

MINUTES
TOWN BOARD
TOWN OF OSSINING
MAY 11, 2021
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 May 11, 2021 via video conference, pursuant to Governor's Executive Order 202.1 dated March 12, 2020. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Jackie G. Shaw, Elizabeth R. Feldman (came into Zoom room at 7:32 PM), 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

- **Local Law 4-2021: Regulations for Boat Launch at Louis H. Engel, Jr. Park**

At 7:31 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Tonight we are re-opening the public hearings on three pending local laws – Local Law #4 of 2021 which is to regulate the boat launch at Engel Park, Local Law #5 to adopt NY Stretch Energy Codes in the Town, and finally Local Law #6 to adopt a new special events policy. The first two local laws have not changed substantially since our last public hearings on the topics, and as indicated at our last Legislative Session, we anticipate closing the public hearings tonight and have resolutions ready to adopt both laws this evening. Local Law #6, for the Special Events policy, has a few more items to iron out before we are at our final draft, so we will likely carry over this public hearing to our next Legislative Session so the Board has an opportunity to discuss the remaining outstanding items at our Work Session next week.

Town Counsel Tomm-Addona discussed the updated boat terminology in the local law.

Councilmembers Feldman spoke about wanting parking to be extended to daily passes but sees that the technology the Town has not being there yet as to allow it.

At 7:34 PM Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

- **Local Law 5-2021: Adding provisions for a local energy code under Chapter 63 (Building Construction) of the Town Code**

At 7:35 PM, the Public Hearing opened.

At 7:36 PM Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

- **Local Law 6-2021: Adopting a new Chapter 166 (Special Events, Parades and Public Gatherings) of the Town of Ossining Code**

At 7:36 PM, the Public Hearing opened.

At 7:38 PM Councilmember Shaw moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to May 25, 2021.

- **Community Development Block Grant 2022-2024 Application Cycle**

At 7:38 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Our last public hearing on our agenda this evening is in the matter of the Town's applications to the Community Development Block Grant Program. Community Development Block Grants, or CDBG, are available to the Town of Ossining via the Urban County Consortium, federal dollars which are administered through the Westchester County Department of Planning. Eligible projects include infrastructure improvements, neighborhood facilities expansion and rehabilitation, housing rehabilitation, code enforcement, economic development loans, public services, and park rehabilitation in income-eligible areas and for income-eligible clients. Due to the combined income of the entire Town of Ossining – including the Villages of Ossining and Briarcliff and unincorporated area – we are somewhat limited in our eligibility for projects. Those which are eligible or potentially eligible are located on Town property in the Village of Ossining (Louis Engel Park) and projects for eligible clients, namely our Senior Nutrition program as senior citizens are a population with a presumed benefit. As we discussed at a previous Work Session, the Town will likely submit applications this cycle for improvements to Louis Engel Park. As a municipality, we are required to hold a public hearing for members of the public to comment on potential projects we should seek funding for. Also, for any non-profits watching, you may also be eligible to apply for funding this cycle. If you would like to do so, you are required to present your project at a public meeting of the municipal board of the Town or Village in which you operate. For that reason, on Monday, May 24, the Town and Village will hold a joint Town Hall meeting to afford non-profits this opportunity, so stay tuned for more details on that.

At 7:40 PM Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

III. PRESENTATION

- **Town of Ossining 2020-2021 Draft Stormwater Annual Report, Mike Ritchie, Dolph Rotfeld Engineers**

Mike Ritchie spoke about the Town of Ossining 2020-2021 Draft Stormwater Annual Report being sent to the NYS Department of Environmental Conservation by June 1st. He talked about stormwater education happening virtually rather than in person this past year due to the pandemic. He additionally reviewed what the Town is responsible for in regards to stormwater.

IV. DEPARTMENTAL REPORT

Town Building Inspector John Hamilton updated the Town Board on the activities of the Town Building Department (TBD). The TBD has processed over 300 alarm permits for the 2021 permit year. Town Building Inspector Hamilton discussed recent code changes and what they require the Town to do. He additionally talked about the TBD looking into updating their software program. The TBD is looking to do permitting online and is currently looking over proposals. The Village Building Department is hoping to use the same online building program.

V. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Vaccine eligibility looks a little brighter as of yesterday with the FDA having approved Emergency Use Authorization to Pfizer for ages 12-15 to get protection from COVID-19. The approval is now awaiting final CDC sign-off before shots start making it into arms in a few days. Luckily, Ossining has a lot of options if you are ready to get your vaccine. The Ossining Volunteer Ambulance Corp is booking appointments at their headquarters for May 13, 16, 18, and 20 for the Moderna vaccine, and will also come right to you if you would prefer to receive the shot at home. On Wednesday, May 12 from 10am to 5pm, Pfizer vaccines will be administered to Ossining students and staff, in partnership with OVAC, Westchester County Department of Health and Phelps Hospital at the OHS Gym. Also on Thursday, May 13, Ossining Open Door will be administering Johnson & Johnson vaccines from 9am to 3pm, and you do not need to be an Open Door patient to qualify. Registration links for these opportunities are available via the Ossining School District and OVAC social media pages, we will be sure to share as well on the Town's social media pages. The State is setting up a number of Metro-North Stations as pop-up vaccination sites for later this week, including our very own Ossining Station House. Starting tomorrow, Wednesday 5/12 at 3pm through 8pm and following the same hours through Sunday, May 16, anyone getting the vaccine, which is the J & J one and done, will also receive a free Metro North ticket. Residents are also welcome to get vaccinated at a number of pharmacies and local sites. There seems to be some vaccine hesitancy among teens and young adults, who may feel they already are somewhat protected from severe cases of COVID-19, but it is so important that this group gets vaccinated because there are more and more severe cases popping up among young people across the country. It is especially important to get vaccinated before heading back to school or college in the fall to prevent any future outbreaks in those settings – it is now even required if you attend a SUNY or CUNY school! The Westchester County Department of Health is hosting a Town Hall on Thursday, May 13 from 6pm to 7pm to answer questions from teens and young adults about COVID-19 and the vaccine. Submit your questions in advance to Communications@westchestergov.com and tune into the Town Hall on the County's Facebook page at www.facebook.com/westchestergov.

Today is James L. Covert Day in the Town of Ossining in honor of his 50 years of service with the Ossining Fire Department. James, also known as Jim, has held a number of positions, including Captain, Chief Engineer, and Company President, as well as the Deputy Chief for the past 22 years. Jim is still a working volunteer member with the Fire Department and we are so grateful for all that he has given the Ossining Community. He was presented with a proclamation on Friday declaring May 11, 2021 as James L. Covert Day and a digital copy was shared today on our Facebook page.

In other good news, our Senior Services Department welcomed back some of our senior residents today after being apart for over a year. Staff greeted them back at the Ossining Community Center for some socially distanced activities. Seniors were one of the first groups sent home in March of 2020 and many were isolated from extended family and friends. Although we did re-start a limited program in the fall, it has certainly been too long and it is so great to see them

again. Thank you to our newly minted Senior Nutrition Program Site Manager, Lynn Muller, for getting our seniors back to socializing safely. Westchester County is celebrating Older Americans Month this May with the 53rd annual Salute to Seniors, with several small events scheduled throughout the county. The closest to Ossining will be on June 2 at Croton Point Park from 10am to 12:30pm. Parking and admission are free and all participants will be given a boxed lunch. Advance reservations are required by calling (914) 513-5208.

Tomorrow at 7:30pm we will be joined by Sustainable Westchester for a presentation on EnergySmart Home technologies. This webinar will be hosted completely in Spanish, for our residents interested in saving the planet while also saving some cash. The webinar will be livestreamed on our Facebook page and there will be time for people to ask questions about each of the programs.

This weekend is the Westchester Craft Crawl, which will have several locations and sponsors from Ossining this year. The Crawl will be on both Saturday and Sunday, from 11am to 5pm. This is always a fun chance to see art in motion in our town. You can get the list of locations and a preview of the artwork available at [Westchester Craft Crawl dot com slash Spring 2021](http://WestchesterCraftCrawl.com/slash/Spring2021).

For our friends in Briarcliff, be prepared for some traffic issues this weekend as the Briarcliff Police Department will be escorting graduating seniors from Briarcliff High School in a car parade. The full route and rain date has been shared on the Briarcliff Manor Police Department Facebook Page. Congratulations to all of our graduating seniors in high school and college – what a year it has been!

And finally, for residents on McCarthy Drive and in the area, the Town’s contractor for the Road Rehabilitation project is expected to mobilize on Monday, May 17 to prepare the site for construction. The Town has been in touch with most of the impacted neighbors via an e-mail distribution list with more specific updates, and the project team will be holding a Zoom meeting with impacted residents later this week. If you live on McCarthy Drive or the surrounding streets that may be impacted by the construction, and would like to be on the distribution list, please contact my office at dlevenberg@townofossining.com.

VI. LIAISON REPORTS

VII. PUBLIC COMMENT ON AGENDA ITEMS

James Blatt congratulated 2021 high school graduates and their teachers who helped them reach this point in their educational career.

VIII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – April 27, 2021

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

Resolved, that the Town Board of the Town of Ossining hereby approves the April 27, 2021 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 as amended.

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 11, 2021 in the amount of \$220,639.52

Motion: Carried

C. Approval of Contract – Village of Croton on Hudson EMS

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 authorizes the Supervisor to sign an agreement between the Mid-Hudson EMS District and the Village of Croton-on-Hudson for the provision of Emergency Medical Technicians to supplement Croton EMS, 24 hours per day at an hourly rate of \$25, effective June 1, 2021 through May 30, 2022.

Supervisor Levenberg said the following: The Town is part of the Mid-Hudson Ambulance District, and on an annual basis helps to facilitate the District's relationship with the neighboring municipalities of Croton on Hudson and Sleepy Hollow for the Ossining Volunteer Ambulance Corps to provide supplemental EMS services to these Villages. The rate increased by \$1 again this year, but is still one of the best rates around for excellent ambulance service. Shout out to OVAC Captain Nick Franzoso for all his hard work on behalf of the residents of so many municipalities in our area!

Motion: Carried

D. Approval of Contract – Village of Sleepy Hollow EMS

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement between the Mid-Hudson EMS District and the Village of Sleepy Hollow for the provision of Emergency Medical Technicians to supplement Sleepy Hollow EMS, 12 hours per day at an hourly rate of \$25, effective June 1, 2021 through May 30, 2022.

Motion: Carried

E. Approval of Contract – Corporate Plans, Inc.

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 agreement with Corporate Plans, Inc. d/b/a CPI-HR for consulting services to the Town with respect to Patient Protection and Affordable Care Act reporting requirements, effective April 15, 2021 through April 14, 2022, at a rate of \$8,075 for the contract year.

Supervisor Levenberg said the following: Through the Affordable Care Act, there are certain reporting requirements that we must follow. Corporate Plans, or CPI-HR, provides the Town and Village of Ossining with consulting services for this reporting, and we are much appreciative of their services to ensure we remain in tip top shape!

Motion: Carried

F. Resolution – Local Law # 4 of 2021 – Boat Ramp Local Law

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

WHEREAS, the Town owns Louis H. Engel, Jr. Park, which includes a boat ramp that provides access and entry for watercrafts to the Hudson River; and

WHEREAS, while this boat ramp is a benefit to Ossining residents and the public in general, given the extensive use of the boat ramp to access the River and the limited parking available in the Park for those vehicles trailering recreational watercrafts, the Town Board believes it is a reasonable exercise of the Town Board's police powers to protect the health, safety and welfare of its residents and the public to regulate use of the boat ramp; and

WHEREAS, in consideration of the proposed Local Law the Town Board opened a duly noticed public hearing at its regular meeting on Tuesday, April 27, 2021, which public hearing was duly continued to the Town Board's regular meeting on Tuesday, May 11, 2021, 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 May 11, 2021; and

WHEREAS, said local law has been on the desks of the members of the Town Board 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 pursuant to the State Environmental Quality Review Act determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law will regulate the longstanding use of the boat ramp and associated parking to ensure it is only used by those with the proper permits; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Town, it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 4 of 2021 entitled Regulations for Boat Ramp at Louis H. Engel, Jr. Park; 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: Thank you to Town Counsel Addona, Ossining Police Chief Kevin Sylvester, Town Clerk Sue Donnelly, and Councilwoman Feldman for helping to craft this legislation so we can finally have some regulations on the books regarding the Louis Engel Park boat launch in time for the summer.

Motion: Carried

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

G. Resolution – Local Law # 5 of 2021 – Amendments to Chapter 63 (Building Construction) of the Town Code to add provisions for a local energy code.

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

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that will be ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY);

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses;

WHEREAS, under NY Energy Law § 11-109, the Town of Ossining is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, the Town Board recognizes the importance of clean and renewable energy and has recently adopted local regulations regarding solar energy and battery energy storage, and believes it is appropriate to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards; and

WHEREAS, the Town Board is considering a local law to amend Chapter 63 (Building Construction) of the Town Code to adopt the NYStretch Energy Code, while exempting those projects that have already obtained permits or approvals prior to this local law being adopted and going into effect; and

WHEREAS, in consideration of the proposed Local Law the Town Board opened a duly noticed public hearing at its regular meeting on Tuesday, April 27, 2021, which public hearing was duly continued to the Town Board's regular meeting on Tuesday, May 11, 2021, 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 May 11, 2021; and

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

NOW THEREFORE,

BE IT RESOLVED, the Town Board, as the only involved agency, is declared Lead Agency for the purposes of environmental review with respect to the proposed local law, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, "SEQRA"); and

BE IT FURTHER RESOLVED, the proposed action meets the criteria of a Type II Action under SEQRA and therefore no further environmental review is required; but even if it were determined this is an Unlisted action subject to environmental review, there will be no significant adverse environmental impacts from this local law as this local law is adopting a more stringent and efficient energy code than that required by the State; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Town, it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 5 of

2021 entitled Amendments to Chapter 63 (Building Construction) of the Town Code to add provisions for a local energy code; and

AND BE IT RESOLVED, that the Town Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE THAT AFTER A DULY-NOTICED PUBLIC HEARING WAS HELD BY THE TOWN BOARD OF THE TOWN OF OSSINING ON APRIL 27, 2021 AND MAY 11, 2021, THE TOWN BOARD, AT ITS MEETING ON MAY 11, 2021, ADOPTED LOCAL LAW NO. # 5 OF 2021 AS FOLLOWS: “A LOCAL LAW AMENDING CHAPTER 63 (BUILDING CONSTRUCTION) OF THE TOWN CODE TO ADD PROVISIONS FOR A LOCAL ENERGY CODE”

SUMMARY OF LOCAL LAW

THESE CODE PROVISIONS MAKE THE TOWN CODE CONSISTENT WITH REVISIONS TO THE NEW YORK STATE ENERGY CONSERVATION AND CONSTRUCTION CODE AND ADOPT MORE STRINGENT REGULATIONS AS THEY RELATE TO NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION PROJECTS.

COPIES OF THE PROPOSED LOCAL LAW SPONSORED BY THE TOWN BOARD ARE ON FILE IN THE TOWN CLERK’S OFFICE FOR PUBLIC INSPECTION UPON REQUEST.

AND BE IT FURTHER RESOLVED, appropriate Town officers, staff and consultants are authorized to execute and circulate any documentation reasonably necessary to facilitate the implementation of this Local Law and to secure any grant funding associated with the adoption of this Local Law.

Supervisor Levenberg said the following: And just in time for our Building Inspector to head off to NY Stretch training! Again, thank you to Counsel Addona and Town Planner Valerie Monastra for helping us get to adoption of this legislation, we are excited to be taking this next step to making Ossining more green and accessing the grant funding afforded to the Town once this law is adopted to do even more good work in the field of sustainability!

Motion: Carried

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

H. Resolution Scheduling Town Board Meeting for May 24, 2021

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

WHEREAS, the Office of Community Renewal administers the Community Development Block Grant (“CDBG”) program for the State of New York and provides financial assistance to eligible municipalities and not-for-profits to develop viable communities by providing decent, affordable housing, and suitable living environments, as well as expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, in order to be eligible for CDBG funding, not-for-profits must present their proposed funding requests at a public meeting of the municipal board in which they operate; and

Whereas, the Town Board desires to hold a joint meeting with the Village of Ossining Board of Trustees to hear these presentations by not-for-profits that operate within the Town and Village of Ossining; and

Now therefore,

Be it Resolved, the Town Board hereby schedules a meeting to be held on Monday, May 24, 2021 at 7:30pm via Zoom video conferencing in accordance with the Governor's Executive Order 202.1 dated March 16, 2020 and subsequently extended, for the purpose of hearing presentations from not-for-profit organizations for CDBG funding; and

Be it further Resolved, the Town Clerk is hereby directed to notice said meeting as required by law.

Supervisor Levenberg said the following: As I mentioned earlier, the Town is partnering with the Village of Ossining to host a Town Hall meeting to allow non-profits to present their CDBG applications at a public meeting, as required by the grant program. We will be directly reaching out to the non-profits the Town has partnered with in the past to make sure they know about this opportunity, but please share with others – we want to get Ossining as much grant funding as possible!

Motion: Carried

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

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 correspondence:

- Planning Board & Architectural Review Board Resolutions of Approval for Terra Rustica – April 7, 2021
- Planning Board Minutes – March 17, April 7, and April 21, 2021

Motion: Carried

X. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of April 2021:

- GE Helicopter
- Tax Receiver
- Town Clerk
- Dale Cemetery
- Town Building Department
- Town Supervisor

Motion: Carried

XI. VISITOR RECOGNITION

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

XII. ADJOURNMENT

At 8:28 P.M., Councilmember Shaw motioned to adjourn to Executive Session for advice of counsel and Councilmember Wilcher seconded.

Motion Carried: Unanimously

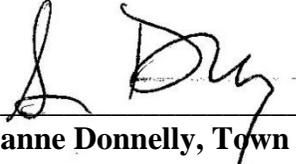
At 8:53 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously

At 8:53 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Feldman seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk