



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
SEPTEMBER 12, 2018**

**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 Regular Meeting of the Town Board of the Town of Ossining was held on September 12, 2018 in 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 A. Levenberg. Members of the Board present were: Councilmembers Elizabeth Feldman, Karen D’Attore Northern Wilcher, Jr. and Jackie G. Shaw were present. Also present were Town Counsel Christie Tomm Addona and Interim Town Clerk Victoria Cafarelli. Budget Officer Madeline Zachacz was absent.**

**II. PUBLIC HEARINGS IN THE MATTER OF:**

*(Visitors shall be accorded one (1) three (3) minute opportunity to address on each public hearing)*

**At 7:32 pm, the Public Hearing was opened.**

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

**Supervisor Levenberg stated that the Town Board held public hearings on these local laws through August. Due to the Labor Day and the Jewish Holidays, the Town Board has not had an opportunity to discuss possible revisions in response to the public input at a Work Session. So, we are going to keep open this public hearing until after the next Work Session to discuss the legislation further and will consider making a revisions as appropriate.**

**John Ladd Hudson Watch strongly opposes the Leaf Blower Local Law. He does not understand why large properties are exempt and feels that this law inconveniences small land owners. The Town should be leading by example and it is hypocritical that the town is exempt from this law.**

**Judy Ganton Hudson Watch, questioned what kind of entity could apply for the exemption in this one acre plus?**

**Town Counsel Christie Tomm Addona confirmed that the Hudson Watch open space would be exempt.**

**Vinny Owner of Ossining Lawn Mower and is opposed to the leaf blower law and is not in favor of exemptions. Using a battery blower will take triple the time to clean the area. Urged to the Board to reconsider passing this law.**

**Alex Valone Ossining resident and licensed exterminator questioned why would there be any exemptions?**

**Drew Barrack Maria Lane feels that board needs to do more research/educate themselves on this topic and feels that police officers will not want to issue tickets regarding this law.**

**Donna Sharrett Morningside Dr. submitted the following:**

*Dear Supervisor Levenberg and Town Council members,*

*I would like to add the following comments to those previously submitted for your consideration during the public hearing period for the proposed Leaf Blower legislation.*

*The revised proposed leaf blower legislation exempts properties exceeding one acre in size. Reviewing the Town's GIS map for the Tavano Road, Ganung Drive area, Morningside Drive, and Morningside Court shows that most properties in these areas are under one acre, but not all. Scattered within neighborhoods are properties greater than one acre, most of those only fractionally larger than their neighboring properties. It is reasonable to assume that it will be extremely difficult to enforce the leaf blower ban as proposed for most of a neighborhood when the few slightly larger properties are permitted the yearlong and unconditional use of gas powered leaf blowers. It seems unfair to have different standards within neighborhoods or within our town, especially when restrictions are just applied to residents who own smaller properties.*

*The primary objection to a summer ban of gas powered leaf blowers seems to be the inability to use these machines on impervious surfaces – such as driveways, walkways and roofs (for gutter cleaning).*

*I ask the board to consider changing # 130-7.1.B.(2). to:*

*“This provision does not apply to cemeteries or to the clean-up of any impervious surface areas when leaf blowers are used at half speed.”*

*Leaf blowers are unnecessary on lawns during the seasonal ban from June 1 – September 30. The permitted time period of October 1 – May 31 allows for fall & spring clean-up. Anyone experiencing leaf drop of more than a few leaves during the time period from June 1 – September 30 should consult an arborist as this could indicate a serious problem with their trees. Any mower will shred a few random leaves on a lawn. It is completely irresponsible to employ a leaf blower to remove a few random leaves. Grass clippings left in place are beneficial to lawns.*

*It is my hope that education about mulch mowing and the damaging impacts of leaf blowers on human health and the environment would eventually eliminate the use of leaf blowers for anything other than impervious surfaces at any time.*

*Negative impacts of leaf blowers:*

*1. Hazardous to the air and contributes to climate change: one half hour use of a 2-stroke engine leaf blower produces the same hydrocarbon emissions as driving a Ford F-150 pickup truck 3,887 miles.*

*2. Hazardous to waterways, to include the Hudson River: Leaf blowers remove essential organic matter from the soil surface leading to compaction which facilitates stormwater runoff. The negative impacts of this are greatly amplified if fertilizers and pesticides are used, especially when you consider that all stormwater running into Stormwater Drains goes directly to the Hudson River.*

*3. Hazardous to Humans and pets: Breathing the high levels of hydrocarbons, in addition to pesticides, fertilizers, pollen, heavy metals, garbage, animal droppings and whatever else is blown into the air by leaf blowers is hazardous.*

*Positive impacts of mulch mowing:*

- 1. Doesn't cause any of the above.*
- 2. Adds nutrients to soil. Improves soil health. Greatly increases the ability for soil to absorb stormwater runoff.*
- 3. Less disruptive to wildlife.*

*From New York State Department of Environmental Conservation:*

<https://www.dec.ny.gov/chemical/109428.html>

*From New York Times:* <https://www.nytimes.com/2017/03/17/realestate/on-banning-on-leaf-blowers.html>

*From Teatown:* <https://www.teatown.org/5-reasons-mow-leaves/>

*Thank you for considering my comments.*

*Rayna Alperstein submitted the following*

*I am writing to request some additions and changes to your proposed regulation. As Hudson Watch is 15 acres of clustered single family homes (79) that are taxed as single family homes I would like to request that we be granted the same status as the other large properties in Ossining. Barring that I would request that all property be treated equally- no exemptions.*

*I am also wondering whether the town attorney did her homework- is the gardener correct when he said state law requires blowing after applications?  
Thank you for your consideration of my request.*

*Respectfully,  
Rayna Alperstein  
74 Hudson Watch Drive*

**At 7:49 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to September 25, 2018.**

**At 7:50 pm, the Public Hearing was opened.**

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

**Town Counsel Christie Tom Addona provided an overview of this Local Law and a recap of the Public Hearing that took place at the last meeting. Currently we are waiting for Mr. Stolman to provide us with the last draft and Town Counsel recommends that we adjourn this public hearing to September 25, 2018**

**At 7:51 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned to September 25, 2018.**

**At 7:51 pm, the Public Hearing was opened.**

- **Public Hearing- Local Law #6-Solar Energy**

**Town Counsel Christie Tom Addona stated that Mr. Stolman provided a draft based on the last comments that were received previously and recommends that we continue this public hearing to the next meeting on September 25, 2018**

**At 7:52 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to September 25, 2018.**

### **III. ANNOUNCEMENTS**

**Councilmember Feldman announced that this Sunday, September 16, 2018 the Ossining Boat & Canoe Club will be hosting Family Fishing day.**

Councilmember Shaw announced that the Ossining Food Pantry will be hosting their 30<sup>th</sup> annual celebration on Sunday, September 30<sup>th</sup> from 4:00 p.m. -7:00 p.m.

Supervisor Levenberg announced the following:

I would like to begin by thanking the Ossining Fire Department and first responders, especially Deputy Chiefs Don Farrell and Frank “Skip” Sylvester and for organizing and leading last evening’s September 11<sup>th</sup> Remembrance ceremony at Louis Engel Park. Annually the first responders and community leaders of the entire Town – including the Villages of Ossining and Briarcliff – gather together to remember the tragic events of September 11<sup>th</sup>, 2001, honor those we lost, and thank our first responders for the heroic work they did on that day and every day to respond to the situations at hand.

Last Friday was the last night of the Summer Concert series. Thank you to all of the performers, for a great summer of music at the waterfront. Friday night also featured a special Mind, Body, Spirit – Ossining event with Tasia Sabatino of Rebel Yoga Studios. Yoga and a dance party with DJCatch1 was a great way to finish out the summer series! Thank you to the Town Parks Department, Superintendent of Recreation Bill Garrison for helping make this year’s series a huge success and extra special shout out to Maddi Zachacz in my office for working so hard with the food trucks as well as the musical helping to make this year’s series a huge success.

Mind, Body, Spirit – Ossining is still going strong throughout September with Sue Radparvar of Studio95 Zumba leading classes every Saturday afternoon at 3pm at Louis Engel Park. These last few classes are also part of the Hudson River Valley Ramble, an annual month-long event that features all the outdoor events taking place in the Hudson Valley in September. Visit the Town’s Facebook page for more information on Sue’s weekly classes. For more information about the Hudson River Valley Ramble you can visit their website at [hudsonrivervalleyramble.com](http://hudsonrivervalleyramble.com). Thank you to Victoria Cafarelli in my office for coordinating Mind, Body, Spirit – Ossining once again this summer and for making sure it was part of the Hudson River Valley Ramble so that Ossining events would be featured this year.

If you missed the dance party last Friday, you get another chance to have fun. The Village of Ossining is hosting a Family Dance Party at Henry Gourdine Park from 4:30 p.m.-7:30 p.m.

Theater O announced OPEN AUDITIONS for its Fall Middle School Production of an early comedy by David Mamet, *The Revenge of the Space Pandas* or *Binky Ruditch and the Two-Speed Clock*. Signups are on on the Theater O website. This play is open to all 6<sup>th</sup> through 8<sup>th</sup> grade children. It will offer experiences in all aspects of theater. Rehearsals will be held weekday evenings and Saturday afternoons for 6 weeks. Three presentations of the play will run October 25 through 27 at Bethany Arts Community, 40 Somerstown Road, Ossining. Tickets to the show will be available for purchase in early October.

When: Open auditions for all middle schoolers will take place on September 14<sup>th</sup> and 15<sup>th</sup>

Where: Theater O, 25 State Street, Ossining

Info: Register for an audition time at [www.theatero.org](http://www.theatero.org)

Contact: Theater O / Jessica Irons (Artistic Director) / 25 State Street, Ossining / 914.487.4322 / [www.theatero.org](http://www.theatero.org)

Ferry Sloops Free Sails at Shattemuc Yacht Club

What: Each year, Ferry Sloops proudly participates in the Hudson River Valley Ramble by offering free sails on the Hudson River. Sail trips depart at 10am, 11am, 12pm, 1pm, 2pm and 3pm. Each sail will be approximately 45 minutes long. [Click here for more details.](#)

When: Saturday, September 15

Where: Shattemuc Yacht Club

Contact: [ferrysloops.org](http://ferrysloops.org)

**This Saturday, September 15<sup>th</sup> from 11am to 3pm, Green Ossining will host their Repair Café at the Ossining Community Center. Visit the Repair Café for some expert guidance to help fix your broken, but beloved items and keep them out of landfills. Unfortunately, this Saturday’s Repair Café will not include an E-Waste drive as previously advertised. Stay tuned for the E-Waste drive to be rescheduled. Also this Saturday, September 15<sup>th</sup> from 9am to noon, the Ossining Historic Cemeteries Conservancy will hold a gravestone cleaning and restoration workshop at Sparta Cemetery on Revolutionary Road. No experience is necessary and community service credit is available for students. Follow the yellow arrows from the cemetery entrance to the workshop. For more information, email [OHCC10562@gmail.com](mailto:OHCC10562@gmail.com) or check their Facebook page.**

**We are excited to be partnering with the Village of Ossining and Green Ossining to celebrate International Car Free Day on Friday, September 21st. Drawing on the resources of 511NY Rideshare, we have been working together to find innovative solutions to reducing the number of single occupancy vehicles on our roads. In an effort to encourage people to consider alternative modes of transportation – like bicycles – you may notice some bright green bikes around the Town and Village next week! The Village and Town are excited to be working with Lime Bike, a dockless bike share company, to operate a pop-up program in Ossining from September 15<sup>th</sup> through September 21<sup>st</sup> to get the community ready for Car Free Day. This will be a pilot program to gauge the interest for the possibility of an expanded dockless bike share program here in Ossining. I encourage everyone to get their helmets out and get ready to go car-free next Friday.**

**Finally, as a reminder, tomorrow, Thursday, September 13<sup>th</sup> is the State and Local Primary Election in New York for registered voters of the Democratic, Working Families, and Reformed Parties here in Ossining. Polls will be open from 6am to 9pm. For help finding your polling place, visit the Westchester County Board of Elections website at [citizenparticipation.westchestergov.com](http://citizenparticipation.westchestergov.com) and select the “Polling Places” tab. If you have any questions throughout the day the staff of the Town Clerk’s office will be available to help – just give them a call at (914) 762-8428. And of course, don’t forget to vote!**

#### **IV. LIAISON REPORTS**

**Councilmember Shaw provided an update on My Brother’s Keeper (MBK) which is an organization between the Town, Village & Schools & community members and we are currently looking for mentors (young men) in Jr. High and High school. Once the flyer is created we will post on our website.**

#### **V. DEPARTMENTAL REPORTS**

#### **VI. BOARD RESOLUTIONS**

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

**Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the following resolution be approved.**

**Resolved, that the Town Board of the Town of Ossining hereby approves the August 28, 2018 minutes of the Regular Meeting as presented.**

**Motion Carried: Unanimously**

##### **B. Approval of Voucher Detail Report**

**Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.**

**Resolved, that the Town Board hereby approves the Voucher Detail Report dated September 12, 2018 in the amount of \$160,920.41.**

Motion Carried: Unanimously

**C. Recreation Advisory Committee- Appointment**

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

Resolved, that the Town Board hereby appoints Tamara Underwood, Briarcliff Manor, as a Town representative to the Recreation Advisory Board effective September 12th, 2018.

Motion Carried: Unanimously

**D. Clean Air Care - Mold Remediation at 43B Morningside Drive**

Councilmember Wilcher 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 approves the proposal from Clean Air Care, New Windsor, NY for mold remediation at Ryder Park Caretaker's Cottage, 43B Morningside Drive in the amount of \$6,900, subject to approval by Counsel to the Town as to form.

Motion Carried: Unanimously

**E. Resolution Authorizing Supervisor to Execute Rider to Urban County Cooperation Agreement with Westchester County for Community Development Program**

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

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974, as amended, and Title II of the National Affordable Housing Act of 1990, as amended, to make grants to states and other units of general local government to help finance Community Development Programs, and

WHEREAS, at its May 8, 2018 meeting, the Town Board authorized the Supervisor to execute an Urban County Cooperation Agreement ("Cooperation Agreement") between the Town of Ossining and the County of Westchester for the purposes of undertaking a Community Development Program, and

WHEREAS, several other municipalities in Westchester also entered into such Cooperation Agreements with the County, and

WHEREAS, in response to comments by the Department of Housing and Urban Development ("HUD"), the Town was required to execute a rider modifying paragraph 16 of the Cooperation Agreement to include certain language related to the inclusion of the Emergency Solutions Grant (the "Rider"), and

WHEREAS, HUD gave the participating municipalities a deadline Wednesday, September 12, 2018 to submit the executed Riders, and

WHEREAS, due to the Town Board's meeting schedule, the Town Board did not have a meeting scheduled at which it could authorize the Supervisor to execute the Rider prior to the September 12 deadline, and

WHEREAS, it is the Town Board's position that the prior authorization granted at the May 8, 2018 meeting also authorized the Supervisor to execute the Rider without any further authorization, but to the extent it may be suggested that such approval was required, the Town Board hereby adopts this Resolution to grant such authorization, and

**NOW THEREFORE,**

**BE IT RESOLVED, the Town Board hereby retroactively authorizes the Supervisor to execute the Rider and ratifies the Supervisor's execution of the Rider, and**

**BE IT FURTHER RESOLVED, the Supervisor is further authorized to execute any additional Riders or related documents that may be required to facilitate the Cooperation Agreement, subject to approval of Counsel to the Town as to form.**

**Motion Carried: Unanimously**

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

**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 Town Planning Board meeting minutes dated August 1, 2018.**

**Motion Carried: Unanimously**

**VIII. MONTHLY REPORTS**

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

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

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

**Motion Carried: Unanimously**

**IX. VISITOR RECOGNITION**

**X. ADJOURNMENT**

**At 8:16 p.m., Councilmember Shaw moved and it was seconded by Councilmember Wilcher to adjourn.**

**Motion Carried: Unanimously**

**Approved:**

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**Interim Town Clerk Victoria Cafarelli**