



**TOWN BOARD
TOWN OF OSSINING
OSSINING MUNICIPAL BUILDING
16 CROTON AVE. -1ST FLOOR BOARD ROOM
OSSINING, NEW YORK**

**JULY 26, 2016
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

COUNCILMEMBERS

**Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey 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 July 26, 2016 at the Ossining Municipal Building, 16 Croton Avenue in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Northern Wilcher, Jr. and Kim Jeffrey. Councilmember Karen D'Attore was absent. Also present were Town Counsels Steven Silverberg, Christie Tomm Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARINGS:

- **Public Hearing in the matter of the 2016 Cabaret License for Ballroom Studio of Westchester**

At 7:32 P.M., The public hearing was open.

Good evening, everyone. Tonight, we are beginning with three public hearings, so let's get right to it. Out first is a Public Hearing for the Ballroom Studio of Westchester on North State Road, who is coming for their first cabaret license with us.

Barbara Antes the owner of Ballroom Studio of Westchester addressed the Town Board relating to her application. She has been in the business for more than 17 years and has facilities in Mount Kisco and Pleasantville and caters to mature individuals.

Councilmember Jeffrey questioned whether she had sound testing done.

Town Counsel Silverstein stated that the decibel levels must be addressed. You should hire a company who specializes in this type of thing. Also check with John Hamilton in the Building Department.

Councilmember Wilcher reminded her that that the Town does have a Noise Ordinance.

This public hearing has been adjourned to August 23rd.

At 7:35 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the public hearing be adjourned to August 23, 2016.

- **Public Hearing in the matter of the 2016 Cabaret License for Briarcliff Manor Restaurant & Catering Corporation**

At 7:35 P.M., The public hearing was open.

Next, we have The Briarcliff Manor up on Studio Hill Road, who is also seeking a Cabaret License, this one is a renewal.

Ellen Kahan, Ganung Drive, stated that it was refreshing working with Perry. Perry came to my house and listened to the noise level and agreed that it could be heard at my residence. He is putting up a barrier between his restaurant and her home. She is in complete support of this license.

Mindy LeMarre, Haymont Terrace, questioned the length of the license and was told that it is for 1st year from January 1st – December 31st. They have been having music since January 1 without a cabaret license. The music does get very loud but she has not called the police. She also questioned the recent Poker Night.

Luis Spirero attorney for this establishment stated that the renewal is in full compliance of the stipulation.

Ms. LeMarre stated that in the preceding September they should have applied for a renewal. Ms. LeMarre has not had any noise complaints.

Councilmember Feldman questioned when the churches have poker night do they get a permit.

Town Clerk, Mary Ann Roberts explained the churches get a license from New York State and then our Police Department reviews the application.

Town Council Silverberg questioned when the proposed buffer work is estimated to begin. The attorney responded the end of August.

At 7:50 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the public hearing be closed.

- **Public Hearing in the Matter of Local Law #8 of 2016- Residential Reassessment Exemption**

At 7:50 P.M., The public hearing was open.

Finally, we have a Public Hearing on Local Law #8 of 2016, which is the revaluation phase-in legislation. The premise of this local law is to allow homeowners who are STAR eligible, have no outstanding Tax or Building Department issues, and whose tax burden is expected to increase in excess of 25% as a result of the revaluation, to apply for a special exemption that will “phase in” their tax increase over the coming years. While the revaluation was long overdue, we are aware of the fact that it has been the will of the Boards, not of the residents, to maintain the status quo for 40+ years, and this legislation gives us the opportunity to allow folks to make alternate arrangements if their new tax burden is something their families will struggle to handle.

Supervisor Levenberg read the initial pages of the law which will offer little relief at the receiving end of the increase.

Councilmember Feldman stated that the local law in on the Town of Ossining website.

Councilmember Jeffrey questioned how it will be advertised. Assessor Fernando Gonzalez stated that he is already receiving calls and that the applications will be available shortly on line as well as in the Assessor’s office. There are 572 properties

that meet the criteria. Taxes must be verified to be sure that they are up to date on their taxes which pertains to 1, 2 and 3 family homes.

Councilmember Jeffrey questioned when the Board of Assessment Review Board will be complete. Mr. Gonzalez stated that by September 15.

Donald McCloud, North State Road, questioned what documents are required to apply such as deeds, etc. The Assessor's office will verify with the Building Department.

At 8:10 P.M., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

III. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

I just have a few quick announcements before we start the meeting tonight. On Friday night, don't miss Timbawah, the next artist at our Waterfront Concert Series! The music will begin at 7:00 P.M. this Friday night at Louis Engel Waterfront Park. Come down and beat the heat with some cool tunes.

- Gullotta House will be hosting Ossining Family Fun Day and Music Fest at Nelson Park on Saturday, July 30th between 12 noon and 8:00 P.M. Come on down for food, crafts, face painting and music, all for a great cause!
- On Sunday, July 31st, Shattemuc Yacht Club will be hosting Ladies Kayak Day. There is a requested donation of \$10, and all proceeds go to the SPCA of Westchester. Please bring your kayak or canoe! The event begins at 10AM, and lunch will be provided after the paddle.
- My final announcement is that the Town's Foreclosure Auction is scheduled for Thursday, August 10th at 1:00 P.M. right here in the 16 Croton Avenue Boardroom. At this time, it appears that 4 properties will be up for auction. You can find more information on the Town website homepage.

IV. LIAISON REPORTS

Councilmember Jeffrey attended a Zoning Board of Appeals meeting in New Castle relating to the Sunshine Home expansion of beds. The Zoning Board of Appeals has issued a go ahead to proceed with the expansion. There are outstanding issues regarding construction truck routes – traffic flow to Route 9 to 133 and/or 134. The sewage line increase in gallons per day. We are requesting a full environmental impact statement be done. New Castle frontage is on the main road.

Councilmember Feldman reported on the OVAC Meeting with Dr. Seebacher declare "Health Care Hero" by Westchester magazine. He is chairman of the Mid-Hudson Ambulance District.

V. DEPARTMENTAL REPORTS

- Departmental Reports (Mario will be here later for the Capital presentation)

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Jeffrey 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 July 12, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 Voucher Detail Report dated July 26, 2016 in the amount of \$ 389,830.75

Motion Carried: Unanimously

C. Approval of 2016 Cabaret License-Riviera Bar and Restaurant,-518 North State Road Briarcliff Manor, Town of Ossining

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

Whereas, the Maya Riviera Bar and Restaurant has filed an application for a Cabaret License for the calendar year 2016; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department;

Whereas, on July 12, 2016, the Town Board opened a Public Hearing on the subject cabaret application, at which time all persons interested were given an opportunity to speak on behalf of or in opposition to the cabaret application, and the public hearing was closed on July 12, 2016; now therefore be it

Resolved, that the Town Board of the Town of Ossining hereby approves the application of the Maya Riviera Bar and Restaurant, 518 North State Road Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions: Mariachi Band consisting of 3-5 members using guitars and a trumpets. DJ using a Karaoke Machine shall be allowed on Monday through Sunday evenings from 11:00 a.m. until 1:00 a.m.

Motion Carried: Unanimously

D. Receiver of Taxes: Property Redemption, 12 Ellis Place

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

Whereas, on June 28th, 2016, the Town Board of the Town of Ossining authorized a list of properties with delinquent taxes to be scheduled to be sold at auction on August 10th, 2016; and

Whereas, on June 14th, 2016, the Town Board of the Town of Ossining passed a resolution allowing the owner to redeem the property for \$50,186.68, but that amount has since changed based on accruing penalties during the month of July, resulting in the new amount to redeem being set at \$50,693.91, which includes all principal, penalties and the 10% premium; and

Whereas, the Town Board, at its discretion, may remove a property from the list if full payment, including a 10% redemption penalty, is tendered and cleared prior to July 31st, 2016; and

Whereas, the owner of 12 Ellis Place Avenue has come forward and paid the full lien amount, plus interest and penalties;

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby orders the Receiver of Taxes/ Enforcement Officer to remove the following property from the list of parcels to be auctioned on August 10th, 2016;

House and Property at 12 Ellis Place, Tax I.D. # 89.19-3-35

And be it Further Resolved, that the Town Board reserves the right to evaluate future requests of a similar nature on a case-by-case basis.

Motion Carried: Unanimously

E. Receiver of Taxes: Property Redemption, 25 Hawkes Avenue

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

Whereas, on June 28th, 2016, the Town Board of the Town of Ossining authorized a list of properties with delinquent taxes to be scheduled to be sold at auction on August 10th, 2016; and

Whereas, the Town Board, at its discretion, may remove a property from the list if full payment, including a 10% redemption penalty, is tendered and cleared prior to July 31st, 2016; and

Whereas, the owner of 25 Hawkes Avenue has come forward and paid the full lien amount, plus interest and penalties;

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby orders the Receiver of Taxes/ Enforcement Officer to remove the following property from the list of parcels to be auctioned on August 10th, 2016;

House and Property at 25 Hawkes Avenue, Tax I.D. # 89.8-1-20

And be it Further Resolved, that the Town Board reserves the right to evaluate future requests of a similar nature on a case-by-case basis.

Motion Carried: Unanimously

F. Town Parks: Waiver of Rental Fee for Engel Park- Ossining Chamber of Commerce

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

Whereas, the Town of Ossining charges a fee to residents and organizations who wish to rent a Town Park; and

Whereas, the Town Board of the Town of Ossining has been approached by the Ossining Chamber of Commerce, a non-profit organization, about renting Louis Engel Park for their annual Lobster Fest, scheduled for August 27th, 2016, and has requested a waiver of the deposit for the park rental;

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned deposit waiver, with all other requirements of the park rental permit remaining in place;

And be it Further Resolved, that the Town Board reserves the right to evaluate all similar requests on a case-by-case basis going forward.

Motion Carried: 3-1-0
Ayes: Feldman, Wilcher,
Levenberg
Abstain: Jeffrey

G. Town Board- Change in Meeting Schedule for August 2016

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

Whereas, on Tuesday, June 28th, 2016, the Town Board passed a resolution moving several meeting dates throughout the months of July and August 2016; and

Whereas, one of those dates needs to be changed;

Therefore, be it Resolved, that the Town Board Meeting scheduled for Tuesday, August 9th 2016 at 7:30 at the Birdsall/Fagan Police- Court Facility will be moved to Monday, August 8th, 2016 at 8:30AM in the 3rd Floor Conference Room at 16 Croton Avenue.

Motion Carried: Unanimously

H. Adoption of Local Law #8 of 2016- Residential Reassessment Exemption

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

Resolved that the Town Board of the Town of Ossining adopts f Local Law #8 of 2016- Residential Reassessment Exemption as presented.

Roll Call Vote-4-0-0
Ayes: Feldman, Wilcher, Jeffrey &
Levenberg

VIII. ADJOURNMENT-Work Session

At 8:30 p.m. Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Legislative meeting be adjourned to Work Session meeting:

Presentation of 2015 Town Audit: Robert Daniele, O'Connor Davies

Supervisor Levenberg stated that Rob Daniele from O'Connor Davies is here to go over the Town's 2015 audit with us. I know he has some good news to share, so I will let him get right to it, but please remember that the PDF of the entire audit is posted on the Town's website for your review in the event that the text on your television screen is unclear.

Mr. Daniele provided a brief layout of the audit. Mr. Daniele reviewed the various funds. The Town is required to report its post-employment benefits. There are certain schedules required for pension reporting but they are part of the financial statements. Mr. Daniele reviewed the general fund and regular budget. The Town generated \$5.5

million in revenues. Fines and forfeitures are down about \$83,000. The Town general was able to generate a surplus of \$200,000.

In closing, Mr. Daniele was happy to report that there are no significant deficiencies or weaknesses to report.

Supervisor Levenberg thanked our Finance Department and O'Connor Davies for getting the work together and Supervisor Levenberg thanked the previous Town Board and Finance Department for getting everything in place.

Capital Planning for Town Parks and Dale Cemetery

Supervisor Levenberg advised that as the economy has declined in recent years, coupled with the tax cap, municipalities have been forced to cut back, and unfortunately, our open spaces are too often the victim, as they are not always considered to be "vital" to the running of the Town. Despite valiant efforts by our employees, our park spaces have continued to deteriorate at a speed that outpaces our ability to raise funds under the tax cap to fix them. We have worked with a variety of our talented employees to really nail down our needs in the coming years, and we have a short presentation that will demonstrate what we're up against. I will then ask the Board to join me in a discussion about what next steps we should take.

Parks Foreman, Mario Velardo presented the following:

Capital Needs Assessment: Town Parks & Dale Cemetery

Gerlach Park Pavilion #1

- Engineering New ADA- Compliant Walkway
- Blacktop
- New Grill*
- Drainage*
- Basketball Court/ Hoops*

Cost: \$66,500

Gerlach Field Lighting #2A

- Replace Lighting Structure at Ballfield

Cost: \$150,000

Gerlach Field Sprinkler System #2B

- Sprinkler System for Ballfield

Cost: \$10,000

Gerlach Field Drainage/Bleachers:#2

- Drainage/ Piping/ Rip Rap behind Ballfield*
- Slabs for Bleachers*

Cost: \$3,700

Ryder Park Pavilion #3

- Blacktop
- Drainage*
- New Grill*
- Plantings
- Trap Rock Next to Basketball Court*

Cost: \$37,800

Ryder Park Ballfields #4:

- Concrete Slabs*
- Drains and Pipe for Finch Dugout*
- Paint Finch & Briarcliff Dugouts*
- Pipe & Trap Rock Brook*

Cost: \$15,100

Ryder Park Tennis Courts #5:

- Replace Tennis Court Piping: \$2,500*
- Tennis Court Repair: \$100,000

Cost: \$102,500

Ryder Park Restrooms #6:

- Sewer Tie-In:
 - Lower restroom*
 - Upper restroom*

Cost: \$50,000

Louis Engel Park: #7

- New Small Grills*
- Permanent Spotlights on Comfort Station
- ADA- Compliant Kayak Launch
- Additional Kayak Storage
- Sprinkler System
- Rehab of Beach*
- Dock Extension/ Pilings

Cost: \$27,200

Covered by Grant: \$15,000

Spray Park: #8

- Spray Park Water Recirculation
- Resurfacing Spray Deck
- Dig/ Pave Parking for Spray Deck*

Cost: \$210,000

Cedar Lane Park Pavilion: #9

- Blacktop
- Drainage*
- New Grill/ Slab*
- Install Sidewalk to restroom*
- New Restroom

Material Cost: \$63,100

Cedar Lane Park Pond: #10

- Pond Fencing
- Walking Trail*
- Two New Docks
- Basin Tops/ Drainage/ Paving

Covered by Grant: \$85,000

Cost: \$160,000

Cedar Lane Park Field/Dog Park: #11

- **Level off Football/ Soccer Field***
- **Sprinkler System**
- **Solar Lights at Dog Park***

Cost: \$17,000

Reuben House: #12

- **Asbestos Removal**
- **Demolish House**

Cost: \$150,000

Reuben House: #13

- **Farm to Table Restaurant/ Outdoor Kitchen**

Cost: \$500,000

Buck Johnson Park: #14

- **Retaining Wall**

Cost: \$5,000

Sally Swope Park: #15

- **Drainage***
- **Plantings***

Cost: \$4,500

All Parks:

- **12 Pet Waste Eliminators: \$2,400***
- **Updating Bathroom Fixtures: \$5,000***
- **40 New Concrete Garbage Containers with Metal Lids: \$6,000***

Material Cost: \$13,400

Equipment:

- **Excavator: \$65,000**
- **Bobcat Skid Steer: \$50,000**
- **225 Gallon Seal Coating Machine: \$4,000**
- **4600 Self Propelled Pavement/ Field Striping Machine: \$3,500**
- **60 Inch Tiger (Trade in oldest Exmark Mower): \$9,000**
- **Plate Compactor with Water Tank: \$1,500**

Total Cost: \$133,000

Dale Cemetery Sitework:

- **House/ Office Exterior Rehab: \$30,000**
- **Drainage and Paving Work: \$100,000**
- **Section Signs and Posts: \$10,000**
- **Stone Wall Repairs: \$40,000**
- **Fencing and Screening: \$7,000**

Material Cost: \$157,000

Covered by Grant: \$30,000

Dale Cemetery Equipment:

- **New Vehicle for Superintendent: \$40,000**
 - **Rock Hammer for Excavator: \$10,000**
- Total Cost: \$50,000**

Supervisor Levenberg advised that the next step would get feedback from the Board in writing and help from our Finance Department.

Planning and Zoning Analysis- David Stolman, FP Clark

Supervisor Levenberg stated that running parallel to our Moratorium, we have been examining our Zoning and Planning policies and procedures in the Town to make sure we are following the intentions of our Comprehensive Plan. We have asked our Planner, David Stolman from FP Clark, to present us with his findings, which will take a look at the recommendations from the Comprehensive Plan and help us decide if they should be moved to the next stage in the process, which would require making changes to our Zoning code.

Mr. David Stoleman explained that they're eight remaining issues in the development and redevelopment of the comprehensive plan.

Mr. Stoleman discussed the setbacks on North State Rd.

Supervisor Levenberg stated that her personal belief would be to encourage some different street scaping or more of a welcoming experience. Supervisor Levenberg also suggested that Mr. Stoleman forward the Board information regarding setbacks and a pictorial and to discuss the difference between a setback and a buffer.

Mr. Stoleman discussed consideration to change Maryknoll Zoning District.

All members of the Board were in favor of changing the zoning at Maryknoll. The Board did provide some recommendations as well. Supervisor Levenberg explained that some of the recommendations may impact our school district, environment and exclusionary zoning.

Mr. Stoleman discussed changing the zoning designation and permitted usage for the general business and neighborhood commercial district.

Mr. Stoleman advised that the first step would be that the Town Board agrees to all or some of these uses presented.

Mr. Stoleman discussed the definitions but agreed that there is not much that needs to be changed with the definitions.

Councilmember Jeffrey does not want any more self-storage facilities built.

Supervisor Levenberg questioned the number of dry cleaners.

Mr. Stoleman advised that this is a low scaled structure. There are so many uses permitted in the district. Mr. Stoleman doesn't see why we can't remove the number of storage facilities.

Councilmember Feldman questioned if the Town allowed bed and breakfast. Mr. Stoleman advised that the Town does allow bed and breakfast.

Amending Cabaret-Mr. Stoleman listed the land use requirements/limitations of the bar restaurants with music, etc...

Mr. Stoleman advised that he needs to have more feedback on what seems to be working. There may be certain deficiencies that need to be corrected.

Supervisor Levenberg explained that the Board will discuss this in Executive Session.

Consideration to amend the bulk regulation zoning law to ensure that adequate standards are included to address McMansions being built in residential neighborhoods.

Supervisor Levenberg we are trying to establish the continued character that we want the Town to be we should document it and if there is a lot of push back we will take that into account and make the decision.

At 11:10 p.m. Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Work Session meeting be adjourned to Legislative meeting.

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following:

- Planning Board Meeting Minutes dated 6/15/16
- Planning Board Meeting Minutes dated 5/18/16

Motion Carried: Unanimously

X. MONTHLY REPORTS

XI. VISITOR RECOGNITION

XII. ADJOURNMENT

At 11:20 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the meeting be adjourned

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Village Clerk