

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

December 27, 2022
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Angelo A. Manicchio Jennifer Fields-Tawil

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

The Regular Meeting of the Town Board of the Town of Ossining was held on December 27, 2022 at the Municipal Building, 16 Croton Ave, Ossining, NY 10562 AND via video conference. The meeting was called to order at 7:34 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Angelo A. Manicchio and Elizabeth R. Feldman. Councilmember Gregory G. Meyer was present via ZOOM from Syracuse. Councilmember Jennifer Fields-Tawil was absent. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

II. PUBLIC HEARING

- **Local law to amend the Zoning Code to establish a special permit use for artist communities**

At 7:34 PM, the Public Hearing opened.

Counsel Tomm-Addona gave timeline of law.

At 7:37 PM, Councilmember Feldman moved and it was seconded by Councilmember Meyer to close the public hearing.

- **Local Law to amend Chapter 180 (“Taxation”) of the Town Code to Increase the Real Property Tax Exemptions Available to Persons with Disabilities**

At 7:37 PM, the Public Hearing opened.

Counsel Tomm-Addona explained law.

Assemblywoman Sandy Galef, Ossining, excited for the Local Law. It will help people who are in need of it. She encourages to say yes.

At 7:41 PM, Councilmember Feldman moved and it was seconded by Councilmember Meyer to close the public hearing.

III. SPECIAL RECOGNITION – Assemblywoman Sandy Galef

Supervisor Levenberg said the following: As we close out 2022, I am so happy to welcome Assemblywoman Sandy Galef to join us for a special recognition this last week of her tenure before she retires. Proclamation given.

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg announced the following:

It is a quiet week around town as so many are enjoying the holiday season, resting with family and friends. Please join us on Sunday, January 1 at 12noon at the Ossining Community Center for the Inauguration of Town and Village of Ossining elected officials. I will be joining this cohort to be sworn in to my new position as Assemblywoman. Hope to see you there for this special occasion!

As temperatures plunge this winter, a reminder that help is available for heating costs for eligible households. The New York Public Service Commission expects heating costs to rise by at least 20% this winter. If you are anticipating difficulty with paying your heating costs, check out the New York State Home Energy Assistance Program (HEAP). HEAP can help eligible households with assistance to pay their energy bills this winter. Learn more about this program and other ways to reduce your heating costs by visiting www.ny.gov/heat.

County Executive George Latimer reminds all residents to check their energy bills and make sure you are not being charged Westchester County sales tax for your home energy costs. The County has suspended sales tax collection on home energy costs this winter to help combat the effects of rising costs on our households. If you see that you were charged County sales tax on home heating fuels after December 1, contact the County right away at (914) 995-2900.

V. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg announced the following:

It is bittersweet that tonight marks my last Town Board meeting as Town Supervisor. I am proud to have been entrusted with this role for the past seven years, as the longest serving Town Supervisor since John Chervokas. We have accomplished so much and I need to pause for a few moments tonight to acknowledge all we have accomplished during my tenure, together as “Team Town.”

VI. LIAISON REPORTS

Councilmember Feldman spoke about the OBCC. The OBCC did not float away.

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes— Special Meeting – December 5, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the December 5, 2022 minutes of the Special Meeting as presented.

Motion: Carried Unanimously

B. Approval of Minutes— Regular Meeting – December 13, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the December 13, 2022 minutes of the Regular Meeting as presented.

Motion: Carried Unanimously

C. Approval of Minutes— Special Meeting – December 20, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the December 20, 2022 minutes of the Special Meeting as presented.

Motion: Carried Unanimously

D. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated December 27, 2022 in the amount of \$436,900.68.

Motion: Carried Unanimously

E. TAX CERTIORARI – Red Lion Apartments, LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Manicchio 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 Red Lion Apartments, LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 25 State Street in The Village of Ossining in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 97.07, Block 3, Lot 85 for Tax Assessment Years 2017; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 65101/2017; and

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

25 State Street, The Village of Ossining in The Town of Ossining, N.Y. 10562

Section 97.07, Block 3, Lot 85

Assessment Year	Tax ID No.	Original Assessed Value	Amount of Reduction	Final Assessed Value
2017	97.07-3-85	\$ 4,114,300	\$ 364,300	\$ 3,750,000

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 \$ 351.01, at this time, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg said the following: Huge thanks to our former Assessor Fernando Gonzalez and Special Town Counsel Steve Dewey for working hard to reach fair settlements on these tax certs!

Motion: Carried Unanimously

F. TAX CERTIORARI – Wisiki, LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Meyer 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 Wisiki, LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 57 Ridgcrest Road, in The Village of Briarcliff Manor, in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 104.08, Block 1, Lot 81, for Tax Assessment Year 2022; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, 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:

57 Ridgcrest Road, Village of Briarcliff Manor in The Town of Ossining, 10562

Section 104.08, Block 1, Lot 81

Assessment Year	Tax ID No.	Original Assessed Value	Amount of Reduction	Final Assessed Value
2022	104.08-1-81	\$ 1,294,500	\$ 494,500	\$ 800,000

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 \$ 0, at this time, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg said the following: Huge thanks to our former Assessor Fernando Gonzalez and Special Town Counsel Steve Dewey for working hard to reach fair settlements on these tax certs!

Motion: Carried Unanimously

G. TAX CERTIORARI – Ridgewood Briarcliff Owner, LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Manicchio 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 Ridgewood Briarcliff Owner, LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 345 Scarborough Road, in The Village of Briarcliff Manor, in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 97.16, Block 1, Lot 1 for Tax Assessment Years 2019-2021; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66199/2019; 62764/2020 and Index No. 65101/ 2021; 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:

345 Scarborough Road, Village of Briarcliff Manor in The Town of Ossining, 10562

Section 97.16, Block 1, Lot 1

Assessment Year	Tax ID No.	Original Assessed Value	Amount of Reduction	Final Assessed Value
2019	97.16-1-1	\$ 11,330,300	\$ 3,830,300	\$ 7,500,000
2020	97.16-1-1	\$ 10,112,600	\$ 3,112,600	\$ 7,000,000
2021	97.16-1-1	\$ 8,643,500	\$ 1,643,500	\$ 7,000,000

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 \$ 6,549.08, at this time, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg said the following: Huge thanks to our former Assessor Fernando Gonzalez and Special Town Counsel Steve Dewey for working hard to reach fair settlements on these tax certs!

Motion: Carried Unanimously

H. Resolution – Local Law #10 of 2022 – Amendments to Zoning Code to Regulate Artist Communities

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

WHEREAS, the Town Board recognizes the inherent benefits of artist communities, including bringing artistic individuals and ideas to the community, having new individuals residing in the community temporarily who may share/distribute their art locally and art-related events bringing other interested individuals to the community to learn about the arts and artists and who may frequent local establishments; and

WHEREAS, the Town Code already allows such uses under the existing special permit use of “schools and educational institutions, philanthropic, eleemosynary or religious institutions”, but said uses do not have specific regulations applicable to artist communities and therefore it is a more challenging process for both the artist communities and the land use boards to establish the regulations to allow a site-specific use; and

WHEREAS, the Town Board believes it is beneficial to have certain standards that would apply to all artist communities in the Town to ensure

the artist communities operate in a safe manner cohesive with the rest of the neighborhood, and which will also make it easier and more informative for new potential artist communities to understand the requirements of their use should they choose to establish one within the Town and the neighboring (or potentially neighboring) property owners to understand how the uses will be operating nearby; and

WHEREAS, the Town Board referred this proposed local law to the Westchester County Planning Board in accordance with General Municipal Law § 239-l and -m, and also referred the application to the Planning Board in accordance with the Town Code, both of which boards responded favorably and the Board incorporated their comments; and

WHEREAS, the Town prepared an Environmental Assessment Form, Part 1 pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board held numerous duly noticed public hearing on the proposed local law over several months, and members of the public having ample opportunity to attend and be heard, the public hearing was closed on December 27, 2022; and

WHEREAS, said local law has been on the desks of the members of the Town Board for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration pursuant to SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law further regulates the artist community use that already exists and is permitted in the same zoning districts to make the regulations more restrictive in terms of lot size (five acre minimum), but also more streamlined in terms of use, than as currently set forth in the Town Code; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Town, it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 10 of 2022; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

Supervisor Levenberg said the following: We are very excited to wrap up this local law this evening and further opportunities for art development in the community.

Motion: Carried Unanimously
Ayes: Levenberg, Meyer, Feldman, Manicchio.
Nay:

- I. Resolution – Local Law # 11 of 2022 – Amendments to Chapter 180 of the Town Code to Increase the Income Limits for Real Property Tax Exemptions Available to Persons with Disabilities

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

WHEREAS, Real Property Tax Law authorizes local municipalities to offer tax exemptions for qualifying persons with disabilities based upon their income level; and

WHEREAS, the State recently increased the income level in order to provide exemptions at higher income levels; and

WHEREAS, the Town Board desires to incorporate these increased income levels into the Town Code to allow qualifying persons with disabilities to obtain the greatest exemption possible in order to allow them to remain in their home and age in place; and

WHEREAS, the Town Board held a duly noticed public hearing at its legislative session on Tuesday, December 27, 2022, and members of the public having ample opportunity to attend and be heard, the public hearing was closed on December 27, 2022; and

WHEREAS, said local law has been on the desks of the members of the Town Board for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby determines this action is not subject to the State Environmental Quality Review Act as it will not affect the environment; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Town, it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 11 of 2022; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

**Motion: Carried Unanimously
Ayes: Levenberg, Meyer, Feldman, Manicchio.
Nay:**

J. Awarding of Bids – 2023 Refuse/Recycle Collection

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

Whereas, the Town of Ossining duly noticed a request for sealed bids pursuant to General Municipal Law § 103 for the removal of refuse, garbage, and co-mingled recyclables within the Town of Ossining Refuse District for the period of January 1, 2023 – December 31, 2023 with the option on the part of the Town to renew the contract for up to four separate additional one-year terms; and

Whereas, the request for bids contemplated two options: Option A – Two trash pick-ups and one recycling pick-up per week, and Option B – One Trash Pick-up and one recycling pick-up per week; and

Whereas, the Town only received one sealed bid, which bid was opened by the Town Clerk at 10:00 am, on Thursday, November 17, 2022; and

Whereas, the one bid, and thereby the lowest bid, was by Sani-Pro Disposal Services Corp. d/b/a Suburban Carting Company (“Suburban”), 566 North State Road, Briarcliff Manor, New York 10510, at a total bid price of \$587,400 for Option A, and \$566,700 for Option B; and

Whereas, Suburban is the current, and long-time, provider of these services to the Town, which will allow for the continued orderly operation of said services; and

Now therefore,

Be it Resolved, the Town Board hereby determines that Option A (two trash pick-ups per week) is the preferable option because the price difference between two trash pick-ups and one pick-up per week is relatively nominal and there is an obvious benefit to Town property owners and residents from having two trash pick-ups per week; and

Be it further Resolved, the Town Board hereby adopts a Negative Declaration pursuant to the State Environmental Quality Review Act determining that the proposed action does not have the potential for any significant adverse environmental impacts as providing trash and recycling removal by a company established in providing said services that is familiar with providing said services in the Town necessarily improves the environment; and

Be it further Resolved, that the 2022 Refuse/Recycle Bid is hereby awarded to Sani-Pro Disposal Services Corp. d/b/a Suburban Carting Company, 566 North State Road, Briarcliff Manor, New York 10510, for the total bid price of \$587,400.

Supervisor Levenberg said the following: We are pleased to continue our relationship with Suburban Carting in 2023 with the same pick up schedule going into the new year, within what we had budgeted for in 2023.

Motion: Carried Unanimously

K. Contract – Summer Concert Series 2023

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with Sing Sing Kill Brewery, LLC, Ossining, NY 10562, to curate and sponsor a craft beverage corral during the Summer Concert Series for 2023.

Supervisor Levenberg said the following: We are looking forward to summer 2023 and enjoying some craft beverages with Sing Sing Kill brewery once again!

Motion: Carried Unanimously

L. Contract – Westchester County Senior Programs & Services

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with Westchester County Senior Programs & Services for the purposes of receiving grant funds not to exceed \$16,246 for the Town Senior Nutrition Program.

Motion: Carried Unanimously

M. Calling for a Public Hearing in the matter of Terra Rustica Cabaret License

Councilmember Feldman moved and it was seconded by Councilmember Manicchio 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, January 10, 2023 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 the 2023 Cabaret License for Bella Terra Number 1 (Terra Rustica), 550 North State Road, Briarcliff Manor, NY.

Motion: Carried Unanimously

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

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

X. VISITOR RECOGNITION

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

Steven Feosenfeld, Ossining, thanks Dana for all the work she did. Thank you to Sandy as well.

XI. ADJOURNMENT

At 8:41 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel, personnel, and contracts and Councilmember Manicchio seconded.

Motion Carried: Unanimously

Councilmember Meyer was not present for the Executive Session.


At 8:55 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Manicchio seconded.

Motion Carried: Unanimously

At 9:55 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Manicchio seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk