

**MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY**

**JULY 12, 2022
REGULAR MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

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

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

The Regular Meeting of the Town Board of the Town of Ossining was held on July 12, 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 11.7. The meeting was called to order at 7:30 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 Town Clerk Susanne Donnelly.

A moment of silence was held for George Losee.

Supervisor Levenberg said the following: George worked for the Village of Ossining for 35 years and was an active member of Holla Hose Company No 5 for 64 years. He also served as OFD Chief in the late 70s. George was a wonderful member of our community and will be sorely missed.

II. PUBLIC HEARING

- **Local law to amend Chapter 73 of the Town Code (Community Choice Aggregation (Energy) Program**

At 7:31 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Tonight, we have a public hearing on a local law to enable the Town to participate in the Westchester Power Opt-Out Community Solar program. The current version of the legislation came through Sustainable Westchester and in its initial iteration will allow those who qualify for other assistance programs to participate in Community Solar and enjoy reduced costs for their electricity supply. We believe it will be open to others as the program and the supply become more robust.

At 7:33 PM, Councilmember Feldman moved and it was seconded by Councilmember Meyer to close the public hearing.

III. SPECIAL PRESENTATION

Robert Daniele from PFK O'Connor Davies, LLC gave a presentation to the Town Board on the 2021 Audit of the Town.

IV. DEPARTMENTAL REPORT

Town Comptroller Dale Brennan gave an update on the fiscal state of the Town as of July 2022. The Town's funds overall are acting as expected. About 90%

revenues have been received. Expenses are also line at about 30% as of June 30th. A few areas the Town will have to address going forward into the year are its gas and diesel lines. Heat lines are a bit over budget. The Town is very diligent in making sure to stay within or below budget of items. Budget contingency lines are helpful for situations not planned. The sales tax number for the first quarter payment was above budget by 1.68% from the prior year. The first half payment of the mortgage tax came in in June and the amount has put the Town over its budgeted amount for 2022 by \$47,000.

V. BOARD RESOLUTIONS

Councilmember Feldman moved and it was seconded by Councilmember Meyer that the following resolutions be moved up from the regularly scheduled agenda.

A. Appointment – Zoning Board of Appeals

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 appoints Lynn Farrell to fill an unexpired term on the Town Zoning Board of Appeals to expire on December 31, 2022.

Supervisor Levenberg said the following: We are happy to be welcoming Lynn Farrell to the Zoning Board of Appeals, Lynn has been interested in getting more involved in Town government for some time now and has great professional experience in the field of municipal law, so we think she will be a great addition.

Motion Carried: Unanimously

B. Appointment – Zoning Board of Appeals (Alternate Position)

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 appoints William Boyd to the alternate position on the Town Zoning Board of Appeals for a one-year term to expire July 31, 2023.

Supervisor Levenberg said the following: We are also appointing Bill Boyd to the alternate position on the ZBA. Bill is the Vice Commodore of the Ossining Boat and Canoe Club and his professional background is in property management, so we feel he will be another great addition to the ZBA.

Motion Carried: Unanimously

VI. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Ossining RiverJam, our rebranded summer concert and food truck Friday series, continues this Friday, July 15 with Billy and the Showmen. Billy and the Showmen deliver high impact entertainment playing the best Motown, Funk, and Soul. This band has been getting audiences out of their seats on their feet for 5 decades. Billy and the Showmen have quite a resume, they were the back-up band for the CHIFFONS from 1973 to 1988. They toured as the opening act for “Jay Black and the Americans”, the “Four Tops”, and “Frankie Valle and the Four Seasons” playing all of the big venues on the East Coast including Madison Square Garden, the Omni in Atlanta, Rhode Island Civic Center, Long Island Coliseum and the Boston Garden. Food Trucks start serving at 5pm, and the

music starts at 7pm. We'll post the Food Truck line-up on Friday, so get hungry! Huge thanks to Mike & Miriam Risko, Eric Gearity of Sing Sing Kill Brewery, Gayle Marchica and Johnny G and the Greater Ossining Chamber of Commerce, Jermain Smith of ENU Builds, Brian Sheridan of Hothouse Design, Recreation Superintendent Bill Garrison, and to our Town Parks crew for making the park space look and feel great, as well as Keith Heilmann our fantastic soundman.

There's more free summer entertainment with the Summer Acoustic Series at Market Square Wednesdays at 7pm – this week with the Mike Risko Band. Also on Mondays, Jazz at Henry Gourdine Park at 6:30pm, the next concert is Monday, July 25 with the Mike Clark Organ Trio. On Tuesday nights at 7pm, there is the Family Summer Entertainment Series, next week there will be Li Lui Acrobat at Henry Gourdine Park. Don't forget to grab dinner from a local Ossining restaurant as you spend your summer nights in Ossining's beautiful parks!

Bethany Arts Community is holding its annual studio artist exhibition, starting with an opening reception on Friday, July 15 from 6-8pm, and running through August 13. The gallery hours are Monday-Friday, 10am-4pm, Wednesday 10am-7:30pm, and Saturday 10am-3pm.

Bethany Arts Community will also be holding "2 Truths and a Lie (An Interactive Storytelling Experience)" by River's Edge Theatre Company on Saturday, July 16 at 7pm. Tickets are \$20, and 10% of the ticket sales go to the Innocence Project. Reserve your tickets now at www.riversedgetheatre.com.

Next week, July 20 through July 23 is the St. Augustine's Festival! From 6pm to 11pm, head over to St. Augustine's ground on North Highland Avenue for food, rides, games, entertainment, raffles and more. It's sure to be a fun couple of nights celebrating this Ossining favorite.

VII. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg said the following:

Last week, I participated in a meeting with our Planner Valerie Monastra and Victoria Cafarelli from my office to learn more about the prospective Clean Path New York Project. Clean Path New York project consists of an approximately 175-mile underground/underwater transmission line that will transport up to 3,800 megawatts of new in-state solar and wind power increasing the reliability of the state's transmission system and helping transition New York to a clean energy economy. They are in the process of developing the siting for the transmission line, which will need to exit and re-enter the Hudson somewhere between Peekskill and Ossining. We have asked the folks from this project to come speak before the Town Board, but there will also be open houses for the public to attend in Ossining on Tuesday, July 26 from 10:30am-12:30pm and from 4pm-6pm at the Ossining Public Library. We did share this information with the Board, and encourage members of the public to attend to learn more as well.

We also have learned of an exciting program called Submerge NY, which is a program funded by FEMA with a focus on flood risk awareness through interpretive programming like art and other public events. We learned of this program via NYS Water Resources Institute, who inquired if the Town may be interested in hosting this free program. It would require participation from the Town and relevant stakeholders to brainstorm programming that would be impactful in terms of education on flood risk to the community. It seems like a very interesting and informative program, so we will be letting them know that we are interested in participating, and will bring back more specific information to the Town Board soon.

Last night, I had the opportunity to recognize two special people, well one a little more special than the other for those of us in the Town, Pete Connolly and Robert DiCioccio, who celebrated 50 years of volunteerism to the Ossining Fire Department, both members of Holla Hose. Congratulations to Pete and Robert on this significant milestone– and for all of you out there, please make sure to celebrate Pete Connolly Day on Saturday, June 16 and Robert DiCioccio Day on Sunday, June 17 in the Town and Village of Ossining!

Quick reminder that summer office hours have started in the Town. All Town Offices (except for the Town Clerk) will close at 3:15pm on Fridays through September 2.

VIII. LIAISON REPORTS

IX. PUBLIC COMMENT ON AGENDA ITEMS

X. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – June 29, 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 June 29, 2022 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. 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 12, 2022 in the amount of \$500,093.68.

Motion Carried: Unanimously

C. Contract – Wellness in Nutrition (WIN) Program & Nutrition Services Incentive Program (NSIP) Contract, PY 2022-2023

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 the Supervisor to sign an agreement with the Westchester County Department of Senior Programs and Services for the purposes of receiving grant funding for program period April 1, 2022 through March 31, 2023 for Wellness in Nutrition (WIN) Program and for program period October 1, 2021 through September 30, 2022 for the Nutrition Services Incentive Program (NSIP) at an aggregate amount not-to-exceed \$45,505 (\$38,633 for WIN; \$6,872 estimated for NSIP).

Supervisor Levenberg said the following: This contract will enable the Town to receive grant funding for our Senior Nutrition program through the County, which is always much appreciated.

Motion Carried: Unanimously

D. Contract – Auctions International, Inc.

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 the Supervisor to sign an agreement with Auctions International, Inc., East Aurora, NY 11167 for sale of Town of Ossining surplus government assets by online auction.

Supervisor Levenberg said the following: Auctions International is the company we use for vehicle and equipment auctions, and our contract was up for renewal. We have been very pleased with them in the past, and we believe that will continue.

Motion Carried: Unanimously

E. Retainer Agreement – Silverberg Zalantis LLC

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 the Supervisor to sign a retainer agreement with Silverberg Zalantis LLC for General Legal and Land Use Counsel Services and In Rem Proceedings for 2022.

Supervisor Levenberg said the following: We are so pleased that our Town Counsel Christie Addona has agreed to add a bit to her work load with the Town, taking on the In Rem proceedings.

Motion Carried: Unanimously

F. Resolution – Local Law # 4 of 2022 – Authorizing Members of All Public Bodies of the Town of Ossining to Participate in Meetings via Videoconferencing

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; and

WHEREAS, Public Officers Law § 103-a requires the Town Board to adopt a local law authorizing the mechanisms set forth in Public Officers Law § 103-a and to adopt videoconferencing regulations; and

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

WHEREAS, the Town Board believes it is a benefit to the community and the Town Board to authorizing the use of videoconferencing under the circumstances prescribed in Public Officers Law § 103-a; and

WHEREAS, the Town Board opened a duly noticed public hearing on the proposed local law at its meeting on Wednesday, June 29, 2022, and members of the public having the opportunity to attend and be heard, the public hearing was closed on June 29, 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 State law and will allow Board members to participate remotely in the event of illness, thus protecting the public health; 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 # 4 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: We will be continuing this discussion in future meetings as we develop a policy for allowing videoconferencing for Town meetings – the local law is just the first step, in accordance with the change in State law. We should also learn later this week if the Governor will extend the executive order allowing for fully virtual meetings due to the COVID-19 pandemic emergency order.

Motion: Carried

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

XI. MONTHLY REPORTS

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 monthly reports for the month of June 2022:

- GE Helicopter
- Town Clerk
- Tax Receiver
- Dale Cemetery
- Town Highway
- Building Department

Motion Carried: Unanimously

XII. VISITOR RECOGNITION

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

XIII. ADJOURNMENT

At 8:41 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel and personnel and Councilmember Meyer seconded.

Motion Carried: Unanimously

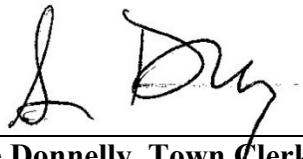
At 9:45 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Meyer seconded.

Motion Carried: Unanimously

At 9:46 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Meyer seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk