank or tree bank fund.

Ms. Haake stated that perhaps the legislation could state something to the effect of that the Planning Board can ease the tree law restrictions if the project demonstrates benefits to the environment.

Kim Jeffrey, 100B Morningside Drive stated that she was unaware that this legislation was regarding solar farms. Ms. Jeffrey asked what these solar panels look like. Ms. Jeffrey also asked what the difference between Tiers – sizing of structures, buffering of structures, etc. Ms. Jeffrey urged the board to address these details in a forthcoming work session. Ms. Jeffrey expressed concerned about the unintended consequences of these changes in the long term – what will this look like in 30 to 50 years.

Town Planner David Stolman stated that he utilized the standard Solar Code in developing this legislation.

Town Counsel Christie Tomm Addona stated that this local law will codify regulations regarding solar panels that are virtually nonexistent currently.

Councilmember D’Attore stated that it is important that the Town Board proactively address change in the Town and continue to move the needle forward on important issues like environmental sustainability.

Dan Welsh, Sustainable Westchester thanked the Town for taking on this legislation. Mr. Welsh also stated that NYSERDA has staff dedicated to assisting communities with solar codes and they have been holding workshops throughout the state. Mr. Welsh will see if NYSERDA is available to consider hosting a workshop in Westchester County in the near future.

At 8:24 p.m., Councilmember Feldman moved and it was seconded by Councilmember D’Attore that the Public Hearing be adjourned to August 28, 2018.

III.ADJOURNMENT – WORK SESSION

Work Session Agenda:

- 1)Pavilion & Park Rental Fees: Superintendent of Recreation Bill Garrison
- 2) CCA Contract Renewal: Sustainable Westchester
- 3) Hydrofracking Gas- Discussion

4) Storm Surge Barriers in Hudson River- Discussion

At 8:25 p.m., Councilmember Feldman moved and it was seconded by Councilmember D'Attore to adjourn to work session.

IV. RETURN TO SPECIAL MEETING

At 9:30 p.m., Councilmember Feldman moved and it was seconded by Councilmember D'Attore to return to the Special Meeting.

V. ANNOUNCEMENTS

Supervisor Levenberg made the following announcements:

It was a little touch and go at last week's Waterfront Concert, but we had a stalwart group of music and sunset lovers show up for Powderfinger who did a great job covering some rock and roll faves. This Friday, get ready for another of Ossining's favorites, the Mike Risko Band takes the stage at 7pm at the Engel Park Stage. We hope it'll be a little cooler with no threat of rain, and that everyone will come out for a great night of music against a spectacular backdrop.

Friday night we co-hosted, with the Village, the annual Fireman's parade and once again our Department looked fantastic. Thanks so much to all those involved in organizing it and strutting our collective stuff. Unfortunately, at the tail end of the celebration, the department was called into service to fight a fire at the historic Olive Opera House in Ossining's downtown. Thanks go to our force for doing a great job containing it and keeping the damage down, and thankfully no residents were displaced and no one was hurt. Also, thanks go out to our mutual aid assists from Croton-on-Hudson, Yorktown Heights, Thornwood, Millwood, and Tarrytown departments for helping us out with this one.

We have also been in continuing discussions with Green Ossining and the Village of Ossining, and 511NY Rideshare about how we, the Ossining community (Village and Town) can participate in International Rideshare Day on Sept 21. We are hoping to bring a number of interesting and innovative options to Ossining so people can get a taste of alternatives that they may enjoy having, which may also have the added benefit of opening up parking spaces for other uses, helping us to be healthier, and also improving our air quality and the environment overall. Stay tuned!

The County Has shared that a heat advisory continues to be in effect for the entire Tri-State Area. Through 8pm this evening then again Wednesday afternoon through 8pm tomorrow, and it includes potential hazards of Max Temperatures in the upper 80s to lower 90s, and Max Heat Indices in the mid 90s to around 100. The Impacts include that heat and humidity may cause heat stress during outdoor exertion or extended exposure, extreme heat can cause illness and death among the at-risk population who cannot stay cool, and seniors, infants, and those with chronic health problems or mental health conditions are at an increased risk from the heat.

Here's an option for tomorrow night to help you stay cool: Wednesday, August 8th, Green Ossining and the Sierra Club will be co-sponsoring the screening of "Reinventing Power" in the Budarz Theater at the Ossining Public Library. The 50 minute film will introduce you to people in 8 states who have had their lives changed by the renewable energy industry; come learn about how we do not need to choose between sacrificing jobs and sacrificing our environment. The film will be followed by a moderated discussion. This free event begins at 7PM.

If you want to hear the Mike Risko Band twice this week, and I know many of you will, you have a chance to do so! They are playing at Law Park at 7-9 this Thursday night as their concert last week was rained out. The Briarcliff Chamber is sponsoring that local

series, with food, wine and beer and other items for sale. Don't forget your chair or blanket and get ready for another great night out, for free.

For the tennis players among us, the Croton Harmon Community Tennis Association will be hosting the Croton Summer Classic on Friday, August 10th and Saturday, August 11th. Come to this fundraiser ready to compete—NTRP levels of 3.0- 4.5, men and women are welcome. Visit www.crotontennis.org/crotonclassic for more information.

On Saturday, August 11th at 12:30 p.m. the Ossining Public Library will be burying its Time Capsule as a part of its 125th Anniversary Celebration. You are all welcome to attend. Light refreshments will be served on the back patio on library grounds. This event is open to the public.

The next walking tour of the historic Sparta neighborhood at the south end of Ossining will be held on this Sunday, August 12. The tour will begin at the Jug Tavern (Rockledge Avenue and Revolutionary Road, behind the CVS) at 1 p.m. with a showing of the video "The Battle for Sparta." Participants will then walk about six blocks through the neighborhood learning about the historic homes in the landmarked district; the tour will end at around 3 p.m. Dr. Alan Stahl, a neighborhood resident and chair of the Village of Ossining Historic Preservation Commission will lead the tour. The other dates scheduled for 2018 are both Sundays: September 9, and October 7; check the Jug Tavern website (www.jugtavern.org) for updates. The tour is free, but participation is limited to 20 people. For a reservation or further information, contact alan@jugtavern.org.

On Monday, August 13th, another Jug Tavern event occurs: "From Garden to Table," a lecture on the local colonial diet that folks in our region enjoyed back in the 17th century, and the evening will end with refreshments based on historic recipes. This book talk by Peter G. Rose, author, food historian and Westchester resident, is part of the Sparta Speaks 2018 series. This is a free event but seating is limited—please email info@jugtavern.org to save your spot or to learn more. Doors open at 7PM.

Are you still looking for something for your littlest kiddos to do before school starts? Bethany Arts Community on Somerstown Road is offering their first ever Scribbler Summer Camp sessions starting Monday, August 13th for day campers entering K through 4th grade. Week 1 (8/13- 8/17) is "Super Size Me" and encourages campers to make large-scale art, like giant self portraits and sculptures. Week 2 (8/20- 8/24) will feature mazes and puzzles as part of "From Start to Finish," and Week 3 (8/27- 8/31) will help campers go "Back to School in Style" by making their own school supplies! Learn more about all three sessions at www.bethanyarts.org.

Since we will not be seeing each other next week, I do want to mention a couple of other events coming up.

On Saturday, August 18, 2018 the Ossining Historic Cemeteries Conservancy's next Gravestone Cleaning and Restoration Workshop is from 9am to Noon at Historic Dale Cemetery, 104 Havell Street. It's free, fun and educational for all ages. No experience necessary, material and training provided, and students can get community service credit. Just follow the yellow signs.

Also, Lobsterfest was rescheduled and is coming up fast—mark your calendars for Saturday, September 8th for this special community event, hosted by the Greater Ossining Chamber of Commerce. Tickets for the 4th Annual Ossining Lobsterfest are available at www.ossiningchamber.org.

Finally, don't forget this!

On the evening of Friday, August 17th, we will be having a double header down at Engel Park that you won't want to miss. At 5:30PM, join Tasia Sabatino of Rebel Yoga Studio for a beachfront yoga class before DJ Catch1 hits the Engel Park stage at 7PM for a dance party. Get a taste of Mind, Body, Spirit Ossining and the Summer Concert Series all in one, and it's all free!

VI. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the July 24, 2018 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the July 27, 2018 minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board hereby approves the Voucher Detail Report dated August 7, 2018 in the amount of \$389,813.91.

Motion Carried: Unanimously

D. Change to Meeting Schedule- August 14th, 2018

Councilmember Feldman moved and it was seconded by Councilmember D'Attore that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby cancels the regularly scheduled Legislative Session scheduled for Tuesday, August 14th, 2018.

Motion Carried: Unanimously

E. Finance- Audit-Town of Ossining 2017

Councilmember Feldman moved and it was seconded by Councilmember D'Attore that the following resolution be approved.

RESOLVED, that the Town Board of the Town of Ossining hereby acknowledges that in accordance with Section 35 of the General Municipal Law, the 2017 Audit of the Town of Ossining Financial Statements and Supplementary Information has been distributed to and reviewed by the Town Board and said report shall be filed with the Office of the Town Clerk.

Motion Carried: Unanimously

F. Transportation Alternatives Program

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Whereas, the Town of Ossining has adopted the Millwood-Ossining Go! Trail Plan which identifies several bike and pedestrian routes to connect downtown Ossining to the North County Trailway in Millwood; and

Whereas, one of these routes follows NYS Route 133 from NYS Route 9 to NYS Route 100, a portion of which is located within the Town's jurisdiction and the Town has committed to implementing the recommendations of the Millwood-Ossining Go! Trail Plan when improvements become feasible; and

Whereas, the New York State Department of Transportation completed a feasibility evaluation recommending certain roadway improvements to make the NYS Route 133 corridor bike and pedestrian friendly, indicating that this portion of the Millwood-Ossining Go! Trail Plan is feasible to implement; and

Whereas, funding is available through the Transportation Alternatives Program to support projects for planning, design and construction of facilities for pedestrians, bicyclists and non-motorized transportation users; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby endorses an application being submitted by the Supervisor's Office with the Town of Ossining as the sponsor in partnership with the Town of New Castle to design and implement a Bike Lane on NYS Route 133 from NYS Route 9A to NYS Route 100 as recommended by the Millwood-Ossining Go! Trail Plan;

Be it further Resolved, that the Town Board of the Town of Ossining commits its share of matching funds to this project as required of the Towns of Ossining and New Castle by the Transportation Alternatives Program.

Motion Carried: Unanimously

G. Resolution Authorizing Supervisor to Sign Memorandum of Understanding with Sustainable Westchester for Community Choice Aggregation Program

Councilmember Feldman moved and it was seconded by Councilmember D'Attore that the following resolution be approved.

WHEREAS, the Town Board previously adopted a local law authorizing the Town to participate in a Community Choice Aggregation Pilot Program, which is intended to provide residential and small non-residential consumers "with the ability to lower their overall energy costs and the benefits of the CCA Program include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources," and

WHEREAS, in 2016 the Town Supervisor executed a Memorandum of Understanding with Sustainable Westchester, a not-for-profit organization comprised of over forty municipalities in Westchester County, including the Town, for Sustainable Westchester to serve as Program Manager for the CCA Program, and

WHEREAS, in 2016 the Town Supervisor executed an Electric Service Agreement with ConEdison Solutions to provide power supply to Ossining residents in accordance with the CCA Program, and

WHEREAS, for municipalities in the territory serviced by Con Edison, including the Town, the CCA Pilot Program will conclude on December 31, 2018, and

WHEREAS, the Town desires to continue to participate in the CCA Program, recognizing the substantial benefits it has to the Town and its constituents, and to have Sustainable Westchester continue to serve as the Program Manager for the CCA Program to solicit bids and perform such other services as may be reasonably required to facilitate the implementation of the CCA Program, and

WHEREAS, Sustainable Westchester circulated an updated and revised Memorandum of Understanding to be executed by the more than twenty municipalities participating in the CCA Program, which is similar to the 2016 MOU and identifies the maximum price for a bid for residential accounts and small commercial accounts to be considered a “compliant” bid, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Memorandum of Understanding with Sustainable Westchester, subject to approval of Counsel to the Town as to form.

Motion Carried: Unanimously

H. Resolution Regarding The Content Of Air Emissions Regulations To Be Developed By The Nys Department Of Environmental Conservation Affecting Natural Gas Infrastructure Facilities

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

Whereas, the Town Board of the Town of Ossining has a principal responsibility to protect the health and safety of its residents, businesses and institutions; and

Whereas, the people and environment of New York have been increasingly subjected to a build-out of natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulation stations, and pigging stations; and

Whereas, peer-reviewed scientific studies^{1,2} link exposure between air pollutants emitted from natural gas infrastructure facilities and neurological, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts. Acute health impacts from these toxic exposures can cause burning eyes, headaches, breathing difficulty and nausea for nearby populations and can exacerbate health problems. Chronic health impacts can include certain types of cancer as well as damage to lungs, liver, kidneys, reproductive, nervous and cardiovascular systems; and

Whereas, the American Medical Association and the Medical Society of the State of New York acknowledge the hazards of natural gas infrastructure and associated adverse health impacts and passed resolutions in 2015 calling for Health Impact Assessments (HIAs); and

Whereas, the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area over a long period of time but do not adequately address human toxicity for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

Whereas, current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

¹ PSR/CHPNY Compendium 5th Edition (March 2018): http://concernedhealthny.org/wp-content/uploads/2018/03/Fracking_Science_Compendium_5FINAL.pdf

² PSE for Healthy Energy Repository for Oil and Gas Energy Research: <https://www.psehealthyenergy.org/our-work/shale-gas-research-library/>

Whereas, gas infrastructure facilities can emit into the air annually hundreds of tons of pollutants including toxic chemicals and criteria pollutants, some of which are known carcinogens like benzene and formaldehyde, and can also be sources of radioactive contamination³; and

Whereas, people who live or work in close proximity to natural gas infrastructure facilities such as compressor stations are most at risk—particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations, although under certain weather and terrain conditions, these pollutants can have a wider impact; and

Whereas, developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature organs and detoxification systems⁴; and

Whereas, methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe and 86 times that of carbon dioxide over a 20-year timeframe; and

Whereas, methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

Whereas, the NYS Department of Environmental Conservation (DEC) regulations do not currently require Best Available Control Technology (BACT) or Lowest Achievable Emissions Rate (LAER) technology for facilities that are not designated under federal Title V requirements or are not located within non-attainment areas, although such requirements could substantially reduce hazardous air emissions; and

Whereas, the DEC does not require the use of emission control technologies for all gas infrastructure facilities that would provide a floor of protection and could significantly reduce emissions, even when such technology has become standard practice within the industry or is readily available; and

Whereas, the DEC does not require continuous air monitoring of pollutants or methane in real time for gas infrastructure facilities, even though the technology to do so is now readily available, nor does the DEC require that such data be made available to public; and

Whereas, the DEC determines compliance with regulatory requirements and permit conditions through self-reporting by the industry without independent verification; and

Whereas, the DEC does not require rigorous inspection of gas infrastructure facilities to detect and eliminate natural gas leakage at gas infrastructure facilities; and

Whereas, the DEC lacks requirements for advanced notification of all planned blowdowns or other chemical releases, and for notification immediately following all unplanned blowdowns or other chemical releases in order for residents, public officials and first responders to take prompt emergency action; and

Whereas, the DEC exempts many emission sources that exist at gas infrastructure sites from regulation requirements and lacks adequate regulatory requirements for non-combustion emission sources; and

³ Environmental Health Project Report, October 2017: Health Effects Associated with Stack Chemical Emissions from NYS Compressor Stations: 2008-2014: <http://www.environmentalhealthproject-ny.org/>

⁴ Reducing the staggering costs of environmental disease in children, estimated at \$76.6 billion in 2008, Trasande, L, et al, Health Affairs, May 2011: <https://www.ncbi.nlm.nih.gov/pubmed/21543421>

Whereas, the DEC does not require a sufficiently protective set of best management practices for gas infrastructure facilities to ensure protection of public health, safety, and the environment; and

Whereas, the DEC does not require the timely replacement or retrofit of technology and the update of site practices for existing gas infrastructure facilities to ensure appropriate consistency with requirements for new projects and adherence to current best management practices; and

Whereas, the U.S. Environmental Protection Agency hosts a voluntary Natural Gas Star program for partner companies to implement technologies and practices for the reduction of methane emissions and document results; and

Whereas, the DEC's State Environmental Quality Review (SEQR) process for gas infrastructure projects does not adequately address greenhouse gases and climate impacts; and

Whereas, the DEC has announced that it intends to rewrite or revise oil and gas regulations, which can be more stringent than federal requirements;

Therefore, be it resolved that the Town Board of the Town of Ossining, in the interest of protecting its residents, businesses and institutions, strongly urges the NYS Department of Environmental Conservation (DEC) to adopt the following regulatory requirements:

- 1. Installation and use of Lowest Achievable Emissions Rate (LAER) technology at all new and existing gas infrastructure facilities that emit pollutants into the environment, including those not designated under federal Title V requirements or not located within non-attainment areas;**
- 2. Inclusion of non-combustion emission sources and emission sources currently considered "exempt" within the DEC regulatory framework; and**
- 3. Installation and use of specific emission control technology, identified through the federal National Gas Star Program and elsewhere, including but not limited to:**
 - Dry seals on all centrifugal compressors**
 - Automatic air to fuel ratio (AFR) controls**
 - Oxidation catalysts and selective catalytic reduction (SCR) on exhaust stacks**
 - Vapor recovery technology for reciprocating compressors, storage tanks, and other sources of fugitive or vented emissions**
 - Static seals on reciprocating compressor rods**
 - Dry low-NO_x burners (DLNB)**
 - Low emission combustion (LEC)**
 - SCONO_x or equivalent technology**
 - Zero-emission dehydrators and similar closed-system technology to avoid venting of gas**
 - Electric or compressed air starters**
 - Electric or compressed air actuators instead of gas-operated pneumatic actuators**
 - Post-combustion particulate matter controls such as electrostatic precipitators, baghouses, and scrubbers**
 - Interior and exterior corrosion protection, such as plastic enamel sprays**
 - Electric motor compressors where applicable; and**
- 4. Implementation of practices, identified through the National Gas Star program and elsewhere, to reduce natural gas leakage and blowdowns, including but not limited to maintaining compressors at pipeline pressure, redirecting blowdown gas to**

lower-pressure lines, cap testing, use of inert gases at pigging stations, and more aggressive maintenance of packing rings and compressor rods than required by existing regulations; and

5. Installation and use of air monitoring equipment at the stack, fence line, and within nearby communities to provide continuous monitoring of pollutants including toxic chemicals, criteria pollutants, ultra-fine particulate matter, individual VOCs, as well as methane in real time for all gas infrastructure facilities, with such data made readily available to the public, such as by online access; and
6. Onsite verification of compliance with regulatory requirements and permit conditions by independent registered inspectors through scheduled and random visits; and
7. Rigorous quarterly inspection by independent registered personnel with regular reports submitted to the DEC and made available to the public to detect and ensure timely elimination of natural gas leaks at gas infrastructure facilities using the comprehensive detection methods such as aerial and ground-level laser methane assessment, organic vapor analyzers (OVAs), toxic vapor analyzers (TVAs), sorbent tubes, SUMMA canisters, infrared cameras, as well as real-time monitoring with Fourier Transform Infrared (FTIR) spectroscopy and other remote sensing along pipelines; and
8. 48-hour or greater advanced notification to any Village Trustees/Town Board/City Council/County Legislature requesting it of all planned blowdowns, regardless of size, and other chemical releases; notification within 30 minutes of all unplanned blowdowns, regardless of size, and other chemical releases at all gas infrastructure facilities; and suspension of planned blowdowns or other chemical releases when weather conditions would increase exposure to air pollutants; and
9. Timely replacement or retrofit of technology and update of site practices for existing gas infrastructure facilities to ensure compliance with current regulatory requirements and best management practices; and
10. Chain of custody records and tracking for all industrial waste removed from gas infrastructure facilities, and
11. Strict enforcement of all best management practices and protocols for gas infrastructure facilities to ensure protection of public health, safety, and the environment; and

Be it further resolved, that the DEC, in cooperation with the NYS Department of Health (DOH), should promulgate more stringent performance requirements, including but not limited to the regulated levels of criteria pollutants, to address deficiencies in NAAQS which fail to consider human toxicity in populations proximate to gas infrastructure facilities, and any other deficiencies affecting public health, safety, or environmental protection; and

Be it further resolved, that the DOH in cooperation with the DEC should require and oversee a comprehensive, independent Health Impact Assessment (HIA) as outlined by the Centers for Disease Control and the National Academy of Sciences, incorporating the latest peer reviewed science, to be conducted by an independent public health entity and include cumulative short and long-term, direct and indirect impacts from all natural gas infrastructure components, emissions from operations including blowdowns, leaks, and spills, and a thorough analysis of the chemical emissions and radioactive contaminants, as well as their concentrations, persistence, and dispersion; and that a health registry should be established and maintained with all data available to the public; and

Be it further resolved, that the DEC should develop State Environmental Quality Review (SEQR) guidance to ensure that state agencies adequately address all

cumulative impacts including but not limited to greenhouse gases and climate change during environmental reviews for gas infrastructure projects; and

Be it further resolved, that the Town Clerk shall forward this Resolution to the Governor of New York State, Commissioner of the NYS Department of Environmental Conservation, Commissioner of the NYS Department of Health, and the local State Assembly Member and State Senator.

Motion Carried: Unanimously

I. Resolution In Opposition To Proposed Plans For Coastal Storm Risk Management Without Sufficient Study Or Community Participation

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

WHEREAS, from July 9 through July 11, 2018, the U.S. Army Corps of Engineers (USACOE) held public meetings for the first and only time regarding its “Coastal Storm Risk Management” study (CSRM) for New York Harbor and the Hudson Valley; and

WHEREAS, four of the ACOE’s proposed alternative plans (2, 3A, 3B and 4) involve outer and inner harbor barriers that almost entirely block either the Hudson River or major New York Harbor tributaries during storm events and would alter river and tributary flow patterns at all times; and

WHEREAS, two of the ACOE’s alternatives propose barriers (2 and 3A) that would entirely close off the harbor and river from the Atlantic during storm events and would alter river and tributary flow patterns at all times; and

WHEREAS, the proposed barriers could impede the estuary’s tidal flow, contaminant and sediment transport, and migration of fish, and impede the tidal “respiration” of the river; and

WHEREAS, over time, the barriers have the potential to1) significantly restrict migrations of striped bass, Atlantic sturgeon, herring, shad, eel and other species essential to the Hudson estuary, 2) prevent the ocean tide from flushing NY Harbor, and 3) inhibit rainstorm flood waters like those during Irene and Lee in 2011 from leaving the Hudson.; and

WHEREAS, open tidal exchange is essential to move sediment and flush contaminants and if tidal exchange is restricted, the harbor could require much more dredging to maintain shipping channels. Sewage and other contaminants could flush to the ocean more slowly, resulting in more pollution for our already contaminated harbor and river; and

WHEREAS, proposed alternative #5 – described as “Perimeter-only” and relying entirely on shoreline-based floodwalls and levees - is the only scenario presented so far that may protect low-lying communities from storm surge from storms like Irene, Lee and Sandy, while leaving our rivers to continue to flow naturally; and

WHEREAS, the proposed plans within-water barriers do not account for climate change and do nothing to help communities adapt to sea level rise; and

WHEREAS, insufficient scientific data is available to fully understand the consequences of altering Hudson River flow with permanent barriers; and

WHEREAS, the public comment period has been set for only five weeks during peak summer vacation times when many residents are away and not easily informed about this major set of proposals; and

WHEREAS, Scenic Hudson, Riverkeeper, and many others have voiced their concern and opposition to storm risk management approaches that could severely compromise the health of the Hudson River and its tributaries; and

WHEREAS, the Town of Ossining is a riverfront town that repeatedly acknowledges the importance of the Hudson River to our community, including the views, passive recreational uses, active boating uses, and view corridors enjoyed by thousands; and

BE IT RESOLVED that the Town Board of the Town of Ossining does hereby register its strongest possible opposition to proposed plans 2 and 3A, and asks that they be removed from further consideration; and be it further

RESOLVED, that the Town Board of the Town of Ossining does hereby register its support for further studies to ensure that shoreline-based measures such as Alternative 5, described as “Perimeter Only”, would in fact protect New York Harbor and the Hudson Valley from flooding; and be it further.

RESOLVED, that further planning to manage the risk of coastal storm damage takes into account the impact of climate change and its impact on sea level rise; and be it further

RESOLVED, that the public comment period be extended by 90 days to allow for full public understanding and response to the US ACOE proposals; and be it further

RESOLVED, that this resolution be distributed to Nancy J. Brighton, Chief, Watershed Section, US ACOE, Senator Chuck Schumer, Senator Kristen Gillibrand, Congresswoman Nita Lowey, Governor Cuomo, Secretary of State Rosanna Rosado NYS State Senator David Carlucci, and Assemblywoman Sandy Galef.

Motion Carried: Unanimously

VII. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following reports for the month of July 2018:

- Town Clerk’s Office**
- Town Supervisor’s Office**
- Town Tax Receiver’s Office**
- Town Building Department**

Motion Carried: Unanimously

VIII. ADJOURNMENT – EXECUTIVE SESSION- PERSONNEL, CONTRACTS, ADVICE OF COUNSEL

At 10:00pm, Councilmember Feldman moved and it was seconded by Councilmember D’Attore that the Special Meeting be adjourned to Executive Session for personnel, contracts, and advice of counsel.

Motion Carried: Unanimously

At 11:00pm, Councilmember Feldman moved and it was seconded by Councilmember D’Attore to leave Executive Session.

Motion Carried: Unanimously

At 11:01pm, Councilmember Feldman moved and it was seconded by Councilmember D’Attore to Adjourn Executive Session.

Motion Carried: Unanimously

Approved:

Interim Town Clerk Victoria Cafarelli