



**AGENDA**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**JANUARY 26, 2021**  
**REGULAR MEETING**  
**7:30 P.M.**

**THIS MEETING WILL BE HELD VIA VIDEO CONFERENCING ONLY**

Pursuant to Governor's Executive Order 202.1 dated March 12, 2020

Members of the public can view the meeting via computer or mobile app:  
<https://us02web.zoom.us/j/83619627761?pwd=aHdldVpKc0V6VjQ3N3YreXRxaU9wdz09>

Members of the public can listen to the meeting by dialing in via phone:  
+1 929 205 6099

Meeting ID: 836 1962 7761  
Passcode: 163079

\*\*Please note that by dialing in, your phone number will be visible to the host, participants,  
and attendees of the meeting.\*\*

**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 HEARING
  - Local Law 1-2021 to Amend Chapter 200 of the Town Code, Zoning, to Create Beekeeping Regulations in the Town of Ossining
  - Local Law 2-2021 to Amend Chapter 200, Zoning, of the Town Code to regulate Battery Energy Storage Systems
- III. ANNOUNCEMENTS
- IV. LIAISON REPORTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. BOARD RESOLUTIONS
  - A. Approval of Minutes—Reorganization and Regular Meeting – January 12, 2021

Resolved, that the Town Board of the Town of Ossining hereby approves the January 12, 2021 minutes of the Reorganization and Regular Meeting as presented.
  - B. Approval of Voucher Detail Report

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated January 26, 2021 in the amount \$181,397.77.
  - C. A Resolution Authorizing The Improvements To Mccarthy Road In And For The Town Of Ossining, Westchester County, New York, At A Maximum

**Estimated Cost Of \$2,350,000 And Authorizing, Subject To Permissive Referendum, The Issuance Of \$2,350,000 Serial Bonds Of Said Town To Pay The Cost Thereof.**

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** Improvements to McCarthy Road in and for the Town of Ossining, Westchester County, New York, including widening, sidewalks, curbs, gutters, drainage, landscaping and other incidental improvements is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$2,350,000.

**Section 2.** The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,350,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

**Section 4.** The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 5.** 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 6.** All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** 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 8.** 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 9.** Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10.** THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

**D. A Resolution Authorizing The Purchase Of An Electric Bus For The Nutrition Program In And For The Town Of Ossining, Westchester County, New York, At A Maximum Estimated Cost Of \$207,311 And Authorizing The Issuance Of \$132,311 Serial Bonds Of Said Town To Pay Part Of The Cost Thereof.**

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ossining, Westchester County, New York, as follows:

**Section 1.** The purchase of an electric bus for the nutrition program in and for the Town of Ossining, Westchester County, New York, is hereby authorized at a maximum estimated cost of \$207,311.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is as follows:

- (a) By the issuance of \$132,311 bonds of the Town, hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law; and
- (b) By the application of grant monies to be received in connection therewith, presently estimated in the amount of \$75,000.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

**Section 4.** The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 5.** 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, 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 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** 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 8.** 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 9.** Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10.** This resolution takes effect immediately.

**E. Finance- Capital Project #2021-5228 – 2021 McCarthy Drive Road Rehabilitation-Town Highway**

Resolved, that the Town Board of the Town of Ossining authorizes opening a 2021 Capital Project #2021-5228, entitled “2021 McCarthy Drive Road Rehabilitation” for the Town Highway Department, with a project budget of \$2,350,000. The project will be funded from debt obligations.

Increase:	3705110.200.5228	\$2,350,000 – 2021 McCarthy Drive Road Rehabilitation-Town Highway (Expense)
Increase:	3700600.571000.5228	\$2,350,000 – Bond Proceeds (Revenue)

**F. Finance- Capital Project #2021-5229 – 2021 Nutrition Electric Bus-Town Nutrition**

Resolved, that the Town Board of the Town of Ossining authorizes opening a 2021 Capital Project #2021-5229, entitled “2021 Nutrition Electric Bus” for the Town Nutrition Department, with a project budget of \$207,311. The project will be funded from debt obligations and CDBG Grant Funds.

Increase:	3706772.200.5229	\$207,311 – 2021 Nutrition Electric Bus-Town Nutrition (Expense)
Increase:	3700600.571000.5229	\$132,311 – Bond Proceeds (Revenue)
Increase:	3700400.498900.5229	\$ 75,000 – CDBG Grant Funds (Revenue)

**G. Resolution – Local Law # 1 of 2021 – Beekeeping Regulations**

**WHEREAS, currently beekeeping is not permitted in the Town Code, but recognizing that these activities can be beneficial to the environment and that property owners may desire to engage in them, the Town Board considered adopting a Local Law to permit these activities while also implementing regulations to ensure they are done in a safe and reasonable manner that does not present a hazard or inconvenience to the property owner, its neighbors, the community or the environment; and**

**WHEREAS, in furtherance of this objective and in consideration of the Local Law the Town Board opened a duly noticed public hearing at its regular meeting on Tuesday, September 22, 2020, which public hearing was duly continued to several subsequent meetings, via videoconferencing in accordance with the Governor’s Executive Orders 202.1 and 202.15, as subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on January 26, 2021; and**

**WHEREAS, a Short Environmental Assessment Form, Part 1 was prepared pursuant to the State Environmental Quality Review Act (“SEQRA”); and**

**WHEREAS, pursuant to New York General Municipal Law the Local Law was referred to the Westchester County Planning Board, which responded by letter dated October 2, 2020 that said local law was a matter for local determination in accordance with the Town’s planning and zoning policies; 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 SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law will permit the environmentally beneficial activity of beekeeping while including regulations to ensure there are no adverse impacts to the property owners, the neighbors, the community or the environment; 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 # 1 of 2021 entitled Amendment to Town of Ossining Zoning Code to Allow and Regulate Beekeeping; 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.**

**H. Resolution – Local Law # 2 of 2021 – Battery Energy Storage Systems Regulations**

**WHEREAS, as communities look for new ways to create and store energy, the Town Board is aware that battery energy storage systems are becoming more prevalent and that while serving a benefit to the community, they must be regulated to ensure they are constructed and operate in a safe and**

reasonable manner that does not present a hazard or inconvenience to the property owner, its neighbors, the community or the environment; and

WHEREAS, in furtherance of this objective, the Town Board considered a Local Law to regulate battery energy storage systems within the Town of Ossining; and

WHEREAS, in consideration of the proposed Local Law the Town Board opened a duly noticed public hearing at its regular meeting on Tuesday, December 22, 2020, which public hearing was duly continued to the Town Board's regular meeting on Tuesday, January 26, 2021, via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15, as subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on January 26, 2021; and

WHEREAS, a Short Environmental Assessment Form, Part 1 was prepared pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, pursuant to New York General Municipal Law the Local Law was referred to the Westchester County Planning Board, which responded by letter dated January 14, 2021 that said local law was a matter for local determination in accordance with the Town's planning and zoning policies; 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 SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law is to regulate the environmentally beneficial use of battery energy storage systems to ensure there are no adverse impacts to the property owners, the neighbors, the community or the environment; 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 # 2 of 2021 for the Purpose of Amending Chapter 200, Zoning, of the Town Code with Respect to Battery Energy Storage Systems; 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.

I. Resolution Recognizing Sustainable Westchester's Energysmart Homes Program To Bring Clean, Sustainable Heating And Cooling Alternatives To Residences And Businesses In Our Community

WHEREAS, the Town of Ossining has been designated by the New York State Energy Research and Development Authority (NYSERDA) as a Clean Energy Community and Climate Smart Community; and

**WHEREAS, the Ossining Community Climate Action Plan calls for supporting energy efficient designs and clean heating and cooling technology projects, as well as reducing the volume and impact of energy consumption in the Town of Ossining and reducing the Town's carbon footprint; and**

**WHEREAS, NYSERDA estimates heating and cooling in buildings represent 37% of statewide net energy consumption and contribute 32% of New York State's combustion-related greenhouse gas emissions; and**

**WHEREAS, clean heating and cooling technologies, such as cold-climate air source heat pumps, and ground source heat pumps (also known as geothermal heat pumps), have the potential to contribute significantly to reducing greenhouse gas emissions of the heating and cooling sector; and**

**WHEREAS, other benefits to those using clean heating and cooling technologies include energy bill savings and increased comfort levels and health benefits compared to conventional heating and cooling technologies; and**

**WHEREAS, high energy burdens are part of a complex of economic, health, and housing issues.**

**WHEREAS, Sustainable Westchester's EnergySmart Homes Ossining + Briarcliff is a non-profit, volunteer, initiative in the Town of Ossining helping people switch to clean heating and cooling technologies and energy efficiency upgrades; and**

**WHEREAS, EnergySmart Homes is an initiative of the Sustainable Westchester and has received funding and support from NYSERDA to administer a campaign; and**

**WHEREAS, EnergySmart Homes is one of eighteen similar community outreach programs in New York State.**

**WHEREAS, EnergySmart Homes is modeled after successful Solarize and Energize campaigns.**

**WHEREAS, clean heating and cooling technologies are already proven to work in Westchester including projects at the Ossining Public Library and numerous residences; and**

**WHEREAS, a successful EnergySmart Homes Ossining + Briarcliff campaign will help jumpstart a nascent market and drive increased capacity and interest in installing such systems; and**

**WHEREAS, the installation of heat pump systems helps protect our environment by reducing the use of fossil fuels used to heat and cool our buildings and provides and creates new jobs in this emerging market; NOW, THEREFORE,**

**BE IT RESOLVED, that the Town of Ossining recognizes the EnergySmart Homes Ossining + Briarcliff initiative bringing clean heating and cooling and energy efficiency technologies to the residents and businesses in the Town of Ossining; and**

**BE IT FURTHER RESOLVED, that the Town of Ossining will continue to take and support initiatives to create a Sustainable Ossining.**

**J. Personnel – Appointment**

**Resolved, that the Town Board of the Town of Ossining appoints Jeaneth Guinansaca, Cortlandt Manor, to the part-time position of Intermediate**

Clerk in the Town Clerk's Office at an hourly rate of \$15, effective February 7, 2021.

**K. Acceptance of Proposal – General Code**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to accept a proposal by General Code for Enhanced Supplement Services for the Town Code Book at a cost of \$2,885.

**L. Acceptance of Proposal – Daniel G. Vincelette, PC**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to accept the proposal by Daniel G. Vincelette, PC, Albany, NY dated January 18, 2021 for legal services related to the tax certiorari proceedings filed against the Town of Ossining challenging the assessed value of real property owned by Cedar Manor Acquisition I, LLC.

**M. Contract – Tyler Technologies**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with Tyler Technologies, Moraine, OH for Appraisal Services through July 31, 2021 at a cost not to exceed \$20,000, subject to approval by Counsel to the Town as to form.

**N. Contract – Dolph Rotfeld Engineers**

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with Dolph Rotfeld, and AI Engineers Company, Elmsford, NY for Construction Administration Services on the McCarthy Drive Road Rehabilitation and Water Main Replacement, with hourly rates for necessary personnel set forth in the proposal dated December 23, 2020 at an estimated total cost of \$150,800, subject to approval by Counsel to the Town as to form.

**VII. VISITOR RECOGNITION**

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

**VIII. ADJOURNMENT**