



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
OCTOBER 9, 2018**

7:00 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. ANNOUNCEMENTS

If you are joining us live, either in person or through the web, we hope to see you out and about tomorrow, Wednesday, October 10, 2018 for Organ Donor Enrollment Day!

Did you know that New York State is in **LAST PLACE** nationwide for percentage of population that are registered organ donors? We all know New York is number one, so tomorrow, Wednesday the 10th, we are partnering with LiveOnNY to participate in the 4th Annual Organ Donor Enrollment Day to make sure we can show the world what it **SHOULD** look like on New York’s registry. Join me, my fellow elected officials, organ donors and those whose lives have been saved by organ donation by signing up. If you have already registered, please talk to your family, friends and co-workers about organ donation—one person signing up could save up to 8 lives. Learn more about the nationwide organ shortage by visiting liveonny.org. We will be holding a press conference in front of Town/Village Hall tomorrow morning at 9:30AM to kick off this effort, and we will be posting volunteers around Ossining to encourage folks to sign up. Won't you join us?

On Thursday, October 11th, Senator David Carlucci and Assemblywoman Sandy Galef will be hosting the annual Ossining Senior Fair in the Community Center Gym at 95 Broadway between 8AM and 3PM. If you are a senior, or have any seniors in your life, the presentations at this annual event will provide you with some great information to navigate the complex world of Medicare, Social Security and more.

There are still some tickets available for the Crossover Yoga Project's annual fundraiser, which will take place at our very own

Cedar Lane Arts Center. The proceeds from the event, and all of Crossover's work, go towards empowering young women, many of whom have suffered trauma, through yoga, mindfulness and art.

We are so pleased to host this special event, and I hope that you will join me in supporting this worthy effort. Visit www.crossoveryogaproject.org to learn more.

On the evening of Sunday, October 14th, come out for Happy Hour on the Hudson benefitting the Ossining Children's Center! Between 5PM and 7PM, the OCC will host at Factoria at Charles Point in Peekskill-- come for the craft beers, live music, and delicious appetizers, and stay for the amazing view, all while raising funds for the Children's Center's tuition assistance program. Visit ossiningchildrenscenter.org to purchase your tickets.

The Ossining Arts Council will be showcasing more than 20 local artists all around Ossining this Saturday, October 13th, between 11AM and 4PM, as part of their Open Studio Tours. I got to see a preview of the work last Friday night at Bethany Arts Community and I can say without a doubt we have a very talented bunch! Plan your self-guided route on the OAC's map, which you can pick up at the Ossining Farmer's Market or download at www.ossiningartscouncil.org.

The Ossining Documentary and Discussion series returns next week with "Resilience: The Biology of Stress and the Science of Hope." Learn how toxic stress hormones borne of childhood trauma can have long-lasting effects on the bodies, brains, and even life outcomes of those children as they enter adulthood. This will be an interesting film for sure, as will the panel discussion that follows. This free event begins at 6:30PM on Thursday, October 18th in the Budarz Theater at the Ossining Public Library—learn more at ossiningdocumentaries.org.

The Ossining PBA's Foot Pursuit 5K Race is coming up on Saturday, October 20th. The race starts and ends in our very own Cedar Lane Park before heading on to the local roads—included with the price of registration is a beautiful view of the Hudson. The three first finishers could win a 3 month membership to Club Fit and lots of other prizes, so enroll your family today! Find the link to register through the Ossining PBA Facebook page--all proceeds go to benefit a scholarship fund for Ossining children.

The evening of October 20th brings you THREE, count em, THREE live music options right here in town. Join The Jug Tavern of Sparta for a night of banjo and fiddle music when Tim Rowell and Ambrose Verdibello perform at the Jug. There are 2 seatings, one at 3PM and one at 7PM, with a \$5 suggested donation at the door. Don't wait to reserve your seats—the Jug is a tiny venue and this program always sells out. Email events@jugtavern.org to secure your spot.

If you see Tim and Ambrose at the 3:00 P.M. show, you will still have time to see jazz vocalist Alexis Cole at the Westchester Collaborative Theater that very evening—doors open at 7PM for a 7:30PM show. Visit www.wetheater.org to learn more.

You could also head to the Steamer Firehouse for the soulful tunes of The Vibe Theory, who will be playing that night at 8PM. Get your tickets at www.ossiningartscouncil.org for this one. It's hard to choose as they are all so talented!

On Sunday, October 21st, the Humane Society of Westchester at 70 Portman Road in New Rochelle will be hosting a free rabies vaccine clinic for pets belonging to Westchester County residents. Walk ins are welcome, no appointment is necessary, but please be sure that dogs are leashed and that cats and ferrets are transported in their carriers. This event goes from 11:30AM to 3:30PM—call the Humane Society directly at (914) 632-2925 with any questions.

Although it seems like Halloween is a long way away, it is only 3 weeks, if you can believe it! Join us on Saturday, October 27th for the 3rd Annual Ossining Howl-o-Ween Kids & Pet Parade on Upper Croton Avenue. The parade kicks off at 11AM outside the Elks Lodge at 118 Croton Avenue and heads up to the Mike Risko Music School at 44 Croton Avenue, but the fun doesn't stop when the marching does! Stay for music, games, and prizes! Thanks to the Greater Ossining Chamber of Commerce Uptown Alliance for organizing this fun annual event for our little ones and our furry friends, who also love strutting their stuff this time of year!

We are also so excited that same weekend to bring you what promises to be a fantastically spooky and creative night here in Ossining—the Forest o' Fears Haunted Hayride will take place on the evenings of Friday, October 26th and Saturday, October 27th at our very own Cedar Lane Park. Our Parks staff will join Fern Quezada and many, many volunteers to transform our picturesque park into a daunting display of Halloween scenes, as well as a Halloween Village for the little ones. Get your tickets now by visiting www.forestofears.org. Not available to attend? You can also donate to the event using that same website—they hosted a potluck and silent auction this past weekend and earned \$300!

III. PUBLIC HEARINGS IN THE MATTER OF:

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

At 7:12 pm, the Public Hearing was opened.

- Public Hearing- Local Law #6-Solar Energy

Planning Consultant David Stolman reviewed the revisions to Local Law #6-Solar Energy. Provided an overview of Tier 1.

Councilmember Feldman agreed that these revisions are a big improvement.

Town Counsel Tomm Addonna recommended that the Public Hearing be adjourned since there the changes were made recently and to make sure that the public does have the opportunity to come and comment on this Local Law.

At 7:24 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to October 23, 2018.

IV. LIAISON REPORTS

Councilmember Feldman announced that the Briarcliff Manor Fire Department will be having their annual inspection on October 20, 2018 at 7:00 p.m.

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the September 25, 2018 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Feldman 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 October 9, 2018 in the amount of \$380,117.82.

Motion Carried: Unanimously

C. CDBG Application, 2019-2021 Cycle, Bus for Senior Nutrition Program – Revised

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

Resolved, that the Town Board of the Town of Ossining endorses the Community Development Block Grant (“CDBG”) application entitled Bus for Senior Nutrition Program with a total project cost of \$230,000, \$75,000 requested from the CDBG program and \$155,000 provided as a local match comprised of a cash contribution of \$75,000 from the Town of Ossining and \$80,000 from the NYSERDA VIP Incentive Voucher program.

Supervisor Levenberg stated that earlier in the year we sent in applications for 4 Community Development Block Grants Resolved, Federal Grants that are administered by Westchester County. The County has asked us to additionally endorse these grants, so tonight, we are asking the Town Board to endorse the (“CDBG”) application for a Bus for the Senior Nutrition Program with a total project cost of \$230,000, \$75,000 requested from the CDBG program and \$155,000 provided as a local match comprised of a cash contribution of \$75,000 from the Town of Ossining and \$80,000 from the NYSERDA VIP Incentive Voucher program.

Motion Carried: Unanimously

D. Engel Park- Greenway Grant

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

WHEREAS, the Town of Ossining is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Grant Program for

a project entitled “Master Park Plan for Louis Engel Waterfront Park” to be located in the Town of Ossining; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the governing board of the Town of Ossining hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Grant Program, for a project known as “Master Park Plan for Louis Engel Waterfront Park” and located within this community.

Supervisor Levenberg stated that we are also getting ready to submit a grant application for another project we applied for CDBG funds for. We are hoping to make many improvements to Louis Engel Park, including an improved public beach area, an accessible playground, an area for adults to work out, an improved and covered stage, and a redesigned and resituated comfort station which also might include a vending area. We know that to do so, we need to have a plan in place. Since we are also right on the Hudson River, we must be cognizant of Sea Level rise as well as climate change that can impact our shoreline and assets. With the Water Treatment Plant and Sing Sing at one end, with a planned major tourist destination of the Sing Sing Prison Museum set to break ground in a couple of years, and the Historic Ossining Boat and Canoe Club in the middle, an extension dock planned, a restaurant and event space and apartments on the northern border of the park, there are many pieces of the puzzle that should be taken into account. For that reason, we are hoping to apply for a Hudson River Valley Greenway grant to develop a Master Park Plan for Louis Engel Waterfront Park.

Motion Carried: Unanimously

E. Resolution Authorizing Supervisor to Execute Electric Service Agreement with Sustainable Westchester and Constellation NewEnergy, Inc. 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 Con Edison 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 Board desires to continue to participate in the CCA Program, recognizing the substantial benefits it has to the Town and its constituents to promote and pursue clean energy sources, and

WHEREAS, at its August 7, 2018 special meeting, the Town Board authorized the Supervisor to execute a new Memorandum of Understanding with Sustainable Westchester for Sustainable Westchester to serve as the Program Manager for the CCA Program and 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 sought bids from electric service suppliers for residential and small commercial properties and on October 5, 2018 the bids were opened and Constellation NewEnergy, Inc. was the winning bidder to provide services for 24 months with the possibility of a six-month extension with standard product residential and commercial rates of \$.07709 per kilowatt hour and 100% renewable clean power product residential and commercial rates of \$.079959 per kilowatt hour, and

WHEREAS, Sustainable Westchester has determined this bid to be compliant with the requirements for the CCA Program and the Town Board desires to enter into an agreement with Constellation to provide the services at the proposed rates, and

WHEREAS, when the Town Board approved the agreement with ConEdison in 2016 it selected the 100% Renewable Energy Supply as the default rate for the Town's residents recognizing that a main objective to participating in the CCA Program is to promote and pursue clean energy sources and given that: (1) the 100% Renewable Energy Supply is comparable to the rate provided by ConEdison for residential consumers and substantially lower than the ConEdison rate for commercial consumers, (2) the Town Board understands from representatives of Sustainable Westchester that the annual difference between the 100% Renewable Energy Supply rate and Basic Service Supply rate will be relatively small (approximately less than \$30 per year for a residence), and (3) any electricity user within the Town participating in the CCA Program will be able to opt out of the default 100% renewable clean power product and choose the standard product, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Electric Service Agreement with Constellation and Sustainable Westchester, subject to approval of Counsel to the Town as to form, and

BE IT FURTHER RESOLVED, the Town Board designates the 100% renewable clean power product as the Town's default rate for the CCA Program.

Supervisor Levenberg stated that we were very excited to have participated in the opening of the bids for the next round of electricity supply for Westchester Power, the provider, through Sustainable Westchester, that has administered our Community Choice Aggregation Program over the last 2 plus years. As you hear, the bids were opened on October 5, 2018 and Constellation New Energy, Inc. was the winning bidder with an offer to provide services for 24 months with the possibility of a six-month extension with a standard product residential and commercial rate of \$.07709 per kilowatt hour, and a 100% renewable clean power product residential and commercial rate of \$.079959 per kilowatt hour, and I am hoping the board will once again see fit to opt for the 100% renewable, which is extremely competitive, is the same for residential and commercial, and beat the 8.26 cent threshold by a lot. It's actually lower than the current rates.

Motion Carried: Unanimously

F. Resolution Authorizing Town to Participate in Coalition for Purpose of Submitting Comments to IRS on Draft Regulations Regarding Charitable Contributions

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

WHEREAS, in response to the Federal Tax Cuts and Jobs Act (“TCJA”), the State of New York has enacted legislation as part of its FY2019 Budget that authorizes counties, local governments, and school districts to establish a charitable gifts reserve fund and to authorize a real property tax credit of up to 95% of the amount of a property owner’s monetary contribution(s) to an established charitable reserve fund during the “associated credit year”; and

WHEREAS, on August 23, 2018, the Internal Revenue Service (“IRS”) issued proposed regulations providing rules on the availability of federal charitable contribution deductions when the taxpayer receives or expects to receive a corresponding state or local tax credit; and

WHEREAS, the proposed regulations impair the incentives for individual taxpayers to make contributions to these charitable reserve funds; and

WHEREAS, state, county, and local entities, including the Town, have expressed confusion, doubt, and skepticism on the draft regulations and have raised questions as to whether they constitute an arbitrary and capricious interpretation of federal tax law; and

WHEREAS, the IRS has invited the public to submit comments on the proposed regulations no later than October 11, 2018; and

WHEREAS, State Assemblywoman Amy Paulin’s office has been working with Baker & McKenzie LLP to prepare comments on the draft regulations for submission during the public comment period on behalf of an ad hoc coalition of like-minded state, county, municipality, or school district agencies or organizations; and

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the Town to be part of the above-referenced ad hoc coalition solely for the purpose of submitting comments on the draft regulations by October 11, 2018 as prepared by Baker & McKenzie LLP, subject to approval by Counsel to the Town as to form, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the one-time payment of \$1,000 toward the administrative expenses of the ad hoc coalition in preparing the comments on the draft regulations, and

BE IT FURTHER RESOLVED, this resolution does not bind the Town to any further involvement or action with respect to the ad hoc coalition or authorize any additional financial contributions to the ad hoc coalition, which further involvement, actions and/or payments must be separately approved by the Town Board on a case-by-case basis.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following meeting minutes:

- **Town Planning Board meeting dated September 5, 2018**

Motion Carried: Unanimously

VII. MONTHLY REPORTS

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 accepts the following reports for the month of September, 2018:

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

Motion Carried: Unanimously

VIII. DEPARTMENTAL REPORTS

- **Paul Fraioli, Town/Village Engineer**

Supervisor Levenberg stated that Mr. Fraioli has been taking the lead on a number of important projects for the Town. In this case, we have tapped his professional expertise to work on McCarthy Drive improvements as the Town has acknowledged it is a public road. Also, we know you have been before the Town Planning Board to review the improvements planned for the Village Water Treatment Plant, which also delivers delicious water to Town Residents.

Town/Village Engineer Paul Fraioli provided the Board with an update on the Water Treatment Plant.

Mr. Fraioli also provided the Board with an update regarding the reconstruction of McCarthy Drive. McCarthy Drive is a dead end off of Stormytown Road. We are also going to be doing utility coordination with the utility company.

Project Engineer, Mr. James Natarelli from Doth Rotfeld Engineering provided the Board a look at what McCarthy Drive is going to look like upon completion of this project. The next step is to do the cost estimate and fine tuning of alignment of the roadway and the drainage. The design is scheduled to be completed by the end of this year and will go out to bid in the Spring of 2019 and construction will begin in Spring 2019.

Mr. Fraioli spoke about drainage and the heavy rainstorm and the water has caused flooding on McCarthy Road.

Mr. Natarelli explained by adding the catch basin and the curb the problems should be alleviated downstream.

IX. VISITOR RECOGNITION

Bill Bigilo Tavano Road spoke about the neighborhood listing the area on the national registry of historic places and would be considered an historic neighborhood due to its architecture. We should be hearing something in the Spring 2019.

Town Counsel Tomm Addonna explained that the Town Board is within its right to adopt land use regulations.

Supervisor Levenberg advised that they installed the new spay pad at Louis Engle Park at the Spray Park. This pad is a lot safer and is slip resistant.

Supervisor Levenberg announced that there will be a Town Hall Meeting on October 16th at the Ossining Public Library.

Supervisor Levenberg announced that we lost two very important community members this week, George Kane and Michael “Wizard” Scarduzio and expressed her deepest condolences to the families.

X.ADJOURNMENT

At 8:09 p.m., Councilmember Shaw moved and it was seconded by Councilmember Feldman to adjourn the meeting

Motion Carried: Unanimously

Approved:

Interim Town Clerk Victoria Cafarelli