



**TOWN BOARD
TOWN OF OSSINING
86-88 SPRING STREET
BIRDSALL-FAGAN POLICE COURT FACILITY
OSSINING, NEW YORK
JUNE 13, 2017
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 June 13, 2017 at the Ossining Municipal Building, 86-88 Spring Street Birdsall-Fagan Police Court Facility, Ossining, NY. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Kim Jeffrey, Northern Wilcher and Elizabeth R. Feldman. Councilmember Karen D'Attore was absent. Also present were Town Counsel Steven Silverberg and Town Clerk Mary Ann Roberts and Budget Officer Madeline Zachacz.

Supervisor Levenberg read the following statement:

Before we go into the Public Hearing, I want to make an important statement regarding the events of last week in the Village of Ossining. As most of you have likely heard, officers from the federal bureau of Immigration and Customs Enforcement came to Ossining last week and left with two of our residents. One of them, Diego Puma is a 19 year old student at Ossining High School, along with his mother. Neither, from the reports we have received, had committed any serious crime that would put the public in danger. It is our understanding that they had applied for political asylum and were here pending that decision. Last year that application was denied.

Until this point, it was our understanding that ICE visits were triggered by serious crimes being committed by a person who was also on a list for deportation. This does not seem to have been the case in last week's events.

In fact, ICE's actions last week, have had unintended but nevertheless real effect. Their actions have made it exceedingly difficult for our local government and our schools to do their jobs. Our job as elected officials and the job of the Ossining Police Department is, first and foremost, to protect the safety and well-being of our residents. We know that the actions that took place have fostered fear and uncertainty, and may have undermined the trust many had in our local police as well as us as your elected leaders.

I am saddened by the fact that many of our residents, regardless of their immigration status, walk down the street quite differently than they did only a week ago. Our Village Fair last week was such a wonderful example of how we all can come together to support our community.

It is our sincere hope that our government can pass comprehensive immigration reform to restore the quality of life for some of our most vulnerable neighbors and friends who add to the quality of our lives.

In the meantime, we hope that Diego can come back to finish his school year and graduate in Ossining.

II. PUBLIC HEARINGS IN THE MATTER OF:

- **Local Law No. 5 (Formerly Local Law #2) for the Purpose of Amending the Zoning and Cabaret Chapters of the Town Code”**

At 7:35 P.M., the Public Hearing was opened.

Supervisor Levenberg stated that tonight, we will begin with the continuation of the Public Hearing on Proposed Local Law #5 of 2017, which pertains to zoning changes in the Unincorporated Town. Last week, our Planning Consultant David Stolman joined us at our Work Session to review the most recent iteration of the law, and we heard from several community members specifically about the proposed zoning change in Crotonville. We continue to receive correspondence via email as well and have shared emails with all of our board members and the Town Clerk for inclusion in the public record. As was discussed at last week’s Work Session, David is preparing an analysis of the highest potential density that would be allowed on the parcels if the re-zoning were to take effect, and he will join us to present that information at next week’s Work Session, which will take place right here at the Court House.

Jaimie Black, Quakerbridge Road, spoke about Artisit Living and Work Space and spoke to the Mayor of Beacon and was told that it was not working in Beacon and he actually classified it as a failure. Mixed use will cause traffic and density. The previous description of 37 and 37A Quakerbridge Road was considered as 4 to 5 acres but after a conversation with a previous owner who stated that he had filled in to add to the land to increase the size. It is probably a Brown Field site and should stay zoned as GB1.

Daria Gregg, Old Albany Post Road, thanked Bruce Fiorito for the proposed 2 family home at 39 Old Albany Post Road.

David Epstein, Waterview Drive, questioned how the road is going to handle this density? Glendale Road is a horror show.

Supervisor Levenberg stated that the Town is not building anything. The Hudson Wellness Center is in Cortlandt thus the Town has no rights to determine what should be or should not be built and the Sunshine Hospital again is not the responsibility of the Town but of the Town of New Castle.

Ann Martin, Hawkes Avenue, thanked the Supervisor for her explanation regarding the Sunshine impact on traffic. At one time she lived over the deli that was located in Crotonville and wondered what the traffic impact would be with the Sunshine Hospital, Hudson Institute and low income housing.

Councilperson Jeffrey stated that there was no definitive proposal and would only change the zoning on the two parcels.

Councilperson Feldman clarified that it would only be two story home.

Jim Lewis, Quakerbridge Road, questioned whether the Assessor decreased the values on the property and what criteria has to be met. Stop spending money before you get the hard facts. The schools are full and we don’t need any more residential.

Mrs. Rivera, Hillcrest Avenue, has been living here for 25 years and was not notified about this meeting.

Bruce Fiorito Old Albany Post Road thanked his neighbors for the thank you they extended to him. People are creating hysteria with misinformation. The

Warehouse are not going away. This road is not a shortcut and the speeding is being done by the neighbors themselves.

Resident, Waterview Drive, noticed there has been more and more traffic thru Albany Post Road.

Resident, Hawkes Avenue, that they are not able to access 9A South as they cannot cross the road due to the traffic.

At 8:11 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned until July 25, 2017.

III. SPECIAL PRESENTATION

- **Carrieann Sipos, Ossining School District- Mini Libraries**

Supervisor Levenberg stated that we have a special presentation from Carrieann Sipos, who serves as the Director of Elementary Teaching for the Ossining School District, as well as Wendy Trager, who will be speaking to us about a special project they have been working on through the School's Action Committee to Little Lending Libraries into our Town Parks. Thank you for joining us tonight.

Ms. Sipos described this program which will put little houses in various parks for children to borrow books to encourage everyone to read. Wendy Trager a member of the Action Committee wants to meet the needs of families and to engage families into reading. Ithaca, New York has these located in their community. Tom Clements whose wife Lisa Clements is a teacher at Park School does construction and introduced these little houses to the School District. We have two registered little houses which were gifts from the Clements'.

Councilperson Jeffrey questioned where they will be placed?

Supervisor Levenberg suggested Engel Park and Gerlach Park where there are soccer field. This way small children will have something to do while their siblings are playing soccer.

Councilperson Wilcher questioned whether the books would be returned? The response was it didn't matter whether they were returned or not due to a large number of donations they have received at 400 Executive Blvd. A grant is also being written to fund these mini libraries. The mini libraries are \$325 for the box which will be placed on a pole for easy access. Another suggestion was Ryder Park and Engel Park.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

I want to start by saying it was great to see everyone at a very successful Village Fair last Saturday. Special thanks to the Greater Ossining Chamber of Commerce for all of their efforts, as well as our first responders including the Ossining Police and Fire Department as well as OVAC, also Mitzi Elkes and the Town's Environmental Advisory Committee Members, Suzie Ross and Green Ossining, and Gareth Hougham, Planning Board member, and Planning Board Liaison to the EAC, and eel enthusiast, for putting together such thoughtful literature, surveys and displays for our community. Also, big thanks to Mario Velardo and Larry Abreau for helping us get our tables, chairs, tents, ice, water coolers, and boxes of stuff assembled and packed up at day's end.

We also got word that the Ossining Fire Department outdid themselves the last few weekends by winning Best Overall at four big parades: Croton's 125th, where they

also took Best Engine and 2nd Best Aerial, and Montrose and Pleasantville the weekend prior, plus Best Overall in the City of Hudson's 125th in mid-May.

This Thursday, June 15th, the Ossining Police will host Cops & Kids kickball at Nelson Park at 6pm.

On Friday, June 16th at 5PM, the Town and Village will be partnering with the Ossining Schools for an end of year celebration of the Ossining Basics Program. This program seeks to engage the entire community in helping to make sure that our 0-3 year olds are as prepared as they can possibly be when they enter our schools for First Steps or Pre-K. The research supporting early childhood exposure to words, numbers, colors, books, music, loving and supportive environments and more cannot be ignored. Every one of us can help make sure our littlest community members have the biggest opportunities. Ossining Basics focuses on 5 simple principles which can be used by parents, siblings, caregivers, friends and others to help babies get the most out of their everydays. Bring a picnic blanket or some chairs and your favorite meal to Engel Park on Friday, June 16th and join in this community celebration. Rose Cohen will entertain us with great children's music, there will be children's books to read, raffles, activities, food trucks and more.

Following that, also at Engel Park starting at 7:30 the Ossining PBA is sponsoring their Movie in the Park night, and they will be screening Finding Dory.

This coming Saturday, June 17th, Westchester Collaborative Theater will be presenting "A Taste of WCT" at 2PM in the Ossining Public Library's Budarz Theater. Come see a sampling of some of the best scenes and monologues from past performances, including Lot's Wife, The Maltese Babka and more. You do not want to miss this savory sampling from some of our most creative community members.

Next Tuesday, June 20th, is Grievance Day in the Town of Ossining, which means it is the last day to grieve the value of your home for the 2017 roll. If you have questions about how to submit your grievance, call the Assessor's Office at (914) 762-8393 Monday through Friday, 8:30AM to 4:30PM and they can walk you through the process. No grievances will be accepted after Tuesday, June 20th, so if you are considering submitting your paperwork, don't wait!

On Wednesday, June 21st, Ossining and Briarcliff will join communities around the world for Make Music Day. 2017 is the third year that Ossining will participate in this great outdoor music event. Celebrate the Summer Solstice with some music in the streets, brought to us by the Mike Risko Music School! You can learn more by visiting MikeRiskoMusicSchool.com.

V. LIAISON REPORTS

Councilperson Jeffrey a member of the Parks & Recreation Committee announced the end of the year meeting took place this past Monday. They decided to visit Gerlach Park, Nelson Park and Snowden Park. Gerlach Park has a problem with wooden steps which frames the swings. A barbeque was held at the Ossining Boat and Canoe Club for the Parks employees. The Gym floor has been completed including a change in mats.

VI. DEPARTMENTAL REPORTS

- Christopher Soi, Superintendent of Parks and Recreation

Supervisor Levenberg stated that this evening, we have our Superintendent of Recreation and Parks Chris Soi, who is joining us to give us an update on Programs, our Concert Series, and the work taking place in our Parks work and to get some feedback from the Board about the Ryder Park Pavilion.

Christopher Soi Superintendent of Parks and Recreation announced Day Camp will begin on Monday, June 26, 2017 with final registration on June 16. There will be a variety of offerings such as creative art, mad science, etc. The Spray Park will be open from noon to 6 p.m. on the weekends and will open on Wednesday at 3 p.m. The pool will be open from June 26 – August 4 for camp use. There is a six week swim program also being offered. Fireworks will be held July 3, 2017 beginning at 9:15 p.m. The Cedar Lane Arts Center opened in early May and has thus far had a good response. There are youth programs as well as adult programs. Cathy Faiella will hold an Arts Camp during the summer months.

Councilperson Wilcher questioned who oversaw the planting of the planters? The Supervisor advised that the Parks Department did most of the planting.

Budget Officer Zachacz reported that the Rec Advisory had discussions on the Pavilion Progress with the Ryder Parks steps removed and replaced with stone steps. Gerlach Park stone steps will have a railing added. The grills have been installed as well as gutter installation. The basketball court has been ripped out and it will be relocated.

There has been a great deal of discuss regarding the concert series. Councilperson Jeffrey questioned why a committee chosen by the Village is the ones choosing the concert participants? There are all types of artists are living in the Village and the Town. Shouldn't we have a more Town oriented group? Is the process laid out? It appears that the process is not transparent and it should be a very clear process. Councilperson Feldman questioned whether the list was already set? Yes it is and the individuals we are discussing is not playing as they declined the three dates that were offered to them.

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 approves the May 23, 2017, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 approves the June 6, 2017, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 13, 2017 in the amount of \$ 493,075.76.

Supervisor Levenberg stated that it sometimes happens when we have a 5th Tuesday, the check run for tonight encompasses three weeks' worth of bills, as well as the June

2017 IMA payment to the Village of Ossining and our retiree Medicare Part B reimbursement, which only happens twice per year.

Motion Carried: Unanimously

D. Contract- Multi Modal Program Project, Route 9A and North State Road

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

Whereas, a project for road reconstruction to ease traffic transiting east/west through the Route 9A/ North State Road intersection, P.I.N. 8MA196.30A (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, and New York State’s Multi-Modal program administered by the NYS Department of Transportation (NYSDOT); and

Whereas, the Town of Ossining desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

Now, Therefore be it Resolved, that the Town Board of the Town of Ossining hereby approves the above-subject project; and

Be it Further Resolved, that the sum of \$80,000 is hereby appropriated from General (31) Fund Balance and shall be made available to cover the cost of participation in the above phase of the Project; and

Be it Further Resolved, that, in the event the full non-federal share costs of the project exceeds the amount appropriated above, the Town of Ossining shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Town Supervisor thereof; and

Be it Further Resolved, that the Supervisor of the Town of the Town of Ossining be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Multi-Modal Program Funding on behalf of the Town of Ossining with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance of funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and

Be it Further Resolved, that a Certified Copy of this resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/ or appropriate Agreements executed in connection with the project between the Town of Ossining and the State of New York; and

Be it Further Resolved that this resolution shall take effect immediately.

Supervisor Levenberg stated that a little over one month ago, we were joined by Briarcliff Village Manager Phil Zegarelli to discuss some much-needed road widening work at the 9A and North State Road intersection to make it safer and more efficient. Briarcliff is the lead agency on this project. The Town’s portion of \$160K will be funded half by General Fund Balance. The other half is coming from a Multi-Modal Grant secured for the Town by Assemblywoman Sandy Galef. This resolution demonstrates the Town’s commitment to this project. The paperwork for the Multi-modal grant came through from the State last week, so this is our local match to ensure we get the State funds.

Motion Carried: Unanimously

E. Contract: Emergent Urban Concepts

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 enter into an agreement with Emergent Urban Concepts of Haverstraw, New York, for advisory services on zoning code changes, development opportunities and general research for the Town's Open Space Corridor and Bike Path project, in accordance with the proposal dated May 1st, 2017; and

Be it Further Resolved, that the above is subject to approval by Counsel to the Town as to form.

Supervisor Levenberg stated that you may remember that several months ago, the Town of Ossining was awarded a \$30,000 Hudson River Valley Greenway grant to design an open space corridor and bike path that would connect essential hubs of commerce, parkland and municipal resources in a way that encourages alternative forms of transportation and reduces greenhouse gas emissions. We received a proposal from Jared Rodriguez of Emergent Urban Concepts to work with us on planning around the N. State Road corridor to assist with mapping, zoning text amendments, and other related material to construct the kind of plan we may want to implement. Jared will be working with us all on this plan.

Motion Carried: Unanimously

F. Resolution- Extending IMA for Water Provision with the Village of Ossining

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

It is hereby agreed this 13th day of June, 2017 by the VILLAGE OF OSSINING, a municipal corporation of the State of New York, having its principal office in the Municipal Building, 16 Croton Avenue, Ossining, New York (the "Village") and the TOWN OF OSSINING, a municipal corporation of the State of New York, also having its principal office in the Municipal Building, 16 Croton Avenue, New York (the "Town"), that the following shall be enacted effective immediately.

WHEREAS the Village and the Town entered into an agreement on the first day of January, 2002 for the Village to supply the unincorporated area of the Town with water ("January 2002 Agreement"); and

WHEREAS the term of the January 2002 Agreement was for a period of fifteen (15) years commencing on January 1, 2002; and

WHEREAS the Village and the Town want to extend the term of the January 2002 Agreement until June 30, 2018 under the same terms and conditions set forth in the January 2002 Agreement;

NOW, therefore, it is mutually agreed by the parties hereto that the term of the January 2002 Agreement is extended until June 30, 2018; and

IT IS FURTHER agreed that the terms and conditions of the January 2002 Agreement will, in all other respects, remain in full force and effect through the agreed upon expiration date of June 30, 2018.

Supervisor Levenberg stated that the Unincorporated Town has a longstanding agreement with the Village of Ossining for the provision of water services, and the IMA we share expired at the end of last year. As we are still attempting to come to terms on a new arrangement with the Village but are not quite there yet, it was recommended by our Counsel and theirs that we approve an extension of the current arrangement, and the Village will do likewise at their meeting tomorrow evening.

Special thanks to Village Corporation Counsel Stuart Kahan and our Counsel Steve Silverberg for getting this accomplished.

Motion Carried: Unanimously

G. Personnel- Resignation

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

Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of Part-Time Intermediate Clerk Amy Montague, effective June 12th, 2017.

Motion Carried: Unanimously

H. Personnel- Resignation

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 accepts, with regret, the resignation of Part-Time Park Attendant Eugene L. Abreau, Jr., effective June 30th, 2017.

Supervisor Levenberg stated that Eugene Abreau Jr., who we all know as Larry, is retiring from the Village of Ossining next month after many years of dedicated service, most recently as their Parks Foreman. What you may not know is that Larry has also worked part time for the Town of Ossining for 23 years, serving as our Park Attendant at Ryder Park. Larry has been a pleasure to work with, and I would say he would be missed, but I suspect he will be coming back to work for the Town, on a part time basis, later on this year.

Motion Carried: Unanimously

I. Resolution Authorizing Building Inspector To Proceed In Accordance With Town Code Chapter 60 To Remove Hazardous Condition On 18 Minkel Road Property.

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

WHEREAS, the Town Board has been advised by the Building Inspector that the property located at 18 Minkel Road and shown on the Tax Map as Section 81.17, Block 1, Lot 48 (the "Property") appears to be abandoned, and has been determined to have created a serious fire and health hazard to neighbors and to drivers due to the overgrowth of weeds and grass that are spreading into the street; and

WHEREAS, the Building Inspector has, on multiple occasions, contacted the mortgage servicer and has received no satisfactory response; and

WHEREAS, there continues to exist on the Property a hazardous condition that is only increasing and becoming more dangerous with time; and

NOW THEREFORE, BE IT RESOLVED, the Town Board authorizes the Building Inspector to send a notice to the property owner in accordance with Town Code § 60-2 to clean and remove the weeds and grass on the Property that are spreading into the street and causing a hazard to drivers within 15 days of the mailing of the notice and a copy of this Resolution shall be included with the notice; and

BE IT FURTHER RESOLVED, in the event the Property's owner does not cure the hazardous conditions within 15 days of the mailing of the notice by the Building Inspector, the Town Highway Department and/or an independent contractor, as determined to be appropriate and necessary by the Building Inspector, is hereby

authorized to clean and remove the hazardous condition in accordance with Town Code § 60-3; and

BE IT FURTHER RESOLVED, the reasonable cost of doing the work necessary to remove the hazardous condition on the Property shall be charged to the Property, which cost shall be assessed and shall constitute a lien and charge on the Property in accordance with Town Code §60-3.

Supervisor Levenberg stated that as it periodically happens, when we have abandoned properties in the Town and conditions on the site present a potential hazard, our Building Inspector asks us for permission to move forward with getting the property cleaned up. If the mortgage company remains unresponsive, we will get price quotes for the cleanup and charge it back to the tax bill for the property. Thank you to John Hamilton and the concerned residents in the neighborhood for bringing this to the Board’s attention.

Motion Carried: Unanimously

IX.CORRESPONDENCE TO BE RECEIVED AND FILED

X.MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of May 2017:

- Town Building Department
- Town Clerk’s Office
- G.E. Helicopter Report
- Town Supervisor’s Office
- Dale Cemetery

XI.VISITOR RECOGNITION

XII.ADJOURNMENT-EXECUTIVE SESSION-ADVICE OF COUNSEL-PERSONNEL

At 10:08 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Regular Meeting be adjourned to Executive Session.

Thanks everyone, we will see you next week, right here at the Court House on Tuesday, June 20th for our Work Session. Our Town Assessor will be at 16 Croton Avenue for Grievance Night. Stay cool out there!

Approved:

Mary Ann Roberts Town Clerk