

Town of Ossining Board Legislative Session

October 13, 2020

Meeting Transcript

Video Recording of Meeting: <https://www.youtube.com/watch?v=uuHgfyiFhQY&t=40s>

Attendance: Supervisor Dana Levenberg, Councilmember Liz Feldman, Councilmember Jackie G. Shaw, Councilmember Gregory Meyer, Councilmember Northern Wilcher, Municipal Attorney Christie Addona, Budget Officer Victoria Cafarelli, Deputy Clerk Martha Quituisaca

1 Dana Levenberg: - say welcome and good evening to our Town Board
2 Meeting of the Town of Ossining our Legislative Session for Tuesday,
3 October 13, 2020. Please rise and join me for the Pledge of Allegiance.
4 [UNCLEAR] flag.

5 All: I pledge allegiance to the flag of the United States of America and to
6 the Republic for which it stands, one nation, under God, indivisible, with
7 liberty and justice for all.

8 Dana Levenberg: Thank you. Okay, we're gonna start off with a roll call.

9 Martha Quituisaca: Okay. Councilmember Feldman?

10 Elizabeth Feldman: Present.

11 Martha Quituisaca: Councilmember Shaw?

12 Jackie Shaw: Present.

13 Martha Quituisaca: Councilmember Meyer?

14 Greg Meyer: Present.

15 Martha Quituisaca: Councilmember Wilcher?

16 Northern Wilcher: Present.

17 Martha Quituisaca: Supervisor Levenberg?

18 Dana Levenberg: Here I am. Thank you. And this evening we have - are
19 starting off with two public hearings. The first one is to review local law to
20 amend Chapter 200 of the Town Code Zoning to create beekeeping
21 regulations in the Town of Ossining. At our last legislative session we open
22 to public hearing on proposed legislation to create beekeeping regulations
23 in the Town of Ossining. At that hearing, we received some good
24 comments and feedback from the public, some of which we've incorporated
25 into our latest draft of the local law. We discussed the draft at work session
26 and the Board's comments were also incorporated. The latest version of
27 the law has been circulated. However, we're still waiting - awaiting some
28 comments from our Building Inspector. So in addition to hearing public
29 feedback this evening we anticipate getting additional feedback from our
30 Building Inspector. Is there anyone here to address the Board on this
31 matter? Or is - before we add before we open up to the public. I just wanted
32 to double check if our Council Addona has anything that she wants to say
33 before opening into the public.

34 Christie Addona: No, you pretty much summed it up. There was some
35 discussion at the work session last week about having a resolution for the
36 Board's consideration. Since then, we've had some subsequent
37 conversations with the Building Inspector, who is going to be charged with
38 administering and enforcing this permit. And we just want to make sure we
39 have all of our ducks in a row, as far as what he is going to need in the
40 language that would be most appropriate in order for him to be able to do
41 so. And given that there is not really a sense of urgency, the
42 recommendation was to hold it over a little bit while longer, just to make
43 sure we make those last tweaks and get it right the first time around.

44 Dana Levenberg: Alright, sounds good. Um, and so I will open it up to has
45 her hand raised. So Donna, would you like to take your three, four minutes
46 or so and make whatever comments you have.

47 Donna Sharrett: Thank you. Thank you for allowing me to speak up for the
48 native pollinators. So I, you know, just wanted to reiterate that the
49 honeybee is - was brought here by the Europeans, it was - it's not native
50 here and our native pollinators got a double whammy because the
51 Europeans came and got rid of all the - a lot of the plants and then brought
52 this be in to compete with the food. So it's a little bit - been challenging for

53 the native species, but I do think that the law that you've worked very hard
54 on is - is balancing the desire for you know this this beloved hobby of
55 raising honey bees, so people can have honey, while offering some
56 protections and considerations for the native species. So I'm very
57 appreciative of that. I do have only one comment because I think you've
58 made really good changes and I think everything looks pretty good, but I
59 am concerned that the maximum amount of hives was raised to six in this
60 draft and - I just - it's - at the work session, I believe, was a work session on
61 our last public hearing - that - our Town Assessor slash Beekeeper said
62 that the hives usually have about 60,000 bees per hive. So six hives would
63 be a lot of bees. And I just think in a residential area, I think it's - I think it's
64 too much and you know - I think that - I think for would still be a lot of bees.
65 But I think it's definitely better than six. So I just ask if you would consider
66 lowering it back. I believe the last draft had four or if not, I would ask if you
67 would take it back to four. So I think that would be reasonable in this highly
68 suburban area. So thank you so much for your work on it. And that's it for
69 me.

70 Dana Levenberg: Thank you. I do believe that that's only for very large
71 properties is where you could have six hives. It's based on acreage.

72 Donna Sharrett: Yes, but if I may just add Bethany is one of those large
73 properties and it's a narrow property so um it - those - those beehives are
74 not going to be too far from the residential areas and -

75 Dana Levenberg: [UNCLEAR]

76 Donna Sharrett: that that property I believe would be allowed to have six
77 hives. And I think it's -

78 Dana Levenberg: Right the -

79 Donna Sharrett: - too much.

80 Dana Levenberg: - the setbacks for larger piece property are also larger
81 and I think that was increased also.

82 Donna Sharrett: It's still a lot of bees. It's like 360,000 bees. That's a lot of
83 bees. So, [UNCLEAR].

84 Dana Levenberg: It sounds like a big number. But you know they're bees
85 so I don't really have a sense of, you know, what that is actually like...

86 personally. You know, I know that obviously your properties could
87 potentially have a lot more room on them and - and theoretically could have
88 a lot more plants that could be food. And I think the food is required on the
89 properties themselves and there are additional protections that we built in
90 to make sure that they aren't creating a nuisance on other people's
91 property, including clarifying some of that language I think that you had
92 asked about last time, so.

93 Donna Sharrett: Yes, that was great.

94 Dana Levenberg: Okay, so thank you for that input and we will take it under
95 advisement. Is there anybody else here to address the Board on our draft
96 beekeeping legislation?

97 Christie Addona: If you're on a phone, you can press star nine to raise your
98 hand.

99 Dana Levenberg: Thank you for reminding me and everybody. Is there
100 anybody who is pressing star nine that we can't see? Okay and I'm hearing
101 none, so I think that I would ask for a motion to... am I asking for a motion
102 to keep – to keep open the public -

103 Christie Addona: Adjourn the public hearing to be continued at your
104 October 27 meeting. Which is when John is – the - Hamilton - the Building
105 Inspector is going to come and speak with the Board about this.

106 Dana Levenberg: So I'd like to adjourn the public hearing ask [for] a motion
107 to adjourn the public hearing [UNCLEAR] until October 27.

108 Elizabeth Feldman: So moved.

109 Jackie Shaw: Second.

110 Dana Levenberg: All those in favor?

111 Board Members: Aye.

112 Dana Levenberg: Anybody opposed? All right, thank you so much. So next
113 up on our agenda, we have another public hearing for the extension of
114 approval of provisional 2020 cabaret license for Maya Riviera Bar and
115 Restaurant, 518 North State Road, Briarcliff Manor. This has been lingering
116 for some time now, as you may have may remember at the beginning of
117 2020 Maya Riviera submitted their request for a cabaret license with an

118 expansion of their normal operating hours. The Board provisionally
119 improved the license in beginning of March, hoping that the 90 day period
120 of the provisional license will give the Board an opportunity to review the
121 impacts of these extended hours make sure that they weren't crazy and
122 nobody was having any problems with them. I know that we're all trying to
123 forget those early days of March, but soon after the Board's approval, Maya
124 Riviera, along with other businesses was forced to close due to COVID.
125 The Board has been approved additional extensions all year, as we keep
126 hoping we might return to some normalcy sooner rather than later. Alas, we
127 have not. So tonight we are holding the public hearing to just wrap this up
128 for the rest of 2020 and approve the license through the end of the year.
129 We can revisit with their 2021 request when they will have to apply again
130 for another cabaret license. And we will hopefully finally you back to some
131 sort of normalcy at some point in the not too distant future. Counsel
132 Addona do you have anything you want to add before I open it up to the
133 public for comment?

134 Christie Addona: No. This is - the Board did this a couple of years ago with
135 this applicant with respect to the hours for amplified music on Fridays and
136 Saturdays. This year the applicant requested it on Sundays through
137 Thursdays, which the Board is authorized to do under the code if it makes
138 certain findings. And that's part of the reason why the Board does it for
139 provisionally as it did with the Friday and Saturday - Saturday hours in
140 order to ensure that there are no impacts. But this applicant has not really
141 had any issues in the past or the Board found that appropriate. The
142 resolution was passed on March 10, as a Supervisor mentioned very
143 shortly before all the restrictions went into place, so there wasn't really any
144 feedback to receive based upon their operations, because of the
145 circumstances. So the resolution that the Board will be considering later
146 this evening, specifically provides that the Board is not bound by this
147 determination, that it's made based on the circumstances as they exist now
148 and that the Board can revisit this and look at the circumstances that as
149 they may exist in the future and deciding whether or not to continue with
150 these expanded hours.

151 Dana Levenberg: Thank you. So with that, I would like to ask if there's
152 anybody here who has come to address the Board on the public hearing for
153 the extension of the cabaret license for Maya Riviera. If so, please raise

154 your hand and you can press star nine – is that what we decided? - if
155 you're on a phone and that will raise your virtual hand and then we can call
156 you.

157 [SILENCE]

158 Dana Levenberg: Going once. Going twice. Victoria Cafarelli, do you see
159 anybody that I don't see? No? Gone. Okay seeing nobody can I have a
160 motion to close the public hearing?

161 Elizabeth Feldman: So moved.

162 Jackie Shaw: Second.

163 Dana Levenberg: All those in favor?

164 Board Members: Aye.

165 Dana Levenberg: Any opposed? Okay. Wonderful. So as mentioned, we
166 will be addressing that a little bit later on this evening. So next up we have
167 [a] Westchester power program update from Sustainable Westchester, we
168 have Carmen Santos here. And she is with Westchester Power which is
169 part one of the many programs that Sustainable Westchester offers to
170 member communities. And we are excited for her to share some good
171 news with us about the auction for the new rate for the Community Choice
172 Aggregation program. Carmen, tell us what good news, you have.

173 Carmen Santos: Thank you. Hello. Good Evening Supervisor and everyone
174 here. So just going to share my presentation first.

175 [SCREENSHARE BEGINS]

176 Carmen Santos: Okay. So, as everyone knows, now. My name is Carmen
177 Santos, and I work for Sustainable Westchester and I support the
178 Westchester Power Program and I'm here to give you some updates on the
179 program. So for the viewing audience Westchester Power is our county
180 community energy program established in 2016. We work with
181 municipalities to aggregate residents and small businesses to buy clean
182 energy at competitive fixed rates. And in doing so, we make a positive
183 impact on the environment. And so we're helping build healthy, resilient
184 communities by accessing affordable clean, renewable power and helping
185 address climate change and securing a better future for our children. The

186 program also helps us improve air quality, because it mitigates carbon
187 dioxide and other greenhouse gases. And it also helps us boost the green
188 economy and generate more green jobs. So 27 municipalities participate in
189 the program 24 of them have chosen green supply or 100% renewable
190 energy. And we are very happy to say that the Town of Ossining has
191 chosen Green Supply and we also have another standard supply which is a
192 mix of fossil fuels and renewable energy and residents can switch between
193 supply options at any point. So how does it work? Basically Westchester
194 power is going to buy your electricity and Con Ed is going to continue to
195 deliver your energy, maintain the lines, and bill you. And you really don't
196 have to do anything, you just end up having more energy choice and in
197 your participation. I – or: through your participation. And you're supporting
198 clean energy. So we had a bid auction for the 2021 contract and it was very
199 exciting because it was in real time and we had four suppliers do
200 municipality leaders are able to watch them put in their bids. And so it went
201 for longer than - we had many different scenarios and someone from 15 to
202 30 minutes or so. And so Constellation ended up giving us one of the best
203 offers and for Residential Standards Supply, we were able to secure a
204 6.749 cents for 18 months. And for the Residential Green Supply, we are
205 able to secure a 7.4 or five cents for 18 months. And it was very exciting
206 because the commercial supplies came in lower. And so for the Standard
207 Supply, we got 6.445 cents for 18 months. And for the Commercial Green
208 Supply is going to now be 7.100 cents for 18 month. And all of these rates
209 are lower than what we currently pay for Green Supply which is 7.96 cents.
210 So it was a really guide bid process for us. So thanks to look out for: you're
211 going to receive a notification letter and know around November 4. It's
212 going to give you all this information about the rates as well as
213 Constellation being your supplier. So, so going to give you information on
214 how to opt out of the program that you choose not to participate. But if you
215 choose to stay you [will] basically be enrolled on the first meter rebate
216 starting January 1. We also want you to make sure you look at the letter
217 and that it has a municipality seal on it. We know that there is a lot of
218 confusing material out there, or at least said there are other energy
219 companies trying to supply you energy, just know that the letter in the
220 envelope would both have the municipality seal on it. So again, you're able
221 to opt out of the program or switch between supply options that any time
222 during this 30 day opt out period. You - all you have to do is sign and send

223 back the prepaid postcard that it comes along with the letter. Or you can
224 call us and we'll help you either come out of the program or switch between
225 the supply options. And you could also do this on your own by going to
226 [w]ww.SustainableWestchester.org/WP. And we just want to say that we
227 are really thankful for your participation in this program because it's helping
228 us to celebrate a transition to clean energy. And we really want everyone to
229 be aware of this program. So if you're part of a community group or church
230 group and you want us to tell you more about this program and how it -
231 what - what it does and how we're helping make an environmental
232 progress, how will help us have a better sustainable future, then please
233 contact us at info@sustainablewestchester.org and we'd be happy to set
234 that up. And now I'd like to open the floor for any questions or comments
235 you may have. So I just want to say thank you so much Carmen for that
236 great explanation. And as I've said, the more that we can get together on
237 demanding clean energy and building demand for clean energy, the sooner
238 that we can get off of not clean energy dirty energy fossil fuels, etc. So by
239 working together as Westchester Power has offered for all of the
240 participating municipalities, we really can drive demand and that's really
241 exciting. One of the things you talked a lot about Carmen was opting out,
242 but I know that over the course of time, many have opted out and now that
243 we have better rates, maybe they would like to opt in. So if they opted out
244 and they're not on the list anymore. How do they opt in?

245 Carmen Santos: Basically, you have to call us. So we no longer - we don't
246 send another letter for them to be re enrolled, but you basically just call us
247 at our phone number. Which is on my slide, let me just read it to you. It's
248 914-242-4725 and just say that you're interested in joining the program and
249 be happy to opt back in.

250 Dana Levenberg: And that's great. And then the other thing that I just
251 wanted to mention is just doesn't preclude you from being able to also
252 participate in Community Solar projects or programs. You can still opt into
253 Community Solar and still receive a 10% discount, I believe, is that correct?

254 Carmen Santos: Yes, that is correct. And you'd actually be having a double
255 environmental impact because you're promoting the construction of
256 renewable energy with - near our communities as well as promoting
257 renewable energy somewhere in New York State that is supplying us

258 energy. So really, it would be amazing if you could do both and Community
259 Solar is a guaranteed savings program that gives you up to 10% savings
260 on your bills. So, it is almost like you should just take advantage of it.

261 Dana Levenberg: That's great. And then finally, um, I was just gonna say
262 there's one more thing about the can... You know, that you mentioned New
263 York State. So the power is all generated in New York State. Is that true?

264 Carmen Santos: Yes, so, um, we for the - for the Westchester Power
265 program we work with renewable energy credits. So that is for every energy
266 unit we use somewhere in New York State. We renewable energy needs to
267 be placed into this overall grid that we all use. So in that sense, yes it is
268 being generated in New York State.

269 Dana Levenberg: Excellent. Okay, so I just like to open it up to the Board
270 for any other questions.

271 [SILENCE]

272 Dana Levenberg: Alright, well, fantastic. A little bit later on in our agenda.
273 We're going to have an opportunity to authorize me to sign the electronic or
274 - service agreement, sorry, electric service agreement electronically with
275 Constellation, which is the - which was the winning bidder. And we look
276 forward to another great round of Westchester Power with even better rates
277 locked in for another year and a half. So, Carmen. Thank you so much for -
278 for spending some time with us was going to say coming out this tonight.
279 But maybe you're staying in. So just appreciate you taking the time tonight
280 to talk to us a little bit about the auction process and - and about
281 Westchester Power. So thank you so much.

282 Carmen Santos: Thank you. Have a great evening, everyone.

283 Dana Levenberg: You too

284 Carmen Santos: Goodnight.

285 Dana Levenberg: Goodbye. Okay, so up to announcements and today is
286 the last day to register as an organ donor as part of team Ossining. On
287 Thursday last week we hosted a zoom-a-thon with nearly 30 participants.
288 Typically we celebrate Organ Donor Enrollment Day with outdoor events to
289 help people register, but we had to get creative this year. Thank you so
290 much to all of the elected officials, musicians, and donors, and transplant

291 recipients that came together to raise awareness. We reached over 6000
292 people with the live streamed zoom-a-thon. And hopefully a lot of people
293 registered to be donors. Most New Yorkers support organ donation, but
294 only 32% are actually enrolled. If you're interested in becoming an organ
295 donor visit the Town of Ossining Facebook page or
296 <https://donatelife.ny.gov/ref> - as in referee, r- e-f- /LiveOnNYDD - as in
297 Dana Dana – 139/. Sign up today and give the gift of life. What are you
298 waiting for? You don't have to give it today - you have to sign up today.
299 Coming right off of all that good work we did on organ donor enrollment
300 down Thursday I woke up to a much different feeling on Friday morning
301 when I went out for a run. Right in front of my home, clearly in response to
302 the Black Lives Matter sign that I have posted someone had talked a nasty
303 message with a racial slur that rocked my entire day, week, etc. We quickly
304 pulled so many of Ossining's leaders together for a press conference,
305 including from the Village, Town, school district, and police department,
306 county and state, our Community Equity Task Force, and our faith based
307 community, as well as my husband and my two grown sons. We all find this
308 tape - type of behavior and hateful messaging atrocious and every one of
309 us is committed to countering it and working even harder to root out racism
310 in our midst. I want to just say, I felt so supported and inspired by all of the
311 people who gathered with very little notice at my home on Friday afternoon.
312 And I send everybody a big thank you for joining me to show that Ossining
313 will not stand for hate. I also thank the Town Board for individually speaking
314 out as well on Friday. The police - Ossining police are continuing to
315 investigate this matter if you have any information about anything you may
316 have seen in the area of Emwilton Place on Friday morning October 9 at
317 around 6:15am, please call the Ossining Police Department at 941-4099
318 and ask to speak to a detective. We're coming up on some important
319 deadlines, the start of early voting is just 11 days away and absentee
320 ballots have already been received at some homes. Have you made your
321 voting plan? Take a few minutes to think about how you will be voting this
322 year. Do you need to find a way to get to your polling site? We can help
323 you with that. You can call the clerk's office and we will direct you and
324 make sure that you can get a ride to the polls. Do you know where your
325 voting site will be? It may have changed this year. Do you have questions
326 about early voting? New York voters have several options for this upcoming
327 election. You can cast your vote by absentee ballot, vote in person on

328 Election Day, or vote in person during the early voting period starting
329 October 24th. Visit the Board of Elections website at
330 citizenparticipation.Westchestergov.com for all information on this
331 upcoming election. All voters in Westchester County can go to any of the
332 17 early voting sites across the county from October 24 through November
333 1st. But on Election Day November 3 you must vote at your assigned polling
334 place. Please note, you're polling place may have changed this year. So
335 check the Board of Elections website to confirm your correct polling place
336 or keep an eye out for a postcard in the mail with your information. I'd also
337 like to take this opportunity to remind everyone that the presidential
338 candidates are not the only candidates on your ballot this year. There are
339 positions on the State Supreme Court, in State Senate, for District Attorney,
340 local judges, as well as Village of Ossining Trustees, among others, and
341 they all deserve your attention. You can visit vote411.org/ballot to learn,
342 whose names will be on your ballot. Breaking news I was going to talk
343 about how we have until the 31st of October to continue to respond to the
344 census, but as of this evening we learned that the Supreme Court ruled
345 differently and upheld the president's request to – or demand to, I guess we
346 should say - to put an end to the census earlier. So we are not exactly sure
347 what that's going to mean, and when exactly they're going to shut down the
348 census. I do know - I know Victoria Cafarelli was watching the blow by blow
349 of this. I don't know if it was on CNN or MSNBC, but I don't know if you
350 learned anything since last we spoke. I did see that there was an
351 announcement from County Planning Department. So I think we're still
352 waiting for a little information. It's possible that you can still respond. But
353 we're not exactly sure what is going to count. As of today, I believe we
354 were at 69.9% response rate which matches in the unincorporated Town of
355 Ossining and that matches our 2010 response rate, which were happy
356 about, of course, we wanted to exceed that. So we still encourage anybody
357 who is not respondent census yet to self-report. And go to I think it's what
358 mycensus2020.org? Dot gov? Not - I don't remember exactly what but
359 defined search for census - US Census on your computer and you can
360 respond online.

361 Victoria Cafarelli: it's 2020Census.gov.

362 Dana Levenberg: 2020Census.gov. So you can still try that, but we just
363 don't know if it will be counted. And if you haven't already, no harm in

364 trying. And I encourage you to do so because we lose \$2500 a year per
365 resident for anybody who does not respond. And that's on average – it
366 could actually be more than that. That's what it was based on the 2020
367 figures. As a quick update about Town services leaf collection will be
368 starting up soon. So be sure to recall your leaves to the curb. To the curb,
369 not in the street. Leaves can be left loose at the curb or in paper bags for
370 pickup. Please do not that your leaves in plastic except if you happen to
371 live on Route 133 or 134 because the state picks those up and they haven't
372 seemingly caught up to their own laws yet and they're still require that you
373 put them in plastic. Leaf collection will continue through the end of the year
374 by our amazing Highway Department, please make every effort to keep the
375 leaves out of the road. Because as you know that they can they can get
376 very slick when they get wet. And this can lower the time it takes for your
377 car to slow down or stop when it needs to. We're happy to offer leaf
378 collection services to our residents, but please, be mindful of where the
379 piles end up. Lastly, I would like to ask everyone to remain vigilant when it
380 comes to health guidelines as the chilly weather drives us indoors, it is
381 important to keep washing our hands, wearing our masks, and avoiding
382 touching our faces. I know the news is full of discussion about an eventual
383 vaccine, but we don't have one yet. That means that we need to keep
384 working every day to protect one another. If you are considering traveling
385 out of state, please review the New York State Travel Advisory. And even if
386 you're actually in state I think that there's now these cluster areas that -
387 Cluster Zones that the Governor has identified with different colors: orange,
388 yellow, and red. So really think about where you're going and if your
389 business reopening plan was drafted with warmer weather in mind, please
390 do another review of your procedures. We have seen an uptick in cases
391 across the state. New York is now offering a COVID alert NY app. Which
392 uses Bluetooth technology to alert users if they had been in close proximity
393 to a positive case the app is voluntary, anonymous, and does not use
394 location services, GPS, or geographical information. So I guess it must use
395 magic, because I don't know how else to figure this out. But somehow or
396 another, it does. You can learn more about the app at coronavirus
397 health.nyc.gov/COVID-alert-ny. I think it's probably just also on the New
398 York forward website so if you google New York Forward I'm sure you can
399 find it pretty easy. It's probably right - right at the top. Do any of my Board
400 colleagues have any other announcements?

401 [SILENCE]

402 Dana Levenberg: Seen none, I will ask if there are any liaison reports.

403 [SILENCE]

404 Dana Levenberg: Yes, no, are you looking [UNCLEAR]. Head shaking in
405 the right direction? Okay. No. Okay. In that case we will go to a public
406 comment on agenda items only. Is there anybody here to address the
407 Board on any of the items on our agenda for this evening?

408 [SILENCE]

409 Dana Levenberg: And, seeing none. We can go right into our Board
410 resolutions. And Martha Quituisaca. Want to take us through those
411 resolutions?

412 Martha Quituisaca: Yes. Give me one second. My computer froze.

413 Dana Levenberg: Of course, because that's how things happen. I
414 understand it happens to me all the time. Thank you.

415 Martha Quituisaca: Okay Approval of Minutes - Regular Meeting – September
416 22, 2020: Resolved, that the Town Board of the Town of Ossining hereby
417 approves the September 22,2020 minutes of the Regular Meeting as presented.

418 Dana Levenberg: Do I have a motion?

419 Elizabeth Feldman: So moved.

420 Jackie Shaw: Second.

421 Dana Levenberg: All those in favor?

422 Board Members: Aye.

423 Dana Levenberg: Anybody opposed?

424 [SILENCE]

425 Dana Levenberg: Thank you.

426 Martha Quituisaca: Okay. Approval of Voucher Detail Report: Resolved,
427 that the Town Board of the Town of Ossining hereby approves the Voucher
428 Detail Report dated October 13, 2020 in the amount of \$435,911.41.

429 Dana Levenberg: Do I have a motion?

430 Northern Wilcher: So moved.

431 Jackie Shaw: Second.

432 Dana Levenberg: Questions? Discussion?

433 [SILENCE]

434 Dana Levenberg: All those in favor?

435 Board Members: Aye.

436 Dana Levenberg: Anybody opposed?

437 [SILENCE]

438 Martha Quituisaca: I'm just - Christie for the Tax Certiorari should I read the
439 entire thing or just certain parts of it?

440 Christie Addona: I emailed you a revised agenda.

441 Christie Addona: Oh... Give me one second...

442 Dana Levenberg: So we have Tax Certiorari resolutions coming up and
443 they tend to be very lengthy so our Counsel Tomm Addona has gone
444 through them to make sure that the relevant points are read into the
445 Minutes and the other rest of the full and complete agenda is available in
446 the clerk's office and online on our website. Following this meeting as part
447 of our accepted minutes and etc. and before the meeting in [UNCLEAR].

448 Christie Addona: And as part of the agenda.

449 Dana Levenberg: And as part of the agenda. Yeah. Exactly.

450 Martha Quituisaca: Okay. Okay. Tax Certiorari – David Swope/Estate of David
451 A. Swope vs. Town of Ossining: Whereas, proceedings pursuant to Article 7 of
452 the Real Property Tax Law of the State of New York were instituted by David
453 Swope/Estate of David A. Swope against The Town of Ossining, New York to
454 review the tax assessments made on Petitioner's property located at
455 Scarborough Station Road, Village of Briarcliff Manor in The Town of Ossining,
456 N.Y. 10562; and designated on the tax assessment map of The Town of
457 Ossining as Section 104.07-1-43, for Tax Assessment Years 2016-2018;
458 Whereas the above petitioner has agreed to a compromise and settlement of
459 such proceedings subject to the approval of the Town Board correcting and
460 reducing the real property and improvements.

