



**AGENDA**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**BIRDSALL-FAGAN POLICE/COURT FACILITY**  
**86-88 SPRING STREET – OSSINING, NEW YORK**  
**JULY 23, 2019**  
**REGULAR MEETING**  
**7:30 P.M.**

**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**

**II. PUBLIC HEARINGS IN THE MATTER OF *Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.***  
***\*TO BE HELD CONCURRENTLY***

- **Local Law #4 of 2019 – Abolishing the office of Elective Town Superintendent of Highways and creating the office of Appointive Town Superintendent of Highways subject to a mandatory referendum\***
- **Local Law #5 of 2019 – Abolishing the office of Elective Town Receiver of Taxes and creating the office of Appointive Town Receiver of Taxes subject to a mandatory referendum\***
- **Local Law #6 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum\***
- **Local Law #7 of 2019- Amendments to Chapter 74 of the Town Code entitled “Dogs” to Regulate Registration for and Use of the Town’s Dog Parks.**
- **Increase and Improvement of Facilities of Consolidated Sewer District In the Town of Ossining, Westchester County, New York**

**III. Special Presentation**

- **Rob Daniele of O’Connor Davies on the 2018 Audit.**

**IV. ANNOUNCEMENTS**

**V. LIAISON REPORTS**

**VI. DEPARTMENTAL REPORTS**

- **Superintendent of Highways Pete Connolly**
- **Superintendent of Cemeteries Pete Connolly**

**VII. PUBLIC COMMENT ON AGENDA ITEMS**

**VIII. BOARD RESOLUTIONS**

**A. Approval of Minutes-Regular Meeting- July 9, 2019**

Resolved, that the Town Board of the Town of Ossining hereby approves the July 9, 2019 minutes of the Regular Meeting as presented.

**B. Approval of Minutes-Special Meeting- July 16, 2019**

Resolved, that the Town Board of the Town of Ossining hereby approves the July 16, 2019 minutes of the Special Meeting as presented.

**C. Approval of Voucher Detail Report**

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated July 23, 2019 in the amount of \$420,418.01.

**D. Personnel: Clerk's Office- Appointment**

Resolved, that the Town Board of the Town of Ossining hereby appoints Martha Quituisaca, Ossining, to the position of Deputy Clerk in the Town Clerk's Office effective July 29<sup>th</sup>, 2019 at a pro-rated annual salary of \$61,162.

**E. Resolution Authorizing The Supervisor To Apply For And Receive Funding Under The 2019 Department Of State – Local Waterfront Revitalization Program**

WHEREAS, the Town of Ossining Town Board has caused the preparation of a Department of State Local Waterfront Revitalization Program Grant Application to be prepared and supports the submittal of the application to the New York State Department of State; and

WHEREAS the Project shall be titled "Town of Ossining Local Waterfront Revitalization Project and Louis Engel Waterfront Park Master Plan" and include a grant narrative, work plan, and other supporting documents necessary for submission of the application; and

WHEREAS should funding from the New York State Department of State be awarded, such state assistance shall not exceed 75% of the total eligible project costs set forth in the application or 85% of the total eligible project costs in an environmental justice community; and

WHEREAS the Louis Engel Park is located entirely in an environmental justice area and the Town is committed to focusing on improving the environment and addressing disproportionate adverse environmental impacts that may exist in this area of the Town; and

WHEREAS the Town Council is hereby committed to using municipal funds and in-kind services as a local match in accordance with the requirements of NYS Environmental Conservation Law §54-1101 and NYS Executive Law §42-918 for an amount up to fifteen percent (15%) of the total project cost or twenty-five percent (25%) of the total project cost should the New York State Department of State not deem the project to benefit and serve the environmental justice area population; and

NOW THEREFORE BE IT RESOLVED by the Town of Ossining Town board that the Town shall hereby apply to the Department of State for the Local Waterfront Revitalization Program Grant Funds; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and designated as the representative and to act as such in connection with the application to provide additional information as may be required including all understandings and assurances contained in the application; and

**BE IT FURTHER RESOLVED**, that the Supervisor is hereby authorized and directed to execute any contract and/or agreement with the NYS Department of State upon grant award in connection with the Application and her designee is further authorized to request funds from the NYS Department of State pursuant to said contract and/or agreement; and

**BE IT FURTHER RESOLVED**, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor all are hereby ratified and confirmed and this Resolution take effect immediately.

**F. Resolution Authorizing Participation in New York State Climate Smart Communities Grant and Provision of Local Match**

Whereas, the Town Board of the Town of Ossining hereby pledges to participate in the “Climate Action Planning Institute Westchester County” project that will be submitted as a grant proposal to the New York State Climate Smart Communities Grant Program by Westchester County as lead applicant; and

Whereas, the Town of Ossining hereby pledges to participate in this climate action planning leadership program, in partnership with the Hudson Valley Regional Council and ICLEI – Local Governments for Sustainability; and

Whereas, the Town of Ossining certifies that it has identified and secured a minimum of \$11,007 in matching funds from donated professional services from the Town staff and volunteer time from Green Ossining/Climate Smart Communities Task Force and Town of Ossining Environmental Advisory Committee as contribution to the “Climate Action Planning Institute Westchester County” project, pursuant to the requirements of Environmental Conservation Law Article 54 Title 15, the balance of the match needed to meet the NYSDEC CSC grant requirement of 50% for this project will be contributed by Westchester County and other participating Westchester County municipalities; and now

Therefore, be it resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to act on its behalf for submittal of a letter of commitment for matching funds provision and participation in Westchester County’s “Climate Action Planning Institute Westchester County” application to the Consolidated Funding Application.

**G. Non-Agricultural Nonpoint Source Planning Grant Program – Beach Restoration Louis Engel Park**

Whereas, the Town of Ossining owns parkland at Westerly Road, Louis Engel Park; and

Whereas, Louis Engel Park has many park amenities available to the community, including an access point to the Hudson River at the beach; and

Whereas, swimming has not been allowed at the Louis Engel Park beach for many years and there is community interest in re-opening the beach to swimming, requiring planning and parks improvements to address issues related to water quality, rising sea levels, and increased flooding and restore the beach; and

Whereas, funding is available through the New York State Department of Environmental Conservation Division of Water’s Non-Agricultural Nonpoint Source Planning grant program to fund beach restoration planning projects under the Consolidated Funding Application; now therefore be it

Resolved, that the Town Board of the Town of Ossining authorizes the submission of a grant application to the Non-Agricultural Nonpoint Source Planning grant program under the Consolidated Funding Application to complete a feasibility study and beach sanitary survey at the Louis Engel Park Beach; and

Be it further Resolved, that the Town Board of the Town of Ossining commits matching funds in the form of cash match as required by the Non-Agricultural Nonpoint Source Planning grant program.

**H. Resolution In Support Of Us Coast Guard Appropriations Bill To Put A Temporary Ban On The Establishment Of Anchorages Along The Hudson River**

WHEREAS, many cities, towns and villages along the Hudson River in New York, from Yonkers to Albany, have expressed concerns about the U.S. Coast Guard's ongoing review of requests to establish a number of permanent anchorages along the Hudson River; and

WHEREAS, the U.S. Coast Guard, in order to have a formal process to review these proposals with representatives of industry, of commerce and government, established a Ports And Waterways Safety Assessment (PAWSA) process; and

WHEREAS, as an ongoing review of that process, the Hudson River Safety Navigation Operations Committee, which is an offshoot of the PAWSA process, has been reviewing related Coast Guard activities; and

WHEREAS, the Hudson River Safety Navigation Operations Committee circulated information with regard to the U.S. Coast Guard Appropriations Bill in Congress, noting that Section 420 includes a temporary blanket prohibition on the establishment of all anchorages in the Hudson River from Yonkers north to Kingston; and

WHEREAS, while the provisions of this bill do not mean that in the event of an emergency a tug or commercial vessel cannot ask for an emergency anchor, but basically prohibits the Coast Guard from establishing any formal, designated anchorage areas within in this area, and would establish a temporary blanket prohibition of all formally designated anchorage areas in the Hudson River from Yonkers north to Kingston;

NOW, THEREFORE, BE IT RESOLVED that the Town of Ossining does hereby express its support for the U.S. Coast Guard Appropriations Bill in Congress, noting that Section 420 includes a temporary blanket prohibition on the establishment of all anchorages in the Hudson River from Yonkers north to Kingston, so that the U.S. Coast Guard, the Hudson River Safety Navigation Operations Committee, and all involved and affected parties, may work cooperatively and have a thorough and methodical process for the formal establishment of anchorages on the Hudson River between Yonkers and Kingston, NY.

**I. Resolution In the Matter of the Increase and Improvement of the Facilities of the Consolidated Sewer District in the Town of Ossining, Westchester County, New York.**

WHEREAS, the Town Board of the Town of Ossining, Westchester County, New York, has under consideration the increase and improvement of the facilities of the Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000; and

WHEREAS, at a meeting of said Town Board duly called and held on July 9, 2019, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Consolidated Sewer District in said Town at a maximum estimated cost of \$100,000 and to hear all persons interested in the subject thereof concerning the same at 86-88 Spring Street, in Ossining, New York, in said Town, on July 23, 2019, at \_\_:00 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000.

**Section 2.** This order shall take effect immediately.

**J. A Resolution Authorizing The Issuance Of \$100,000 Serial Bonds Of The Town Of Ossining, Westchester County, New York, To Pay The Cost Of The Increase And Improvement Of The Facilities Of The Consolidated Sewer District In The Town Of Ossining, Westchester County, New York.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated July 23, 2019, said Town Board has determined it to be in the public interest to increase and improve the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, at a maximum estimated cost of \$100,000; and

WHEREAS, it is now desired to provide funding therefor; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** For the class of objects or purposes of paying the cost of the increase and improvement of the facilities of Consolidated Sewer District in the Town of Ossining, Westchester County, New York, consisting of the purchase of generators for lift stations, including costs incidental thereto, at a maximum estimated cost of \$100,000, there are hereby authorized to be issued \$100,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$100,000 and that the plan for the financing thereof is by the issuance of the \$100,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid objects or purposes is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 5.** The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Consolidated Sewer District in the amounts and in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ossining, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

**Section 7.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

**Section 8.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

**Section 9.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 10.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 11.** This resolution which takes effect immediately shall be published in summary in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

**J. Permission to Sell Alcohol at Town of Ossining Summer Concert Series- Brimstone Hill Vineyard**

Resolved that the Brimstone Hill Vineyard is hereby authorized to operate a wine tasting during the Summer Concert Series event held on July 26th, at the Louis Engel Waterfront Park in the Town of Ossining and serve for consumption by persons over 21 years of age, Brimstone Hill Vineyard wine; and

Be it further Resolved, that the Brimstone Hill Vineyard will also obtain all necessary permits including an event permit and/or marketing license 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.

**K. Resolution – Calling for Public Hearing on Local Law # \_\_\_ of 2019 – Amendments to Chapter 180 of the Town Code entitled “Taxation” to Implement the “Solar Energy System PILOT Law of the Town of Ossining, New York.”**

WHEREAS, New York Real Property Tax Law § 487 provides for an exemption of the value of a solar panel system from local property taxes, the intention of which is the State’s efforts to meet its clean energy goals by providing economic incentives for solar systems; and

WHEREAS, RPTL § 487 also allows taxing jurisdictions to opt out of the tax exemption, making the added value of the solar panel system fully taxable; or alternatively, if the taxing jurisdiction does not opt out of the exemption, the taxing jurisdiction can require a solar developer to pay an annual fee or “payment-in-lieu of taxes” as a replacement for the taxes it would have otherwise collected, so long as the PILOT does not exceed what the taxes would have been without the exemption; and

WHEREAS, recognizing that a balance is needed to encourage clean energy within the Town while still ensuring the property owner pays its fair share of taxes, the Town Board desires to adopt a local law to implement a formulaic, jurisdiction-wide PILOT agreement process with solar developers and property owners; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, August 6, 2019 at the Ossining Municipal Building-1<sup>st</sup> Floor Conference Room located at 16 Croton Avenue., Ossining, NY 10562 in the matter of Local Law # \_\_\_ of 2019 – Amendments to Chapter 180 of the Town Code entitled “Taxation” to implement the “Solar Energy System PILOT Law of the Town of Ossining, New York.”

**IX. CORRESPONDENCE TO BE RECEIVED AND FILED**

**X. MONTHLY REPORTS**

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of June 2019:

- Dale Cemetery
- Town Highway Department

**XI. VISITOR RECOGNITION- *Visitors shall be accorded one (1) four (4) minute opportunity to speak***

**XII. ADJOURNMENT**