



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

**MAY 10, 2016
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

COUNCILMEMBERS

**Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey 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 May 10, 2016 at the Birdsall-Fagan Police Court/Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman and Northern Wilcher, Jr. Councilmember Kim Jeffrey was absent. Also present were Town Counsel Steve Silverberg, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. Presentation from Mike Ritchie of Dolph Rotfeld Engineering to go over the MS4 Report for 2015-2016.

Mr. Ritchie provided the requirements in the New York Impact Area. The Town must meet six minimum measures which include Public Education with an interactive website. Community Activities which include clean up days; Love it and Leave T. It is okay mulch in place but not near or into water. There are also links on the website to the DEC. Illicit discharges must be reported. Construction Sites must be monitored closely which are one acre or more. Municipal operations must be completed such as catch basins and keeping streets clean. This is a work in progress which includes training classes for the staff.

Supervisor Levenberg questioned what the best practices are for homeowners. The key to homeowners is lawn maintenance; law impact fertilizer; leaf composting with leaves not be piling in or near a body of water. Pet waste should be picked up and placed in household garbage. Septic maintenance is also important.

III. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

This evening we have a few items on our agenda, including a tax certiorari, the adoption of two local laws relating to State Environmental Quality Review which we have been talking about since January, and a change to the Zoning fee schedule for zoning pre-planning meetings to better identify the costs involved so applicants are bearing more of the cost than they had been, and to the Dale Cemetery fee schedule for indigent burials to memorialize a fee which had been charged for many years. Then we will vote on a proposal from the Ossining Boat & Canoe club for their roof replacement (a building which the boat and canoe club leases from the Town), and we will vote on a stipulation agreement to accept the rescinding of one of our highway employee's intent to retire—we are so happy that we will be able to count on Matteo's continued excellent service to our community.

We had such a busy weekend, taking care of our community and so many of us attended multiple events outside and inside to help keep our beautiful Hudson River clean with Riverkeeper's River Sweep, thanks to Suzie Ross and Cesar Capio who organized the Ossining arm and a wonderful crew of local volunteers. Also, thanks to Diane Alden and another team of volunteers and staffers from Friend of the Old Croton Aqueduct who had a huge team helping clean up the trail that all of us can enjoy near the Croton Unique Area. A reminder that as our summer season approaches, there will be parking restrictions in that area to make sure our roadways are safe. On Wednesday, May 18th at 7:00 pm at the Ossining Public Library, the NYS DEC will be hosting a public forum to discuss proposed restrictions to uses in the Unique Area that will allow the public to enjoy it and protect it for many years to come. I encourage everyone who lives in the area or utilizes this space to participate. Also, thanks to the Green Ossining Team that helped advertise and organize the Town Wide Tag Sale event last Saturday. We all need to give a big thank you to Milly Morabito who put together a phenomenal first Annual Health and Wellness Day to benefit the Baker Collyer Christmas Cheer Fund, and to the Town Parks and Village Rec personnel who helped Milly make this a wonderful space for exhibitors and demonstrations alike. A shout out to DJ Johnny G—Girolamo, for announcing all the events of the day and providing music, and to Elroy the Elk for entertaining some of our youngest residents. We had a great turn out of exhibitors and Mind, Body, Spirit demonstrations launched with kick boxing, recess rocks, cross training, tai chi, yoga, and zumba, to name just a few. I was personally exhausted trying to keep up with all of these talented business leaders in our community who have so much to offer. This weekend, there will be more opportunities to enjoy our park spaces with demonstrations from Club Fit on Saturday, May 14th at 10 am at Louis Engel Park, offering Stroller Babies for Parents and Caregivers who would like to learn how to exercise with their babies in tow in strollers—and from David Garcia from GEM Fitness at Wishnie Park on Saturday, May 14th at 11 am, to learn proper warm up and work out techniques, including a great cross-training program, and finally on Sunday, May 15th at 9:30 a.m. at Engel Park, the first of many Sunday Fundays—a 30 minute outdoor training session with Enrique Rosario of ICU Fit Training.

The Town Planning Board will meet at the Ossining Community Center on Wednesday, May 18th at 7:30 PM with a very full agenda including a subdivision on Hawkes, the Parth Knolls application on Hawkes, the Artis Senior Living application on N. State Rd, the Bethany Arts Community Application on Somerstown Rd, and River Knoll on Croton Dam Rd.

Columbus Lodge will host their annual car show at the Ossining Train Station this Sunday, May 15th from 8am-4pm.

The next Ossining Documentary and Discussion Series is on Thursday, May 19th screening Just Eat It. Come learn about food waste in this country and what we can all do to minimize waste and maximize accessible resources for those who need them.

The Ossining Fire Department Annual Parade will take place on Saturday, May 21st step off at 4pm from Roosevelt Square going down to the Waterfront. It's also Monitor Hose Co. No 4's 125th Anniversary Celebration.

Clearview School's 3rd Annual 5k Run/Walk for the kids will take place at starting at the Ossining Community Center on May 22nd. Register at clearviewschool5k.com or in person Registration starts at 7:45 a.m. on the day of the event, and the run/walk begins at 9:00.

Also, while I am mentioning walks for a cause, please do form a team or support a team that is participating in Ossining's Annual Relay for Life. Now is the time to consider how you would like to participate in this event scheduled for Saturday, June 25th.

Please look at our Town Website, upper right corner tab for helpful information about Zika Virus and ways to help mitigate and prevent its spread.

Also, we want to announce the winners of our Town Parks Survey—thank you to all those who participated to help identify ways we can make our parks great. You will be hearing more about this in the near future—our winners were: Nicole Mone, and Elaine Gardner who each won a \$100 gift card to a local restaurant.

Next week, we will host a Town Hall Style Meeting in the Budarz Theater at the Ossining Public Library, followed by a brief work session. We will hear from Doug Olcott from Community Preservation Corporation to discuss how this Ossining business works with developers throughout the Hudson Valley on right-sizing projects to benefit the communities in which they are housed. Please join us for an informational evening. We may have an addition to this as well, and will share more with you when we know.

Also, please be aware that the NYS DOT is fixing up the median on Rt. 9A under the Pleasantville Rd overpass. We are pleased that they are getting to this area to make necessary repairs, but it will mean road closures every night this week on 9A from 9pm through 5am. There will also be left lane closures between 134 and Ryder Ave. Please plan accordingly.

For the first time this year, we have added liaison reports to our meeting agenda. If any of my colleagues on the Town Board would like to share with the rest of the board information from their liaison appointments, I would ask that you do so at this time. This will be a regular new addition to our meetings. I hope the board and the public will benefit from this information.

Are there any public comments on any of the agenda items for tonight? If you have not yet picked up a copy of our agenda there are some in the back of the room on the chair as you enter.

I wish you all a great week and look forward to seeing everyone next week at our Town Hall Meeting at the Library. Please feel free to call us in the Town Office at 762-6001 with any questions or comments.

Thank you and have a great night.

IV. LIAISON REPORTS

Councilperson Feldman reported on the Ossining Boat and Canoe Club May 22nd Commissioning Day Ceremony which will honor our veterans. Post 506 will be the Honor Guard for the flag raising ceremony. There will be a pot luck supper. The Ossining Fire Department will hold its annual parade on May 21 beginning at 4 p.m. at Roosevelt Square. This parade will honor the 125th Anniversary of Monitor Hose Company. Earth Day was a wonderful success. EMS Week is being celebrated by OVAC.

Councilperson D'Attore announced the Annual Meeting on May 19 of IFCA at 7 p.m. at the Star of Bethlehem Church. IFCA provides affordable rental housing with 76 units. IFCA received \$295,000 in CDBG grants to rehab some of our housing stock. Thomasina Laidley Brown will receive the August Gold Memorial Award for Outstanding Community Service in the Area of Affordable Housing; and Jean Glassman will receive The Susan Brewster Eisenmann Award for Outstanding Community Service.

Councilperson Jeffrey is in Albany this evening with Thomasina Laidley Brown who is being honored by the Senate with the Woman of Distinction. The Recreation Advisory is attempting to find easie ways for baseball teams to use the fields.

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the April 26, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the May 3, 2016, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 10, 2016 in the amount of \$356,089.95

Motion Carried: Unanimously

D.

TAX CERTIORARI

NY Dealer Stations LLC

vs.

Town of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by NY Dealer Stations LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 160 South Highland Avenue and South Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.15-3-2 and 97.15-3-1 for Tax Assessment Years 2012- 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 66835/12; 65643/13; 67251/14 and 67350/15; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

NY Dealer Stations LLC 160 South Highland Avenue and South Highland Avenue, Ossining, N.Y. Section 97.15, Block 3, Lot 2 and Section 97.15, Block 3, Lot 1 Section 97.15, Block 3, Lot 2

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	97.15-3-2	\$60,850	\$9,668	\$51,182
2013	97.15-3-2	\$60,850	\$7,840	\$53,010
2014	97.15-3-2	\$60,850	\$9,413	\$51,437
2015	97.15-3-2	\$60,850	\$11,227	\$49,623

Section 97.15, Block 3, Lot 1

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	97.15-3-1	\$3,600	\$0	\$3,600
2013	97.15-3-1	\$3,600	\$0	\$3,600
2014	97.15-3-1	\$3,600	\$0	\$3,600
2015	97.15-3-1	\$3,600	\$0	\$3,600

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Special Counsel is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$271.61, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. Adoption of Local Law #4 of 2016- Repealing Chapter 85 of the Town Code Regarding SEQRA Processes

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

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Repealing Chapter 85 of the Town Code Regarding SEQRA Processes”, which shall cause the Town to defer to New York State Guidelines to SEQRA.

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 4-2016 entitled “Repealing Chapter 85 of the Town Code Regarding SEQRA Processes” on February 9th, 2016 at 7:30 p.m.at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 4-2016, entitled “Repealing Chapter 85 of the Town Code Regarding SEQRA Processes” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #4 of 2016 to be filed and/or distributed in accordance with applicable law.

Motion Carried: Unanimously

F. Adoption of Local Law #5 of 2016- Creating a New Type 1 List for Actions Under SEQRA

Councilmember Feldman moved and it was seconded by Councilmember D’Attore that the following be approved:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Creating a New Type 1 List for Actions Under SEQRA”, which shall append a list of Type 1 actions to the state SEQRA regulations for use in the Town of Ossining; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 5-2016 entitled “Creating a New Type 1 List for Actions Under SEQRA” on March 8th at 7:40 p.m. at the Birdsell/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 5-2016, entitled “Creating a New Type 1 List for Actions Under SEQRA” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #5 of 2016 to be filed and/or distributed in accordance with applicable law.

Motion Carried: Unanimously

G. Change to 2016 Fee Schedule

Councilmember D’Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby changes the following fee in the 2016 Schedule of Fees:

Zoning: Pre-application meetings to discuss conceptual proposals, per meeting	\$350
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Change to:

Zoning: Pre-application meetings to discuss conceptual proposals, per meeting	\$500
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Motion Carried: Unanimously

H. Change to Dale Cemetery Fee Schedule

Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby adds the following to the Dale Cemetery Fee Schedule:

Indigent Burials: \$600

Motion Carried: Unanimously

I. Ossining Boat & Canoe Club- Proposal for Roof Replacement

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

Whereas, the Town of Ossining owns property along Westerly Road, including property licensed to the Ossining Boat & Canoe Club; and

Whereas, pursuant to the licensing agreement, the Ossining Boat & Canoe Club is obligated to, in addition to rent and utilities, annually pay \$4000 in the form of repairs, replacements, and capital improvements to the building;

Whereas, the Ossining Boat and Canoe Club has submitted a proposal for roof replacement, to be contracted for and paid by the Ossining Boat and Canoe Club, to the Town Board for approval, the cost of which shall be applied to the aforementioned "repair" portion of the rent for such time until the contract price is reached; and

Now, therefore be it Resolved that the Town Board of the Town of Ossining does hereby approve the bid of \$11,700 from Miller Roofing Inc., 88 Croton Avenue, Ossining, pending approval by Town Counsel.

Motion Carried: Unanimously

J. Stipulation of Agreement between Town of Ossining and Local 456

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

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation of Agreement regarding Matteo Velardo and the revocation of his intent to retire in August of 2016, between the Town and Local 456, International Brotherhood of teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, effective May 11th, 2016; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Stipulation on the Town's behalf.

Motion Carried: Unanimously

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

VIII. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following reports for the month of April 2016:

- **Town Clerk's Office**
- **Town Supervisor's Office**
- **Town Tax Receiver's Office**
- **G. E. Helicopter Report**
- **Dale Cemetery Report**

Motion Carried: Unanimously

IX. VISITOR RECOGNITION

X. ADJOURNMENT

At 8:40 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the meeting be adjourned.

Approved:

Mary Ann Roberts, Town Clerk