

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

JULY 27, 2021
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Jackie G. Shaw Northern Wilcher, Jr.

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

The Regular Meeting of the Town Board of the Town of Ossining was held on July 27, 2021 in the Town Municipal Building, 16 Croton Ave in Ossining, and via Zoom. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Jackie G. Shaw, Elizabeth R. Feldman, Gregory G. Meyer, and Northern Wilcher, Jr. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

II. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

We are well into summer now, and the summer concert series is at its peak! We have had three really awesome shows to date. This Friday, July 30, Base Camp will take the Louis Engel Park stage at 7pm, but make sure to get there a little earlier for Food Trucks and craft beverage corral service starting at 5pm or thereabouts. The food truck line-up for Friday will feature some Ossining favorites like Brothers Fish & Chips, Cravin Jamaican, Wanna Empanada, and more. Sing Sing Kill Brewery will be pouring with a guest purveyor in the craft beverage corral. We will post and share the final line-up later in the week – make sure you are following the Town of Ossining and Greater Ossining Chamber of Commerce on Facebook for the latest updates, and definitely come hungry on Friday. Thank you to our amazing Summer Concerts and Food Truck Fridays planning team of the Greater Ossining Chamber of Commerce, Sing Sing Kill Brewery, Mike and Miriam Risko, and Superintendent of Rec & Parks Bill Garrison. We hope to see you there! And don't forget about the Summer Entertainment Series on Tuesdays in Ossining parks, Summer Acoustic Series on Wednesdays in Market Square, and Briarcliff Chamber of Commerce Summer Concert Series which wraps this Sunday, August 1 at 7pm at Law Park Field with a performance by Your Welcome.

We are getting close to finalizing a draft of our new Comprehensive Plan to present to the Town Board, entitled Sustainable Ossining. Over the past few months, we have collected input from local residents, workers, and business owners through online workshops, surveys, and meetings to identify goals and strategies for a sustainable future for the Town of Ossining. This public feedback has been synthesized into draft goals and strategies which will comprise the draft plan. The draft plan should be released in the next month or so, and this summer, the Comprehensive Plan Steering Committee will be out in

the community seeking additional community feedback in an effort to highlight some of the larger policies and ideas to be discussed in the draft plan. The Plan will continue to incorporate the input from this summer engagement into the final guide for the initiatives and policies for the Town to consider for further planning and development as defined in the Plan. The Steering Committee members will be using posters as an easy way to engage people in this conversation and to make sure people stay informed as to when the draft Comp Plan is released. So, if you see a Steering Committee member at an event this summer, like the Summer Concert Series, or maybe you saw someone at the St. Augustine's Fair? Or stationed at a local business, with engagement posters, please take a moment to say hi and respond to the activities. We are looking forward to sharing the final result with the community, so stay tuned!

The Ossining Community Equity Task Force is hosting a virtual Lunch and Learn this Thursday, July 29 at 12noon. The Lunch and Learn will be a presentation and discussion on access to needed services provided by Open Door Family Medical Center and Home Run Against Drugs. Representatives from these two community organizations will be available to answer questions and provide valuable information on the services they provide and also how the pandemic illuminated gaps in access, and how they have stepped up to address those gaps. The Lunch and Learn will be streamed live on the Ossining Community Equity Task Force Facebook page, or you can join the Zoom webinar directly using the Webinar ID 815 9649 4623.

Construction of an 873 kW community solar installation is under way at the parking lot of Maryknoll Fathers and Brothers. This is the first canopy and community solar project in Ossining, and will provide Ossining residents access to clean, renewable energy from the sun. Ossining residents, organizations, and businesses can sign up for this community solar program and "go solar" while receiving a 10 percent discount on their electricity bills. Sign up at ecogy.powermarket.io/project/maryknoll.html.

The Youth Event Planning Task Force will begin meeting weekly tomorrow, July 28 at the Ossining Community Center. This program is open to middle and high school students and is a great opportunity for young people to become engaged in their community and earn service credit. Register on Community Pass, available on the Village of Ossining and Town of Ossining websites.

This Saturday, July 31, ENU Builds will be hosting a day of family fun at Nelson Park from 11am to 4pm. There will be a balloon toss, basketball, dance, kickball, relay races, yoga, tug of war, and my favorite, elder Frisbee, plus much much more. You will not want to miss this!

On Saturday, July 31 and Sunday, August 1, Westchester Collaborative Theater (WCT) returns to live, in-person performances with an outdoor production of Parking Lot Plays, six short new works from WCT's play development program. Each site-specific play integrates the environment into its story as the characters navigate the terrain of the parking lot while they tell their tales. I have the inside scoop on one of them, so from that alone, I can say it promises to be excellent. Grab your tickets at www.wctheater.org. Also, it's BYOC-bring your own chair!

Finally, I am sorry to have to report once again that COVID-19 cases are increasing rapidly locally here in Westchester County and across the country. Our best defense against an increase in cases is getting vaccinated. We need to get vaccination rates up in order to combat the spread of the virus, especially the more contagious Delta variant. All three approved vaccines have proven to be very effective against infection, and although breakthrough cases have been concerning, most importantly the vaccines are extremely effective in preventing severe illness, hospitalization, and death. If you have not gotten vaccinated, please do. It has never been easier to obtain a vaccine, most local pharmacies offer walk-in appointments. You can also visit www.vaxupwestchester.org for

vaccine pop-ups scheduled throughout the County. Vax Up Westchester is a great resource for information about the vaccine, too, if you have questions or concerns. These vaccines really do truly save lives – 97% of COVID-19 patients in hospitals are unvaccinated. Do it for your friends, family, colleagues, and neighbors, and please, do it soon.

For younger folks who may not yet be eligible to receive the COVID-19 vaccine, it is equally important that they receive the several other vaccines that are required for a child to enter school. The Westchester County Department of Health is offering Back-to-School immunizations every Friday at their 134 Court Street clinic in White Plains and 20 S. Broadway, 2nd Floor clinic in Yonkers. Appointments are available from 10am to 1pm Fridays through August 27 in White Plains and Mondays and Thursdays from 4pm to 7pm through August 30. Call (914) 995-5800 to find out if you qualify and make an appointment. COVID-19 vaccines are available for walk-ins at these clinics during these times as well, no appointment necessary.

III. LIAISON REPORTS

IV. PRESENTATION – 2020 Audit, Robert Daniele, PFK O’Connor Davies, LLC.

Robert A. Daniel from PKF O’Connor Davies presented a PowerPoint presentation on the Town of Ossining’s 2020 Audit. A copy of the PowerPoint can be found online at the Town of Ossining webpage.

V. DEPARTMENTAL REPORT

The Town Comptroller Dale Brennan provide the Town Board with an update of the fiscal status of the Town. There are certain revenue areas, like park and tax, where the Town is doing financially well. Other areas have been impacted by the COVID-19 pandemic. A review of the 2021 budget so far, however, revealed that all departments are doing well in regards to their budgets. There are no budget lines for concern as of July.

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – July 13, 2021

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

Resolved, that the Town Board of the Town of Ossining hereby approves the July 13, 2021 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

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 hereby approves the Voucher Detail Report dated July 27, 2021 in the amount of \$290,090.02.

Motion: Carried

C. Contract – Title III-B Transportation Services Contract, PY 2021

Councilmember Shaw moved and it was seconded by Councilmember Feldman 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 Westchester County Department of Senior Programs and Services for the purposes of receiving \$9,974 in grant funding under the Title III-B Transportation Services program for program year commencing December 1, 2021 and ending January 31, 2021, with the Town providing \$6,931 in matching funds.

Supervisor Levenberg said the following: This resolution, and the resolution following, are for grants for the Senior Nutrition Program which are administered through the Westchester County Department of Senior Programs and Services. Thank you to our Site Manager, Lynn Muller, for navigating these complicated contracts and getting us our grant funding!

Motion: Carried

D. Contract – Title III-C/NSIP Nutrition Services Contract, PY 2021

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with the Westchester County Department of Senior Programs and Services for the purposes of receiving grant funding under the Title III-C1/III-C2 and Nutrition Services Incentive Program (NSIP) for program year commencing January 1, 2021 and ending December 31, 2021 for the III-C programs and program year commencing October 1, 2020 and ending September 30, 2021 for NSIP, for the following grant and match amounts:

| Program | Federal Funds | Contractor Match |
|-----------------------|---------------|------------------|
| III-C-1 | \$49,038 | \$16,346 |
| Estimated III-C1 NSIP | \$11,340 | N/A |
| III-C-2 | \$20,041 | \$6,681 |
| Estimated III-C2 NSIP | \$4,364 | N/A |

Motion: Carried

E. Resolution of Support – Ryder Park Improvements Grant

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

Whereas, the Town of Ossining owns parkland at 43B Morningside Drive, known as Ryder Memorial Park; and

Whereas, Ryder Park contains many recreational assets that are beneficial to the community, including baseball fields, tennis courts, fitness and passive walking trails and the Town wishes to implement improvements to the many recreational amenities at Ryder Park, while also addressing and mitigating concerns relating to drainage and wetlands; and

Whereas, these improvements require preliminary engineering and the development of final design and construction documents for bid in order to achieve implementation; and

Whereas, funding is currently available through the Office of Parks, Recreation, and Historic Preservation’s Environmental Protection Fund Grants Program for Parks to support project planning for parks improvements, including the improvements the Town wishes to complete at Ryder Park; now therefore be it

Resolved, that the Town Board of the Town of Ossining supports submitting a grant application to the Environmental Protection Fund Grants Programs for Parks to complete preliminary engineering and the development of final design and construction documents for bid for improvements to Ryder Park. Supervisor Levenberg said the following: The July 30 deadline for Consolidated Funding Applications is looming, and this resolution will serve to illustrate the Board's support for the application being submitted for a plan for improvements to Ryder Park. We are hopeful that the NYS Parks Dept will look favorably upon our application, and this funding will assist us to better plan for improvements to Ryder Park, while being sensitive to the drainage and wetlands issues that impact many of the recreational assets throughout the park.

Motion: Carried

F. Proposal – M. Conte Consulting

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 approves the proposal dated July 15, 2021 from M. Conte Consulting, Agoura Hills, CA 91301 for communication services through June 30, 2022 at fee not to exceed \$5,000.

Supervisor Levenberg said the following: We are excited to be once again bringing Michael Conte on board to assist with communications. Michael has worked with the Town in the past, and is a valued asset for the Ossining Schools. We know he will do good work on behalf of the Town as well.

Motion: Carried

G. Contract – Millennium Strategies, LLC.

Councilmember Feldman 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 the Supervisor to sign a service agreement with Millennium Strategies, LLC., White Plains, NY 10601 for grant writing services with a monthly retainer of \$3,000, for a 12-month term commencing August 1, 2021.

Supervisor Levenberg said the following: Millennium Strategies is a well-respected company here in Westchester County, and has assisted many of our municipal neighbors in securing millions of dollars in grant funding and they have great references. We have been successful with grant applications in the past, but by bringing Millennium Strategies on board, we will be taking our grant prospects to the next level.

Motion: Carried

H. Acceptance of Tree Bank Special Purpose Fund Payment – Club Fit

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

WHEREAS, Club Fit obtained site plan approval from the Planning Board; and

WHEREAS, in connection with said approval, Club Fit was required to make a payment to the Town's tree bank fund for mitigation of tree removal in accordance with Town Code §183-12(G); and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby accepts the Club Fit's payment to the Tree Bank Special Purpose Fund in the amount of \$3,135.

Supervisor Levenberg said the following: Club Fit recently received site plan approval for a project to install roof- and ground-mounted solar panels, making our local fitness club more "green." The project will result in the removal of 17 trees from the site, and Club Fit has agreed to pay into the Tree Bank Fund to offset the impact of the tree removal. These funds will go towards tree planting elsewhere in the Town, mitigating these impacts.

Motion: Carried

I. Calling for a Public Hearing in the matter of a Local Law to amend Chapter 136 of the Town Code regarding temporary outdoor dining permits

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 hereby calls for a Public Hearing to be held on Tuesday, August 10, 2021 at 7:30 p.m. in the First Floor Boardroom at the Ossining Municipal Building, 16 Croton Avenue, Ossining, NY 10562 and via Zoom videoconferencing (which information will be available at www.townofossining.com), in the matter of a Local Law to amend Chapter 136 of the Town Code regarding temporary outdoor dining permits.

Supervisor Levenberg said the following: Last year, the Town Board adopted a local law to allow for temporary permits for restaurants to accommodate outdoor dining. This local law was intended to be a temporary solution for our restaurants hamstrung by COVID-19 restrictions, and although restrictions have eased, it is clear that most customers are still more comfortable eating outdoors and the pandemic is not exactly over yet. In fact, Governor Cuomo signed into law a year-long extension to the provisions in State law that allow for outdoor dining. In light of this change on the State level, the Board has expressed interest in considering a similar extension to our local law regarding this issue. This resolution sets the public hearing on this local law for our next legislative session.

Motion: Carried

J. Finance – Audit – Town of Ossining 2020

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

Resolved, that the Town Board of the Town of Ossining hereby acknowledges that in accordance with Section 35 of the General Municipal Law, the 2020 Audit of the Town of Ossining Financial Statements and Supplementary Information has been distributed to and reviewed by the Town Board and said report shall be on file with the Office of the Town Clerk.

Supervisor Levenberg said the following: Thank you again to the team from PFK O'Connor Davies for their work on our 2020 audit, we are happy to be in good financial shape once again. And extra special thanks to Comptroller Dale Brennan and Deputy Comptroller Liz Naccari for shepherding us through this year's audit and beyond-- it is no small task.

Motion: Carried

K. TAX CERTIORARI - Trump National Golf Club LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Shaw 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 Trump National Golf Club LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner's property located at 100 Shadow Tree Lane, Village of Briarcliff Manor, New York 10510 in The Town of Ossining, N.Y., and designated on the tax assessment map of The Town of Ossining as Section 98.14, Block 1, Lot 1 for Tax Assessment Years 2015-2020; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 67432/15; 64512/16; 66135/17; 66047/18; 65595/19; and 61498/20; 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:

100 Shadow Tree Lane, Village of Briarcliff Manor, N.Y. 10510

Section 98.14, Block 1, Lot 1

| <u>Assessment Year</u> | <u>Tax ID No.</u> | <u>Original Assessed Value</u> | <u>Reduction</u> | <u>Final Assessed Value</u> |
|------------------------|-------------------|--------------------------------|------------------|-----------------------------|
| 2015 | 98.14-1-1 | \$808,000 | \$186,500 | \$621,500 |
| 2016 | 98.14-1-1 | \$15,124,300 | \$4,124,300 | \$11,000,000 |
| 2017 | 98.14-1-1 | \$15,124,300 | \$4,874,300 | \$10,250,000 |
| 2018 | 98.14-1-1 | \$15,759,800 | \$5,509,800 | \$10,250,000 |
| 2019 | 98.14-1-1 | \$15,759,800 | \$5,509,800 | \$10,250,000 |
| 2020 | 98.14-1-1 | \$13,700,000 | \$3,950,000 | \$9,750,000 |

And that the assessment on the subject property for the 2021 Assessment Year shall be \$9,500,000, and

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 \$ 20,444.74, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg said the following: We know a lot of eyes have been on this case since it started, and this resolution tonight is to approve the settlement that has been reached by our respective attorneys and has already been approved by the Briarcliff School District. The Town used an independent appraiser and outside legal counsel with expertise in tax certioraris to advise and represent the Town in this proceeding. Both of these firms, along with the Town's Assessor, recommend that the Town Board approve this settlement as they believe it is the prudent and fiscally responsible course for the Town. The Town Board has a fiduciary duty to the Town, and we believe this settlement is in the best interest of the Town's taxpayers for several reasons, including it avoids what would be a lengthy and costly litigation as well as the possibility that the Town would not prevail in the litigation, in which case the Town would end up worse off in both the short- and long-term. Also, although both sides "gave back" during the negotiation, the settlement values are closer to those presented by the Town than the Golf Club. Thank you to our Special Counsel Steve Dewey and Assessor Fernando Gonzalez for assisting us in navigating this complicated issue, and we feel this decision is in the best interest of the Town and its residents and businesses.

Motion: Carried

L. Resolution of Support and Affirming Partnership – Local Government Efficiency Program Grant (amended from July 13, 2021 Agenda)

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

Whereas, the Village of Ossining has informed the Town of Ossining that the Village intends on submitting a grant application to the New York State Department of State's Local Government Efficiency Program to request funding to study the consolidation of firehouses in the Ossining Fire Department; and

Whereas, the potential outcome of the study would provide for improved facilities for the community's emergency responders, and would at the same time decrease long-term capital and operational costs for Ossining taxpayers; and

Whereas, via an inter-municipal agreement, a majority of the Unincorporated Town of Ossining receives fire protection from the Ossining Fire Department, so the Town and its taxpayers stands to benefit from the potential cost-savings and increased efficiencies that would be identified in the firehouse consolidation study; now therefore be it

Resolved, that the Town Board of the Town of Ossining expresses its support of the Village of Ossining's application to the Local Government Efficiency Program and affirms its intent to serve as a partner in the grant application, committing a portion of the requisite matching funds from the Town towards the project; and be it further

Resolved, that the Town Supervisor is authorized to sign a letter of support for the Village of Ossining's grant application and execute any necessary documents to satisfy the grant program requirements.

Motion: Carried

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Shaw 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 accepts the following correspondence:

- Town Planning Board Minutes – June 16, 2021

Motion: Carried

IX. VISITOR RECOGNITION

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

X. ADJOURNMENT

At 8:48 P.M., Councilmember Shaw motioned to adjourn to Executive Session for advice of counsel, personnel, collective bargaining, and contracts and Councilmember Feldman seconded.

Motion Carried: Unanimously

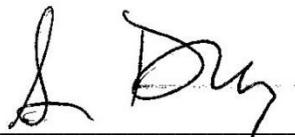
At 9:52 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Wilcher seconded.

Motion Carried: Unanimously

At 9:52 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Feldman seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk