



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

**FEBRUARY 23, 2016**  
**7:30 P.M.**

**SUPERVISOR**  
**Dana Levenberg**

**COUNCILMEMBERS**  
**Karen M. D'Attore   Elizabeth R. Feldman**  
**Kim L. Jeffrey   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 February 23, 2016 at the Birdsall-Fagan Police Court/Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Karen M. D'Attore, Elizabeth R. Feldman, Kim L. Jeffrey and Northern Wilcher, Jr. Also present were Town Counsels Steven Silverberg and Christie Tom Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II.     ANNOUNCEMENTS**

*Supervisor Levenberg announced the following:*

*Welcome to a snowy slippery night in the Town of Ossining. Since our last work session, we have been actively working to learn more about how best to proceed with unpacking our Comprehensive Plan so we can put codes in place that mirror the goals of our community. We are also looking for ways to do additional outreach to make sure other aspects of the plan adequately reflect our current demographics, business district composition, and housing stock and needs. We will keep you posted.*

*Many of the departments, including the Supervisor's office, participated in the state wide Association of Towns Conference and Annual Meeting last week in NYC. We have returned with additional questions, contacts and ideas for improving public spaces, safety and security, protocols, communication, and tapping funding sources to lessen the burden on our taxpayers.*

*Senator David Carlucci has been in touch with our office about some additional state money he can offer the Town and we have decided that we will use it for improvements to Cedar Lane Park, to make it more family friendly and inviting for fishing, hiking, walking, and playing, all while making improvements sustainably so we continue to support our community garden and our environment. We are also looking for additional grant money to find ways to make the park more accessible, and make more of the green space available for safe community use.*

*Before I go into the agenda for this evening, we want to make you all aware of a very important meeting next Tuesday, March 1<sup>st</sup>. The Town has been actively reassessing properties, as part of a consortium of municipalities who are interested in making sure our property assessments align with market values. The process began about 2 years ago, and we are now at the point where we have all of the numbers crunched and will be hearing from the Town Assessor's office about the new values and how they impact property owners. We invite you all to our Work session on the Reval Shift Analysis which we will open up for public comment next Tuesday, March 1<sup>st</sup> at the Police Court Facility at 86-88 Spring Street, starting at 7:30 pm. We encourage the community to*

*attend. We will also be broadcasting and streaming live on Channels 38 and 74 and the town web feed through our website at [www.townofossining.com](http://www.townofossining.com). This is a very important meeting, and we welcome your input.*

*Upcoming events include:*

- The Open House at Shattemuc Yacht Club on Friday February 26<sup>th</sup> from 6-8:30 pm, 46 Westerly Road, past the Boathouse Restaurant. Stop by to learn about the club and their summer sailing academy.*
- The Mobile Shredder will be at Ossining's Joseph G. Caputo Community Center this Saturday from 10a-1p. 4 file-sized boxes per household are permitted.*
- The Brooklyn Castle Documentary will be showing at the Briarcliff Manor Public Library Sunday, February 28<sup>th</sup> at 2pm- about Brooklyn Public School Students and aspiring young chess players and how chess became the school's unlikely inspiration for academic success.*
- Westchester Collaborative Theater partners with the Ossining Arts Council for their third annual Living Art Event at the Steamer Firehouse 117 Main St, 2<sup>nd</sup> floor, every weekend in March Fridays and Saturdays at 8, Sundays at 3pm. Please join me at the opening night reception on March 4<sup>th</sup>. Advanced ticket sales are available at [www.wctheater.org](http://www.wctheater.org) or [www.ossiningartscouncil.org](http://www.ossiningartscouncil.org). This is a great way to support our local art community and see some wonderful theater and fine art!*
- The Ossining High School Drama Club will present In the Heights starting March 9<sup>th</sup> at 4pm, part of the Senior Citizens Prom and Dinner theatre. All Town of Ossining Residents are invited to attend the prom in the OHS Gym starting at 2pm followed by a wonderful production of In the Heights in the High School Auditorium. In The Heights continues performances, Thursday through Saturday, March 10, 11<sup>th</sup> and 12<sup>th</sup>, at 7pm. Some seats are reserved for paid tickets, but the great majority are free. Of course the drama club welcomes donations.*
- Speaking of our talented high school students, congratulations continue for our Ossining High School Girls Basketball team. We are so proud of your continued success and wish you well on Thursday night against New Rochelle in the Section 1 Semi-final.*
- Ossining Science Research students continue to distinguish themselves, recently report in the highest number of students from a high school winning at the Junior Science and Humanities Symposium, 11 of whom will compete at the Upstate New York JSHS.*

*Tonight, our agenda includes two resolutions supporting state-level actions: one supports NYS Attorney General Eric Schneiderman's legislation to put pressure on mortgage holders of zombie properties so they will upkeep and maintain those properties until a new owner can be found. The other urges our local and state legislators to find a way to restore much needed foundation aid funding to our Ossining Schools to help offset growing enrollments and increasing needs all while foundation has been frozen at 2008 levels.*

*We will also be calling two public hearings. The first to introduce type 1 actions that are more restrictive than the State's Environmental Quality Review act regulations, which align with our current requirements in Chapter 85 of the Town Code. We hope to adopt these at the same time as adopt a law deferring our regulations to the SEQR regs, established by the state. This would ensure that our comprehensive regulations will be as restrictive as they are currently, but compliant with state law.*

*The second public hearing would adjust the level of the Veteran's Property Tax Exemptions to be able to align with the new level of assessment in the full market value 2016 roll, which will be used to create 2017 tax bills.*

*We are surplusng three town owned vehicles and putting them up for auction. This board will have the opportunity to approve the high bids before they are accepted. We are also pleased that we are finally hiring a new part time driver for our senior nutrition program, after having been short staffed for the last three months. We are looking forward to and welcome Patricia Berrezueta joining our team and adding value to our wonderful program. We are also signing agreements with 5 local taxi companies to serve our Call a Cab program which offers reduce priced taxi services to our seniors. We are also readopting our workplace violence prevention program, which is required by the state, but also good business practice.*

### **III. PUBLIC COMMENT ON AGENDA ITEMS**

### **IV. BOARD RESOLUTIONS**

#### **A. Approval of Minutes**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the February 9, 2016, Minutes of the Regular Meeting as presented.**

**Motion Carried: Unanimously**

#### **B. Approval of Voucher Detail Report**

**Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:**

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated February 23, 2016 in the amount of \$105,113.91 for 2015 and \$262,464.98 for 2016. Grand total of \$367,578.89.**

**Motion Carried: Unanimously**

#### **C. Resolution of Support- Abandoned Property Neighborhood Relief Act of 2015**

**Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the following be approved:**

**Whereas, throughout New York State, there are numerous vacant and abandoned homes, many of which are secured with delinquent mortgages, often referred to as zombie properties; and**

**Whereas, these properties result in a decline in real estate values and loss of property tax revenues to local governments, resulting in a burden to local taxpayers; and**

**Whereas, existing laws in New York State do not require lenders to maintain these properties until the lenders obtain a judgment of foreclosure; and**

**Whereas, New York State Attorney General Eric Schneiderman has proposed legislation titled the "Abandoned Property Neighborhood Relief Act of 2015" to reduce the number of zombie properties and to require lenders to maintain abandoned properties in their lending portfolios prior to foreclosure; and**

Whereas, the legislation seeks to increase the responsibility of lending institutions to maintain properties they hold in foreclosure using a good-faith effort to maintain the home until the foreclosure proceeding is completed or the property ownership is transferred; and

Whereas, the legislation furthers the goal of requiring better upkeep of houses in foreclosure by requiring the foreclosing party to disclose contact information for an employee or agent who is responsible for the maintenance of the foreclosed property;

Therefore be it Resolved that the Town Board of the Town of Ossining supports legislation to address quality of life and public safety issues associated with abandoned properties.

And be it further Resolved that copies of this resolution shall be sent to Governor Andrew Cuomo, Attorney General Eric Schneiderman, the bill sponsors in the New York State Senate and Assembly, County Legislator Catherine Borgia and the Association of Towns.”

Motion Carried: Unanimously

**D. Calling for a Public Hearing in the Matter of Local Law #4 of 2016- Creating a New Type 1 List for Actions Under SEQRA**

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher 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, March 8<sup>th</sup>, 2016 at 7:30PM in the Police/Court Facility, 86-88 Spring Street in Ossining, in the matter of Local Law #4 of 2016, regarding the creation of a new Type 1 List for Actions Under SEQRA to be appended to the NYS regulations for use within the Town of Ossining.

Motion Carried: Unanimously

**E. Agreement - Call a Cab**

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with Ecua Taxi & Limo at 73 Croton Avenue in Ossining, Big Taxi at 143 North Highland Avenue in Ossining, Express Taxi Service at 25 Croton Avenue in Ossining, New Mega Taxi at 104 Dale Avenue in Ossining, and Amigo's Taxi at 290 North Washington Street in Sleepy Hollow, NY ending December 31, 2016, with all coupons to be reimbursed at the rate of \$4.75 each.

Motion Carried: Unanimously

**F. New York State Workplace Violence Prevention**

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

Whereas, Governor Pataki signed the Workplace Violence Prevention Act into law on June 7, 2006, which requires all state and local governments in New York State to conduct a risk assessment of their worksites, and to identify and address any existing risk factors that may increase the likelihood of workplace violence; and

Whereas, the Act also requires annual training for all employees and Boards, as well as the annual re-adoption of the Injury and Illness Prevention Program for Workplace Violence, which was first adopted in 2007;

Now therefore be it Resolved, that the Town Board of the Town of Ossining hereby re-adopts this Program for Calendar Year 2016, and hereby commits to working to maintain a safe and healthy environment for all Town employees.

Motion Carried: Unanimously

**G. Resolution of Support- Increase Foundation Aid to Ossining Union Free School District**

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

Whereas, the vast majority of properties in the Town of Ossining are located within the boundaries of the Ossining Union Free School District; and

Whereas, since 2009, the New York State School Foundation Aid has been frozen, despite increasing enrollment in some school districts throughout New York State, including the Ossining Union Free School District; and

Whereas, the New York State School Foundation Aid freeze fails to address issues associated with increasing enrollment, changing wealth, families in poverty, and other demographic characteristics unique to the Ossining Union Free School District, a policy which has effectively denied Ossining its due Foundation Aid, necessitating significant reductions in programs, staffing, and other services despite the clear needs of the Ossining community; and

Whereas, the lack of Foundation Aid has also caused Ossining taxpayers to bear the financial burden of New York State's policy, as the Ossining Union Free School District has an obligation to provide services matching the unique needs of the Ossining community; and

Whereas, the Ossining Union Free School District has started a campaign to ensure that the collective opinion of the Ossining community is made known to the Governor and Legislative leaders of the State of New York as they propose and consider the New York State budget for next year; and

Whereas, the Town Board recognizes the needs of the Ossining Union Free School District and is concerned about the significant financial impact of the unfair lack of Foundation aid on Ossining taxpayers;

Now, be it resolved that the Town Board of the Town of Ossining offers its support to the Ossining Union Free School District and urges Governor Cuomo and New York State legislators to consider the needs of communities such as Ossining and implement a fair restoration of School Foundation Aid that ensures proper allocation of Foundation Aid to growing school districts like the Ossining Union Free School District.

Motion Carried: 4-0-0

Ayes: D'Attore, Wilcher, Feldman  
Levenberg

Abstain: Jeffrey

**H. 2016 Finance-Capital Budget Resolution**

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

Resolved, that the Town Board of the Town of Ossining hereby establishes capital project 2196, "2016 Justice Court Assistance Program (JCAP)", with a project budget of \$6,554.99 to be funded by state grant funds.

Increase: 037.1110.2196                      \$6,554.99 2015 JCAP Grant (Expense)  
Increase: 037.0037.3089.0196                \$6,554.99 2015 JCAP Grant (Revenue)

Motion Carried: Unanimously

**I. Sale of Surplus Equipment- Parks and Highway Departments**

Councilmember Jeffrey moved and it was seconded by Councilmember D'Attore that the following be approved:

Whereas, the Town Board of the Town of Ossining has made a concerted effort to lower the amount of Town-owned vehicles; and

Now therefore be it Resolved, that the Town Board of the Town of Ossining authorizes the following vehicles, no longer being used by the Parks and Highway Departments, to be declared Surplus, and then to be sold on Auctions International to the highest approved bidder, following high bid approval by the Town Board.

*1998 Chevy 3500 Dump Truck, VIN# 1GBJK34R7WF028848 (Highway Truck #63)*

*1995 WLK 15 Loader, VIN# 257001 (Highway, #81)*

*1998 Chevy 2500 Pick-Up, VIN# 1GCGK24R4WE208116 (Parks Truck #19)*

Motion Carried: Unanimously

**J. Personnel: Senior Nutrition Program- Appointment**

Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Patricia Berrezueta, Ossining, to the probationary position of Part-Time Chauffeur in the Senior Nutrition Department, at an hourly rate of \$12.00, effective March 1<sup>st</sup>, 2016.

Motion Carried: Unanimously

**K. Calling for a Public Hearing in the Matter of Local Law #5 of 2016- Veteran's Exemption Adjustment**

Councilmember Wilcher moved and it was seconded by Councilmember D'Attore 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, March 8<sup>th</sup>, 2016 at 7:35 P.M. in the Police/Court Facility, 86-88 Spring Street in Ossining, in the matter of Local Law #5 of 2016, regarding a change to the Veteran's Exemption in the Town of Ossining.

Motion Carried: Unanimously

**V. CORRESPONDENCE TO BE RECEIVED AND FILED**

Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the following:

- Planning Board Meeting Minutes dated January 20, 2016

Motion Carried: Unanimously

## **VI.MONTHLY REPORTS**

## **VII.VISITOR RECOGNITION**

## **VIII.ADJOURNMENT**

**At 8:15 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the meeting be adjourned.**

**Motion Carried: Unanimously**

## ***INJURY AND ILLNESS PREVENTION PROGRAM FOR WORKPLACE VIOLENCE***

The Town of Ossining (“the Town”) is committed to preventing the occurrence of workplace violence. Workplace violence is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting. Threats, threatening behavior, or acts of violence against

employees, patrons, community members, or other individuals by anyone on Town property will not be tolerated.