461 Victoria Cafarelli: I think there's one more "Resolved".

462 Martha Quituisaca: RESOLVED, that settlement of the proceedings, on the
463 terms set forth herein, is hereby accepted and approved, subject to the approval
464 of the Supreme Court, Westchester County, wherein such proceedings are
465 pending

466 Dana Levenberg: Is that it?

467 Victoria Cafarelli, Martha Quituisaca, Christie Tomm Addona: Yes.

468 Dana Levenberg: Okay. And all the details, again, are available on the
469 agenda. Do I have a motion?

470 Jackie Shaw: So moved.

471 Elizabeth Feldman: Second.

472 Dana Levenberg: All those in favor?

473 Board Members: Aye.

474 Dana Levenberg: Anybody opposed?

475 [SILENCE]

476 Martha Quituisaca: Tax Certiorari – 97 North Water, LLC Vs. Town Of
477 Ossining: Whereas, proceedings pursuant to Article 7 of the Real Property Tax
478 Law of the State of New York were instituted by 97 North Water, LLC against The
479 Town of Ossining, New York to review the tax assessments made on Petitioner's
480 property located at 97 Water Street, Village of Ossining, N.Y. in The Town of
481 Ossining, N.Y. 10562 and designated on the tax assessment map of The Town
482 of Ossining as Section 89.14-1-13 for Tax Assessment Year 2015; [and]
483 Whereas the above petitioner has agreed to a compromise and settlement of
484 such proceedings subject to the approval of the Town Board, correcting and
485 reducing the assessed evaluation of its real property [UNCLEAR] as follows;
486 Resolved that the settlement of the proceedings on those terms set forth
487 herein is hereby accepted and approved subject to the approval of the
488 Supreme Court Westchester County wherein such proceedings are
489 pending.

490 Dana Levenberg: Do I have a motion?

491 Jackie Shaw, Elizabeth Feldman: So moved.

492 Northern Wilcher: Second.

493 Dana Levenberg: All those in favor?

494 Board Members: Aye.

495 Dana Levenberg: Anybody opposed?

496 [SILENCE]

497 Martha Quituisaca: Okay. Tax Certiorari –Parkview Apartments Corporation vs.
498 Town of Ossining: Whereas, proceedings pursuant to Article 7 of the Real
499 Property Tax Law of the State of New York were instituted by Parkview
500 Apartments Corporation against The Town of Ossining, New York to review the
501 tax assessments made on Petitioner’s property located at 117-121 South
502 Highland Avenue, Village of Ossining in The Town of Ossining, N.Y. 10562 and
503 designated on the tax assessment map of The Town of Ossining as Section
504 97.11, Block 2, Lot 82 for 117-121 South Highland Avenue, and designated on
505 the tax assessment map of The Town of Ossining as Section 97.12, Block 1, Lot
506 7 for Holbrook Road, Village of Ossining in The Town of Ossining, N.Y. 10562 for
507 Tax Assessment Years 2015 to – to 2017; [and] Whereas the Petitioner has
508 agreed to a compromise and settlement of such proceedings subject to the
509 approval of the Town Board, correcting and reducing the assessed
510 valuation of its real property and improvements. Resolved that settlement
511 to the proceedings on the term set forth herein is hereby accepted and
512 approved subject to the approval [of] the Supreme Court Westchester
513 County where such proceedings are pending.

514 Dana Levenberg: Do have a motion?

515 Jackie Shaw: So moved.

516 Northern Wilcher: Second.

517 Dana Levenberg: So I just want to say that - thank you to our Assessor
518 Fernando Gonzalez, and our prosecutor Steve Dewey for working hard to
519 achieve a fair outcome in these proceedings for both the Town and the
520 petitioners and thankfully as a result of our annual reassessments we are
521 seeing fewer and fewer of these applications, year after year.

522 Dana Levenberg: All those in favor?

523 Board Members: Aye.

524 Dana Levenberg: Anybody opposed?

525 [SILENCE]

526 Dana Levenberg: Okay.

527 Martha Quituisaca: Resignation – Town of Ossining Justice Court:
528 Resolved, that the Town Board of the Town of Ossining accepts, with
529 regret, the resignation of Sarath Nair from the position of Intermediate Clerk
530 in the Town of Ossining Justice Court, effective October 14, 2020.

531 Dana Levenberg: Do have a motion?

532 Elizabeth Feldman: So moved.

533 Jackie Shaw: Second,

534 Dana Levenberg: So, today was in fact a sad day in the Town of Ossining.
535 Sarath Nair, a shining star in her Justice Court finished his last day of work
536 with us after several years working for the Town. During the years he was
537 working full time in the courts Sarath was also able to pursue his true
538 passion after hours a career in social work. Now that Sarath has finished a
539 schooling and secured a new job and his preferred field - which is amazing
540 because we know how hard it is to find a new job right now - we do have to
541 let them fly away from our nest. Thank you, Sarath, after your service to the
542 Town. He will be truly missed.

543 Dana Levenberg: All those in favor, with great regret?

544 Board Members: Aye.

545 Elizabeth Feldman: With regret

546 Dana Levenberg: Anybody opposed?

547 [SILENCE]

548 Martha Quituisaca: Okay. Promotion – Appointment – Town of Ossining
549 Justice Court: Resolved, that the Town Board of the Town of Ossining
550 promotes Fernanda Lilley from the provisional – from the provisional to
551 probationary position of Intermediate Clerk – Spanish Speaking, effective
552 October 13, 2020; and Be it further Resolved, that Ms. Lilley's pro-rated
553 annual salary remains at \$46,963 for 2020.

554 Dana Levenberg: Do have a motion?

555 Jackie Shaw: So moved.

556 Elizabeth Feldman: Second.

557 Dana Levenberg: So we have had a couple of big personnel shifts in the
558 Justice Court this year as we promoted our part timer Fernanda Lilley into a
559 full time provisional appointment in July to fill a vacancy from earlier in the
560 year. Fernanda recently passed the civil service test with flying colors and
561 has been an asset to the core team. So we are very excited to make her
562 appointment more permanent tonight. Do... I already had in motion and a
563 second? All those in favor?

564 Board Members: Aye.

565 Dana Levenberg: Anybody opposed? Wonderful. Congratulations
566 Fernanda

567 Martha Quituisaca: Okay. One second... Approval of 2020 Cabaret License
568 – Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor:
569 Whereas, by resolution duly adopted March 10, 2020, the Town Board,
570 under its authority pursuant to Chapter 68 of the Town Code (Section
571 68-20(B)), granted Maya Riviera Bar and Restaurant (the “Applicant”) a
572 three-month provisional cabaret license for extended hours during which
573 the Applicant can play amplified music on Sundays through Thursdays
574 from 11:00 p.m. to 1:00 a.m.; and Whereas, the Town Board intended to
575 revisit this approval after three months in May 2020 to assess if there
576 were any negative impacts from the extended hours, but due to the
577 COVID-19 pandemic and the related closures to and operational
578 restrictions on restaurant establishments, the Town Board extended the
579 provisional cabaret license until October 27, 2020 and directed a public
580 hearing be held on the provisional license on October 13, 2020; and
581 Whereas, the Town Board held a public hearing at its regular meeting on
582 October 13, 2020 via videoconferencing in accordance with the Governor’s
583 Executive Orders 202.1 and 202.13, as subsequently extended, and
584 members of the public having an opportunity to be heard, the public
585 hearing was closed on October 13, 2020; and Now Therefore, Be It
586 Resolved, the Town Board of the Town of Ossining hereby grants the
587 Applicant a cabaret license for the calendar year of 2020 in

588 accordance with the provisions of its March 10, 2020 resolution; and be it
589 further resolved, this cabaret license is only for the 2020 calendar year
590 and is granted under unique circumstances where restaurants are not
591 allowed to operate at full capacity, and accordingly, the Town Board
592 reserves the right to modify, add to, and/or eliminate any and all of the
593 terms and conditions of the cabaret license when considering the
594 Applicant's application for a cabaret license renewal for the 2021
595 calendar year in accordance with Chapter 68 of the Town Code.

596 Dana Levenberg: I got thirsty just listening to you. Do I have a motion?

597 Elizabeth Feldman: So moved.

598 Jackie Shaw: Second.

599 Dana Levenberg: Any discussion? Okay, all those in favor?

600 Board Members: Aye.

601 Dana Levenberg: Anybody opposed? Great.

602 Martha Quituisaca: [UNCLEAR] -

603 Dana Levenberg: I feel like it's a final but provisional. I'm just saying, it's
604 like final but provisional law that that's what it is. So it's - it's still pending but
605 hopefully everything is going to be good and we haven't heard anything
606 bad about that. So we're very happy. And happy. A promoting our
607 businesses. Go ahead. Sorry, sorry, Martha.

608 Martha Quituisaca: Fee proposal and [UNCLEAR] proceedings for taxes:
609 Resolved that the Town Board of the Town of Ossining accepts the fee
610 proposals of Tulis & Geiger LLP data September 30 2020 for the
611 preparation and [UNCLEAR] proceedings for taxes for 2020 at a fee of
612 \$2,800 to cover the preparation in service of the notice of foreclosure and
613 associated costs; and be it further resolved any cost beyond the base fee
614 of \$2,800: Will be held at a rate of \$300 per hour for Mr. Mark Tulis and \$85
615 per hour for paralegal and the Town will be reimbursed for such expenses
616 as part of the foreclosure process.

617 Dana Levenberg: Do I have a motion?

618 Jackie Shaw: So moved.

619 Elizabeth Feldman: Second.

620 Dana Levenberg: So we worked with Mark Tulis for many, many years, and
621 we are happy to accept his fees proposal for 2020, yes at the same rate as
622 last year we know our receiver Holly Perlowitz greatly appreciates his
623 expert assistance during the foreclosure processes.

624 Dana Levenberg: All those in favor?

625 Board Members: Aye.

626 Dana Levenberg: Anybody opposed?

627 [SILENCE]

628 Martha Quituisaca: Intermunicipal Agreement, New York State Department
629 of Environmental Conservation grant for recycling app: Resolved that the
630 Town Board of the Town of Ossining authorizes the Supervisor to sign the
631 renewal on Intermunicipal Agreement for calendar year 2021 with the
632 village of Tarrytown and following municipalities: the City of New Rochelle,
633 Town Greenburgh, Town of Harrison, Town of Ossining, Village of
634 Bronxville, Village of Elmsford, Village of Hastings on Hudson, Village of
635 Irvington, Village of Mamaroneck, Village of Pelham and Village of
636 Tuckahoe for the purpose of receiving grant funding from the New York
637 State Department of Environmental Conservation for a shared Recycling
638 App with the Village of Tarrytown as the lead entity for the grant funding
639 subject to approval by Council to the Town us to form.

640 Dana Levenberg: Do I have a motion?

641 Northern Wilcher: So moved.

642 Elizabeth Feldman: Second.

643 Dana Levenberg: So, as the resolution states this IMA [Intermunicipal
644 Agreement] is a renewal from last year so that the Town can continue to
645 receive a reduced rates for recollect - Recollect Recycling App as a school
646 as a result of a shared grant with those of Tarrytown as the lead and many
647 other municipal partners. This program, which is a zero – which was
648 brought to us by zero waste through - program through Sustainable
649 Westchester again. And it's truly a win-win, I hope, anyone who's taken the
650 time to explore the app and look at recyc - Recyclopedia has found it super

651 useful. And navigating garbage collection schedule in the Unincorporated
652 Town and all the different options for recycling and, of course, that also
653 includes our Food Scrap Collection site at Cedar Lane Park. Don't forget
654 about that too, even though it's not again part of this program, you can find
655 your way around all of the different types of recycling in Westchester
656 County through Recollect and - and the Recyclopedia. So we're happy to
657 be getting at a discounted price through grant and thank you to the Village
658 of Tarryown for taking the lead. All those in favor?

659 Board Members: Aye.

660 Dana Levenberg: Any opposed?

661 [SILENCE]

662 Dana Levenberg: Okay.

663 Martha Quituisaca: Electric service agreement: Constellation New Energy
664 Incorporated: Whereas the Town of Ossining signed a memorandum of
665 understanding with Sustainable Westchester to participate in the
666 Westchester Power Community Choice Aggregation program commencing
667 January 1 2021; and, Whereas sustainable Westchester as administrators
668 of the Westchester Power Program bought electric service billing rates
669 through a competitive bidding process with Constellation New Energy
670 Incorporated as the winning bidder; Now therefore be resolved that the
671 Town Board of the Town of Ossining authorizes the Supervisor to sign an
672 electric service agreement ESA with Constellation New Energy
673 Incorporated and Sustainable Westchester to offer Town Residents electric
674 rates that for an Exhibit A of the ESA commenting as of the participating
675 consumers first meter [UNCLEAR] date after December 31 2020 and
676 continuing until a participating consumers first meter reading date after
677 June 30, 2022 as part of the Westchester Power Community Choice
678 Aggregation program subject to approval by Council to the Town is to form.

679 Dana Levenberg: Do I have a motion?

680 Elizabeth Feldman: So moved.

681 Dana Levenberg: So thank you again to Sustainable Westchester for
682 administering this important program for municipalities through your
683 Westchester Power Program. We're excited to be able to offer our

684 residents reduced rates for electricity that is also 100% renewable reduced
685 from last contract. So looking forward to another 18 months of reduced
686 rates and – and demand that is 100% renewable energy demand for 100%
687 renewable energy. All those in favor?

688 Board Members: Aye.

689 Dana Levenberg: Anybody opposed?

690 [SILENCE]

691 Martha Quituisaca: Okay, call for public hearing local on number 4-2020 to
692 amend Chapter 136 of the Town code to allow eating and drinking
693 establishment that are issued a temporary outdoor dining permit to have
694 tents and heaters. Resolved to the Town Board of Town of Ossining hereby
695 calls for a public hearing in the matter of local on number 4-2020 to be held
696 at 7:30pm on Tuesday, October 27 2020, and; we have further resolved or
697 pursuant to the governor's executive orders 202.1 and 202.15 and
698 subsequently extended, this public hearing will be held via video
699 conferencing only, with the information to participate in the public came to
700 be duly noticed and circulated in accordance with the requirements of
701 noticing the public hearings.

702 Dana Levenberg: Do I have a motion?

703 Jackie Shaw: So moved.

704 Elizabeth Feldman: Second.

705 Dana Levenberg: So as we get into the colder season, we're starting to see
706 that our restaurants would attract more customers if they were actually
707 allowed to use tents with sides and heaters. And it would help them extend
708 their indoor space. The Town, more like to consider incorporating this into
709 our recently adopted local law with guidance from our Building Inspector.
710 We will open the public hearing at our next legislative session to get the
711 ball rolling and I anticipate that are building inspector will also be available
712 that evening on our zoom call. All those - I'm sorry I had a motion. Okay. All
713 those in favor?

714 Board Members: Aye.

715 Dana Levenberg: Anybody opposed?

716 [SILENCE]

717 Dana Levenberg: Alright.

718 Martha Quituisaca: Moving on to monthly reports: Resolved that the Town
719 Board of the Town of Ossining hereby accept the following monthly reports
720 for the month of September 2020: Dale Cemetery, GE Helicopter, Town
721 Billing Department, Town Highway, Tax Receivers Office, Town Clerk's
722 Office, and Town supervisor.

723 Dana Levenberg: Do I have a motion?

724 Jackie Shaw: So moved.

725 Northern Wilcher: Second.

726 Dana Levenberg: All those in favor?

727 Board Members: Aye.

728 Dana Levenberg: Anybody opposed?

729 [SILENCE]

730 Martha Quituisaca: Okay. Moving on to correspondence to be received and
731 filed. Resolved that the Board of the Town of Ossining hereby accepts the
732 following correspondence: Resolution of Architectural Review Board –
733 approval Cliff Neto (53 Ganung Dr.), Town Planning Board Minutes 8-19-
734 2020, and Town Planning Board Minutes 9-02-2020.

735 Dana Levenberg: Do I have a motion?

736 Jackie Shaw: So moved.

737 Elizabeth Feldman: Second.

738 Dana Levenberg: All those in favor?

739 Board Members: Aye.

740 Dana Levenberg: Anybody opposed?

741 [SILENCE]

742 Dana Levenberg: Alright. With that, I open it up to a visitor recognition on
743 any item whatsoever. Is there anybody here to address the Board? Seeing
744 nobody. I'm sorry I didn't wait but there's nobody here that I think is not part

745 of our group here. Thank you very much everybody for participating in our
746 public hearings and our legislative session. And if I could have a motion to
747 adjourn to executive session for personnel, advice of counsel, and
748 contracts.

749 Elizabeth Feldman: So moved.

750 Jackie Shaw: Second.

751 Dana Levenberg: All those in favor?

752 Board Members: Aye.

753 Dana Levenberg: Anybody opposed? So we'll be back next Tuesday,
754 October 20 for a work session meeting via zoom. We will be welcoming
755 Westchester County Planning Commissioner normal Drummond to discuss
756 the state of housing in the county at our next meeting. And you're not going
757 to want to miss it. The Zoom links to watch our Board meetings are posted
758 each Friday with the password and meeting ID as a reminder, you can
759 always view past Board meetings on the Town of Ossining YouTube page
760 or our Facebook page. Have a wonderful night, everyone. If you didn't - if
761 you didn't sign up to become an organ donor, you still have time. Thanks
762 and have a great night.