



**MINUTES**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**FEBRUARY 9, 2021**  
**REGULAR MEETING**  
**7:30 P.M.**

**THIS MEETING WAS HELD VIA VIDEO CONFERENCING ONLY**  
**Pursuant to Governor's Executive Order 202.1 dated March 12, 2020**

**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 February 9, 2021 via video conference, pursuant to Governor's Executive Order 202.1 dated March 12, 2020. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Jackie G. Shaw, Elizabeth R. Feldman, Northern Wilcher, Jr., and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

**II. ANNOUNCEMENTS**

Supervisor Levenberg announced the following:

Well we are off to a wintry start this week. Thank you to our Highway and Parks crew who spent most of Super Bowl Sunday salting and plowing the roads-I'm not even sure they made it home for kick-off. Then of course they were out again today. This week's storms added at least 5 inches to the piles we already had built up last week and it looks like another round may already be on its way. Just as a reminder, if you Also please remember to shovel out any nearby fire hydrants if they are still covered in snow. During an emergency, every second counts and no one wants to lose time digging out a frozen hydrant. Regardless of whether we get more snow this week, temperatures are expected to be very low so be prepared, dress warmly, and stay safe.

The vaccine rollout continues to be very slow. The current demand for vaccines largely – largely – outweighs the current supply. We are hearing concerns about access to the vaccine from our residents and will continue to work with County and State representatives to make sure Ossining residents have access to the vaccine. An interesting program has been launched in Greenburgh helping seniors navigate the vaccine registration website to schedule appointments. We are looking into creating a similar program in Ossining for seniors and essential workers to help ease the stress of this complicated process. Volunteers interested in helping seniors can reach out to my office at [dlevenberg@townofossining.com](mailto:dlevenberg@townofossining.com). One challenge of this program will be to help deter scams targeting vulnerable populations. Vaccines are free to all residents and you cannot pay to hold your place in line. Residents are encouraged to report vaccine fraud or abuse to the state hotline at 1-833-VAX-SCAM.

Tests are still readily available in Ossining. Star of Bethlehem Church is offering tests on Wednesdays, Fridays, and Saturdays from 9am to 4pm.

Testing is also available at Open Door, CVS, and other sites. You can call them directly or use the test finder feature “Find a test site near me” on the New York State website. If you attended a Super Bowl party, please get tested, even if you have no symptoms. Give yourself piece of mind and rule out the chance that you are an asymptomatic spreader. Vaccines are racing to end the pandemic but the more contagious strains are gaining ground. So wear your mask, wash your hands, and get tested if you are interacting with people outside your household. OVAC is also administering rapid tests by appointment. Go to their Facebook page to get instructions about signing up.

In last week’s announcements I shared some information about Black History Month events happening in Ossining. Bethany Arts Community continues to host events throughout the month, including some exciting musical performances and history focusing on change makers from Ossining’s Black community. You can register for those events through Bethany’s Facebook page or website. There’s also a wonderful exhibit of the Black families that were a backbone of Ossining. I had the pleasure of seeing the exhibit with Village Historian and Curator of the exhibit, Joyce Sharrock Cole last Saturday and highly recommend it. Ms. Cole also mentioned that the show will continue to grow, so it is worth revisiting. The Sing Sing Prison Museum’s Justice Talks series is holding a conversation on Ossining’s Black History next Thursday at 6pm. Tune in to learn about Ossining’s prominent business owners, women leaders, and those who were employed by Sing Sing Prison. You can register through the museum’s Facebook page or website. For more information about Black History month events, and other events in Ossining, I encourage you to check out the Supervisor’s Update email blast that goes out Friday afternoons. It is also posted on the Town website.

In recent Supervisor’s updates, I have been sharing some local job opportunities. We recently learned that Westchester County will be holding a virtual job fair for Playland Park positions. Visit the virtual job board at [www.playlandpark.org/work\\_at\\_playland](http://www.playlandpark.org/work_at_playland). Review the many positions available – everything from ride operators to life guards – and submit your application online. Qualified candidates will be contacted to schedule virtual interviews on Saturday, February 20 and Sunday, February 21.

Finally, I would like to take a moment to address an email that has been circulated on social media that I sent to members of the Town and Village Boards and a few staff members in July.

In a community as diverse as ours, it is of utmost importance to make every decision with an eye towards equity. If the way I phrased that sentiment in that letter made it look like I meant anything else, I sincerely apologize because it was certainly not my intention.

This year was challenging in many ways, including the maintenance and operation of our Town parks as they were being utilized in numbers we had never seen before. With more people, came quality of life concerns like increased garbage and relaxed attitudes towards COVID safety protocols.

Concurrently, Governor Cuomo was issuing Executive Orders almost daily, limiting the size of gatherings and other group activities. We were faced with a challenging task – creating welcoming spaces for people to get outdoors, while following executive orders and keeping people safe.

During the summer of 2020 we also experienced a renewed national movement to address systemic racism in law enforcement.

Many in the community, including some elected officials, were calling on the Town to deploy police into the parks to monitor park users and issue tickets for noncompliance. In a diverse community and in the spirit of the very valid, nationwide concerns regarding traditional policing, I felt this was not a

responsible solution, one that could likely make the situation worse, not better.

Instead, I wrote the e-mail that is now circulating on social media, offering a variety of alternatives the Town would employ to address these quality of life concerns – employing more park attendants, bringing in lifeguards for the Spray Park, purchasing more garbage cans, and public messaging. I believe these alternatives to policing were better uses of taxpayer dollars and achieved our goal of fostering welcoming public spaces for all to enjoy while addressing the safety of our residents during a pandemic

This situation has reminded me that we have a lot of hard work ahead of us as a society to strive to be anti-racist and attempt to right generations of injustice. I resolve to always try to do better, work harder, and evaluate policy decisions through the lens of equity with great respect for our beautiful, wonderful, diverse Ossining.

Councilmember Shaw announced the following:

I became aware of the inaccurate and disrespectful comments on Facebook based on an excerpt of an email from the Supervisor. If the whole email thread was included it would be clear that her comments were based on a discussion I had with the Supervisor over my concerns (at the Village of Ossining’s suggestion) that we have increased police presence and police tickets for people at our parks that were breaking rules. I did not and still do not believe that at a time when we had more people using the parks and we are in the midst of the pandemic as well as facing social justice issues (particularly over policing policies) that increased policing was the best solution.

**III. DEPARTMENTAL REPORT**

Town Clerk Susanne Donnelly said the following:

## Presentation made to the Town Board February 9, 2021

### The Clerk's Office – Town and Village of Ossining

The Clerk's office and responsibilities have changed over the past year in small ways as well as large ways. We continue to follow Maryann's focus on customer service while understanding our role of doing what is the right thing for the majority of our constituents. The major change is the fact that our commitment was to move as many licenses and permits online as possible which was accomplished with the help of the Pandemic. Yes we have manned the office every day of the pandemic and yes we upgraded our systems as needed so we could and can continue to work from home to react to the increase of requests for death certificates during these very trying times.

We have moved such requests as birth, marriage and death certificate records online which are ordered and paid for through Seamless Docs, a program we were introduced to by other communities as well as a supportive sales staff who allowed us to "test drive " the product using marriage license requests online. We have successfully issued over 250 marriage licenses with all pandemic protocols in place.

From dog licenses to cabaret licenses all residents and business owners have to simply go online either go to the Clerk's page or to forms at the top of the home page and see all of the licenses and permits you can complete and pay online, choose to come to the office or have us mail the copies you need. People need these documents for many reasons some being to receive social security and the new enhanced drivers licenses, to name a few.

With the support of both the Town and Village Boards we purchased the product and instantly began using it. It has allowed our office to focus on streamlining the process of filling out applications as well as tighter control of our licensing.

Handicap tags are the responsibility of the Clerk's office. Should you require a temporary (6 months) or permanent (actually five years) tag you must fill out a form from the state of NY and have your doctor complete his/her section.. Either bring the form into the office during normal covid hours of 9:00 AM -2:30 PM along with your driver's license or mail the form to the office with a copy of your driver's license. We will issue you a handicap tag that will hang from your rear

view mirror only when needed and of course can only be used when the handicapped person is in the car.

After major delays we are now selling hunting and fishing licenses in the Clerk's office. The State decided to change the software and printer just as the pandemic hit. It was months before we could get the system working again, while many communities believe that the pittance the local government receives is not worth the effort needed we feel it is important to offer the service to our residents.

The clerk's office has gone to electronic filing of about 90% of its documents during the year 2020. Yes we are the keeper of the records so we keep hard copies of original signed documents and items such as titles of the vehicles in the Town and of course our historical files going back to the 1800s.

Because our files are so extensive and sometimes we need to do research to accomplish your request. Please be patient with us especially when you are asking for historical information.

During the pandemic the only place the public can go in the municipal building – 16 Croton Ave is to the Clerk's office on the 1<sup>st</sup> floor. We have opened our office to the other Town & Village departments in the building as well as retrofitting our records room. Together we have just concluded Village and School taxes collection by the Village Finance office and Town Tax receiver. January is an extremely busy month for all departments but we made it work with all hands on deck collecting for their departments. When you come into the municipal building you will be greeted by one of our staff who will take your temperature and ask you no more than 6 questions concerning you and covid certainly not to invade your privacy but rather to have contact tracing should the need arise. If you are uncomfortable with this we suggest you call, email, or even mail your requests to the individual department. We ask your patience as we call the department you wish to speak to and they send down a representative. We are all doing our best through these very tough times and ask for your cooperation.

In 2019 the Town received a grant to organize their file retention systems and with the help of two great consultants we have organized about 75% of the stored files, setup a file system in the John Paul Rodriguez Operations Center, trained every department on how to continue to upkeep the systems put into

place as we move other departments into electronic filing for the future. We have systems in place that ensure three sets of backup are made daily. Two are kept onsite with one backup always kept off site.

FOILs is the responsibility of the Clerk's Office and all requests must be done online. We receive over 1250 requests each year for both the Town and Village of Ossining. By using an application we have from Edmunds we can follow the requests from when the request comes in to the response from the appropriate department. Please understand that a FOIL is not meant for general information, you must ask specific questions or specific information. A FOIL request will be responded to within 5 days of its receipt by an email and the department has between 10-20 days to respond to the request. There has been some instances where an extension is requested as well as others where the response has been immediate.

As in many of our fellow departments we are part of the share services between the Town and Village of Ossining. Many of our functions that are under the Village of Ossining umbrella are used by Town residents and departments.

For example we have taken over the management of the Taxi services here in Ossining. We spent a Saturday with the Ossining Police Dept at our office licensing the taxi drivers, inspecting the vehicles and licensing the taxi companies. Please refer to our Facebook page and the Web page for a list of authorized taxi companies in Ossining. It is against the law for a taxi company not registered in Ossining to pick up fares in Ossining. The Ossining Police have inspected all vehicles and medallions were issued if they passed. All drivers have had their licenses checked through DMV by the Police Dept and only those with clean driving records were issued a taxi driver's license which must be clearly displayed on the passenger side of the dashboard when you enter the cab. All pandemic precautions must be followed.

Any compliments and/or complaints should be addressed to the clerk's office. You can email me at [sdonnelly@townofossining.com](mailto:sdonnelly@townofossining.com) or call during business hours to 914-762-8428. We will see that the issues are addressed and that the company receives the compliments we receive.

Other functions of the clerk's office that effect those who live in the Unincorporated Area of the Town as well as those who live in the Town boundaries – the Village of Ossining, 91 % of the Village of Briarcliff Manor are:

Train Station Parking

Muni parking if you work in the Village of Ossining

Lastly we are the switchboard and google for both the Town and the Village of Ossining. At least 50% of our many calls are for other departments, residents looking for information about local government, County Government and even State Government. We also take care of all US mail and packages from any of the shipping companies. Sorting the mail may sound trivial but it is essential that your correspondence gets to the right department especially if it time sensitive.

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

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

#### **VI. BOARD RESOLUTIONS**

##### **A. Approval of Minutes—Regular Meeting – January 26, 2021**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the January 26, 2021 minutes of the Regular Meeting as presented.**

**Motion: Carried**

**B. Approval of Voucher Detail Report**

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

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated February 9, 2021 in the amount of \$445,411.00**

**Supervisor Levenberg said the following in regard to the resolution: Our Voucher Detail report is a little high this week, with our January IMA payment to the Village and annual general liability insurance included in this run.**

**Motion: Carried**

**C. Approval of Mini-Bid Award and Purchase of (1) Electric 14,500 GVWR Ford E450 Chassis w/ 14 Passenger Bus - Town of Ossining Senior Program**

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

**Whereas, the New York State Office of General Services, under award 23166, allows all state agencies and political subdivisions to purchase or lease new Class 1 through Class 8 vehicles on an as needed basis via a competitive Mini-Bid process executed via the NYS Vehicle Marketplace during the contract period of November 14, 2019 through November 13, 2029; and**

**Whereas, the Town of Ossining is an authorized user in the NYS Vehicle Marketplace and has utilized this method to purchase and lease vehicles in the past; and**

**Whereas, the Town of Ossining received \$75,000 in grant funding from the Community Development Block Grant program for the purchase of an electric bus for the Senior Nutrition Program; and**

**Whereas, on November 2, 2020, the Town of Ossining submitted a Mini-Bid request for an Electric 14,500 GVWR Ford E450 Chassis with 14 passenger bus for the Senior Nutrition Program; and**

**Whereas, on November 23, 2020, the Mini-Bid period closed with one offer from Don Brown Bus Sales, Inc.; now therefore be it**

**Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to accept the offer from Don Brown Bus Sales, Inc., Johnstown, NY in the amount of \$207,311 for the purchase of an Electric 14,500 GVWR Ford E450 Chassis with 14 passenger bus for the Senior Nutrition Program; and be it further**

**Resolved, that the Supervisor is authorized to execute any necessary documents to facilitate the purchase of this bus for the Senior Nutrition Program.**

**Supervisor Levenberg said the following in regard to the resolution: At our last regular meeting, we approved the financing for the purchase of a fully-electric bus to supplement a grant we received through the Community**

Development Block Grant program in 2019. We utilized the New York State mini-bid system to receive a competitive quote, and are looking forward to getting the order placed and bus on the road hopefully sooner rather than later.

Motion: Carried

**D. Stipulation of Agreement – CSEA**

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

BE IT SO RESOLVED, that upon the recommendation of the Town Supervisor, the Stipulation of Agreement between the Town, CSEA Local 1000, and Lynn Muller, is hereby ratified and approved.

Motion: Carried

**E. Proposal for Assistance in Preparation of the MS4 Annual Stormwater Report for Program Year 2020-2021**

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

Resolved, that the Town Board of the Town of Ossining accepts the proposal from AI Engineers, Dolph Rotfeld Engineering Division, Elmsford, NY for Assistance in Preparation of the MS4 Annual Stormwater Report for Program Year 2020-2021, at a fee of \$2,750.

Supervisor Levenberg said the following in regard to the resolution: Every year, we are required to complete our MS4 Stormwater report. We have been working with Dolph Rotfeld Engineers on this report on an annual basis, and are looking forward to working with them once again.

Motion: Carried

**F. SEQRA Lead Agency -- Borrego Solar, 381 N. Highland Avenue**

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

BE IT RESOLVED, the Town Board hereby consents to the Planning Board serving as lead agency for a coordinated review pursuant to the State Environmental Quality Review Act of the application of Borrego Solar to install a battery energy storage system on the property located at 381 N. Highland Avenue in the unincorporated Town.

Supervisor Levenberg said the following in regard to the resolution: At last week’s work session, we heard from the folks at Borrego Solar who are working on a battery energy storage system proposal at St. Augustine’s Church. Since the Town adopted legislation stipulating a floating zone for this use, the Town Board will eventually need to approve the zone change following SEQRA review.

Town Counsel Tomm-Addona summarized the application and discussed the next steps for the application.

**G. Acceptance of Bid — McCarthy Drive Road Rehabilitation and Water Main Replacement**

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

Whereas, the Town of Ossining invited sealed bids pursuant to Section 103 of the General Municipal Law of the State of New York for the rehabilitation and reconstruction of McCarthy Drive, including replacement of approximately 2,000 linear feet of water main to be paid for by the Village of Ossining Water Fund, and related improvements; and

Whereas, a public notice was advertised in the Journal News on December 7, 2020; and

Whereas, the Town received seven sealed bids, which bids were publicly opened by the Town Clerk at 2:00 p.m. on Tuesday, December 29, 2020 and

Whereas, the lowest responsible bid was submitted by Montesano Brothers, Inc., 76 Plain Avenue, New Rochelle, New York 10801, with a bid price of \$2,465,995; and

Whereas, the Town Engineer, Paul Fraioli, and the Town's Consultant Engineer for this project, James Natarelli of Dolph Rotfeld Engineering, have both recommended that the Town retain the services of Montesano Brothers, Inc.; and

Whereas, at its January 26, 2021 regular meeting, the Town Board unanimously duly adopted a resolution authorizing the issuance of serial bonds to fund the project, which includes funding for payment of the contractor hired to do the work, and which bond issuance is subject to permissive referendum; and

Now, therefore

Be it resolved, that the McCarthy Drive Road Rehabilitation (Town) and Water Main Replacement (Village) project is hereby awarded to Montesano Brothers, Inc., 76 Plain Avenue, New Rochelle, New York 10801, for the total bid price of \$2,465,995; and

Be it further resolved, the Town Supervisor is hereby authorized to enter into an agreement with Montesano Brothers, Inc., with the terms as outlined in this resolution, the agreement and accompanying bid documents, subject to approval by Counsel to the Town as to form; and

Be it further resolved, the Town Supervisor and all applicable Town officers, staff and consultants shall comply with the requirements of NY Local Finance Law and NY Town Law, and any other applicable law, with respect to the bond issuance to fund the project being subject to permissive referendum and the Town shall not commit itself to the funding, nor actually fund, any portion of the project until the statutory time period for the permissive referendum has expired, or, if a petition is duly filed within the statutory time period, until it is approved by an affirmative vote of a majority of the qualified electors of the Town voting on the proposition.

Supervisor Levenberg said the following in regard to the resolution: Also at our last Legislative Session, we approved the financing for the Town's portion of the McCarthy Drive Road Rehabilitation and Water Main Replacement project. In December, we received a few competitive bids for this project, and are awarding the project to the lowest bidder tonight. This

has been a long time coming, since the Town determined McCarthy Drive was a dedicated Town road some years ago, so it is really great to see this project get off the ground.

Motion: Carried

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

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 hereby accepts the following correspondence:

- Town Planning Board Minutes – December 16, 2020

Motion: Carried

**VIII. MONTHLY REPORTS**

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 hereby accepts the following monthly reports for the month of January 2021:

- Tax Receiver’s Office
- Town Clerk
- GE Helicopter
- Dale Cemetery
- Town Supervisor
- Town Highway

Motion: Carried

**IX. VISITOR RECOGNITION**

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

**X. ADJOURNMENT**

At 8:09 P.M., Councilmember Shaw motioned to adjourn to Executive Session for personnel, advice of counsel, and contracts and Councilmember Wilcher seconded.

Motion Carried: Unanimously

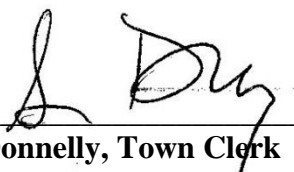
At 8:35 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously

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

Motion Carried: Unanimously

Approved:

  
\_\_\_\_\_  
Susanne Donnelly, Town Clerk