

MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY

JANUARY 25, 2022
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman
Angelo A. Manicchio **Gregory G. Meyer**

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

The Regular Meeting of the Town Board of the Town of Ossining was held on January 25, 2022 via video conference, pursuant to Chapter 417 of the Laws of 2021 signed into law on September 2, 2021 by Governor Hochul. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Gregory G. Meyer, and Angelo A. Manicchio. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

II. PUBLIC HEARING

- **Maya Riviera Cabaret License 2022**

At 7:31 PM, the Public Hearing opened.

Town Counsel Tomm-Addona spoke about the cabaret renewal process for Maya Riviera. Both the Town Building Department and the Ossining Police Department have approved the application.

Councilmember Feldman asked if the Town will be rolling back its cabaret license hours, modeling after what the Village is doing.

Supervisor Levenberg stated that the Town for now is not rolling back its cabaret license hours. The Town has not received any complaints about the establishment from the OPD or TBD.

At 7:34 PM Councilmember Feldman moved and it was seconded by Councilmember Meyer that the Public Hearing be closed.

- **Local Law to Amend Chapter 180 of the Town Code ("Taxation") Regarding Veterans' Real Property Tax Exemptions**

At 7:34 PM, the Public Hearing opened.

Town Counsel Tomm-Addona explained the local law and spoke about it expanding opportunities for veterans to get benefits.

At 7:37 PM Councilmember Manicchio moved and it was seconded by Councilmember Meyer that the Public Hearing be closed.

III. BOARD RESOLUTIONS

The Town Board gave Gary Cecere a proclamation.

Councilmember Feldman wished Gary Cecere the best. She noted that he was a top notch mechanic and that will be missed by the Town of Ossining.

A. Personnel – Resignation for Retirement

Councilmember Meyer 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, with regret, the resignation of Gary Cecere from the position of Lead Maintenance Mechanic (Automotive) in the Town of Ossining Highway Department, effective January 27, 2022, for purposes of retirement.

Motion: Carried

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Thankfully, the COVID-19 surge that we experienced in the New York metro area in late December and early January seems to be decreasing significantly. Case numbers in Ossining and Westchester County are down by half, at 911 for the Town of Ossining including both Villages and 20,176 for all of Westchester County. Of course, this is not the time to let down our guard, we need to continue masking, testing, and getting vaccinated. Vaccines and boosters are available at the Ossining Volunteer Ambulance Corps – visit their website www.ossiningvac.org/covid19 for more information, as well as many other local pharmacies. The Biden Administration launched www.covidtests.gov last week and all US households can order free test kits from this site.

Congratulations are in order for Ossining High School student Nyasha Nyoni who has been named one of the top 40 finalists in the Regeneron Science Talent Search! This is an incredible accomplishment, Ossining is very proud of you, Nyasha!

The Ossining School District is holding a book drive – drop off books at any Ossining school or 400 Executive Boulevard. The books requested are elementary books (copyright 2008 or newer) and your donation will help the Ossining Schools further their mission to improve childhood literacy by providing a plethora of books for our students to read!

Save the date for the 5th Annual Gullotta House Escape from Sing Sing Polar Plunge, scheduled for Saturday, February 12th at 11am. If you, like me, plan on plunging, make sure to get there early at 10:15am! Visit www.GullottaHouse.org to donate, sponsor a plunger, or register. The proceeds from this fun annual event support Westchester County families in need and scholarships for high school students.

Teatown Hudson River EagleFest returns February 4, 5, and 6, 2022. Celebrate the annual winter migration of bald eagles to the lower Hudson Valley with a mix of programs sure to please the stay-at-home armchair birder and those looking for more adventure! Join in for this amazing three-day festival, featuring in-person programs at Teatown, guided bird walks at Croton Point Park, engaging virtual presentations, and more. Learn more and purchase tickets at <https://www.teatown.org/events/eaglefest>.

Councilmember Feldman announced that the Briarcliff caucus is tomorrow, January 26, 2022.

V. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg said the following:

You may have noticed this week that the weekly Supervisor’s Update has gotten a bit of a facelift! We are hoping this new format, which directs readers to pages on the Town website with categorized information on Arts & Enrichment, COVID-19 updates, Career & Education, Assistance Programs, and more will be a helpful resource to the community on a weekly basis. The Supervisor’s Update is always available on the Town website, if you need to access information outside of our usual Friday evening update. Please do sign-up for Town e-mail alerts and news – easily accessible on our website.

If you already subscribe to our updates, and updates from our Tax Receiver Holly Perlowitz, you know that second half school taxes are due by January 31, 2022, as are Village of Ossining taxes for those who live in the Village of Ossining. It is easy to pay online, or you can also mail your payment, drop your payment in the dedicated mail slot at the Ossining Post Office, or stop by our offices during office hours to make payment. Please be wary of online bill pay from your bank, the deadline is getting closer and it is unlikely this method of payment will make it to our office on time. Tax Receiver Holly Perlowitz plans on opening the office this Saturday, January 29 from 9am to 12noon for any taxpayers who are unable to make payment during our normal business hours. We may have to cancel these additional office hours due to snow in the forecast for Saturday, so please keep an eye out for updates on the Town social media or website on Friday for a cancellation notice if needed.

We continue to advocate on behalf of our residents in the Crotonville neighborhood of Ossining to mitigate noise complaints which seem to stem from the Croton Harmon Metro-North Station. As is noted in the agenda, there is a resolution for the Board’s consideration to engage B. Laing Associates to assist the Town in evaluating noise monitoring data collected by Metro-North. We were happy to learn last week that Metro-North has agreed to additional noise testing in response to these complaints, and we are grateful to have experts on the Town’s behalf advising the additional data collection and reviewing the data. Thank you to the Town Board for considering this proposal; I know the residents in this neighborhood will greatly appreciate the support.

This week, Town Counsel Christie Addona, Victoria Cafarelli, and I participated in the bi-weekly conference call with County Executive George Latimer and his staff on COVID-19 and other current issues. The County has provided municipalities with test kits for use by essential workers, including frontline municipal staff and first responders. We are grateful for these additional resources and know these are key tools in ensuring our municipal staff can come to work each day healthy and safe and ready to serve the community. County Executive Latimer and his staff also emphasized the resources available to renters and homeowners who may be facing eviction or foreclosure due to COVID-19 related financial difficulties now that the moratoria on evictions and foreclosures have lapsed in New York State. All of those resources have been compiled in the Supervisor’s Update under “Assistance Programs,” I urge anyone who is need of a helping hand at this time seek out these resources.

I am now going to turn it over to Victoria for an update on our Tree Maintenance Project at Louis Engel and Ryder Parks, as well as for an update on some collaborative work she has been doing with the Village of Ossining to ensure we are ready to return to hybrid meetings, when the State Emergency Order allowing remote meetings eventually expires.

Budget Officer Cafarelli said the following:

Today, I met with Craig Stevens, the Town’s arborist to review the scope of work for a grant funded tree maintenance project to take place at Louis Engel and Ryder Parks. Last year, the Town received funding from the NYS DEC’s

Urban and Community Forestry program to prune and takedown high priority trees in these two parks, with a budget of \$42,200, \$33,750 to come from DEC grant funds. Craig Stevens and I have been working to finalize the tree list for this project, and it has proven to be pretty complex. We had been working to develop specifications for a request for proposals for both parks. Today, we were able to finalize the scope for Louis Engel Park, which is a much smaller scope than Ryder Park, due to the size of the park and the size of the trees to be dealt with. Craig advised the cost of the Engel Park scope will likely be in the \$5-10,000 range, so he is recommending we tackle this project in two phases, with Engel Park being phase one. Since the estimated costs for Engel Park only require three written quotes per the Town's procurement process, we will be seeking proposals from a qualified vendor list from the DEC, which does not require formal Town Board approval at this time. Next, we will finalize the scope for Ryder Park, and with a much higher anticipated budget, seek to select a vendor through a more formal request for proposals. So, at this time, I would ask that the Town Board move forward on Resolution G on tonight's agenda to set up the Capital Project for this, and table Resolution E issuing the request for proposals, until we can finalize the scope and bid documents for the Ryder Park phase of the project. Any questions?

And finally, I have been working closely with Jaimie Hoffman in the Village of Ossining to ensure we have the appropriate technology in place in both of our traditional Town Board meeting rooms at 16 Croton and the Courthouse. We recognize that even if we need to return to remote meetings, the hybrid meeting format with the Town Board appearing in person and most members of the public, consultants, and other special guests choosing to appear remotely is definitely here to stay. Zoom offers products that will make that format seamless for the Board and the public that are cost effective, so we are looking into those offerings for the Town and Village. More to come on that front in the coming weeks!

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS (CONT.)

A. Approval of Minutes— Reorganizational & Regular Meeting – January 11, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the January 11, 2022 minutes of the Reorganizational & Regular Meeting as presented.

Motion: Carried

B. Approval of Minutes— Special Meeting – January 18, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the January 18, 2022 minutes of the Special Meeting as presented.

Motion: Carried

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated January 25, 2022 in the amount of \$770,060.58 for 2021 and \$384,096.47 for 2022 for a grand total of \$1,154,157.05.

Supervisor Levenberg said the following: This is quite a large voucher run, but it includes payment on two major capital projects underway at McCarthy Drive and Morningside Drive, as well as our Health Insurance payment for February.

Motion: Carried

D. Tax Payment Plan – 5 South Malcolm Street

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the property at 5 South Malcolm Street, Tax Parcel Designation ID# 97.7-5-76; and

Whereas, the Town Board, pursuant to Article 5 of the Ossining Town Code, as authorized by section 1184 of the New York Real Property Tax Law, before entry of a final judgment, may withdraw a parcel for which payment of real property taxes is delinquent, from a foreclosure proceeding and enter into an installment plan for payment of all delinquent taxes, as well as interest and penalties, and does occasionally grant such a plan and has the discretion to accept or reject any proposal by a residential property owner, providing the owner meets the eligibility requirements set forth in section 180-17 of the Town Code and the payment plan conforms to the requirements for such a repayment plan set forth in section 180-18 of the Town Code;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan, which terms comply with the Town Code, to this property owner, who has been determined to be eligible, with the understanding that this sets no precedent going forward for this or any other property in the future.

Supervisor Levenberg said the following: Please note this tax payment plan is for 5 South Malcolm Street, the version of the agenda that was posted on Friday noted 55 South Malcolm Street, but that was a typo.

Motion: Carried

E. Request for Proposals: Tree Maintenance

Councilmember Feldman moved and it was seconded by Councilmember Meyer that the following resolution be tabled.

Resolved, that the Town Board of the Town of Ossining authorizes the Town Clerk to advertise a Request for Proposals for Tree Maintenance – Removal, Pruning, Stumps. Proposals shall be submitted no later than 10am on Monday, February 28, 2022 to the office of the Town Clerk.

Motion: Carried

F. Contracts – Senior Citizen Taxi Services

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign contracts with the following taxicab operators to participate in the Senior Citizen Taxi Services program for calendar year 2022, subject to approval by Counsel to the Town as to form:

- Aguila Taxi
- Amigos Taxi
- Big Taxi
- Briarcliff Taxi
- Ecuia Taxi
- JBC Taxi
- Liberty Taxi
- L & L Safety Taxi
- Mommy’s Taxi
- New Mega Taxi
- Ossining Taxi
- Radio Taxi
- Spring Taxi
- Super Taxi
- Union Taxi

Supervisor Levenberg said the following: This year, we are trying a new approach to our Senior Taxi Coupon program, offering participation in this program to all licensed taxi operators in the Village of Ossining. We are hopeful this will provide more flexibility to our seniors and a more clear communication of the rules and regulations of the program. Thank you to our Town Clerk’s office, Senior Nutrition program, and Town Counsel for putting together these contracts!

Councilmember Feldman asked if problematic taxi companies that are not following rules can removed from the contract.

Budget Officer Cafarelli spoke about expanding the number of taxi companies in the senior program in an attempt to increase the number of taxi cabs that senior can call. Clerk Susanne Donnelly meet with taxi company owners to discuss the program and the rules.

Motion: Carried

G. Finance- Capital Project #2022-5233 – 2022 Tree Maintenance-Town Parks

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

Resolved, that the Town Board of the Town of Ossining authorizes opening a 2022 Capital Project #2022-5233, entitled “2022 Tree Maintenance” for the Town Parks Department, with a project budget of \$42,200. The project will be funded from NYS DEC Urban & Community Forestry Grant of \$33,750, and a transfer from General Fund of \$8,450.

Increase:	3707110.200.5233	\$42,200 – 2022 Tree Maintenance
(Expense)		
Increase:	3700300.308900.5233	\$33,750 – NYS DEC Grant (Revenue)
Increase:	3700500.503100.5233	\$ 8,450 – I/F Transfer from General Fund (Revenue)
Increase:	100.9550.905000	\$ 8,450 – Interfund Transfer-Capital Fund (Expense)
Decrease:	100.7110.498000	\$ 8,450 – Tree Service (Expense)

Supervisor Levenberg said the following: As Victoria discussed earlier, this is a primarily grant funded project, and we are excited to get it underway.

Motion: Carried

H. Finance- Capital Project #2022-5234 – 2022 Cedar Lane Art Center HVAC Upgrade-Town Parks

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

Resolved, that the Town Board of the Town of Ossining authorizes opening a 2022 Capital Project #2022-5234, entitled “2022 Cedar Lane Arts Center HVAC Upgrade” for the Town Parks Department, with a project budget of \$47,520. The project will be funded from NYSERDA grant of \$40,000 and a transfer from General Fund of \$7,520.

Increase:	3707110.200.5233	\$47,520 – 2022 Cedar Lane Arts Center HVAC Upgrade-Town Parks (Expense)
Increase:	3700300.308900.5234	\$40,000 – NYSERDA Grant (Revenue)
Increase:	3700500.503100.5234	\$ 7,520 – I/F Transfer from General Fund (Revenue)
Increase:	100.9550.905000	\$ 7,520 – Interfund Transfer-Capital Fund (Expense)
Increase:	100.1990.400000	\$ 7,520 – General Fund Contingency (Expense)

Supervisor Levenberg said the following: The Town received \$40,000 in funding from the NYSERDA Clean Energy Communities program for clean heating and cooling upgrades for the Cedar Lane Arts Center. We have a proposal from our annual bidder for electrician services and quotes from HVAC contractors to start this project, but first we need to get the Capital Project set up.

Motion: Carried

I. Acceptance of Proposal – Noise Consultant

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

Resolved, that the Town Board of the Town of Ossining accepts the proposal from B. Laing Associates, Fort Salonga, NY 11768 to serve as an environmental consultant to the Town regarding noise in the Crotonville area of the Unincorporated Town of Ossining, for an amount not to exceed \$6,000.

Supervisor Levenberg said the following: As discussed, we look forward to work with B. Laing Associates in our continued discussions with Metro-North to address noise complaints from our residents in the Crotonville neighborhood of Town.

Motion: Carried

J. Justice Court – Town Constables

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

Resolved, that the Town Board hereby appoints the following to the position of Town Constable, at an hourly rate of \$50.00, to serve at the pleasure of the Board during calendar year 2022:

Raymond Mena – Yonkers, NY

Supervisor Levenberg said the following: With the departure of beloved Franklin Jackson, Jr. and his much deserved retirement in the fall, we have been in need of a new constable. Raymond Mena has been serving as a Court Attendant since June in our Town Court and has experience in other courts as well as with Westchester County police. He is also bilingual, which we know will serve residents of the Town well. Thanks, Ray, for taking on this added responsibility!

Motion: Carried

K. Call for Public Hearing – Local Law #2 of 2022

Councilmember Feldman moved and it was seconded by Councilmember Meyer 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 in the matter of a Local Law to amend Chapter 47 of the Town Code (“Residency Requirements”) with respect to Town Constable position on Tuesday, February 8, 2022 at 7:30 p.m. to be held via videoconferencing only pursuant to Chapter 417 of the Laws of 2021 of the State of New York, as subsequently amended, with the log-in information available on the Town's website in advance of the meeting.

Supervisor Levenberg said the following: As the Town searched for a new constable, we realized it was not exactly clear in the Town code the residency requirements for a constable. We did not find anything in State law that precluded the Town from appointing Ray as a constable, but in an effort to ensure clarity in the future regarding residency considerations for constable, our Counsel recommended the Town Board consider a local law to identify the same residency requirements for constable as adopted for Court Attendant, since we often look to appoint individuals who serve as Court Attendant to serve as constable.

Motion: Carried

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Feldman moved and it was seconded by Councilmember Meyer 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:
 - November 3, 2021
 - November 17, 2021
 - December 15, 2021

Motion: Carried

IX. VISITOR RECOGNITION

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

X. ADJOURNMENT

At 8:16 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel, personnel, and contracts and Councilmember Meyer seconded.

Motion Carried: Unanimously

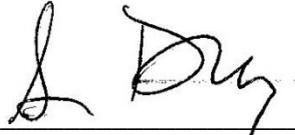
At 9:14 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Meyer seconded.

Motion Carried: Unanimously

At 9:14 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Meyer seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk