



MINUTES
TOWN BOARD
TOWN OF OSSINING
IN PERSON AT THE
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
AND VIA VIDEO CONFERENCING

October 8, 2024

REGULAR MEETING
7:30 P.M.

SUPERVISOR
Elizabeth R. Feldman

COUNCILMEMBERS
Gregory G. Meyer Angelo A. Manicchio
Jennifer Fields-Tawil Matthew J. Weiss

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

The Regular meeting of the Town Board of the Town of Ossining was held on October 8, 2024 at Birdsall-Fagan Police/Court Facility 86-88 Spring Street – Ossining, New York, 10562 and via video conference. The meeting was called to order at 7:30 PM by Supervisor Elizabeth R. Feldman. Members of the Board present were: Councilmembers Gregory G. Meyer, Jennifer Fields-Tawil, Angelo A. Manicchio and Matthew J. Weiss. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Martha C. Quituisaca and Deputy Town Clerk Jeaneth V. Guinansaca.

II. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

- This month is National Hispanic Heritage month. There are many events around the community celebrating this month.
- On September 27th I attended the Hudson Valley Regional Council conference. It was an extremely valuable learning experience and I accepted an award on the behalf of the Town of Ossining our commitment to the Westchester Climate Action Planning Institute. For more information, please refer to my Supervisor's Update.
- Senator Pete Harcham will be honoring outstanding members of the community including our very own Reverend Jeniffer Rodriguez of the First Presbyterian Church of Ossining. This Event will be held at 6PM on Thursday October 10th at the Hendrick Hudson Free Library in Montrose.
- The Project MOVER E-Bike program is going to be celebrating a Ribbon Cutting on the corner of Spring and Main Streets. This will be taking place on Wednesday October 9th at 4:30PM. If you are interested in learning more about Project MOVER and how to use the e-bikes, please visit projectmoverbikeshare.com
- Sing Sing Prison Museum is hosting a publication celebration of a new book "The Sing Sing Files: One Journalist, Six Innocent men, and a Twenty-Year Fight for Justice". For more information, please visit singsingprisonmueseum.org
- Westchester Collaborative Theatre is starting their Fall classes. Please visit the website wctheater.org for the schedule and more information.
- On October 9th Westchester County will be hosting the Diverse Abilities Job Fair at the Westchester County Center. There is a QR code to register as either a job seeker or provider on my supervisor's update.
- Teatown will be running a Fantastic Fossils event on Saturday, October 12th at 1:00PM for National Fossil Day!

- This upcoming Sunday October 13th will be the last Jug Tavern Walking Tour of the year! This tour goes into the detailed history of the Sparta homes over the past 200 years. We highly recommend calling in advance as spaces are limited.
- The Hope's Door Advisory Council is hosting "a Hopeful Evening" in observance of domestic violence awareness month. This event is to fundraise in order to help fight against domestic violence and protect our community. It will be held on October, 16th at 6PM. For more information, please visit the "Hope's Door" website or Facebook page.
- The Community Center in collaboration with Westchester Collaborative Theatre will be running the Haunted Kill on Friday October 18th from 6-10PM. Attractions include the "Trail of Terror" and live music!
- On Saturday, October 19th at 10AM, the Ossining Rec Department is running the Pet Parade! Come dressed up in costume with your dog, starting at Louis Engel Park and concluding at Henry Gourdine Park.
- On Sunday, October 20th the Westchester County Department of Emergency Services will be hosting the Fallen Firefighters Memorial Service at 10AM.
- Sustainable Westchester will be hosting a Westchester Power info session on October 21st at 12PM and 7PM on Google Meet. Scan the QR code on my supervisor's update or visit their website to register.
- Westchester Collaborative Theater is presenting "Terror Tales"! This short story play festival will be beginning on the weekend of October 25th at 8PM. For more information, please visit wctheater.org.
- The Community center will be hosting a Special Needs Kids Halloween Night Out on October 30th from 6:30-8:00PM. Crafts, snacks and games for the children and their caretakers.
- As always, our Ossining Public Library will be hosting a bevy of events including movies, craft events, meditation, tutoring, yoga, book clubs and more. Please see their website at ossininglibrary.org for more information.
- I would like to shout out the Loft LGBTQ+ Community Center. They have everything from events and programs to resources and presentations all dedicated to providing support to everyone who is a part of the LGBTQ+ Community. Please check out their website at loftgaycenter.org for more information.
- There are many fun and interesting events being held locally, and you can look at the weekly Supervisor's Update on the Supervisor's webpage to see them.

III. LIAISON REPORTS

IV. PRESENTATION

Presentation by Wilder Balter/WB 30 Water Street, LLC regarding proposed payment in lieu of taxes agreement for 30 Water Street project.

Presentation was given by Bill Balter Founder and President of WB 30 Water St. LLC, Jim Plaza Chief Operating Officer of the company and Ken Jurist – Lawyer for WB. LLC.

V. PUBLIC COMMENT ON AGENDA ITEMS

Visitors shall be accorded one (1) four (4) minute opportunity to address the Board on any of the resolutions on the agenda.

VI. BOARD RESOLUTIONS

A. Approval of Minutes – September 24, 2024

Councilmember Meyer moved and it was seconded by Councilmember Weiss that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the September 24, 2024 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Meyer moved and it was seconded by Councilmember Weiss that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated October 8, 2024 in the amount of \$629,968.08.

Motion Carried: Unanimously

C. Personnel – Appointment –Town Supervisor’s Office - Confidential Secretary

Councilmember Meyer moved and it was seconded by Councilmember Weiss that the following amended resolution be approved.

Resolved, that the Town Board of the Town of Ossining appoints Evan Rodriguez, Briarcliff Manor, to the position of Confidential Secretary in the Town Supervisor’s Office effective October 7, 2024 at an annual salary of \$44,000.

Motion Carried: Unanimously

D. Resolution Authorizing Supervisor to Execute Agreements Related to Payment In Lieu of Taxes for 30 Water Street

Councilmember Manicchio moved and it was seconded by Councilmember Weiss that the following resolution be approved.

WHEREAS, in response to a request for qualifications issued by the Village of Ossining (“Village”) in 2019, Wilder Balter Partners, Inc. (“Wilder Balter”) was selected to redevelop a contaminated and underutilized parcel not currently on the tax roll known as 30 Water Street (Section 89.19, Block 6, Lots 1 and 2) located in the incorporated Village (the “Property”); and

WHEREAS, Wilder Balter has received all necessary land use approvals to improve and develop the Property as follows:

1. Environmental clean-up under the NYS DEC Brownfield Cleanup Program
2. 108 affordable apartments between 30%-80% Area Median Income (AMI), plus one Superintendent’s unit – providing an opportunity for families of various income levels to live there
3. The completion of the Greenway Extension, connecting the Village center to the Ossining waterfront
4. 45 municipal parking spaces in the Property’s parking garage
5. 3,750 square feet of indoor community space, which will be programmed by the Village for public use
6. A linear park open to the public
7. Many sustainable features in the residential building – including geothermal heating/cooling, a large solar array and high efficiency equipment
8. Stormwater improvements on Village-owned land

collectively, the “Project”; and

WHEREAS, in order to facilitate the objectives of this Project, Wilder Balter’s affiliate, WB 30 Water Street, LLC (“WB”) will:

- acquire the Property from the Village and
- enter into an agreement with the Westchester County Industrial Development Agency (the “IDA”), which, in sum and substance, gives the IDA an interest in the Property in order to allow WB to avail itself of the ability to make annual payments in lieu of taxes (“PILOT”) instead of paying real property taxes; and

WHEREAS, as the assessing and collecting jurisdiction, the Town is being asked to execute the following:

- PILOT Agreement between the IDA and WB – as an acknowledgement but not as a party to the agreement
- PILOT Mortgage between the IDA and WB, as Mortgagors, with the Town’s acknowledgement, as Mortgagee, to secure WB’s obligation to make the PILOT and the Town’s (and the Village’s, County of Westchester’s and Ossining Union Free School District’s) interest in receiving same
- Subordination and Intercreditor Agreement and Consent to Encumber between the New York State Housing Finance Agency, WB, County of Westchester, the Town, Webster Bank N.A., and the IDA (“Subordination Agreement”)

collectively, the “Proposed Agreements”; and

WHEREAS, the PILOT will be \$228,900 for Year 1 (beginning, at the latest, upon the completion of construction of the Project) and increase annually to a payment of \$529,418 in Year 30; and

WHEREAS, under the Proposed Agreements, WB will be responsible for paying the annual PILOT to the Town and the Town will be responsible for distributing to all of the applicable taxing jurisdictions their respective proportionate share of the PILOT; and

WHEREAS, while the Town has been designated as a mortgagee, this is solely for the purpose of WB providing the Town with a secured interest in the PILOT on behalf of all of the applicable taxing jurisdictions, but the Town will not be providing any money or other resources to fund the Project; and

WHEREAS, the other applicable taxing jurisdictions also have the right and ability to enforce the PILOT Agreement and PILOT Mortgage as third-party beneficiaries and the Town is under no obligation to do so; and

WHEREAS, should the Town not receive a PILOT in any given year, the Town shall have no obligation to disburse its own funds to compensate the other applicable taxing jurisdictions for the amounts owed; and

WHEREAS, while the Town’s PILOT Mortgage is subordinate to certain mortgage loans WB is receiving to fund the Project, the PILOT has priority right of payment over all other mortgage loans; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Proposed Agreements in a form consistent with this Resolution and in a form satisfactory in substance to the Town Counsel and the Town Supervisor; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor, Town Counsel and any other applicable Town officers, employees and/or agents to execute any documents necessary to facilitate

recording the executed agreements with the County Clerk and collect and distribute the PILOT; and

BE IT FURTHER RESOLVED, WB shall immediately notify the Town when the event(s) provided in the PILOT Agreement occur such that Year 1 of the PILOT agreement commences.

Motion Carried
Nays: Meyer

E. Resolution to Urge EPA to Adopt a Not Protective Determination in its Third Five-Year Review Concerning the Hudson River PCB Cleanup

Councilmember Meyer moved and it was seconded by Councilmember Weiss that the following resolution be approved.

WHEREAS, the Hudson River is an American Heritage River and the Hudson River Valley is a National Heritage Area, the health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it; and

WHEREAS, for 30 years, from 1947-1977, General Electric (“GE”) dumped polychlorinated biphenyls (“PCBs”) into the Hudson River from two capacitor manufacturing plants located in the towns of Fort Edward and Hudson Falls, N.Y.; and

WHEREAS, as a result of GE’s PCB contamination, the U.S. Environmental Protection Agency (“EPA”) designated a 200-mile stretch of the Hudson River from Fort Edward to New York Harbor as a Superfund Site in 1984; and

WHEREAS, PCBs are man-made, bioaccumulative, persistent organic pollutants that have been linked to a wide variety of adverse health effects, including, among others: cancers, liver, and kidney disorders; reduced birth weight, conception rates, and live birth rates; persistent and significant deficits in neurological development, including visual recognition, short-term memory and learning; and developmental problems due to interference with thyroid hormone levels; and

WHEREAS, PCBs discharged by GE are still found at dangerous levels throughout the Hudson River ecosystem and as far south as New York Harbor: in soils and sediments within the river and the surrounding floodplains; in the living tissues of wildlife, from low-level organisms to larger animals such as birds and fish; and, periodically, suspended in the river itself or in the air; and

WHEREAS, in 2002 EPA selected a two-part cleanup plan to address in-river sediments in the Upper Hudson River, a 40-mile stretch of the Hudson River between Fort Edward and the Federal Dam at Troy, which called for targeted dredging of PCB-contaminated sediment from the river bottom, followed by an extended period of natural recovery; and

WHEREAS, the selected cleanup remedy was designed to reduce the dangerous health risks to humans and wildlife living in and near the Hudson River PCBs Superfund Site in an expedited time frame and reestablish the ecological and economic health of the Hudson River; and

WHEREAS, EPA’s original cleanup plan also focused on minimizing the long-term downstream transport of PCBs to the Lower Hudson River, a 160-mile stretch of the Hudson River from the Federal Dam at Troy to New York Harbor; and

WHEREAS, with the completion of dredging in 2015, the cleanup has transitioned from the dredging phase to the natural recovery phase; and

WHEREAS, federal Superfund law requires EPA to conduct a study every five years to evaluate the implementation and performance of the remedy to determine if the remedy is protective of human health and the environment; and

WHEREAS, on July 10, 2024, EPA released its draft third five-year review concluding that EPA needs more years of fish data to determine if the cleanup is meeting the expectations of the original cleanup plan; and

WHEREAS, EPA’s draft third five-year review report does not adequately address scientific data and analysis that show that there has been little improvement in fish and sediment PCB concentrations since the completion of dredging; and

WHEREAS, PCB concentrations in Upper Hudson River fish and sediment are not declining as anticipated by EPA to reach key remediation targets and adequately minimize the downstream transport of PCBs to the Lower Hudson River; and

WHEREAS, the continued presence of PCBs in the Hudson River has significantly diminished economic activity and recreational use and enjoyment of the river; and

WHEREAS, the understanding of the relationship between how much PCB was left behind in the sediments and the rates of recovery in sediment and fish needs to be updated to determine if further remedial work is necessary to protect human and environmental health; and

WHEREAS, the data available supports the conclusion that the selected remedy is not protective of human health and the environment. The human health and ecological risks are well in excess of EPA’s acceptable risk ranges, and will not be in the acceptable range for the foreseeable future; and

NOW THEREFORE BE IT RESOLVED, that the Town of Ossining, hereby urges the EPA to adopt a “not protective determination” in the third five-year review and acknowledge the failure of the Upper Hudson River remedy to meet the goals and objectives of the cleanup. EPA must begin the process of assessing additional remedial actions to protect the environment and our vulnerable communities along the Hudson River, who will otherwise continue to be exposed to toxic levels of PCBs for generations to come.

BE IT FURTHER RESOLVED, that a copy of this resolution will be sent to:

- US Environmental Protection Agency – Region 2 and Hudson River Field Office**
- New York State Governor Kathy Hochul**
- NYS Office of the Attorney General**
- NYS Department of Environmental Conservation**

Motion Carried: Unanimously

VII. MONTHLY REPORTS

Councilmember Meyer moved and it was seconded by Councilmember Weiss that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of September 2024:

- Cemetery**
- Highway Department**

- Supervisor's Office
- Tax Receiver
- Town Building Department
- Town Clerk

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

Visitors shall be accorded one (1) four (4) minute opportunity to address the Board on issues not relating to the agenda, but of relevance to the common good of the Town.

IX. ADJOURNMENT

At 8:13 P.M., Councilmember Meyer motioned to adjourn to Executive Session for matters of Advice of Counsel, and Contract and Councilmember Weiss seconded.

Motion Carried: Unanimously

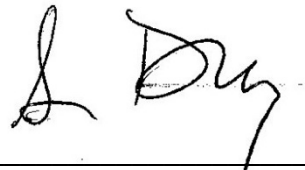
At 9:08 P.M., Councilmember Meyer motioned to leave Executive Session and Councilmember Weiss seconded.

Motion Carried: Unanimously

At 9:08 P.M., Councilmember Meyer motioned to adjourn the Regular Meeting and Councilmember Weiss seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk