

MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY

NOVEMBER 23, 2021
REGULAR MEETING
7:32 PM

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 23, 2021 via video conference, pursuant to Chapter 417 of the Laws of 2021 signed into law on September 2, 2021 by Governor Hochul. The meeting was called to order at 7:32 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

- **2022 Town Preliminary Budget**

At 7:33 PM, the Public Hearing opened.

Supervisor Levenberg said the following: First up on our agenda this evening is the public hearing on the 2022 Preliminary Budget. Before I open it up to comment, I want to thank our Department Heads, our Comptroller Dale Brennan, Deputy Comptroller Liz Naccari, and our Budget Director extraordinaire Victoria Cafarelli for their great work this budget cycle. We have discussed the 2022 budget in public at a couple of meetings, and it has been posted on our website for some time now, and we are very proud of what we have put together. We are hopeful that we have been able to achieve a good balance of providing necessary services to our constituents while not breaking the bank making sure to keep increases for taxpayers in check. We are looking forward to another year of doing great work for the Town, and this budget will be the backbone of those efforts.

At 7:35 PM Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

First of all, I want to congratulate the Villages of Ossining and Haverstraw on the exciting announcement made yesterday that both communities are the latest recipients of the Downtown Revitalization Initiative funding with \$10 million allocated to both downtowns for revitalization projects! Governor Kathy Hochul was in Ossining yesterday with the official giant checks – this is sure to be transformative for the Ossining community. Congratulations to Mayor Rika Levin and the entire Village Board, Village Manager Karen D’Attore and her team of Assistant Village Manager Maddi Zachacz and Project Manager Jaimie

Hoffman, for this great accomplishment! Also none of this would have been possible without the hard work of prior Village Boards and administrations and our very dedicated small business community for believing in and investing in Ossining before we were DRI famous.

Speaking of small businesses...get ready for Small Business Saturday because that \$10 million is only going to go so far! Make your plans to shop local this holiday season, and it will be extra fun this year with the Ossining Small Business Saturday Scavenger Hunt! Pick up a scavenger hunt card at one of the participating businesses on Black Friday, November 26 or Small Business Saturday, November 27 while you are out shopping and you could win prizes from these great local spots. The participating businesses are Woods Bar & Grill, the Tasty Table, Westchester Cell Phone & Computer Repair, Shine Salon & Spa, Good Choice Kitchen, Sing Sing Kill Brewery, Mike Risko Music, D'Martins Barber Shop, and Chilmark Wine & Liquor. Other local gift fairs will include the Ossining Elks Lodge Christmas Boutique and Melita's Home Furnishings holiday fair, both set for this Saturday with lots of beautiful homemade, local gifts. I also signed a proclamation making Saturday, November 27 "officially" Small Business Saturday in the Town of Ossining. We have so many great local small businesses to support throughout the Town of Ossining, please do so this year. Many small business owners have struggled throughout the pandemic, and when you shop small, you support your friends and neighbors!

Next week, we do not have a Town Board meeting scheduled, so here are some more events happening in early December.

Assemblywoman Sandy Galef will be holding a Virtual Senior Forum on Wednesday, December 1st from 10am to 12noon via Zoom or telephone. The meeting ID for this meeting is 823 5370 7438 and also note the passcode is 936553. If you need help accessing the meeting, call the District office at 914-941-1111.

The Bethany Arts Community is celebrating their 3rd Annual Fundraiser on December 3 at 7pm. Enjoy an evening of cocktails, hors d'oeuvres, music, exhibit, art auction, silent auction, and more to support the Bethany Arts Community mission at their Ossining location. Buy tickets at www.bethanyarts.org.

Westchester Collaborative Theater will be celebrating its grand re-opening starting on Friday, December 3 with Diners, Dives, and Dreamers, with a lot of familiar Ossining faces on the stage (and behind the scenes too!). Grab your tickets now at www.wctheater.org.

And beyond shopping, celebrations for the holiday season are officially here, with a lot of great events lined up in Ossining and Briarcliff!

On Thursday, December 2 at 5pm Ossining's Menorah Lighting will take place in Market Square. Although I hear there will be no donuts served this year, it is sure to be a beautiful evening to mark the Hanukkah holiday.

The Market Square Tree Lighting will then take place on Friday, December 3 at 6:30pm. The event starts with a performance by the Mike Risko Band, followed by the official tree lighting and a special visit from Santa for pictures.

Then on Sunday, December 5, the Briarcliff Community will be holding its annual Community Bonfire and Holiday Sing-a-Long starting at 4:30pm at Law Park.

In this time of gratitude and giving, we hope you will be able to take a moment to learn about potential life-saving gifts you may be able to give to help others. On

December 7, we will be holding an event called The New Giving Tuesday, a day of learning about organ and tissue donation. Join us online for conversations with experts and local residents whose lives and families have been impacted by treatments made possible by people just like you. We hope the spirit of the day will move you to sign up to be a donor if you can, and there will be opportunities to learn more about how you can enroll as an organ and/or tissue or bone marrow donor. More information and online registration links will be forthcoming in a separate email and on our [Facebook](#) and [Instagram](#) profiles. Stay tuned!

Of course we know there are so many who cannot afford gifts for their children. We encourage you to participate in any or all of the many toy and gift and warm clothing drives that are taking place. Open Door is accepting toys through Thanksgiving at the Briarcliff Manor Public Library. They have a list of preferred gifts which can be found on their website or through the link in my Supervisor's Update on the Town of Ossining website. Also, Mike Risko Music is collecting new hats, gloves, scarves and mittens at their shop and at The Tasty Table. Ossining Boat & Canoe Club will have their boxes out soon, so please do consider purchasing some extra gifts for those who would otherwise be without while you are out and about. And Toys for Tots dropped off a box in our Town Clerk's office as well which I just noticed there today.

As we gear up for the start of the holiday season with Thanksgiving this Thursday, please remember to get your COVID-19 vaccine or booster (if you are eligible) and flu shot. These are our best protections against getting sick this holiday season, and protecting our loved ones who may be immunocompromised or too young to get vaccinated. There are many options to get vaccines, including our very own Ossining Volunteer Ambulance Corps and many local pharmacies and healthcare providers. If you do plan on traveling to visit family this week, it is not a bad idea to get tested before and after traveling. OVAC also has free, rapid testing available at their headquarters, as do our wonderful local pharmacies and healthcare providers. You can even purchase an at-home testing kit now which is convenient for added precaution as you celebrate the holidays. Please let's all do our part to try to stay as safe as possible and avoid post-holiday outbreaks.

Councilmember Feldman spoke about the Ossining Boat and Canoe Club's annual holiday toy drive boxes being available at the Mike Risko Music School, Penny & Ting, Ossining Elks Club, the School District Office, and Value Drugs.

IV. LIAISON REPORTS

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – November 9, 2021

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

Resolved, that the Town Board of the Town of Ossining hereby approves the November 9, 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.

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 23, 2021 in the amount of \$763,592.52

Supervisor Levenberg said the following: This voucher run is a bit higher than we usually have, because this check run includes payments to our contractors currently working on the much-needed infrastructure improvements underway on McCarthy Drive and Morningside Drive. This check run also includes our December health insurance payment, and these items combined add up pretty quickly.

Motion: Carried

C. Finance- Capital Project #2021-5232 Adjustment – 2021 Morningside Drive and Court Paving-Town Highway

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 adjusting 2021 Capital Project #2021-5232, entitled “2021 Morningside Drive and Court Paving” for the Town Highway Department, with an original project budget of \$920,600 for paving, striping, and curbing on Morningside Drive and Morningside Court to \$975,950. The project will be funded from NYS CHIPS, PAVE NY, and EWR grant funding for paving/striping, and NYS Multi-Modal grant funding for concrete curbs. The additional amount of \$55,350 will be funded from Highway Fund Balance.

Increase:	3705110.200.5232	\$ 55,350	- 2021 Morningside Drive and Court Paving/Striping-Highway (Expense)
Increase:	3700500.503131.5232	\$ 55,350	- Transfer in-Highway (Revenue)
Increase:	3109901.905000.90	\$ 55,350	- Transfer to Capital (Expense)
Increase:	3100600.4795	\$ 55,350	Fund Balance (Revenue)

Supervisor Levenberg said the following: As the re-paving and curbing project was underway on Morningside Drive, some additional work was identified to improve drainage on the roadway, requiring additional funds to be allocated to the capital project.

Motion: Carried

D. Personnel – Status Change – Office Assistant

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 converts the employment status of Alicia Santucci, Ossining, from part-time (17.5 hours per week) to full-time (35 hours per week) in her position of Office Assistant (Auto Systems) effective December 9, 2021; and

Be it further Resolved, that due to Ms. Santucci’s change in employment status, the Town Board also increases her salary to a pro-rated annual salary of \$51,031 for the remainder of 2021, effective December 9, 2021.

Supervisor Levenberg said the following: Alicia Santucci has been working in our Highway and Cemetery Departments for a few years now, always working part-time. Alicia has been a great addition to the team, and as a result, has taken on additional work over time, so it is high time we extend

her hours so she can keep up with all of the work that is needed for the Town!

Motion: Carried

E. Agreement – Northwell Center for Workplace Health and Wellness

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 North-Shore-LIJ Occupational Health, P.C., New Hyde Park, NY doing business as Center for Workplace Health and Wellness for occupational health and wellness services for Town of Ossining employees, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg said the following: The Town is required to provide some occupational health and wellness services to our employees, including for some vaccinations. Northwell Health, our great partner at Phelps Hospital, provides these services, so we are happy to be working with them to provide them to our staff.

Motion: Carried

F. RESOLUTION IN SUPPORT OF THE BIRDS AND BEES PROTECTION ACT [New York S699B (Hoylman et al.)/A7429 (Enlebriht et al.)]

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

Whereas, the Birds and Bees Protection Act concerns use of neonicotinoids, or “neonics” which is a class of neurotoxic pesticides that includes imidacloprid, thiamethoxam, clothianidin, dinotefuran, and acetamiprid; and

Whereas, research shows that widespread use of neonics is a leading cause of declines in honey bees as well as wild pollinators and a threat to birds, fish, and entire ecosystems; and

Whereas, New York’s agricultural economy depends on healthy populations of bees and other pollinators to produce valuable and healthy foods like apples, squash, tomatoes, cherries and other top crops, worth an estimated \$439 million annually; and

Whereas, the United States Environmental Protection Agency and other independent research have found that neonics can harm human health, and the Centers for Disease Control and Prevention have found that half of Americans are regularly exposed to neonics; and

Whereas, Federal and State water testing has detected neonics in waters across New York State, with 30% of Long Island groundwater samples containing a neonic; and

Whereas, a recent Cornell University review of over 1,100 peer reviewed papers on neonics and cost benefit analysis of neonics against their likely alternatives (“Cornell Report”) concluded that neonic-treatments on corn, soybean, and wheat seeds—which account for roughly three-quarters of all neonic use in New York agriculture—produce “no overall net-income benefit” to farmers using them; and

Whereas, the Cornell Report also found that non-agricultural, turf and ornamental neonic uses—with the exception of certain treatments for invasive species—were similarly unneeded or replaceable with safer, effective alternatives; the bill would: (1) prohibit sale and use of neonic-treated corn, soybean, and wheat seeds effective January 1, 2024; (2) prohibit non-

agricultural uses of neonics on turf and ornamental plants, effective January 1, 2023; and (3) require the New York Department of Environmental Conservation (DEC) to consider designating other neonic uses as a ‘restricted use pesticide’ in order to protect bee and bird populations; and (4) require DEC, in collaboration with the Department of Agriculture and Markets at Cornell University, to study alternatives to neonics; and

Whereas, a “restricted use pesticide” is a pesticide that can be purchased, possessed, or used only by a person with a commercial or purchase permit issued by DEC, and that may be subject to other restrictions on its use as determined by DEC; and

Whereas, the bill allows DEC to permit use of neonics to combat invasive species, including but not limited to emerald ash-borer and hemlock woolly adelgid; and

Whereas, the Birds and Bees Protection Act addresses a serious threat to pollinators and ecosystems and safeguards the future of New York’s food system by banning high risk, low-to-no benefit uses of neonics;

NOW, THEREFORE, BE IT RESOLVED that the Town of Ossining: Does hereby support S699B/A7429, banning neonic-treated corn, soybean, and wheat and most outdoor, non-agricultural uses of neonics; and Will provide a copy of this resolution to our local New York Assembly and Senate representatives, Hon. Sandy Galef and Hon. Elijah Reiclin-Melnick.

Supervisor Levenberg said the following: Our neighbors in Hastings brought this effort to our attention to protect pollinators! We are happy to be doing whatever we can to protect our ecosystem by providing protections for birds and bees in New York State.

Motion: Carried
Abstain: Meyer

G. A Resolution in Opposition to New York State Bill A00712/S05389 Act to Amend the Real Property Tax Law, in Relation to Telecommunications Equipment Owned by Other Than a Telephone Company

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

WHEREAS, telecommunications property in private rights-of-way is currently taxable and assessed by the local municipality where such property is located, and the value may not exceed the New York State mandated telecommunication ceilings; and

WHEREAS, the taxation of this property was upheld by the New York Court of Appeals in the case of T-Mobile Northeast, UC v. DeBellis and City of Mount Vernon in December 2018; and

WHEREAS, the New York Court of Appeals decision was correct and did not overlook or misconstrue Chapter 71 of the Laws of 1985 or Chapter 416 of the Laws of 1987 which defined the property owned by telecommunication companies that was taxable; and

WHEREAS, under the proposed Legislation, equipment owned by telecommunication companies and which has been taxed for many years, would be removed from the assessment rolls of municipalities throughout New York State; and

WHEREAS, the removal of this property from the assessment rolls would result in a substantial loss of tax revenue to local municipalities as well as potential tax refunds; and

WHEREAS, the Legislation is vague and fails to clearly define the equipment sought to be exempted from real property taxation; and

WHEREAS, the Legislation will result in further expensive litigation brought by the telecommunication companies against municipalities throughout New York State challenging local telecommunications property assessments; NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Ossining, that telecommunications property and equipment in the private right-of-way should remain taxable and subject to assessment by the local municipality where the property is located and hereby opposes New York State Bill A00712/S05389 and the attempt to exempt that property from local taxation, and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the following public officials:

**Governor Kathy Hohul
Assemblyman Daniel Rosenthal
State Senator Kevin S. Parker
Assemblywoman Sandra R. Galef
State Senator Jamaal T. Bailey
Assemblyman J. Gary Pretlow
Senate Majority Leader Andrea Stewart-Cousins; and be it further**

RESOLVED, that this resolution shall alee effect immediately.

Supervisor Levenberg said the following: This second resolution of support was brought to us by our Assessor Fernando Gonzalez, as some of his colleagues throughout the County reported that their Boards had adopted similar resolutions. It is important to stay on top of the changing landscape of telecommunications, and ensure our communities get their fair share of this added value.

**Motion: Carried
Abstain: Meyer**

H. Acceptance of Tree Bank Special Purpose Fund Payment – 37-41 Croton Dam Road

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

WHEREAS, Val and Michella Santucci and Valerie A. and Paul E. Schemmer (“Schemmer/Santucci”) obtained subdivision approval from the Planning Board to subdivide two existing residential lots into four lots and construct two new homes; and

WHEREAS, in connection with said approval, Schemmer/Santucci were 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 Schemmer/Santucci’s payment to the Tree Bank Special Purpose Fund in the amount of \$34,980.

Supervisor Levenberg said the following: The Santucci/Schemmer subdivision was recently approved and finalized by the Planning Board. As part of their site plan approval, they were required to pay into the Town’s Tree Bank fund, and in the next resolution, recreation fees.

Motion: Carried

I. Acceptance of Parklands Special Purpose Fund Payment – 37-41 Croton Dam Road

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

WHEREAS, Val and Michella Santucci and Valerie A. and Paul E. Schemmer (“Schemmer/Santucci”) obtained subdivision approval from the Planning Board to subdivide two existing lots into four lots and construct two new homes; and

WHEREAS, in connection with said approval, Schemmer/Santucci were required to make a payment to the Town’s parklands special purpose fund for mitigation of impacts on Town recreation resources in accordance with Town Code § 200-51(A)(1)(b) and New York Town Law § 277(4); and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby accepts Schemmer/Santucci’s payment to the Parklands Special Purpose Fund in the amount of \$7,500.

Motion: Carried

J. Proposal – Planet Technologies

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 approves the proposal dated November 4, 2021 from Planet Technologies, Inc., Germantown, MD for an Office 365 subscription for Town of Ossining e-mail users at an annual cost of \$9,979.20 for a period of three years; and

Be it further Resolved, the Town Supervisor is authorized to execute any necessary documents with Planet Technologies, Inc. for this proposal.

Supervisor Levenberg said the following: It has been recommended by the Town and Village’s IT consultant, A1, that we convert our e-mail system to Office 365, and this resolution approves that subscription for all of our e-mail users.

Motion: Carried

VII. 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 October 2021:

- Town Building Department

Motion: Carried

VIII. VISITOR RECOGNITION

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

AJ Jeffrey spoke about attending the meeting due to working on his communications merit badge through Troop 49.

IX. ADJOURNMENT

At 8:06 P.M., Councilmember Shaw motioned to adjourn to Executive Session for advice of counsel, collective bargaining, and contracts, and Councilmember Feldman seconded.

Motion Carried: Unanimously

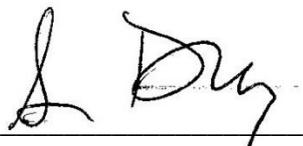
At 8:35 P.M., Councilmember Wilcher motioned to leave Executive Session and Councilmember Feldman seconded.

Motion Carried: Unanimously

At 8:35 P.M., Councilmember Wilcher motioned to adjourn the Regular Meeting and Councilmember Feldman seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk