



MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD IN PERSON AT
TOWN MUNICIPAL BUILDING
1st FLOOR CONFERENCE ROOM
16 CROTON AVE – OSSINING, NEW YORK
AND VIA ZOOM

APRIL 12, 2022
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Angelo A. Manicchio Jennifer Fields-Tawil

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

The Regular Meeting of the Town Board of the Town of Ossining was held on April 12, 2022 in the Town Municipal Building, 16 Croton Ave in Ossining, and via video conference, pursuant to Chapter 417 of the Laws of 2021 signed into law on September 2, 2021 by Governor Hochul and Executive Order 11.4. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg who attended the meeting virtually via Zoom. Members of the Board present were: Councilmembers Gregory G. Meyer and Angelo A. Manicchio. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

Councilmembers Elizabeth R. Feldman and Jennifer Fields-Tawil were absent from the meeting.

II. PUBLIC HEARING – Draft Comprehensive Plan

At 7:31 PM, the Public Hearing opened.

Supervisor Levenberg said the following: First on our agenda tonight we have our public hearing on the Comprehensive Plan. The updated draft was posted to the Town’s website yesterday, as well as shared via e-mail blast and social media.

Jamie Black, Ossining, expressed her concern over missing middle housing. She spoke about the population in Ossining growing faster than that in other municipalities. She expressed her worries over missing middle housing leading to overpopulation and putting a strain on the Town and the Ossining school system.

At 7:38 PM, Councilmember Meyer moved and it was seconded by Councilmember Manicchio to adjourn the public hearing to April 26, 2022.

III. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg said the following:

I am Zooming in to our meeting tonight because yesterday, I tested positive for COVID-19. I am not feeling great, but thanks to being vaccinated and boosted, I know my symptoms are a lot better than they could be if I had not taken those precautions. We are definitely seeing case numbers tick up locally and

throughout the country, so please remember to exercise caution, wear your mask, get vaccinated and boosted if you haven't already, and most importantly, get tested and stay home if you are not feeling well! OVAC continues to offer free testing on Mondays and Fridays from 9am to 5pm, and free vaccines and boosters from 9am to 5:30pm.

April is Earth Month, and this week in the Supervisor's Update we highlighted the 11th Annual Riverkeeper Sweep, which is scheduled for Saturday, May 7 with events throughout the Hudson Valley, including in our very own Ryder Park. Register now to join Green Ossining, the Ossining Parks Habitat Stewards and Riverkeeper for a stream side cleanup and invasive plant removal project at Ryder Park.

And most importantly, mark your calendars for Saturday, April 23 for the return of the Green Ossining Earth Day festival from 10am to 5pm, rain or shine! It is sure to be a great return to in person festivities, and we can't wait.

IV. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg said the following:

Last week, we had two important meetings with our State partners, starting with a meeting with NYSDOT to discuss flooding and safety issues along Route 9A in the Town of Ossining. These issues are complex, but we had a very productive conversation and we are hopeful that we will be able to make meaningful progress on these important issues. Our Highway Superintendent, Pete Connolly, has been in touch with NYSDOT's maintenance team. Last Sunday, and staffing permitting every Sunday after that, NYSDOT's maintenance crews will be working along Route 9A repairing guardrails and potholes. Now that the weather has broken, we are hopeful that we will see the roads getting repaired after winter wear and tear.

On Friday, we had a meeting at the waterfront with representatives from DEC's Hudson River Estuary program to discuss phase 2 of the Climate-adaptive Design studio. The Town and Village of Ossining were host communities for the first phase of this innovative program in 2019, which pairs communities with Cornell University graduate landscape architecture students to envision more resilient Hudson River waterfronts. We were awarded a grant last fall for phase 2, which brings a professional design firm on board to bring the visionary student designs to the next level. We anticipate having more information about phase 2 at the Earth Day festival and more community engagement events coming up. In the meantime, we invite residents to view the project website from the first phase (there is a link posted in the Supervisor's Update) to learn more about the program in anticipation of public engagement very soon.

During the month of April, Town staff are receiving refresher training on CPR at OVAC to renew our certifications. Thank you to OVAC Captain Nick Franzoso and OVAC trainers for helping us keep up our certification, making sure we remembered what to do in an emergency, and for making it fun!

V. LIAISON REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – March 22, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the March 22, 2022 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Minutes—Special Meeting – April 5, 2022

The following resolution was tabled.

Resolved, that the Town Board of the Town of Ossining hereby approves the April 5, 2022 minutes of the Special Meeting as presented.

C. Approval of Voucher Detail Report – April 12, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated April 12, 2022 in the amount of \$730,641.09

Motion: Carried

D. Agreement – CSEA Employee Benefit Fund

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign a renewal agreement with CSEA Employee Benefit Fund, Latham, NY 12110 for vision benefits for Town of Ossining employees and dependents, from January 1, 2022-December 31, 2026.

Motion: Carried

E. Contract – Westchester County Department of Senior Program and Services

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with the Westchester County Department of Senior Program and Services for the purposes of receiving grant funds not to exceed \$49,309 under the Expanded In-Home Services for the Elderly Program, program year 2021, beginning April 1, 2021 through December 31, 2021.

Motion: Carried

F. Contract Extension – Community Center Kitchen Renovations

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign the second amendment to an agreement with Westchester County for renovations to the Joseph G. Caputo Community Center Kitchen to extend the expiration date from February 25, 2022 to July 31, 2022.

Motion: Carried

G. Calling for a Public Hearing in the matter of a Local Law known and cited as Prohibition on Release of Balloons and Sky Lanterns

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, April 26, 2022 at 7:30 p.m. in the First Floor Boardroom at the Ossining Municipal Building, 16 Croton Avenue, Ossining, NY 10562 and via Zoom videoconferencing (which information will be available at www.townofossining.com), in the matter of a Local Law known and cited as Prohibition on Release of Balloons and Sky Lanterns.

Motion: Carried

H. RESOLUTION REGARDING NY-NJ Watershed Protection Act: H.R. 4677

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

WHEREAS, New York Congressman Tonko has proposed the NY-NJ Watershed Protection Act, a unique federal investment program to authorize \$50 million of federal funds to protect and restore all watersheds, including the Hudson River Watershed, that flow into New York-New Jersey Harbor and

WHEREAS, The Act has unanimous support among the Hudson Valley's Congressional delegation; and,

WHEREAS, the Act would provide benefits to diverse stakeholders such as the protection of fisheries and wildlife, conservation of natural resources and public and private lands, critical urban greenspaces, ocean and coastal resources, and various opportunities to improve the quality of life for community members throughout the region; and

WHEREAS, Town of Ossining is part of the most densely populated and economically important regions in the country, the proposed NY-NJ Watershed Act will provide enormous economic and environmental benefits locally, regionally and nationally; and

WHEREAS, watersheds provide drinking water, tourism and outdoor recreation, economic opportunities, as well as sustain fisheries, critical wildlife and provide vital infrastructure from flooding and rising sea levels; and

WHEREAS, the Act would provide matching funds to achieve the goals of New York State Department of Environmental Conservation's Hudson River Estuary Program, a state program that has greatly benefitted Hudson Valley communities; and

WHEREAS, the Act would fund shoreline management and restoration within the watersheds; and

WHEREAS, as an elected body tasked with protection and safeguarding irreplaceable water-connected resources and nature-based flood hazard mitigation measures that are essential to protect human life and infrastructure; and

WHEREAS, this Act would direct the Secretary of the Interior to enhance collaboration and coordinate restoration activities at all levels of government to protect fish and wildlife habitats, endangered species, improve water quality, increase public access to the estuary, mitigate flood risks, and develop public outreach and educational activities; and

WHEREAS, many residents of the region of the NY-NJ Watershed live in communities lacking environmental justice, where access to and enjoyment of fish, wildlife, clean water, and other natural resources have been impaired or compromised, federal funding is necessary to mitigate these long overdue environmental and social issues; and

WHEREAS, the Town of Ossining would benefit from the Act as it would establish beneficial programs and award grants to help fund valuable restoration projects in our local community; and

WHEREAS, the Hudson River is a cornerstone in which its residents depend on and the region relies on for its resources to provide prosperity throughout the state, therefore, the Town of Ossining must uphold its duty to protect the community's access to drinking water and natural resources; and

WHEREAS, the Town of Ossining has an opportunity to be a social and environmental leader of the state, by supporting the NY-NJ Watershed Protection Act, we may lead by example and facilitate much needed change; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining supports the passing of the NY-NJ Watershed Protection Act.

Motion: Carried

I. Resolution - Briarcliff Manor Partners LLC Agreements

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

WHEREAS, as a condition of the Site Plan Approval granted by the Planning Board on December 19, 2018 to develop and operate a daycare and early child development center, Briarcliff Manor Partners LLC, the owner of the property located at 530 North State Road, is required to enter into a Landscape and Wetland Mitigation Plantings Maintenance Agreement and Stormwater Management System Maintenance and Easement Agreement with the Town to ensure the property is properly managed and maintained in accordance with the approved plans; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Landscape and Wetland Mitigation Plantings Maintenance Agreement with Briarcliff Manor Partners LLC dated March 7, 2022; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Stormwater Management System Maintenance and Easement Agreement with Briarcliff Manor Partners LLC dated April 1, 2022.

Motion: Carried

J. Resolution – 381 North Highland Avenue Battery Energy Storage System

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

WHEREAS, on April 27, 2021 the Town Board granted a zoning map amendment application by Borrego Solar Systems Inc. (the “Applicant”) to construct a standalone battery energy storage system that would be used to supplement power to the local power grid at peak hours by utilizing New

York State’s Value of Distributed Energy Resources (VDER) mechanism (the “Proposed Project”), on property owned by the Archdiocese of New York (St. Augustine Church) located at 381 North Highland Avenue (the “Property”); and

WHEREAS, as a condition of the approval the Town Board required the Applicant to enter into a payment in lieu of taxes (“PILOTS”); and

WHEREAS, the Property is currently tax exempt due to its longstanding charitable religious use; and

WHEREAS, solar energy systems and battery energy storage systems are by default exempt from real property taxation under Real Property Tax Law § 487; and

WHEREAS, the Town Code exempts from the requirements to enter into PILOTs solar energy systems that have a capacity of less than one megawatt; and

WHEREAS, the Town Board has been advised that the Proposed Project will have a capacity of less than one megawatt; and

WHEREAS, the Town Board finds the Proposed Project to be a positive contribution to the community; and

NOW THEREFORE,

BE IT RESOLVED, consistent with the current tax status of the Property and the Town’s law regarding solar energy systems, the Town Board determines not to require the Applicant to enter into a PILOT for the Proposed Project; and

BE IT FURTHER RESOLVED, the Town Board reserves the right to revisit this matter and require the Applicant to enter into a PILOT if circumstances change such that the capacity of the Proposed Project exceeds one megawatt.

Motion: Carried

VIII. MONTHLY REPORTS

Councilmember Meyer moved and it was seconded by Councilmember Manicchio 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 March 2022:

- Dale Cemetery**
- Tax Receiver**
- Town Clerk**
- Town Supervisor**
- GE Helicopter**

Motion: Carried

IX. VISITOR RECOGNITION

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

Ian Londin, Ossining, expressed concern over the development project taking place on 68 Somerstown RD. The property is surrounded by wetlands and as result building on the property is not a good idea and could be hazardous to the area.

Town Counsel Tomm-Addona provided the Town Board with an update and timeline of the project at 68 Somerstown RD.

Jamie Black, Ossining, spoke about the three ponds surrounding the property and how building anything other than a boat house on the property is unreasonable.

X. ADJOURNMENT

At 8:05 P.M., Councilmember Meyer motioned to adjourn to Executive Session for advice of counsel and personnel and Councilmember Manicchio seconded.

Motion Carried: Unanimously

At 8:18 P.M., Councilmember Meyer motioned to leave Executive Session and Councilmember Manicchio seconded.

Motion Carried: Unanimously

At 8:18 P.M., Councilmember Meyer motioned to adjourn the Regular Meeting and Councilmember Manicchio seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk