

MINUTES
TOWN BOARD
TOWN OF OSSINING
MAY 25, 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 25, 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, Northern Wilcher, Jr., and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Town Clerk Susanne Donnelly.

A moment of silence was held for Ossining Public Librarian and lifelong NAACP member William T. Broadnax, who passed away last week.

Supervisor Levenberg said the following: William Broadnax, known as Bill, grew up in Georgia during the Jim Crow Era and was not welcome in his local library because of his skin color. He later attended Villanova University where he graduated with a Masters of Science in Library Science, and in 1968 he joined the Ossining Public Library where he became a beloved fixture of our community. Bill was an active member of the NAACP and organized the annual "Symphony of Fashions and Luncheon" fundraiser for over 20 years. The Town recognized Bill on his 50th anniversary of employment with the Ossining Public Library, and when he was honored by the Cooperative Scholarship Fund in 2019. Bill was always a welcoming face at the library, and we will miss Bill very much.

II. PUBLIC HEARING

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

At 7:32 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Tonight we are re-opening the public hearing on Local Law #6, creating a Special Events policy in the Town. As we have discussed at past meetings, after the Village of Ossining adopted a Special Events policy earlier this year, they asked that the Town adopt a similar policy since Special Events are administered out of our shared Recreation Department. After a few work sessions, internal review by staff, the version that has been circulated in advance of tonight's meeting is our final draft. We do also have resolutions drafted later on in our agenda to adopt the local law and corresponding fees for Special Events.

Town Counsel Tomm-Addona discussed updates to the local law in regard to block parties and penalties for offenses.

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

III. SPECIAL PRESENTATION - Ching Wah Chin, Planning Board Chair

Town Supervisor Levenberg presented Planning Board Chair Chin with a proclamation and said the following: Tonight we have a special guest with us, our outgoing Planning Board Chair Ching Wah Chin. Ching, after nearly twenty years of service to the Town, has decided to step down from his position as Planning Board Chair. We are so grateful for his service to the Town, and wanted to have him on our meeting this evening for a real send off. We have a proclamation, which we will share virtually this evening, but Ching we will be sure to get you a proper copy for safekeeping too. Thank you Ching for all of your service to the Town, it is much appreciated! And the Planning Board is being left in the very capable hands of Gareth Hougham as Chair. Gareth has been on the Planning Board for many years, and is an Ossining native with a particular eye for environmental sustainability. Gareth has worked on previous Comprehensive Plans and is passionate about his community. We are certain he will make an excellent chair! We will also be appointing Jesus Lopez as a full member of the Planning Board, to fill Ching's unexpired term. Jesus has served as an alternate member of the Planning Board for a year, and has served on land use boards in the Village before moving to the Unincorporated Town a few years ago. We have quite a dynamic team on the Planning Board right now, with everyone bringing to the table a wealth of experience in planning, land use, and environmental sustainability.

Planning Board Chair Chin said that it was an honor and privilege to serve the community. He thanked his fellow board members and Town staff members.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Today marks the one year anniversary of the murder of George Floyd in Minneapolis. Floyd's murder was originally misrepresented by the Minneapolis Police Department, who reported he died of natural causes, but as we all know, the tragedy was recorded and shared online. The murder elevated the national conversation about accountability, public service, racial justice, and systemic inequity. We remember George Floyd and his family today, as we continue to pursue justice for all Americans.

The Community Equity Task Force will host a Press Conference to discuss the digital divide, which is the gap created by unequal access to the internet and digital services. This is an issue that pre-dates the pandemic, but became a focus across the nation as we switched to working remotely. State Senator Shelley Mayer will attend to speak about her proposed ELEARN legislation to expand internet access during the term of pandemic. The Task Force has also invited a number of elected officials and community members, including students, to discuss the impacts of the digital divide on Ossining and other efforts needed to close it. The Press Conference begins at 10:30 at Louis Engel Waterfront Park this Thursday – we hope you can join us.

Vaccines are available at quite a few sites in town. The Ossining Volunteer Ambulance Corps will hold a pop-up vaccine clinic tomorrow and Thursday at OVAC headquarters at 8 Clinton Avenue. This is the perfect site for anyone feeling hesitant about the vaccine. OVAC has Pfizer and Moderna shots available and you can schedule an appointment time through their Facebook page or by calling (914) 941-9196. They are also willing to come to you if that means getting vaccinated. Moderna released some exciting news today that clinical trials in the 12-17 year old age group have revealed promising results of

strong immunity in this age group as well, and they will be pursuing FDA emergency use authorization in the coming weeks.

May is National Small Business Month. We heard a lot about supporting small business in the fall after Thanksgiving, but it is important to incorporate shopping local into your daily routine. Our businesses have a lot to offer, especially as the summer season rolls around. Yesterday on our social media pages we shared a fun bingo board with easy ways to support small businesses. I encourage you to check it out. And remember, while we have some great restaurants in town, there are also a lot of excellent services provided locally. Keep this in mind as you buy goodies for Memorial Day. Give your favorite business a shout-out online, leave them a positive review, and shop local!

Town offices will be closed Monday in observance of the Memorial Day holiday. Garbage collection scheduled for Monday will shift to Tuesday, and regular Tuesday collection will shift to Wednesday. May 31st is also the official beginning of the seasonal leaf blower restrictions. Gas powered leaf blowers can only operate at half speed on impervious surfaces or in cemeteries. Other than under these specific circumstances, gas powered leaf blowers cannot be used in the town until September 30th.

There will not be a Memorial Day parade this year in Ossining or Briarcliff. The Ossining Centralized Committee of Organized War Veterans will hold a ceremony at Nelson Park on Memorial Day, starting at 10:45am. The Briarcliff Manor American Legion Post 1054 will hold a ceremony at Law Park at 11:30. I hope to see many of you at these events as we remember those in our community who gave their lives in service to our country and to protect our freedoms.

Memorial Day is the unofficial start of the summer, and I know a lot of people have summer events on the mind like Independence Day, Fireworks, and our annual Summer Concert Series, all of which we had to skip in person last year due to the pandemic. This year we are happy to announce we will be hosting our annual summer concert series and food truck Fridays, starting Friday, July 2nd. However, due to the large crowds—usually between 4-6,000—we get for our Independence Day Fireworks display, we opted not to host those in July this year. While we are making great progress on the COVID-19 front, given the nature of the event and the number of people, including many, many children who are not yet eligible to be vaccinated, we thought it would be much more responsible to wait a little longer for a more festive celebration, and have therefore scheduled the fireworks celebration for the instead for the end of summer Friday of Labor Day weekend. We hope by then more people will be vaccinated, and COVID-19 numbers will be much reduced. Please stay tuned – more details will be coming! In the meantime, please mark your calendars for our Friday night events. These weekly concerts bring out a much smaller crowd than fireworks, and we hope they will be a welcome respite for the community as we start to return to some sort of normalcy. We are also working again with the Greater Ossining Chamber of Commerce and Sing Sing Kill Brewery to feature local restaurants and New York craft beverage purveyors to help support our local businesses, and are grateful for the help the Riskos provided in curating our bands for the concerts as well as helping get the word out. We will be sharing more information very soon via social media, so get your lawn chairs ready.

Last weekend, I had an opportunity to watch some of the new original young voices in theater coming out of Westchester Collaborative Theater. If you haven't had an opportunity to watch these Gen Z Outloud performances yet, waste no time and sign up for their next zoom performance. Go to wctheater.org. We have so much talent here!

I also had a chance to witness from afar the Ossining Boat & Canoe Club Annual Commissioning ceremony as I came in from a morning paddle up the Hudson on Sunday. This year it was only open to members due to COVID. We

wish all our boaters, paddlers, and the like a safe and enjoyable boating season. Look out for new signage about our Ossining Boat Launch coming soon.

V. LIAISON REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – May 11, 2021

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

Resolved, that the Town Board of the Town of Ossining hereby approves the May 11, 2021 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 25, 2021 in the amount of \$1,499,766.22.

Supervisor Levenberg said the following: Our Voucher Detail report is quite high this week, but in this check run is our May IMA payment to the Village which includes the first four months of Police IMA payments. Each year, the Village holds off on billing the Police IMA until May, when the Town has more cash on hand following the Town/County tax collection in April. So we will likely not see a Check Run this high until May of next year!

Motion: Carried

C. Establishing Tree Bank Special Purpose Fund

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

WHEREAS, at its September 10, 2019 meeting, the Town Board adopted a resolution establishing a tree bank fund for payments made by site plan and subdivision applicants for mitigation of tree removal pursuant to Town Code §183-12(G); and

NOW THEREFORE,

BE IT RESOLVED, the tree bank fund established by the Town Board shall be a Tree Bank Special Purpose Fund.

Supervisor Levenberg said the following: The Town Board established our Tree Bank fund, which is paid into by developers who are unable to satisfy their re-planting requirements on their own property for the Town to use for tree planting elsewhere in the community, in 2019. Our auditors recommended that the Board adopt a resolution to establish the Special Purpose Fund account for these payments to be deposited into. Thank you to our Comptroller Dale Brennan for helping us keep everything organized and in good shape for our audit.

Motion: Carried

D. Acceptance of Tree Bank Special Purpose Fund Payment – SPCA

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

WHEREAS, SPCA obtained site plan approval from the Planning Board; and

WHEREAS, in connection with said approval, SPCA was required to make a payment to the Town’s tree bank fund for mitigation of tree removal in accordance with Town Code §183-12(G); and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby accepts the SPCA’s payment to the Tree Bank Special Purpose Fund in the amount of \$10,642.50.

Supervisor Levenberg said the following: And next, we are accepting payment into the Tree Bank Fund from the SPCA for mitigating tree removals approved in their site plan for their headquarters renovation.

Motion: Carried

E. Resolution – Local Law # 6 of 2021 – Special Event Permit Local Law

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

WHEREAS, special events are largely beneficial to the community, however, special events which are likely to attract a large number of people can adversely affect the well-being of Town residents and business owners and strain municipal resources; and

WHEREAS, pursuant to an Inter-municipal Agreement, the Town of Ossining utilizes the services of the Village of Ossining Recreation and Parks Department; and

WHEREAS, the Town was informed that the Village Board of Trustees adopted a local law establishing certain procedures and standards for permitting special events in the Village; and

WHEREAS, in the interest of consistency between Town and Village residents and events and the administration of such events by the Village Recreation and Parks Department, and in order to provide for the well-being of the community, the Town Board considered adopting a local law establishing procedures whereby the Town can be informed in advance of special events, and be assured that such special events can be accommodated without unduly burdening the community or municipal resources; and

WHEREAS, the Local Law was based upon the local law adopted by the Village Board of Trustees, which the Town Board modified and tailored to fit the needs of Town residents, property and resources; 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 meetings on Tuesday, May 11, 2021 and Tuesday, May 25, 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 25, 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 special events within the Town and on Town property to ensure they are held in a safe and orderly manner and that they do not unduly burden Town resources or residents; 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 # 6 of 2021 entitled adopting a new Chapter 166 (Special Events, Parades and Public Gatherings) of the Town of Ossining Code; 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: As discussed earlier, this is a resolution adopting the Local Law to establish a Special Events policy in the Town to mirror the Village's policy. Thank you to our Counsel Christie Addona, Insurance Rep Jim Duffy, and Recreation Superintendent Bill Garrison for their help developing this local law. And to Jaimie Hoffman in the Village Manager's Office – she did a lot of the background research to develop the Village's law over the past year and none of us would be here without her!

Motion: Carried

F. Resolution – Establishing Fees for Chapter 166 of the Town Code – Special Events, Parades and Public Gatherings

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

WHEREAS, the Town Board adopted Local Law # 6 of 2021 adopting a new Chapter 166 (Special Events, Parades and Public Gatherings) of the Town of Ossining Code establishing certain procedures and standards for permitting a special event in the Town; and

WHEREAS, the Local Law was based upon the local law adopted by the Village of Ossining Board of Trustees earlier this year, which the Town Board modified and tailored to fit the needs of Town residents, property and resources; and

WHEREAS, as both the Village of Ossining and Town of Ossining's special event permit applications will be administered by the Village of Ossining Recreation and Parks Department, which also serves the Town of Ossining pursuant to an inter-municipal agreement, the Town Board finds that in the interest of orderly administration and to avoid confusion between events occurring in the Town and the Village, the fees associated with the special event permit application should be the same in both municipalities; and

WHEREAS, the Town Board finds the fees adopted by the Village Board of Trustees to be reasonable and fair; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby amends the Town of Ossining 2021 Fee Schedule to establish the following fees related to the special event permit local law (Town Code Chapter 166):

Special Event Permit Application Fee	\$25.00 non-refundable fee	
Approved Special Event Fee:	Event Level 1 (less than 300 people in attendance)	\$200.00 per event
	Event Level 2 (between 300-499 people in attendance)	\$500.00 per event
	Event Level 3 (more than 500 people in attendance)	\$700.00 per event
Security Deposit for Approved Special Event (unless otherwise specified in the permit)	Event Level 1 (less than 300 people in attendance)	\$200.00 per event
	Event Level 2 (between 300-499 people in attendance)	\$500.00 per event
	Event Level 3 (more than 500 people in attendance)	\$700.00 per event
Banner Application Fee	For events in the Town of Ossining – including the Village of Ossining and the portion of the Village of Briarcliff Manor located in the Town of Ossining	\$25.00 non-refundable fee
	For events outside of the Town of Ossining	\$50.00 non-refundable fee

Supervisor Levenberg said the following: This resolution establishes the fees for the new Special Events legislation. The fees are essentially the same as the Village of Ossining, except we removed the street closing/closing of metered parking spot fee because that does not apply to the Town. Hopefully the consistency will help members of the public and our shared Town/Village employees in easily implementing this new policy.

Motion: Carried

G. Resignation – Town Planning Board Chair

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 accepts the resignation, with regret, of Ching Wah Chin from his position as Chair of the Town of Ossining Planning Board, effective May 31, 2021.

Supervisor Levenberg said the following: Thank you again, Ching, for your many years of service to the Town, and I hope you enjoy your Wednesday evenings off from Planning Board meetings now!

Motion: Carried

H. Appointment – Town Planning Board Chair

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 appoints Gareth Hougham as Chair of the Town of Ossining Planning Board, effective June 1, 2021.

Supervisor Levenberg said the following: Congratulations, Gareth, on your new position! We are continually impressed with your expertise and passion for planning and environmental issues, and we are glad you will be taking on the reins.

Motion: Carried

I. Appointment – Town Planning Board

Councilmember Meyer 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 Jesus Lopez to fill an unexpired term on the Town of Ossining Planning Board, effective June 1, 2021 to expire on December 31, 2023.

Supervisor Levenberg said the following: And congratulations Jesus, thank you for serving as alternate for this past year, and agreeing to participate as a full member now.

Motion: Carried

J. Promotion – Appointment – Town of Ossining Justice Court

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 promotes Katherine Quizhpi from the temporary to probationary position of Intermediate Clerk in the Town of Ossining Justice Court, effective May 25, 2021; and

Be it further Resolved, that Ms. Quizhpi’s annual salary remains at \$46,998 for 2021.

Supervisor Levenberg said the following: Katherine started working for the Town Court in December, waiting for the opportunity to take the civil service test and hopefully become a probationary employee of the Town. We were so happy to hear that Katherine had passed the Civil Service exam and was reachable on the resident list. Katherine has been great added value to the Court team, and we are excited to be keeping her on – congratulations Katherine!

Motion: Carried

K. Appointment – Seasonal Parks Groundskeeper

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 appoints Brian Zhinin Sanchez, Ossining, to the seasonal position of Parks Groundskeeper at an hourly rate of \$15, effective June 1, 2021.

Supervisor Levenberg said the following: As the weather gets warmer, our Parks/Cemetery crew is in need of some extra hands. We are happy to be appointing two young men to be joining the crew on a seasonal basis this summer – Brian Sanchez Zhinin and in the next resolution Arnis Sylaj.

Brian and Arnis are Ossining residents, both with an excellent skill set to be helpful additions to the crew for the summer. Welcome Brian and Arnis!

Motion: Carried

L. Appointment – Seasonal Parks Groundskeeper

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 appoints Arnis Sylaj, Ossining, to the seasonal position of Parks Groundskeeper at an hourly rate of \$15, effective June 1, 2021

Motion: Carried

M. Contract – State Transportation Services PY 2021-2022

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 agreement with Westchester County Department of Senior Programs and Services for the purposes of receiving funding at an amount not to exceed \$3,234 for program year April 1, 2021 through March 31, 2022 for the Town providing transportation services to seniors in accordance with the New York State Transportation Program.

Supervisor Levenberg said the following: The Town Senior Nutrition Program receives grant funding from the State for a few different programs, and the funding is administered through the Westchester County Department of Senior Programs and Services. This contract will allow us to get our grant funding to support our transportation program for seniors, much needed programming for our community's seniors.

Motion: Carried

VIII. VISITOR RECOGNITION

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

IX. ADJOURNMENT

At 8:13 P.M., Councilmember Shaw motioned to adjourn to Executive Session for advice of counsel and Councilmember Wilcher seconded.

Motion Carried: Unanimously

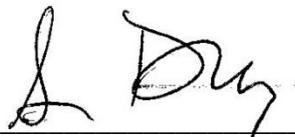
At 8:46 P.M., Councilmember Wilcher motioned to leave Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously

At 8:47 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Wilcher seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk