



AGENDA
TOWN BOARD
TOWN OF OSSINING
DECEMBER 8, 2020
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 December 8, 2020 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 (entered Zoom meeting at 7:36 PM), 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. PUBLIC HEARING

At 7:31 p.m., the Public Hearing opened.

- **Local Law 4-2020 to Amend Chapter 200 of the Town Code, Zoning, to Create Beekeeping Regulations in the Town of Ossining**

Supervisor Levenberg said the following: We have two public hearings on our agenda tonight, starting with our proposed local law on beekeeping. At our last work session, we made some adjustments to the law based upon public comment and feedback we received from some local beekeepers at a work session in November. This is our first public hearing with the revisions, so we are looking forward to receiving public comment tonight. We did receive one letter from Caroline Curvan today who could not participate this evening but wanted her comments to be part of the public record. We have shared those with Deputy Clerk Quituisaca as well as with the Town Board and they will become part of the public record.

The following letter was send by Caroline Curvan:

Caroline Ranald Curvan
111 Hawkes Avenue
Ossining, NY 10562
Caroline.Curvan@verizon.net

December 8, 2020

VIA TOWN EMAIL

Ossining Town Supervisor Dana Levenberg
Ossining Town Planner Valerie Monastra
16 Croton Avenue
Ossining, NY 10562

Dear Dana and Valerie:

I've only just had the chance to review the current draft of the beekeeping legislation (LL4 of 2020) for the Town, and I have a few comments. As I will not be able to attend tonight's meeting, I would like these comments included in today's public hearing.

First, I do think it's important to remember what the main point of this legislation is, or should be – to maintain an accurate count of all honeybee hives in the Town of Ossining. Any other requirements (such as the mandate to plant gardens) is, to me, an example of mission creep. The more extraneous requirements you include in this legislation, the less likely it is that beekeepers will comply and thus, the point of this legislation will be subverted.

Second, I understand that there is some concern from citizen parties that honeybees are not native and put pressure on native pollinators. It's important to remember that European honeybees, the type that hobby beekeepers raise today, were introduced to this country in the 1600s. They have been co-existing with native pollinators all this time, and there is little definitive research to indicate that honeybees are impacting native pollinators.

Third, I still feel that though you have consulted some bee experts in your revisions to this draft legislation, there remain items included in here that are based in ignorance about honeybees, and also fear of all insects that can sting. I will expand on these sections below.

Here are my responses to specific sections in the updated draft legislation:

Section 3b requiring a “dimensioned sketch” seems unnecessarily burdensome. I have reviewed the comparable legislation for the Village of Ossining, Irvington and Greenburgh and none of them require this.

Section 4a What do you imagine a “flyaway barrier . . . that forces a bee's path in a required direction” will look like? I think there remains some lack of understanding about how bees fly and can be controlled.

Section 5 Food – I continue to disagree with the requirement that each beekeeper will make sure that “a garden for native pollinator species is provided for the hive or hives. The garden plants shall consist of a variety of pollinator species that will provide blooms throughout the growing season.” I have spoken at length to Donna Sharrett, whom I believe has encouraged this language, and she does not have any experience with or real understanding of honeybees.

First of all, honeybees forage up to 4 miles away from their hive, so planting a garden near their hive will not necessarily stop them from foraging elsewhere. Second, this is the example of mission creep that I mentioned earlier. This legislation should be concentrating on registering all hives, period. This additional requirement simply muddies the water. In fact, I would posit that most beekeepers actually ARE quite aware of the importance of flowering plants and do plant them on their properties on their own. Third, this requirement is essentially unenforceable, as you likely know.

If you still feel it essential to include this idea, I think better wording would be:

*Each beekeeper **is encouraged to plant a** garden for native pollinator species. **Such** garden plants **should** consist of a variety of pollinator species that will provide blooms throughout the growing season.*

Section 7a “Applicants should include documentation with the permit to verify apiary origin of mated queens and packaged bees, including the seller’s contact information.” This is not only burdensome, but also not taking into account all the ways beekeepers get their bees. How will you document a swarmed hive that you captured? Or what if you got your bees from a friend who was splitting a hive? This section does not appear in the other local beekeeping laws I have reviewed. I suggest it be cut.

Section 7b This is written in a vague and unhelpful way, catering, it seems, to people who are afraid of all stinging insects: “Guidance concerning examples of “nuisance” activity in the field of beekeeping, including the following illustrative, as opposed to comprehensive, list:

1. Bees from bee colonies that injure or threaten injury to persons, domestic pets, or property; **How will you identify and define a honeybee that is threatening injury? How will you identify which bee colony/hive it has come from?**
2. The presence of bees from bee colonies on neighboring or nearby properties in significant quantities; **I assume you mean honeybees – the way this is currently written could include any bees. Only honeybees would be the responsibility of the beekeeper.**
3. Bees from bee colonies that engage in aggressive, swarming or similarly objectionable behavior;” **Again, how will you be certain where the bees are coming from? This is an example of overstepping the scope of this legislation and also a bit of ignorance about swarms.**

Section 7c “All existing and new apiaries will meet the required colony density.” This seems like an artifact from a previous draft – you’ve deleted references to hive density in this current draft.

Additionally, as mentioned above, there is no definitive research that shows that honeybees, kept by hobbyists, are impacting wild bee/pollinator populations. This site, <https://extension.psu.edu/bees-in-pennsylvania-diversity-ecology-and-importance>, states the following:

In recent decades, some studies have revealed declines in the populations of both managed honey bees and wild bee species around the world. A variety of causes have been linked to bee declines, including habitat fragmentation and loss (e.g., reduced food and nesting resources), parasites and diseases, pesticides, climate change, the introduction of non-native species to new regions, and interactions between these factors.

It is simply not borne out by current research that honeybees alone are crowding out local pollinators.

In conclusion, I want to stress that if one is truly concerned about the environment, making it harder for people to keep honeybees as a hobby is akin to that old cliché “cutting off one’s nose to spite one’s face.” Anything that gets people more in touch with the environment is a good thing. Personally, beekeeping made me realize the need to plant more native/flowering plants on my property, to stop using chemical pesticides/fertilizers, and made the urgency of combatting climate change a reality.

Thank you.

Sincerely,

Caroline Curvan

Donna Sharrett, Ossining, thanked the Town Board for all their work on the local law. She expressed her concern over the quantity of beehives being

allowed to be kept. She asked for the number of beehives allowed to be kept to be determined by the Town Building Inspector. She also noted that there are no NY native honeybees. She also asked the Town Board to not allow people to carve cavities into trees.

At 7:38 p.m., Councilmember Shaw moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to December 22, 2020.

At 7:39 p.m., the Public Hearing opened.

- Local Law 5-2020 to amend Zoning Code and Zoning Map regarding Solar Energy Systems

Supervisor Levenberg said the following: Tonight is the continuation of the public hearing on the zoning text and map amendments for the Ecology Energy Solar Canopy system proposal at Maryknoll Fathers & Brothers, 75 Ryder Road. With no public comments coming out of our last hearing, we anticipate closing the public hearing tonight and we have a resolution later in our agenda to consider approving these amendments to move the proposal along.

At 7:40 p.m., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

III. DEPARTMENTAL REPORTS

- Town Engineer Paul Fraioli discussed the bid that was put out for McCarthy DR. The Town will be issuing the contract once the bid is over. The McCarthy DR project will focus on replacing the water main as well as fixing the road. All bid documents for the McCarthy DR bid are electronic. On December 10, 2020 there will be a pre-bid meeting for people that want to bid for the project. Interested contractors in the project will have time to ask questions and physically look over the terrain. It is mandatory for interested contractors to attend this meeting – if they do not, they will not be able to submit a bid.
- Superintendent of Water/Sewer Andrew Tiess provided the Town Board with an update on ongoing Town projects. The roof and chimney at the Dale Cemetery Superintendent's Cottage have been completed. The contractor is currently working on the front porch. JT Oronzio was awarded the bid to furnish and install new emergency generators at Parker Bale and North State Road pump stations. The carbon system that was input last year has greatly improved the taste of water in Ossining. The filtration system being built will continue to improve the taste of water. The tank mixing project is currently in the process of installing electrical equipment.
- Assessor Fernando Gonzalez presented the following to the Town Board:

	A	B	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
			Reappraisal Year												Reappraisal					
			2015	Diff	%	2016	Diff	%	2017	Difference	%	2018	Difference	%	2019	Diff	%	2020	Diff	%
3	Grievances		364	(81)	-18%	625	261	72%	580	-45	-7%	449	-131	-23%	449	0		467	18	4%
4		Village of Ossining	184	(51)	-22%	265	81	44%	243	-22	-8%	219	-24	-10%	193	-26	-12%	186	-7	-4%
5		Village of Briarcliff	118	3	3%	226	108	92%	202	-24	-11%	134	-68	-34%	150	16	12%	177	27	18%
6		Town Outside	71	(24)	-25%	134	63	89%	135	1	1%	96	-39	-29%	106	10	10%	104	-2	-2%
7	Scars		160	(97)	-38%	294	134	84%	276	-18	-6%	224	-52	-19%	251	27	12%	274	23	9%
8		Village of Ossining	69	(59)	-46%	109	51	74%	102	-7	-6%	103	1	1%	101	-2	-2%	109	8	8%
9		Village of Briarcliff	54	(19)	-26%	120	11	20%	89	-31	-26%	72	-17	-19%	90	18	25%	109	19	21%
10		Town Outside	37	(19)	-34%	65	28	76%	85	20	31%	49	-36	-42%	60	11	22%	56	-4	-7%
11	New Certs		143	9	7%	161	18	13%	169	8	5%	113	-56	-33%	128	15	13%	120	-8	-6%
12		Village of Ossining	75	(7)	-9%	90	15	20%	87	-3	-3%	64	-23	-26%	64	0	0%	51	-13	-20%
13		Village of Briarcliff	46	16	53%	46	0	0%	55	9	20%	28	-27	-49%	35	7	25%	40	5	14%
14		Town Outside	22	-	0%	25	3	14%	27	2	8%	21	-6	-22%	29	8	38%	29	0	0%
15	Total Active Certs		430	(35)	-8%	446	16	4%	554	108	24%	580	26	5%	582	2	0%	470	-112	-19%
16		Village of Ossining	247	(8)	-3%	261	14	6%	308	47	18%	321	13	4%	303	-18	-6%	224	-79	-26%
17		Village of Briarcliff	117	(7)	-6%	117	0	0%	160	43	37%	161	1	1%	173	12	7%	159	-14	-8%
18		Town Outside	66	(20)	-23%	69	3	5%	86	17	25%	98	12	14%	106	8	8%	87	-19	-18%
19		Ossining School	350	(27)	-7%	356	6	2%	428	72	20%	454	26	6%	453	-1	0%	340	-113	-25%
20		Briarcliff School	80	(8)	-9%	90	10	13%	126	36	40%	126	0	0%	129	3	2%	130	1	1%

He additionally discussed the number of assessment claims that were filed in 2020.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Yesterday, the Governor held a press conference to discuss the increase in Coronavirus Cases. Over 70% of new cases are being contracted in what is called “Living Room Spread,” which is a small gathering of friends or family, often including food and hanging out with masks off and no social distancing. The increased caseload is now starting to have a more serious impact on hospitals. As a result, the Governor has called for retired doctors, nurses, and medical professionals to return to the field and help manage the escalating number of patients. Unfortunately, it is expected that case numbers will continue to rise through the rest of December, and well into January.

Locally, here in Ossining, we are continuing to work with our County, State and Local partners to get more testing sites set up. Also, here at home we are being impacted and are working round the clock to address personnel exposure. Village and Town are prohibiting all non-essential gatherings in our own workplaces. As careful as we all are, we know that even what may seem innocuous can rapidly turn, as it takes only one person to test positive while sharing food and drink, and send an entire department reeling. Last week, something like this did take with some of our Town personnel. We are working to make sure as many services as possible remain available to the public but without potentially exposing anyone else to the virus. Please be patient as we adjust our operations to address this issue.

Tonight was the Tree Lighting at Market Square. We were not there in person as we love to be, but instead participated in a Facebook Live event. We will continue to do our best to share these types of alternative celebrations with you and encourage you to think creatively as well.

