

**MINUTES**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**IN PERSON AT**  
**TOWN MUNICIPAL BUILDING**  
**1<sup>st</sup> FLOOR CONFERENCE ROOM**  
**16 CROTON AVE – OSSINING, NEW YORK**  
**AND VIA ZOOM**

**SEPTEMBER 14, 2021**  
**REGULAR MEETING**  
**7:30 P.M.**

**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 September 14, 2021 in the Town Municipal Building, 16 Croton Ave in Ossining, NY and via Zoom. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Jackie G. Shaw, 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**

- **Local Law to opt out of allowing on-site cannabis consumption sites in the unincorporated Town of Ossining**

At 7:30 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Tonight, we are re-opening our public hearing on a local law to opt-out of on-site cannabis consumption in the unincorporated Town of Ossining. As a refresher, this is one of two cannabis-related uses municipalities are permitted by New York State to opt out of if they do so before December 31, 2021. The other use is retail dispensaries. At this time, the Town is only considering opting-out of on-site consumption which would mean by default retail dispensaries will be allowed in the unincorporated Town in the future. This local law is in line with legislation recently adopted by the Village of Ossining, which will yield some financial benefits to the Town as well, as there is an opportunity for the Town to receive a portion of the revenue from Village dispensaries.

At 7:32 PM Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

**III. ANNOUNCEMENTS**

Supervisor Levenberg announced the following:

Last Friday, we celebrated the encore of our Summer Concert Series with a performance by Soul Sacrifice and some fave food trucks. I want to once again thank the incredible Summer Concert Series team who made it all possible, including the Gayle Marchica and John Girolamo from the Greater Ossining Chamber of Commerce, Mike and Miriam Risko of Mike Risko Music, Eric

**Gearity, Matt Curtin and the Sing Sing Kill Brewery team, Superintendent of Recreation Bill Garrison, Sound Engineer Keith Heilmann and his partner John, Parks Foreman Mario Velardo and his staff, Victoria Cafarelli from my office, the Town Board for supporting this wonderful community event, and of course, all of the amazing performers, brewers, and food trucks that brought their talents and tasty delights to share with all of us this summer. I think we can all agree Summer 2021 was a bit more of a rollercoaster than we expected, but thank you to this great team for sticking with us through all the twists and turns with an amazing series of events. Although we had to cancel the fireworks in September, mark your calendars now for Friday, July 1, 2022 for the – fingers crossed – official return of Ossining’s annual Independence Day Fireworks! After two years of cancelling because of COVID, we can’t wait to get back to normal.**

**This morning, I was honored to participate in the ribbon cutting for a community solar canopy system at Maryknoll Fathers & Brothers. This system – which is the first in the Town of Ossining and the largest of its kind in Westchester County – will help offset Maryknoll’s electricity bill as well as the electricity bills of 77 residences in Ossining who are Con Ed customers, including all of the 15 affordable housing properties owned and operated by IFCA Housing Network—which serves 220 of residents! Maryknoll is an incredible force for good in our community, and the world, and this latest addition is a great fit with their inspiring mission. Thank you to Maryknoll Superior General Father Raymond Finch for his leadership on this project, Ecology Energy which is the company that developed the project, Green Spark, the installer, and Sustainable Westchester and NYSERDA for helping get these benefits to Ossining residents. Also, this project would not have been possible without the support of my Board colleagues and the Planning Board, as well as the hard work of Town staff, attorneys, and planners. As our first Tier 3 solar installation since we adopted the solar code, it is pretty exciting. Please do drive by and check out the system, it is super cool!**

**Reminder: the first half of school taxes for the Ossining and Briarcliff School districts are due September 30. If you pay your taxes directly (as opposed to it being paid by a mortgage escrow account) please make sure to get your payment in on time. You can pay your taxes online (it is super easy!), by mail (just remember your envelope needs to have a postmark of September 30 to be considered timely), or in person at our offices at 16 Croton Avenue from 8:30am to 4:30pm. You can also drop your envelope with payment in the dedicated mail slot at the Ossining Post Office, which gets delivered to our offices the following day. Just don’t forget to put a stamp on it! Also, please be wary of online bill pay from your bank because these payments are not postmarked and if they are not received in our office by the deadline, you will be assessed a penalty. Please instead consider paying your bill directly through our online payment feature on our website. If you have any questions, any questions at all, please call (914) 762-8790 to speak to Receiver Holly Perlowitz and her team, they are always happy to help and they always do so with a smile!**

**Mark your calendars for Wednesday, September 22 for Car Free Day. Take the pledge now to go car free or car light on International Car Free Day at [511nyrideshare.org](http://511nyrideshare.org). We are also looking for local businesses to participate in an effort to encourage community members to go Car Free. If you are a local business owner and are willing to provide a special offer – like a \$1 off a drink, entry into a raffle, etc. – for those who visit your business without using a single-occupancy, gas-powered car on Car Free Day--please let us know! The Town is doing its part, as indicated in a resolution later in the agenda, by making electric car charging free at our EV charging stations at Engel, Ryder and Cedar Lane Parks. And make sure to take the pledge now on the [511NY Rideshare](http://511NYRideshare.org) website. Green Ossining is assisting in this effort, as is the Ossining PTA, and more information is available at [www.greenossining.org](http://www.greenossining.org).**

#### **IV. LIAISON REPORTS**

**V. PUBLIC COMMENT ON AGENDA ITEMS**

**VI. BOARD RESOLUTIONS**

**A. Approval of Minutes—Regular Meeting – August 24, 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 August 24, 2021 minutes of the Regular Meeting as presented.

Motion: Carried

**B. Approval of Minutes—Special Meeting – August 31, 2021**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the August 31, 2021 minutes of the Special Meeting as presented.

Motion: Carried

**C. Approval of Voucher Detail Report**

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 Voucher Detail Report dated September 14, 2021 in the amount of \$852,457.36

Motion: Carried

**D. Resolution – Adopting Local Law #8 of 2021 – Opt Out of Allowing On-site Cannabis Consumption Sites in the Unincorporated Town of Ossining**

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

WHEREAS, the on March 31, 2021 the State of New York enacted legislation known as the Marijuana Regulation and Taxation Act (“MRTA”), which, among other things, established a new Office of Cannabis Management for the regulation of cannabis, created a regulated and taxed cannabis industry in New York and provided for various social and economic justice initiatives related thereto; and

WHEREAS, while the MRTA preempted local regulations with respect to many aspects of cannabis sales and consumption, the MRTA did give local governments the ability to opt out of having cannabis retail dispensaries and/or on-site cannabis consumption establishments within the municipalities’ respective borders by December 31, 2021; and

WHEREAS, if the local government does not opt out by December 31, 2021, they are precluded from doing so in the future; however, a local government that does opt out by December 31, 2021 has the discretion to determine to opt back in to have such establishments in the future; and

WHEREAS, after holding a Town Hall meeting and work sessions on this topic to receive and consider input from the public, the Town Board decided to

consider a local law to opt out of only on-site cannabis consumption establishments within the Unincorporated Town of Ossining; and

WHEREAS, as the only involved agency for this local law pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town Board prepared a Short Environmental Assessment Form, Part 1; and

WHEREAS, the Town Board held a duly-noticed public hearing on this local law at its regular meetings on Tuesday, August 24, 2021 and Tuesday, September 14, 2021 in the first floor conference room at Town Hall, 16 Croton Avenue, Ossining, New York 10562 and via Zoom videoconferencing, and members of the public having the opportunity to attend and be heard in person or via videoconferencing, the public hearing was closed on September 14, 2021; 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 pursuant to SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the ability to opt out of allowing on-site cannabis consumption establishments was a right afforded to the Town Board by State law and this local law will maintain the status quo of not allowing on-site cannabis consumption establishments within the Town while the State implements its new licensing program and the Town can more definitively assess, based upon empirical evidence, the benefits and risks of allowing such establishments within the Town; 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 # 8 of 2021 entitled Opt Out of Allowing On-site Cannabis Consumption Sites in the Unincorporated Town of Ossining; and

BE IT FURTHER RESOLVED, pursuant to New York Cannabis Law § 131, this Local Law #8 of 2021 is subject to a permissive referendum and thus the local law may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or, if a valid petition has been filed, a referendum has been conducted approving this local law; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution concisely stating the purpose and effect thereof and specify that this resolution was adopted subject to a permissive referendum.

Supervisor Levenberg said the following: Thank you to the members of the public that participated in our public hearings and meetings on this topic. We are hopeful this will help facilitate sound development of this new use in our Town, and we look forward to continuing these discussions as we evaluate zoning regulations on retail dispensaries.

Motion: Carried

Ayes: Feldman, Wilcher, Shaw, & Levenberg

Nay: Meyer

**E. Resolution – Holding meetings of the board of the Town of Ossining via videoconferencing through January 15, 2022**

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

**WHEREAS, in furtherance of the State of Emergency issued on March 7, 2020 related to the COVID-19 pandemic, the Governor issued Executive Orders 202.1 and 202.15 that allowed municipal boards to hold meetings and public hearings remotely via videoconferencing or teleconferencing; and**

**WHEREAS, in furtherance of these Executive Orders, the boards of the Town of Ossining held their meetings via Zoom videoconferencing until June 2021 when the State of Emergency, and the corresponding authority to holding meetings via videoconferencing, expired; and**

**WHEREAS, on September 2, 2021, the State enacted legislation that allow municipal boards to continue holding meetings remotely via videoconferencing or teleconferencing until January 15, 2022; and**

**WHEREAS, in light of the prevalence and contagiousness of the COVID-19 Delta variant, as well as the convenience afforded to members of the public, the Town Board believes it is in the best interest of the health, safety and welfare of the Town, its officers, employees and constituents to resume holding board meetings via Zoom videoconferencing; and**

**NOW THEREFORE,**

**BE IT RESOLVED, until January 15, 2022, the meetings of the Town of Ossining Town Board, Planning Board, Architectural Review Board and Zoning Board of Appeals shall be held via Zoom videoconferencing, which meetings the public shall have the ability to view and the meetings shall be recorded and later transcribed; and**

**BE IT FURTHER RESOLVED, the Town Clerk, the Town Planning Board and Zoning Board Secretary, and any other appropriate staff and personnel, are hereby directed to notice these meetings as required by law; and**

**BE IT FURTHER RESOLVED, the Town Board will revisit this matter at its January 11, 2022 legislative session.**

**Supervisor Levenberg said the following: Thank you to the NYS Legislature for allowing municipal boards to consider moving back to all remote meetings. The pandemic is certainly not over, and we feel moving to remote meetings while they are allowed under this new law is the right move for the Town. So we will see you only on Zoom next week!**

**Motion: Carried**

**F. Policy Regarding COVID-19 Vaccinations and Testing for Non-Union Employees**

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

**WHEREAS, on March 7, 2020, the Governor of the State of New York issued an Executive order declaring a state of emergency for the entire State related to cases and community transmission of the Novel Coronavirus (“Covid-19”) occurring throughout New York State; and**

**WHEREAS, the State of New York, the residents of Westchester County, and the Ossining community continue to be impacted by the Covid-19 pandemic; and**

**WHEREAS, the Center for Disease Control (“CDC”) recently issued guidance that strongly recommends the continued use of multi-layered safety protocols to enable individuals to be as safe as possible while at work, a significant component of which should be a requirement that all Town employees either be vaccinated or be tested for Covid-19 on a regular basis; and**

**WHEREAS, in response to the rapid spread of the Covid-19 Delta variant, on July 28, 2021, the Governor announced that effective Labor Day, all employees of the State of New York must be vaccinated or be tested on a regular basis; and**

**WHEREAS, the Governor has strongly encouraged all employers, and local government and school districts in particular, to require that all public employees either be vaccinated or be tested on a regular basis; and**

**WHEREAS, if employees of the Town have not voluntarily elected to be vaccinated, regular Covid-19 testing of such unvaccinated individuals is an essential component of the multi-layered safety protocols that will be put in place to help ensure the health and safety of all Town personnel and residents with whom they may come in contact;**

**NOW THEREFORE, IT IS HEREBY RESOLVED, that the Policy annexed hereto as Exhibit A is hereby adopted by the Town Board as the Town’s Covid-19 Vaccination and Testing Policy; and it is further**

**RESOLVED, that such Policy shall apply to elected officials and officers/employees appointed by the Town Board who are not otherwise covered by the terms of any collective bargaining agreement; and it is further**

**RESOLVED, that the proper officers of the Town are authorized to take any further action and execute and deliver any agreements, instruments and documents, in the name of the Town, as in their judgment shall be necessary, proper or advisable in order to carry out the intent and accomplish the purposes of the resolutions adopted hereby.**

**The foregoing resolutions shall take effect September 13, 2021**

**EXHIBIT A  
TOWN OF OSSINING  
COVID-19 VACCINATION AND TESTING POLICY**

- 1. Effective September 13, 2021, employees who have not submitted proof of a completed vaccination regimen for Covid-19 (see paragraphs 8 and 9, *infra*), shall be subject to periodic testing for Covid-19 as set forth herein.**
- 2. The frequency with which Covid-19 testing shall be undertaken for individuals who have not submitted proof of a completed Covid-19 vaccination regimen shall be determined by the Town, and may periodically be changed at the sole discretion of the Town Supervisor on five (5) business days’ written notice to the affected individuals. Initially, beginning in September 2021, such testing shall occur on a weekly basis.**
- 3. The type of test to be utilized for Covid-19 testing shall be determined by the Town and may periodically be changed in the sole discretion of the Town Supervisor on five (5) business days’ written notice to the affected individuals, provided however, that the type of test to be utilized shall be limited to those tests that have been approved by the FDA for such purpose. Initially, beginning in September 2021, the test to be utilized will be a nasal swab test.**
- 4. The Town shall provide Covid-19 tests required pursuant to this Policy at the sole expense of the Town. Individuals shall not bear any expense related to the provision of the test kits to be utilized and/or the lab analysis of the specimens collected.**

- 5. Administration of the Covid-19 tests shall occur during the regular workday and work hours of the affected individuals without any additional compensation related to such testing. Those individuals who are subject to the Covid-19 testing requirement shall report to the OVAC headquarters (located at 8 Clinton Avenue, Ossining NY) on the day and time designated by the Town for the administration of the Covid-19 test for each such individual. Initially, such testing shall occur on Mondays each week, or Tuesdays in those weeks in which Monday is a Town holiday. Following collection of the necessary specimen, individuals shall immediately report to their building/work site to perform their regular job duties.**
- 6. Those individuals who are subject to the Covid-19 testing requirement who are absent from work or otherwise fail to submit a test sample on the day on which they are scheduled by the Town for testing, shall be subject to testing during the next workday on which they report to work. In such event, the individual is required to contact the Town Supervisor's office upon reporting to work for direction as to what time they should report to OVAC Headquarters for testing.**
- 7. Any individual who is subject to the Covid-19 testing requirement as set forth herein, who fails to submit a test sample during their regular workday on a day designated by the Town for such purpose, shall be given notice by the Town that if they do not submit a test sample within two business days' following receipt of the notice, that they will thereafter, to the extent permitted by applicable law, be placed on an unpaid leave of absence until such time as they either submit proof of Covid-19 vaccination as set forth herein or submit to Covid-19 testing in accordance with the terms of this Policy. Notice shall be provided by both electronic mail (email) to the individual's Town-provided email address and a voicemail to a personal phone number that accepts voicemails provided by the individual for such purpose.**
- 8. To be relieved of the testing requirement set forth herein, individuals must submit written proof of being fully vaccinated (which shall be defined as being at least two weeks past a completed Covid-19 vaccination regimen) to the Town Supervisor. Acceptable proof of vaccination shall be limited to submission of a copy of the individual's CDC Covid-19 Vaccination Record Card or a printed copy of their New York State Excelsior Pass. Individuals must submit such documentation by September 13, 2021 to be relieved of the initial testing obligation in September 2021. Thereafter, individuals will prospectively be relieved of the testing obligation following submission of the required documentation.**
- 9. In the event that a booster or additional vaccination injection is recommended by the CDC or the New York State Department of Health for any segment of the population of which an employee is a member, such individuals shall be subject to the testing protocols set forth herein unless they submit proof of a completed booster/additional vaccine injection within thirty (30) calendar days of the State of New York making the booster/additional vaccine injection available to that segment of the population of which the individual is a member.**
- 10. In the event COVID-19 vaccinations are mandated by applicable law, rule or regulation, this Policy shall apply only to those individuals who are exempt from receipt of a vaccination pursuant to applicable law. Individuals who do not qualify for an exemption and who refuse to receive the vaccination, shall be placed on an unpaid leave of absence to the extent permitted by applicable law.**
- 11. All records of vaccination submitted to the Town Supervisor's office shall be kept confidential and shall be maintained as medical records in accordance with applicable law, rules and regulations governing the storage of such records.**
- 12. All records of test results shall be reported to the Town Supervisor's office, shall be kept confidential, and shall be maintained as medical records in accordance with applicable law, rules and regulations governing the storage of such records.**

Supervisor Levenberg said the following: This resolution, and the two following, will set forth new protocols for all Town staff – including those not represented by a union, members of the CSEA unit, and members of the Teamsters unit – regarding vaccines and testing. Under this new policy, all Town employees who are not fully vaccinated against COVID-19 will need to submit for weekly testing until they are fully vaccinated. We hope this change, on top of other COVID-19 protocols currently in place, will help make our Town offices safer for all of our employees and members of the public.

Motion: Carried

**G. Memorandum of Agreement – Local 456, International Brotherhood of Teamsters**

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 authorizes the Supervisor to sign a Memorandum of Agreement between the Town and Local 456, International Brotherhood of Teamsters regarding COVID-19 vaccinations and testing for Town employees, effective September 13, 2021.

Supervisor Levenberg said the following: Thank you to our partners at CSEA and Teamsters Local 456 for agreeing to these new protocols and understanding the importance of maintaining vigilance in our fight against COVID-19.

Motion: Carried

**H. Memorandum of Agreement – CSEA**

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 authorizes the Supervisor to sign a Memorandum of Agreement between the Town and the CSEA regarding COVID-19 vaccinations and testing for Town employees, effective September 13, 2021.

Motion: Carried

**I. Contract – Arts & Crafts Classes for Senior Nutrition Program**

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

Be it resolved, the Town Board hereby authorizes the Supervisor to enter into a contract with Ann Reibel to provide weekly, one-hour arts and crafts classes to the members of the Town of Ossining Senior Center for a fee not to exceed \$75 per class, in a form satisfactory to Counsel to the Town.

Supervisor Levenberg said the following: Our Senior Program is getting ready to get back in business and we are excited to welcome a new arts & crafts teacher, Ann Reibel, to help our seniors flex their creative muscles while participating in our program offerings.

Motion: Carried

**J. Waiver of Electric Car Charging Fees in Town Parks on International Car Free Day**

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 waives the following fee on September 22, 2021 in an effort to encourage residents to reduce their dependence on the use of gas-powered automobiles in celebration of International Car Free Day 2021.**

**Electric Car Charging Engel Park, Cedar Lane Park, Ryder Park  
First 3 Hours Free, \$5 each additional hour**

**Supervisor Levenberg said the following: Take the pledge now to go Car Free or Car Lite on September 22 – and if you have an electric vehicle, you will be able to charge up for free at our Town parks! We hope these seemingly small steps will help us make big changes to our routines to save our planet. FYI, I have taken the pledge!**

**Motion: Carried**

**VII. 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 August 2021:**

- Town Highway**
- Tax Receiver**
- Dale Cemetery**
- Town Clerk**
- Town Supervisor**

**Motion: Carried**

**VIII. VISITOR RECOGNITION**

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

**IX. ADJOURNMENT**

**At 7:54 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel and Councilmember Shaw seconded.**

**Motion Carried: Unanimously**

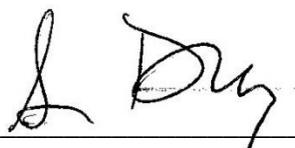
**At 8:38 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Wilcher seconded.**

**Motion Carried: Unanimously**

**At 8:38 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

**Approved:**

  
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**Susanne Donnelly, Town Clerk**