



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
MAY 28, 2019
REGULAR MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
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 May 28, 2019 in the 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 Northern Wilcher Jr., Jackie G. Shaw and Elizabeth R. Feldman. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Madeline Zachacz and Deputy Town Clerk Ann Marie Rocco.

II. PUBLIC HEARINGS IN THE MATTER OF *Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.*
***TO BE HELD CONCURRENTLY**

At 7:33 p.m., the Public Hearing opened.

- Local Law #2 of 2019 – Abolishing the office of Elective Town Superintendent of Highways and creating the office of Appointive Town Superintendent of Highways subject to a mandatory referendum*

At 8:19 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned until June 25, 2019.

At 7:33 p.m., the Public Hearing opened.

- Local Law #3 of 2019 – Abolishing the office of Elective Town Receiver of Taxes and creating the office of Appointive Town Receiver of Taxes subject to a mandatory referendum*

At 8:19 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned until June 25, 2019.

At 7:33 p.m., the Public Hearing opened.

- Local Law #4 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum*

Supervisor Levenberg provided an overview of Local Laws 2, 3 and 4. We are looking at ways to make government for efficient and believe that there are opportunities. We are also looking at merging the Tax Receiver's Office and Clerk's Office because those two offices can run successfully as one office. There may be an opportunity for administrative savings. Supervisor Levenberg stated

that we will post FAQ's on our website to address some of the questions that have been raised on social media.

Kim Jeffrey Morningside Drive spoke in opposition of local laws 2, 3 & 4 and feels that there has not been enough outreach to educate residents.

John Van Steen South Highland Ave. spoke in opposition of local laws 2, 3 & 4 and under the current system Town officials should have greater responsibility to the Town rather than Village issues and this would not be the case with a coterminous Ossining.

Village Trustee Omar Herrera spoke in opposition of local laws 2, 3 & 4 and feels that this is a Town led effort and the Town is taking people's rights away to elect their own leaders.

Village Trustee Quantel Bazemore spoke in opposition of local laws 2, 3 & 4 and due to the amount of work that the Clerk's office does for the Village, he does not see how the Tax Receiver's office and the Clerk's office can be combined and work effectively. Trustee Bazemore feels that educating the public is necessary because these laws are taking the people's rights away to vote.

Village Trustee Omar Herrera feels that whenever it is appropriate we should have the discussion what the Village's role is with having an appointed Clerk vs. an elected Clerk.

Supervisor Levenberg explained that the Village was part of the discussion when we applied for the shared services grant.

Councilmember Feldman explained that she is undecided on this topic and she is not sure if these two offices should be merged together.

Councilmember Shaw explained that she has spoken to some of her neighbors and she has received feedback regarding the Highway Department and how will this affect their snow removal.

Councilmember Wilcher is in favor of making these positions appointed.

Supervisor Levenberg stated that this is an opportunity to look at how our administrative positions are being utilized.

Trustee Herrera questioned how are the funds for the outreach being used?

Supervisor Levenberg stated that a consultant was hired and was approved. We will continue to do outreach through our public meetings and we will be putting together an FAQ. We will continue to engage with our consultant.

At 8:19 p.m., **Councilmember Wilcher** moved and it was seconded by **Councilmember Shaw** that the Public Hearing be adjourned until June 25, 2019.

At 8:19 p.m., the Public Hearing opened.

- **Local Law #5 of 2019 – Energize NY Open C-PACE Financing Program**

At 8:22 p.m., **Councilmember Feldman** moved and it was seconded by **Councilmember Wilcher** that the Public Hearing be closed.

Supervisor Levenberg stated that energize has come up with new ways to make municipalities bear less of the risk. This is a way for people for borrow against their energy savings.

All members of the Board were in agreement to close this public hearing.

At 8:23 p.m., the Public Hearing opened.

- Local Law #6 of 2019- Establishing the Position of Alternate for the Town's Land Use Boards

All members of the Board were in agreement to close this public hearing.

At 8:26 p.m., Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Some breaking news right out of the gate—our Assessor Fernando Gonzalez informed us just prior to the end of today that his office has completed the process to prepare the 2019 assessment roll and that 2,965 Change of Assessment notices went out in the mail today. Here are some highlights:

- 2,546 parcels increased and 419 parcels received reductions for a Town wide average of 1% increase in residential value.
- There was an approximately \$86 million dollar increase in Taxable AV Town wide, \$45 million of which is attributed to The Club at Briarcliff Manor, a Senior Living community that is partially completed.

Last week, it was brought to my attention by both our Assessor and Receiver of Taxes that they have received many phone calls and inquiries from people who are confused about changes New York State has made to the STAR program this year. I asked our Assessor, Fernando Gonzalez, if he could prepare something that might easily sum up what those who receive Basic STAR need to know and he prepared this summary, which I shared last week and in my Friday update. However, as the deadline is approaching on June 1st to update your STAR status locally with the Assessor, I would like to share this one more time:

CHANGES TO STAR Reduce the income limit for the Basic STAR exemption credit on your property tax bill to \$250,000.

Anyone earning between \$250,000 and \$500,000 a year will receive a *check* for their STAR instead of the exemption on the school tax bill.

Homeowners receiving the STAR credit in the form of a *check* will have the possibility of seeing their credit increase up to 2% annually, whereas those who decide to stay in the exemption credit program will have that exemption frozen at this year's levels. The income limit for the Basic STAR credit remains at \$500,000.

Enhanced STAR (over 65 yrs.) recipients should have already enrolled in the income verification program with the State.

The state is trying to incentivize property owners to move to receive the credit check instead of the tax bill exemption by floating the possibility of receiving up to a 2% annual increase in your STAR credit check (versus no increase in your exemption).

In order to move to the check, Homeowners must;

- 1- Notify the Assessor's office to withdraw from the STAR exemption, in writing or via e-mail at assessor@townofossining.com by June 1st 2019.
2. Register for the STAR credit with the NYS Dept. of Taxation and Finance @ 518-457-2036 or online at www.tax.ny.gov/star/

Yesterday, I had the opportunity to participate in Memorial Day ceremonies in both Ossining and Briarcliff. These annual events are always so moving and help our communities to pause and remember those that have given everything in service to our country. Thank you to the Ossining American Legion Post 506, Briarcliff American Legion Post 1054, Ossining Volunteer Fire Department, and all the other organizations that helped to put together this year's remembrance ceremonies.

The Louis Engel Spray Park is officially opened for the season! Come down to Engel Park to cool down, on weekends until school closes for the summer from 12pm to 7pm, then after school closes, every day until labor day. This season we are debuting our new splash pad thanks to a \$100,000 grant from Senator David Carlucci. We are hoping to have an official ribbon cutting sometime this summer on a weekday when school is out – stay tuned!

Leaf blower legislation goes into effect on May 31st in the Town and the Village. On our website, we have posted a “snapshot” of the Town’s legislation in both English and Spanish and a link to the full law, but here are the highlights: from May 31st to September 30th of each year, gas powered leaf blowers are prohibited except in cemetery properties and on pavement when operated at half speed, during emergencies like storms when the Town Supervisor may declare a temporary moratorium, and with a temporary permit granted by our building inspector for a period not to exceed seven days. We are the 15th or 16th municipality in Westchester to adopt this type of seasonal prohibition in an effort to improve quality of life for those who operate these machines (one local garden store owner let me know he had major hearing loss from operating these machines for so many years), those in the vicinity of machines being operated, as well as to improve air quality and do our part to combat climate change.

Did you know that Babe Ruth once played baseball in Ossining? In 1929, Babe Ruth and the New York Yankees played an exhibition game against the prison baseball team, the Black Sheep, and hit three home runs, one of which just might be the longest homerun *ever* hit, according to baseball lore (and confirmed by Westchester Magazine). On Thursday night, May 30th from 7pm to 9pm, learn more about this fascinating piece of Ossining history with the showing of the new documentary, "Babe Ruth at Sing Sing" at the Ossining Public Library.

This weekend, there will be quite a few opportunities to catch some great music, with an open mic night at Mike Risko Music on Thursday evening, May 30th at 8pm and local favorite, the Old Mill Singers, Friday, May 31st and Saturday, June 1st at 8pm at the Clear View School. The open mic night at the Risko is free – sign up at the door with one or two songs per act. Tickets for the Old Mill Singers are \$15, \$12 for Seniors, and \$5 for children.

Also on Saturday, June 1st, get your tickets for the continuation of Westchester Collaborative Theater's Jazz Master Series with internationally known and Grammy-nominated musician Enrique Haneine. His unique jazz style, influenced by Latin and Lebanese traditions, is sure to bring a crowd to both sets at 7:30pm and 9pm. Enrique has performed alongside some of the greatest jazz musicians of all time -- thank you to WCT for bringing him to Ossining! Buy your tickets in advance at wctheater.org.

Be sure to check out Theater O's elementary school production of the play based on the classic children's novel "A Wrinkle in Time." We know Theater O always helps kids bring their own special touch to all their productions, so you won't want to miss this one. Performances begin on Thursday, May 30th and continue on 5/31 and 6/1, and will take place at the Bethany Arts Community on Somerstown Road at 7PM-- tickets are \$10 each. Purchase them in advance at theatero.org.

The Ossining Documentary and Discussion Series' June offering will be "Transmilitary," a look into the lives of four transgender individuals serving in the U.S. military who must conceal their gender identity in order to serve their nation, on Thursday, June 6th at 6:30pm at the Ossining Public Library's Budarz Theater. Make sure not to miss this thoughtful program which will include an expert panel after the film.

Save the date for the 39th Annual Ossining Village Fair -- just a few weeks away on Saturday, June 8th from 10AM to 4PM. The Town will be represented well by our

Environmental Advisory Committee, Green Ossining, the Cedar Lane Arts Center, and Forest O Fears Haunted Attraction, each with their own booth this year.

Looking for some fun new activities to try out this summer? There are some great local options -- Westchester Collaborative Theater's acting classes start up next week with Improvisation for Theater and for Fun with Jim Brownold and Scene and Monologue Study with Bob Rogerson. And don't worry these classes are not just for professional actors! Learn more and register at wctheater.org/classes. Also, Ossining Recreation and Hudson Valley Guides will be holding several kayaking programs launching from Louis Engel Park Beach this summer, including sunset kayaks on Friday evenings to coincide with the Summer Concert Series! Kayaks and gear will be provided to participants. Check out the recreation catalog on the Town or Village website for more information and registration.

Councilmember Shaw announced that Ossining Live will take place on Friday, May 31, 2019 beginning at 6:00 p.m. at the Ossining High School

Councilmember Feldman congratulated the Mid-Hudson Ambulance District on their 10th anniversary. Councilmember also attended the Ossining Fire Department Annual Memorial Breakfast.

IV. LIAISON REPORTS

V. DEPARTMENTAL REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting- May 14, 2019

Councilmember Wilcher 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 May 14, 2019 minutes of the Regular Meeting as presented.

Motion Carried: 3-0-1
Ayes: Shaw, Wilcher & Levenberg
Abstain: Feldman

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 of the Town of Ossining hereby approves the Voucher Detail Report dated May 28, 2019 in the amount of \$438,628.30.

Motion Carried: Unanimously

C. Calling for a Public Hearing in the matter of Community Development Block Grant (CDBG) Applications, 2019-2021

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 calls for a Public Hearing to be held on Tuesday, June 11th, 2019 at 7:30 p.m. at the Birdsall-Fagan Police Court Facility, 86-88 Spring Street, Ossining, NY 10562 in the matter of the submissions for the 2019-2021 Community Development Block Grant program through the Westchester Urban County Consortium.

Supervisor Levenberg stated that last year, we submitted four applications to Westchester County for Community Development Block Grant funding for the three year cycle covering fiscal years 2019, 2020, and 2021. We were so pleased to learn that we are going to be receiving \$75,000 to support the purchase of a new electric bus for the senior nutrition program. When we submitted our applications for 2020 and 2021 last year to help fund projects in our Senior Nutrition Program and at Louis Engel Park, the applications were more like “place holders,” because the County gives us an opportunity to update our applications each year. Now that we have refined our vision and budget for the upcoming fiscal years, we need to hold a public hearing in advance of the June 28th deadline on our 2020 and 2021 applications to get some feedback from the public on the projects we are proposing.

Motion Carried: Unanimously

D. Resolution – Local Waterfront Revitalization Plan Consultant

Councilmember Wilcher 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 proposal provided by Laberge Group, 4 Computer Drive West, Albany, NY 12205 for the completion of a grant application for the development of a Local Waterfront Revitalization Program (LWRP) and the Louis Engel Waterfront Park Master Plan; and

Be it further Resolved, the Town Board of the Town of Ossining authorizes the Supervisor to sign any agreements or documents associated with the preparation of a grant application to the New York State Department of State for funds to develop an LWRP, subject to the approval of Counsel to the Town as to form.

Supervisor Levenberg stated that a few weeks ago, the Town Board issued a Request for Qualifications for the completion of a grant application and work plan for the Town to develop a Local Waterfront Revitalization Plan. We received a couple of very qualified proposals, and have ultimately selected Laberge Group. We look forward to working with Laberge as we prepare a submission to the New York State Department of State’s LWRP grant program as part of the Consolidated Funding Application due in July.

Motion Carried: Unanimously

E. Appointment: Town Board

Councilmember Wilcher 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 appoints Gregory Meyer, Ossining, to the Town Board of the Town of Ossining for remainder of the four year term left vacant by elected Town Councilwoman Karen D’Attore, effective June 25th, 2019 at an annual pro-rated salary of \$11,507.

Supervisor Levenberg stated that she is so very excited to pass this resolution tonight. Back in late 2017, when Councilwoman Kim Jeffrey resigned from her spot on the Board, we posted for resumes to fill the first year of her new term. We interviewed many outstanding candidates and chose to appoint Councilwoman Jackie Shaw, who we all know was a wonderful choice! We did, however, have other truly outstanding candidates who we did not select at the time, however, one of whom, Greg Meyer, would have been quite the catch. His experience, poise and enthusiasm for Ossining was hard to pass up. Greg is an attorney—he volunteers and has held leadership positions with the Lions Club, currently serves on the Village Zoning Board, worked in State and County government for a good many

years, and still does. We were all thrilled when Greg threw his hat in the ring to run for Town Board in 2020 when Councilwoman D’Attore chose not to run for reelection. We believe this is a great opportunity for him to have a jump start on the position. He will remain on the November ballot. This appointment will allow him to serve from the end of June through the end of 2019 in Councilwoman D’Attore’s spot since she resigned the remainder of her term.

Motion Carried: Unanimously

F. Resolution – Approving Louis Engel Park Stage Application for LNAO

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

WHEREAS, the Town’s Louis Engel Waterfront Park has a stage that the Town rents out to the public for concerts and other events, and

WHEREAS, the Town has received an application from Brian Johnson of the organization LNAO (Losing Not An Option) (the “Applicant”) to hold a music festival consisting of several artists on July 27th, 2019, and

WHEREAS, the Applicant has held music festivals at the Louis Engel Park Stage in the past, and the Town has received multiple complaints alleging excessive volume and cursing in the music, and

WHEREAS, as the Stage is located in a park where families and children congregate and there are several residential developments nearby, the Town has an obligation to protect the health, safety and welfare of the public, and

WHEREAS, the Applicant has offered certain mitigation measures to alleviate any concerns and reduce any potential impacts to the public, specifically:

1. Reducing the hours from 1:00 – 10:00 pm to 3:00 – 9:00 pm
2. No tolerance policy for cursing by artists – which will be effectuated by the Applicant reaching out to each artist management team in advance and requesting the lyrics and music one week in advance of the Festival
3. Turning the speakers inward instead out outward toward the residential developments
4. Have a group of volunteers for security, to keep the space clean during the event and to clean up after the event

WHEREAS, in light of the efforts being proposed and agreed to by the Applicant, the Town Board is willing to grant the application with the understanding that the Town will monitor the event and assess if the mitigation measures were effective, and

NOW THEREFORE BE IT RESOLVED, the Town Board hereby approves the Applicant’s application to hold a Music Festival at the Louis Engel Park Stage between the hours of 3:00 pm and 9:00 pm on July 27th, 2019 subject to the Applicant adhering to the four conditions outlined above and the terms in the permit issued by the Ossining Parks and Recreation Department; and

BE IT FURTHER RESOLVED, the granting of this Application does not bind the Town to any future action or set any precedent with respect to the Applicant or concerts at the Louis Engel Park Stage generally and the Town Board will continue to assess each application on a case by case basis.

Supervisor Levenberg stated that Mr. Johnson has been hosting an event in our public parks under his organization Losing is Not An Option (LNAO) to inspire what he believes is an underserved population to have a day of positive messaging,

camaraderie, music, food and fun. The board has it before us to agree tonight to let him use Engel park again in July with some specific special measures Mr. Johnson has offered to take to help make the event more positive for the neighbors.

Motion Carried: Unanimously

G. Contract- Affordable Care Act Reporting, 2019-2021

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 authorizes the Supervisor to enter into a contract with Corporate Plans, Inc., doing business as CPI-HR, PO Box 293, Syracuse, NY 13214 and with corporate offices at 6830 Cochran Road, Solon, OH 44139, for consulting services in connection with employee benefits administration under the Affordable Care Act, effective April 15, 2019 through April 14, 2021, at a fee not to exceed \$8,075 per year, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg stated that we are happy to sign yet another contract with CPI-HR, as they have been invaluable to us since the implementation of the Affordable Care Act. Special thanks to principals Mike Grinnell and Kirsten Tudman for keeping us organized and in compliance with Federal regulations, as well as doing all of that paperwork on our behalf.

Motion Carried: Unanimously

H. Calling for a Public Hearing -Considering Resolution to Become Suburban Town

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

RESOLVED, the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, June 11, 2019 at the Birdsall-Fagan Police/Court Facility located at 86-88 Spring Street, Ossining, NY 10562 to consider a resolution, subject to permissive referendum, for the Town of Ossining to become a Suburban Town as defined in Article 3-a of New York Town Law and have the provisions of Article 3-a of New York Town Law be made applicable to the Town.

Motion Carried: Unanimously

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

IX. MONTHLY REPORTS

X. VISITOR RECOGNITION- *Visitors shall be accorded one (1) four (4) minute opportunity to speak.*

Marisa Caruso Ossining resident addressed the Board about convening a meeting for neighbors to discuss the topic of the zoning amendment (spot zoning) proposed for the River Knoll project (Stony Lodge property at 40 Croton Dam Rd). Ms. Caruso stated that she made previous attempts via email and telephone but her attempts have been ignored.

Roger Battachario Briarcliff Manor resident echoed Ms. Caruso's concerns and will join forces with Ms. Caruso to make sure there isn't any haphazard building.

XI. ADJOURNMENT –ADVICE OF COUNSEL-PERSONNEL

At 9:30 p.m., Councilmember Shaw moved and it was seconded by Councilmember Wilcher to adjourn executive session.

Motion Carried: Unanimously

Approved:

Town Clerk, Mary Ann Roberts

At 9:48 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Wilcher seconded.

Motion Carried: Unanimously

At 9:49 P.M., Councilmember Feldman motioned to adjourn Executive Session and Councilmember, Wilcher seconded.

Motion Carried: Unanimously