



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET
OSSINING, NEW YORK**

**FEBRUARY 10, 2015
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey Northern Wilcher**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on February 10, 2015 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Geoffrey Harter and Northern Wilcher. Councilmember Eric Blaha arrived at 7:35 p.m. Councilmember Kim Jeffrey was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. Public Hearing In The Matter of Local Law #1 - Changes to Town Ethics Code

At 7:32 P.M., the Public Hearing was opened.

Town Attorney Wayne Spector explained that we held the public hearing due to the change. The committee would like to revise the ethics code and make changes such as increasing the members, improving the procedures and modernize it and bring it to the level it should be as based on the state recommendations.

Mr. Howard Fleischer Tavano Road questioned if there is a public statement or form that public officials that states conflict of interest as it relates to any projects that are being worked on?

Budget Officer Madeline Zachacz indicated that there is a statement of non-collusion in the bid documents.

Mr. Fleischer questioned is there a written statement of conflict of interest?

Town Attorney Wayne Spector explained that any member of a board who has a conflict of interest in a project is required by law to disclose that.

Mr. Fleischer questioned if there is a person making recommendations to the planning board is there anything in specific that they need to file if there is a conflict of interest?

Town Attorney Wayne Spector questioned if he asking if someone has taken a bribe on a specific project. Board members cannot vote on any instance if there is a conflict of interest.

Mr. Fleischer questioned if there is an engineer that has done work for a contractor does him/her have to disclose that?

Town Attorney Wayne Spector explained that this would be investigated on a case by case basis to confirm if there has been a conflict of interest.

Supervisor Donnelly explained that part of what we are doing is expanding the ethics code. If you have a case that you would like to put together for the ethics board you can submit it. We are expanding this board to 5 members.

Town Attorney Wayne Spector explained that hypothetical questions are very difficult to answer. If you have an economic interest you have the responsibility to recuse yourself.

Mr. Fleischer supports the expansion of the board.

At 7:42 P.M., Councilmember Harter moved and it was seconded by Councilmember Blaha that the Public Hearing be adjourned.

Public Hearing In The Matter of Local Law #2- Salary of the Elected Highway Superintendent

At 7:42 P.M., the Public Hearing was opened.

No one came to speak at this Public Hearing.

At 7:43 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the Public Hearing be adjourned.

III. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

Good evening

As we enter into the second month of 2015, we seem to have hit our snowy winter season. For the past three weeks we have had storms which have affected our Monday and/or Tuesday business. For example, we have not had night court in three weeks. Please call the court at 762-8562 if you had a hearing scheduled and are unsure of your new court date. Our hope is that we will move out of this weather pattern soon so that we can all get back to our routines, and more importantly, let our Parks and Highway/DPW guys get some rest.

This community has so much to be proud of, from an outstanding women's Basketball team, to our Intel scholars, to planning for environmental celebrations like Earth Day (April 18th) and Stash the Trash (May 9th), organizing Town/School projects such as the mural painting on the comfort station at Louis Engel Park welcoming those on the Hudson to this great community, and looking forward to the re-dedication of the new and permanent "Brian J. Johnson Memorial Boat Ramp" sign. So much preparation takes place in the winter season that excitement continues to build throughout our community for the warmer months. If being a part of the action here in Ossining interests you, please let us know and we will direct you to the right person or group that shares your interest. Volunteering and supporting creative and unique opportunities is what makes our community a place where people want to come to live and play.

The responsibility of this Board, and all the elected officials, is to work in your best interest, to provide outstanding services and opportunities while representing all taxpayers, and that we must continue to work efficiently to meet that objective. Our responsibility is to keep our residents and taxpayers informed as we look at different projects and opportunities. It is essential to do our due diligence on every item we have in front of us, so at times it may seem that we are not watching the clock. I assure you we are. One such example is the Homestead Tax Option that we are able to consider during the reassessment process. As we all get educated on this, more and more complicated items come up:

- The tax shift from commercial to residential class
- We feel that we have reduced any shift that may result from the reassessment because we have had a great deal of settled commercial grievances over the past four years
- Many of our condo owners are on fixed incomes
- The impact on property values and sales on both condo and single – three family homes
- The internal services paid for by Condo owners
- How the Village's elected officials and the School Boards will consider the Homestead option
- We will see how the other Boards feel about Homestead. We already know that the County will not consider this option since the Reassessment is not County wide. Again, if the Town says no to Homestead, that is the end of the process and no other Boards get to weigh in.
- This would not affect County taxes paid by condos- they would continue to be valued on the income approach for the purposes of calculating County tax

Which brings us to our next item multiple assessment rolls will put a burden on the Assessor's Office.

- The amount of extra work for the Assessor's Office with the assessment roll due to multiple values for condos
- The need to manage at least two different tax levels (residential and commercial) while being fair and equitable to all
- While this Board would be fair and equitable with the tax levels we cannot know what future Boards will do. There are case studies out there where Town or City Boards took the Homestead option but because of political pressures raised the tax level of the commercial properties forcing businesses to leave the community

Business impact

- Business community impact – we must protect and grow our commercial base
- Ultimately what is best for all the residents and commercial property owners in the entire Town of Ossining

Everyone involved with this project is spending a great deal of time researching case studies, crunching numbers and doing our due diligence. Our commitment to you is to keep you in the loop about what we learn and where we are in the process of deciding how to proceed. If you do not get the Supervisor's Updates and choose not, to all of the information can be found on the Town of Ossining web page where you can browse it at your own pace.

We have set goals for 2015 and we are hard at work on these objectives, as well as the day to day operations of the Town government.

Goals for 2015:

- Complete the work of changing the size, and increasing the authority of, our Board of Ethics
- This work in progress (tonight, we will complete the Public Hearing stage) will continue to grow the confidence so many of you already have in our Board, administration, employees and committee members. If you have an interest in serving on the Board of Ethics, please watch for the position posting on the Town website.
- Restructure the Planning Board with new leadership and increased transparency
- Another work in progress, with nothing but complements for our new chair and member. Again, we thank those who have served on the Board for a long while, as well as those who are no longer on the Planning Board, for all of your contributions.

- **Complete the review and update of the Town Comprehensive Plan**
Phase One of the review is done. We have held public meetings to look at all of the sections and the document is being updated in accordance with the findings of those discussions. We will have Public Hearings on the document and begin the “in the trenches” work of looking at some sections of our code, such as wetlands and steep slopes, as just two examples.
- **Work with a committee and the Planning Board to initiate the Board of Architecture Review as part of the Planning Process**
With some great volunteers with backgrounds in architecture and construction, we will begin to research and develop guidelines for this very important part of the planning process.
- **Develop a schedule of infrastructure improvements, such as road repaving and curb replacement/repair throughout the Unincorporated Area**
We have had our first “Engineering and So Much More” team meeting and will begin to hold more regular meetings again once the weather starts to cooperate and frees up some time for our Engineering team.
- **In coalition with the Villages of Ossining and Briarcliff Manor, implement a program to provide solar power at a reduced rate for residential and commercial property owners in the Town of Ossining.**
The Ossining Public Library hosted us for a fantastic kickoff meeting on Thursday January 29th, and we had lots of folks sign up to investigate options for their home or commercial. Go to: <http://www.solarizewestchester.com/solarize-ossining-briarcliff/>
- **Negotiate a fair and equitable contract with the Teamsters for 2016-2019.**
We are scheduled to begin this process in late spring early summer.
- **Investigate grants for every department, as well as for outside Not for Profit and safety net organizations, ensuring that Ossining gets its fair share of monies available through all types of resources.**
We are in the process of applying for grants for a variety of different projects and have included the Ossining Police’s needs as we search for grants through this software. Some not for profits have taken advantage of the offer to search and apply for grants using the software. Please call Christina at 762-6001 if your safety net organization or not for profit would like to see what is available in terms of grant funding that could help you serve our residents.
- **Implement next steps (reporting) using the biometric time clocks in controlling employee attendance, ensuring that all employees are treated fairly and those taxpayers’ dollars are used efficiently.**
We have begun the process of implementing the next steps- watch for details in future updates.

Some important dates to remember:

- **Monday February 16, 2015: Town Offices are closed in observance of President’s Day.** With many of your children off for winter break, we hope the weather behaves itself, giving us snow in ski country, warm weather where it is supposed to be, and a slow melt of any residual snow we have.
- **The National Salute to Veterans is this week, and we encourage all to visit the Healthcare Facility in Montrose to learn about Volunteer opportunities (they need your help), as well as to thank our Vets.**
- **Our next Town Hall Meeting will be held on March 3rd at the Ossining Library.** We will be discussing Disaster Preparedness. The American Red Cross has

partnered with New York State to bring information sessions to you and your community to increase awareness about how to prepare and respond when disaster strikes. Reduce your stress and uncertainty by learning preparedness strategies for you and your household. Unincorporated Area resident Ellen Kahan will be our presenter.

I will speak to the items on the agenda as they come up as needed.

Councilman Blaha stated that the Home Stead Act is very important to this Board and we are listening. Please continue to share your comments and concerns. We are doing the best that we can to make the right decision.

IV. PUBLIC COMMENT ON AGENDA ITEMS

Ms. Wendy Masserman read the following statement:

Thank you for allowing me to speak tonight. My name is Wendy Masserman and my husband Bruce and I have lived at 10 Morningside Court in the Town of Ossining for 33 years.

I came tonight to speak to the Board regarding the choice of Town Planning Consultant (Frederick P. Clark Associates).

In my opinion, the consultant from Frederick P. Clark who has been working with the Town, David Stolman (President of the Company) has not been helping the planning board in its mission to protect the Town. Stolman's and the Board's missteps, especially regarding the proposed high view farm project, have alarmed the public and resulted in the formation of the concerned citizens of Ossining.

The so called high view farm is a pending subdivision on 31.57 acres of highly sensitive land, nestled between Tavano Rd. Morningside Ct. and Ryder Park. The property includes approximately 6 acres of wetlands, many steep slopes and among the best upland habitat for plants and animals remaining in the Town of Ossining. Although the review is still in an early phase, a number of decisions by Stolman and the board have already damaged the Town's ability to protect the site and the public interest. During each of the decisions, the board has relied heavily on its planning consultant who has consistently let them and the public down.

The first of these decisions was the number of lots that would be available to the developer in a conventional subdivision, given the environmental constraints of the site. This would control the maximum number of lots available in the cluster plan it favored. The law requires the Board to limit the number of lots to a conventional subdivision which could be permitted in conformance with all applicable regulations including environmental constraints but Mr. Stolman failed to seriously apply the law. As just one example, the environmental advisory committee (EAC) pointed out at the April 10, 2014 planning board meeting that the slope behind 12 Morningside court is 40 ft. –the highest point in the town of Ossining. The conventional sketch showed a road cut into this slope at 10 feet. (The current cluster plan shows the same road and 5 houses at the base of the slope). The Town code (section 167B1) makes clear that “once a steep slope disturbed, that disturbance is for all practical purposes irreversible”.

Damage to the town was clearly demonstrated September 19, 2013, when the environmental advisory committee (EAC) issued its initial comments on the project. The EAC found that the project is likely to damage wetlands, worsen flooding, damage steep slopes and block a valuable open space corridor. They concluded, “...in summary it's hard to imagine that the costs and impact from this development will not significantly, adversely impact open space, water quality and flooding. The cost of which will very likely exceed any benefits the town could expect from the subdivision.” Yet, Mr. Stolman has not sought to reconsider the 24 –unit lot count in light of these findings.

Except to increase it. In its cluster plan, the developer doubled down on cramming too many homes into this fragile site, by demanding a 4 lot bonus for affordable housing despite the fact that such bonuses are not meant to apply to environmental determinations, Mr. Stolman has recommended that the developer move forward with studies for a 28- unit project. Mr. Stolman issued a memorandum at the January 28, 2015 planning board meeting advising that the board take the next step in issuing a positive declaration so that the applicant can prepare a draft environmental impact statement despite the inaccuracies in the new environmental assessment form as reported by the EAC in its latest memorandum to the board.

Mr. Stolman's apparent lack of respect for the public is almost as frustrating as his determinations against the local environment. In April 2014, Supervisor Donnelly saw the increase in opposition from the residents and called a meeting to clarify the planning board responsibilities and how the SEQRA (State Environmental Quality Review) process works. When asked about protecting the wetlands, Mr. Stolman responded that the wetlands are not sacred. Many members of our group were shocked and outraged and commented to me after the meeting. We know nothing is "sacred" but we expect our town planning consultant to take into concern the impact the Town's residents and environment. Unfortunately, this is not an isolated example; I have received many complaints that Mr. Stolman has responded condescendingly, arrogantly, and rudely to residents' concerns.

Mr. Stolman's approach is clear and is growing problem for the town. Over the past two years and many meetings, I have felt that the town codes have been used to the benefit of the developer and not the town and its residents.

I want to thank the town board for recognizing the need for change in its recent appointments to the planning board as openings became available. It would seem that the natural progression would now be to reconsider automatic renewal of our Frederick P. Clark Associates contract. Mr. Stolman has been the Town Consultant for 37 years. It seems that his vision may not be in line with the needs of the community for the good of the town. Isn't it time for a change?

I did not become aware of this meeting until a few days ago. As a result, many members of our group were unavailable this evening. I respectfully ask that this decision be tabled until other residents can speak to this issue.

Howard Fleischer Tavano Rd. commented on resolution G- Planning Consultants. Mr. Stolman has assumed a certain level of authority without consulting with the EAC in a project that many residents are upset about. When this project was approved there was not discussions with the EAC. There was no plan for buffer zone shielding the residents surrounding this project. Mr. Zappi was permitted to take down all the trees that blocked the residents and this shows that something is missing here. There has been a renewed look at what's going on in our environment. I feel that some of the decisions that were made or not made were not necessarily the right decisions. Mr. Fleisher would like a better understanding on the selection of the Planning Consultant.

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Wilcher moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the January 28, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated February 10, 2015 in the amount of \$33,365.74 for 2014 and \$181,170.22 for 2015. Grand total of \$214,535.96.

Motion Carried: Unanimously

C. Calling for a Public Hearing in the matter of the 2015 Cabaret License for Maya Riviera.

Councilmember Blaha moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, February 24, 2015 at 7:30 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the 2015 Cabaret License for Maya Riviera, 518 North State Road Briarcliff Manor, NY 10510.

Motion Carried: Unanimously

D. Finance- Capital Project #2014-2190- Spray Park Recirculation

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

Resolved, that the Town Board of the Town of Ossining authorizes establishment of Capital Project #2014-2190, entitled “Spray Park Recirculation” with a project budget of \$20,000 for phase one and two of engineering to be funded by transfer of In Lieu of Parkland funds.

Increase: 037.7110.2190	\$20,000 Spray Park Recirculation (Expense)
Increase: 037.0037.5733.0190	\$20,000 Transfer from Special Purpose (Revenue)
Increase: 034.9901.0906.0037	\$20,000 Transfer to Capital (Expense)
Increase: 034.0034.4795.0037	\$20,000 In Lieu of Parkland Fund Balance (Revenue)

Motion Carried: Unanimously

E. Finance- Capital Project #2015-2191- 2015 JCAP Grant

Councilmember Wilcher moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining authorizes establishment of Capital Project #2015-2191, entitled “2015 JCAP Grant” with a project budget of \$6,059.98 funded by NYS grant funds.

Increase: 037.1110.2191	\$6,059.98	2015 JCAP Grant (Expense)
Increase: 037.0037.3089.0191	\$6,059.98	2015 State Aid – 2015-16 JCAP
Grant (Revenue)		

Motion Carried: Unanimously

F. Finance- Capital Project #2015-2192- Highway Department LED Lighting

Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining authorizes establishment of Capital Project #2015-2192, entitled “Highway Department LED Lighting” with a project budget of \$25,000 to be funded by a transfer from Highway fund balance.

Increase: 037.5110.2192 (Expense)	\$25,000 Highway Department LED Lighting
Increase: 037.0037.5031.0192	\$25,000 Transfer from Highway Fund (Revenue)
Increase: 031.9901.0906	\$25,000 Transfer to Capital Fund (Expense)
Increase: 031.0031.4795	\$25,000 Fund Balance-Highway (Revenue)

Motion Carried: Unanimously

G. Planning Consultants

Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the firm of Frederick P. Clark Associates is hereby retained as Planning Consultant for the Town of Ossining for calendar year 2015 in accordance with their contract letter and rate schedule dated January 30, 2015, and authorizes the Supervisor to sign a contract reflecting the same, in accordance with approval of the Town Attorney.

Supervisor Donnelly stated that because we start with a contract with someone should it be deemed by the planning board being a different body from the Town Board, if they would like to see a change we can work towards that.

Madeline Zachacz read the following statement on behalf of Councilmember Kim Jeffrey:

I would like to start by thanking Fredrick P. Associates, and specifically David Stolman, for his 37 years of service to the community; the hard work and knowledge regarding procedures and process on development, and the various issues that come before the Planning Board.

In the past 2 years, it has come to my attention that there is some disconnect and discontentment between the community and the direction of the Planning Board. We have recently had the opportunity to fill openings on the Planning Board with new people and therefore fresh perspectives. Under those circumstances it is an opportune time to continue those changes and bring a fresh voice in the consultant position to the Planning Board.

Councilmember Blaha believes that there is room to take a closer look at the consulting practices. However, this is not a great time to change consultants and is favor of retaining Frederick P. Clark Associates.

Councilman Harter is in favor of retaining Frederick P. Clark Associates.

Supervisor Donnelly stated this board does not interfere with the planning board on purpose. Moving forward if there were changes to be make we would look for recommendations from the chair and planning board and we would do it as a process.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

VII. MONTHLY REPORTS

Councilmember Blaha moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of January, 2015 from:

- **Town Clerk's Office**
- **Tax Receiver's Office**
- **Town Supervisor's Office**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

Mr. Fleischer Tavano Rd. questioned is this contact up for renewal now?

Supervisor Donnelly stated that this a year by year contract. At this time we are in the middle of a positive declaration.

Mr. Fleischer appreciates all the work that the Board has done and taking into consideration of a comprehensive plan.

Supervisor Donnelly explained that we have a long way to go and look forward to working together.

Ms. Masserman feels that planning board is a dedicated group of people and she feels that they are being ignored

Supervisor Donnelly explained that they are an advisory group and they are the least ignored.

IX. ADJOURNMENT

At 8:29P.M. Councilmember Wilcher moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk