



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
JANUARY 23, 2018
REGULAR MEETING
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

Good evening, everyone, and welcome to the Town Board Work Session and Regular Meeting for Tuesday, January 23rd, 2018. Please stay standing- I’d like to ask for a moment of silence for the victims of today’s school shooting in Kentucky. There are no words for a tragedy so unspeakable, and yet we find ourselves looking for them again and again. Our hearts go out to the families of the victims. May the victims rest in peace.

The Regular Meeting of the Town Board of the Town of Ossining was held on January 23, 2018 in the 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 Karen M. D’Attore, Elizabeth R. Feldman, Northern Wilcher Jr. and Jackie G. Shaw. Also present were Town Counsel Steven M. Silverberg, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. Work Session

7:30 P.M. Supervisor Levenberg stated that we have a bit of a change in plans this evening—we are going to start with a quick, one-item Work Session before we move into the Regular Meeting.

We have been approached by Matthew Gullotta of Gullotta House about hosting a Polar Plunge event at Louis Engel Park this February to raise money for the Leukemia and Lymphoma Society. For those of you who are not familiar with this type of event, I will ask Mr. Gullotta to explain it. As the application goes through the recreation department, the Ossining Village Manager had brought the event to the attention of the Recreation Advisory Board, and they have voiced concerns about it. Since that time, we have been working with Gullotta house to address some of those concerns, but would like to bring this to the board for discussion before we issue a final okay. We have reached out to the Rec Advisory Board as well to come tonight. Mr. Gullotta, could you please describe the event you are hoping to hold at Engel Park and the measures you have taken to date? Fern Quezada, I believe you are here to represent the concerns of the Rec Advisory Board, would you be so kind as to join us at the microphone? I have reached out to Gareth Hougham of Hudson Valley Arts and Sciences who has been the lead on the Village Pier Extension project which you will hear briefly about in my announcements. Mr. Hougham, as part of the project you are working on with the Village, you have conducted studies and done drawings of the benthos, or the topography under the water at Engel Park. I have some copies for the board of the two you emailed to me. Could you discuss those a little?
(Other issues: water quality, debris, ice, temperatures, changing areas, etc.)
Consensus with agreement in place articulating conditions.

Polar Plunge – February 17 from 11:30 – 12:30 p.m. This is being sponsored by Gullotta House. The actual plunge takes approximately 4 to 5 minutes. This has been brought to the Recreation Advisory Board and they have expressed some concerns regarding safety issues. It would take place on the beach near the Sing Sing Guard Tower with approximately 42 candidates who would be going in no more than 30-40 feet.

Fern Quezada a member of the Recreation Advisory stated that the Committee originally denied the request as the beach has been shut down for many years.

Supervisor Levenberg had concerns of the cold water, bottom grade, debris, and water quality.

Gareth Hougham from the Hudson Valley Arts & Science presented a sketch of the area regarding the pier extension and maintains the water is pretty smooth for 50 feet out with no sharp drop offs. The Riverkeeper has been doing a water quality with measurements for disease after a rain event and sewage overflow.

Councilperson Feldman stated that recently the Yorktown Dive team did an underwater exploration of that area to search for missing pier pieces and old docks and it was completely clear.

Supervisor Levenberg advised that the bathrooms are closed for the season and wanted Mr. Gullotta to elaborate on that.

Matt Gullotta stated that since the bathrooms are closed for the season but there will be two porta-potty paid for by the event for changing of clothes. There will also be event tents for coffee and hot chocolate to warm them up. There are two other plans if the above doesn't work out well – Plan B Boat Ramp as back up and Plan C is the use of fire trucks spraying water.

Councilmember Feldman commented that OHS does testing of the water thru November.

Councilmember Shaw stated that it is not usually a swimmable beach and she is concerned about safety issues during the warm weather.

Town Counsel Silverberg would like a written agreement in place which would make out the area to be used; life guards as well as EMS on site. Plan B should not be used as the ramp can be very slippery so it should be plunge versus spray. All of the Town Board Members were in agreement.

III. PUBLIC HEARINGS IN THE MATTER OF

Supervisor Levenberg stated that we have two Public Hearings tonight, both on Cabaret License renewal applications for some of our North State Road businesses. We are going to begin tonight with Westchester Ballroom.

- **2018 Cabaret License Renewal for Westchester Ballroom**

At 7:55 P.M., the Public Hearing was opened.

Vincent Savino attorney for Westchester Ballroom commented that the owner of the ballroom has done everything requested of her.

Fred Suckle, Morningside Drive commented that the modifications which were made did not make any difference in the noise level coming from the Ballroom.

Kim Jeffrey, Morningside Drive commented on a resident who lives on North State Road who also has a problem with the noise coming from this establishment as well as events being held such as an auction. There was a person walking up and down the road with a sandwich board sign advertising the auction. The Town Code states

noise level from 10 p.m. – 7 a.m. The commercial decibel reading is not to exceed 55. There are a number of different DJ's at the facility. The music on New Year's Eve went to 2:45 a.m. when it should have been turned off by 11 p.m.

Lt. Damiano reported that complaints did increase during 2017 as they have been renting out the facility to others for "Sweet 16" parties, auctions, and other events which are in violation of the cabaret. New Year's Eve the music went on until 2:40 a.m. No further information is available.

Evangelina Rivera is an instructor at Westchester Ballroom and stated that there was a fund raiser there for the victims of Puerto Rico. The speakers were not facing the back of the ballroom but facing the street. I have been working with Barbara to minimize any noise.

Mr. Savino stated that additional soundproofing has been added and an alarm bar has been placed on the back door. The sound levels are more from North State Road rather than affecting Morningside Drive. We have been complying with the lead of the officers over any hypersensitive noise complaints.

Councilmember Shaw stated that parties are ending later than the proper time.

Supervisor Levenberg questioned why there was no representative from the ballroom present at these events.

Barbara Antes, Westchester Ballroom stated that there were no birthday parties held at this venue. Building Inspector John Hamilton was in attendance at a party on Sunday from 5:00 p.m. – 9:00 p.m. There is a noise alarm at the back door. We have done a tremendous amount of fundraising at this location and we try to be a good neighbor.

Councilmember Feldman has paced up and down North State Road and witnessed the loud DJ between 11:30 p.m. and 11:45 p.m.

Councilmember Wilcher stated that the insulation which should have been installed in October was not done by November 6th. The earlier approvals have not been followed as directed.

Councilmember Feldman would like the business to succeed but not to the detriment of the neighbors.

Town Counsel Silverberg stated that there was confusion amongst the Board Members regarding events.

Councilmember D'Attore commented that there is a difference between ballroom events.

Edison Chimbo who taught the samba and would volunteer to speak to the neighbors regarding their noise complaints.

Ruth Chimbo requested that Board give Barbara Antes another chance. They will do community outreach to improve communications.

Donna Sharrett 84 Morningside Drive

Re: Westchester Ballroom – I ask for this comment be read during the public hearing tonight if possible.

I do not support the issuance of a cabaret license for Westchester Ballroom. This business continues to operate in a manner that is very disruptive to the adjacent residential neighbors - disrupting residents' sleep, and their peaceful enjoyment of their homes. The Town of Ossining holds as a priority the health and wellbeing of its residents. Restful sleep is a foremost factor for good health and wellbeing, and

for successful performance in school and work. If this business is unable for any reason to conduct their operations in a nondisruptive manner then they should not be allowed to operate. It would be my hope that they would immediately make the necessary changes to become nondisruptive to the satisfaction of the adjacent residential neighbors, as the world certainly needs more dancing.

Thank you for considering my comments.

Marc Hoeflich read the following letter into the record:

January 23, 2018

*To the Attention of the honorable Board Members of the Town of Ossining
Subject: Renewable cabaret license for Westchester Ballroom, North State Road,
Ossining New York*

*From: Residences of 97, 98 A & 98 B, 100, 100 A & 100 B plus 97 Morningside Drive
We respectfully request that the Ossining Town Board to vote NO, to a new renewed
cabaret license, for the Westchester Ballroom.*

Last May when the Westchester Ballroom asked for a license they were given certain guidelines before a cabaret license would be granted. The main concern of the homeowners on Morningside Drive was the acoustical level and noise generated. From what the ballroom mentioned at the time they modified a garage door and back door facing north towards Morningside Drive. These solutions did nothing to drop the noise level and has been from that point in time been continuous concern to all homeowners located near this building. The ballroom did not soundproof the studio as recommended by one of the residents, whom gave actual samples of what could be used to rectify the problem.. It should be noted that the majority of this building is metal including the roof. The building was never designed as a place to have live music and or load speakers. The Westchester ballroom employees and its owners, never had any outreach to the community and continued to play music loud enough to disturb the surrounding residents Yet the board without checking to see if any of this was done granted them a license.

The sound of the music late at nights continues to disturb the residents of morningside drive.

This tied our hands (the homeowners of Morningside Drive) as to what we could do. Calling the police department, which is has been done by Kim Jeffery, Fred Suckle & Marc Hoeflich on numerous times is futile. The last time we called the Ossining Police Department, it was inferred by the officer that we should not have bought a house next to a commercial zone. Each time the OPD officers spoke with them the Westchester Ballroom staff present apologized to the police officers and as soon as officer drove away the music was turned up to the same as level before they arrived. This has occurred at least 10 to 15 times, I've actually lost track of the how often. We the residents of the town of Ossining, respect our police force and over the years support and assist where possible. What the OPD does, is truly appreciated by the property owners of Morningside Drive. We thank you for your service. I with a heavy heart find the actions of the Westchester Ballroom response and disrespect to the OPD, and the members of the Town of Ossining board.

No one has ever come to our homes during a ballroom event to check the sound levels. The noise is still a constant issue. It is not only the base but all music is heard as well as speeches made on the microphone. On a Sunday night at 5 p.m. I heard music blasting from the ballroom. I went into speak to the DJ who was doing a sound check. I suggested for him to reposition the speakers which were pointing toward the back and lower the volume. He did just that. We had no issue that night so it is possible to do. But the Owner does not want to comply. She doesn't feel the homeowners are of importance and that she will get what she wants from the board regardless. She has no respect for her neighbors or their quality of life and no respect for the board and any requirements they put forth.

For this reason we feel no cabaret license should be issued to them at this time. Owning a business comes with responsibilities to your neighbors and community. Since Westchester ballroom have no sense of community and don't care how their business affects the community as before we respectfully ask the town board vote no on issuing the Westchester Ballroom a cabaret license.

*Marc Hoeflich/ Fredric Suckle 98B Morningside Drive
Ann McCudden 98A Morningside Drive
Richard and Emily Hare 98 Morningside Drive
Jim and Carolyn Bossinas 100A Morningside Drive
Dave and Peggy Peterscak 100 Morningside Drive
Kim and Alex Jeffery 100B Morningside Drive
Don and Laurel Hopper 97 Morningside Drive*

At 9:01 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned until February 13, 2018.

- 2018 Cabaret License Renewal for Maya Riviera

At 9:02 P.M., the Public Hearing was opened.

Supervisor Levenberg stated that unless anyone on the Board has any objections, I am going to ask that we schedule a resolution to be passed at a Special Meeting on Tuesday, February 6th to extend this application to Maya Riviera. We are going to hold open the application on Westchester Ballroom until our special meeting on February 6th so we can gather some more information.

Donna Sharrett 84 Morningside Drive

Dear Town Supervisor and Council members,

I submit the following comments to be entered into the public record for the following public hearings tonight:

Re: Maya Rivera

I am in support of the cabaret license for Maya Rivera. This is an excellent business on North State Road and to my knowledge they have always been considerate of the adjacent residential neighbors. We need more businesses like them!!!

This establishment owned by Roberto Nova has requested a time change increasing the time by 1 hour on weekends.

Kim Jeffrey, Morningside Drive stated that this business should not be penalized as they run a different business model.

Marc Hoeflich, Morningside Drive stated this business was different from the previous business due to the fact that they are not operating in a metal building.

Councilmember Wilcher questioned whether the officers were on the same page?

Councilmember Feldman would like to try it on a provisional basis.

Town Counsel Silverberg would suggest that a temporary license be given for 90 days with the added hour.

At 9:11 P.M., Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the Public Hearing be closed.

III.ANNOUNCEMENTS

Supervisor Levenberg stated the following:

I want to start with a quick reminder from our Receiver of Taxes Holly Perlowitz: For those who have not already paid it, your 2nd Installment of 2017/2018 School Taxes are due by Wednesday, January 31st. It is really important that you pay close attention to this deadline as the penalty goes up to 10% on February 1st. This penalty must be assessed and cannot be waived for any reason if payment is not made by the deadline-it is the law.

You can pay in three ways:

- *Online at our secure site www.townofossining.com/cms/resources/tax-bill-online-payment. This is an easy and economical way, just a dollar fifty per e-check, to have instant proof that the payment was received, subject to collection -- you should always check that it has gone through from your bank by verifying it was deducted from your account.*
- *In the Tax Office - Our Offices at 16 Croton Avenue, Ossining, are open from 8:30 am to 4:30 pm daily to receive your payment. Additionally, on Tuesday, January 30th and Wednesday, January 31st the tax office will be open until 7 pm.*
- *By Mail - Please recognize that if you choose to mail your payment, we can only accept a payment as timely if it has a postmark made by the United States Postal Service (USPS) dated on or before 1/31/2018, and if we actually receive it in our office. Having your envelope hand stamped is not a guarantee as it could get lost before ever arriving in our office (many have!)*

If you use "Bill-Pay" from your Bank, please be aware that they do not use USPS -- so you have to recognize your risk of timely payment – leave plenty of time!

If you have any questions we are available to quickly respond either by calling the office at 914-762-8790 OR by e-mailing taxreceiver@townofossining.com.

Before I discuss what's coming up, I wanted to recognize Briarcliff Manor Fire Department for inviting us to join them this past Saturday at their Inspection and Dinner. Their staff and apparatus looked great and we are happy to hear they are moving forward to address some of the issues that have made their way to the press in the recent past. I also had the opportunity to March on New York City as part of the Women's Marches taking place all over the country. I was so happy to march with fellow Council Member D'Attore and many others from Ossining and Briarcliff to stand up for women everywhere, against harassment and intimidation, for free speech, equal pay for equal work, for those who do not have a voice, and for our democracy.

Earlier today, a group of folks representing the Town and Village of Ossining, Metro North, the Ossining Boat and Canoe Club, the Hudson River Clearwater, and Dr. Gareth Hougham of Hudson Valley Arts and Sciences and his team, held a stakeholder meeting to discuss the Village of Ossining pier extension project. HVAS secured a grant to conduct a feasibility study and produce a set of working plans to extend the village dock where the Ferry currently comes in. Stakeholders, including the Town, have all been working together with HVAS to develop a design option that works for everyone. Specifically, Gareth has been working closely with all interested parties, including the Boat Club, to come up with something that would not be disruptive to OBCC operations or mooring fields, that could accommodate the Clearwater and other similar sized vessels, and that would fulfill the goal of making Ossining a friendly place for people to come out and use the dock, as well as to allow transient boaters, jet skis, kayaks, canoes, etc. to access our restaurants and our waterfront. I am proud to say that in today's meeting, I think we finally got to "kumbaya" and the next step is for the "final" draft to be presented and

approved by the Village Board before it gets shipped out to various state agencies for approvals. Gareth will be coming to a Town Board Work Session in the near future, we hope, once the Village approves the schematic, so I hope to share more with you about this shortly.

Also today, I was contacted by Adam Bosch from the NYCDEP to discuss some action steps being considered to treat for hydrilla in the Croton Reservoir (one of our water sources.) More details of the DEC's treatment last summer in the Croton River as well as the plans for the reservoir will be discussed tomorrow night at Croton Village Hall at 6:30 PM. Also, yesterday at our monthly Westchester Town Supervisor's get-together, the topic of the new federal tax law was discussed. There are a couple of bills which have been introduced in the State Legislature, and which I know the Governor is also working on, that seem like they may offer some hope for taxpayers to be able to continue to deduct their property taxes in similar amounts to what they could deduct in 2017 and prior. We will be working together to look if we can offer support to the state if we believe there is a viable option. We will keep you posted.

This Thursday evening, January 25th, the Ossining Lions Club invites you to a chat about chickens. Join them for a buffet dinner at 7PM and learn about the many benefits to keeping chickens in your backyard—it ain't just the eggs! Currently, backyard birds are allowed in the Town of Ossining! Local experts Brenda Quinn and Laura Houston-Whitlinger will share their experiences and engage in a discussion about the merits of allowing chickens in the Village of Ossining as well. The cost is \$25 at the door, all are welcome. Email RSVP@ossininglions.org to hold your seat.

That same evening, Assemblywoman Sandy Galef will be holding one of her annual Town Hall Meetings around her assembly district, at the Ossining Public Library beginning at 7PM. Come hear about the work Sandy is doing for the 95th Assembly District at the State level and bring your questions, concerns and ideas to share with her and her staff.

This Saturday (January 27th), join community gardeners from all over the County at the Westchester County Community Garden Network Visioning Session. Whether you already have a well-honed green thumb or are considering your very first plot, come learn more about how community gardens make for healthier communities, why our county needs more community gardens and how you can help make it happen. Email DrSusanRubin@gmail.com for more information. This event will be held at 10AM at the First Unitarian Society at 25 Old Jackson Avenue in Hastings.

Our best defense is to be informed! Neighbors Link invites you to an immigration presentation on your rights when interacting with law enforcement, immigration agents or if questioned about your immigration status. The presentation will also address changes in the law regarding DACA and TPS. You will also have the opportunity for a free legal screening. The presentation will take place on Wednesday, January 31st at 7PM at St. Ann's Church and be conducted in both English and Spanish.

If you are stuck on what to get your sweetie this Valentine's Day, you are in luck—The Lantern Gift Shop at St. Paul's on the Hill will be holding a special event on Saturday, February 3rd between 10:00 A.M. and 3:00 P.M. (snow date is Saturday, February 10th). They will offer homemade cards, gifts, and don't forget the famous Valentine's Day Bake Sale. Be sure to enjoy a free cup of hot tea or coffee while you shop!

Also on February 3rd, Westchester Collaborative Theater is hosting a Mid-Winter Dance Party fundraiser at 7:30 P.M. at their home at 23 Water Street. Check out their website at wetheater.org for more information or to buy tickets.

The Ossining Public Library is celebrating its 125th Anniversary this year, and all are invited to the Opening Ceremony on Saturday, February 10th at 2PM, featuring special remarks, a performance by students from Ossining High School, and a reception to follow. This will be the kick-off for a year of special events, including the Kids & Teen Celebration on Sunday, February 11th at 5:30PM. Both events will take place at the OPL at 53 Croton Avenue, all are welcome.

Teatown's Eaglefest 2018 will take place on Saturday, February 10th. Between 9AM and 4PM, bring the family down to Croton Point Park to enjoy eagle shows, bird walks, children's activities, and this year, a musical performance by the always fabulous singer-songwriter Dar Williams. Get more information on this wonderful annual event by visiting www.teatown.org/events.

Finally, on Thursday February 15th at 7:00 P.M., the Ossining Historic Cemeteries Conservancy will hold a Mid-Winter Meet-Up at the Jug Tavern. Come learn about the group's work, including upcoming headstone cleanings and the Dale Cemetery Heritage Trail, hear some Dale, Sparta and other stories from Town and Village Historians Scott Craven and Dana White, and enjoy some light refreshments. RSVP by emailing OHCC1562@gmail.com.

IV.LIAISON REPORTS

Councilmember Feldman congratulated OVAC for a great year and has been impressed with Nick Franzoso and his crew.

V.DEPARTMENTAL REPORTS

Supervisor Levenberg stated that tonight, we have two Departmental Reports, which may be a first for one meeting. Our Town Superintendent of Highways, Mr. Michael G. O'Connor is here, as is our Superintendent of Cemeteries Mr. Pete Connolly. I invited them here to give a quick update on anything in their departments on which they want to update our Board or our public—we are making an earnest attempt to have each department head attend at least one Board meeting per quarter to give a similar update. I will leave it up to them who wants to go first tonight.

- Town Highway Department- Michael G. O'Connor

Town Highway Superintendent Michael G. O'Connor

Mr. O'Connor welcomed Jackie Shaw the newest Councilmember to the Board and advised that she was the liaison to his department. He also welcomed Peter Connolly as Deputy Town Highway Superintendent. Kudos to the water department for the repair of 12 water main breaks. The Highway Department will still pick up leaves as the leaves fell late this year and we were not able to pick them up before the snow fell. Compliance training in our department will take place on Friday. The six wheel dump truck will be delivered next week. Councilman Wilcher asked if the \$1 per year for your deputy is in the budget and Mr. O'Connor commented that it was given in cash to the Town Clerk.

Peter Connolly Superintendent of Dale Cemetery thanked the Board and Michael for the vote of confidence. The 2017 road paving was completed; two out of the three retaining walls have been completed. Section 12 broker met with Engineer and the Contractor marking out 300. We have surveyed for additional spots; section signs which will be placed for a walking tour of notables buried at Dale. We will re-do the Cottage during the year. This will be a busy 2018. June 3 Historic signs will be placed. Ghost in Graveyards will be filmed at Dale.

VI.PUBLIC COMMENT ON AGENDA ITEMS

James Frazer from Knollview questioned why he is paying the same taxes as a single family home. He thought he was purchasing a condo but instead bought a PUD (Planned Unit Development)

Warren Gregory of Beechwood Way received a flyer recently regarding taxes. He just started research of 37 units which includes 60 plus voting residents. As a Vietnam Veteran Holly Perlowitz assisted in the filing for an exemption.

John O’Leary of Beechwood Way questioned whether they could be allowed to become a condo. There are approximately 450 PUDS versus 1600 condos with the PUD similar to a condo but paying higher taxes.

VII.BOARD RESOLUTIONS

A. Approval of Minutes-Reorganizational Meeting

Councilmember D’Attore 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 January 9, 2018 minutes of the Reorganizational Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember D’Attore 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 January 16, 2018 minutes of the Special Meeting as presented

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

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

Resolved, that the Town Board hereby approves the Voucher Detail Report dated January 23, 2018 in the amount of \$56,467.97 for 2017 and \$624,407.41 for 2018. Grand total of \$680,875.38

Supervisor Levenberg stated that we have a pretty light 2017 run, but the 2018 bills were significant this time around—we had our January Village of Ossining IMA bill (\$132K), our February Medical bill (\$120K), our Right of Way survey for McCarthy Drive (\$21,400), and more than \$350K of refunds of tax overpayments from the end of 2017.

Motion Carried: Unanimously

D. Environmental Advisory Committee- Appointment

Councilmember D’Attore moved and it was seconded by Councilmember Wilcher her that the following be approved:

Resolved, that the Town Board hereby re-appoints Mitzi Elkes as Chair to the Town of Ossining Environmental Advisory Committee to serve a five-year term, set to expire on 12/31/2022.

I am excited to be able to re-appoint our Chair, Mitzi Elkes, along with John Ladd, our resident map expert, and Jim Nolan, to the EAC—these guys have been doing a great job of advising our Land Use Boards, and the Town Board, on issues we should be considering both in general and in terms of specific applications, and we are grateful that they have agreed to another 5 year term of volunteer service.

Motion Carried: Unanimously

E.Environmental Advisory Committee- Appointment

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

Resolved, that the Town Board hereby re-appoints James Nolan to the Town of Ossining Environmental Advisory Committee to serve a five-year term, set to expire on 12/31/2022.

Motion Carried: Unanimously

F.Environmental Advisory Committee- Appointment

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

Resolved, that the Town Board hereby re-appoints John Ladd to the Town of Ossining Environmental Advisory Committee to serve a five-year term, set to expire on 12/31/2022.

Motion Carried: Unanimously

G.Board of Ethics- Appointment

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

Resolved, that the Town Board hereby appoints Mike Turco, Ossining, to the Town of Ossining Board of Ethics to serve the remainder of Ms. Sandy Hirsch's term, set to expire on 12/31/2020.

Supervisor Levenberg stated that as you may remember, a few weeks back, we regretfully had to accept the resignation of our Town Board of Ethics Chair, Sandy Hirsch, who had some personal issues come up and could no longer serve. Mr. Turco was interested in joining, and we are happy to be appointing him to the remainder of Sandy's term tonight.

Motion Carried: Unanimously

H.Zoning Board of Appeals- Appointment

Councilmember D'Attore moved and it was seconded by Councilmember Shaw her that the following be approved:

Resolved, that the Town Board hereby re-appoints David O'Neil to the Town of Ossining Zoning Board of Appeals to serve a five-year term, set to expire on 12/31/2022.

Supervisor Levenberg stated we are pleased to reappoint David Krieger, former Town Board member who has served us admirably, David O'Neill, and newly appoint Carolyn Stevens who is a transplant from the Sound Shore and who had many years of experience with Land Use issues in particular, and specifically served as Mayor of Scarsdale. We are grateful for the continued service of Mr. Krieger and Mr. O'Neill and thank you in advance to Carolyn for stepping up to serve her new municipality in this way.

Motion Carried: Unanimously

I.Zoning Board of Appeals- Appointment

Councilmember Feldman moved and it was seconded by Councilmember D'Attore her that the following be approved:

Resolved, that the Town Board hereby re-appoints David Krieger to the Town of Ossining Zoning Board of Appeals to serve a five-year term, set to expire on 12/31/2022.

Motion Carried: Unanimously

J.Zoning Board of Appeals- Appointment

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

Resolved, that the Town Board hereby appoints Carolyn Stevens, Ossining, to the Town of Ossining Zoning Board of Appeals to serve a five-year term, set to expire on 12/31/2022.

Motion Carried: Unanimously

K.Contract- CAI Technologies

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the 2018 Tax Map Maintenance contract with CAI technologies, Littleton, NH, for the 2018 year as per their proposal of January 3rd, 2018 and at a price not to exceed \$7900, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg stated that at the recommendation of our Town Assessor Fernando Gonzalez, we are going to be renewing our Tax Mapping service with CAI for another year. We have gotten great service from these folks for several years now and look forward to continuing this relationship with them.

Motion Carried: Unanimously

L.Contract- Tyler Technologies

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the Additional Services Addendum contract with Tyler Technologies, Moraine, OH, to extend their services to the Town through June 30th, 2018 at a price not to exceed \$30,000, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg stated that we are contracting again with Tyler Technologies to assist in the analysis and implementation to maintain the 2018 assessment roll at 100% of market value- some of this work involves helping our staff to maintain the accuracy of the property inventory by updating records based on building permits, sales and owner requested inspections. We had been using a different consultant for this in 2017, but Fernando suggested that this would be a more economical way to maintain the accurate and up-to-date records and information that is required to produce fair and equitable values based on the current real estate market.

Motion Carried: Unanimously

M. Calling for a Public Hearing- Extension of Cold War Veterans Exemption

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, February 13th at 7:30 p.m. at the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street, Ossining, NY in the matter of Local Law #2 of 2018, entitled “Extension of Cold War Veterans Exemption in the Town of Ossining.”

Supervisor Levenberg stated that if you followed last week's Town Work Session, you know that Mr. Gonzalez joined us to discuss the board taking action to consider extending the exemption for Veterans of the Cold War, which otherwise would sunset later this year. We will be holding the Public Hearing on this law at our next Regular Meeting on Tuesday, February 13th.

Motion Carried: Unanimously

N.Resolution in Support of Immediate State Agency Rule-making for Tanker-Avoidance Zones

Councilmember Feldman moved and it was seconded by Councilmember D'Attore that the following be approved:

WHEREAS, in 2016 the U.S. Coast Guard proposed establishing new anchorage grounds along the Hudson River between Yonkers and Kingston; and

WHEREAS, Governor Cuomo signed A.6825a/ S.5197b into law and positioned New York State to continue to fulfill its responsibility to the Hudson River and its communities from the many potential dangers presented by oil-carrying vessels on the Hudson River and the proposed additional barge anchorage grounds; and

WHEREAS, the federal government and New York State share concurrent jurisdiction over the Hudson River, and as long as action by the state is not inconsistent with existing federal regulation and does not unreasonably burden interstate commerce, New York has significant authority to regulate navigable waters like the Hudson when the state's interest warrants special precautionary measures; and

WHEREAS, it remains a top priority of the Town of Ossining to prevent any new anchorage grounds in the Hudson River from being sited at locations where they pose a clear and direct threat to the environment, quality of life, and regional economic development goals of the Hudson Valley; and

WHEREAS, the Town of Ossining is home to a large population of recreational boaters and fisherman, both of whom contribute to the local economy and enjoy the pristine beauty of the waterfront, as well as soon to be home of the Sing Sing Prison Museum, a transformative tourist destination that will serve as a catalyst for economic development throughout the entire Hudson Valley, and the integrity of all these assets would be threatened by the establishment of new barge anchorage grounds; and

WHEREAS, the Hudson River has a special place in many Town of Ossining activities and organizations, such as the annual Independence Day Fireworks Celebration, the Summer Concert Series, Earth Day, the Ossining Sailing Club, the Ossining Boat & Canoe Club, and so much more, all of which have potential to be adversely impacted by changes to the use or the health of the river; and

WHEREAS, the Town of Ossining has a substantial interest in preserving unfettered access to the Hudson River and keeping the river and its shores healthy and safe for residents, visitors, and wildlife while maintaining this valuable asset for future generations; and

WHEREAS, the Town of Ossining has documented its concerns about the anchoring of petroleum-carrying tankers, including disrupting the economic vitality of the waterfront, endangering drinking water supplies, damaging fish habitats and detracting from scenic beauty and quality of life along the river (see Resolution D from the meeting of August 23rd, 2016); and

WHEREAS, the USCG recently conducted two Ports and Waterways Safety Assessment (PAWSA) workshops for the stretch of the Hudson River between the Tappan Zee Bridge and the Port of Albany, and a recommendation to establish new

anchorage grounds was discussed and could be part of the USCG's PAWSA report;
and

WHEREAS, New York State has secured important victories that have been essential to public health, the environment and the economy of the state, including the administration's support for the Environmental Protection Fund, the ban on hydraulic fracturing, increasing funding for the state's Oil Spill Response Fund, and issuance of water quality permit decisions relating to energy development and transport have been among these many accomplishments; and

WHEREAS, the new law gives the Department of Environmental Conservation the ability to establish areas of the Hudson River where it shall be unlawful for petroleum-bearing vessels to enter, move or anchor; now therefore be it

RESOLVED that the Town of Ossining requests that DEC Commissioner Seggos immediately advance a rulemaking process to establish Tanker Avoidance Zones for petroleum-bearing vessels, implementing the strongest possible regulations allowed under the law; and be it further

RESOLVED that the Town Clerk of the Town of Ossining New York be hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; the Hon. Basil Seggos, Commissioner of the Department of Environmental Conservation, the Hon. State Senator David Carlucci, the Hon. Assemblywoman Sandy Galef and to such other persons as the Town Clerk in her discretion, may deem proper in order to effectuate the purpose of this resolution.

Supervisor Levenberg stated that at last week's Work Session, we discussed a request by Scenic Hudson to pass a resolution urging the DEC to proceed with a rulemaking process for the tanker avoidance zones. As access to our beautiful Hudson River is one of the defining characteristics of the Ossining community, this Board unanimously agreed back in 2016 that these tankers should not be allowed, and this sitting Board also unanimously agrees that the DEC should proceed immediately with implementing the most stringent rules for Tanker Avoidance Zones permissible by law.

Motion Carried: Unanimously

O. **TAX CERTIORARI**
Briarcliff Ventures, LLC
vs.
Town of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Briarcliff Ventures LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 1460 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.06, Block 1, Lot 5 for Tax Assessment Year 2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 65381/2016 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:

**Briarcliff Ventures LLC 1460 Pleasantville Road, Village of Briarcliff Manor,
Town of Ossining, N.Y. 10562 Section 98.06-1-5**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	98.06-1-5	\$726,500	\$146,500	\$580,000

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 \$ 108.86, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg stated that it has been awhile since we have seen any tax certs, which is likely a consequence of both the Town-wide reval and also all of the clean-up work being done over the past several years by Fernando and his staff. Mr. Gonzalez came to review these with our Board last week, and I want to thank him, his staff, our Receiver of Taxes Holly Perlowitz and Deputy Town Comptroller Dale Ferreira for working to make sure these refunds are processed accurately and timely.

Motion Carried: Unanimously

**P. TAX CERTIORARI
LDM of Ossining Corp.
vs.
Town of Ossining**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by LDM of Ossining Corp. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 59-61 Central Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19 Block 5, Lot 64 for Tax Assessment Years 2012-2015 which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 66830/12; 65645/13; 67254/14 and 67344/15 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:

LDM of Ossining Corp. 59-61 Central Avenue Town of Ossining, N.Y. 10562 Section 89.19-5-64

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	89.19-5-64	\$29,500	\$2,649	\$26,851
2013	89.19-5-64	\$29,500	\$2,649	\$26,851
2014	89.19-5-64	\$29,500	\$2,649	\$26,851
2015	89.19-5-64	\$29,500	\$2,649	\$26,851

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 \$ 169.03, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**Q. TAX CERTIORARI
MJV Realty Development Corp.
vs.
Town of Ossining**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by MJV Realty Development Corp. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 1141 Pleasantville Road, in The Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.10-1-63 for Tax Assessment Years 2010-2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 23346/2010; 55769/2011; 65278/2012; 64048/2013; 64672/2014; 65284/2015 and 63053/2016; 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:

MJV Realty Development Corp. 1141 Pleasantville Road Village of Briarcliff Manor, N.Y., Town of Ossining, N.Y. Section 98.10-1-63

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2010	98.10-1-63	\$100,325	\$0	\$100,325

2011	98.10-1-63	\$100,325	\$0	\$100,325
2012	98.10-1-63	\$100,325	\$0	\$100,325
2013	98.10-1-63	\$100,325	\$4,013	\$96,312
2014	98.10-1-63	\$100,325	\$4,013	\$96,312
2015	98.10-1-63	\$100,325	\$4,013	\$96,312
2016	98.19-1-63	\$1,741,900	\$69,676	\$1,672,224

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 \$ 202.49, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**R. TAX CERTIORARI
204 Spring Street Associates LLC
vs.
Town of Ossining**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 204 Spring Street Associates LLC against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 204-206 Spring Street, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.07, Block 5, Lot 64 for Tax Assessment Year 2017, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 66189/17; 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: 204 Spring Street Associates, LLC 204-206 Spring Street, Town of Ossining, N.Y. Section 97.07-5-64

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2017	97.07-5-64	\$558,500	\$58,500	\$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 \$ 55.80, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

VIII.CORRESPONDENCE TO BE RECEIVED AND FILED

IX.MONTHLY REPORTS

X.VISITOR RECOGNITION

XI.ADJOURNMENT –EXECUTIVE SESSION-ADVICE OF COUNSEL

At 10:10 P.M., Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Regular Meeting be adjourned into Executive Session.

Supervisor Levenberg stated that as a reminder, next Tuesday is a 5th Tuesday for us and the Town Board will not be meeting. We will see you next on Tuesday, February 6th for our Work Session and Special Meeting at 16 Croton Avenue.

Motion Carried: Unanimously

At 10:40 PM, Councilmember D’Attore motioned to leave Executive Session and Councilmember Feldman seconded.

Motion Carried: Unanimously

At 10:41 PM, Councilmember Feldman motioned to adjourn and Councilmember Shaw seconded.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Village Clerk

