



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
JULY 9, 2019  
REGULAR MEETING  
7:30 P.M.**

**SUPERVISOR  
Dana A. Levenberg**

**COUNCILMEMBERS  
Elizabeth R. Feldman      Gregory G. Meyer  
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 July 9, 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 and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Madeline Zachacz and Confidential Secretary Victoria Cafarelli.

**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 7:31 p.m., the Public Hearing opened.

Supervisor Levenberg stated that we will be re-opening four public hearings, the first three of which pertain to the three referenda the Town Board is considering putting on the ballot for the November election, which will ask Ossining voters to contemplate changing the ELECTED offices of Superintendent of Highways, Receiver of Taxes and Town Clerk to appointive offices. As a reminder, we opened these public hearings in February and plan to leave them open until sometime in August so that we will have sufficient time to get the three referenda on the ballot. We continue to welcome your feedback on these ideas.

- **Local Law #4 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 7:32 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until July 23, 2019.

At 7:31 p.m., the Public Hearing opened.

- **Local Law #5 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 7:32 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until July 23, 2019.

At 7:31 p.m., the Public Hearing opened.

- **Local Law #6 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum\***

Town Counsel Christie Tomm-Addona explained that if the Board were to adopt the local laws they would have to do so more than 60 days before the November election so that we are in compliance with the general municipal law and municipal home rule law. The Board may also make a motion to adjourn the public hearing until their next legislative session.

No one from the public came to speak on these local laws.

At 7:32 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until July 23, 2019.

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

- **Local Law #7 of 2019- Amendments to Chapter 74 of the Town Code entitled “Dogs” to Regulate Registration for and Use of the Town’s Dog Parks.**

Supervisor Levenberg stated that we will also be re-opening the Public Hearing on the draft local law governing the Cedar Lane Dog Park, the Ryder Park Dog Run, and the licensing of Ossining dogs. We have worked with multiple Town and Village department heads, as well as the Recreation Advisory Board, to develop the ideas that have led to the draft local law. We have, and will continue to, solicit input from effected groups as well as the general public on the ideas we have gathered and on the law we have crafted, and we plan to keep this one open for a little while longer as well.

Sharon Brenna Cedar Lane stated that she has used the dog park for about 16 years and she is concerned about the out of town people, especially on weekends. She feels that there is a great advertisement for the Park but there is no control and non residents don’t know the rules and regulations of the park. How will this be enforced?

Supervisor Levenberg explained that we are considering adjusting the fees overall for licenses. Everyone in the Town/Village of Ossining will pay a fee but there will be a benefit of using the dog park. Residents will have a license tag and a color tag for the use of the dog park. This will help with the administration of the dog licensing and the dog park and it will be easier to enforce because of the color tag. This law will mostly be enforced by neighbors, friends and people who use the dog park.

Councilmember Feldman explained that the Police will patrol the area as well to enforce this law. The penalty is \$250.00. There will also be new signage at the dog park to reflect the new regulations.

Jeff Miller Belleview Ave. Former President of the dog park stated that when the Town became involved everything fell apart. Mr. Miller feels that the dog park is a fantastic asset to the community.

Supervisor Levenberg agrees that this park is an asset to our community and will rely on community enforcement for the new regulations.

At 7:49 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned until July 23, 2019.

### III. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Before we discuss some of the event highlights, I wanted to mention that I participated in a packed press conference yesterday with the County Executive, Town and Village officials and professionals, State and County Legislators and others focused on the State's approval of the county sales tax increase. It is not often so many get together for this topic, but there was bi-partisan support of the increase as we all know it will help us maintain fiscal stability for the County, help with their Moody's band rating in hopes of bringing down the cost of borrowing, help schools and municipalities without relying on Property Tax increases, and support local schools and services. Town of Ossining stands to see an estimated \$133k in Fiscal year 2019 and \$289k in 2020. We hope to use this money to offset infrastructure improvements that would otherwise have to wait, or we would have to borrow to achieve. Thank you to all who worked hard to bring this common sense legislation to fruition.

Tomorrow (Wednesday, July 10<sup>th</sup>), the Ossining Police Department will be hosting their first of FOUR block parties this summer, and this one will take place on James Street. Got other plans on Wednesday? No worries. Other dates are Wednesday, July 24<sup>th</sup> (Yale Avenue), Wednesday, August 7<sup>th</sup> (Croton Avenue), and Wednesday, August 21<sup>st</sup> (Dale Avenue). All block parties begin at 5PM and wrap up around 7PM. Be sure to bring the youngsters out and enjoy a fun night out courtesy of OPD! Mind, Body, Spirit – Ossining is also going to be represented at the Block Parties – MBSO favorite Sue Radparvar of Studio95 Zumba will be doing a demo at each block party that will be fun for parents and kids. Sue is hosting classes every other Saturday at Louis Engel Park for all ages, so be sure to check out her expertise at the Block Parties and then join in the fun at the park throughout the summer.

Then starting this Thursday, July 11<sup>th</sup>, the [Briarcliff Manor Chamber of Commerce](#) will be starting their summer concert series at Law Park, which will take place on four consecutive Thursdays. Come down for some live music and grab some dinner and drinks-- 105 Ten and [Mission Taqueria](#) will be on site to sell you some yummy snacks and icy drinks to round out the evening. This week, the band "High Five" will take the stage at 7PM.

You have another opportunity to get out Thursday night. The next installment of Ferry Sloop's 2019 Summer Music Series will feature singer-songwriter Greg Connors at Shattemuc Yacht Club at 7:30PM. Greg's vocals and guitar will be coupled with special guest Lisa Dodakian on violin. Visit [www.ferrysloops.org](http://www.ferrysloops.org) for more information.

Friday, July 12<sup>th</sup> will feature our second "Food Truck Friday" and 2019 Summer Concert Series installment—Ossining's own Soul Projekt with a special guest singer, will be performing on the Louis Engel Park stage beginning at 7PM, but no need to wait—the food trucks will start slinging at 5PM! This week, come down for Westchester Burger Company, Leila's Crepe Station, the EMB rice ball truck, Aji Limo, and Sing Sing Kill Brewery. It's going to be a great night along the Hudson River and we can't wait to see you there!

We also have some awesome Mind Body Spirit-Ossining programs coming up this week, starting with Recess Rocks! On Friday Jul 12<sup>th</sup> at 3:30PM at Nelson Park (that one is strictly for kiddos). Then on Saturday July 13<sup>th</sup>, you have 3 choices: join SharQui instructor Solarah Delphi for a belly dancing workout on the Louis Engel Park stage at 9AM, learn Tae Kwon Do with Master Kenyon Winfield of UMAC Briarcliff at the Ryder Park Pavilion at 1PM, and then head back down to Engel Park for Studio95 Zumba with Sue at 4PM! Register in advance to qualify for raffles and giveaways from participating businesses. Visit the Village of Ossining's Recreation page and look for MBSO events coming up!

Then on Saturday, July 13<sup>th</sup>, the Ossining Historic Cemeteries Conservancy will hold another gravestone cleaning, this week at Historic Sparta Cemetery, between 9AM and noon. Wear clothes you won't mind getting a little grubby, and no experience is required. The folks from OHCC will teach you everything you need to know to restore some of Ossining's history to its former glory.

On Monday the 15<sup>th</sup>, more live music! The Roni Ben-Hur Quartet will be at Henry Gourdine Park for a night of jazz down at the Waterfront. Head down at 6:30PM and enjoy some tunes on the Hudson. Not a bad way to start the week.

Planning any international travel this summer and in need of a passport? Westchester County has you covered. Timothy C. Itoni, the Westchester County Clerk, and his staff will be visiting Ossining on Tuesday, July 16<sup>th</sup>; head down to the Community Center between 11AM to 2PM to get your application ready and even take your passport photo! If you have any questions, you can contact the County Clerk's office at (914) 995-3082.

Also next Tuesday (the 16<sup>th</sup>), Westchester County will be holding a job fair at Eastview Middle School targeting school jobs, That's at 350 Main Street in White Plains between 10AM and 2PM. School jobs aren't just for teachers—they are looking for folks who are looking for clerical work, custodial jobs, and more. This event is open to the public, call (914) 995-2501 for more information.

A new run of ten minute plays is coming to Westchester Collaborative Theater starting on Friday, July 19<sup>th</sup>, called "Brand New Shorts." Make sure to get your tickets in advance by visiting [www.wctheater.org](http://www.wctheater.org). This program only runs through July 28<sup>th</sup>, so make sure not to miss it.

Finally, please be advised that work is ongoing at the Pocantico River Bridge in Briarcliff Manor. There continue to be delays and closures on Pleasantville Road due to this work—please try to re-route to the extent possible, or check with the Village of Briarcliff Manor for specifics on night work, land/road closures, and expected delays.

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

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

#### **VI. PUBLIC COMMENT ON AGENDA ITEMS**

#### **VII. BOARD RESOLUTIONS**

##### **A. Approval of Minutes-Regular Meeting- June 25, 2019**

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 approves the June 25, 2019 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

##### **B. Approval of Minutes-Special Meeting- July 2, 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 July 2, 2019 minutes of the Special Meeting as presented.

**Motion Carried: 4-0-1  
Ayes: Shaw, Meyer, Wilcher &  
Levenberg  
Abstain: Feldman**

**C. 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 July 9, 2019 in the amount of \$447,480.66.**

**Motion Carried: Unanimously**

**D. Order Calling Public Hearing-In the Matter of the Increase and Improvement of Facilities of Consolidated Sewer District In the Town of Ossining, Westchester County, New York**

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

**WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has under consideration an increase and improvement of the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000; and**

**WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Sewer District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY**

**ORDERED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:**

**Section 1. A public hearing will be held at 86-88 Spring Street, in Ossining, New York, in said Town, on July 23, 2019, at 7:30 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Ossining, Westchester County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.**

**Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper of the Town, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.**

**Supervisor Levenberg stated that if you've been following along at home, you know that we are working on many projects all at once! One that has been fast-tracked for this year is to replace the generators at our sewer pump stations—in case of a power outage, service is not interrupted and the sewage pits won't overflow. Unfortunately, many of our generators have seen better days (several were purchased with the original lift station) and the time has come to trade them in. We are planning to issue a bond for this purchase, and as our Sewer Fund is a special district, this borrowing is subject to a permissive referendum. We will open the Public Hearing in 2 weeks, right here, at our Courthouse.**

**Motion Carried: Unanimously**

**E. Resolution Approving Memorandum of Understanding to Extend Intermunicipal Agreement with the Village of Ossining to Supply Water to the Unincorporated Town**

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

WHEREAS, the Town of Ossining and the Village of Ossining entered into an agreement effective January 1, 2002 for the Village to supply the unincorporated area of the Town with water, the term of which agreement was 15 years (“2002 Agreement”); and

WHEREAS, upon the 2002 Agreement expiring, the Village and Town have entered into extensions of the agreement subject to the same terms as the 2002 Agreement, the most recent extension of which expired on June 30, 2019; and

WHEREAS, the Town desires to further extend the 2002 Agreement until August 31, 2019 while the parties negotiate a new agreement; and

NOW THEREFORE BE IT RESOLVED, the Town Board hereby approves a Memorandum of Understanding to extend the 2002 Agreement between the Village and the Town for water supply pursuant to the same terms in the 2002 Agreement until August 31, 2019 and authorizes the Supervisor to execute a Memorandum of Understanding on behalf of the Town, subject to approval by Counsel to the Town as to form.

Motion Carried: Unanimously

**F. Resolution – Approving Louis Engel Park Stage Application for LNAO (Revised Date)**

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

WHEREAS, at the Town Board’s May 28<sup>th</sup>, 2019 meeting the Town Board adopted a resolution approving the application by the organization LNAO (Losing Not an Option) to hold a music festival consisting of several artists on July 27, 2019, which resolution is attached hereto and incorporated herein; and

WHEREAS, the Applicant subsequently amended the application to change the date of the festival to July 20, 2019; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby amends the May 28<sup>th</sup>, 2019 resolution solely to the extent of changing the date of the festival from July 27, 2019 to July 20, 2019 and hereby reaffirms the remainder of the resolution as stated therein.

Motion Carried: Unanimously

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

**IX. MONTHLY REPORTS**

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 hereby accepts the following monthly reports for the month of June 2019:

- Town Clerk's Office
- Town Supervisor's Office
- Town Tax Receiver's Office
- Town Building Department
- GE Helicopter Report

**Motion Carried: Unanimously**

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

**Mr. Warren Spring Valley Road** spoke about Local Laws 4, 5 & 6-2019 and would like to get more information regarding these laws.

Supervisor Levenberg advised Mr. Warren to visit [www.projectforwardtoo.com](http://www.projectforwardtoo.com)

**Sharon Brenna Cedar Lane** spoke about the construction at the Sunshine Hospital. Ms. Brenna would like to know where the town stands on the water issue and the blasting at the construction site.

Supervisor Levenberg explained that the Town of New Castle is in control of this project. Supervisor Levenberg stated that the blasting company will be issuing alters and will share as much information as possible through our email blast/Supervisor updates.

Councilmember Feldman explained that they are testing mechanisms in some of the water wells. The town has advocated as far as we can since this is a New Castle project.

Supervisor Levenberg stated that the Department of Health regulates the wells, water quality and septic. Our Engineer and Water Superintendent have told us that this project will not have an effect on our water. All of the water studies can be found on-line.

**XI.ADJOURNMENT –WORK SESSION**

**At 8:25 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman to adjourn tow Work Session.**

**Motion Carried: Unanimously**

**Work Session Agenda:**

- I. Tree Bank Fund- Introduction**
- II. Solar PILOT- Revisited**

**XII. ADJOURNMENT –EXECUTIVE SESSION-PERSONNEL & ADVICE OF COUNSEL**

**At 8:54 P.M., Councilmember Feldman motioned to adjourn into Executive Session and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

**At 9:45 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

**Approved:**

Town Clerk, Mary Ann Roberts

**RESOLUTION ADOPTED ON MAY 28, 2019**

**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 27<sup>th</sup>, 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 27<sup>th</sup>, 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.

**Motion Carried: Unanimously**