



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET
OSSINING, NEW YORK**

**MAY 12, 2015
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey Northern Wilcher**

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

The Regular Meeting of the Town Board of the Town of Ossining was held on May 12, 2015 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Eric Blaha, Northern Wilcher, Kim Jeffrey and Geoffrey Harter. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARINGS

- **Public Hearing in the matter of 2015 Cabaret License for The Briarcliff Manor Featuring Antipasti di Napoli Restaurant and Bar**

At 7:35 P.M., the Public Hearing was opened.

Mr. DiNapoli was present to answer any questions that might be presented. He also informed the public that his restaurant is open from Wednesday thru Sunday beginning at 5 p.m. He also serves Brunch on Sunday.

At 7:38 P.M., Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

- **Public Hearing in the matter of Community Choice Aggregation (CCA)**

At 7:38 P.M., the Public Hearing was opened.

Daria Gregg, Albany Post Road, spoke regarding group rates regarding whether you must take all or part of it. The fee is \$.28 per kilowatt. The Village of Ossining has already signed on.

Michael G. O'Connor, Ferris Place, clarified that Con Edison would still deliver the power and stated as a former Con Ed employee that the distribution load would continue and that they are making money on our backs. This is the first time allowed in New York.

At 7:43 P.M., Councilmember Blaha moved and it was seconded by Councilmember Jeffrey that the Public Hearing be closed.

- **Public Hearing in the matter of Local Law #3 of 2015- “Amendments to ‘No Parking’ Regulations in the Town of Ossining”**

At 7:44 P.M., the Public Hearing was opened.

Superintendent of Highways Michael G. O'Connor stated that he has done an analysis of our streets and has met with the Town Board several times. It was determined that there were several mistakes in coding of the legislation and it was suggested that amendments be made to the clerical errors. Villages adjacent to the Town have no regulations for parking which includes the Village of Ossining, Village of Briarcliff Manor and the Town of New Castle. The double yellow line confines the lanes.

Lyn Beekman, Old Albany Post Road, questioned why the double yellow line was the qualifier. On Ogden Road, which has residential condos there are usually 6 to 10 overflow vehicles parked facing down the hill causing a hazard for those walking. Speeding cars must drive around those parked on the road and individuals walking.

Dara Gregg, Old Albany Post Road moved into the area in 1985 and stated that speed was a major issue. You can't even pick up leaves.

Karen Applebee, Old Albany Post Road, commented that the road narrows near Gerlach Park and stated that if that law were to be changed the safety concern would be worse and snow removal would be a bid issue. There are no sidewalks and cars do park on the road.

Evelyn Garrett, Old Albany Post Road, stated that her home was built in 1880 and she has an 8 foot parking space. She has no guest parking and the bend at her home is very dangerous.

Jeff Peterson, Old Albany Post Road, stated that speed is a problem. Put in speed bumps to control the speed.

Mike Pilkovich, Old Albany Post Road, commented that speeders were the biggest problem.

John Durkin, Old Albany post Road, stated that he has no driveway and emergency vehicles had no problems navigating the road. The police must address the speeding.

Superintendent Michael G. O'Connor thanked everyone for coming. The no parking will be spotty.

Ms. Applebee suggested lower the curbs as some vehicles bottom out when they are parking off the road.

Councilperson Northern Wilcher questioned whether anyone has looked into speed bumps. There is a liability with speed bumps.

Lt. Kevin Sylvester stated that there were no "sleeping police." Traffic calming is a system that must be studied. He will pass out business cards at the end of the meeting to those who would like to get in touch with him.

At 8:17 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Harter that the Public Hearing be closed.

III. SPECIAL PRESENTATION

Mike Ritchie, Dolph Engineering- Review of MS4 Report 2014-15

Mr. Ritchie made a presentation relating to Storm Water Quality Report to the State which includes March 2014 thru March 2015. The discharge water under a general permit to the State permit is under challenge. The Environmental groups filed the challenge. All of the appeals have now been exhausted and are consistent with Federal Permits. We have followed the six minimum measures.

IV. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

What a great time it is here in Ossining. The weather has been beautiful, the leaves on the trees appeared out of nowhere. I am sure those of you with tree allergies appreciate that the pollen came and went. We have so many great community activities going on: this weekend, we had a great trash/river sweep, along with a variety of ball games and of course Mother's Day celebrated in so many restaurants and back yard BBQs. It is nice to have a day dedicated to family.

We also had a great many things happen in the Town of Ossining. Our Planning Board completed the scoping document for the High View Farm (also known as 123A, B & C Morningside Drive & Barnes Rd.) After several public sessions with a tremendous amount of input from residents, the Environmental Advisory Committee (EAC), the Town Planning Board and our consultants, we have a document for the developer that satisfies the concerns of all the residents of the Town of Ossining but especially the neighborhoods surrounding the proposed development. Now it is up to the developer to prepare a DEIS (Draft Environmental Impact Statement) which responds to all of the issues and concerns outlined in the scoping document, including the analysis of alternatives to the developer's proposed cluster subdivision.

After a short break, the Planning Board can continue meeting with developers on their agenda to review other opportunities for the Town of Ossining. On the agenda this evening, the Town Board will be voting to sign a proposal for a wetlands consultant, Mr. Stephen W. Coleman, to assist the Planning Board on a specific project. Artis Senior Living, LLC is a business focused on memory care, and they are looking to develop a facility at 553 North State Road, Ossining. There are other projects and developments in the pipeline and we encourage our residents to participate in the process. As you might be aware, we are in the process of completing a review of the "vision" portion of our Comprehensive Plan and one of the items we are looking to update is our notification policy on any item before the Planning Board. We are looking to expand the notification of any action being taken from 200 feet to 500 feet. This is just one of the items in front of us. Our action plan for all the changes, and a copy of the revised Comprehensive Plan, are on the web page.

There is a tremendous amount of information on the web page because the Town Board and Administration believe in being very transparent. If you have any issues finding something on the site, feel free to call us at 762-6001 or better yet email us at sdonnelly@townofossining.com so that we can return the email with a link to the information for which you're searching. No one is perfect and occasionally there are errors or omissions on the Town web page, but we appreciate when people bring items to our attention. Having more eyes on the process only makes us all better. The lawsuit concerning election districts 17 and 20 is coming to a close. The Village of Briarcliff Manor has instructed their attorneys to take all necessary steps to discontinue the pending court action in a resolution passed on May 6, 2015. When preparing the 2015 budget, the Town decided to split the expenses 50/50 between the Unincorporated Area budget and the Town General budget for the 2015 year. The legal fees that WE, the Town of Ossining, has incurred so far totals \$54,614.13 which goes back to June 2014 when we first contracted outside counsel. The amount charged so far in 2015 through March 30th, is \$25,340.86, which is included in \$54,614.13. However, this does not count other expenses such as mailings, transcripts from meetings, our Planning Consultant, and all of the time and energy dedicated by Town staff to annexation research. We will have a complete accounting available once we have our final bills from the attorneys. The next step in the process would have been to begin depositions, which would be extremely costly for both municipalities. After the final accounting, we will reallocate the

budget funds in both the Town General and the Unincorporated Budgets to accomplish some of our other goals for 2015, including some much-needed paving on our local roads.

On today's agenda we have just had three public hearings.

- Cabaret License for the Briarcliff Manor
- Community Choice Aggregation
- Amendments to "No Parking" regulations in the Town of Ossining

We will be referring the revisions to the "Vision" Portion of the Comprehensive Plan to the Town of Ossining Planning Board and Westchester County, as required by law, but we will go a step further by referring it to the Environmental Advisory Committee, giving them all over 30 days to review it and submit any comments.

We will be appointing two new members to the Environmental Advisory Committee, both of whom were interviewed by the current chair and who are highly qualified to work with our existing members. As we move forward and make some changes to our Town Code, we plan to look to the EAC for suggestions, recommendations, and the research that these dedicated volunteers perform as a service to this community.

We take safety very seriously and confined space training is at the top of the list. We will authorize signature of the contract with Start Group, a company with whom we have worked in the past, and who all of our Teamsters found approachable and informative. We were very pleased with their work last year, and they have extended last year's pricing to us in 2015.

We will be passing the resolution to piggy back on the contract passed by resolution by piggy backing on a contract with the City of New Rochelle. We will be bonding the payments, allowing us to stretch the payments for the reassessment from a 5 year payback to an 8 year payback through bundling our payments. We will also be saving 2% in interest, which we feel will pay for any incidentals on the project.

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the April 28, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 12, 2015 in the amount of \$1,044,932.11.

Motion Carried: Unanimously

C. Comprehensive Plan: Referral to Town Planning Board

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

Whereas, the Town of Ossining and its residents have participated in a series of meetings regarding the 2002 Adopted Comprehensive Plans and have suggested some revisions; and

Whereas, these revisions have been vetted by the Town's engineering consultant and the Town Attorney;

Therefore be it Resolved that the Town Board hereby refers the revisions to the Comprehensive Plan to the Town Planning Board for mandatory review and comments.

Motion Carried: Unanimously

D. Environmental Advisory Committee- Appointment

Councilmember Harter moved and it was seconded by Councilmember Jeffrey that the following be approved:

Resolved, that the Town Board hereby appoints Angela Russo, Ossining, to serve a five-year term on the Town's Environmental Advisory Committee, set to expire on December 31st, 2019.

Motion Carried: Unanimously

E. Environmental Advisory Committee- Appointment

Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the following be approved:

Resolved, that the Town Board hereby appoints Michael Newhouse, Ossining, to fill the remainder of an unexpired term on the Town's Environmental Advisory Committee, set to expire on December 31st, 2017.

Motion Carried: Unanimously

F. Contract- StartGroup for Confined Space Training

Councilmember Harter moved and it was seconded by Councilmember Jeffrey that the following be approved:

Resolved that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a contract with StartGroup of Bloomingdale, Illinois, for a Confined Space Training course to be held in June of 2015, in a form acceptable to the Town Attorney.

Motion Carried: Unanimously

G. Artis Senior Living Wetlands Consultant

Councilmember Wilcher moved and it was seconded by Councilmember Harter that the following be approved:

RESOLVED, that the Town Supervisor is authorized to accept a proposal by Stephen W. Coleman to provide professional services in the form of wetlands consulting in connection with the pending application before the Planning Board by Artis Senior Living, LLC to develop a facility at 553 North State Road, Ossining, in a form acceptable by the Town attorney, with all fees for said services being billed to the applicant and paid through the escrow for consultants established by the applicant.

Motion Carried: Unanimously

H. Lumen Light Solutions, LLC

Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the following be approved:

RESOLVED, that the Town Supervisor is hereby authorized to accept a proposal from Lumen Light Solutions, LLC, 969 Midland Avenue, Yonkers, NY 10704 and execute an Agreement with a total value not to exceed \$190,000 for professional services in connection with the audit, inventory, installation and purchase through a BOND for LED lighting having the specifications that are satisfactory to the Town of Ossining Board and the monitoring of energy savings, subject to the review and approval of said Agreement by Town Counsel, with the cost of said services to be funded from energy savings realized by the Town of Ossining. This agreement further complies with the Town of Ossining Procurement and Bidding Policy and General Municipal Law section 103 through the “piggybacking” of this contract on the accepted unit price agreed to by the City of New Rochelle, bid package sections 3 and 4.

Motion Carried: 4-1-0

Ayes: Wilcher, Blaha, Harter & Donnelly

Nayes: Jeffrey

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Harter moved and it was seconded by Councilmember Blaha that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the following:

- **Town Zoning Board of Appeals/Decision minutes dated March 30th, 2015**
- **Town Zoning Board of Appeals/Decision minutes dated March 30th, 2015**
- **Town Planning Board Minutes dated March 25th, 2015**
- **Town Planning Board Minutes dated April 8th, 2015**

Motion Carried: Unanimously

VIII. MONTHLY REPORTS

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of April 2015:

- **Town Clerk’s Office**
- **Town Building Department**
- **Town Supervisor’s Office**
- **Dale Cemetery**
- **Tax Receiver’s Office**

Motion Carried: Unanimously

IX. VISITOR RECOGNITION

Dana Levenburg, School Board Member, reminded the Board and the Public to vote next Tuesday (May 19th) for the budget and Board Members as well as the Library Budget and Board Members. The School Board has stayed within the tax camp. The polls are open from 7 a.m. to 9 p.m. at the Ossining High School Gym.

X. ADJOURNMENT

At 9:02 P.M., Councilmember Blaha moved and it was seconded by Councilmember Jeffrey that the Regular Meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Village Clerk