



**TOWN BOARD
TOWN OF OSSINING
OSSINING MUNICIPAL BUILDING
16 CROTON AVE-- OSSINING, NEW YORK
AUGUST 6, 2019
SPECIAL MEETING
7:30 P.M.**

**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 Special Meeting of the Town Board of the Town of Ossining was held on August 6, 2019 in the Ossining Municipal Building, 16 Croton Ave in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Northern Wilcher Jr., Jackie G. Shaw, Elizabeth R. Feldman and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Madeline Zachacz, and Confidential Secretary Victoria Cafarelli.

Supervisor Levenberg spoke about the events that have happened around our nation over the past few days that are worse than sad and worse than shocking. She is left with no words to describe the emotions she feels knowing that we stand here, again, observing a moment of silence for innocent men, women and children who were victims of a senseless mass shooting that our Federal government has taken no substantive action to prevent. The tragedies we are experiencing are now commonplace and have left many of us feeling helpless. We are also seeing examples of hatred in our own community, as what has been reported to be a noose was discovered in Louis Engel Park last week. These disgusting acts are repulsive to all of us who work so hard in our daily lives to be accepting of all people, to make all feel safe. Ossining has no tolerance for hatred. We will continue to advocate every day for all residents to feel respected, accepted and valued. There have been preliminary discussions with local clergy and the Village of Ossining about hosting a vigil at Louis Engel Park to mourn the victims of the tragedies in El Paso, Dayton, and Gilroy this Thursday at 7 PM.

A moment of silence was held to mourn and remember our fellow Americans who lost their lives these past few weeks in El Paso, Texas and Dayton, Ohio.

II. PUBLIC HEARINGS IN THE MATTER OF *Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.*

****TO BE HELD CONCURRENTLY***

At 7:32 p.m., the Public Hearing opened.

Supervisor Levenberg stated that we have reached the end of the road with the three public hearings to replace the elected roles of Town Superintendent of Highways, Town Clerk, and Receiver of Taxes with appointive positions. We have had all three public hearings open since February and will be closing them tonight. We will continue to take feedback and share information as we come closer to the November election, but please remember that the Board passing these laws simply means that all registered voters will have a chance to weigh in on whether these ideas make sense. The vote remains in your hands.

No one from the public came to speak on these local laws.

Town Counsel Christie Tamm-Addona explained that these laws are subject to a mandatory referendum and will be on the ballot in November. As a result, additional steps need be taken that will require coordination with various departments and the county.

- **Local Law #4 of 2019 – Abolishing the office of Elective Town Superintendent of Highways and creating the office of Appointive Town Superintendent of Highways subject to a mandatory referendum***

At 7:36 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

- **Local Law #5 of 2019 – Abolishing the office of Elective Town Receiver of Taxes and creating the office of Appointive Town Receiver of Taxes subject to a mandatory referendum***

At 7:36 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

- **Local Law #6 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum***

At 7:36 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be closed.

At 7:36 p.m., the Public Hearing opened.

- **Local Law #7 of 2019- Amendments to Chapter 74 of the Town Code entitled “Dogs” to Regulate Registration for and Use of the Town’s Dog Parks.**

Supervisor Levenberg stated that the proposed local law has only changed a bit since the last iteration. We have gotten very little public feedback despite having posted signs soliciting it at our Dog Park at Cedar Lane and Dog Run at Ryder Park. We are in talks with both the Village of Ossining and the Village of Briarcliff and most of the issues that remain pertain to the tags and licensing, making them administrative in nature, and we believe they can be navigated. We also have this local law as an agenda item for our Work Session, so the Board can share any feedback they may have received and we can decide on next steps. However, I think that simply the act of codifying the longstanding rules and regulations for the Dog Park and Dog Run will be helpful to our residents and our law enforcement, as they will have a law to point to when a visitor and her or his human are not following the rules.

No one from the public came to speak on this local law.

At 7:38 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned until August 27, 2019.

At 7:38 p.m., the Public Hearing opened.

- **Local Law # 8 of 2019 -- Amendments to Chapter 180 of the Town Code entitled “Taxation” to Implement the “Solar Energy System PILOT Law of the Town of Ossining, New York.**

Town Counsel Christie Tomm-Addona stated that under Real Property Tax Law Section 487 solar energy systems are exempt from taxation. The exemption serves as incentive to adopt solar and other alternate forms of energy.

Municipalities have the option to opt out. If they don't, it creates an opportunity for a middle ground where legislative boards of the municipalities can decide whether they want to enter into pilots in lieu of taxes agreements with specific solar developers in order to bring in some income related to the existence of the system. The Town Board can decide this on a case-by-case basis for each developer that comes in. NYSERDA, however, has suggested the Town to adopt a local law that would state what a pilot would be for any solar developer. This local law will only be applied to properties in the Town.

Julia Maglizzo from Ecogy Energy read the following:



Ecogy Energy
67 West St. Suite 232
Brooklyn, NY 11222
P: 718-304-0945

Public Statement from Ecogy Energy for Town of Ossining Town Board Special Meeting

August 6, 2019

Local Law # 8 of 2019 - Amendments to Chapter 180 of the Town Code entitled "Taxation" to Implement the "Solar Energy System PILOT Law of the Town of Ossining, New York.

Good evening Supervisor Levenberg, Councilmembers, and all.

My name is Julia Maglizzo and I am here this evening representing Ecogy Energy, a solar company based in New York who is working to develop a community solar photovoltaic canopy over a parking lot located in the Town of Ossining. We are glad to be working in Ossining for this project and we recognize your participation in Sustainable Westchester and the existing solar regulations as signs of a progressive Town that appreciates the importance of clean solar energy development.

On behalf of Ecogy, I would like to speak on the Solar Energy System PILOT Law. We recognize the importance of fair tax payments for both solar developers and the Town and understand the motivations for a Solar PILOT Law. However, we believe the Town can do more to use the Solar PILOT Law to encourage favorable solar development in terms of solar energy system size and land use choices.

First, the size of solar energy systems matters because smaller systems are more expensive to develop on a cost per watt basis than large systems. The draft of the Solar PILOT Law defines the Annual Payment only for solar energy systems larger than 1MW AC, which implies smaller systems may be exempt from the PILOT. However, we have received noticed that our small 660 kW AC proposed canopy system will be required to enter into a PILOT. We encourage the Town to make an explicit exemption from the Solar PILOT Law for all systems under 1MW AC because without such an exemption many of the small projects, including our own community solar project, will not be financeable by solar developers and will not be built, representing a loss for the Town as a whole.

Second, consistent with Ossining's existing solar regulations, it is our belief that preferred land uses for solar include rooftop solar and solar canopies over paved surfaces such as parking lots, which are spaces that would otherwise remain unoccupied in most cases. On the other hand, large scale solar ground mounts on green-fields are an undesirable use of land as they detract from the natural resources and other uses of those green-fields. Unfortunately, many solar developers focus only on large scale ground mounts because they are inherently cheaper to develop than rooftop or canopy solar energy systems.

To better incentivize preferred land use, we suggest the Town make distinctions between land use types for systems larger than 1MW AC in its Solar PILOT law. Specifically, the Town should set an Annual Payment for rooftop and canopy projects larger than 1MW AC that is 50% of that of other large projects. This will encourage solar developers to pursue these types of preferred projects despite their other higher costs.

Third, as an experienced solar developer, Ecogy knows that 70% or more of our revenue from a solar energy system is fixed over the course of 20 years and the solar panels degrade at approximately half a percent each year. This means solar revenue is fixed or declining over 20 years and many developers, including Ecogy, would not be able to accept a PILOT with an Annual Payment escalator of 3% per year as drafted in the Solar PILOT Law. For this reason, we suggest the Town remove the 3% escalator from the Solar PILOT Law.

Given our remarks, we encourage the Town to exempt all small solar energy systems under 1MW AC from the Solar PILOT Law, decrease the Annual Payment for solar energy systems over 1MW AC with preferred land use, and remove the escalator from the Solar PILOT Law. This will encourage preferred types of solar development while still bringing payment benefits to the Town.

Thank you very much for your consideration of these statements.

Contact: **Julia Magliozzo**
Operations Manager
Ecogy Energy
E: julia.magliozzo@ecogyenergy.com
P: 347-410-1198

At 7:47 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned until August 27, 2019.

III. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Earlier today, I attended a meeting with Police Chief Kevin Sylvester, Captain Jeff Giorgio, our partners in the Village of Croton and Town of Cortlandt, Assemblywoman Sandy Galef, and representatives from the New York State Department of Environmental Conservation, State Parks, Forest Rangers, and some neighbors and Citizen Patrols/stewards regarding the piece of property along the Croton River called the Unique Area. This is a popular hangout during the summer months. On the weekends, there are often many safety, environmental, and quality of life issues associated with the high number of visitors coming to this very small piece of property without adequate parking, supervision, or enforcement. We – Town of Ossining, Ossining Police, Village of Croton Police, Town of Cortlandt, Westchester County Police, and neighbors -- have all been trying to do our part to monitor the area, but we are advocating alongside Assemblywoman Galef for the State to dedicate more enforcement and financial resources to this area that is under their jurisdiction. Our meeting today was attended by several representatives from the DEC's many departments, which was encouraging to see. I am hopeful that we will collectively be able to pursue a solution to this situation.

Food Truck Fridays and the Summer Concert Series is back this Friday, August 9th with the Old Mill Singers, and Elisa Peimer as the opening act. The music starts at 7pm, but you are not going to want to miss the food trucks starting at 5pm. The following Friday, August 16th will be Taj Weekes and Adowa. You might remember Taj Weekes and his band from last year – they are an awesome Reggae band! There are just a few Fridays left – plan on coming down to the waterfront every week!

We received some fantastic news last week-- the NYS Department of Environmental Conservation's Hudson River Estuary Program and Cornell University selected Ossining to be the host community for their Climate-Adaptive Design Studio for the Fall 2019 semester. The Climate-adaptive Design (CaD) Studio is a semester-long course created by Cornell Department of Landscape Architecture Associate Professor Joshua F. Cerra that links students with Hudson riverfront communities to explore design alternatives for more climate resilient and connected waterfront areas. The CaD studio assists municipalities in evaluating their waterfront and developing a vision for integration of diverse uses in ways that are visually appealing, highly functional, and resilient to flooding and other climate-related risks. The Town and Village of Ossining were chosen to host the fall 2019 CaD studio through a competitive application process that was open to all Hudson River Estuary waterfront communities. We submitted a letter of interest in the spring, and found out earlier this week that Ossining was chosen as the host site after a thorough review of all applicant communities.

The Ossining CaD studio will feature the work of third-year graduate students and will take place from August through December of 2019. The studio will include three site visits for student designers to learn more about Ossining and meet with community stakeholders, who will help to guide their work. The CaD studio is supported by the Cornell Water Resources Institute, with funding from the Environmental Protection Fund through the New York State Department of Environmental Conservation's Hudson River Estuary Program. We will be sharing information in the coming weeks with more details about the program and how you can get involved. This is a unique opportunity for us to think differently about our waterfront and how it can better adapt to our rapidly changing climate. We are grateful to the CaD team at Cornell and the Hudson River Estuary program for selecting Ossining!

Get ready – tomorrow is Ossining Day at Playland! On Wednesday, August 7th, Playland will celebrate Ossining with special discounts. With just proof of Ossining residency, you will receive discount coupons when you arrive at the park by going to the Fountain Plaza Administration Building. These discounts include one free mini golf entry, one 2 for 1 ride admission, one free beach or pool admission, \$1 off of one food value meal and a \$5 discount for parking on a return visit to the park. I hope you will consider taking advantage of these discounts and enjoying a day of fun at Playland! To prepare for Ossining Day, we have a special visitor from Playland in Ossining. Come say hi to Coaster at the front desk of the Joseph G. Caputo Community Center, and if you see him, don't miss the opportunity to take a selfie and tag #heyCoaster – he heads to his next community on Thursday!

Tomorrow evening is the third block party hosted by the Ossining Schools and the Ossining Police Department. This week's block party will be held on Croton Avenue right in front of Roosevelt School from 5 to 7pm. I had the opportunity to attend the first block party and I am so proud of Superintendent Ray Sanchez and Chief Kevin Sylvester and their teams for bringing together great resources for the community in a fun and inviting way. I hope you will consider stopping by tomorrow.

There are some great Mind, Body, Spirit – Ossining events coming up. This Saturday, August 10th head down to Louis Engel Park for Zumba with Sue Radparvar of Studio95 Zumba at 4pm. Her fun class is great for participants of all ages! Next week is jam packed with MBSO offerings starting on Wednesday,

August 14th for sunset yoga at 7pm with Elisha Simpson of Crossover Yoga Project at Louis Engel Park to celebrate Global Yoga Therapy Day. Elisha will be back at Engel Park on Saturday, August 17th at 9am for more yoga at the waterfront and UMAC Briarcliff will be at Ryder Park at 1pm on Saturday, too. Please register in advance on the Recreation Website to be notified in the event of a weather related closing and qualify for raffles and giveaways from UMAC Briarcliff and Club Fit Briarcliff at the end of the summer. But as always, walk-ins are welcome.

IV. LIAISON REPORTS

V. DEPARTMENTAL REPORTS

- Nutrition Site Director Kathy Asaro gave the board an update on what Town of Ossining seniors have been up to. Seniors have been enjoying their new cars. A senior turned 100 years old in May. The department had their cultural competency class last month. Seniors who live in Ossining and Briarcliff and are over 60 years old can come pick up their farmer market coupons. The food delivery and Are you okay? Call programs continue to be enjoyed by seniors. Some of the activities offered to seniors are chair yoga, tai chi, dance, art, and bingo. The seniors recently took a trip to the casino. This summer they have been to Cedar Lane Park and the movies. Every Wednesday, seniors are taken to Shop Rite to shop during Senior Discount Day.**

Supervisor Levenberg stated that the Town was awarded a grant through CDBG for a new electric bus.

VI. PUBLIC COMMENT ON AGENDA ITEMS

Shareese Terris Hill and Barbara Gibbs from Events to Remember spoke in favor of approving Mark Seiden Realty's application for use of Ryder Park Pavilion for its upcoming Client Appreciation Event. The event is going to have a carnival theme and will offer activities like face painting and spring toss. Ranger Rick will be bringing down animals for children to see. Proceeds raised from the dunk tank will be donated to the nonprofit organization New Beginnings of Westchester.

Supervisor Levenberg stated that event had been presented as client appreciation event and that there has been no mention of opening it up to the public until much later. The Mark Seiden team is planning on charging the public \$6 to attend the event. The Town had suggested the \$6 charge to be called a donation instead. The team behind this event had denied this request.

Councilmember Shaw asked how they would identify people who would be paying the \$6 fee.

Shareese Terris Hill explained that the Mark Seiden team knows their clients and would be asking them to preregister for the event. On the day of the event there will be a computer present where the Mark Seiden team could look if a person is on their client database.

Councilmember Meyer asked when they would be checking in people.

Shareese Terris Hill said they would be checking people when they entered into the pavilion.

Councilmember Shaw asked if there is a way the event application could be amended to show if an entrance fee will be charged for an event held at the park. Supervisor Levenberg stated that there have been discussions of this happening.

Supervisor Levenberg noted that the Mark Seiden is a marketing event and a result is different from a high school reunion event where people were asked to donate \$20.

Councilmember Meyer asked why not ask for a \$6 donation instead of charging \$6. Shareese Terris Hill explained that the Mark Seiden team would rather raise funds to donate to a nonprofit and not suggest a donation for entrance to the event.

VII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting- July 23, 2019

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 hereby approves the July 23, 2019 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated August 6, 2019 in the amount of \$81,519.69.

Motion Carried: Unanimously

C. Finance- Audit- Town of Ossining 2018

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 hereby acknowledges that in accordance with Section 35 of the General Municipal Law, the 2018 Audit of the Town of Ossining Financial Statements and Supplementary Information has 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 announced that the results of the 2018 Town Audit and the 2018 Justice Court Audit will be available on the Town website later this week.

Motion Carried: Unanimously

D. Finance- Justice Court Audit- Town of Ossining 2018

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 acknowledges that in accordance with Section 35 of the General Municipal Law, the 2018 Audit of the Town of Ossining's Justice Court Financial Statements and Supplementary Information has been distributed to and reviewed by the Town Board and said report shall be on file with the Office of the Town Clerk.

Motion Carried: Unanimously

E. Contract for Revaluation Services 2020- Tyler Technologies

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 authorizes the Supervisor to sign an appraisal services agreement with Tyler Technologies Inc., One Tyler Way, Moraine, OH 45439, as per the agreement dated August 1st, 2019 and in response to the Request for Proposal issued by the Town of Ossining for the 2020 town-wide revaluation of properties.

Supervisor Levenberg discussed the contract for reval. Earlier this summer, the Town put out a request for a proposal to perform a new Town-wide revaluation, as suggested by Town Assessor Fernando Gonzalez, in order to keep us on track with the State's recommended timeline. We received two responses and Tyler, with whom we worked on the last reval, submitted a proposal that impressed us and was a better value for the Town. We have more than enough money to pay for the cost of this contract in the capital project left over from the last reval, and we expect work to commence within the month. Just as a reminder to residents, you will hear much more about this process as we get closer to launch, but rest assure that this go around will be less invasive than last time, as we already have a fairly strong baseline to work from.

Motion Carried: Unanimously

F. Resolution adopting Local Law #4 of 2019 – Abolishing the office of Elective Town Superintendent of Highways and creating the office of Appointive Town Superintendent of Highways subject to a mandatory referendum

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

WHEREAS, the Town of Ossining has the elective office of Town Superintendent of Highways; and

WHEREAS, NY Municipal Home Rule Law allows the Town Board to abolish the elective office of Town Superintendent of Highways and create the appointive office of Town Superintendent of Highways to be appointed by the Town Board subject to mandatory referendum; and

WHEREAS, in the era of the tax cap and in an effort to reduce and/or avoid increases in property taxes, municipalities are looking for any and all opportunities for savings; and

WHEREAS, many other municipalities, including in Westchester County, have abolished elective offices; and

WHEREAS, a public hearing on the proposed local law was duly noticed, opened on February 26, 2019, adjourned to and continued at many subsequent Town Board meetings, and members of the public having had the opportunity to be heard, the public hearing was closed on August 6, 2019; and

WHEREAS, said local law has been on the desks of the members of the Town Board for at least seven (7) days, exclusive of Sunday, prior to the adoption of this resolution.

NOW THERFORE, BE IT RESOLVED, as follows:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.

2. The Town Board finds that by abolishing the elective office of Town Superintendent of Highways and creating the appointive office of Town Superintendent of Highways:
 - A. The Town Board will have more flexibility to make offices operate more efficiently and conserve financial resources.
 - B. The Town Board will have the ability to ensure sufficient qualifications of the individual in this position and provide regular oversight and accountability to ensure the duties of this office are completed in as cost-effective, efficient and responsible of a manner as possible.
3. In accordance with the State Environmental Quality Review Act, the Town Board finds that this is not an action that has the potential to affect the environment. Notwithstanding such, this is a Type II action and does not have the potential to have any significant adverse environmental impacts as the office of Town Superintendent of Highways will continue to exist and provide all of the same services to the Town and its residents.
4. This local law is subject to mandatory referendum that shall be submitted for the approval of the electors at a general election to be held on November 5, 2019 and will only become operative if approved at such election by the affirmative vote of a majority of the qualified electors voting upon the local law.
5. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law No. 4 of 2019, a copy of which is attached hereto and made a part of this resolution.
6. 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.
7. The Supervisor, the Town Clerk and any other applicable Town employee or official is hereby authorized to take any and all necessary steps to facilitate the enactment of this local law.

Roll Call Vote: 5-0-0
 Ayes: Shaw, Wilcher, Meyer,
 Feldman, & Levenberg

G. Resolution adopting Local Law #5 of 2019 – Abolishing the office of Elective Town Receiver of Taxes and creating the office of Appointive Receiver of Taxes subject to a mandatory referendum

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

WHEREAS, the Town of Ossining has the elective office of Town Receiver of Taxes; and

WHEREAS, NY Municipal Home Rule Law allows the Town Board to abolish the elective office of Town Receiver of Taxes and create the appointive office of Town Receiver of Taxes to be appointed by the Town Board subject to mandatory referendum; and

WHEREAS, in the era of the tax cap and in an effort to reduce and/or avoid increases in property taxes, municipalities are looking for any and all opportunities for savings; and

WHEREAS, many other municipalities, including in Westchester County, have abolished elective offices; and

WHEREAS, a public hearing on the proposed local law was duly noticed, opened on February 26, 2019, adjourned to and continued at many subsequent Town Board meetings, and members of the public having had the opportunity to be heard, the public hearing was closed on August 6, 2019; and

WHEREAS, said local law has been on the desks of the members of the Town Board for at least seven (7) days, exclusive of Sunday, prior to the adoption of this resolution.

NOW THEREFORE, BE IT RESOLVED, as follows:

- 1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.**
- 2. The Town Board finds that by abolishing the elective office of Town Receiver of Taxes and creating the appointive office of Town Receiver of Taxes:**
 - A. The Town Board will have more flexibility to make offices operate more efficiently and conserve financial resources.**
 - B. The Town Board will have the ability to ensure sufficient qualifications of the individual in this position and provide regular oversight and accountability to ensure the duties of this office are completed in as cost-effective, efficient and responsible of a manner as possible.**
- 3. In accordance with the State Environmental Quality Review Act, the Town Board finds that this is not an action that has the potential to affect the environment. Notwithstanding such, this is a Type II action and does not have the potential to have any significant adverse environmental impacts as the office of Town Receiver of Taxes will continue to exist and provide all of the same services to the Town and its residents.**
- 4. This local law is subject to mandatory referendum that shall be submitted for the approval of the electors at a general election to be held on November 5, 2019 and will only become operative if approved at such election by the affirmative vote of a majority of the qualified electors voting upon the local law.**
- 5. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law No. 5 of 2019, a copy of which is attached hereto and made a part of this resolution.**
- 6. 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.**
- 7. The Supervisor, the Town Clerk and any other applicable Town employee or official is hereby authorized to take any and all necessary steps to facilitate the enactment of this local law.**

**Roll Call Vote: 5-0-0
Ayes: Shaw, Wilcher, Meyer,
Feldman, & Levenberg**

H. Resolution adopting Local Law #6 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum

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

WHEREAS, the Town of Ossining has the elective office of Town Clerk; and

WHEREAS, NY Municipal Home Rule Law allows the Town Board to abolish the elective office of Town Clerk and create the appointive office of Town Clerk to be appointed by the Town Board subject to mandatory referendum; and

WHEREAS, in the era of the tax cap and in an effort to reduce and/or avoid increases in property taxes, municipalities are looking for any and all opportunities for savings; and

WHEREAS, many other municipalities, including in Westchester County, have abolished elective offices; and

WHEREAS, a public hearing on the proposed local law was duly noticed, opened on February 26, 2019, adjourned to and continued at many subsequent Town Board meetings, and members of the public having had the opportunity to be heard, the public hearing was closed on August 6, 2019; and

WHEREAS, said local law has been on the desks of the members of the Town Board for at least seven (7) days, exclusive of Sunday, prior to the adoption of this resolution.

NOW THEREFORE, BE IT RESOLVED, as follows:

- 1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.**
- 2. The Town Board finds that by abolishing the elective office of Town Clerk and creating the appointive office of Town Clerk:**
 - A. The Town Board will have more flexibility to make offices operate more efficiently and conserve financial resources.**
 - B. The Town Board will have the ability to ensure sufficient qualifications of the individual in this position and provide regular oversight and accountability to ensure the duties of this office are completed in as cost-effective, efficient and responsible of a manner as possible.**
- 3. In accordance with the State Environmental Quality Review Act, the Town Board finds that this is not an action that has the potential to affect the environment. Notwithstanding such, this is a Type II action and does not have the potential to have any significant adverse environmental impacts as the office of Town Clerk will continue to exist and provide all of the same services to the Town and its residents.**
- 4. This local law is subject to mandatory referendum that shall be submitted for the approval of the electors at a general election to be held on November 5, 2019 and will only become operative if approved at such election by the affirmative vote of a majority of the qualified electors voting upon the local law.**
- 5. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law No. 6 of 2019, a copy of which is attached hereto and made a part of this resolution.**
- 6. 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.

7. The Supervisor, the Town Clerk and any other applicable Town employee or official is hereby authorized to take any and all necessary steps to facilitate the enactment of this local law.

Roll Call Vote: 5-0-0
Ayes: Shaw, Wilcher, Meyer,
Feldman, & Levenberg

I. Permission to Sell Alcohol at Town of Ossining Concert Series – Croton Tapsmith

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

Resolved that Croton Tapsmith is hereby authorized to operate a concession stand on Friday, August 16th and Friday, August 23rd at the Louis Engel Waterfront Park in the Town of Ossining and to sell, for consumption by persons over 21 years of age, craft beer, wine and cider; and

Be it further Resolved, that Croton Tapsmith will also obtain all necessary permits including an event permit from the New York State Liquor Authority and will provide proof of insurance and the letter of indemnity to the Town in a form acceptable to Counsel to the Town.

Motion Carried: Unanimously

J. Resolution – Approving Ryder Park Pavilion Application for Mark Seiden Realty

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

WHEREAS, the Town's Ryder Park has a pavilion that the Town rents out to the public for concerts and other events, and

WHEREAS, the Town has received an application from Mark Seiden of the organization Mark Seiden Realty (the "Applicant") to hold a special event on September 22nd, 2019; and

NOW THEREFORE BE IT RESOLVED, the Town Board hereby approves the Applicant's application to hold an event between the hours of 12:00 pm and 4:00 pm on September 22nd, 2019; and

BE IT FURTHER RESOLVED, the granting of this Application does not bind the Town to any future action or set any precedent with respect to the Applicant or pavilion/ park rentals generally and the Town Board will continue to assess each application on a case by case basis.

Supervisor Levenberg discussed why the Mark Sieden Realty event was presented to the Town Board. Typically, park rental applications go through our Superintendent of Recreation, but when it is believed that the event is somewhat "out of the ordinary," it is referred to the Town Board as a "Special Event" which requires a resolution of approval. This event is a little larger than is typical at our pavilions, and the applicant has proposed a dunk tank, and animal show, and a somewhat unique structure for payment which will require them to charge any visitors to the event that had not been explicitly invited.

Roll Call Vote: 5-1-0
Ayes: Shaw, Wilcher, Feldman, &
Levenberg

Nay: Meyer

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

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 hereby accepts the following meeting minutes:

- **Town Planning Board dated May 15, 2019**
- **Town Planning Board dated June 19, 2019**

**Motion Carried: Unanimously
Abstain: Meyer**

IX. MONTHLY REPORTS

Councilmember Feldman moved and it was seconded by Councilmember Wilcher 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 July 2019:

- **Supervisor's Office**
- **Clerk's Office**
- **Tax Receiver's Office**

Motion Carried: Unanimously

X. VISITOR RECOGNITION

XI. ADJOURNMENT – WORK SESSION

At 8:39 P.M., Councilmember Feldman motioned to adjourn into Work Session and Councilmember Wilcher seconded.

Motion Carried: Unanimously

At 9:52 P.M., Councilmember Shaw motioned to adjourn into Executive Session for matter of personnel and advice of counsel and Councilmember Meyer seconded.

Motion Carried: Unanimously