The following is a partial list of examples of workplace violence:

- specific or non-specific threats of violence by an employee
- threats of violence directed against an employee by a non-employee
- violent confrontations by a spouse or significant other with an employee over a personal/domestic dispute
- threats or threatening conduct by a disgruntled or ex-employee
- violent altercations between two (2) employees or an employee and a supervisor
- multiple assaults by an intruder

This Injury and Illness Prevention Program for Workplace Violence (“the Program”) addresses the hazards known to be associated with the three (3) major types of workplace violence:

- **Type I** workplace violence involves a violent act by an individual with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal act.
- **Type II** involves a violent act by a recipient of a service provided by the Town, such as a member of our community.
- **Type III** involves a violent act by a current or former Town employee, department head or supervisory personnel, or other person who has some employment-related involvement with the Town, such as an employee’s spouse or lover, an employee’s relative or friend, or another person who has a dispute with one of our employees.

In order to ensure that all of our employees (including supervisors and department heads) comply with work practices that are designed to make the workplace more secure and that our employees do not engage in verbal threats or physical actions which create a security hazard for others in the workplace, the Town is committed to the following:

- Informing employees, supervisors and department heads of the provisions of this Program for workplace security;
- Evaluating the performance of all our employees in complying with the establishment’s security measures;
- Recognizing employees who perform work practices that promote security in the workplace;
- Providing training and/or counseling to employees whose performance in complying with work practices designed to ensure workplace security is deficient;
- Disciplining employees (up to and including termination) for failure to comply with workplace security practices and for failing to follow practices established to ensure employee compliance with workplace security directives, policies and procedures.

## ***RESPONSIBILITY***

### **Program Administrator**

The Program Administrator for workplace security is Maddi Zachacz, Budget Officer/Personnel Director.



The Program Administrator has the authority and responsibility for implementing the provisions of this Program for the Town of Ossining. The Program Administrator is responsible for ensuring that all safety and health policies and procedures involving workplace violence are clearly communicated to and understood by all Town employees.

A copy of this Program is available from the Program Administrator.

### **Department Heads and Supervisors**

All Department Heads and supervisors are responsible for implementing and maintaining this Program in their work areas and for answering employee questions about the Program and/or referring them to the Program Administrator. Department Heads and supervisory personnel are expected to enforce the rules of this Program fairly and uniformly.

### **Town Employees**

All Town employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

## ***REPORTING SYSTEM***

The Town recognizes that to maintain a safe, healthy and secure workplace we must have open, two-way communication between all employees (including supervisors and department heads) on all workplace safety, health and security issues. The Town has a communication system designed to encourage a continuous flow of safety, health and security information between management and our employees without fear of reprisal and in a form that is readily understandable.

All Town personnel are responsible for notifying the contact person designated below of any threats they have witnessed, received, or have been told that another person has witnessed or received. Personnel should also report behavior they regard as threatening or violent if that behavior is job-related or might be carried out on Town premises.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property will be removed from the premises as quickly as safety permits and shall remain off Town property pending the outcome of an investigation, subject to applicable law and/or any applicable collective bargaining agreements.

The Town's response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution of those involved, subject to applicable law and/or any applicable collective bargaining agreements.

An employee who applies for or obtains a protective or restraining order that lists Town locations as protected areas must provide a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted. The Town has confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

All Town personnel should make a written report to the Program Administrator if they believe a serious violations of this Program exists or if an imminent danger otherwise exists. However, where an imminent danger exists with respect to a specific employee and the employee reasonably believes in good faith that such a report to the Program Administrator will not result in corrective action, the employee need not make a written report to the Program Administrator. In such a case, the employee is strongly encouraged to report the imminent danger to other Town officials.

Retaliation of any kind against an employee who makes a report of a serious violation of this Program or that an imminent danger exists, who requests an inspection by Department of Labor officials, or who accompanies Department of Labor officials during an inspection is strictly prohibited.

***DESIGNATED CONTACT PERSON***

Name: Maddi Zachacz

Title: Budget Officer/Personnel Director

Phone: 914-762-6001

Office/Location: Supervisor's Office

Dated: May 29, 2012

**INJURY AND ILLNESS PREVENTION PROGRAM FOR WORKPLACE  
VIOLENCE ACKNOWLEDGMENT FORM**

I hereby certify that on \_\_\_\_\_, 201\_\_\_\_, I was provided with a copy of the Town of Ossining's Injury and Illness Prevention Program for Workplace Violence. I understand that the Town shall strictly enforce this policy. If I have any questions, I may get them clarified by my department head or the Town Supervisor.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Print Name