

MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY

July 26, 2022
REGULAR MEETING
7:31 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 July 26, 2022 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 11.8. The meeting was called to order at 7:31 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Greg Meyer, Angelo A. Manicchio, and Jennifer Fields-Tawil. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

II. PUBLIC HEARINGS

- **Local law regulating bicycles, bicycles with electric assist and electric scooters in the Town of Ossining**

At 7:31 PM, the Public Hearing opened.

Supervisor Levenberg said the following: First on our agenda, we have a public hearing on a local law to regulate bicycles, bicycles with electric assist, and electric scooters in the Town. At our last Work Session, we had a lengthy discussion about this law, but we are still waiting on some feedback from the consultants who helped the Village of Ossining draft a similar law, so I would recommend that we do not close this public hearing tonight until we can work out some of those additional details.

At 7:34 PM, Councilmember Feldman moved and it was seconded by Councilmember Meyer to adjourn the public hearing to August 9, 2022.

Councilmember Fields-Tawil was not present at the public hearing.

III. ADJOURN TO WORK SESSION

At 7:34 PM, Councilmember Feldman moved and it was seconded by Councilmember Meyer to adjourn to work session.

1. Presentation on Clean Path NY Project
2. Discussion on River Knoll Supplemental Draft Environmental Impact Statement

At 9:19 PM, Councilmember Feldman moved and it was seconded by Councilmember Meyer to adjourn to the Regular Meeting.

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Ossining RiverJam, our rebranded summer concert series with food truck Fridays and craft breweries, is back this Friday, July 29th with another Ossining local and favorite, the Mike Risko Band! Stay tuned for the food truck line up, and make plans to head down to the waterfront at 5pm for dinner and stay for the concert at 7pm. In case of any questions about weather, stay tuned to social media and @townofossining for up to the minute information. Last Friday we had KJ Denhart perform with the NY Unit and due to a little summer storm at 6 or so, we were able to postpone the start till 8:00 It was a great night and this week promises to be a repeat of the last with another local fave.

There's more free summer entertainment with the Summer Acoustic Series at Market Square Wednesdays at 7pm – this week with Gary Adamson. Pro tip – if you attend the summer acoustic series, make sure to be ready to defend your chess game for Chess with Chavez! Also on Mondays, Jazz at Henry Gourdine Park at 6:30pm, the next concert is Monday, August 8 with the Mala Waldron Quartet. On Tuesday nights at 7pm, there is the Family Summer Entertainment Series, next week there will be Comedian Ned Gelfars at Market Square. Don't forget to grab dinner from a local Ossining restaurant as you spend your summer nights in Ossining's beautiful parks!

The Ossining Schools are collecting school supplies now through August 23, with several drop off locations around town. Donate new school supplies like crayons, markers, #2 pencils, post-its, composition notebooks, and more to one of the following locations until 8/23: Mike Risko Music School, Ossining Public Library, Ossining School District Administrative Office at 400 Executive Boulevard, Value Drugs, and Prescription Plus.

Westchester Collaborative Theater continues their Parking Lot Plays: An Outdoor Short Play Festival this weekend. Performances will be Friday & Saturday at 7pm, Saturday at 2pm, and Sunday at 3pm. Grab your tickets now at www.wctheater.org!

A quick note about an upcoming road closure. The Town of New Castle will be closing Hawkes Avenue starting tomorrow, July 27th through August 2nd, excluding Saturday and Sunday, from the hours of 7am to 5pm to complete some repairs necessary to stabilize the roadway in anticipation of paving. A large excavator and other machinery will be working on the road. Provisions for emergency vehicles will be made.

V. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg said the following:

First off, congratulations to Ossining Police Chief Kevin Sylvester, who was sworn in last night as president of the New York State Association of Chiefs of Police. He now sits as president of both the Westchester County Chiefs of Police Association and NYSACOP. Chief Sylvester is the first from Westchester County since 2008 to hold this position, and just the 14th time since its formation in 1901. Congratulations Chief, thanks for making Ossining proud!

On our agenda this evening, we have a resolution to approve going out to bid for replacing the roof at the Highway Department Mechanic's garage. As part of the 2022 budget process, Highway Superintendent Pete Connolly brought in a roof expert to evaluate the condition of the roofs at the Highway Department and prioritize replacement or repairs. The Mechanic's garage was top priority, and recommended for replacement in 2022. The bid specs were developed and vetted by our roofing expert, Andy Tiess, and Pete. We budgeted for this project in our capital plan for 2022 and it is important we get this project underway soon.

I am happy to report that we are getting closer and closer to revealing our new Town of Ossining website! This project has been many years in the making, we were slightly delayed with COVID and other projects, but thanks to the expert help of our website wizard Dean Pacchiana and graphic design guru Brian Sheridan, we think the public will find the website much easier to navigate and find the information they are looking for. Stay tuned for more on this soon!

Speaking of technology upgrades, our Town Clerk Sue Donnelly has been working hard to digitize many of our processes and documents. In an effort to make the Town less paper-heavy, she has recommended that the Town Board adopt a resolution this evening to encourage the use of electronic record keeping in our departments.

VI. LIAISON REPORTS

Councilmember Feldman spoke about how great the Ossining RiverJam concert series has been. She spoke about the difficulty in launching boats on Friday evenings due to the concert series.

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – July 12, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the July 12, 2022 minutes of the Regular Meeting as presented.

Motion: Carried Unanimously

B. Approval of Minutes—Special Meeting – July 19, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the July 19, 2022 minutes of the Regular Meeting as presented.

Motion: Carried Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated July 26, 2022 in the amount of \$624,540.53

Motion: Carried Unanimously

D. Resolution of Support – Ryder Park Improvements Grant

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

Whereas, the Town of Ossining owns parkland at 43B Morningside Drive, known as Ryder Memorial Park; and

Whereas, Ryder Park contains many recreational assets that are beneficial to the community, including baseball fields, tennis courts, fitness and passive walking trails and the Town wishes to implement improvements to the many recreational amenities at Ryder Park, while also addressing and mitigating concerns relating to drainage and wetlands; and

Whereas, these improvements require preliminary engineering and the development of final design and construction documents for bid in order to achieve implementation; and

Whereas, funding is currently available through the Office of Parks, Recreation, and Historic Preservation's Environmental Protection Fund Grants Program for Parks to support project planning for parks improvements, including the improvements the Town wishes to complete at Ryder Park; now therefore be it

Resolved, that the Town Board of the Town of Ossining supports submitting a grant application to the Environmental Protection Fund Grants Programs for Parks to complete preliminary engineering and the development of final design and construction documents for bid for improvements to Ryder Park.

Supervisor Levenberg said the following: This is one of three CFA grants we are applying for this year – if you are looking for more information on our other grants, you can view last week's Work Session on YouTube –this particular grant application becomes much stronger with a resolution of support from the Town Board. We are hopeful that we will be successful with all of our applications this year, and be ready to get moving on some exciting projects with state support!

Motion: Carried
Abstain: Fields-Tawil

E. Finance – Audit – Town of Ossining 2021

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

Resolved, that the Town Board of the Town of Ossining hereby acknowledges that in accordance with Section 35 of the General Municipal Law, the 2021 Audit of the Town of Ossining Financial Statements and Supplementary Information and 2021 Statement of Cash Receipts, Cash Disbursements, and Cash Balances for the Town Justice Court have been distributed to and reviewed by the Town Board and said report shall be on file with the Office of the Town Clerk.

Supervisor Levenberg said the following: At our last legislative session, we received a report on the 2021 Audit, which was clean as a whistle. Thank you to our Comptroller Dale Brennan, Deputy Comptroller Liz Naccari, Budget Director Victoria Cafarelli the entire finance team plus our department heads for the work they all do during audit season and every day to keep the finances of the Town in tip top shape.

Motion: Carried Unanimously

F. Retainer – Tulis & Geiger, LLP.

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

Resolved, that the Town Board of the Town of Ossining retains Tulis & Geiger, LLP for special district legal work at an hourly rate of \$300.

Motion: Carried Unanimously

G. New York State Liquor Authority Special Event Permit Application – Ossining Fire Department Inspection

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

Resolved that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the Landlord Authorization Form for the New York State Liquor Authority Special Event Permit Application made by the Ossining Fire Department for the Ossining Fire Department Parade on August 5, 2022 at Louis Engel Park; and

Be it further Resolved, that the applicant will provide proof of insurance and the letter of indemnity to the Town in a form acceptable to Counsel to the Town.

Supervisor Levenberg said the following: On August 5, we will be taking a break from RiverJam to celebrate our first responders with our fire department parade! I hope it will be another great Friday night in our community.

Motion: Carried Unanimously

H. Authorize to Bid – Highway Department Mechanic Shop – Roof Replacement

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

Resolved, that the Town Board of the Town of Ossining hereby issues a request for bids for the Highway Department Mechanic Shop – Roof Replacement project, with bids due back to the office of the Town Clerk by 10 am on Thursday, August 25, 2022.

Supervisor Levenberg said the following: Again, thank you to Highway Superintendent Pete Connolly as well as Andy Tiess for helping us get here.

Motion: Carried Unanimously

I. Maintenance and retention of electronic records

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

WHEREAS, at its regular meeting on August 11, 2020, the Town Board adopted the *Retention and Disposition Schedule for Local Government Records (LGS-1)* issued pursuant to Article 57-A of the Arts & Cultural Affairs Law containing legal minimum retention periods for local government records; and

WHEREAS, pursuant to Article 57-A:

- Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)* after the records have met the minimum retention period described in the schedule and
- Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods; and

WHEREAS, pursuant Arts & Cultural Affairs Law section 57.19, “[e]ach local government shall have one officer who is designated as records

management officer . . . In towns, the town clerk shall be the records management officer;” and

WHEREAS, the Commissioner of Education for New York State promulgated regulations in Part 185 regarding records of public corporations; and

WHEREAS, 8 NYCRR 185.2(c) notes, “[t]he records management officer shall initiate, coordinate and promote the systematic management of the local government’s records in consultation and cooperation with other local officers;” and

WHEREAS, 8 NYCRR 185.7(f) provides, “[d]igital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. In order to ensure accessibility and intelligibility for the life of these records, local governments must follow the procedures described in section 185.8 of this Part;” and

WHEREAS, 8 NYCRR 185.8 (“Retention and preservation of electronic records”) provides in part, a) A local government shall ensure that records retention requirements are incorporated into any plan and process for design, redesign or substantial enhancement of an information system that stores electronic records; b) A local government shall ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met; c) A local government shall develop and maintain up-to-date documentation about all permanent or archival electronic records; d) A local government shall prepare and store in a secure off-site facility copies of archival electronic records in order to safeguard against loss; and e) A local government shall institute specified maintenance procedures for electronic media containing permanent or archival electronic records; and

WHEREAS, to the extent possible, the Town of Ossining is desirous of utilizing electronic and/or digital records in place of paper records or micrographic copies;

NOW THEREFORE,

BE IT RESOLVED, the Town of Ossining shall maintain all digitally created records in native digital format for the retention periods set out in the most recent edition of the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*; and

BE IT FURTHER RESOLVED, that the Town shall retain and preserve its electronic records, defined as “those records stored on electronic media that can be read or processed only by means of a computer” in accordance with the requirements of 8 NYCRR 185.8 of the Regulations of the Commissioner of Education; and

BE IT FURTHER RESOLVED, that the Town Clerk, as records management officer, in consultation with other local officers including but not limited to elected officials, Town Supervisor, Budget Officer, Counsel to the Town, Receiver of Taxes, Assessor, Comptroller, Building Inspector, Town Engineer and other department heads or designees shall determine which non-electronic copies of records for which there are corresponding electronic copies may be disposed of when such non-electronic copies are no longer needed for reference, historical or other administrative purposes.

Supervisor Levenberg said the following: Thank you to our Sue Donnelly.

Motion: Carried Unanimously

J. Resolution – Local Law # 5 of 2022 – Amendments to Chapter 73 of the Town Code (Community Choice Aggregation (Energy) Program)

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

WHEREAS, in 2015 the Town Board enacted Chapter 73 of the Town Code entitled Community Choice Aggregation (Energy) Program, which is administered by Sustainable Westchester and provides for more stable and potentially lower energy costs by negotiating locked-in pricing for residential and small business properties in all of the participating municipalities in Westchester County; and

WHEREAS, Sustainable Westchester recently presented the Town Board with a new solar credit offering (opt-out Community Distributed Generation) that provides additional savings to eligible and participating properties and will prioritize solar credit savings to low- and moderate-income households; and

WHEREAS, to implement this new solar credit offering, the Public Service Commission requires participating municipalities to amend their local law to include specific language about the solar credit offerings; and

WHEREAS, the Town Board opened a duly noticed public hearing on the proposed local law at its meeting on Tuesday, July 12, 2022, and members of the public having the opportunity to attend and be heard, the public hearing was closed on July 12, 2022; and

WHEREAS, said local law has been on the desks of the members of the Town Board for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration pursuant to the State Environmental Quality Review Act determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law is authorized by the State and will provide property owners in the unincorporated Town with more affordable options for clean energy; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Town, it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 5 of 2022; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

Supervisor Levenberg said the following: This local law will enable the Town to participate in Sustainable Westchester's opt-out Community Solar program, which we hope will roll out in the fall.

Motion: Carried

Ayes: Levenberg, Feldman, Meyer, Manicchio, & Fields-Tawil

K. Resolution – Adopting Videoconferencing Policy for the Town of Ossining

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

WHEREAS, as part of the 2022 Budget, the State enacted Public Officers Law § 103-a, which allows members of municipal public bodies to participate in public meetings remotely under the circumstances provided in the law so long as the municipality’s legislative board adopts a local law and videoconferencing regulations in furtherance of such; and

WHEREAS, at its July 12, 2022 legislative session, the Town Board adopted Local Law #4 of 2022 allowing members of all Town boards subject to the Open Meetings Law to participate in meetings via videoconferencing as prescribed in Public Officers Law § 103-a; and

WHEREAS, the Town Board considered videoconferencing regulations at its July 19, 2022 work session; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts the Town of Ossining Videoconferencing Policy dated July 26, 2022; and

BE IT FURTHER RESOLVED, the Town Board reserves the right to revisit and modify, amend and/or repeal, as necessary, said Videoconferencing Policy in the future by resolution of a majority of the Town Board; and

BE IT FURTHER RESOLVED, the Videoconferencing Policy shall be made available on the Town’s website (www.townofossining.com) and hard copies shall be available in the Town Clerk’s Office, the Town Supervisor’s Office and the Town Building Department for review by members of the public upon request during normal business hours.

Supervisor Levenberg said the following: This policy was discussed at length in our last Work Session, remember we are currently allowed to be holding meetings remotely via an executive order from the Governor, but this policy ties to the local law adopted last meeting to allow for videoconferencing as part of Town meetings in the longer term.

Motion: Carried Unanimously

L. Contract – Nexus Creative

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

Resolved, that the Town Board of the Town of Ossining authorizes an additional allowance of \$16,000 for mechanical/electrical/plumbing/structural subconsultants under the Town’s contract with Nexus Creative Architecture & Design, Tarrytown, NY 10591 dated June 10, 2021 for design development, contract documents, and construction administration for the Renovation of the Community Center Kitchen.

Supervisor Levenberg said the following: We approved our contract with Nexus Creative in June 2021, and although the Board approved all of the terms of the contract, the amount that was initially approved did not include the amount necessary for subconsultants for mechanical/electrical/plumbing – very critical pieces to the kitchen renovation.

Motion: Carried Unanimously

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Feldman moved and it was seconded by Councilmember Meyer 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 – June 15, 2022
- Architectural Review Board – Resolution for 68 Somerstown RD – 6/15/22

Motion: Carried Unanimously

X. VISITOR RECOGNITION

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

XI. ADJOURNMENT

At 9:44 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel and Councilmember Meyer seconded.

Motion Carried: Unanimously

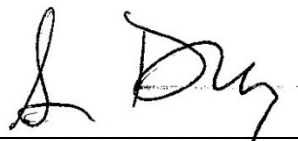
At 10:20 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Meyer seconded.

Motion Carried: Unanimously

At 10:20 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Meyer seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town