



**MINUTES**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**BIRDSALL-FAGAN POLICE/COURT FACILITY**  
**86-88 SPRING STREET – OSSINING, NEW YORK**  
**SEPTEMBER 10, 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 September 10, 2019 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 Jackie G. Shaw, Elizabeth R. Feldman, Gregory G. Meyer, and Northern Wilcher, Jr. Also present were Town Counsel Christie Tomm-Addona and Budget Officer Madeline Zachacz. Confidential Secretary Victoria Cafarelli were absent.

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

*Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.*

At 7:31 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 the Town is continuing to seek feedback from the Villages of Ossining and Briarcliff Manor in regard to Local Law #7.

No one from the public came to speak on this local law.

At 7:32 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to September 24, 2019.

At 7:32 p.m., the Public Hearing opened.

- **Local Law # 8 of 2019 -- Amendments to Chapter 180 of the Town Code entitled “Taxation” to Implement the Solar Energy System PILOT Law of the Town of Ossining, New York.**

Town Counsel Christie Tomm-Addona discussed the new version of Local Law #8. Solar energy systems with the capacity of less than 1 megawatt are exempt from the requirement of a PILOT. Solar energy systems that are initially below 1 megawatt but then due to subsequent improvements or additional solar energy equipment end up being over 1 megawatt will be required to have a PILOT. There have also been changes to the definitions of the terms “solar energy systems” and “solar energy equipment.” There were also changes to the fees for roof mounted or canopy solar systems.

Councilmember Feldman asked if the PILOT was mandatory. Town Counsel Christie Tomm-Addona explained that in certain circumstances exceptions would be allowed. Residential solar energy systems, for example, would be granted an exemption from PILOT.

Councilmember Wilcher asked if Local Law #8 pertains to only private properties. Supervisor Levenberg explained that the law does affect private properties but that there are currently applications being submitted by private developers to develop community solar systems.

Supervisor Levenberg asked if both owners and lessees will be signed on to the PILOT. Town Counsel Christie Tomm-Addona explained that they would need to contact NYSERDA for guidance on that topic.

Julia Magliozzo from Ecogy Energy thanked the board for taking into consideration their comments. She explained that a property may have two different solar system types and as a result each solar system individually should be subjected to a PILOT. Mrs. Magliozzo also asked for the definition of “canopy systems” to be changed to include both impervious surfaces and lots used primarily for parking spaces. She also explained to the board that adding an owner of a property to a PILOT may affect his/her tax-exempt status.

At 7:49 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to September 24, 2019.

### **III. ANNOUNCEMENTS**

Supervisor Levenberg announced the following:

I hope you will join us tomorrow, Wednesday, September 11th at 7PM for our community's annual 9/11 remembrance ceremony at Louis Engel Park. It is difficult to annually reflect upon the horrific events of September 11th, 2001 but also so humbling to remember the heroic actions of the many first responders from our community who served on September 11th and in the days weeks and months that followed, and continue to put themselves out there every day to make sure we are safe and protected. September 11th is considered by many to be a day of service. This year the county has again partnered with Volunteer New York to make a variety of volunteer activities available for those who would like to help—visit [volunteernewyork.org/service](http://volunteernewyork.org/service) to get information on how you can give back to kids, seniors and even animals in need in our area in tribute to those that lost their lives helping others on that fateful day 18 years ago. There are still spots remaining for several projects in White Plains and in Orangeburg.

Get your tickets now for “The Wait Room,” a performance that explores the hardships suffered by women with loved ones behind bars, performed throughout California in recent months, and brought to Ossining’s own Louis Engel Park by the Sing Sing Prison Museum. Performances start Friday, September 20th and continue through the weekend. Tickets are available on Eventbrite—find the link by visiting [flyawayproductions.com](http://flyawayproductions.com).

There are other events scheduled next week in conjunction with the “The Wait Room” performances. On Tuesday, September 17th, meet the choreographer and the dance team at Bethany Arts Community on Somerstown Road as part of Flyaway Production's weeklong residency there-- doors open at 6:30PM. You can also check out an open rehearsal on Wednesday, September 18th at Engel Park at 5:30PM. The Ossining Documentary and Discussion Series will be screening "Tre Maison Dasan," a documentary telling the stories of three boys, each of whom has an incarcerated parent, on Thursday, September 19th at the Ossining Public Library. Doors open at 6:30PM for the film, and it will be followed by a panel discussion. Finally, check out a Masterclass at Bethany with the dance team on

**Saturday the 21st between 10AM and 11:30AM-- no prior dance experience is required.**

**September is the annual Hudson River Valley Ramble. There are great events scheduled throughout the region, and I encourage you to check out the many ways you can get outdoors with your family and enjoy all of the recreational and cultural resources right in our backyard at [www.hudsonrivervalleyramble.com](http://www.hudsonrivervalleyramble.com). Here in Ossining, you can participate in the Ramble by participating in the last few Mind, Body, Spirit – Ossining classes scheduled during the rest of September. Saturday, September 14th and 28th, Sue Radparvar of Studio95 Zumba will be at Louis Engel Park from 4PM to 5PM with Zumba for all ages. You can also join the Delphi Dance Ensemble for the day on Sunday, September 15th, also at Louis Engel Park, from 10AM to 12PM.**

**This Saturday, September 14th is the Ossining MATTERS 5K Run and 2 Mile Walk, kicking off at 9AM at the corner of Main and Spring Streets. Register now at [www.ossiningmatters.org](http://www.ossiningmatters.org) – it is a great way to support Ossining’s students, teachers, and schools. I plan to run, as I have for the past many years. I hope you will consider joining me!**

**After you finish your Oss Matters 5k run or walk, I encourage you to meet Modou Cham from 511 New York Rideshare and pledge to go Car Free or Car Lite on September 20th for Car Free Day! Modou will be at the Community Table at the Ossining Farmers Market taking pledges and sharing more information about this important initiative in addition to all the great work his organization does on a regular basis. We are also hoping Green Ossining’s own Kate Marshall and her husband Victor will be leading a bike ride starting at the Farmers Market for those of you who might be considering your two wheeler for car free day. I don’t know about you, but if I ride my bicycle on Car Free day, I need a little refresher in advance to give me the confidence I need. Bring your Bicycle and your helmet and hopefully we will be ready to roll at about 11. Check out our website and FB page for more info.**

**Also on Saturday, join the Ossining Historic Cemeteries Conservancy for a Gravestone Cleaning at Historic Sparta Cemetery starting at 9AM. For more information, e-mail [OHCC@gmail.com](mailto:OHCC@gmail.com) or check out their Facebook page. Community service credit is also available!**

**Do you know any girls in Kindergarten through 12th grade interested in joining Girl Scouts? Learn more about the Ossining Girl Scouts at their Jamboree on Sunday, September 15th from 1PM to 4PM in the Mike Risko Music Parking Lot. There will be lots of crafts, activities, and fun – come see what Girl Scouting is all about!**

**And you can't miss this two-part presentation by Town of Ossining Historian Scott Craven (Ossining's former Police Captain? Yes, the very same!). Part one is next Wednesday, September 18th at 7PM and Part two is Wednesday, September 25th at 7PM. Scott is a magical storyteller, and it's always extra cool to hear about the very important things that happened right in our backyard, as well as the people who were responsible for the development of this beautiful spot.**

**Finally, Halloween is right around the corner! Get your tickets now for the Forest O’ Fears: The Haunting at Cedar Lane. This year we have 4 nights of ghoulish fun planned for you: Two Saturdays and two Sundays, October 18th and 19th and 25th and 26th. Visit [www.forestofears.org](http://www.forestofears.org) to grab your tickets before someone grabs you! Also, this year, all proceeds will go to the SPCA of Westchester, so you can plan an evening of family fun while also supporting a great local non-profit.**

**Please be reminded that next Tuesday, September 17th, we will be holding a Town Hall Meeting at the Ossining Public Library’s Budarz Theater, hosted by the League of Women Voters of the Rivertowns. We will start a little earlier than usual at 7PM. I hope you will join us for an exciting “pro’ “con” and “neutral” panel**

discussion about the 3 ballot initiatives that will be before you to vote on this November to permit converting elected positions of Highway Superintendent, Tax Receiver and Town Clerk into appointed ones effective January 1st. For more information, visit our Town Website and look up at the top for Project Forward.

Councilmember Feldman announced the following:

The Ossining Historical Society Museum will be holding its annual Dinner and Silent auction on October 24<sup>th</sup>. Tickets bought by October 14<sup>th</sup> are \$85.

On October 20<sup>th</sup> the Ossining Historic Cemeteries Conservancy, the Jug Tavern of Sparta, and Ossining Parks and Recreation Department will be presenting “Stories in Stone: Sparta Cemetery.” For tickets and more information go to [www.ossininghistoriccemeteries.org](http://www.ossininghistoriccemeteries.org) or [www.joketavern.org](http://www.joketavern.org).

#### IV. LIAISON REPORTS

Councilmember Shaw gave the following report:

The Recreation Advisory Board met last night. Superintendent Bill Garrison got us up to speed on the improvements that have been going on in the parks over the summer and at the pool. The roof of the pool is finally working again and can once again retract. There is now an 8 foot fence at Nelson Park’s baseball field.

#### V. DEPARTMENTAL REPORTS

Police Chief Kevin Sylvester gave the Board an update on what has been happening at the Ossining Police Department. During the summer the OPD worked with Mrs. Elsa to give out around a thousand ice creams. The OPD also hosted a car seat inspection event and played three movies at the park this summer. There were also Cop and Kids kickball and soccer games over the summer as well as Coffee with Cop events. The two block parties the OPD hosted over the summer were a huge success. This past Friday the OPD traveled to Albany where the New York State Accreditation Council approved our summer's inspection. Four new police officers were hired – two are from the Academy and two transferred from other agencies. The biggest news of the summer is the new traffic pattern at the Ossining High School. Last week we beat the fire department at a softball game. The OPD and fire department raised about \$1,000 at the softball game to help staff members from the Landmark Diner that are unemployed as a result of the fire. Last week the OPD dealt with a large-scale television and internet outage. September is Hunger Action Month. During the month of September, the OPD will be working with the Ossining Union Free School District and Feeding Westchester to distribute food. There will be some traffic this Saturday during the Ossining MATERS Race. On September 22 there will another car seat inspection and touch-a-truck event. The OPD is still investigating the noose incident at Engel Park and asks the public to please come forth with any information they may have. The OPD has meet with clergy members and NAACP to discuss the noose incident.

Supervisor Levenberg congratulated Police Chief Sylvester for having been honored by the International Association of Chiefs of Police with their “40 Under 40” Award and presented him with a Town proclamation recognizing him for all he has done to deserve the award.

Town Clerk Mary Ann Roberts gave the board the following update on the Clerk’s Office:

Good Evening Board and Supervisor there have been many changes in the Town Clerk's office most recently with Ann Marie Rocco leaving as Deputy Clerk and taking a position in Ardsley as Village Clerk and Christina LoBue leaving the Clerk position and taking a position with the Village of Ossining IT Department. Martha Qutuisaca has now joined the Town Clerk's Office as Deputy Town Clerk and Daniela Velez as part time clerk.. It is a learning curve for all of us.

The Town Clerk's office has been working on a change in the dog licensing with the Supervisor, Budget Office and the Village Mayor, Village Manager and Treasurer as well.

The election season this year will be a bit different as we will have early voting which will begin Saturday, October 26 and continue for 10 days which will include Saturdays and Sundays. The weekend times are from 11:30 a.m. to 5:30 p.m. and the daily times are from 7:30 a.m. to 4:30 p.m. The voting will take place in the GOTV Room which is on the lower level of the Joseph G. Caputo Community Center.

The Town has also hired two part time seasonal personnel to work on an Archival grant. They are working on the Town Clerk records, Assessor' records, tax receiver's records and finance records. Thus far they are doing a wonderful job.

At this time I would like to make a public service announcement. The Ossining Historical Society Museum will host their 88<sup>th</sup> anniversary dinner and silent auction on Thursday, October 24<sup>th</sup> at 6 p.m. at The Briarcliff Manor, 25 Studio Hill Road. The price is \$85 with reservation required. There will be no walk ins or checks taken at the door. Reservations and payment must be made by October 14<sup>th</sup>.

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

## **VII. BOARD RESOLUTIONS**

### **A. Approval of Minutes—Regular Meeting – August 27, 2019**

**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 approves the August 27, 2019 minutes of the Special Meeting as presented.**

**Motion Carried: Unanimously  
Abstain: Wilcher**

### **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 September 10, 2019 in the amount of \$71,307.96.**

**Motion Carried: Unanimously**

**C. Establishing Tree Bank Fund and Setting Fee for Payment into Fund**

**Supervisor Levenberg said the following in regard to the resolution: This was a part of a local law that the Board adopted some time ago—when the land use board agrees that a developer must remove trees from the property under review, this will set the rate at which they need to reimburse the Town for what they remove. We have heard from our building department that it is already working to make developers more carefully consider the mature trees on the property they seek to develop and how they can maximize protection of those trees. Special thanks to the Town’s Environmental Advisory Committee for their guidance on this decision.**

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

**WHEREAS, in 2017 the Town Board adopted various amendments to the Town Code, including amendments to Chapter 183 of the Code regarding Tree Protection, which provided in Section 183-12(G) as follows:**

**“In connection with all subdivision and site plan applications, the project shall meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement. Tree replacement shall be required on site unless the approving authority determines that, because of site constraints, it is impracticable or impossible to fully meet this mitigation requirement on site. In such case, upon the establishment of a tree bank and/or a tree bank fund by resolution of the Town Board, the approving authority may consider the off-site mitigation of planting in the tree bank or the payment of a fee to the tree bank fund to satisfy the unmet portion of the tree replacement requirement. Implementation of any off-site planting plan shall require prior approval by the Town Board.” and**

**WHEREAS, in connection with and prior to adopting these Code amendments, the Town Board conducted a SEQRA review and adopted a Negative Declaration finding that the proposed action would not have any significant adverse environmental impacts, and**

**WHEREAS, in furtherance of Town Code § 183-12(G), the Town Board desires to establish a tree bank fund for the payment of fees as mitigation for removal of trees where tree replacement requirements cannot be met on site, and**

**WHEREAS, in considering the fees to be established for the tree bank fund, the Town Board solicited comments and feedback from its consultants, land use boards and the public, and**

**WHEREAS, the Town’s Consulting Planner provided the Town Board with a memorandum dated May 10, 2019 in which he analyzed the average cost of replacement trees based upon the costs in the area for trees of different sizes that would be appropriate for planting in the Town and determined that the average cost of replacement would be approximately \$165 per caliper-inch of replacement tree, and**

**NOW THEREFORE, BE IT RESOLVED, the Town Board finds that this is a Type II action pursuant to SEQRA and therefore no further environmental**

review is required; but notwithstanding such, as the intent of the tree bank fund and the designated Tree Bank Fund fee is to provide a mechanism for the Town to replace trees in other locations where on-site replacement requirements cannot be met as part of a development, this action is more protective of the environment and does not have the potential for any significant adverse environmental impacts, and

**BE IT FURTHER RESOLVED**, the Town Board hereby establishes a Tree Bank Fund for the payment of fees as mitigation for removal of trees where tree replacement requirements cannot be met on site, and

**BE IT FURTHER RESOLVED**, the Town Board hereby sets the fee for the Tree Bank Fund when required pursuant to Town Code § 183-12(G) at \$165 per caliper-inch of replacement tree, subject to amendment from time to time by resolution of the Town Board.

Motion Carried: Unanimously

**D. Personnel: Clerk's Office- Appointment**

Supervisor Levenberg said the following in regard to the resolution: We have had quite a bit of turnover in the Clerk's Office this year, as you have heard. When our Deputy Clerk Ann Marie Rocco accepted a new position in Ardsley and part time Intermediate Clerk Christina Lobue was hired full time by the Village of Ossining, we were left with some big shoes to fill. Luckily, Daniela comes to us with a lot of experience and we look forward to having her join the team. Daniela not only speaks English and Spanish, but also Italian! We are excited to bring that extra functionality to the Office of the Town Clerk.

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 Daniela Velez, Ossining, to the probationary position of Part-Time Intermediate Clerk in the Clerk's Office, at an hourly rate of \$15.00, effective September 6th, 2019.

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**

Supervisor Levenberg said the following in regard to the resolution: The Village is in the process of applying for additional grant money for the Water Treatment Plant. Even though we continue to operate under our old IMA, we wanted to make sure we codified it to help with the grant application. We had extended this agreement, under the same terms as before, earlier this summer. This is another rollover to buy us some more time to think about new language for moving forward after 2020.

Councilmember Wilcher moved and it was seconded by Councilmember Feldman 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 August 31, 2019; and**

**WHEREAS, the Town desires to further extend the 2002 Agreement until June 30, 2020 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, including additional language in support of a grant submission for improvements to the district, until June 30, 2020 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**

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

**IX. MONTHLY REPORTS**

**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 following monthly reports for the month of August 2019:**

- **Town Tax Receiver**
- **Town Highway Department**
- **Town Supervisor**
- **Dale Cemetery**
- **Town Clerk**

**Motion Carried: Unanimously**

**X. VISITOR RECOGNITION**

*Visitors shall be accorded one (1) four (4) minute opportunity to speak*

**Stanley Dorsainville from State Senator David Carlucci’s office asked the community to not let rumors about public charges create fear. If anyone is applying for a green card or visa and have questions on public charges they should contact Congresswoman Nita Lowey’s Office or the County Department of Social Services.**

**XI. ADJOURNMENT**

**At 8:42 P.M., Councilmember Wilcher motioned to adjourn into Executive Session and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

**At 9:12 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

**At 9:13 P.M., Councilmember Shaw motioned to adjourn Executive Session and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

**Approved:**

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**Town Clerk, Mary Ann Roberts**