



MINUTES
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
NOVEMBER 12, 2019
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

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

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

The Regular Meeting of the Town Board of the Town of Ossining was held on November 12, 2019 in the Birdsall-Fagan 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 Jackie G. Shaw, Elizabeth R. Feldman and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, and Confidential Secretary Victoria Cafarelli. Councilmember Northern Wilcher Jr. and Budget Officer Madeline Zachacz were absent.

II. PUBLIC HEARINGS IN THE MATTER OF

At 7:30 p.m., the Public Hearing opened.

- Local Law #7 of 2019 – Amendments to Chapter 74 of the Town Code entitled “Dogs” to Regulate Registration for and Use of the Town’s Dog Parks.

Supervisor Levenberg said the following: Tonight, we are re-opening the public hearing on changes to the Town Code as it relates to dog licenses and the administration of the dog parks at Cedar Lane and Ryder parks. We had been waiting on feedback and updates from the Villages of Ossining and Briarcliff Manor. Last week, the Village of Ossining Board of Trustees voted to turn over the administration of dog licenses to the Town, as had been practice for nearly a decade but never officially codified. We have also received feedback from the Village of Briarcliff tonight.

At 7:31 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to November 26, 2019.

III. SPECIAL PRESENTATION

- Presentation of Memorial Plaque for Mario Conte

Supervisor Levenberg said the following: Before we continue with our meeting, we are going to have a special presentation in memory of Mario Conte, a Court Officer and Constable in our Town Court, who tragically and suddenly passed away last year. Mario was a dedicated employee and member of our community, serving thirty-three years in the Ossining Auxiliary Police and as an active member of the Ossining Hose Company in the Ossining Volunteer Fire Department. His death truly left a void in the Ossining community. The staff of the Town Court approached us about installing a plaque here, at the Courthouse, in memory of Mario. I would

like to turn it over to Mario's colleagues in the Town Court, to say a few words about Mario and this memorial plaque.

Ossining Police Lieutenant Damiano spoke about Mario's dedication and love for his job at the Court. He spoke about how proud Mario was when the Village Board proclaimed May 15th as "Mario Conte Day."

Village Mayor Victoria Gearity thanked Lieutenant Damiano for his lovely words.

A moment of silence was held in honor of Mario Conte.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Before I launch into all the wonderful things happening around our community, I want to recognize a very special organization as well as a special day that is coming up this weekend: Today, I signed a proclamation from the Town recognizing this Saturday, November 16th as "Hit a Home Run Against Drugs Day" in the Town of Ossining. Hit a Home Run Against Drugs is an organization founded by Kemi Pogue, an Ossining resident, in memory of her father, Alexander Pogue, who died in 2000 after a battle with cancer. Alexander was dedicated to educating and empowering young people in the community, all with the goal of fostering healthy lifestyles away from the harmful effects of alcohol, tobacco, and illegal drug use and misuse. This Saturday, Mr. Pogue's birthday, we have dedicated as "Hit a Home Run Against Drugs" Day, alongside our colleagues in Westchester County, Peekskill, and the Village of Ossining. Kemi is here tonight, so I would like to invite her up to say a few words about this important organization and how they are reaching out as a protective factor in our community to help keep kids away from drugs and illegal and harmful substances.

This past weekend, I had the opportunity to participate in many events that showcase Ossining now, and its bright future, starting with a trip to Cornell University in Ithaca on Friday to participate in the Climate-adaptive Design Studio's midterm presentations. As you have been hearing, the Town of Ossining and Village of Ossining partnered to apply and were chosen to host the fall 2019 semester of this innovative program as part of Cornell University's Landscape Architecture School in partnership with the New York State DEC's Hudson River Estuary Program. The students have been working hard at visioning a future for the Ossining waterfront, taking into consideration the devastating effects climate change will cause along the Hudson River shoreline as a result of climate change, sea-level rise and increased flooding. I was joined by Deputy Supervisor Liz Feldman, as well as Mayor Gearity and Village Manager Karen D'Attore, plus a landscape architect who works for New York City. We have the opportunity to see a first phase of designs and offer our feedback. This was certainly a humbling experience to take part in, to really face the significant changes our shoreline will endure. We have learned so much and have been given great tools to work with. Please save the date Monday, December 16th for the final presentation of the students' designs at the Ossining Public Library. We will also be videotaping the presentations and posting them on the Town and Village YouTube pages and on GoTV so that everyone can have a chance to see what these designs look like.

When I returned to Ossining, I tried my best to take full advantage of the many events scheduled around Town – from the Hudson River Potters Sale at Bethany, to the Pros(e) of Pie, the Ossining Arts Council's Day of the Dead exhibit, and Project Greenway's re-fashion show. All of these events highlighted the wealth of creative talent in Ossining – we have so much to be proud of! The weekend ended with a ceremony honoring all the veterans in our community that have given so much in service to our country, at the annual

Veterans Day Ceremony at Nelson Park. We must always be grateful for their dedicated service, and I was honored to stand alongside my fellow elected officials and community members to take the time to pause and reflect on the sacrifices all veterans and their families have made for our freedoms.

Now for some upcoming events:

We are very lucky that our state (and local) elected representatives recognize the importance of addressing climate change head on. Assemblywoman Sandy Galef will be hosting a community conversation tomorrow, Wednesday, November 13th at Cortlandt Town Hall starting at 7pm. Assemblywoman Galef has lined up an excellent group of speakers with a wealth of information about how we can all do our part to make a difference.

Join Bethany Arts Community for their “ART IS COMMUNITY” 2nd Annual Fundraiser, on Friday, November 15th at 7pm. Enjoy an entertaining evening with great food, cocktails, music, art creators, performance and numerous silent auction items including original art! Grab your tickets now at www.bethanyarts.org.

On Sunday, November 17th at 2pm at the Ossining Public Library, the 400 year project (a County-wide collaborative), the Ossining NAACP, and Historic Hudson Valley are presenting “People not Property: Stories of Slavery in the Colonial North.” Led by Michael A. Lord, Director of Content Development at Historic Hudson Valley, this presentation will share the individual stories of enslavement in the Colonial North, including those enslaved at Philipsburg Manor and throughout the Hudson Valley. Although slavery in the north is well documented and researched, its existence and significance to the development of America’s commerce and culture continues to be obscured, ignored, or misunderstood. This presentation will hopefully shed some light on these stories, including those that are so significant to the history of our own backyard. I hope you will consider attending.

New York State Senator David Carlucci and Assemblywoman Sandy Galef are hosting their annual Senior Fair on Thursday, November 19th from 10am to 2pm at the Ossining Community Center. This event is always extremely informative for our community's seniors and their families, so I encourage you to consider attending. The Town of Ossining will be represented by staff from our Receiver of Taxes and Assessors offices (and of course our Senior Nutrition staff will be on hand right down the hall to encourage our seniors to take full advantage of this program!) Be sure to stop by and say hi!

Gullotta House has begun collecting donations for its 5th Annual Turkeys for Thanksgiving. You can drop off a donated turkey at the St. Ann's Church Rectory between 10AM and 7PM, or at Deli Bagel in Arcadian between 8AM to 4PM -- maybe they'll even take a Tofurkey or two, too! Gullotta House will be distributing donated turkeys and also hosting a free Thanksgiving dinner on Sunday, November 24th at St. Ann's School Gym for anyone in need. For more information, or to recommend families to invite, please contact Gullotta House at gullottahouse@gmail.com or the St. Ann's Rectory at (914) 941-2556.

Finally, on this extremely cold day, why not think ahead to the Summer Concert Series? We have opened up the call to performers for the 2020 Summer Concert Series. Visit www.townofossining.com, and navigate to “Summer Concert Band Application” under “Resources” to throw your hat in the ring for next summer’s performances. The deadline for applications is December 19th, so make sure your favorite bands apply!

Councilmember Shaw announced that the IFCA thrift store is now open. The hours are Tuesday 12:00 PM to 5 PM and Wednesday through Friday 10:00 AM to 5:00 PM.

V. LIAISON REPORTS

VI. DEPARTMENTAL REPORTS

Superintendent of Recreation Bill Garrison gave the Town Board an update on the Recreation and Parks Department. For 2020 the department is looking to increase programming by 10% during each of the season. The department is looking to not only increase the number of programs being offered but the diversity of programs. The department will be conducting questionnaires and surveys to find out what kind of programs the public wants to see. The department is also looking towards bringing in more programming to the parks. The Recreation Advisory Board is currently working on a project that is helping to create a vision for each of the parks in Ossining. Superintendent of Recreation Garrison is working with the Village Manager to create a special event application and process for special events at the parks. They are looking to create a streamlined process that is clear for everyone. The Ossining Tree Lighting Ceremony will be on December 6th at 5:30 PM at Market Square. Registration is now open for Breakfast with Santa on December 14th. There were 35 pavilion rentals this year.

Supervisor Levenberg discussed new equipment that is going to be installed in the parks to replace broken ones and to create a futsal area.

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – October 22, 2019

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

Resolved, that the Town Board of the Town of Ossining hereby approves the October 22, 2019 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 12, 2019 in the amount of \$248,745.65.

Motion: Carried

C. Calling for a Public Hearing-2020 Preliminary Budget

Supervisor Levenberg said the following in regard to the resolution: We submitted our 2020 Tentative Budget two weeks ago and are now preparing to refine the details. We have scheduled the public hearing on the budget for our legislative session on Tuesday, November 26th. However, if you are interested in learning more about our proposed budget for 2020, I encourage you to catch (either in person or on TV) Budget Director Maddi Zachacz's presentation on the 2020 budget at next Tuesday's Work Session. All budget materials are available on the Town's website and we are happy to address any of your questions – just give us a ring! Huge shout out to Maddi and Deputy Comptroller Dale Ferreira for all of their hard work preparing this upcoming year's budget!

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, November 26th, 2019 at 7:30 p.m. at the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street, Ossining, NY in the matter of the 2020 Preliminary Budget for the Town of Ossining.

Motion: Carried

D. Resolution – Calling for Public Hearing on Local Law #9 of 2019– Reduction of Speed Limit on North State Road

Supervisor Levenberg said the following in regard to the resolution: We have been working with our consultants from Sam Schwartz Engineers to make North State Road more bike friendly. In addition to their recommendations to widen the shoulder to accommodate a dedicated bike lane, these consultants have recommended that we consider reducing the speed limit from 30 mph to 25 mph. We feel this change will make the road safer for cyclists, pedestrians, and cars, so we are moving forward with the legislative process by scheduling this public hearing for our next meeting.

Councilmember Feldman wants to look at the speed limit on all Town roads.

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

WHEREAS, the Town of Ossining has engaged consultants to study ways in which its main commercial corridor, North State Road, could enhance bikeability and pedestrian safety, and a recommendation of a speed limit reduction from 30MPH to 25MPH was recommended; and

WHEREAS, a section of the Town Code exists for this purpose and the proposed change will be to Article IV “Speed Regulations” Subsection 188-7 “Speed Limits”, and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, November 26th, 2019 at 7:35PM at the Birdsall-Fagan Police/Court Facility located at 86-88 Spring Street, Ossining, NY 10562 in the matter of local law #9 of 2019 – Amendment of Article IV of the Town Code entitled “Speed Regulations” in Reduction of Speed Limit on North State Road.

Motion: Carried

E. Appointment of Ossining Representative to WestCOP Board of Directors

Supervisor Levenberg said the following in regard to the resolution: Each year, we have the opportunity to appoint a representative from the Town of Ossining to Westchester Community Opportunities Program or WestCOP board of directors. We are happy to once again appoint Joan Whittaker to this position.

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

Resolved that the Town Board of the Town of Ossining hereby re-appoints Joan E. Whittaker to the position of the Town of Ossining representative to the Board of Directors of the Westchester Community Opportunities Program, (WESTCOP) for the 2019-2020 year.

Motion: Carried

F. Planning Board- Re-Appointment

Supervisor Levenberg said the following in regard to the resolution: Two members of our volunteer boards are in need of being reappointed – Ching Wah Chin, the chair of our Planning Board, and Paul Mazzilli from our Board of Assessment Review. These appointments are retroactive to the end of their previous terms – we are grateful for their continued service to the Town!

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

Resolved, that the Town Board hereby re-appoints Ching Wah Chin, Ossining, to a five year term on as Planning Board Chair for the Town Planning Board, retroactive to January 1, 2019 and set to expire on December 31st, 2023.

Motion: Carried

G. Board of Assessment Review- Re-Appointment

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

Resolved, that the Town Board hereby re-appoints Paul Mazzilli, Ossining, to a five year term on the Board of Assessment Review, retroactive to October 1st, 2018 and set to expire on September 30th, 2023.

Motion: Carried

H. Tax Certiorari – 172 Highland Avenue LLC vs. Town of Ossining

Supervisor Levenberg said the following in regard to the resolution: Tonight, we have four resolutions approving tax certiorari refunds, relating to four different properties over multiple tax years.

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 172 Highland Avenue LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 172 North Highland Avenue, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 89.15, Block 1, Lot 13 and for Tax Assessment Years 2015-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65232/15; 63735/16; 64566/17; and 64913/18; 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:

172 Highland Avenue LLC 172 North Highland Avenue, Town of Ossining, N.Y. 10562

Section 89.15, Block 1, Lot 13

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	89.15-1-13	\$61,650	\$0	\$61,650

2016	89.15-1-13	\$1,033,300	\$0	\$1,033,300
2017	89.15-1-13	\$1,033,300	\$83,300	\$950,000
2018	89.15-1-13	\$1,025,000	\$75,000	\$950,000

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 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 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 \$152.42, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

I. Tax Certiorari – Irwin J. Kavy vs. Town of Ossining

Supervisor Levenberg said the following in regard to the resolution: The values changed so much between 2015 and 2016 because of the revaluation that happened.

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Irwin J. Kavy against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 573 North State Road, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 90.11, Block 1, Lot 44 and for Tax Assessment Years 2012-2019, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66318/12; 66034/13; 66413/14; 67109/15; 65232/16; 65209/17; 66309/18; and 64377/19; 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:

Irwin J. Kavy 573 North State Road, Town of Ossining 10562

Section 90.11, Block 1, Lot 44

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	90.11-1-44	\$26,200	\$7,055	\$19,145

2013	90.11-1-44	\$26,200	\$6,400	\$19,800
2014	90.11-1-44	\$26,200	\$7,520	\$18,680
2015	90.11-1-44	\$26,200	\$8,610	\$17,590
2016	90.11-1-44	\$380,800	\$61,200	\$319,600
2017	90.11-1-44	\$380,800	\$61,200	\$319,600
2018	90.11-1-44	\$380,800	\$61,200	\$319,600
2019	90.11-1-44	\$380,800	\$61,200	\$319,600

Section 90.11, Block 1, Lot 45

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	90.11-1-45	\$ 1,900	\$0	\$1,900
2013	90.11-1-45	\$ 1,900	\$0	\$1,900
2014	90.11-1-45	\$ 1,900	\$0	\$1,900
2015	90.11-1-45	\$ 1,900	\$0	\$1,900
2016	90.11-1-45	\$20,400	\$0	\$20,400
2017	90.11-1-45	\$20,400	\$0	\$20,400
2018	90.11-1-45	\$20,400	\$0	\$20,400
2019	90.11-1-44	\$20,400	\$0	\$20,400

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 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 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 \$5,103.35, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

J. Tax Certiorari – DCM Properties LLC vs. Town of Ossining

Councilmember Shaw moved and it was seconded by Councilmember Feldman 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 DCM Properties LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 541 North State Road, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 90.15, Block 1, Lot 40 and for Tax Assessment Years 2013-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 64523/2013; 67870/2014; 66768/2015; 63805/2016; 66983/2017 and 66498/2018; 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:

**DCM Properties LLC 541 North State Road, Town of Ossining, N.Y. 10562
Section 90.15, Block 1, Lot 40**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2013	90.15-1-40	\$72,100	\$14,420	\$57,680
2014	90.15-1-40	\$72,100	\$14,420	\$57,680
2015	90.15-1-40	\$72,100	\$14,420	\$57,680
2016	90.15-1-40	\$962,400	\$96,240	\$866,160
2017	90.15-1-40	\$962,400	\$96,240	\$866,160
2018	90.15-1-40	\$1,007,700	\$100,770	\$906,930

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 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 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 \$8,960.17 , which will be ordered pursuant to said Consent Judgment.

Motion: Carried

K. Tax Certiorari – Wells Fargo vs. Town of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Wells Fargo against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 176 Croton Avenue, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 89.16, Block 6, Lot 61, Section 89.16, Block 6, Lot 62 and Section 89.16, Block 6, Lot 64 and for Tax Assessment Years 2014-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65380/2014; 65983/2015; 63932/2016; 65669/2017; and 65156/ 2018; 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:

**Wells Fargo Bank Branch 176 Croton Avenue at Pleasantville Road, Town of Ossining, New York 10562
(3 Parcels)**

**Parcel One
Section 89.16, Block 6, Lot 61 (Pleasantville Road)**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.16-6-61	\$9,050	\$1,610	\$7,440
2015	89.16-6-61	\$9,050	\$1,610	\$7,440
2016	89.16-6-61	\$159,200	\$36,450	\$122,750
2017	89.16-6-61	\$159,200	\$36,450	\$122,750
2018	89.16-6-61	\$165,300	\$42,550	\$122,750

**Parcel Two
Section 89.16, Block 6, Lot 62 (3 Pleasantville Road)**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.16-6-62	\$7,250	\$1,290	\$5,960
2015	89.16-6-62	\$7,250	\$1,290	\$5,960
2016	89.16-6-62	\$126,800	\$29,030	\$97,770
2017	89.16-6-62	\$126,800	\$29,030	\$97,770
2018	89.16-6-62	\$131,800	\$34,030	\$97,770

**Parcel Three
Section 89.16, Block 6, Lot 64 (176 Croton Avenue at Pleasantville Road)**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.16-6-64	\$87,100	\$15,500	\$71,600
2015	89.16-6-64	\$87,100	\$15,500	\$71,600
2016	89.16-6-64	\$1,568,600	\$359,120	\$1,209,480
2017	89.16-6-64	\$1,568,600	\$359,120	\$1,209,480
2018	89.16-6-64	\$1,643,100	\$433,620	\$1,209,480

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 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 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 \$1,305.02, which will be ordered pursuant to said Consent Judgment.

L. Resolution – Adopting Local Law #7 of 2019 – Amendments to Chapter 180 of the Town Code entitled “Taxation” to Implement the Solar Energy System PILOT Law of the Town of Ossining, New York

Supervisor Levenberg said the following in regard to the resolution: After many months of public hearings, we are excited to enact this local law to standardize PILOT, or Payment in Lieu Of Taxes agreements for solar developers. New York State, in order to incentivize solar development, does not require solar developers to pay any property taxes, unless local municipalities enact laws to the contrary. We feel that enacting a Solar PILOT is a good middle ground – we will still get some tax revenue from these parcels, while remaining competitive to solar developers.

Town Counsel Tomm-Addona responded to Supervisor Levenberg’s question on what number the local law is. According to Town Counsel Tomm-Addona the local law is #7 of year despite local laws #4, 5, and 6 not being passed by the referendum.

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

WHEREAS, on December 18, 2018, the Town Board of the Town of Ossining adopted Local Law No. 6 of 2018 amending Chapter 200 of the Town Code (“Zoning”) to regulate the installation and use of solar energy generating systems and equipment (“Solar Development Regulations”); and

WHEREAS, New York Real Property Tax Law § 487 provides for an exemption of the value of a solar panel system from local property taxes, the intention of which is the State’s efforts to meet its clean energy goals by providing economic incentives for solar systems; and

WHEREAS, RPTL § 487 also allows taxing jurisdictions to opt out of the tax exemption, making the added value of the solar panel system fully taxable; or alternatively, if the taxing jurisdiction does not opt out of the exemption, the taxing jurisdiction can require a solar developer to pay an annual fee or “payment-in-lieu of taxes” as a replacement for the taxes it would have otherwise collected, so long as the PILOT does not exceed what the taxes would have been without the exemption; and

WHEREAS, recognizing that a balance is needed within the Town to ensure the property owner pays some taxes while not taking away the incentive to develop solar in our community, to remain competitive for development, the Town Board desires to adopt a local law to implement a formulaic, jurisdiction-wide PILOT agreement process with solar developers and property owners; and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, August 6, 2019 at 7:30 p.m. at the Ossining Municipal Building at 16 Croton Avenue, Ossining, New York on proposed Local Law # 7 of 2019 to amend Chapter 180 of the Town Code entitled “Taxation” to implement the “Solar Energy System PILOT Law of the Town of Ossining, New York,” which public hearing was duly adjourned and continued to several subsequent Town Board meetings and members of the public being able to attend and be heard, the public hearing was closed on October 22, 2019; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Ossining for at least seven (7) days, exclusive of Sunday, prior to the adoption of this resolution.

NOW THEREFORE,

BE IT RESOLVED, the Town Board determines that as this is not an action that may affect the environment, and therefore no review is required pursuant to the State Environmental Quality Review Act (“SEQRA”); but to the extent such review is required, the Board determines that this action does not have the potential to have any significant adverse environmental impacts as solar development will be regulated by the Solar Development Regulations and this local law is simply regulating the payments that will have to be made to the Town in connection with those solar developments as authorized by State law; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 7 of 2019 to amend Chapter 180 of the Town Code entitled “Taxation” to implement the “Solar Energy System PILOT Law of the Town of Ossining, New York;” 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.

**Roll Call Vote: 4-0-1
Ayes: Shaw, Meyer, Feldman,
& Levenberg
Absent: Wilcher**

M. Resolution – Water Easement Agreement for 593 North State Road

Supervisor Levenberg said the following in regard to the resolution: At last week’s Work Session, we heard from Town Counsel Addona and Engineer Dan Ciarcia, who informed us of two properties with easement agreements that required a bit of housekeeping. With both of these agreements, we will maintain access to critical infrastructure across private property.

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

WHEREAS, the Town recently learned that an existing public watermain crosses under the property located at 593 North State Road (Tax Map No. 90.11-1-36) (the “Property”) between North State Road and Morningside Drive; and

WHEREAS, the owner of the Property and the Town desire to enter into an agreement to give the Town a permanent right of way and easement to repair, reconstruct and maintain the watermain, with the right to enter upon that portion of the Property where the watermain is located; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board determines that pursuant to the State Environmental Quality Review Act that this action does not have the potential for any significant adverse environmental impacts as the watermain has long existed in that location and the function of the agreement is to allow the Town prompt access to the watermain if and when a situation arises where the watermain needs to be repaired, reconstructed and/or maintained; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor to sign the Water Easement Agreement in a form acceptable to

Counsel to the Town and any other documents reasonably necessary to have the Agreement recorded with the Westchester County Clerk's Office.

Motion: Carried

N. Resolution – Sewer Line Easement Agreement for 1 Thornton Hill

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

WHEREAS, the Town recently learned that an existing public sewer line crosses under the Property located at 1 Thornton Hill (Tax Map No. 89.08-1-49.16); and

WHEREAS, the owner of the Property and the Town desire to enter into an agreement to give the Town a perpetual sewer line easement for installation, repair and maintenance of the sewer line within the Property, together with the free right of ingress and egress over and across the Property for said purposes; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board determines that pursuant to the State Environmental Quality Review Act that this action does not have the potential for any significant adverse environmental impacts as the sewer line already exists in that location and the function of the agreement is to allow the Town prompt access to the sewer line if and when a situation arises where the sewer line needs to be repaired, reconstructed and/or maintained; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor to sign the Sewer Line Easement Agreement in a form acceptable to Counsel to the Town and any other documents reasonably necessary to have the Agreement recorded with the Westchester County Clerk's Office.

Motion: Carried

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

X. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of October 2019:

- GE Helicopter Report
- Town Clerk
- Town Tax Receiver
- Town Highway Department
- Dale Cemetery

Motion: Carried

XI. VISITOR RECOGNITION

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

Stanley Dorsainville from Senator David Carlucci's announced that the annual Senior Fair will be on Thursday, November 19th from 10 am to 2 pm at the Ossining Community Center. Tomorrow is the last day vendor's can sign up to be part of this event. He also spoke about working with the Ossining Agency Council.

XII. ADJOURNMENT

At 8:36 P.M., Councilmember Shaw motioned to adjourn into Executive Session for personnel and Councilmember Feldman seconded.

Motion Carried: Unanimously

At 9:12 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Meyer seconded.

Motion Carried: Unanimously

At 9:12 P.M., Councilmember Meyer motioned to adjourn Executive Session and Councilmember Shaw seconded.

Motion Carried: Unanimously