



MINUTES
TOWN BOARD
TOWN OF OSSINING
NOVEMBER 10, 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 November 10, 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, Northern Wilcher, Jr., and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

II. PUBLIC HEARING

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

- **Local Law 3-2020 to Amend Chapter 200 of the Town Code, Zoning, to Create Beekeeping Regulations in the Town of Ossining**

Supervisor Levenberg said the following: Tonight, we are re-opening our public hearing on beekeeping legislation. We will not close this public hearing tonight, as we anticipate holding a discussion at our November 17th Work Session all about bees and beekeeping. We will hear from a number of local experts to help answer a few outstanding questions on this legislation.

At 7:33 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to November 24, 2020.

At 7:34 p.m., the Public Hearing opened.

- **Local Law 4-2020 to Amend Chapter 136 of the Town Code to Allow Eating and Drinking Establishments that are issued a Temporary Outdoor Dining Permit to have Tents and Heaters**

Supervisor Levenberg said the following: Although we have been having some spring-like weather these past few days, we are heading into the winter and know our local businesses will be looking to install sides on their tents and heaters soon. Just to refresh everyone's memory, our Building Inspector joined us for a Work Session discussion on this topic a few weeks back, and he shared that he feels this legislation will be easily implemented safely with collaboration from our local businesses. In anticipation of not really hearing anything substantively negative about this amendment, we have a prepared a resolution which is on our agenda this evening to consider adopting this legislation.

At 7:37 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be closed.

III. DEPARTMENTAL REPORT

Recreation Superintendent Bill Garrison provided the Town Board with an update on the Parks and Recreation Department. The department received its first report of a positive COVID-19 patron at the community center. The department identified and contacted people who may have been in contact with the patron. There is limited registration for recreational programs due to COVID-19. Some people have signed up for classes and then pulled back due to concerns over COVID-19. The increasing number of COVID-19 cases will impact how winter programming will be scheduled. The Parks and Recreation Department will adapt as the COVID-19 pandemic evolves. The department will be testing out a disc golf course at one of the Ossining parks.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Tomorrow is Veterans Day and we are proud to honor our Veterans this year, though many of our traditional ceremonies have adjusted to adhere to health guidelines. Our annual ceremony this year will be livestreamed to avoid any large gatherings and will appear on the Town and Village of Ossining's Facebook Pages. Please feel free to share it with friends and family who normally like to participate or observe in person. We thank Honorable Michael G. O'Connor who continues to lead the Ossining Centralized Committee of Organized War Veterans and has put together simple but impactful ceremony for tomorrow.

Other ways to honor our veterans include discounts and special deals many stores offer for Veterans, military families, or military spouses. MilitaryBenefits.info has a very comprehensive list of deals, sales, and freebies available to service members, included reduced price tickets to museums, free coffee from 7-11 or Dunkin Donuts, or free meals from Applebees. Starbucks is offering a free 12-ounce hot brewed coffee tomorrow and for every cup of hot brewed coffee sold that day, Starbucks will donate 25 cents to support the mental health of military communities. As a reminder, Town offices will also be closed tomorrow, Wednesday, November 11 in observance of Veterans Day.

Today is the first day of Hudson Valley Restaurants Week. As we all know, the chilly weather tends to bring a slower season for local businesses. If you are able to make "hashtag take out Tuesday" part of your weekly routine, you can help support the local economy and get a great meal out of it at the same time. Today on our social media pages we shared a list of the many restaurants in the Village of Briarcliff, Village of Ossining, and Unincorporated Town. If you have a favorite meal or restaurant, be sure to promote them this week – share their menu on Facebook, tag them on Twitter with a picture of your favorite meal, or call ahead to place an order. These local businesses have had a rough year and every bit of support we can offer goes a long way.

Last week, I announced that the Town is recognizing Saturday, November 28 as Small Business Saturday. Chain stores across the country are offering Black Friday deals throughout the month – why not do your part to make Small Business Saturday last the whole month too! Our Small Businesses need your support now more than ever before – many small businesses that rely heavily on holiday traffic are going to be struggling to make ends meet this year. Get a kick-start on your holiday shopping by supporting a small business. And many of these businesses are offering online shopping, home delivery, or curbside pick up, so you do not need to worry about sacrificing COVID protocols to support a small business.

This past weekend news broke about the results of the general election. This has been a very anxiety-ridden time for the country as ballots were counted and lawsuits filed. It is important for us to remember we are all part of one nation, and we are neighbors. There are several levels of government between the President of the United States and your local elected officials, and all work together based on your involvement. Years that are not associated with presidential elections often face a decrease in political interest, meaning that fewer people vote, attend meetings, and volunteer their time. I encourage everyone to remain engaged and aware. There are always so many issues we need to address here in our community and programs that need our attention. I am thankful that so many of our residents are participating in the democratic process and I encourage you to continue doing so, with record numbers of voters turning out at the polls. Other ways you can participate in your local government include joining on of the many volunteer boards in the Town of Ossining. We just posted a reminder that we are looking for volunteers to join these boards and committees, specifically the Recreation Advisory Board, Zoning Board of Appeals, Board of Assessment Review, and Planning Board. Interested applicants can submit a resume, or similar description of your professional, educational, and volunteer background, with a cover letter detailing why you would like to get involved in the Ossining community in this role. Send all that to Victoria Cafarelli in the Supervisor's Office at vcafarelli@townofossining.com. More detail is available on the Town's website, including meeting times volunteers would need to commit to and more. Many of my Town Board colleagues and I have served in volunteer capacities as board or committee members in the past, and I think we all agree that it is a rewarding experience and a great way to learn more about local government. We are accepting applications through Friday, December 11, so please throw your hat in the ring!

COVID-19 cases are rapidly rising across the country. With Thanksgiving just 16 days away we need to commit to plans with health and safety in mind. The uptick we are experiencing right now can be tied to Halloween parties, so we are living the consequences of a lack of vigilance. You cannot wear a mask while you eat, which makes holiday traditions with extended families very dangerous. The CDC advises that anyone who has high risk individuals in their family avoid gathering for holidays. Furthermore, consider getting a test or quarantining for two weeks after the holiday to avoid spreading coronavirus to essential workers, coworkers, and people in vulnerable populations. Emergency service workers take time away from their families every year to work holidays. They staff our firetrucks, police stations, hospitals, and ambulances despite the risks to themselves. We really do not want to ask them to take on yet more risk. This year has been incredibly difficult for essential workers and their families, by staying home you help protect them.

Before I begin to wrap up my announcements, I would like to remind everyone that the Equity Survey created by the Community Equity Task Force is open to all Town of Ossining residents until November 13, that includes both Ossining's and Briarcliff. You can find a link to the survey on the Town of Ossining Facebook page or in my Friday *Supervisor's Update*. This survey is going to be used to drive the work of the Community Equity Task Force to move our community closer to equity across all facets. You can request a copy of the survey or to join the Task Force by emailing me at dlevenberg@townofossining.com. You can also email me to request hard copies for yourself or for distribution through a business. Please feel free to share it widely with your Ossining and Briarcliff circles. We are going to continue sharing the survey through our Facebook and Instagram accounts as well until the survey closes.

And lastly, please mark your calendars for Thursday, November 19 for our first public engagement session for the Town's Comprehensive Plan. Many residents may not know what a Comprehensive Plan is or why it is important. Comp Plans are used by municipalities to sketch out plans for the future, jumping ahead in

our minds ten years or more to appropriately plan and budget for changes. Beginning at 7pm via Zoom on the 19th, we will host a workshop with residents to identify why you initially chose to live here, what you love about the Town, what you might wish was different. Creating our Comp Plan will be a process that stretches throughout most of 2021, but these first steps help us lay the groundwork. You can sign up for updates specifically on the Comprehensive Plan at our website, by visiting www.townofossining.com/cms/comprehensive-plan-2020.

V. LIAISON REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – October 27, 2020

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 October 27, 2020 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated November 10, 2020 in the amount of \$174,135.04.

Motion: Carried

C. Calling for a Public Hearing 2021 Preliminary Budget

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 calls for a Public Hearing to be held on Tuesday, November 24, 2020 at 7:30 p.m. via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15 as subsequently extended, in the matter of the 2021 Preliminary Budget for the Town of Ossining.

Supervisor Levenberg said the following: We are well into the 2021 Budget season, which will wrap up in just a few weeks with a public hearing on the proposed budget. Our Budget Officer, Victoria Cafarelli, will be delivering a presentation at our next Work Session on some of the highlights of the 2021 budget. For those municipal budgeting enthusiasts – yes, I count myself in that category! -- you can review the 2021 Tentative Budget in detail on the Town's website. And for those of you who prefer not to read a nearly 200 page document, I'll give you a short preview. We are looking at tax rate decreases across all but one fund, our sewer fund, which has less than a tenth of a percentage point tax rate increase. We are proud to be once again submitting a tax cap compliant budget for the Board's approval, but we are cautiously optimistic going into 2021 because due to COVID, there is a lot of uncertainty about what the future holds. Thank you to Victoria, and especially our Comptroller Dale Brennan and Deputy Comptroller Liz

Naccari for their hard work guiding us through a budgeting cycle like no other!

Motion: Carried

D. Stipulation of Agreement – Teamsters

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

BE IT SO RESOLVED, that upon the recommendation of the Town Supervisor, the Stipulation of Agreement between the Town, IBT Local 456, and Charles Bouton, Jr., is hereby ratified and approved.

Motion: Carried

E. Approval of Inter-Municipal Agreement – Residential Food Scrap Transportation & Disposal Program

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 authorizes the Supervisor to sign an inter-municipal agreement with Westchester County/Refuse Disposal District No. 1 for the Town to participate in the Residential Food Scrap Transportation & Disposal Program.

Supervisor Levenberg said the following: We are looking forward to partnering with the County to significantly reduce the carting costs associated with our food scraps recycling program. Thanks to this shared service now provided by the County, our monthly carting fees are likely to decrease by 75%.

Motion: Carried

F. Resolution – Local Law # 3 of 2020 – Amendment to Town Code Regarding Temporary Outdoor Dining Permits

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

WHEREAS, in light of the COVID-19 pandemic and the restrictions related to social distancing and decreasing maximum capacity of indoor spaces in an effort to reduce the risk of spread of the virus, the Town Board adopted a Local Law # 1 of 2020 to establish a Temporary Outdoor Dining Permit process for Fully Enclosed Eating and Drinking Establishments and Eating and Drinking Establishments uses, and

WHEREAS, the local law originally prohibited enclosed tents, but as the weather becomes cooler and the restrictions on restaurant occupancy remain in place with no indication of being relaxed in the near future, the Town Board recognizes that allowing enclosed tents and heating devices on a temporary basis and with proper safety protocols in place will create additional seating in order to allow these establishments to serve their patrons in a safe environment and also generate the level of business necessary to remain viable, and

WHEREAS, the Town Board also recognizes that other nearby municipalities are allowing enclosed tents and if the Town does not do so also it could hurt local businesses as diners will instead patronize the establishments that do provide this option, and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meetings on Tuesday, October 27, 2020 and November 10, 2020 via videoconferencing in accordance with the Governor’s Executive Orders 202.1 and 202.15, as subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on November 10, 2020; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Ossining for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration determining this action does not have the potential to have any significant adverse environmental impacts as the local law amends the existing temporary outdoor dining permit local law to allow for tents and heaters in appropriate circumstances and with appropriate oversight by the Building Inspector in order to provide an atmosphere with appropriate social distancing for patrons of these establishments to dine during the cooler months; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 3 of 2020 entitled Amendment to Town Code Regarding Temporary Outdoor Dining Permits; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

Supervisor Levenberg said the following: This resolution speaks for itself, and we are happy to provide this assistance to our local businesses during this difficult time. Hopefully the winter stays mild, and our restaurants can continue outdoor dining with a few slight modifications comfortably through the winter months.

**Ayes: Shaw, Wilcher, Feldman, Meyer, & Levenberg
Nays:**

G. Public Hearing on Local Law to amend Zoning Code and Zoning Map regarding Solar Energy Systems

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

WHEREAS, by joint application dated April 21, 2020, Ecology New York II LLC (as system owner and applicant) and Catholic Foreign Mission Society of America Inc. (as property owner) applied to the Town Board to install and operate a solar energy system (the “Proposed Project”) on the property located at 75 Ryder Road, Ossining, New York (the “Property”); and

WHEREAS, the Proposed Project is a Tier 3 solar energy system as defined in Zoning Code § 200-31.3, which would require the Town Board to adopt a local law to amend the Town’s Zoning Map to include the Property in the Tier 3 solar energy system floating zone; and

WHEREAS, the Applicants are also seeking a zone text amendment to increase the maximum permitted height of Tier 3 canopy solar energy systems from 15 feet to 25 feet to allow sufficient clearance for fire trucks and other emergency vehicles; and

WHEREAS, should the Town Board grant the above-referenced amendments to the Zoning Code's text and the Zoning Map, the Project will also require site plan approval and a conditional use permit from the Town of Ossining Planning Board ("Planning Board"); and

WHEREAS, the Applicant previously appeared before the Town Board at multiple work sessions to discuss the Proposed Project and provide additional information to the Town Board; and

WHEREAS, the Planning Board served as lead agency for a coordinated review pursuant to the State Environmental Quality Review Act, and at its meeting on October 21, 2020, the Planning Board adopted a Negative Declaration finding the Proposed Project does not have the potential for any significant adverse environmental impacts; and

WHEREAS, the Planning Board also provided the Town Board with a recommendation in accordance with Zoning Code § 200-52, including recommending that the floating zone be applied to the Property but that the maximum height for canopy solar energy systems be 23 feet instead of the Applicant's proposed 25 feet; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby calls for a public hearing to be held on November 24, 2020 at 7:30 p.m. via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15 as subsequently extended, to consider the Applicants' proposed amendments to the Zoning Code text and the Zoning Map with respect to the Proposed Project; and

BE IT FURTHER RESOLVED, the Town Board hereby directs the Town Clerk to provide notice of said public hearing as required by law.

Supervisor Levenberg said the following: Earlier this summer, the Town Board heard from Ecology regarding their proposal for a solar canopy system at Maryknoll Fathers & Brothers at 75 Ryder Road. The application sounded interesting, so the Town Board referred this application to the Planning Board. Now that the Planning Board is close to finalizing its site plan review, one of the items left is for the Town Board to approve amendments to the Zoning Code's text and Zoning Map with respect to this project. We heard from Ecology at a Work Session last week, and look forward to holding the public hearing later this month to move this project closer to the finish line.

Motion: Carried

H. Resolution of Support – Ossining100 Chapter of Cure100

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

Whereas, in recognition of the United Nations' Intergovernmental Panel on Climate Change's recommendation that we limit global warming to 1.5 degrees above pre-industrial levels in order to, among other things, make adaptation less difficult, lessen the suffering of negative impacts on the intensity and frequency of extreme events, resources, ecosystems, biodiversity, food security, in municipalities large and small worldwide;

Whereas, in support of the part our community must play toward New York State's Climate Leadership & Community Protection Act (CLCPA) of 2019 which limits state-wide greenhouse gas emissions to 40% of 1990 levels by 2030 and 85% by 2050, 70% renewable electricity by 2030, and 100% zero emission electricity by 2040; now therefore be it

Resolved, the Town supports Green Ossining's creation of an Ossining100 Chapter of Cure100 (Communities United to Reduce Emissions 100%) which pairs community action with data about carbon emissions by zip code, and quantifies community-wide emissions, emissions by household, individual emissions, emissions by sectors, and offers guidance for carbon emission reduction with the goal of reducing the overall carbon footprint by at least 5% per year through 2040.

Supervisor Levenberg said the following: Last week, we heard from Green Ossining Chair Suzie Ross on this important initiative. We know that climate change is one of the biggest crises facing our world today, and it is only through collective action that we will reach the United Nations' critical goals of limiting global warming to 1.5 degrees Celsius. The Ossining100 Chapter of CURE100 (which stands for Communities United to Reduce Emissions), will bring the effort of reducing carbon emissions to the local level, and educate the community on simple steps we can all take to incrementally reduce our carbon emissions. If you missed our Work Session from last week, I encourage you to watch the video for Suzie's presentation – it was incredibly eye opening and very informative.

Motion: Carried

I. Approval of 37 and 41 Croton Dam Road Subdivision Sewer and Water Main Application/Agreement

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

WHEREAS, the Town has maintained the sewer main and water main that services 37 and 41 Croton Dam Road (the "Property") for over 30 years; and

WHEREAS, the owner of the Property received subdivision approval from the Planning Board for a 4-lot subdivision to create two new residential lots, and as part of said approval the Property owner made improvements to the sewer main and water main; and

NOW THEREFORE,

BE IT RESOLVED, the Town Supervisor is hereby authorized to execute applications to the Westchester County Department of Health for approval of the improvements to the sewer main and water main; and

BE IT FURTHER RESOLVED, the Town Supervisor is hereby authorized to enter into an agreement with the Property owners to memorialize the Town's maintenance of the sewer main and water main and obtain the necessary easements to access them when necessary.

Motion: Carried

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

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 October 2020:

- Dale Cemetery
- GE Helicopter
- Town Highway
- Tax Receiver's Office
- Town Clerk's Office
- Town Supervisor's Office

Motion: Carried

IX. VISITOR RECOGNITION

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

X. ADJOURNMENT

At 8:21 P.M., Councilmember Shaw motioned to adjourn to Executive Session for personnel, advice of counsel, and contracts and Councilmember Wilcher seconded.

Motion Carried: Unanimously

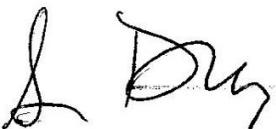
At 9:07 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Feldman seconded.

Motion Carried: Unanimously

At 9:07 P.M., Councilmember Wilcher motioned to adjourn the Regular Meeting and Councilmember Shaw seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk