



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
SEPTEMBER 25, 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 August 28, 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, Budget Officer Madeline Zachacz, Town Planner David Stolman, and Interim Town Clerk Victoria Cafarelli.

II. PUBLIC HEARINGS IN THE MATTER OF:

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

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

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

Supervisor Levenberg stated that we have been discussing this proposed local law for some time now. Most recently, today we received comment from our Environmental Advisory Committee which I would like to read into the record.

**RE: Local Law #4 - Regulating Use of Leaf Blowers within Unincorporated Town
Dear Supervisor Levenberg:**

The Town of Ossining Environmental Advisory Committee (EAC) has reviewed the proposed ordinance, Regulating Use of Leaf Blowers within Unincorporated Town, Local

Law #4, dated August 27, 2018. The committee supports the actions taken by the town to regulate the use of leaf blowers thereby reducing a significant amount of air and noise pollution in the town. The EAC has identified three issues of concern regarding the proposed law:

1. Exceptions section
2. Safety provisions
3. Alternative approaches

This committee would like to offer the following recommendations to address these three areas of concern:

1. EXCEPTIONS. Reference Section 2, B. 2, the EAC recommends the removal of this section regarding exceptions for individual lots exceeding one acre in size and for municipal and school properties. Regulating the use of leaf blowers for large properties will help to significantly reduce noise and air pollution, which is the primary reason for implementing this town ordinance. Moreover, large properties such as schools and town parks should also be regulated as these locations are areas where children are present and their exposure to fuel, noise, exhaust emissions and

dust pollution may be significantly reduced. The Town has the opportunity to lead by example. It was mentioned at the Town Board Meeting on August 28th that the Town utilizes mulch mowers, which further supports a town leadership role. The EAC encourages the town to continue to take a proactive stance to minimize leaf blowing pollution.

The Town of Ossining Environmental Advisory Committee

2. SAFETY. We suggest that a clause be added stating that leaf blowers may be used for safety reasons during prohibited times (i.e. all year round) for the purpose to clear driveways and walkways.

3. ALTERNATIVE APPROACHES. The EAC also suggests additional wording to the regulation to encourage the use of mulch mowers, grass catchers, traditional brooms and rakes, as well as any other safe, pollution-free gardening tools to offset the restrictions on leaf blowers.

We thank you for this opportunity to comment and advise the Town Board on this proposed environmental legislation.

Yours truly,
Mitzi Elkes
Chairperson, Environmental Advisory Committee
Cc: Members of the EAC

Donna Sharrett Morningside Drive submitted the following statement regarding the Leaf Blower legislation:

I leave the Leaf Blower Public Hearings with a heavy heart. In a matter of a few decades, a flash in the timeline of humanity, the American society at large has become addicted to the goal of sterile landscapes heavily dependent on chemicals and leaf blowers.

It is beyond belief that limiting leaf blowers during the 4 months when they are least needed should be so difficult and so contested.

Non-toxic (leaf blower free) lawn care brochure from Cornell:
<https://ecommons.cornell.edu/bitstream/handle/1813/43857/lawn-care-no-pesticides-NYSIPM.pdf?sequence=1>

Early this morning a monarch butterfly emerged on the back wall of our house. Ken and I have created a chemical & leaf blower-free native wildlife refuge here (replete with acorns) for which we have been richly rewarded. For the beautiful new monarch I can only hope that he finds along his journey south enough non-toxic landscapes rich with fall blooming nectar plants to sustain him. Actually, this is his only hope.

My comments from last night's leaf blower public hearing:

It is not reasonable to impose the ban to certain residents and/or entities and not others. I am strongly opposed to the exemptions as currently listed # 130-7.1.B.(2), and ask the board to consider changing this 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."

What are the negative impacts of leaf blowers:

1. 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. Using a leaf blower for 5 minutes is equal to driving that same truck 648 miles – the distance to Wilmington NC.

2. Breathing the high levels of hydrocarbons, and pesticides, fertilizers, animal droppings and whatever else is blown into the air by leaf blowers is hazardous.

3. Leaf blowers, which have a velocity of up to 165 MPH, blow away essential organic matter from the soil surface and leads to soil compaction which facilitates stormwater runoff negatively impacting our Waterways and river.

Grass clippings and ground leaves left in place provide nutrients, and creates more resilient and drought tolerant lawns. Mulch mowing during leaf season would save tax dollars. How much money is spend on leaf collection and carting?

The big picture: Long term human existence is in part compromised by the fallacy that our properties need to be cleaned to the point of irreversible damage to our environment and our health.

The NYS extension soil scientist who is studying Ken and my lawn, flew to the Carolinas yesterday to assist with livestock composting. Millions of livestock died during Hurricane Florence. It is perhaps unknowable how many pets and wildlife also died during that storm, a storm intensified in size and duration by rising sea levels and warming ocean temperatures as a direct result of climate change. It is imperative that we make immediate, substantial changes that will reduce our contribution to climate change. Limiting leaf blower usage is a meaningful, responsible measure towards this goal.

Thank you for considering my comments and for your careful deliberation on this matter.

Donna Sharrett

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



Mitzi Elkes submitted the following letter into the record:

**September 23, 2018
Dana Levenberg, Supervisor
Town of Ossining
16 Croton Avenue
Ossining, New York 10562**

Judy Carton Hudson Watch Drive discussed the time period of when leaves fall and submitted the following picture.

Hudson Watch
Sept 18, 2018

leaf blower PH



Ken Kamber Morningside Drive discussed how he uses a mulching mower that he purchased on at Ossining Lawn Mower.

A. Rodriguez Morningside Drive also discussed her purchase of a mulch mower.

Alex Valone Ossining resident explained that he uses the backpack blowers to apply pesticides on customer's lawns. Mr. Valone does not feel that technology has not caught up to this law.

Marco Gonsalvez McCarthy Drive owner of a large landscaping business. Mr. Gonsalvez explained that he uses the backpack blowers for the pesticides and would like to know how he can apply the pesticides that kill ticks and prevent people from getting lymes disease.

Susie Ross representing Green Ossining explained that climate change is real and is caused by human activity. Ms. Ross provide a heavy carbon foot print. Green Ossining is in favor of this legislation and would like it passed. They are major air and noise palutten. Ms. Ross asked the Board to pass this legislation

Supervisor Levenberg questioned if green Ossining have an opinion on blowing of pesticides?

Ms. Ross Feels that there is a need for this in some cases but feels that there are other fertilizers that can be used to deal with these issues.

At 7:52 p.m., Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to October 23, 2018.

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

At 7:52 pm, the Public Hearing was opened.

Supervisor Levenberg stated that we posted the new draft of this local law over a week ago. We had held this open because, while no one has come forward recently, we wanted to make sure if anyone was away over the summer, they had a chance to comment, and also to comment on the revisions which took into account some of the input we had received to date.

At 7:53 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned to October 23, 2018.

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

At 7:54 pm, the Public Hearing was opened.

Supervisor Levenberg stated that we have been considering a new local law which would streamline the application process for solar permitting for three different types of solar installations, those mounted on roof tops, free standing or ground mounted, and larger solar farms (also ground mounted.) Some of us have had an opportunity to see a larger scale ground mounted installation in neighboring Yorktown which might be helpful to inform our decision making. I am not sure which board members were able to attend, but I did go. We would like to open up the public hearing at this time to see if there are any additional comments from the public on this proposed solar energy local law. Our planner, David Stolman from FP Clark, is here tonight in case we need to clarify anything and also to help with our work session discussion later in the meeting.

Donna Sharrett Morningside Drive commented on Local Law #6-Solar Energy and discussed the set back and every resident should be treated the same and we should have respect for the neighbors.

Ken Kamber Morningside Drive feels that a solar farm would impact other people.

At 8:06 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to October 9, 2018.

III. Special Presentation

- **Eagle Scout Ryan Salyer, Cedar Lane Park Steps Project**

Supervisor Levenberg thanked Ryan for coming to the board once again. Ryan has met at the site a number of times with Mario Velardo, parks foreman, John Hamilton, Building Inspector, and myself. Please share with the Town Board the progress you made and the plans you have to implement the repair to the Cedar Lane Park Steps that would be used for people going from the parking lot near the football field to the pavilion or the bathrooms.

Ryan advised the Board that he has raised about \$5,000 for this project. Ryan reviewed the project with the Board and provided the following:

Day 1: remove old railroad ties and old railings

Should take the whole day because the ties have been there for a long time

Day 2-3: level the surfaces and install new stairs (this includes placing the bottom units in and stacking another unit on top of it and then placing the cap for each stair)*as shown in picture*

Day 4: finish up installing stairs and put new railings in place (4x4 posts will be installed into the ground and there will be 2x4s that will be drilled into the 4x4 post.)

The project entails replacing the old railroad ties at the stairs leading up to the pavilion. I will be re-constructing the upper portion of the stairs which is approximately 6 steps. I have attached a picture of the portion I will be doing. The material I will be using is versa lok which is a stone material that will be placed instead of the railroad tie. I attached a picture of the materials as well with this email. I also plan to add a railing to that portion. One side will have 26 feet of railing and the shorter side will have approximately 21.5 feet of railing. I plan on using 4x4 posts that fit into metal anchors that dig into the ground and keep it in place. And for the part that people will hold on to, I will use 2x4 wood posts that will be drilled into the 4x4

The materials needed and the project site is shown below.



Eagle Scout
Project @ Cedar Lane

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Car Free Day- great day as we celebrated in the Town and Village of Ossining.

Hopefully you noticed we had Lime Bikes in town-a dockless bike share program.

As of tonight they still had not picked them all back up, so you still have a chance to try them out. Thank you to all those who took the pledge and took the time to figure out how to reduce their single occupancy vehicle use for the day. Even if you didn't participate, hopefully it made you think about how you get to and fro, and maybe motivated you to work harder towards reducing single occupancy vehicle rides on a more regular basis. This is just one more way we can start to make strides towards a more sustainable and lasting and fossil-fuel free future.

As we get closer to the due date to pay the first half of school taxes, we want to remind you to share with your friends and neighbors that we had some problems with the delivery of bills this year. While we are not exactly sure where the breach

occurred, we know some people did not receive their bills. Unfortunately, the law give us no leeway whatsoever with collections and you still must pay what you owe by September 30th (or this year October 1st since the 30th is a Sunday). The Tax office is happy to print out or email duplicate bills to anyone who did not receive one (or even if you did and want another one, they can help with that a well!) since we have been hearing from quite a few folks that they did not receive their 2018/2019 school tax bill, which was mailed on August 21st. Our Receiver, Holly Perlowitz, and staff Patti and Martha, have been doing an exemplary job of helping folks who need their bills re-printed, and I want to thank them wholeheartedly for stepping up for our taxpayers.

On Friday, we learned that a problem we thought our highway guys had nipped in the bud needed some more tending to. On Wednesday, one of our men was taking a truck out to pick up gravel-- shortly after leaving the Town Highway Department and pulling onto Route 9A, he noticed the truck was smoking. He immediately pulled over and off the road into Parkway Drive in Briarcliff and got out to observe the problem-- hot red liquid was coming out of the truck, which he believed to be radiator fluid. He called it into the Town Mechanic, who confirmed from his description that it was radiator fluid and advised him to drive back to the shop as long as it wasn't overheating, which it was not. Upon arrival, the mechanic inspected the truck and discerned that it, in fact, was hydraulic oil, and the Highway staff quickly dispersed to remediate the liquid that had spilled, while also notifying the Village of Briarcliff and Westchester County. In addition to laying down oil-absorbent pads and Quick Dry materials and sand, the materials were swept up by the Village of Briarcliff who came to help. The County gave us the thumbs up for remediation. Unfortunately, NYS DEC did not feel the same way, and on Friday, they required that we call in a company who needed to hand remove some soil that may have been impacted, as well as doing additional absorbing and scrubbing to remove any additional residue that was left from the spill. We are glad to be able to have now taken care of this situation according to the State's requirements.

Also last week, we hosted a meeting with the Village of Ossining, Assemblywoman Sandy Galef, and Westchester County Legislator Catherine Borgia to discuss plans for Organ Donor Enrollment Day on October 10th. While New York State is the 4th fastest growing state in organ donor registration, we are still LAST in the nation in terms of the number of registered donors. As we have done for the past two years, we are once again registered with LiveOnNY as Team Ossining and are hoping that by partnering with some of the bigger employers in the area we can really make a dent, locally, in increasing our registration numbers. We have interest from Open Door, Sing Sing Correctional Facility, Ossining Public Library, Ossining School District, Ossining Children's Center, Greater Ossining Chamber of Commerce, The Elks Lodge, and we anticipate a few more, and with the help of volunteers from Transplant Support Organization (TSO) and LiveOnNY, and you **YOU** we know we will see a big jump. We will share more info as well as how to register on line as we get closer to the big day.

We also learned that just because the IRS has come out with an opinion on the State allowing Charitable Trusts to be set up in an effort to offset the debilitating change in deductibility of property taxes, we are not ready to give up. There is work underway at the state level to defend the Charitable Trust as a viable donation that should not be considered any differently, even if it is used to offset a property tax bill, than a regular donation made to a municipality or school district which is fully tax deductible. We will be sharing more information with you about this too at our next work session as we work to partner with other municipalities and school districts in New York State to pursue options to help our taxpayers.

We are nearing the end of the month and have already started seeing signs of Halloween popping up in stores, and on farms. If you haven't yet gotten your tickets to the Haunted Hayride on Friday and Saturday, October 26th and 27th, hurry, tickets are going fast. Tickets are discounted if you order them on line in advance of the event. Also if you have a ghoulish side and want to participate in this year's fun at Cedar Lane Park, please sign up to volunteer. Both can be done on the

Forest of Fear's website forestofears.org, or you can email our resident ghoul, Ms. Fern Quezada at fofasstdirectors@gmail.com.

I want to broach a topic that you have heard about many times from other folks sitting in these seats. As many of you know, over the years, numerous discussions have taken place – both formally and informally – about streamlining government inside the Town of Ossining, given that we have two villages with separate governments, an umbrella-like Town government, and many services from all entities that offer at least the perception of redundancy or, to be kind, 'overlap.' This is not to mention the school districts, fire departments, libraries, and related entities, none of which are the subject of this effort.

It's not necessary to recount all of the discussions of the past. The fact is that 'talk' about streamlining services has actually translated into action in the Town of Ossining. The Town's police department was dissolved some years ago, plus a consolidated Town Court is now in existence for Ossining, and we share so many services on all levels. Multiple studies and grant submissions have been exercised over the years. Clearly, our history is one of focus on making ourselves more efficient, but our job is not over.

Tonight, I want to highlight the fact that the Town of Ossining, joined by the Village of Ossining, applied to the Department of State last August for grant funding under the Municipal Restructuring Fund (MRF) program to help us address *possible* additional efficiencies in our operating budgets to save taxpayers money by streamlining services through a number of different strategies. The efforts identified in the grant application primarily concern consolidation of Highway Department services, but also include consolidation of Parks services.

While our application was made with the knowledge and participation of the Village -- because some of the future concepts would include a partnership with the Village - this first phase of what we are calling Project Forward! only concerns Town of Ossining services, and not those of any other entity, including the villages within the town.

In early 2018 we were notified that we had been approved for the first phase of our work through an award of \$22,445. We then set out to secure the services of a consultant who could help us through the community engagement process.

So the next step is to draw your attention to the effort. We have a website—www.projectforwardtoo.com – and a survey in both English and Spanish. Our goal is to have all of you in our community become acquainted with everything on the site and take the survey so that we can get a feel for your reaction to a couple of conceptual plans about how we might continue our efforts to streamline government operations.

We are doing all we can to get this into the hands of our residents—that means you. This includes:

- a postcard mailed to all homes
- links on our website and Town Facebook page
- press releases to local and regional media
- email messages to all who have signed up for the Town's email blasts

Look out for a postcard with the words Project Forward on them coming to your mailbox! Please know we are interested in hearing from you about how you think we can move forward in this effort. Hence the name Project Forward! We welcome everyone's participation.

Councilmember Shaw announced that the Ossining Food Pantry will be having its 30th annual celebration on Sunday, September 30th from 4:00 p.m.-7:00 p.m. to purchase tickets, please visit www.ossiningfoodpantry.org

V. LIAISON REPORTS

Councilmember Feldman announced that she attended Senate Hook & Ladder's ceremony for James Ryan Sr. for reaching his 50 years of service.

VI. DEPARTMENTAL REPORTS

VII. 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 September 12, 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 D'Attore that the following resolution be approved.

Resolved, that the Town Board hereby approves the Voucher Detail Report dated September 25, 2018 in the amount of \$914,649.28.

Motion Carried: Unanimously

C. Termination: Town Parks Department

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

BE IT RESOLVED, that, upon the recommendation of the Town Supervisor, the Ossining Town Board hereby terminates the employment of Steven White for just cause, effective September 25th, 2018, pursuant to Article XIV of the collective bargaining agreement between the Town of Ossining and the International Brotherhood of Teamsters, Local 456, I.B.T.

Motion Carried: Unanimously

D. Acceptance of Donation: 1984 Freedom 21 Sailboat

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

The Town Board of the Town of Ossining hereby accepts, with thanks, Andrew and Stacey Farber's donation of a 21 ft. 1984 Freedom 21 sailboat with Mercury 6HP engine, valued at approximately \$4,790, for use by the Ossining Recreation Department Community Sailing Program.

Supervisor Levenberg stated that she was lucky enough to have a chance to go out for a sail on this boat with Andrew and Stacey as well as Joe Clarke who runs our Community Sailing Program, and Councilwoman Liz Feldman. Even I was able to sail it! It is a lovely, easy to sail boat. We are very grateful to the Farber's for their generous donation, which will help us get our sailing program back on track in 2019, after our two boats (which were also donations) were damaged in one of the storms back in March.

Motion Carried: Unanimously

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

IX. MONTHLY REPORTS

X. VISITOR RECOGNITION

XI. ADJOURNMENT – WORK SESSION

At 8:40 p.m., Councilmember Shaw moved and it was seconded by Councilmember Wilcher to adjourn into Work Session

- **Solar Codes Local Law-- Discussion with David Stolman, F.P. Clark**

David Stolman provided the Board with an update on the Local Law and what updates have been made.

Motion Carried: Unanimously

XII. ADJOURNMENT –ADVICE OF COUNCEL

At 9:16 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw to adjourn.

Supervisor Levenberg stated that there is so much happening now that fall is in full swing. Take the time to look on our website for upcoming events in and around town and enjoy all that our community has to offer. We will see you at 16 Croton next week for a work session. I hope everyone has a wonderful week!

At 10:22 P.M., Councilmember Wilcher motioned to leave Executive Session and it was seconded by Councilmember Feldman.

At 10:23 P.M., Councilmember D’Attore motioned to adjourn, Liz seconded. 5-0-0

Approved:

Interim Town Clerk Victoria Cafarelli