Healthcare professionals have worked tirelessly since March to help treat COVID-19 patients. They have missed birthdays and holidays to work on the front lines. They are prepared to miss these winter holidays, if our positivity rates continue to rise. Remember: Cases from small gatherings can be prevented. If you must visit someone outside of your household, avoid eating or drinking together. Wear your mask the entire time you interact. Socially distance and do not touch your mask or face without washing your hands immediately before. The Governor warns that healthcare workers are reporting burnout and PTSD. He states if the positivity rate continues to climb, he will have no choice but to institute another shut-down to manage hospital capacity.

Ossining remains in a Yellow Zone. This means that additional testing and other resources have been allocated for our residents. Please visit the “Find a Test Site Near You” feature on the New York State website to find a test site with available appointments. If you have questions about resources available, please give my office a call at 914-762-6001 or you speak someone through the County

helpline by dialing 211. As more positive cases are identified, more residents will receive a call from the State’s contact tracing program. If you see an incoming call from N-Y-S Contact Tracing, please pick up the phone. The person on the other side of the line is trained to help you. The call is confidential and you have the right to speak to a Contact Tracer in your preferred language. Contact Tracers call also connect you with information and resources about Paid Family Leave, housing, food insecurity, medicine, addiction services, and so much more.

Being in a Yellow Zone has added an extra layer of stress on our local businesses. Please remember that small businesses are owned by our neighbors, their success is our success. The Town is sharing Small Business Bingo, a chance for residents to explore the many goods and services you can find locally. Gift an experience or a trustworthy, convenient service. Our businesses have been through a lot this year and we can all step up to help. Recommend a business to a friend, buy a gift with curbside pickup, or leave a positive review – there are so many ways to help and every bit counts.

The holiday season brings out the best in our community. This year there are Toy Drives being led by the Ossining Boat & Canoe Club, the Ossining Open Door Family Medical Center, and the Marine Corps Reserve. The Briarcliff Police Department is hosting a Winter Coat Drive until December 18th. Ossining Padres Hispanos is holding an Adopt a Family campaign where residents can provide a gift and food for a family in need. Gullotta House is hosting a charity fundraiser with prizes being awarded from local restaurants. Baker Collyer Christmas Cheer fund is raising money for holiday food baskets to deliver to families on December 23rd. Each of these organizations has its own guidelines for donation so I will be including a full list in my Friday *Supervisor’s Update*.

Lastly, I would like to remind everyone that our Comprehensive Plan survey is open. Now is the time to submit your comments and get your ideas out in the open. We have received almost 200 responses to date. We want to hear your thoughts too! The Town of Ossining has adapted to COVID-19 and some of those creative adaptations were for the better. Did you visit our parks more often during the shutdown and now you have ideas for their use? Did you start biking and have an idea for where the Town should add a bike lane? What are your favorite things about Ossining? What are your suggestions for the future? *These questions* are what a Comp Plan is all about. The survey is available on our Facebook page, the Town website, and in our weekly emails. To get information specific to the Comp Plan, please visit our website and elect the “Subscribe to Sustainable Ossining” link at the top center of our website.

Councilmember Feldman congratulated the winners of the 2020 Firefighter Elections. She additionally thanked members of the community for putting up the crèche for the 65th year.

Supervisor Levenberg thanked organizers of the Commemorative Pearl Harbor event.

V. LIAISON REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – November 24, 2020

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 approves the November 24, 2020 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 December 8, 2020 in the amount of \$326,177.88

Motion: Carried

C. Acceptance of Bid— Furnish and Install New Emergency Generators

Councilmember Wilcher moved and it was seconded by Councilmember Feldman 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 to furnish and install new emergency generators at Parker Bale and North State Road pump stations; and

Whereas, a public notice was advertised in the Gazette on November 5, 2020; and

Whereas, the Town received three sealed bid, which bids were publicly opened by the Town Clerk at 10:00 a.m., Friday, November 20, 2020; and

Whereas, the lowest responsible bid was submitted by J.T. Oronzio General Contracting and Development, Inc., 443 North MacQuesten Parkway, Mount Vernon, NY 10552, with a bid price of \$183,050; and

Now, therefore

Be it resolved, that the project to furnish and install new emergency generators at Parker Bale and North State Road pump stations is hereby awarded to J.T. Oronzio General Contracting and Development, Inc., 443 North MacQuesten Parkway, Mount Vernon, NY 10552, for the total bid price of \$183,050; and

Be it further resolved, the Town Supervisor is hereby authorized to enter into an agreement with J.T. Oronzio General Contracting and Development, 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.

Supervisor Levenberg said the following: Thank you, Andy, for helping us navigate this much needed project – as a reminder we borrowed for these replacement generators in 2019 and 2020, one borrow for each site, and we know this project will go a long way to helping keep our infrastructure running smoothly, which is extremely important!

Motion: Carried

D. Adoption of 2021 Budget

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

Resolved, that the Town Board of the Town of Ossining hereby approves the 2021 Budget for the Town of Ossining. Total appropriations for the 2021 entire Town (100) Fund are \$5,723,803. Total appropriations for the Unincorporated (200) Area Fund are \$3,966,684 and total appropriations for

the Highway (310) Fund are \$2,736,463. Total appropriations for the Water and Sewer Funds are \$492,939. Total appropriations for the Fire/Light/Refuse Funds are \$1,530,758. Total appropriations for the Ambulance District are \$681,990. Total appropriations for the Cemetery Fund are \$337,888.

Supervisor Levenberg said the following: After a budget season like no other, we are very excited to be adopting our 2021 budget this evening! This budget results in tax rate decreases across all but one fund, with the sewer fund only netting less than one tenth of one percentage point increase this year. We are cautiously optimistic going into 2021, but monitoring our financial state very closely due to COVID. Huge shout out to our Town Department Heads, Budget Officer Victoria Cafarelli, Deputy Comptroller Liz Naccari, and the true brains behind the operation, our Comptroller Dale Brennan, for all their hard work on this year's budget. We are all ready to say bye bye to 2020, and adopting the budget is one of our first steps to doing that -- here's to a much better 2021!

Motion: Carried

E. Agreement – Workers Compensation 2021

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign the participation agreement with New York State Municipal Workers' Compensation Alliance for the funding year beginning January 1, 2021 through December 31, 2021, with an annual funding contribution of \$114,734, subject to change based upon actual payroll figures for 2021.

Supervisor Levenberg said the following: We have been working with the NYS Comp Alliance for several years now, and they are excellent partners for keeping our workplaces safe. We are looking forward to signing on for another year!

Motion: Carried

F. Call for Public Hearing: Local Law (#6 of 2020) amend Chapter 200, Zoning, of the Town Code to regulate Battery Energy Storage Systems

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 calls for a public hearing in the matter of Local Law #6 of 2020 to be held at 7:30pm on Tuesday, December 22, 2020; and

Be it further Resolved, that pursuant to the Governor's Executive Orders 202.1 and 202.15, and subsequently extended, this public hearing will be held via videoconferencing only, with the information to participate in the public hearing to be duly noticed and circulated in accordance with the requirements for noticing public hearings.

Supervisor Levenberg said the following: If you joined us for our work session last week, you know we have been working towards developing legislation to regulate battery energy storage systems in the Town of Ossining. This is important legislation to help us towards energy independence and incentivizes the development of green energy sources like solar, which can then be stored for later use in these systems. Developments of these kind are popping up in our area, with one proposal on the table in

the Town so far. We hope to get ahead of this trend in order to help facilitate responsible development of these installations to ensure they are done safely and sited appropriately in the Town.

Motion: Carried

G. Approval of Sale of Property Located at 63 River Parkway

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

WHEREAS, by Judgment dated and filed with the Westchester County Clerk on June 29, 2018 in the matter of the Foreclosure of Tax Liens Pursuant to Article Eleven of the Real Property Tax Law by the Town of Ossining (Index No. 2336/2017) (the “Judgment”), the Town Receiver of Taxes was authorized to convey all right, title and interest in the property known as 63 River Parkway (Tax Lot Number 90.15-2-61) (the “Property”) to the Town pursuant to Real Property Tax Law (“RPTL”) § 1136 and 1150; and

WHEREAS, the Town Board is authorized by RPTL § 1166 to convey property it acquires through foreclosure either through an auction or sale; and

WHEREAS, the Property is an “unbuildable” lot as it is substantially undersized at 4,356 square feet where the R-30 zoning district where the Property is located requires a minimum lot size of 30,000 square feet; and

WHEREAS, recognizing it would not be prudent to utilize taxpayer funds to hold an auction for a property with no development potential, the Town contacted the neighboring property owners and Richard Snedaker, the owner of the neighboring property located at 1 River Parkway, was the only one who expressed interest in purchasing the Property; and

WHEREAS, the Town Board believes it would be a benefit to the Town to sell the Property as it would put the Property back on the tax roll, increase the assessed value of the 1 River Parkway property and remove any obligation or potential liability for the Property from the Town; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Town’s temporary acquisition of the Property from the Receiver of Taxes as directed by the Judgment in order to then convey it to the buyer; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the sale of the Property to Richard Snedaker, 1 River Parkway, for a price not below \$800; and

BE IT FURTHER RESOLVED, the Receiver of Taxes, the Assessor and the Supervisor are authorized to sign any and all necessary papers to facilitate said sale.

Supervisor Levenberg said the following: As the resolution states, this small piece of property was foreclosed on in 2018 and one of the neighbors has approached the Town to purchase the property for \$800. Since this property is unbuildable, and is beneficial to the Town if it is back on the tax rolls, we are happy to finally clean this up.

Motion: Carried

H. Resolution – Local Law #4 of 2020 – Amendment to Zoning Code and Zoning Map regarding Solar Energy Systems

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

WHEREAS, by joint application dated April 21, 2020, Ecogy New York II LLC (as system owner and applicant) and Catholic Foreign Mission Society of America Inc. (as property owner) applied to the Town Board to install and operate a solar energy system (the “Proposed Project”) on the property located at 75 Ryder Road, Ossining, New York (the “Property”); and

WHEREAS, the Proposed Project is a Tier 3 solar energy system as defined in Zoning Code § 200-31.3, which requires the Town Board to adopt a local law to amend the Town’s Zoning Map to include the Property in the Tier 3 solar energy system floating zone; and

WHEREAS, the Applicants are also seeking a zone text amendment to increase the maximum permitted height of Tier 3 canopy solar energy systems to allow sufficient clearance for fire trucks and other emergency vehicles; and

WHEREAS, the Project will also require site plan approval and a conditional use permit from the Town of Ossining Planning Board (“Planning Board”); and

WHEREAS, the Applicant previously appeared before the Town Board at multiple work sessions to discuss the Proposed Project and provide additional information to the Town Board; and

WHEREAS, the Planning Board served as lead agency for a coordinated review pursuant to the State Environmental Quality Review Act, and at its meeting on October 21, 2020, the Planning Board adopted a Negative Declaration finding the Proposed Project does not have the potential for any significant adverse environmental impacts; and

WHEREAS, the Planning Board also provided the Town Board with a recommendation in accordance with Zoning Code § 200-52, including recommending that the floating zone be applied to the Property but that the maximum height for canopy solar energy systems be increased from 15 feet to 23 feet instead of the Applicant’s proposed 25 feet; and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meetings on Tuesday, November 24, 2020 and December 8, 2020 via videoconferencing in accordance with the Governor’s Executive Orders 202.1 and 202.15, as subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on December 8, 2020; and

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

NOW THEREFORE,

BE IT FURTHER RESOLVED, 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 # 4 of 2020 to amend the Zoning Code and Zoning Map regarding Solar Energy Systems; 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: As we had little to no public comment on this local law, we are approving this tonight so the proposed solar canopy development at Maryknoll can continue along the process. We anticipate this community solar development to be a benefit to the community and we are excited to see it move forward.

Aye: Levenberg, Feldman, Meyer, Shaw, & Wilcher
Nay:
Motion: Carried

I. Resignation – Ethics Board

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

BE IT RESOLVED, the Town Board hereby accepts, with regret, the resignation of Laura Whitlinger from the Ethics Board effective October 21, 2020.

Supervisor Levenberg said the following: Unfortunately, we have two members of our ethics board who have informed us recently that they will no longer be able to serve in this volunteer capacity. Laura Houston and her family have moved out of Town, and Susan Sarch has found herself with added responsibilities at her day job making it challenging to devote her time to this Board. Thank you, Laura and Susan, for your dedicated volunteer work on behalf of the Town.

Motion: Carried

J. Resignation – Ethics Board

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

BE IT RESOLVED, the Town Board hereby accepts, with regret, the resignation of Susan Sarch from the Ethics Board effective December 8, 2020.

Motion: Carried

K. Resolution of Support: We Are All In: U.S. Communities, Businesses, and Institutions for a National Mobilization on Climate and Recovery

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

Whereas, in 2017, We Are Still In was launched to maintain America’s promise to tackle climate change in light of the federal government indicating it would withdraw from the Paris Climate accords; and

Whereas, since 2017, the United States has experienced devastation associated with the impact of climate change, and this crisis has only been exacerbated by the current COVID-19 pandemic; and

Whereas, leadership in tackling climate change is necessary not only to help our nation recover from these crises, but look forward to a promising future

with new jobs for millions of Americans, innovation in the area of sustainability, and a healthy, safe, and vibrant environment for future generations, especially for vulnerable communities; and

Whereas, over the past four years, America’s local leaders and non-federal leaders have been at the forefront of this issue, enacting policies and decisions to address the climate crisis, despite absent leadership on the federal level; and

Whereas, with a new incoming administration at the federal level, We Are All In, as a coalition of local and state leaders across the country, reaffirm its commitment to the Paris Agreement on climate change and urge revitalized efforts to combat climate change at all levels of government in the United States; now therefore be it

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign the We Are All In statement to urge the Biden-Harris Administration and Congress to take action on climate issues, included but not limited to sustainable investments, expand United States leadership at home and abroad, and reimagine community partnerships to advance just and equitable climate solutions and build resilience to climate change; and be it further

Resolved, that the Town Board reaffirms its commitment for climate action to be at the core of its policy setting goals for the Ossining community, by signing on to the We Are All In statement.

Supervisor Levenberg said the following: My board colleagues and I continue to prioritize environmental sustainability, but we know we cannot do it alone. This resolution expresses our support for the incoming Biden-Harris administration and congressional representatives to lead at the federal level on this issue by rejoining the Paris Agreement and galvanizing the efforts done at the local level to advance this issue as a collective nation. This is an absolutely essential topic, and definitely worthy of our enthusiastic support.

Motion: Carried

L. Appointment – Justice Court

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 appoints Katherine Quizhpi to the position of full-time Intermediate Clerk in the Justice Court at a pro-rated annual salary of \$46,076 for 2020, effective December 21, 2020; and be it further

Resolved, that this appointment is temporary for a period of 90 days and a probationary appointment of Ms. Quizhpi to the position of Intermediate Clerk is subject to the approval of Westchester County Civil Service.

Supervisor Levenberg said the following: Since October, we have had a vacancy in our Justice Court and we think we may have finally found someone worthy of filling Sarath Nair’s shoes! Katherine is an OHS grad with experience in law and court proceedings on the county level. We are sure she will be a great fit and we are looking forward to her passing the civil service test in a month or so in order to make this temporary appointment more permanent.

Motion: Carried

VIII. MONTHLY REPORTS

A. 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 October 2020:

- **Town Building Department**

Motion: Carried

B. 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 monthly reports for the month of November 2020:

- **Dale Cemetery**
- **GE Helicopter**
- **Tax Receiver**
- **Town Building Department**
- **Town Supervisor**
- **Town Highway Department**
- **Town Clerk's Office**

Motion: Carried

IX. VISITOR RECOGNITION

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

Stephen Dewey, Ossining, announced the people can now plead their tickets via mail.

X. ADJOURNMENT

At 9:09 P.M., Councilmember Feldman motioned to adjourn to Executive Session for personnel, advice of counsel, and contracts and Councilmember Shaw seconded.

Motion Carried: Unanimously

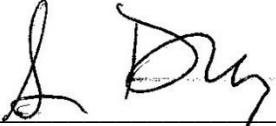
At 9:53 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously

At 9:53 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Wilcher seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk