



**MINUTES**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**AUGUST 11, 2020**  
**REGULAR MEETING**  
**7:30 P.M.**

**THIS MEETING WAS HELD VIA VIDEO CONFERENCING ONLY**  
**Pursuant to Governor's Executive Order 202.1 dated March 12, 2020**

**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 August 11, 2020 via video conference, pursuant to Governor's Executive Order 202.1 dated March 12, 2020. 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, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

**II. PUBLIC HEARING**

At 7:30 p.m., the Public Hearing opened.

- **Local Law – Temporary Outdoor Dining Permits**

Supervisor Levenberg said the following: Tonight we are starting with a public hearing regarding a proposed Local Law to establish temporary outdoor dining permits in the Town of Ossining. We discussed this topic at our last Work Session, and a draft of the local law was circulated and posted online. The purpose of this local law is to establish a medium term mechanism by which eating and drinking establishments in the Unincorporated Town can provide outdoor dining to their patrons. This, of course, came to light as an issue due to the COVID-19 pandemic, but there is certainly a function for this local law to be used during other medium term emergencies, such as a fire or other serious property damage at one of our local businesses. We hope this local law will help support our local businesses during this incredibly difficult time, and possibly help ease any significant burdens in the future.

Town Counsel Tomm-Addona spoke about the local law permitting the Town Building Department to give establishments outdoor dining permits past the COVID-19 pandemic.

Mind Lamarre, Briarcliff Manor, raised concern over giving establishments in residential neighborhoods outdoor dining permits.

At 7:48 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to August 25, 2020.

**III. WORK SESSION**

**At 7:49 PM, Councilmember Shaw motioned to adjourn the Regular Meeting and enter Work Session and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

**At 8:07 PM, Councilmember Feldman motioned to adjourn the Work Session and enter the Regular Meeting and Councilmember Wilcher seconded.**

**Motion Carried: Unanimously**

#### **IV. ANNOUNCEMENTS**

**Supervisor Levenberg made the following announcements:**

**Last week, Tropical Storm Isaias tore through Ossining and Westchester County. We are so grateful for the incredible job our Highway Department did, specifically Highway Superintendent Pete Connolly and Foreman Kevin Moore, who fielded calls during the storm to assess damage and clear roads for emergency vehicles. Superintendent Connolly was literally all over town, responding to at least 13 unique home addresses and returning to sites like Hawkes Avenue, Morningside Drive, Gordon Ave, Old Albany Post Rd, River Parkway, Glendale Rd and many more multiple times to track the damage and oversee clearing and cutting where possible. I would also like to extend a “thank you” to our Parks Department who came in to assist, our dedicated Police Department specifically Chief Sylvester, Lts Slater and Montague who worked round the clock with us to make sure our ConEd Municipal Liaisons were well versed in where the issues were, and shared daily updates with residents, as well as the Ossining Fire department, and OVAC who were responding to calls during the most dangerous hours of the storm.**

**Many of our residents are still recovering from the damage caused by the storm. Some people have been without electricity, phone or internet service for a week now. Of course, on top of that people are dealing with downed trees in their yards and the ongoing concerns of COVID. Please be assured we were in close contact with the municipal liaisons and government relations folks at the utilities to escalate to the best of our ability.**

**Also, we have been on daily calls with Con Ed and more recently Altice which is the parent company for Optimum and we share the frustrations of many that they were not able to get the crews needed in place to do the hard work of clearing and restoration in a timely fashion. As many have said, this is not their first rodeo, so it’s been frustrating to hear some very similar problems to those experienced during Superstorm Sandy. Governor Cuomo has directed the Department of Public Service to launch an investigation into the storm responses made by Verizon and Con Edison among other companies to determine what caused these failures. Westchester County Executive George Latimer has proposed a Utility Reserve Corps to act like the National Guard and help repair service lines after natural disasters. I have been on calls with local managers, mayors and supervisors as well as leaders at the state, county, and local levels, with Con Edison, as well as Altice and Verizon, for daily reviews of restoration status in each municipality. Please know that while our immediate concern has been to get everyone’s power and services back, there are concentrated efforts to evaluate how these companies react to emergencies and look for ways to greatly improve response times.**

**I would like to remind our residents that the Ossining Community Center continues to operate as a cooling center from 9am to 6pm weekdays. This service will continue for our residents throughout in the summer. If you lost power for more than 48 hours, you can apply for reimbursement from Con Ed for up to \$540 worth of food. Businesses can also apply for reimbursement, up to \$10,700.**

**For everyone picking up tree branches and leaves from their yard who lives in Unincorporated Ossining, the Highway Department will be picking up storm debris for the next few weeks. Please bring branches to the curb but do not allow them to fall into the road. Lay them with the stalk end pointing to the curb, leaves toward the house on your lawn near the curb. Do not pack them in plastic bags.**

**Speaking of making greener decisions, a reminder that storms like Isaias are expected to become more common and more intense. The Town is actively working to decrease any negative impacts on the environment. We ask that people help reduce the amount of litter in our parks and shared spaces by using a carry-in-carry-out policy. Please also be careful to properly dispose of plastic gloves and disposable masks. Our Parks team has continued to do their best to maintain and sanitize our parks and keep our favorite spaces in tip-top shape, but between the storm and the pandemic, and the high heat, it has certainly been challenging to keep up, so anything you can do to help would be appreciated.**

**Mask makers are still working hard to keep up with demand. If you want to help and recycle some of the items in your closet at the same time. Nancy Adelman is leading the local arm of the Tri-State Mask Makers, a group converting old t-shirts, bedding, and other items into PPE. You can donate choir and graduation gowns from the back of your closet to this effort. Sewers are also needed for her latest initiative: a call to make 1000 masks for school children and faculty. Material will be provided, as well as standard patterns for an elementary school size as well as secondary/adult size. Please email Nancy Adelman at [nancy.adelman@gmail.com](mailto:nancy.adelman@gmail.com), if you are willing and able to join this mask making effort.**

**The Ossining Food Pantry is still looking for volunteers to help pack bags for food distribution. This is a great opportunity for middle school, high school, or college-age students who are looking to hang out with friends in a safe way. The Food Pantry serves Ossining and Briarcliff residents and as you can imagine, they have seen a dramatic increase in demand since March. Volunteers are urgently needed to unload the food trucks Fridays 9-11:30, packing food into bags Mondays from 2-4, and delivering bags from the Pantry to distribution points Tuesdays 2-4. Email [ossfoodpan@gmail.com](mailto:ossfoodpan@gmail.com) if you're interested in volunteering.**

**Coming up next week, on Thursday August 20, OVAC will be sponsoring a Blood Drive from 3PM to 7:30PM. Blood supplies are often low in the summer and are especially low since COVID has disrupted large scale donation events. OVAC has a clean and safe place all set up for donations, so please schedule an appointment time by visiting [NYbloodcenter.org](http://NYbloodcenter.org).**

**Looking further ahead, the Westchester County Board of Elections is hiring! If you are over 18 and a registered voter, you can apply to be paid \$350 to work on Election Day. Many people who traditionally work as poll workers are older and have chosen not to enroll this year. We do not want a shortage of workers, so keep voting lines short and Election Day hassle-free. You can visit the Westchester County Board of Elections website to apply.**

**The Governor's Office updated the list of Restricted States included in the Travel Advisory. A few states were added and a different few were removed. It is important that travelers review the information on the travel advisory section of the New York State website. Please do this before *and after* traveling to ensure you are taking the proper health precautions. Coronavirus cases in New York remain low compared to the rest of the country and we want to avoid bringing the virus across state borders.**

**And finally, I would like to remind you to fill out your Census. Door knockers were originally going to have until the end of October to help people complete the survey, but that timeline has now been cut by a month. If someone knocks on**

your door to complete the census, please work with them. Ossining loses \$2500 for each uncounted resident, and right now, about 35% of Ossining remains uncounted. It takes only 10 minutes to complete the Census and you can fill it out in one of 60 languages. You can also complete the Census in your preferred language over the phone. Please reach out to your friends, family, and neighbors to ask them to complete the Census. Census results affect representation at the federal level. It also impact how trillions of dollars are distributed over the next ten years.

**V. LIAISON REPORTS**

Councilmember Shaw announced that the Recreation Advisory Board (RAB) will be meeting on Monday August 17, 2020. The RAB will present to the Village Board on August 12, 2020.

**VI. PUBLIC COMMENT ON AGENDA ITEMS**

**VII. BOARD RESOLUTIONS**

**A. Approval of Minutes—Regular Meeting – July 28, 2020**

Councilmember Shaw 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 approves the July 28, 2020 minutes of the Regular Meeting as presented.

Motion: Carried

**B. Approval Call for Public Hearing: Local Law to Amend Chapter 47 of the Town Code “Residency Requirements” with respect to Court Attendants**

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 calls for a public hearing in the matter of Local Law #2 of 2020 to be held at 7:30pm on Tuesday, September 8, 2020; and

Be it further Resolved, that pursuant to the Governor’s Executive Orders 202.1 and 202.15, and subsequently extended, this public hearing will be held via videoconferencing only, with the information to participate in the public hearing to be duly noticed and circulated in accordance with the requirements for noticing public hearings.

Motion: Carried

**C. Appointment – Intermediate Clerk, Town Justice Court**

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 appoints Kenneth Lee, White Plains, to the part-time position of Intermediate Clerk in the Town Justice Court at an hourly rate of \$25, effective August 5, 2020.

Supervisor Levenberg said the following: We are appointing Kenneth Lee as a “screener” for our Justice Court. We recently reopened the Court for walk up window office hours daily, and Kenneth’s appointment was critical to meeting that goal. So if you have to come in to pay a parking ticket,

hopefully Kenneth's friendly face greeting you at the door will make the visit a little more pleasant.

Motion: Carried

**D. Adoption of Retention and Disposition Schedule for New York Local Government Records (LGS-1)**

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

Resolved, by the Town Board of the Town of Ossining that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein;

Further Resolved, that in accordance with Article 57-A:

- A. Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Supervisor Levenberg said the following: Our Town Clerk remains in close communication with our liaison at the New York State Archives to ensure the Town follows proper retention schedules. We are just one among hundreds, if not thousands, of municipalities, school districts, fire districts, etc. that rely on the NYS Archives for this guidance. This year, the NYS Archives has released a new retention schedule that consolidates the information for these various types of agencies. This will hopefully streamline the process, without necessarily changing much about the specific retention schedules for the records the Town produces. Thanks to our Clerk Sue Donnelly and her Deputy Martha Quituisaca for staying on top of this somewhat tedious, but important, task!

Motion: Carried

**E. Extension of Approval of Provisional 2020 Cabaret License – Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor**

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

WHEREAS, by resolution duly adopted March 10, 2020, the Town Board, under its authority pursuant to Chapter 68 of the Town Code (Section 68-20(B)), granted Maya Riviera Bar and Restaurant (the "Applicant") a three-month provisional cabaret license for extended hours during which the Applicant can play amplified music on Sundays through Thursdays from 11:00 p.m. to 1:00 a.m.; and

WHEREAS, due to the COVID-19 pandemic and the related closures to restaurant establishments, by resolution duly adopted May 26, 2020, the Town Board extended the provisional cabaret license for an additional three-month period until August 25, 2020 and for a public hearing to be held on the provisional cabaret license at its August 11, 2020 meeting; and

**WHEREAS, due to the continuing COVID-19 pandemic and the continuing restrictions on the operation of restaurants, the Town Board finds it appropriate to again extend the provisional cabaret license for an additional two months; and**

**NOW THEREFORE,**

**BE IT RESOLVED, the Town Board of the Town of Ossining hereby extends until October 27, 2020 the provisional license subject to all of the terms and conditions set forth in the March 10, 2020 resolution; and**

**BE IT FURTHER RESOLVED, the Town Board will hold a public hearing at its October 13, 2020 meeting to assess whether to approve this license in its current form for the entirety of 2020 or make changes to the hours the Applicant is authorized to play amplified music on Sundays through Thursdays if the Town Board deems it appropriate based upon the information received at the public hearing; and**

**BE IT FURTHER RESOLVED, the Town Board reserves the right to amend the above dates as appropriate under the circumstances based upon the conditions and restrictions under which the Applicant can operate in the interim due to the continuing COVID-19 pandemic.**

**Supervisor Levenberg said the following: Back on March 10 (yes, somewhat pre-COVID), the Town Board provisionally approved the cabaret license for Maya Riviera, as they had requested extended hours of operation during weeknights. We had hoped that the provisional approval would allow the Board to see the “real” impacts of this extension before officially approving the license. However, just a few days after the Board made this decision, we all pretty much went into lockdown and Maya Riviera was unable to operate their on site dining and events. This approval was extended again in May, until now in August. We are still adjusting to our new normal, so it seems appropriate to extend this provisional approval once again through October so we can fully gauge any potential impact on the neighbors.**

**Motion: Carried**

**F. Acceptance of Bid— Restoration of Superintendent’s Cottage, Dale Cemetery**

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

**Whereas, the Town of Ossining invited sealed bids pursuant to Section 103 of the General Municipal Law of the State of New York for the restoration of Superintendent’s Cottage at Dale Cemetery; and**

**Whereas, a public notice was advertised in the Gazette on October 24, 2019, and subsequently noticed on December 19, 2019, extending the bid opening date; and**

**Whereas, the Town only received one sealed bid, which bid was opened at 10:00 am, Monday, January 13, 2020; and**

**Whereas, the one bid, and thereby the lowest bid, was by Clemco Construction & Restoration, Inc., 293 Illington Road, Ossining, NY 10562, at a base bid price of \$199,468, with varying prices for ten alternates for an expanded scope at the Town’s discretion; and**

**Whereas, after further discussions between Clemco Construction, as the low bidder, and the Town, for the consideration of ten alternates included in the**

bid form, a price of \$325,242 was agreed upon, adding Alternates #4, #6, #7, #8, and #9 to the project scope in addition to the base bid and scope; and

Now, therefore

Be it resolved, that the Restoration of Superintendent's Cottage, Dale Cemetery is hereby awarded to Clemco Construction & Restoration, Inc., 293 Illington Road, Ossining, NY 10562, for the total bid price of \$325,242; and

Be it further resolved, the Town Supervisor is hereby authorized to enter into an agreement with Clemco Construction with the terms as outlined in this resolution, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg said the following: We have talked about this project for so long, so it is so exciting to finally accept the bid for the Dale Cemetery Superintendent's Cottage project. Clemco Construction, a local company, will be completing the project and we are quite certain that with the base bid and alternates selected we are going to get a good bang for our buck. The Board has already authorized the budget adjustment for the Capital Project in accordance with this price, so we are now just wrapping up final details to get this project off the ground.

Motion: Carried

**G. Contract – Stephen Tilly, Architect**

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 authorizes the Supervisor to sign an amendment to the contract between the Town and Stephen Tilly, Architect, Irvington, NY, dated June 26, 2017 for architectural services relating to the Dale Cemetery Superintendent's Cottage Restoration project for Part Two – Construction Documents and Part Three – Implementation at a rate not to exceed \$41,786.30.

Supervisor Levenberg said the following: On the same topic, we are also approving a contract amendment with our architect on the Dale Cemetery project, Stephen Tilly, Architect, now that we are moving forward with construction. Again, these fees were incorporated into the budget adjustment approved a few weeks ago, and we are excited to get started.

Motion: Carried

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

**IX. MONTHLY REPORTS**

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 accepts the following monthly reports for the month of July 2020:

- Town Clerk
- GE Helicopter Report
- Tax Receiver
- Town Highway Department
- Town Supervisor
- Dale Cemetery

- **Town Building Department**

**Motion: Carried**

**X. VISITOR RECOGNITION**

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

**Mind Lamarre, Briarcliff Manor, asked if the Public Hearing for Outdoor Dining Permits will still be opened during the new Town Board meeting. Supervisor Levenberg said yes.**

**XI. ADJOURNMENT**

**At 8:40 P.M., Councilmember Shaw motioned to adjourn to Executive Session for personnel, contracts, and advice of counsel and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

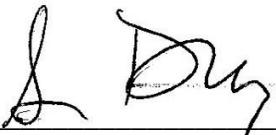
**At 9:46 P.M., Councilmember Feldman motioned to return to the Regular Meeting and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

**At 9:46 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Wilcher seconded.**

**Motion Carried: Unanimously**

**Approved:**

  
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**Susanne Donnelly, Town Clerk**