



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
AUGUST 28, 2018**

**7:30 P.M.**

**SUPERVISOR  
Dana A. Levenberg**

**COUNCILMEMBERS  
Karen M. D’Attore Elizabeth R. Feldman  
Jackie G. Shaw Northern Wilcher, Jr.**

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

Supervisor Levenberg welcomed everyone to the August 28, 2018 Regular Meeting and Work Session of the Town Board of the Town of Ossining, please rise and join me for the pledge of allegiance. Supervisor Levenberg asked that we observe a moment of silence in memory of Senator John McCain, a statesman who put the country above himself in his service, and who really did model the attitude and type of behavior we respect in governor and aspire to. He has set a high bar but an important one, especially at this time in our country. Our hearts go out to his family at this difficult time.

The Regular Meeting of the Town Board of the Town of Ossining was held on August 28, 2018 in the Birdsall-Fagan Police Court Facility, 86-88 Spring Street, in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth Feldman, Karen D’Attore Northern Wilcher, Jr. and Jackie G. Shaw were present. Also present were Town Counsel Christie Tomm Addona, Budget Officer Madeline Zachacz, Town Planner David Stolman, and Deputy Town Clerk Ann Marie Rocco.

**II. PUBLIC HEARINGS IN THE MATTER OF:**

*(Visitors shall be accorded one (1) four (3) minute opportunity to address on each public hearing)*

- **Public Hearing- Local Law #4-Regulating Use of Leaf Blowers**

At 7:32 pm, the Public Hearing was opened.

Supervisor Levenberg stated that Public Hearing- Local Law #4-Regulating Use of Leaf Blowers—We are one of a handful of municipalities left in Westchester that has not adopted a law regulating the use of leaf blowers. The one we are proposing would go into effect in May of 2019 and basically limits use during the summer months, with some restrictions on the loudness of the blower during the leaf season. We have received comments to ask that we make it more restrictive, as well as those asking us to make it less so. Our Counsel to the Town, Christie Tomm Addona has taken the comments from our recent work session and incorporated them into a revised version of this proposed law, simplifying it. Ms. Addona, would you like to highlight some of the changes? Then we can open it up for public comment.

Town Counsel Christie Tomm Addona provided some highlights to the law and that we are limiting it to gas leaf blowers at this time. The Town Supervisor could declare an exemption during emergency situations. The Supervisor’s Office may also grant permits during special circumstances.

Judy Karten Hudson Watch is on 15 acres and questioned where does Hudson Watch fit into this law?

Town Counsel Christie Tomm Addona said we will need to think about properties like this and see where they fit in.

Judy Karten stated that the property does require a lot of maintenance. We would like very much to ask for a provision to exclude Hudson Watch. Ms. Karten explained that we have a lot of trees and grass clippings and we have a company that takes 2 days to clean up bad weather.

Supervisor Levenberg suggested mulching in place as an alternate technique and the Town has been taking advantage of this method in the Parks Department. There are two factors that come into play with this law, 1. Noise and 2. Environmental.

Donna Sharratt Morningside Dr. thanked the Board, Consultants, and lawyers for all their work on this law. Ms. Sharratt agreed that mulch mowing would be a great solution. Leaf Blowers is bad for the soil and it is not good to breathe in the smoke and agrees with the use of electric leaf blowers. Ms. Sharratt suggested that we educate the schools regarding this law.

Scott Gallery Revolutionary Road and owns a landscaping business. Mr. Gallery questioned the Board if this is for an environmental and noise issue then why are we using leaf blowers in the Parks and in the municipality?

Colin Gribbin Murray Lane stated that he will break this law between 20 and 50 times per day and questioned to enforce this law how many more officers will you need to hire and at what cost? Mr. Gribbin stated that if he receives a summons, he will give the summons to his client to pay. The DEC requires us to blow off all hardscapes after each application.

At 7:47 p.m., Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the Public Hearing be adjourned to September 12, 2018.

- **Public Hearing- Local Law #5-Accessory Apartments**

At 7:47 pm, the Public Hearing was opened.

Supervisor Levenberg stated that Public Hearing- Local Law #5-Accessory Apartments—In response to a request from our building inspector, we decided to address accessory apartments again. We know it had been brought up a few years ago, but we think there is still a need for this local law to be expanded. The town already allows very limited sized apartments in primary structures. This new law would allow someone to add to an accessory structure, such as a garage, also in rather limited fashion, only 800 square feet or 33% of the total square feet of the living space, whichever is less. The zoning board would also still have the ability to say no if they believe there are too many of these in a particular area. David Stolman, our planner, is here as well.

Mr. Stoleman advised that a dwelling with a two family apartment is not an accessory home. The home with the accessory apartment still needs to maintain the appearance of a single family home, there can only be one entrance on the front or on the front side of the principle building all other entrances will be on the side or the rear. The size of the apartment can only be a maximum of 2 bedrooms.

At 7:52 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned to September 12, 2018.

- **Public Hearing- Local Law #6-Solar Energy**

At 7:52 pm, the Public Hearing was opened.

Supervisor Levenberg stated that Public Hearing- Local Law #6-Solar Energy— Again, we are somewhat behind the eight ball on this one. Many municipalities in the county have adopted the State’s recommended uniform solar code to make it easier for people and businesses to make the choice to switch to solar. There are three levels of solar we are trying to work into the code: roof mounted, ground mounted, and solar farms. Each of them has restrictions specific to the benefits and potential detriments that could occur with their installation. As it happens there are a few companies that are interested in some parcels of land in the Town that are zoned residential for possible development as a solar farm. I have heard comments that the Town is advocating clear cutting wooded parcels so we can have solar farms. That is a misrepresentation. We are certainly in the process of considering what, if anything, could work on parcels that are zoned residential. I am hoping the same people who are advocating for us to be considerate of the overcrowding in our schools will also consider the options a developer might have, to build more homes, which would of course require quite a lot of trees to be cut, versus building a solar farm with minimal impact on roads, infrastructure or schools, and of course having the other benefit of providing sustainable energy. We understand trees would be coming down with any sort of currently zoned development, so this is another option we believe we should consider.

Mr. Stoleman discussed some of the key components of the proposed code and the 3 types of solar energy systems. Tier 1 –Roof mounted solar energy systems. Tier 2- small mounted energy system and these would be subject to site plan approval. Tier 3-Larger solar energy system such as a solar farm. Tier 1 would be allowed in all the various zoning districts and no minimum lot size. Tier 2- would be allowed in all the zoning districts and there is a minimum lot size for the zoning district. There are many standards that can be used to protect the environment.

Wendy Masserman Morningside court. Ms. Masserman is in favor of solar energy and For Kids Only has had solar energy since 2011. Ms. Masserman expressed her concerns about a solar company that would like to build a solar farm on Somerstown Road. Ms. Masserman is asking the Town to stand firm on the tree code and the steep slope code. This particular property is filled with trees and steep slopes. Ms. Masserman want to make sure that the codes that are passed are made to protect the residence.

Donna Sharratt is concerned about changing the laws are relaxing the tree law.

Donna Sharrett shared the following comments:

Dear Supervisor Levenberg and Town Board members,

Please consider my following comments in addition to my previously submitted comments for the public hearing for the proposed solar legislation. These additional comments respond to comments made regarding a proposed solar farm on 90 Somerstown Road (& 94 Somerstown Road) during the August 7, 2018 public hearing:

1. “Solar reduces more carbon emissions that is absorbed by a similarly sized forest”

This statement ignores the full benefit of trees. To accurately compare the value of trees to the value of solar many additional factors should be considered:

Trees reduce air pollution, produce oxygen, provide habitat to insects, birds and migratory bats and birds, stabilize soil, reduce stormwater runoff and reduce nighttime temperatures which will be of increasing importance with climate change.

Excerpt from: <https://pubs.ext.vt.edu/420/420-181/420-181.html> “Trees provide ecological services that include 1) reduced air pollution, 2) storm-water control, 3) carbon storage, 4) improved water quality, and 5) reduced energy consumption.

*Trees reduce air pollution by trapping particulate matter in their leafy canopies and by absorbing noxious pollution into their leaves. The particulate matter is eventually washed away with rain. Absorbed pollutants are incorporated into the soil after leaf fall where they are broken down by microbes. These actions reduce human health problems related to air pollution. Tree canopies also intercept large amounts of rain, reducing the amount of runoff that is discharged into streams and rivers and extending the time that a watershed has to absorb rainfall. This reduces flooding and erosion. As trees grow they accumulate biomass that absorbs carbon and nutrients, locking them into a biological cycle that keeps them out of the atmosphere and hydrosphere. The storage of carbon reduces the greenhouse effect that is linked to problems of global climate change. Absorbed nutrients stay out of water bodies where they would otherwise harm fish and other aquatic species.*

*In summer, trees ameliorate climate by transpiring water from their leaves, which has a cooling effect on the atmosphere. At night, when the earth radiates heat back into space, temperatures often drop to the cooling or dew point, when water vapor, some of which is produced by trees during the daytime, condenses. This releases latent heat back into the atmosphere. When groups of trees intercept sunlight and use it for photosynthesis, they shade roads, buildings, and other structures, and they help reduce energy consumption.”*

**The carbon footprint to manufacture, ship, and dispose of solar panels should also be considered in the tree protection v. solar debate.**

**2. Substitution of shrubs for removed trees/Planning Board to be given the authority to ease tree replacement requirements:**

While shrubs are not a replacement for trees, they are very beneficial to insects and birds for both food and habitat. However, substitution of shrubs for trees would have to be thoroughly analyzed as to the replacement for the full eco-service loss of the trees as mentioned above, and consider that many birds require tall trees, particularly predatory birds and bats. The Hudson River corridor is a bird and bat migratory route. Habitat value and eco services must be extensively analyzed prior to any replacement approvals. These considerations are not part of the current Planning review process, to my knowledge.

No exemptions to the tree code should be made for solar installations. As the Tree Protection code is written, only a 50% replacement of trees based on diameter is required. This seems to generously favor the developer at the expense of our town's tree canopy.

**3. Re: wildflower plantings ability to absorb rainwater during less than heavy rain events:**

We experience many severe rain events. Climate change models predict that the precipitation in the Northeast will be increasingly frequent and severe. Wildflowers planting under solar is fantastic and should be encouraged. These plantings are not however a replacement for removed trees.

**4. Re: the request to eliminate the snow removal requirement:**

Lightning strikes/fire potential exists during times of snow coverage. Accessible roads would expedite fire department response times, particularly in the years with heavy snowfall that has frozen in place.

**5. The lead in solar set by Massachusetts- using already tree-less areas for solar installation:**

Following the lead set by Massachusetts, solar installations in parking areas and other areas that do not reduce tree canopy should be sought. As example:

[https://www-patriotledger-com.cdn.ampproject.org/v/www.patriotledger.com/news/20180222/south-shore-mbta-lots-to-get-solar-canopies?template=ampart&amp\\_js\\_v=0.1&usqp=mq331AQGCAEoATgA#origin=https%3A%2F%2Fwww.google.com&prerenderSize=1&visibilityState=prerender&paddingTop=54&p2r=0&horizontalScrolling=0&csi=1&aoh=15345252671657&viewerUrl=https%3A%2F%2Fwww.google.com%2Famp%2Fwww.patriotledger.com%2Fnews%2F20180222%2Fsouth-shore-mbta-lots-to-get-solar-canopies%253ftemplate%3Dampart&history=1&storage=1&cid=1&cap=swipe%2CnavigateTo%2Ccid%2Cfragment%2CreplaceUrl](https://www-patriotledger-com.cdn.ampproject.org/v/www.patriotledger.com/news/20180222/south-shore-mbta-lots-to-get-solar-canopies?template=ampart&amp_js_v=0.1&usqp=mq331AQGCAEoATgA#origin=https%3A%2F%2Fwww.google.com&prerenderSize=1&visibilityState=prerender&paddingTop=54&p2r=0&horizontalScrolling=0&csi=1&aoh=15345252671657&viewerUrl=https%3A%2F%2Fwww.google.com%2Famp%2Fwww.patriotledger.com%2Fnews%2F20180222%2Fsouth-shore-mbta-lots-to-get-solar-canopies%253ftemplate%3Dampart&history=1&storage=1&cid=1&cap=swipe%2CnavigateTo%2Ccid%2Cfragment%2CreplaceUrl)

**6. The ZBA recommendation to allow solar farms to the GB district:**

Recently, setbacks between GB and residential properties were only minimally increased from 15 feet to 20 feet due to what was described as the very narrow corridor of the GB district. How then would it be possible to have 100-foot setbacks between a solar farm and residential properties? The need for the 100-foot setback between Tier 3 solar installations and residential should be required for all residential zones, with no exemptions made for installations in the GB district which borders residential properties. Are there any properties in the GB district that are even large enough to be financially beneficial for a solar farm? How does the inclusion of a utility company in the GB district meet the goals of the comprehensive plan for the GB district?

Thank you for considering my comments.

**Donna Sharrett**  
Cc: Mitzi Elkes, EAC Chairperson  
Suzi Ross, Green Ossining Chairperson

Kwan Stambaugh feels that there is an opportunity to talk to other municipalities about sustainability and his concern was with the Tier 3 piece. Would like to Board to be mindful of the balance and we have codes for a reason and hopes the Board will enforce them.

Councilmember Feldman stated that she is not interested in changing the tree codes.

Supervisor Levenberg reminded residents that these are private parcels and owners may want to sell.

Councilmember D'Attore commented on our energy needs and land that is available.

Supervisor Levenberg would like to find a good balance that looks at all of the needs for the Town.

At 8:10 p.m., Councilmember Feldman moved and it was seconded by Councilmember D'Attore that the Public Hearing be adjourned to September 12, 2018.

### **III. ANNOUNCEMENTS**

Supervisor Levenberg announced the following:

We are winding down the summer this week with our last official scheduled concert of the Summer Waterfront Concert Series. We will have CultureHound, an Ossining High School Graduate--Justin Ciuzio's band, entertaining us at 7:00 and then the Old Mill Singers finishing off our live music event, starting at 8pm this Friday, August 31st.

But wait, there's more! Remember DJCatch1's Dance Party planned for two Friday's back? That got rained out, so we have DJCatch1 coming back with his

crew Friday, Sept 7<sup>th</sup> starting at 6:30, following a Mind Body Spirit- Ossining Yoga Session with Tasia Sabatino from Rebel Yoga Studios. She will lead everyone in a high powered yoga experience starting at 5:15 on Sept 7<sup>th</sup>, and I can say firsthand that I know it will be great. It's also a great way for us to highlight one of the most important Ossining Basics - Maximize Love, Manage Stress. We just had an Ossining Basics stakeholder meeting today so we could all refocus around a shared goal, and that goal is to make sure our entire community understands how powerful these five simple truths are to make sure our youngest community members get started on the right foot. Maximize Love, Manage stress, Talk, sing and point (to help little ones start to understand the world through language), count group and compare (to start sharing numbers sense in context), Explore through movement and play (in other words get out, move around, dance and play), and finally, read and discuss stories. These are the Five Basics which, if we all embrace them and remember to engage our babies and toddlers with them at every opportunity, will help us to profoundly shift outcomes for all those are the receiving end of these simple lessons.

And, of course, what better way to Maximize Love and Manage stress than to participate in Yoga and Dancing on September 7<sup>th</sup>?!!  
Come one come all!

2018/2019 first half school bills went out in the mail last week and are also available to pay online. We have a new method of paying your tax bills that may be of interest. Frequently, Ossining residents have not had the best luck with delivery of their mail, which is unfortunate on a regular day, but EXTRA bad when it costs you money in the form of a late payment penalty. After Receiver of Taxes Holly Perlowitz and I met with the postmaster in Ossining on numerous occasions, we have worked together to come up with something new. The Ossining Post Office will now have a designated mail slot, available 24/7, for Ossining tax bills (just taxes, meaning Town/County, Village, or School tax payments-- *not* water or application fees!). If you place your payment into this slot before 5PM on any given day, it will be postmarked for that day at 5PM. If you place your payment into the slot AFTER 5PM on any given day, it will be postmarked for the FOLLOWING day at 5PM. We are looking forward to starting this new program and hope that it will help our residents to rest easy knowing their tax payments will be postmarked timely (just another way to maximize love, manage stress).

Tomorrow morning, August 29<sup>th</sup>, the Ossining School District will be hosting a Welcome Party for new families with children entering the school district in Ossining on Everett Avenue near Park School, beginning at 9:30AM. There will be lots of local organizations represented, including us, so spread the word and meet some new neighbors!

And of course, that leads to the next important point which is that it's just about time for everyone to go back to school! Teacher's start early next week and the kids start showing up a few days later, so if you picked up some speed on our seemingly empty roads, please remember now is the time to slow down. Take some deep breaths and plan your weekends while you wait patiently at lights for students to cross, or behind stopped school buses. Just remember to slow down. Also, we will take up a resolution a little later in our meeting which focuses on attendance and remembering how important it is to show up to school and stay in school.

And if your kids are looking for some extracurricular experiences outside of their school day, or you are, the Fall Recreation Brochure is available online. Right now, it is only available through the Village website, but there are loads of great classes, including all of the new art offerings for children and adults alike at Cedar Lane Arts Center, and a brand new software program to help us get you signed up more easily, so please go to the [Villageofossining.org](http://Villageofossining.org) and look for the recreation brochure and get registered! Just another way to help you maximize love and manage stress! The best way to help you be a great parent, if you are one!

The J.W. Cofield Scholarship Ministry, in partnership with Star of Bethlehem Church, will be holding their "Back 2 School Bash" on Saturday, September 1st between Noon and 3PM. They are looking for backpacks and school supplies-- can you help? Donations can be brought to the church at 304 Spring Street or to IFCA at 138 Spring Street.

On Wednesday, September 5th, come to Shattemuc Yacht Club and hear live music performed by [Sarah Browne](#) as part of Ferry Sloops Summer Music Series. Sarah's music is a little bit pop, a smidge country and a tad folksy, and her voice is simply beautiful. This free event begins at 7:30PM. Then on Saturday, September 8th, Ferry Sloops will offer free sails on the Hudson River every hour on the hour between 11AM and 3PM as part of the [Hudson Valley Ramble](#).

September 8<sup>th</sup> will be a very busy day in Ossining. The Annual Corn Roast is back at the Farmers Market, so get in your last few taste of summer! Also that day? The Ossining Matters 5K/2M Run/Walk! It should be a beautiful day for a romp through Town. Check out [www.ossiningmatters.org](http://www.ossiningmatters.org) for some more info about the routes and how to register-- proceeds go to benefit additional programs in the schools which the budget doesn't cover.

September 8<sup>th</sup> is also Climate Action Day and we are hoping to have two Lime Bikes at the Green Ossining table at the farmers market to showcase what will be possible the following week during the Lime Bike Pop-Up in Ossining from September 15-21st, all leading up to Car Free Day on September 21st. If you haven't been on a bicycle on the streets in awhile, think about participating in Bike Ossining on September 8<sup>th</sup>. Put on your helmet, get on your bike and ride over to Market Square to join other residents looking to pedal around and about Ossining. Pedal Peekskill will have some pedal assist demo bikes on hand to try out on our hills. Cyclists of all stripes are welcome to join together for rides around town starting at about 11AM. Go to [www.greenossining.org](http://www.greenossining.org) for more info.

That same day, Sing Sing Kill Brewery will unveil their new bike rack – “Ride in, Rack up and Refresh” is their slogan!

Lobsterfest is right around the corner. From 6-10 on September 8<sup>th</sup> at the Quality of Life building outside Sing Sing. Be sure to get your tickets now at [ossiningchamber.org](http://ossiningchamber.org). Advance ticket sales end on August 31<sup>st</sup> so sign up now.

#### **IV. LIAISON REPORTS**

#### **V. DEPARTMENTAL REPORTS**

#### **VI. TOWN BOARD RESOLUTIONS**

##### **A. Approval of Minutes-Special Meeting**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the August 21, 2018 minutes of the Special Meeting as presented.

Motion Carried: Unanimously

##### **B. Approval of Voucher Detail Report**

Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

Resolved, that the Town Board hereby approves the Voucher Detail Report dated August 28, 2018 in the amount of \$76,943.96.

Motion Carried: Unanimously

C. TAX CERTIORARI  
Tappan Arms Inc.  
vs.  
Town of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Tappan Arms Inc. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 35 Morningside Drive, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.14, Block 1, Lot 66 for Tax Assessment Years 2012-2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 65295/12; 65094/13; 66153/14; 66852/15; 63821/16; and 65043/17; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Tappan Arms Inc. 35 Morningside Drive, Town of Ossining, N.Y. Section 90.14-1-66

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	90.14-1-66	\$89,600	\$18,840	\$70,760
2013	90.14-1-66	\$89,600	\$10,975	\$78,625
2014	90.14-1-66	\$89,600	\$14,630	\$74,970
2015	90.14-1-66	\$89,600	\$11,630	\$77,970
2016	90.14-1-66	\$1,592,700	\$142,700	\$1,450,000
2017	90.14-1-66	\$1,592,700	\$142,700	\$1,450,000

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by The Counsel to The Town, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further



**RESOLVED**, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

**RESOLVED**, that The Counsel to The Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

**RESOLVED**, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 1,401.67, which will be ordered pursuant to said Consent Judgment.

**Motion Carried: Unanimously**

**E.**

**TAX CERTIORARI**  
**Lamisa Associates, LLC**  
 vs.  
**Town of Ossining**

**Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the following resolution be approved.**

**WHEREAS**, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Lamisa Associates, LLC against The Town of Ossining, Village of Briarcliff Manor, to review the tax assessments made on Petitioner’s properties, one located at 1312 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 5, and the other property located at 1326 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 4, for Tax Assessment Years 2012-2017, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66926/12; 67162/2013; 67927/2014; 67282/2015; 64954/2016, and 64932/2017; and

**WHEREAS**, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

**Lamisa Associates, LLC, 1312 Pleasantville Road, Briarcliff Manor, N.Y. Town of Ossining, N.Y.**

**Section 98.10-1-5**

<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
<b>2012</b>	<b>98.10-1-5</b>	<b>\$49,400</b>	<b>\$0</b>	<b>\$49,400</b>
<b>2013</b>	<b>98.10-1-5</b>	<b>\$49,400</b>	<b>\$7,410</b>	<b>\$41,990</b>
<b>2014</b>	<b>98.10-1-5</b>	<b>\$49,400</b>	<b>\$7,910</b>	<b>\$41,490</b>
<b>2015</b>	<b>98.10-1-5</b>	<b>\$49,400</b>	<b>\$7,910</b>	<b>\$41,490</b>
<b>2016</b>	<b>98.10-1-5</b>	<b>\$819,200</b>	<b>\$122,880</b>	<b>\$696,320</b>
<b>2017</b>	<b>98.10-1-5</b>	<b>\$819,200</b>	<b>\$122,880</b>	<b>\$696,320</b>

Lamisa Associates, LLC 1326 Pleasantville Road, Briarcliff Manor, N.Y., Town of Ossining, N.Y.

**Section 98.10-1-4**

Assessment Year	Tax ID No.	Original Assessment Value	Reduction	Final Assessed Value
2012	98.10-1-4	\$35,800	\$0	\$35,800
2013	98.10-1-4	\$35,800	\$10,382	\$25,418
2014	98.10-1-4	\$35,800	\$10,740	\$25,060
2015	98.10-1-4	\$35,800	\$10,740	\$25,060
2016	98.10-1-4	\$554,200	\$166,260	\$387,940
2017	98.10-1-4	\$554,200	\$166,260	\$387,940

**WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and**

**WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by The Counsel to The Town, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is**

**RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further**

**RESOLVED, that The Counsel to The Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further**

**RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 1,122.64 , which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**F.**

**TAX CERTIORARI**  
**David Swope**

**vs.**

**Town of Ossining**

**Councilmember D’Attore moved and it was seconded by Councilmember Wilcher that the following resolution be approved.**

**WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by David Swope against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at Hawkes Avenue, Town of Ossining and designated on the tax assessment map of The Town of Ossining as Section 80.16, Block 1, Lot 9, for Tax Assessment Years 2016-2017, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 64742/16 and 66129/17; and**

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

David Swope Hawkes Avenue Town of Ossining, N.Y. Section 80.16, Block 1, Lot 9

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	80.16-1-9	\$734,000	\$234,000	\$500,000
2017	80.16-1-9	\$734,000	\$234,000	\$500,000

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by The Counsel to The Town, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that The Counsel to The Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 3,703.43, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**G. Finance- 2018 Budget Adjustments for Equipment Purchases**

Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining authorizes a budget adjustment for the purchase of a Kenworth Chassis with Hooklift Hoist funded partially by 2017 Capital Project 5202, Recreation Heavy Equipment, in the amount of \$62,293, and a transfer from General fund balance of \$62,506.

Increase:	1007110.201	\$62,506-Parks Equipment (Expenditures)
Increase:	100060.4795	\$62,506-General Fund Balance (Revenue)

Supervisor Levenberg stated that this truck has already been hard at work and played a big role in getting the pavilion and parks improvements complete at Gerlach.

Motion Carried: Unanimously

**H. Finance- 2018 Budget Adjustments for Equipment Purchases**

Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining authorizes a budget adjustment for the purchase of a Elgin Broom Badger Street Sweeper funded by 2018 budgeted expenditures of \$126,500, and a transfer from Highway fund balance of \$71,780.

Increase:	3105130.201	\$71,780-Highway Machinery (Expenditures)
Increase:	310060.4795	\$71,780-General Fund Balance (Revenue)

Supervisor Levenberg stated that Kevin Moore speaks very highly of this new machine which has saved time and is doing a great job keeping our streets clean.

Motion Carried: Unanimously

**I. Temporary Beer/Wine/Cider Permit for Facilities Rental- October 12th, 2018**

Councilmember Shaw moved and it was seconded by Councilmember Wilcher 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 for a Temporary Beer/Wine/Cider license for Ms. Elisha Simpson, who is in the process of filing an application for the rental of the Cedar Lane Arts Center in the Town of Ossining on Friday, October 12th, 2018; 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: Unanimously

**J. Personnel: Town Tax Office- Appointment**

Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby appoints Martha Quituisaca, Ossining, to the probationary position of Part-Time Intermediate Clerk in the Town Tax Office, at an hourly rate of \$13.00, effective August 27th, 2018.

Supervisor Levenberg stated that our Receiver of taxes has informed us the Martha Quituisaca has been working out so well in her office and has been so helpful to the people, she would like to appoint her to the probationary position of Part-Time Intermediate Clerk in the Town Tax Office.

Motion Carried: Unanimously

**K. Resolution Supporting Attendance Awareness Month**

Councilmember D'Attore moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

WHEREAS, good attendance is essential to student achievement and graduation, and we are committed to dedicating our resources and attention to reducing chronic absenteeism rates with a focus starting as early as Pre-kindergarten and Kindergarten; and

**WHEREAS, chronic absence – missing 10 percent or more of school for any reason including excused and unexcused absences, or just two or three days a month – is a proven predictor of academic trouble and dropout rates; and**

**WHEREAS, improving attendance and reducing chronic absence takes commitment, collaboration and tailored approaches to particular challenges and strengths in each community; and**

**WHEREAS, chronic absence predicts lower third-grade reading proficiency, course failure and eventual dropout, it weakens our communities and our local economy; and**

**WHEREAS, the impact of chronic absence hits students in low-income communities and children of color particularly hard if they don't have the resources to make up for lost time in the classroom and are more likely to face systemic barriers to getting to school – such as unreliable transportation, lack of access to health care, unstable or unaffordable housing; and**

**WHEREAS, attendance gaps among groups of students often turn into achievement gaps that undermine student success. Chronic absence particularly exacerbates the achievement gap that separates students in low-income communities from their peers, since students from low-income communities are both more likely to be chronically absent and more likely to be affected academically by missing school; and**

**WHEREAS, absenteeism also undermines efforts to improve struggling schools, since it is hard to measure improvement in classroom instruction if students are not in class to benefit from them; and**

**WHEREAS, schools and community partners can reach out more frequently to absent students to determine what barriers they face to attending school and what would help them attend more regularly; and**

**WHEREAS, healthcare providers can share the importance of school attendance with families and can offer proactive, preventive care to reduce absences; and**

**WHEREAS, all students – even those who show up regularly – are affected by chronic absence because teachers must spend time reviewing for students who missed lessons; and**

**WHEREAS, chronic absence can be significantly reduced when schools, families and communities work together to monitor and promote good attendance and address hurdles that keep children from getting to school; and**

**NOW, THEREFORE BE IT RESOLVED, that as the Town Board of the Town of Ossining, we support our school districts and will continue to stand with the nation in recognizing September as “Attendance Awareness Month.” We hereby commit to focusing on reducing chronic absenteeism to give all children an equitable opportunity to learn, grow and thrive academically, emotionally and socially.**

**Motion Carried: Unanimously**

**L. Resolution Extending Water IMA**

**Councilmember Wilcher moved and it was seconded by Councilmember D’Attore that the following resolution be approved.**

**WHEREAS, the Town of Ossining and Village of Ossining entered into an inter-municipal agreement commencing on January 1, 2002 for the Village to supply the unincorporated area of the Town with water (“2002 Agreement”); and**

**WHEREAS, the term of the 2002 Agreement was for a period of 15 years; and**

**WHEREAS, the Town and Village entered into a subsequent agreement extending the term of the 2002 Agreement until June 30, 2018; and**

**WHEREAS, the Town and Village desire to further extend the term of the 2002 Agreement until June 30, 2019; and**

**NOW THEREFORE,**

**BE IT RESOLVED, the Town Supervisor is hereby authorized to execute an agreement with the Village further extending the term of the 2002 Agreement until June 30, 2019, subject to approval of Counsel to the Town as to form.**

**Motion Carried: Unanimously**

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

**VIII. MONTHLY REPORTS**

**Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the following resolution be approved.**

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

- **Dale Cemetery July 2018**

**Motion Carried: Unanimously**

**IX. VISITOR RECOGNITION**

**X. ADJOURNMENT- WORK SESSION**

**-Solar Codes Local Law**

**Town Planner David Stolman spoke about correspondence received from Town Building Inspector John Hamilton.**

**At 8:37 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Regular Meeting be adjourned to Work Session.**

**Motion Carried: Unanimously**

**XI: ADJOURNMENT- EXECUTIVE SESSION- ADVICE OF COUNSEL AND PERSONNEL**

**At 9:03 p.m., Councilmember D'Attore moved and it was seconded by Councilmember Feldman to adjourn into Executive Session.**

**Motion Carried: Unanimously**

**At 9:39 p.m., Councilmember Shaw moved and it was seconded by Councilmember D'Attore to leave Executive Session.**

**Motion Carried: Unanimously**

**At 9:40 p.m., Councilmember Shaw moved and it was seconded by Councilmember Feldman to Adjourn Executive Session.**

**Motion Carried: Unanimously**

**Approved:**

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**Deputy Town Clerk Ann Marie Rocco**