

MINUTES
TOWN BOARD
TOWN OF OSSINING
IN PERSON AT
MUNICIPAL BUILDING
1st FLOOR CONFERENCE ROOM
16 CROTON AVE – OSSINING, NEW YORK
AND VIA VIDEO CONFERENCING

May 23, 2023
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

II. SPECIAL PRESENTATION

- **Town of Ossining 2022-2023 Draft Stormwater Annual Report- Mike Ritchie from Dolph Rotfeld Engineers**

III. DEPARTMENTAL REPORT

- **Tax Receiver Holly Perlowitz**

2023 town tax bills

- **Thus far we have collected 97.6% of the warrant.**
- **268 taxpayers haven't paid (2.6% of our 10,172 parcel Owners)**

2022 warrants

- **99.3% of the school and town/county warrants have been collected.**
- **61 2022 town and county tax bills are unpaid and 130 school tax bills are unpaid.**
- **Any unpaid 2022 tax bills will become a lien in July – a lien that will be filed with the county clerk and posted as prescribed by law.**

Discussing current liens

- **2016 through 2020 liens – involving 18 properties - are all either:**
 - **In a payment plan (we currently have 10 active payment plans)**
 - **Property owner has let us know they are forfeiting (one of those)**
 - **We already have a judgement in favor of us (one of those)**
 - **Will be moving forward with starting the process**

To foreclose on the remaining properties!

- **With regard to the 2020 liens which we are now moving forward with – we started with 138 liens being filed in 2020 – and we are down to 6 that we need to move forward on – just to give perspective.**
- **Further –**
- **2021 liens - started with 132 liens – down to 35 Properties**
- **2022 liens – started with 122 liens – down to 54 properties**

TOWN TAX OFFICE COLLECTIONS
OUTSTANDING TAXES AS OF 5/23/2023

	OUTSTANDING TAX			% OF WARRANT COLLECTED
	TOTAL WARRANT	RECEIVABLES	COLLECTIONS	
2023 TOWN AND COUNTY	\$ 33,405,401.42	\$ 817,884.48	\$ 32,587,516.94	97.6%
2022 TOWN AND COUNTY	\$ 32,590,607.35	\$ 164,722.65	\$ 32,425,884.70	99.5%
2022/2023 SCHOOL/LIBRARY TAX WARRANT				
1st INSTALLMENT	\$ 58,626,922.93	\$ 388,363.37	\$ 58,238,559.56	99.3%
2nd INSTALLMENT	58,626,859.34	554,364.87	58,072,494.47	99.1%
TOTAL SCHOOL/LIBRARY TAX	\$ 117,253,782.27	\$ 942,728.24	\$ 116,311,054.03	99.2%
TOTAL 2022 WARRANTS *	\$ 149,844,389.62	\$ 1,107,450.89	\$ 148,736,938.73	99.3%
DELINQUENT TAX LIENS				
2016		748.50	1 PROPERTIES	
2017		3,841.67	2 PROPERTIES	
2018		24,301.16	4 PROPERTIES	
2019		19,555.37	4 PROPERTIES	
2020		111,444.82	15 PROPERTIES	
2021		401,364.24	35 PROPERTIES	
2022		578,248.00	54 PROPERTIES	
TOTAL DELINQUENT TAX LIENS		1,139,503.76		
TOTAL OUTSTANDING TAX RECEIVABLES		\$ 3,064,839.13		

* 2022 OUTSTANDING TAXES RELATED TO 2022 WARRANTS WILL BECOME LIENS IN JULY 2023

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

V. LIAISON REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – May 9, 2023

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

Resolved, that the Town Board of the Town of Ossining hereby approves the May 9, 2023 minutes of the Regular Meeting as presented.

Motion: Carried

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 May 23, 2023 in the amount of \$1,468,245.37.

Motion: Carried

C. 2023 Cabaret License – Maya Riviera Bar and Restaurant

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

Whereas, Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor, in the Unincorporated Town of Ossining (the “Applicant”) has filed an application for a Cabaret License for the calendar year 2023; and

Whereas, in past years the Town Board authorized the Applicant to play amplified music indoors until 1 a.m.; and

Whereas, the Applicant again requests to be able to play amplified music until 1 a.m. every night; and

Whereas, the Town Board is authorized under Chapter 68 of the Town Code (Section 68-20(B)) to extend hours a cabaret may play amplified music beyond what is permitted in the Code where it deems it appropriate and consistent with the public safety and welfare; and

Whereas, the Town Board has reviewed the 2023 application and attachments thereto, and has solicited input from involved departments, including the Police Department and Building Department, both of which recommended granting the application; and

Whereas, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, May 9, 2023, at which time no members of the public appeared to speak on the application, and the public hearing was closed on May 9, 2023; and

Now therefore,

Be it Resolved, that the Town Board hereby approves the application of the Maya Riviera Bar and Restaurant for a Cabaret License for the calendar year 2023, subject to the following limitations and conditions:

- 1. The music played on site will consist only of (a) a Mariachi Band consisting of 3-5 members using guitars, trumpets, drums and/or other mariachi band instruments or (b) a DJ using a Karaoke Machine**
- 2. Amplified music shall be allowed every day of the week from 11:00 a.m. to 1:00 a.m.**
- 3. Amplified music shall only be allowed indoors.**
- 4. The Applicant shall comply with all applicable requirements of the Town Code.**

Be it further Resolved, the Town Board finds that based upon the lack of complaints from the public or the Town’s departments and the positive role the Applicant’s establishment plays in the community that it is appropriate and consistent with the public safety and welfare to allow the Applicant to play amplified indoors until 1:00 a.m., but reserves the right to revisit this determination in subsequent years and make any modifications to the hours during which amplified music is permitted that the Town Board deems reasonable based upon the circumstances presented at that time, and

Be it further Resolved, the conditions on this cabaret license are only for the 2023 calendar year and the Town Board reserves the right to modify, add to and/or eliminate any and all conditions when considering the Applicant’s application for a cabaret license renewal for the 2024 calendar year in accordance with Chapter 68 of the Town Code.

Motion: Carried

D. Personnel – Clerk’s Office – Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Jeaneth Guinansaca, Shrub Oak, to the position of Deputy Clerk in the Town Clerk’s Office effective January 1, 2023 at an annual salary of \$66,204.

Motion: Carried

E. Personnel – Highway Department– Promotion

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

Resolved, that the Town Board of the Town of Ossining hereby promotes Charles Bouton, Pleasant Valley, to the position of Lead Maintenance Mechanic (Automotive) in the Town Highway Department effective June 1, 2023 at an annual salary of \$96,990.

Motion: Carried

F. Stipulation of Agreement – International Brotherhood Teamsters Local 456

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

Be it resolved, that upon the recommendation of the Town Supervisor, the Town Board hereby ratifies and approves the Stipulation of Agreement between the Town and International Brotherhood Teamsters Local 456 related to the existing collective bargaining agreement.

Motion: Carried

**G. New York State Liquor Authority Special Event Permit Application—
RiverJam Summer Concert Series and Fireworks Celebration**

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

Resolved that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the Landlord Authorization Form for the New York State Liquor Authority Special Event Permit Application made by Sing Sing Kill Brewery, LLC, for the craft beverage corral at the RiverJam Summer Concert Series and Fireworks Celebration at Louis Engel Park on Fridays, July 3, 7, 14, 21, & 28, August 11, 18, & 25, September 1 & 8, 2023 with rain dates of the Sundays following the scheduled Friday dates; and

Be it further Resolved, that the applicant will provide proof of insurance and the letter of indemnity to the Town in a form acceptable to Counsel to the Town.

Motion: Carried

H. Approval of Contract – Village of Sleepy Hollow EMS

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to retroactively sign an agreement between the Mid-Hudson EMS District and the Village of Sleepy Hollow for the provision of Emergency

Medical Technicians to supplement Sleepy Hollow EMS, 12 hours per day at an hourly rate of \$42.79, effective June 1, 2022 through May 30, 2024.

Motion: Carried

I. Approval of Contract—Village of Croton on Hudson EMS

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement between the Mid-Hudson EMS District and the Village of Croton-on-Hudson for the provision of Emergency Medical Technicians to supplement Croton EMS, 24 hours per day at an hourly rate of \$39.19, effective June 1, 2023 through May 30, 2024, subject to approval by Counsel to the Town as to form.

Motion: Carried

J. Approval of Contract – Village of Briarcliff Manor

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with the Village of Briarcliff Manor, 1111 Pleasantville RD, Briarcliff Manor, NY 10510 for the paving of the portion of Tappan Terrace located in the incorporated Village.

Motion: Carried

K. Approval of Contract – BidNet

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with BidNet, a division of International Data Base Corp, 15 British American Boulevard, Latham, New York, 12110 for on-line bidding services.

Motion: Carried

L. Resolution – Stormwater Control Facility Maintenance Agreement

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

WHEREAS, as a condition of the subdivision approval dated September 21, 2021 granted by the Planning Board for 51 and 51A Croton Dam Road, Yellow Jug Corp. (as the Applicant) is required to enter into a Stormwater Control Facility Maintenance Agreement to ensure the applicant constructs, maintains, repairs and/or replaces, as necessary, stormwater management and erosion control facilities that are part of the subdivision; and

NOW THEREFORE,

BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute the Stormwater Control Facility Maintenance Agreement with Yellow Jug Corp. and any other documents reasonably necessary to facilitate

the objectives of this Agreement, including recording this Agreement with the County Clerk.

Motion: Carried

M. Town IT Policy – Use of Private Electronic Devices

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

RESOLVED, the Town Board hereby authorizes all officers, employees and volunteers who are duly-authorized to conduct Town business but are not provided with a Town-issued device to use their private electronic devices so long as they otherwise comply with the Town’s IT policy.

Motion: Carried

N. Tax Payment Plan – 79 Croton Ave

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

WHEREAS, the Town of Ossining is required to collect County and School District taxes with the onus on the Town to make these taxing jurisdictions whole for any uncollected taxes; and

WHEREAS, the Town Board, pursuant to Chapter 180, Article 5 of the Town Code, as authorized by New York Real Property Tax Law Section 1184, may enter into an installment plan for payment of all delinquent taxes, as well as interest and penalties, and the Town Board does occasionally, and at its sole discretion, grant such a plan, provided the owner, the property and the payment plan meet the requirements of the Town Code and State Law;

WHEREAS, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for delinquent taxes on the property at 79 Croton Ave, Tax Parcel ID 89.15-3-35, which proposed payment plan complies with the Town Code and State Law; and

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby grants the aforementioned payment plan to the owner of the property at 79 Croton Ave, with the understanding that this sets no precedent going forward for this or any other property in the future; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Receiver of Taxes to enter into an agreement with the owner of 79 Croton Avenue to facilitate the objectives of this resolution.

Motion: Carried

O. Resolution – Tax Certiorari Settlement – Wells Fargo

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

BE IT RESOLVED, at the recommendation of the Town Assessor and the Town Special Counsel and finding it to be in the best interest of the Town, the Town Board approves the settlement of the tax certiorari proceedings pending as Wells Fargo v. Assessor of the Town of Ossining et al.

(Westchester County Supreme Court Nos. 65400/2019) for the properties located at 1050 Pleasantville RD (Section 98.10, Block 1, Lot 51) as set forth in the proposed consent judgment with a refund issued by the Town in the amount of \$338.09; and

BE IT FURTHER RESOLVED, the Town Supervisor, Town Assessor, Town Receiver of Taxes, Town Comptroller, Town Tax Certiorari Attorney and other relevant staff are authorized to take the necessary and appropriate actions to execute, file, process and make payment of the aforementioned settlement.

WELLS FARGO						
1050 PLEASANTVILLE RD						
Index No. 65400/2019						
Muni 554201		Section 98.10-1-51				
Assessment Year	Tax Year	Original Assessment	Reduced Assessment	Reduction	Town Gen'l Rate	Town Refund
2019	2020	2,744,900	2,300,000	444,900	0.759922	338.09
					Total:	338.09
					Town General Fund Refund	\$338.09
					Total Town Refund	\$338.09

Motion: Carried

P. Authorize to Bid – Cedar Lane Arts Center Roof

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

Resolved, that the Town Board of the Town of Ossining hereby issues a request for bids for the roof at the Cedar Lane Arts Center, with bids due back to the office of the Town Clerk.

Motion: Carried

Q. Resolution – Support for State Law to Decommission Nuclear Power Plant Discharges into The Hudson River

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

WHEREAS, the Town of Ossining is located on the Hudson River and also owns property, including Louis Engel Park and the Ossining Boat and Canoe Club, which is situated on the Hudson River; and

WHEREAS, the Hudson River serves as a drinking water source for over 100,000 New Yorkers and is a source of recreation for many Town residents, including swimming and boating; and

WHEREAS, the potential release of radioactive contaminants from nuclear power plants to our State's most influential river is an urgent matter to the Town; and

WHEREAS, exposure to toxic substances and radioactive material poses not only a possible health risk, but also a serious economic risk to our communities with potential negative impacts on real estate values and potential negative impacts to our local businesses from tourism related to the Town's proximity to the Hudson River; and

WHEREAS, to protect the health and economic well-being of its residents, New York must take a strong stance against radiological dumping in connection with the decommissioning of nuclear power plants into State waters; and

WHEREAS, as climate change continues to threaten us, our water sources will serve as a competitive edge to resiliency and we must ensure they are protected and preserved; and

WHEREAS, existing regulations represent the minimum protections the State is required to provide and must evolve over time to be more protective; and

WHEREAS, State Senator Pete Harckham has sponsored a bill (S6893) and Assemblywoman Dana Levenberg has sponsored a bill (A7208) to amend the Environmental Conservation Law in relation to decommissioning nuclear power plant discharges into the Hudson River; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby expresses its unanimous and unequivocal support for Senate Bill S6893 and Assembly Bill A7208 and asks the State Legislature and the Governor to support the passage of this much-needed legislation; and

BE IT FURTHER RESOLVED, the Town Board hereby directs the Town Clerk to circulate certified copies of this resolution to appropriate local, County and State officials and legislators.

Motion: Carried

R. Resolution – Support for State Law to Designate Uniformed Court Officers in the Town of Ossining as Peace Officers

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

WHEREAS, State Senator Pete Harckham has sponsored a bill (S2991) and Assemblywoman Dana Levenberg has sponsored a bill (A5656) to amend the Criminal Procedure Law, in relation to designating uniformed court officers in the Town of Ossining, county of Westchester as peace officers; and

WHEREAS, the legislation would allow the Ossining Town Court to mirror what the Ossining Village Court had in place before the courts merged as there are different rules for village courts; and

WHEREAS, the Ossining Town Court is heavily occupied and the signing of this legislation into law would allow court security staff to carry firearms which will increase the safety of Town court staff and individuals in attendance; and

WHEREAS, the Ossining Town Board believes that this legislation is necessary for maintaining a safe court setting for judges and court staff, and for those that come before the court, while also financially benefitting our taxpayers; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby expresses its unanimous and unequivocal support for Senate Bill S2991 and Assembly Bill A5656 and asks the State Legislature and the Governor to support the passage of this much-needed legislation; and

BE IT FURTHER RESOLVED, the Town Board hereby directs the Town Clerk to circulate certified copies of this resolution to appropriate local, County and State officials and legislators.

Motion: Carried

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

IX. MONTHLY REPORTS:

Councilmember Meyer moved and it was seconded by Councilmember Weiss that the following monthly reports be received.

- Tax Receiver
- Town Highway Department
- Dale Cemetery

Motion: Carried

X. VISITOR RECOGNITION

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

XI. ADJOURNMENT

At 8:15 P.M., Councilmember Meyer motioned to adjourn to Executive Session for personnel, contract and advice of counsel, and Councilmember Weiss seconded.

Motion Carried: Unanimously


At 9:31 P.M., Councilmember Meyer motioned to leave Executive Session and Councilmember Manicchio seconded.

Motion Carried: Unanimously

At 9:31 P.M., Councilmember Meyer motioned to adjourn the Regular Meeting and Councilmember Manicchio seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk