



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
MARCH 13, 2018
REGULAR MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
Karen M. D’Attore Elizabeth R. Feldman
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 March 13, 2018 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Northern Wilcher Jr., Jackie G. Shaw and Karen D’Attore Also present were Town Counsel Christie Tomm Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts was absent.

**II. SPECIAL PRESENTATION- YAI/ National Institute for People with Disabilities—
Proposed Group Home at 16 Waterview Drive
i. Public Feedback on YAI Proposal**

Supervisor Levenberg stated that in early February, she received a letter from YAI, an organization that manages IRAs (or, Individual Residential Alternatives) and provides services throughout the NY Metro area, informing me that a home for six intellectually and developmentally disabled young adults was being proposed for the single family home at 16 Waterview Drive in the Unincorporated Town. Within a specific window of time, the Town Board is permitted to deliberate on the placement of the home along some very strict guidelines, on which I will let our counsel elaborate. This Board decided that we would like to hear from the folks at YAI about the project, and also from our residents as to what input they may have, remembering that the Board is only permitted to consider input that follows the prescribed guidelines.

Counsel Addonna advised that under the law the Town Board can provide comments within 40 days from the date of the letter under three separate criteria:

- Approve the site recommended by the sponsoring agency YAI.
- Recommend alternative sites
- Object to the establishment

Sandy Speiser and Kathy Schiavi from YAI were present to provide information about the proposed site and introduced the staff that would be working in the home.

Ms. Speiser provided a background of YAI, they are a not for profit organization that has been around for over 60 years. They provide services to intellectually and developmentally disabled young adults and their families. They provide housing to over 750 people. They provide employment services as well. Currently, there is a long waiting list for housing. The house at 16 Waterview will receive renovations but will not change the footprint of the house and we will not be converting the garage into living space.

Kathy Schiavi provided the Board with a background of the individuals that will be living at the home and some information about the staff that will be working there. All their staff goes through a background check and teaching skills and running successful activities. Ms. Schiavi hopes that the Town gives them the opportunity to join their community.

Mary Ann Dempsey Waterview Drive stated to the Board that she is concerned about the traffic and the parking. She feels that the cars will have to be shuffled throughout the day.

Ms. Speiser stated that parking and fencing are the two things that make good neighbors. Ms. Speiser explained that they looked at widening the driveway and we will work with municipality to widen it as much as possible. They were also looking at possibly putting in a circular driveway. There will be one agency vehicle in the driveway and there will be people in the daytime and in the evening.

Mary Ann Dempsey questioned if the prospect of the drug rehab center at Hudson Institute have any effect on the consideration on this property and also the Sunshine Facility.

Supervisor Levenberg stated that all of those facilities serve different purposes.

Councilmember D'Attore stated that these three facilities are three very distinct circumstances. Does not feel that there will be an impact.

Supervisor Levenberg feels that the group home serves a totally different purpose than those other facilities and they are different clientele.

Councilmember Feldman explained that we were looking at how many we have in our municipality.

Ms. Schiavi also stressed that YAI knows the importance of being a good neighbor.

Councilmember Feldman questioned if YAI will help the municipality develop programs with adults with different disabilities?

Ms. Speiser explained that she left some information about YAI and there are some opportunities that we can work together on.

YAI Employee stated that they have two volunteer sites in Ossining one at Peas and Carrots and the other at Teatown.

Councilmember Wilcher questioned where do the patients come from?

Ms. Schiavi explained they get the referrals from PWDD. Once the students hit 21 they hit the adult system for permanent homes. Many of the residents that are moving into 16 Waterview are from the surrounding area.

All members of the Board were in agreement to approve this recommendation at 16 Waterview Drive.

III. PUBLIC HEARING IN THE MATTER OF:

- **Westchester Ballroom Cabaret Renewal**

At 7:55 P.M., the Public Hearing was opened.

Supervisor Levenberg stated that if you have been following along, you know that a few weeks back, we opened the public hearing on the cabaret license renewal for Westchester Ballroom on North State Road. As far back as early last year, we have heard from many of the neighbors that loud music, often playing past the permitted time, has caused a nuisance, and we have kept the Public Hearing open in order to see how we can work this out. It is in everyone's best interest for this business to do well, but we need to make sure that the quality of life in the neighborhood is not

adversely impacted. After we were last here, the Ossining Police worked with the owner, Ms. Antes, to conduct a sound test at the property, and all of our Town Board members have heard the result of that test. Lieutenant Damiano, would you join us please?

Lt. Damiano explained they he met Mr. Savino and did some testing and there was no audible music that we can hear from the parking lot. Mr. Savino directed the DJ to increase the volume and we did not hear any audible music. There have been no complaints regarding noise in the last two months.

Mr. Savino thanked Lt. Damiano for meeting him and doing the testing. The Saturday parties are not scheduled until May.

Councilmember Shaw questioned if they would have staff at their Saturday parties as well.

Mr. Savino explained that the controls on a Saturday night will be no different than a Friday night.

Supervisor Levenberg suggested that we close the public hearing and issue a contingent cabaret. Counsel Addonna will prepare a draft for the Board to consider.

At 9:01 P.M., Councilmember Feldman moved and it was seconded by Councilmember D'Attore that the Public Hearing be closed.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

I want to start off by thanking our residents and local businesses for their patience this past week. Ossining, like many other Westchester communities and communities throughout the Northeastern US, got a one-two punch that knocked us for a loop, and some snow this morning has compounded the trouble for some of our residents, specifically those in Briarcliff Manor. We have been in regular contact with Con Edison and with our Police Department and it seems as though all is almost back to normal. Thanks to our community organizations and business owners that opened their doors to residents this past week, including Club Fit Briarcliff, the Greater Ossining Chamber of Commerce, Vaza Salon, DeCicco's in Millwood, and Mike Risko Music School—your generosity is a great inspiration, and we are proud to call you neighbors and friends.

Again, big thanks to our Town and Village Highway, Parks and DPW staff for braving the elements to keep our roads clear, and to our Cemetery staff as well, and also to the stellar Ossining Police Department for their efforts in coordinating our Con Edison Municipal liaisons and keeping us all informed of recovery progress. Chief Sylvester is here tonight, and we owe him a special thank you, along with Lieutenants Slater and Montague, who worked long hours to make sure our Unincorporated Area residents got restored as quickly as possible and that everyone stayed safe in the process.

Don't forget to mark your calendars for our March 20th Town Hall Meeting, taking place at the Ossining Public Library's Budarz Theater. The Town has invited a series of guests to speak with us about some green initiatives; we will be getting updates from Green Ossining (to hear about the Green Ossining Sustainability Partnership and a sneak peek at Earth Day 2018) and our Environmental Advisory Committee (who will be sharing info on chemical-free lawn care), SavATree and Donna Sharrett will be joining us to talk about the tree inventory we conducted (paid for by a grant from New York State) as well as best practices for caring for trees on your property, and we will be getting an update on the CCA (Community Choice Aggregation) program from Dan Welsh of Sustainable Westchester. It's going to be a lot of information, so we will begin the meeting at 7PM instead of the usual 7:30PM. I hope you will mark your calendar and plan to join us on Tuesday, March 20th at the Ossining Public Library for this informative session.

March is Women's History Month, and the Ossining Documentary & Discussion Series has a perfect screening lined up for Thursday, March 15th. *The Empowerment Project* is one-of-a-kind, documenting the 7,000 mile journey of women filmmakers featuring the remarkable work of women leaders from a variety of sectors across the country. This documentary is family friendly, so be sure to bring your daughters and sons along to experience all that women can accomplish.

Next weekend is St. Patrick's Day, and the Greater Ossining Chamber of Commerce will be hosting a Trolley Pub Haul on Friday, March 16th stopping at some of Ossining's best -- Terra Rustica, Flames, The Briars, Maya Rivera, and the Boathouse. Tickets are still available and must be purchased by this Thursday, be sure to visit the Chamber's website for more information.

Also on Friday, March 16th, the Bethany Arts Community, housed in the former Maryknoll Brothers building on Somerstown Road, will be hosting their first Local Artists Exhibition. Come check out this beautifully restored space and meet the fantastic folks who have chosen to make Ossining their new home.

Looking for more great local art? The Ossining Arts Council and Westchester Collaborative Theater have teamed up for the next several weeks to present their Living Art Event at the Steamer Firehouse on Main Street. This opened last weekend, but there are still opportunities to catch this Ossining collaboration over the next few weekends before it closes on March 24th. Visit www.wctheater.org to learn more.

On Saturday, March 24th, the Town and Village of Ossining will be co-sponsoring a March to End Gun Violence Event at Louis Engel Park between 12 Noon and 2PM. There will be similar marches taking place around Westchester, the state, and the nation, so consider taking a stand against what seems to be an epidemic in our nation and meeting your neighbors at the waterfront next Saturday for this important and unifying community event.

You wouldn't know it by looking outside, but Spring is headed our way, and fast! I hope you will join us for Eggstravaganza on Saturday, March 31st at Ryder Park (10AM) and Nelson Sitting Park (12 noon) for an egg hunt, and even a chance to meet and take photos with the Big Bunny. Dust off your Easter Baskets, hope the snow melts soon, and watch for flowers to start peeking out of the ground, ushering in beautiful spring weather for this annual community favorite. If the snow doesn't melt, there is a Plan B—the Joseph G. Caputo Community Center will host the egg hunt at a time TBD. Check back with the Village and the Town for updated info as Eggstravaganza gets closer.

Councilmember Feldman thanked all the Volunteer Fireman and Police Department for all the hours they spent on these storms. Ossining Boat and Canoe Club will be having their first membership meeting on Wednesday, March 14th, 2018. Please visit www.obcc.org for more information.

V.LIAISON REPORTS

Supervisor Levenberg stated that she attended the Recreation Advisory Board meeting last night and we are still seeking additional volunteers to serve on this Board. We do anticipate a new Superintendent of Parks & Recreation to start on April 2, 2018. More information will be announced by the Village.

VI.DEPARTMENTAL REPORTS

Supervisor Levenberg stated that we have two Departmental Reports tonight, and four Special Guests. We are going to start tonight with Police Chief Kevin Sylvester, who I'm sure is eager to de-brief a little about the two winter storms that kept us all so busy last week.

- Ossining Police-- Chief Kevin Sylvester

Police Chief Kevin Sylvester provided a 2017 report:

- Answered 29, 700 calls for service
- 579 arrests
- 42 DWI arrests
- Participated in Autism awareness, No Shave November, Domestic Violence, Career Day at Pace University, Book Distribution with OUFSD, DARE Graduation.
- Routine training, including active shooter training.
- Child car seat safety days, Drug take back days
- Indepth investigation into massage parlors
- Operation making spirits bright.
- Coffee with a Cop
- PBA 5k
- Trunk or Treat
- Cops & Kids, Movies in the Park

2018 Report:

- Department went through implicit bias training.
- We will be filling some empty staff positions and will be working with Westchester County to fill those spots with Town residents.

Supervisor Levenberg stated that we also have our Engineering team here with us tonight. Town/Village Engineer Paul Fraioli and Water Superintendent Andy Tiess are here to discuss some of our outstanding projects, and we have also invited Highway Superintendent Michael G. O'Connor to join us for the portion of their presentation that pertains to the McCarthy Drive Restoration project as well as a couple of other items.

- Engineering—Town/Village Engineer Paul Fraioli & Water Superintendent Andy Tiess

Town/Village Engineer Paul Fraioli spoke the following projects:

- Paving on Hawkes Ave.
- McCarthy Drive –spoke about the preliminary survey work and the scope on how to create a new road. This will include storm water improvements. Another utility component will be the replacement of the water main on the Village side. Thanked the Town Building Department, Sandy and Margaret for helping with the contracts for this project.

Councilmember Feldman questioned the rebuilding of Hawkes Ave. and the new Beldotti development will this compromise the quality of the Road? Is there a time consideration?

Supervisor Levenberg questioned if we could mark the road for a bike path.

Mr. Fraioli explained they could probably do but we would need to talk further about this. We are doing significant utility work on this project, including the water main.

Councilmember Shaw questioned how this road paving will hold up?

Mr. Fraioli feels that this is easy to work with and compacts and grades well.

Superintendent of Highways Michael G. O'Connor spoke about sewer lift stations on Hawkes Ave. at Deer Field Condominium. Very proud of all the staff that worked on the culvert project. The wall at the S curve on Old Albany Post Road is falling apart and needs to be replaced. We are looking into a unilock wall system.

Water Superintendent Andy Teiss provided an update on the Croton Dam Road intersection. They did install 40 feet of new water main. Mr. Teiss spoke about the following water main projects:

- Gordon Ave.-we installed 850 feet of new water main and we are finishing work on Riverview Parkway.
- Ryder Ave. will get 425 feet of new water main.
- Stormytown and Croton Dam Rd. will get a new transmission main.
- Spray Park was designed for a recirculation. 90% of the job is excavation work. A new spray deck will need to be installed and feels that this is a priority and the recirculation is optional.

Supervisor Levenberg stated that we tried to save this project and feels that it can get complicated.

Councilmember Shaw feels that this Spray Park is a high cost project and it's a park that is used seasonally

Councilmember D'Attore feels that you have to weigh the cost benefit and feels that this is hard to justify.

All members of the Board were in agreement to not proceed with the recirculation project and we will look for a nice surface for the spray park.

VII.PUBLIC COMMENT ON AGENDA ITEMS

VIII.BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember D'Attore 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 February 27, 2018 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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 approves the March 6, 2018 minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board hereby approves the Voucher Detail Report dated March 13, 2018 in the amount of \$6,770.27, for 2017 and \$273,505.83. for 2018. Grand total of \$280,276.10

Motion Carried: Unanimously

D.Permission to Sell Alcohol at Town of Ossining Earth Day

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

Resolved that the Captain Lawrence Brewing Company, 6 Degrees of Separation, and Sing Sing Kill Brewery are each authorized to operate a concession stand during the Earth Day Event held on April 21, 2018 at the Louis Engel Waterfront Park in the Town of Ossining and to sell, for consumption by persons over 21 years of age, at the event the companies beer products. Captain Lawrence Brewing Company, Six Degrees of Separation and Sing Sing Kill Brewery will obtain, with consent from the Town, all necessary permits including an event permit from the New York State Liquor Authority and will provide proof of insurance and the letter of indemnity to the Town in a form acceptable to Counsel to the Town.

Supervisor Levenberg stated that This has become an annual resolution for us, but this year, it is a bit more exciting. We will have not one, not two, but three breweries represented at Earth Day on April 21st. Thanks to Suzie Ross for her hard work to get this annual celebration, which has become the envy of all in Westchester, into shape—we look forward to seeing all of you down at Engel Park on the 21st of April!

Motion Carried: Unanimously

E. Animal Control-SPCA of Westchester

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

Resolved, that the Supervisor be and hereby is, authorized and directed to execute an agreement with SPCA of Westchester for the period January 1, 2018- December 31, 2018, providing for humane procedures for homeless and stray dogs and cats seized by dog control officers, animal control officers, police and other agents of the municipality.

Supervisor Levenberg stated that If you were able to join us at last week's Work Session, we invited SPCA Director Shannon Laukhuf to discuss the fantastic work that the SPCA is doing in our community, and she also gave us a brief update on their rehabilitation plans scheduled to break ground in 2019. We are very fortunate to have such a dedicated service organization in Ossining, and I am pleased to continue our work with them.

Motion Carried: Unanimously

F. Deputy Receiver of Taxes

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

In accordance with the appropriate provisions of law, Ms. Patricia Cunningham-Jay, Ossining, is hereby re-appointed to the position of Deputy Receiver of Taxes for 2018 by the Receiver of Taxes of the Town of Ossining, bearing the title and full responsibilities of such position and serving at the pleasure of the Receiver of Taxes.

Motion Carried: Unanimously

G. Contract- March For Our Lives Event on March 24th, 2018- Everytown

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a tri-party agreement with the Village of Ossining and with Everytown for Gun Safety Action Fund Inc. outlining the agreed-upon regulations and insurance requirements for the "March For Our Lives" planned for 12 Noon at Louis Engel Park on Saturday, March 24th, 2018.

Motion Carried: Unanimously

IX.CORRESPONDENCE TO BE RECEIVED AND FILED

X.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 monthly reports for the month of February 2018:

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

Motion Carried: Unanimously

XI.VISITOR RECOGNITION

Laura Whitlinger Cedar Lane stated that she moved to Ossining because of Green Ossining and Suzie Ross. She keeps chickens and bees. She and her husband take a strong stance on environmental positions. We are much immersed in our community and our neighborhood. Thanked the Board for listening to her and her husband. Ms. Whitlinger is asking for transparency, and shouldn’t have to FOIL for everything.

Karen Wells Applebee Farm Rd and is a member of the Greater Teatown Defense Alliance. Ms. Wells invited the Board to reach out to her regarding any of the work they are doing. The Greater Teatown Community is based from 4 different municipalities. We love the rural nature of Teatown.

XII.ADJOURNMENT – EXECUTIVE SESSION-ADVICE OF COUNSEL – PERSONNEL

Supervisor Levenberg stated thanked everyone for joining us this evening. I hope you will join us for our green-themed Town Hall Meeting next Tuesday, March 20th which, once again, will be starting at 7:00 P.M. in the OPL Budarz Theater.

At 9:28 P.M., Councilmember D’Attore moved and it was seconded by Councilmember Feldman that the meeting be adjourned to Executive Session.

Motion Carried: Unanimously

At 10:22 P.M., Councilmember Feldman moved and it was seconded by Councilmember Shaw to leave Executive Session.

Motion Carried: Unanimously

At 10:23 P.M., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

**_____
Mary Ann Roberts Town Clerk**