

MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY

September 13, 2022
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Angelo A. Manicchio Jennifer Fields-Tawil

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 13, 2022 via video conference, pursuant to Chapter 417 of the Laws of 2021 signed into law on September 2, 2021 by Governor Hochul and Executive Order 11.9. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Greg Meyer, Jennifer Fields-Tawil, and Angelo A. Manicchio. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

II. PUBLIC HEARING

- **Local law regulating bicycles, bicycles with electric assist and electric**

At 7:31 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Tonight, we have two public hearings on our agenda. The first is the continuation of a public hearing on a local law we introduced a few weeks ago. We are still hoping to connect with some of the Village of Ossining's consultants on this law, but the work of these consultants is hopefully on pause as we await news on the NYSEDA \$7million mobility prize challenge. Fingers crossed we'll get good news on that soon, and we can revisit the conversation about this local law. If we do not have any public comment, I would like to ask for a motion to adjourn this public hearing. We will renote this when we are ready to bring it back.

At 7:33 PM, Councilmember Meyer moved and it was seconded by Councilmember Manicchio to adjourn the public hearing.

- **Local law to amend the Zoning Code to establish a special permit use for artist communities**

At 7:33 PM, the Public Hearing opened.

Supervisor Levenberg said the following: We are opening the public hearing tonight on a proposed local law to establish a special permit use for artist communities. We discussed this legislation at a work session in August. After we open this for public comment, we will be adjourning this local law to (ask Christie) while we await feedback from the County Planning Board.

Town Counsel Tomm-Addona discussed the timeline of the local law.

At 7:35 PM, Councilmember Meyer moved and it was seconded by Councilmember Manicchio to adjourn the public hearing to October 11, 2022.

III. SPECIAL PRESENTATION

- Request for Resolution supporting the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022, Suzie Ross, Green Ossining Chairperson

Suzie Ross discussed why the Town Board and Ossining residents should support the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 and vote in favor of it in the upcoming November 2022 Election.

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg announced the following:

This Friday, September 16 from 3:30pm-5pm at the Community Center, join the Bethany Arts Community and Ossining Youth Bureau for “Generated Images of Ossining” Workshop with Instructor Katarina Hoeger. Learn how to create images through code! Bring a laptop and an image of Ossining that speaks to you. This interesting program is for ages 12 and up, reserve your spot now at www.villageofossining.org!

This Saturday, September 17, also at the Community Center, don’t miss the latest opportunity to take advantage of the Green Ossining Repair Café from 11am to 3pm. Bring your broken, but beloved items, and have them fixed – FOR FREE! This month, Green Ossining will also be collecting computers in any condition which will be repaired and donated to assist others in need through a partnership with Ossining’s Reboot PC.org. Visit www.greenossining.org for more information.

The Talk Culture Book Club resumes for the fall this Saturday, September 17 at 3pm at the Ossining Public Library, hosted by the one and only Barbara Robinson. This month’s book is “That’s My Story and I’m Sticking to It” by Spike Lee – can you speed read it by Saturday? If not, grab your copy of “These Ghosts are Family” by Maisy Card and get prepared for October’s session.

The Westchester County Board of Legislators is holding public input sessions regarding redistricting the County legislature’s district boundaries to reflect our County’s increased population measured in the 2020 census. A public input session is being held tonight, Tuesday, September 13 until 9pm at Peekskill Middle School, 212 Ringgold Street in Peekskill. Another session will be held tomorrow, Wednesday, September 14 from 6pm to 9pm at the Board of Legislators Chamber in White Plains. You can also join this meeting via Webex. Visit www.westchesterlegislators.com/redistricting2022 for more information and to view details for two other public input sessions being held in Southern Westchester next week.

Councilmember Feldman announced that the OBCC Family Fun & Fishing Day will be on October 1, 2022.

V. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg said the following:

We are progressing in our application for a New York Forward grant. For those who are unaware, the New York Forward program is very similar to the Downtown Revitalization Initiative that the Village of Ossining won in the last round, but is scaled down to meet the needs of communities without large downtowns. After discussing with our grant writer and Town Planner, we have decided to put our hat in the ring for the Executive Boulevard/Stormytown Road

area. We will be seeking public input on our application during an upcoming Town Hall meeting on Tuesday, September 20 at 7:30 PM. I hope you will join us to learn more and share your input revitalizing that area of Ossining can help support economic development in the entire community.

Have you taken the Car Free Day pledge yet? We are hard at work with Green Ossining, the Village, 511NY Rideshare, the Ossining Schools and the local business community planning a fun suite of forward-looking, sustainable activities for the days surrounding Car Free Day. Car Free Week will begin this Saturday, September 17 and run through the official Car Free Day, September 22. There will be lots of Car Free Week fun happening at the Ossining Farmer's Market this Saturday, you're not going to want to miss it! Take the pledge now to reduce or eliminate your car usage for at least one day during Car Free Week by visiting www.511nyrideshare.org/car-free-day, and be sure to follow @townofossining on Facebook and/or Instagram to enjoy all the car-free/car-lite fun! Last year, Ossining won the prize for most signups of any municipality in New York, and we were also acknowledged for innovative programming. We're looking to repeat that feat this year, with everyone's help!

If you are the owner of a local brick & mortar business that would like to support Car Free Week, please fill out the Google form linked in my Supervisor's Update this week to let us know what you might like to offer patrons as a reward for participating (for example, \$1 off any purchase of \$10 or more; a stamp on a frequent customer card, etc.), and we will add your establishment to our promotional efforts.

A tax reminder - school tax bills have been sent out, and payment for the first half is due by September 30. If you pay directly instead of through an escrow account and have not received your bill yet, please call the Tax Receiver's office at (914) 762-8790. You can also view and pay your bill online at the Tax Receiver's page of our website: <https://www.townofossining.com/cms/receiver-of-taxes>.

Finally, we did have a short outage on our Town website yesterday. We apologize for any inconvenience but we are happy to report we are now back up and running!

VI. LIAISON REPORTS

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – August 23, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the August 23, 2022 minutes of the Regular Meeting as presented.

Motion: Carried Unanimously

B. Approval of Minutes—Special Meeting – September 6, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the September 6, 2022 minutes of the Special Meeting as presented.

Motion: Carried Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 13, 2022 in the amount of \$605,398.36

Motion: Carried Unanimously

D. A RESOLUTION AUTHORIZING THIRD PARTY PLAN REVIEW AND INSPECTION FOR RESIDENTIAL AND COMMERCIAL BUILDINGS FOR THE TOWN OF OSSINING

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

WHEREAS, New York State has adopted the 2018 International Building Code family of codes with amendments, named 2020 Codes of NYS, as the guiding principle pertaining to residential and commercial construction and development within the state; and

WHEREAS, the Town of Ossining realizes that to promote public safety and preserve the quality and value of property within the community, coordinated development review processes are essential to ensuring that the adopted, nationally-recognized building codes and best practices are incorporated into buildings and structures; and

WHEREAS, third party plan review and inspection services will only be for the Energy Conservation Construction Code of New York State (ECCCNYS) or NYStretch compliance review; review by other departments in the Town of Ossining will still be required; and

WHEREAS, the Town Board deems it in the best interest of the citizens of the Town of Ossining to authorize the Building Inspector to allow third party plan review for residential and commercial buildings in the Town; and

WHEREAS, time of performance and terms of service are negotiated solely between the permit applicant and third-party plan review and inspection services provider; and

WHEREAS, it shall be the permit applicant's responsibility to ensure the third-party plan review and inspection services provider receives all the necessary construction documents and list of municipal requirements; approved stamped documents shall be submitted to the Building Department prior to the issuance of a building permit; and

NOW, THEREFORE

BE IT RESOLVED, that the Town Board hereby makes the following findings and determination:

1. The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the Town Board and made a part of hereof for all purposes.

2. The Town Board hereby authorizes the Building Inspector to allow third party plan review and inspection for compliance with the ECCCNYS and NYStretch.

3. This Resolution shall be and become effective from and after the date of its adoption.

Supervisor Levenberg said the following: The Town of Ossining is participating in a pilot program with NYSERDA to offer third party plan review for building permit applications in an effort to increase and ease compliance with the NY Stretch Energy Code. This pilot program is associated with some grant funds, which we are grateful for and can't wait to apply to an exciting green project in the future!

Motion: Carried Unanimously

E. Resolution in SUPPORT OF Assembly Bill A-9079/Senate Bill S8378 Amending Environmental Conservation Law by Adding New Section 24-0513, Local Freshwater Wetlands Pesticide Prohibition

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

WHEREAS, New York State Assembly Bill A-9079 sponsored by Assemblymember Chris Burdick and by State Senator Peter Harckham in the State Senate seeks to amend the Environmental Conservation Law to restore certain home rule rights to local governments; and

WHEREAS, the legislation states as follows:

A local government that has implemented a freshwater wetlands protection law or ordinance in accordance with section 24-0501 of this title may adopt a local law or ordinance to prohibit the application of pesticides to wetlands it regulates; provided, however, that any such law or ordinance shall not prohibit pesticide applications for the control of invasive species identified pursuant to title 17 of article 9 of this chapter, pests of significant public health importance, noxious weeds designated by the department as injurious to ecosystem health, or for the protection of critical native plant species. Any local law or ordinance adopted pursuant to this section shall take effect on the first day of January after it shall have been adopted, and

WHEREAS, wetlands protection is critical to the Town of Ossining to protect drinking water and to provide flood plains protection.

Now THEREFORE, BE IT RESOLVED BY the Town of Ossining

- 1. That the Town Board does hereby support Bill Number A9079/S8378**
- 2. The Town Board urges Governor Kathy Hochul to sign this critical legislation.**
- 3. That a copy of this resolution be sent to the Office of the Governor, Senator Harckham, Assemblymember Burdick, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, County Executive George Latimer, Sustainable Westchester and the Westchester Municipal Officials Association.**

Supervisor Levenberg said the following: Thank you to Assemblymember Chris Burdick for joining our meeting last week to give us some background on this legislation. We are happy to offer our support as a Board and urge the Governor to sign this legislation so local governments can implement increased wetlands protections at their individual discretion.

**Motion: Carried Unanimously
Abstain: Meyer**

F. Call for Public Hearing – Local law regarding Restoration of Town Roads

Councilmember Feldman moved and it was seconded by Councilmember Meyer that the following resolution be approved as amended.

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held in the matter of a Local law regarding Restoration of Town Roads on Tuesday, September 27, 2022 at 7:30 p.m. at the Municipal Building 1st Floor Conference Room, 16 Croton Ave, Ossining, NY 10562.

Supervisor Levenberg said the following: At our last work session, we heard from our Town Highway Superintendent about how having legislation on the books regarding road restoration would be helpful when outside utilities, like Con Ed, come and do work on our Town roads. We are modeling our legislation off of the Village of Briarcliff, and we look forward to hearing from the public at our next legislative session on the topic.

Motion: Carried Unanimously

G. Resolution supporting the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022

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

Whereas, providing clean drinking water and protecting our local rivers, bays, lakes, streams and waterfronts from pollution is paramount to quality of life in New York State and the Town of Ossining; and

Whereas, modernizing water infrastructure will safeguard clean water, reduce flooding, reduce lead exposure and other public health threats, and create jobs; and

Whereas, the Town of Ossining is vulnerable to extreme weather including deadly heat from rising temperatures and flooding from severe storms that put people, properties and public assets across the Town at risk; and

Whereas, upgrading transportation and stormwater infrastructure, restoring natural resources, growing urban forests, building green roofs and upgrading cooling centers will reduce the impact of extreme weather, saving lives and money; and

Whereas, the COVID-19 pandemic demonstrated the importance of outdoor recreation and access to fresh, local food, as people flocked to local parks and sought out healthy foods for their families; and

Whereas, upgrades to facilities at state and local parks and preserves and the creation of new outdoor recreational areas will benefit our region by protecting wildlife habitat, providing more people access to nature, and creating jobs in the outdoor recreation economy; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would authorize the four billion and two hundred million dollars of bonds to finance critical environmental restoration, clean water, and infrastructure projects across New York State; and

Whereas, the funds would be targeted towards protecting clean water, reducing flood risk, restoring natural resources, protecting open space and farmland, and reducing the pollution that causes climate change; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 was passed by the New York State Legislature as part of the 2022-23 New York State Budget and will appear on the November 8, 2022, New York State General Election Ballot for voter approval; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 includes strong labor provisions and will support more than 84,000 family-sustaining jobs for New Yorkers; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would enable New York State and the Town of Ossining to address pollution and public health threats in disadvantaged communities by directing at least 35% with a goal of 40% of the measure's funding to address hazardous conditions in such communities; now, therefore, be it

Resolved, that the Town Board of the Town of Ossining supports passage of the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022.

Supervisor Levenberg said the following: Thank you, Suzie, for reminding us why this is so important. Remember to flip your ballot this November!

Motion: Carried Unanimously

H. Proposal Renewal – Millennium Strategies LLC

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the proposal of Millennium Strategies LLC, Nanuet, NY 10954 for 12 months of grant writing services through August 2023, at a monthly fee of \$3,000.

Supervisor Levenberg said the following: Millennium Strategies has been working for the Town for a year now on our grant applications. We are happy with their work thus far, which has secured us upwards of \$100,000 in grant funds just in one year. Hopefully we can double, or triple, or maybe even quadruple that amount in the next year with their help!

Motion: Carried Unanimously

I. Tax Payment Plan – 1-02 Briarcliff Drive South

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the property at 1-02 Briarcliff Drive South, Tax Parcel Designation ID# 80.19-1-16./102; and

Whereas, the Town Board, pursuant to Article 5 of the Ossining Town Code, as authorized by section 1184 of the New York Real Property Tax Law, before entry of a final judgment, may withdraw a parcel for which payment of real property taxes is delinquent, from a foreclosure proceeding and enter into an installment plan for payment of all delinquent taxes, as well as

interest and penalties, and does occasionally grant such a plan and has the discretion to accept or reject any proposal by a residential property owner, providing the owner meets the eligibility requirements set forth in section 180-17 of the Town Code and the payment plan conforms to the requirements for such a repayment plan set forth in section 180-18 of the Town Code;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan, which terms comply with the Town Code, to this property owner, who has been determined to be eligible, with the understanding that this sets no precedent going forward for this or any other property in the future.

Supervisor Levenberg said the following: We are so grateful to our Tax Receiver, Holly Perlowitz, for coming to the Board to seek solutions like tax payment plans to ensure that property owners can maintain their ownership, while paying off taxes and fees owed to the Town.

Motion: Carried Unanimously

J. Tax Payment Plan – 6-04 Brooke Club Drive

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the property at 6-04 Brooke Club Drive, Tax Parcel Designation ID# 80.19-1-35./604; and

Whereas, the Town Board, pursuant to Article 5 of the Ossining Town Code, as authorized by section 1184 of the New York Real Property Tax Law, before entry of a final judgment, may withdraw a parcel for which payment of real property taxes is delinquent, from a foreclosure proceeding and enter into an installment plan for payment of all delinquent taxes, as well as interest and penalties, and does occasionally grant such a plan and has the discretion to accept or reject any proposal by a residential property owner, providing the owner meets the eligibility requirements set forth in section 180-17 of the Town Code and the payment plan conforms to the requirements for such a repayment plan set forth in section 180-18 of the Town Code;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan, which terms comply with the Town Code, to this property owner, who has been determined to be eligible, with the understanding that this sets no precedent going forward for this or any other property in the future.

Motion: Carried Unanimously

K. Tax Payment Plan – 1 Brandreth Street

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the property at 1 Brandreth Street, Tax Parcel Designation ID# 89.19-5-62; and

Whereas, the Town Board, pursuant to Article 5 of the Ossining Town Code, as authorized by section 1184 of the New York Real Property Tax Law, before entry of a final judgment, may withdraw a parcel for which payment of real property taxes is delinquent, from a foreclosure proceeding and enter into an installment plan for payment of all delinquent taxes, as well as interest and penalties, and does occasionally grant such a plan and has the discretion to accept or reject any proposal by a residential property owner, providing the owner meets the eligibility requirements set forth in section 180-17 of the Town Code and the payment plan conforms to the requirements for such a repayment plan set forth in section 180-18 of the Town Code;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan, which terms comply with the Town Code, to this property owner, who has been determined to be eligible, with the understanding that this sets no precedent going forward for this or any other property in the future.

Motion: Carried Unanimously

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Feldman moved and it was seconded by Councilmember Meyer that the following resolution be approved as amended.

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

- Town Planning Board Minutes 8/3/22 & 8/16/22

Motion: Carried Unanimously

X. MONTHLY REPORTS

Councilmember Feldman moved and it was seconded by Councilmember Meyer 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 2022:

- Town Highway Department
- GE Helicopter
- Town Building Department
- Town Clerk
- Tax Receiver
- Town Supervisor

Motion: Carried Unanimously

XI. VISITOR RECOGNITION

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

XII. ADJOURNMENT

At 8:14 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel, personnel, and contracts and Councilmember Meyer seconded.

Motion Carried: Unanimously

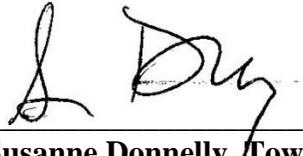
At 9:28 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Meyer seconded.

Motion Carried: Unanimously

At 9:28 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Meyer seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk