



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
APRIL 23, 2019
REGULAR MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
Karen M. D’Attore Elizabeth R. Feldman
Jackie G. Shaw Northern Wilcher, Jr.**

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

The Regular Meeting of the Town Board of the Town of Ossining was held on April 23, 2018 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Karen M. D’Attore, Elizabeth R. Feldman, Northern Wilcher Jr. and Jackie G. Shaw. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Madeline Zachacz, and Confidential Secretary Victoria Cafarelli.

II. PUBLIC HEARINGS IN THE MATTER OF *Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.*

****TO BE HELD CONCURRENTLY***

At 7:32 pm, Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing opened.

Supervisor Levenberg stated that as a reminder, tonight we continue our public hearings on local laws number 2, 3 and 4 to abolish the elected positions of Superintendent of Highways, Receiver of Taxes and Town Clerk respectively. As stated in each of the draft local laws, in section one, their purpose and intent is as follows:

In the era of the tax cap and in an effort to reduce and/or avoid increases in property taxes, municipalities are looking for any and all opportunities for savings. By abolishing the elective offices of Superintendent of Highways, Receiver of Taxes and/or Town Clerk and creating the appointive offices of same, the Town Board will have more flexibility to make offices operate more efficiently and conserve financial resources. This will also give the Town Board the ability to ensure sufficient qualifications of the individuals in these positions and provide regular oversight and accountability to ensure the duties of these offices are completed in as cost-effective, efficient and responsible of a manner as possible.

There will be a separate referendum for abolishing each of these three elected offices. As you may recall from our previous conversations in work sessions and public meetings, as well as on the Project Forward website and in the survey that was conducted that went out to all property owners in the Town of Ossining, as well as during our community conversations at the Ossining Public Library, the Town applied for a grant through the Department of State Municipal Restructuring fund to find ways to streamline government operations in a meaningful way, and look for new shared services and saving for taxpayers. To that end, the Town is proposing such streamlining, efficiencies and savings could be achieved by eliminating these elective offices and converting them to appointive. As described in the local law, this

would give a Town Board the ability to ensure sufficient qualifications of those holding these positions. It would also give flexibility to how office operations could be structured. For example, the savings that could be achieved by transitioning to a shared Receiver/Clerk office could amount to approximately \$100,000 per year in the Town general fund. The conversion of the Highway Superintendent while sure to create some short term savings, is ultimately a step towards what we believe could result in much greater savings in the long run. This conversion would also work towards garnering State funds to offset any transition costs for sharing services between Town and Village (in the long run), as well as consolidating headquarters of our operations on one property, and being able to more effectively and efficiently deploy staff and physical assets.

- **Local Law #2 of 2019 – Abolishing the office of Elective Town Superintendent of Highways and creating the office of Appointive Town Superintendent of Highways subject to a mandatory referendum***
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- **Local Law #3 of 2019 – Abolishing the office of Elective Town Receiver of Taxes and creating the office of Appointive Town Receiver of Taxes subject to a mandatory referendum***

Gloria Fried read the following statement:

My name is Gloria Fried, and I live at 22 Ryder Road in Ossining. I served 4 elected terms as the Town of Ossining Receiver of Taxes, totaling nearly 16 years, and prior to that, I served the public as a programmer/analyst in the Tax Office under the prior Receiver, Marie Gagliardi.

Local Law #3 of 2019 would abolish the **elective** position of Town Receiver of Taxes and create an **appointive** office of Town Receiver of Taxes.

This would be a mistake. The office of Receiver of Taxes should remain an elected position and was created that way in Town Law for a reason.

- 1- The Receiver has a fiduciary responsibility to the County and two school districts, as well as special districts and the Town. His decisions should not favor the Town at the expense of the other municipal entities he serves.
- 2- The Receiver of Taxes should be independent of the Supervisor's Office. Town Law creates these positions as independent so that there is a system of checks and balances in taxation. The **assessor** assigns an assessed value to each property, the **Supervisor's** Office creates an annual Budget and tax rates, and the **Receiver** apportions and collects the taxes. This separation of powers is a deterrent to fraud.
- 3- An Elected Receiver answers to the public who elects him, not to a Supervisor or Board who appoints. His loyalty is to the Public he promises to serve when he takes an oath of office on inauguration day. Three of the five Supervisors with whom I worked asked me to waive penalties for friends or acquaintances. This would have been a violation of the law if I had obeyed, which I refused to do. An appointed Receiver may not be able to resist the pressure of a Supervisor to whom he owes his job.
- 4- Under current Town Law, an elected Receiver must live in the Town he serves. Making this an appointed position would remove this restriction.
- 5- Making the position appointive would not save money for the Town. Look at the precedent in the Village of Ossining. The elected position of Collector/Treasurer was made appointed, and the salary increased significantly as a revolving door allowed a series of appointees to come and go. The salary increased with each change until a qualified individual was enticed to stay with a salary more than three times that of the current Receiver of Taxes.
- 6- Making these elected positions appointed disenfranchises the people of the Town who are not represented on the Town Board. People in the Village of Briarcliff Manor and the Unincorporated Town would lose their voice if their vote was taken away.

Received via email on 4/24/19:

I am opposed to changing the Town Receiver of Taxes to an appointed position.

Linda Griffin

Ferris PLACE

- **Local Law #4 of 2019 – Abolishing the office of Elective Town Clerk and creating the office of Appointive Town Clerk subject to a mandatory referendum***

Supervisor Levenberg reminded residents that this vote will take place on November 5, 2019 during the general election.

7:43 p.m. Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearings be adjourned until May 28, 2019.

Motion Carried: Unanimously

- **Local Law #5 of 2019 – Energize NY Open C-PACE Financing Program**

At 7:43 pm, Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing opened.

Supervisor Levenberg stated that we are glad to be considering this enhancement to the PACE financing program that the Town currently provides, and this amendment allows for the onus to be shifted from the Town back to Energize NY in the unlikely event that the property owner defaults. We are always on the lookout for ways to make energy improvements more cost effective for folks in Ossining, and this program does just that for our commercial properties. Thanks to Sarah Smiley from Energize NY for working with us on this project.

No one came to speak on this hearing.

Town Counsel Christie Tomm-Addona recommend that this hearing stay open until May 14, 2019 since there a few items of clarification.

7:43 p.m. Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearings be adjourned until May 14, 2019.

Motion Carried: Unanimously

- **Local Law #6 of 2019- Planning Board Alternate**
 - *Public Hearing will not be opened. Local Law has been re-noticed and Public Hearing will be opened on May 14th, 2019.*

Supervisor Levenberg stated that when we had originally called for this public hearing to take place tonight, we were considering a version of the local law that only assigns an alternate to the Planning Board. However, upon further discussion with Counsel, it seems that it would be more appropriate to also assign an alternate to the Zoning Board of Appeals for the same reasons. Therefore, we will be re-noticing this public hearing as per a resolution later in the meeting, and we will take comments on the expanded version of the local law on May 14th.

7:43 p.m. Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearings be adjourned until May 14, 2019.

- **2019 Cabaret License for Club Fit Briarcliff d/b/a/ Briarcliff Operations LLC.**

At 7:46 pm, Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing opened.

Supervisor Levenberg state that we had initially opened this Public Hearing at our April 9th meeting, and although no concerns were presented by the public, our Counsel had to do some follow up with the Club regarding the hours of operation.

Town Counsel did speak with someone at Club Fit and this cabaret will be used mainly for special events/parties which would not be held in the morning.

7:48 p.m. Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the Public Hearings be closed

Motion Carried: Unanimously

III. SPECIAL PRESENTATION: CLEAN AIR NY COMMUNITY PARTNERSHIP

Modou Cham, Commuter Services & Mobility Specialist presented the following to the Board:



What are Clean Air NY Community Partners?

Clean Air NY Community Partners are liaisons between their network of members, many of whom want to improve air quality in the New York metro area, and Clean Air NY. Becoming a Clean Air NY Community Partner is simple and demonstrates your commitment to the health and well-being of the community and all New Yorkers.

Why become a Clean Air NY Community Partner?

One way to improve the quality of life and well-being of New Yorkers is to help ensure that they can breathe clean air every day. Having clean air requires strength in numbers and cooperation. When your organization becomes a Clean Air NY Community Partner, the power of your network of employees, members and constituents will be combined with the tools and resources available through Clean Air NY. This will help teach everyone in the New York metro area the simple steps they can take every day to improve air quality. When more New Yorkers take these steps, they'll start to have happier, healthier and more productive lives.

Services provided by Clean Air NY

Clean Air NY Community Partners are valuable allies in encouraging everyday changes that improve travel choices and air quality. To help Clean Air NY Community Partners spread the message about improving air quality and making smart travel choices, Clean Air NY provides the following:

- Air Quality Action Day Updates for partners to distribute to their members and constituents on days when air quality is predicted to be in the unhealthy range.
- Recognition as a Clean Air NY Community Partner on our website, outreach materials and social media platforms.

Get started today!

Contact us at info@CleanAirNY.org or call 212-656-9232. We can answer any questions and arrange a meeting to discuss this opportunity.



Clean Air NY is part of the 511NY Rideshare program, sponsored by the New York State Department of Transportation.

630 3rd Ave | 11th Floor | New York, NY 10017 | 212-656-9232 | CleanAirNY.org | info@CleanAirNY.org



Clean Air NY Community Partners Checklist

Let's Do More to Clean the Air!

There are many ways your organization can work with Clean Air NY to improve New York's air quality. Help by spreading the word about air quality, carbon footprint reduction and smart travel choices. As a Clean Air NY Community Partner, your organization agrees to:

- Message** your employees, members or constituents when there is going to be an Air Quality Action Day, which predicts air quality to be in the unhealthy range. Messaging can occur through email and/or social media.
 - Complete at least two additional activities from the list below:**
 - Post the Clean Air NY logo and/or link on your organization's website.
 - Cross-promote posts or mention/tag Clean Air NY on Facebook and Twitter.
 - Feature a Clean Air NY booth and/or have staff presence at a local community event or co-organize an event with Clean Air NY and/or 511NY Rideshare.
 - Feature an article about Clean Air NY in your organization's newsletter, intranet, website, and/or email blasts.
 - Distribute a press release announcing your organization's participation.
 - Invite a Clean Air NY staff member to make a presentation to your organization's employees, members or constituents about air quality and the benefits of making smarter travel choices.
 - Other
-
-

Every month, Clean Air NY is involved in unique and exciting activities brought to us by our Community Partners. These activities help spread the message about cleaner, healthier air throughout the New York metro area. If you have an idea for a great event or promotion, let us know by sending a message to info@CleanAirNY.org or calling **212-656-9232**.



Clean Air NY is part of the 511NY Rideshare program, sponsored by the New York State Department of Transportation.

630 3rd Ave | 11th Floor | New York, NY 10017 | 212-656-9232 | CleanAirNY.org | info@CleanAirNY.org

**CAR
FREE
DAY**
Hudson Valley
09.21.18

**HERE'S A
GREAT REASON
TO GO GREEN.**



Join Hudson Valley commuters in celebrating sustainable transportation on Car Free Day. Leave your car home or drive it less on **Friday, September 21.**

Win prizes and help your school, organization, or municipality earn "green" bragging rights! Take the pledge today at **511nyr.org/carfreedayHV.**

Contact cpoliti@511NYRideshare.org to learn more or to plan a Car Free Day Hudson Valley event.



511NYRideshare

Printed on 30% recycled paper.

Green your
commute
and breathe
easier.



Poor air quality can affect our health and can be especially harmful to children, the elderly and people with asthma, lung damage and other respiratory conditions.



Breathe it in.



Taking these simple actions can make a big difference:

- **Sign up for Air Quality Action Day Updates at CleanAirNY.org.**
Be the first to know when unhealthy levels of pollution are forecast.
- **Share a ride.**
Visit 511NYRideshare.org to find a carpool or vanpool.
- **Bike, walk or use public transit.**
- **Maintain your car.**
- **Cut back on idling.**
- **Avoid topping off the tank.**

Contact us at info@cleanairny.org to bring Clean Air NY to your organization or university.

 facebook.com/CleanAirNewYork

 twitter.com/CleanAirNY

511NYRideshare

 Department of Transportation

Clean Air NY is sponsored by the New York State Department of Transportation in support of regionwide air quality efforts.

Green Your Commute and Breathe Easier.



The choices that you make every day can help improve our air quality and the well-being of every New Yorker. Here are a few simple ways to make a big difference:

- ▶ **Combine errands** into one trip, even on the weekends.
- ▶ **Bike, walk or use public transit.** Leaving your car at home saves money on gas and wear-and-tear on your vehicle.
- ▶ **Share a ride** by carpooling or vanpooling. Visit 511NYRideshare.org for more information.
- ▶ **Maintain your car** and you'll produce less pollution, save money on gas and cause less traffic congestion due to breakdowns.
- ▶ **Avoid topping off the tank** when filling your car with gas.
- ▶ **Cut back on idling.** By going into a restaurant or the bank rather than sitting in the drive-through, you'll cut back on pollution and save on gas.
- ▶ **Spread the word** about Clean Air. Visit 511NYRideshare.org.

**Show you care.
Join our online communities.**

-  facebook.com/CleanAirNewYork
-  twitter.com/CleanAirNY
-  youtube.com/511NYRideshare



511NY Rideshare is sponsored by the New York State Department of Transportation to provide free commuter and traveler information.





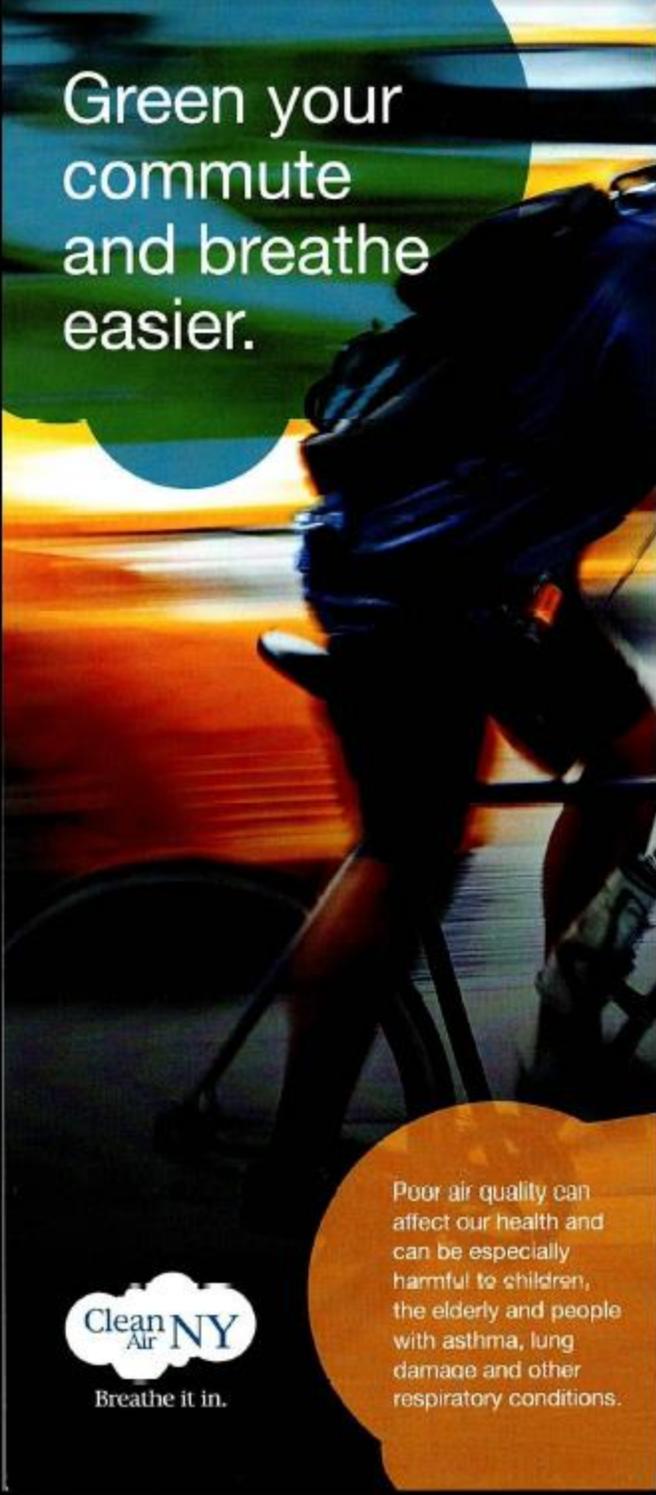
Better Air Quality, Better Health.

Here are just a few of the ways that poor air quality can affect the health of New Yorkers, especially children, the elderly and people with respiratory diseases:

- ▶ **Asthma.** When ozone or particulate matter levels are high, studies suggest that more asthma attacks occur that require a doctor's attention or additional medication.
- ▶ **Lung Damage.** When children's developing lungs are repeatedly exposed to ozone, they may experience reduced lung function in adulthood. In adults, exposure to air pollutants may accelerate the decline in lung function that occurs as part of the natural aging process.
- ▶ **Other Respiratory Ailments.** Ozone and particulate matter pollution can be harmful to people with chronic lung diseases, such as emphysema and bronchitis. Often, the elderly are most likely to experience these conditions and, therefore, are particularly vulnerable to the effects of air pollution.

Taking small steps to improve air quality, like those described on the reverse side, can help prevent health problems for everybody.





Green your
commute
and breathe
easier.



Breathe it in.

Poor air quality can affect our health and can be especially harmful to children, the elderly and people with asthma, lung damage and other respiratory conditions.



Taking these simple actions can make a big difference:

- **Sign up for Air Quality Action Day Updates at CleanAirNY.org.**
Be the first to know when unhealthy levels of pollution are forecast.
- **Share a ride.**
Visit 511NYRideshare.org to find a carpool or vanpool.
- **Bike, walk or use public transit.**
- **Maintain your car.**
- **Cut back on idling.**
- **Avoid topping off the tank.**

Contact us at info@cleanairny.org to bring Clean Air NY to your organization or university.



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511NYRideshare

IMPROVE EMPLOYEE *Retention*

Increase productivity 

- Commuter benefits attract talent and edge out your competition
- Stress-free commutes result in happier employees



Commuter benefits keep your employees happy.

Some of our current partners:

- Five Towns College
- Montefiore
- Staten Island University Hospital
- United Nations Federal Credit Union
- Westchester County
- White Plains Hospital
- Widex

Discover all the benefits of a commuter program.

Email us at info@511NYRideshare.org or visit 511nyr.org/employers

Manage parking demand 

- Set aside priority parking spots, or offer discounted parking rates, for carpools and vanpools
- Convert unused parking spaces into secure bike parking

Gain recognition 

- Become a 511NY Rideshare Clean Air Champion
- Build on your LEED certification

Help your community 

- Reduce congestion and improve air quality

Save as a commuter benefit program 

- Employers save on payroll taxes
- Employees save on income taxes and take home extra money each month

Be prepared 

- Ease concerns during relocations
- Help employees get home in emergencies



Department of Transportation

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

April is Town/County Tax Payment Month! Property tax bills for the Town and County taxes are due one week from today, April 30th. You can pay your bill online at townofossining.com, in person at 16 Croton Avenue, in the dedicated 24/7 tax payment mail slot at the Ossining Post Office, or by mail. If you mail your payment, please keep in mind that you need a valid US postmark before April 30th for your payment to be considered timely. Also, be wary of choosing online bill pay with your bank, those payments are often delayed and do not have a valid US postmark. To help ensure all taxpayers can get their payment to us before the deadline, the Tax Office will have extended hours next Monday, April 29th and Tuesday, April 30th from 8:30AM to 6PM. If you have any questions at all or need help getting your payment to us, our Receiver of Taxes Holly Perlowitz and her team, Patti Cunningham-Jay and Martha Quituisaca, are happy to help – just give them a call at (914) 762-8790 or shoot them an e-mail at taxreceiver@townofossining.com.

Today I was pleased to be invited to the first active shooter tabletop exercise to be held at Congregations Sons of Israel in Briarcliff. Their safety committee has done a wonderful job of being pro-active. At a time when houses of worship have tragically become the targets of terrorism, it is so important for these institutions to prepare for the worst. General Bob Wolf led the exercise and thankfully many of our law enforcement officials as well as first responders from the Villages of Briarcliff and Ossining attended. Thanks to Tom Hannan for the invitation and I hope we can continue to partner with all of our religious institutions to not only prepare ourselves for what we hope will never come to pass, but also to work on ways we can come together as a community to combat hate and violence.

And in lighter fare:

Are you looking for a way to shake up your week? Visit the Ossining Public Library's Budarz Theater on Thursday, April 25th at 7PM for a visit from Mentalist David Levitan, who has wowed audiences worldwide with his ability to read minds. Forget what your spouse has said, it is possible! This event is free and open to the public.

This is your last weekend to check out "The Legend", the newest production coming out of Westchester Collaborative Theater. Head down to Water Street and check out what has been described as an "urban fairy tale"-- tickets are only \$25. Visit WCT's website to learn more.

Friday, April 26th is the Opening Reception of the E. Malsberg: The Artist at 100 exhibit at Bethany Arts Community from 6PM to 8PM. This exhibit, which is a retrospective celebrating the life and works of local legend, Ed Malsberg, as the artist approaches his 100th birthday. If you can't make the opening reception on Friday, the galleries will be open Monday through Thursday, 10am to 2pm from April 26th until May 31st, there will be an Artist Talk on Sunday, April 28th from 2pm to 3pm, and a Closing & Birthday Party on May 31st from 7pm to 9pm.

Ossining's 9th Annual Earth Day will take place this Saturday, April 27th. We are, by all accounts, Westchester's largest Earth Day festival, and we are completely organized and run by volunteers from Green Ossining, led by the amazing, and always smiling Suzie Ross. Plans have been underway since last May so you will not want to miss this year's offerings. The Town and Village of Ossining will be sharing a booth, where we plan to highlight the many environmental initiatives we have been collectively working on. We are organizing a "gallery" of our environmental initiatives, so come check it out! We will also be sharing an update on the North State Road part of our Millwood-Ossining Go! Bike/Pedestrian Corridor project, too.

There is ONE DAY LEFT to get 50% off your order of rain barrels and composters through Green Ossining and the Greenburgh Nature Center! [Once you've ordered](#), you can pick them up on Earth Day at the Ossining waterfront. Visit www.greenossining.org to learn more.

Also this Saturday, the Westchester County Shredder will be at the Joseph G. Caputo Community Center between 10AM and 1PM. Each household (sorry business owners, households only) can bring up to 4 file sized boxes of confidential documents to shred. Be sure to get rid of all covers and binder clips, and items like magazines and newspapers will not be accepted.

National Prescription Drug Take-Back Day will also take place on Saturday, April 27th from 10:00 A.M.- 3:00 P.M. National Take-Back Day is a safe, convenient, and responsible way to dispose of unused or expired prescription drugs at the Household Material Recovery Facility, 15 Woods Road, Valhalla, NY.

The Westchester Department of Health is offering free Measles, Mumps, and Rubella Vaccine on Tuesday, April 30th and Tuesday, May 14th from 10am to 6pm on both days. All are welcome but children attending summer camp, camp

counselors, and staff are strongly encouraged to get vaccinated. To schedule an appointment, call 995-5800 or visit www.health.ny.gov/gotoclinic/60.

Next Tuesday, April 30th the Ossining Historical Society presents Guy Cheli: The History of Sing Sing Prison from 7PM to 9PM at the Ossining Historical Society Museum at 196 Croton Avenue. For more information, email ohsm@optonline.net or visit ohsm.org. And don't you worry – you won't miss a Town Board meeting if you attend! We are off next week because it is a Fifth Tuesday.

Finally, I hope you will join us this Friday, April 26th as we celebrate Arbor Day with a Tree Planting at Louis Engel Park at 10AM. The Town of Ossining has been a Tree City for 20 years, a recognition we receive from the Arbor Day Foundation. Planting a new tree in our Town Park is a great way to kick off our Earth Day weekend festivities here in Ossining.

Councilmember Shaw announced that the Ossining High School Spring concerts will begin on Monday, April 29th.

Supervisor Levenberg announced that the Ossining Matters fundraiser will be on Saturday, May 4th at Bethany Arts Community. Neighbors Link is having a gala on May 4th as well at the Brae Burn Country Club in Purchase, NY. May 4th is I Love My Park Day and residents will help clean up the aqueduct and cemeteries.

V. LIAISON REPORTS

VI. DEPARTMENTAL REPORTS

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting-April 9, 2019

Councilmember Wilcher 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 April 9, 2019 minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Wilcher 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 Voucher Detail Report dated April 23, 2019 in the amount of \$244,588.26.

Motion Carried: Unanimously

C. Architectural Conservation Services – Dale Cemetery Superintendent's Cottage

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an agreement with Jablonski Building Conservation, Inc., New York, NY for architectural conservation services, including mortar analysis and stucco analysis, at the Dale Cemetery Superintendent's Cottage for \$3,025.00, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg stated that at last week’s Town Hall Meeting, we heard from Stephanie Reinert of Stephen Tilly, Architect about the scope of renovations to the Dale Cemetery Superintendent’s Cottage. As we prepare to go out to bid in a few weeks, there are a few items we need to complete to best inform the bid specifications. One of those items is to analyse the mortar and stucco to determine the best “mix” to use during the renovation. This analysis will help ensure the structural integrity of the foundation and closely match the existing stucco during patching.

Motion Carried: Unanimously

D.

TAX CERTIORARI
J & J Main Street, LLC
 vs.
Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Wilcher 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 J & J Main Street, LLC against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 95-97 Main Street, Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 89.19, Block 6, Lot 15.1, and for Tax Assessment Years 2013-2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66818-13; 67529/14; 67767/15 and 65380/16; 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:

J & J Main Street, LLC 95-97 Main Street, Ossining, N.Y. 10562
 Section 89.19, Block 6, Lot 15.1

Assessment Year	Tax ID No.	Original AV	Reduction	Final AV
2013	89.19-6-15.1	\$168,800	\$0	\$168,800
2014	89.19-6-15.1	\$168,800	\$8,150	\$160,650
2015	89.19-6-15.1	\$168,800	\$16,250	\$152,550
2016	89.19-6-15.1	\$2,712,100	\$0	\$2,712,000
2017	89.19-6-15.1	\$2,712,100	\$0	\$2,712,100
2018	89.19-6-15.1	\$2,865,300	\$0	\$2,865,300

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 \$392.81, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E.

TAX CERTIORARI
97 Croton Avenue LLC
vs.
Town of Ossining

Councilmember Shaw moved and it was seconded by Councilmember Wilcher 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 97 Croton Avenue LLC against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 97 Croton Avenue, Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 89.19, Block 1, Lot 53 and for Tax Assessment Year 2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65369/18; 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:

97 Croton Avenue LLC 97 Croton Avenue Ossining, N.Y. 10562
Section 89.19, Block 1, Lot 53

Assessment Year	Tax ID No.	Original AV	Reduction	Final Assessed Value
2018	89.19-1-53	\$713,200	\$41, 200	\$672,000

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 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 \$39.64, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F.

TAX CERTIORARI
Friends Construction, Inc.
vs.
Town of Ossining

Councilmember Shaw moved and it was seconded by Councilmember Wilcher 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 Friends Construction, Inc. against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on Spring Street, Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 89.19, Block 4, Lot 83 and for Tax Assessment Years 2012-2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66240/12, 66018/13, 66409/14, and 67165/15; and

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

Friends Construction, Inc. Spring Street Ossining, N.Y. 10562
Section 89.19, Block 4, Lot 83

Assessment Year	Tax ID No.	Original AV	Reduction	Final AV
2012	89.19-4-83	\$4,400	\$2,000	\$2,400
2013	89.19-4-83	\$4,400	\$2,200	\$2,200
2014	89.19-4-83	\$4,400	\$2,020	\$2,380
2015	89.19-4-83	\$4,400	\$2,420	\$1,980

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 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 \$138.06, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G.

TAX CERTIORARI

Audubon Fee I LLC/ Audubon Fee II LLC,

vs.

Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Wilcher 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 Audubon Fee I LLC/ Audubon Fee II LLC against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner's property located at 38 ½ Wolden Road, Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 97.07, Block 6, Lot 9 and for Tax Assessment Years 2016-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 63738/16; 64571/17; and 64916/ 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:

Audubon Fee I LLC/ Audubon Fee II LLC 38 ½ Wolden Road Ossining, N.Y. 10562
Section 97.07, Block 6, Lot 9

Assessment Year	Tax ID No.	Original AV	Reduction	Final AV
2016	97.07-6-9	\$10,872,100	\$1,372,100	\$9,500,000
2017	97.07-6-9	\$10,872,100	\$1,372,100	\$9,500,000
2018	97.07-6-9	\$10,250,000	\$750,000	\$9,500,000

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by 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 \$3,352.54, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H.

TAX CERTIORARI
CVS Albany, LLC #2080-02 03

vs.

Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Wilcher 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 CVS Albany, LLC #2080-02 & 03 against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 210 South Highland Avenue, Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 97.15, Block 3, Lot 13 and for Tax Assessment Years 2016-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 63985/16; 65919/17; and 65385/18; 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:

**CVS Albany, LLC #2080-02 & 03 210 South Highland Avenue Ossining, N.Y. 10562
Section 97.15, Block 3, Lot 13**

Assessment Year	Tax ID No.	Original AV	Reduction	Final AV
2016	97.15-3-13	\$4,788,000	\$239,000	\$4,549,000
2017	97.15-3-13	\$4,788,000	\$239,000	\$4,549,000
2018	97.15-3-13	\$4,862,000	\$243,000	\$4,619,600

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 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 \$ 692.06, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I. Tax Payment Plan- 108 Croton Avenue, Ossining

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

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

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the owner occupied property at 108 Croton Avenue, Tax Parcel Designation ID# 89.16-7-12; and

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

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

Supervisor Levenberg stated that in special circumstances, when the Receiver is approached by a resident and appears to be able to handle the serious undertaking that is a short-term payment plan, the Town Board is authorised to consider granting one. In this case, our Receiver of Taxes believes that the property owner will be successful, and we are happy to do our part to help this family remain in their home.

Motion Carried: Unanimously

J. Adopting a Clean Air NY Community Partnership

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

WHEREAS, the Town Board of the Town of Ossining recognizes the importance to the health and well-being of our community and of all New Yorkers, as well as the right to breathe clean air every day, recognizes the importance of strength in numbers and cooperation in maintaining healthy statewide air quality levels, recognizes that everyday travel choices such as driving alone versus walking, biking, or taking public transportation, have an outsize impact on local and statewide air quality, and celebrates the conscious, citizen-driven spirit of Mother Earth; now

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ossining affirms a commitment to engage in a partnership with Clean Air NY, a New York State Department of Transportation-sponsored air quality awareness program, to become a Community Partner, thereby:

1. Agreeing to make available to residents of the Town of Ossining by posting on social media, website, or other written digital post, *Air Quality Action Day updates*, which predicts air quality to be in the unhealthy range, as they are declared by the New York State Department of Transportation in partnership with the New York State Department of Environmental Conservation;
2. Agreeing to complete two promotion / announcement activities, such as, but not limited to, posting the Clean Air NY logo and webpage link within the Town of

Ossining website, and allowing Clean Air NY to participate in Ossining Earth Day public events; and

3. Receiving special recognition as a municipality taking steps to recognize a commitment to and inform citizens about transportation-related air quality impacts in New York – to be celebrated at Ossining Earth Day 2019.

Supervisor Levenberg thanked Modou Cham for joining us tonight—I, for one, am excited to get working on this new project that will help all of us live a little greener.

Motion Carried: Unanimously

K. Resolution – Calling for Public Hearing on Local Law #6 of 2019 – Establishing the position of alternate for the Town’s land use boards

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

WHEREAS, at its April 2, 2019 meeting, the Town Board called for a public hearing to consider adopting a local law to establish an alternate to the Town’s Planning Board; and

WHEREAS, upon further consideration, the Town Board believes it would be beneficial to adopt a local law that also establishes an alternate to the Architectural Review Board (which consists of the same members as the Planning Board), as well as the Zoning Board of Appeals; and

WHEREAS, the Town Board wishes to establish alternates to all three land use boards in one local law and consider the matter as one public hearing; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Ossining hereby calls for a new Public Hearing to be held on Tuesday, May 14, 2019 at the Birdsall-Fagan Police/Court Facility located at 86-88 Spring Street, Ossining, NY 10562 in the matter of Local Law #6 of 2019 – Establishing the position of alternate for the Town’s land use boards; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to re-notice this public hearing as required by law.

Motion Carried: Unanimously

L. Personnel- Resignation

Councilmember Wilcher 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 accepts, with regret, the resignation of part-time Office Assistant- Automated Systems Francine Saltarelli, effective April 26th, 2019.

Supervisor Levenberg stated that this is actually the second time Francine has left us—she retired back in 2015 from her full-time position working for the Town Highway Department and came back as a part timer in the very same position. We have learned a lot from Francine in her many years with the Town, and our residents have come to depend on her expertise. She will be greatly missed by not

only our residents, but by her co-workers in the Highway Department. We wish her the best of luck in whatever comes next!

Motion Carried: Unanimously

M. **TAX CERTIORARI**
The Residences at Trump National Golf Club
 vs.
Town of Ossining

Councilmember Wilcher 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 The Residences at Trump National Golf Club against The Town of Ossining, Village of Briarcliff Manor, New York to review the tax assessments made on Petitioner’s property located on Shadow Tree Lane and Arrow Tree Drive , Village of Briarcliff Manor, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining, Village of Briarcliff Manor as Section 98.14, Block 1, Lots 1.0001-1.0016, 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. 67429/15, 64513/16, 66508/17 and 66062/18; 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:

The Residences at Trump National Golf Club 1250 Shadow Tree Lane/Arrow Tree Drive, Village of Briarcliff Manor, N.Y. 10510, Town of Ossining, N.Y. Section 98.14, Block 1, Lots 1.0001-1.0016

Assessment Year	Tax ID No.	Original AV	Reduction	Final AV
2015 \$662,715	98.14-1-1.0001-1.0016		\$870,625	\$207,910
			See attached “Exhibit A”	
2016 \$11,930,150	98.14-1-1.0001-1.0016		\$14,826,600	\$2,896,450
			See attached “Exhibit B”	
2017 \$12,050,150	98.14-1-1.0001-1.0016		\$14,826,600	\$2,776,450
			See attached “Exhibit C”	
2018 \$12,100,150	98.14-1-1.0001-1.0016		\$15,323,800	\$3,223,650
			See attached “Exhibit D”	

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 \$9,325.28, which will be ordered pursuant to said Consent Judgment.

EXHIBIT "A"

The Residences at Trump National Golf Club

<u>2015</u> Lot	Original Assessment	Adjusted Assessment	Reduction
01	\$54,375	\$41,390	\$12,985
02	\$54,375	\$41,390	\$12,985
03	\$50,625	\$38,535	\$12,090
04	\$54,375	\$41,390	\$12,985
05	\$54,375	\$41,390	\$12,985
06	\$50,625	\$38,535	\$12,090
07	\$54,375	\$41,390	\$12,985
08	\$54,375	\$41,390	\$12,985
09	\$54,375	\$41,390	\$12,985
10	\$54,375	\$41,390	\$12,985
11	\$54,375	\$41,390	\$12,985
12	\$54,375	\$41,390	\$12,985
13	\$54,375	\$41,390	\$12,985
14	\$54,375	\$41,390	\$12,985
15	\$54,375	\$41,390	\$12,985
16	\$62,500	\$47,575	\$14,925
Total	\$870,625	\$662,715	\$207,910

EXHIBIT "B"

The Residences at Trump National Golf Club

<u>2016</u> Lot	Original Assessment	Adjusted Assessment	Reduction
01	\$926,000	\$745,100	\$180,900
02	\$926,000	\$745,100	\$180,900
03	\$862,100	\$693,700	\$168,400
04	\$926,000	\$745,100	\$180,900
05	\$926,000	\$745,100	\$180,900
06	\$862,100	\$693,700	\$168,400
07	\$926,000	\$745,100	\$180,900
08	\$926,000	\$745,100	\$180,900
09	\$926,000	\$745,100	\$180,900
10	\$926,000	\$745,100	\$180,900
11	\$926,000	\$745,100	\$180,900
12	\$926,000	\$745,100	\$180,900
13	\$926,000	\$745,100	\$180,900
14	\$926,000	\$745,100	\$180,900
15	\$926,000	\$745,100	\$180,900
16	\$1,064,400	\$856,450	\$207,950
Total	\$14,826,600	\$11,930,150	\$2,896,450

EXHIBIT "C"

The Residences at Trump National Golf Club

<u>2017</u> Lot	Original Assessment	Adjusted Assessment	Reduction
01	\$926,000	\$752,600	\$173,400
02	\$926,000	\$752,600	\$173,400
03	\$862,100	\$700,650	\$161,450
04	\$926,000	\$752,600	\$173,400
05	\$926,000	\$752,600	\$173,400
06	\$862,100	\$700,650	\$161,450
07	\$926,000	\$752,600	\$173,400
08	\$926,000	\$752,600	\$173,400
09	\$926,000	\$752,600	\$173,400
10	\$926,000	\$752,600	\$173,400
11	\$926,000	\$752,600	\$173,400
12	\$926,000	\$752,600	\$173,400
13	\$926,000	\$752,600	\$173,400
14	\$926,000	\$752,600	\$173,400
15	\$926,000	\$752,600	\$173,400
16	\$1,064,400	\$865,050	\$199,350
Total	\$14,828,600	\$12,050,150	\$2,778,450

EXHIBIT "D"

The Residences at Trump National Golf Club

<u>2018</u> Lot	Original Assessment	Adjusted Assessment	Reduction
01	\$976,400	\$771,000	\$205,400
02	\$976,400	\$771,000	\$205,400
03	\$909,100	\$717,850	\$191,250
04	\$976,400	\$771,000	\$205,400
05	\$976,400	\$771,000	\$205,400
06	\$909,100	\$717,850	\$191,250
07	\$976,400	\$771,000	\$205,400
08	\$976,400	\$771,000	\$205,400
09	\$976,400	\$771,000	\$205,400
10	\$976,400	\$771,000	\$205,400
11	\$926,000	\$731,200	\$194,800
12	\$926,000	\$731,200	\$194,800
13	\$926,000	\$731,200	\$194,800
14	\$926,000	\$731,200	\$194,800
15	\$926,000	\$731,200	\$194,800
16	\$1,064,400	\$840,450	\$223,950
Total	\$16,323,800	\$12,100,150	\$3,223,650

Motion Carried: Unanimously

N. Permission to Sell Alcohol at Town of Ossining Earth Day

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

Resolved that Green Ossining is hereby authorized to operate a concession stand during the Ossining Earth Day event held on April 27, 2019 at the Louis Engel Waterfront Park in the Town of Ossining and to sell, for consumption by persons over 21 years of age, beer from Captain Lawrence Brewing Company, who will also obtain, with consent from the Town, all necessary permits including an event permit from the New York State Liquor Authority and will provide proof of insurance and the letter of indemnity to the Town in a form acceptable to Counsel to the Town.

Supervisor Levenberg stated that we will have two stands selling beer at Earth Day this year—the Board approved the application from the Sing Sing Kill Brewery more than a month ago. However, the proceeds from the sale of Captain Lawrence Beer support Green Ossining, who organizes the event, and we continue to appreciate their generosity this year.

Motion Carried: Unanimously

O. Approval of 2019 Cabaret License – Briarcliff Operations LLC, 584 North State Road, Briarcliff Manor, Town of Ossining

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

Whereas, Briarcliff Operations LLC known as “Club Fit Briarcliff” is a gym and fitness center with a café and on occasion holds events and parties that would constitute a “cabaret” as that term is defined in Chapter 68 of the Town Code (“Cabarets”); and

Whereas, the Applicant has submitted an application for a cabaret license for the calendar year 2019; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department; and

Whereas, on April 9, 2019, the Town Board opened a Public Hearing on the subject cabaret application, at which time all persons interested were given an opportunity to speak on behalf of or in opposition to the cabaret application, and the public hearing was closed on April 23, 2019; and

Now Therefore,

Be it Resolved, that the Town Board of the Town of Ossining hereby approves the application of Briarcliff Operations LLC, 584 North State Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions:

The Applicant shall only operate as a cabaret after 12:00 p.m. on any given day.

Motion Carried: Unanimously

P. Approval of 2019 Cabaret License- The Briarcliff Manor Restaurant & Catering Corp., 25 Studio Hill Road, Briarcliff Manor, Town of Ossining

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

Whereas, The Briarcliff Manor Restaurant & Catering Corp. has filed an application for a Cabaret License for the calendar year 2019; and

Whereas, the Town Board has reviewed the application and attachments thereto, as well as reports from involved departments, including the Police Department and Building Department; and

Whereas, on April 9, 2019, the Town Board opened a Public Hearing on the subject cabaret application, at which time all persons interested were given an opportunity to speak on behalf of or in opposition to the cabaret application, and no one appearing from the public, the public hearing was closed on April 9, 2019;

Whereas, the Applicant is requesting to extend its hours of operation from 11 p.m. to midnight on Thursdays, where the Code permits indoor music until 11 p.m. on Thursdays, but gives the Town Board the discretion to extend the hours a cabaret may play indoor music beyond the times permitted in the Code when it is deemed appropriate and consistent with the public safety and welfare; and

Whereas, the Applicant has made various improvements to the property, both inside and outside, in order to soundproof the property and eliminate noise reaching the neighboring properties, which efforts the Town Board appreciates and appear to have worked as the Town has not received complaints from the neighbors and no one appeared at the public hearing on this application; and

Now therefore,

Be It Resolved, that the Town Board of the Town of Ossining hereby approves the application of The Briarcliff Manor, 25 Studio Hill Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License, subject to the following limitations and conditions: Bands/DJs with no more than 6 performers to be allowed on Sunday through Wednesday from 12:00 p.m. – 11:00 p.m. and Thursday through Saturday 12:00 p.m. -12:00 a.m., and

Be it further resolved, the Board finds it is appropriate and consistent with the public safety and welfare to allow indoor music until midnight on Thursdays given the improvements the Applicant has made to the property with respect to soundproof and noise and the positive results it appears to have had, and

Be it Further Resolved, the Applicant's ability to play music until midnight on Thursday is conditioned upon there being no complaints from the public regarding this extended hour and if the Town receives complaints from the public related to the Applicant playing indoor music until midnight on Thursdays, the Applicant will have to appear before the Board to reconsider this extension.

Motion Carried: Unanimously

VIII.CORRESPONDENCE TO BE RECEIVED AND FILED

IX.MONTHLY REPORTS

X.VISITOR RECOGNITION

XI.ADJOURNMENT –PERSONNEL –ADVICE OF COUNSEL

At 8:30 p.m., Councilmember Shaw moved and it was seconded by Councilmember Wilcher that the Regular Meeting be adjourned.

Motion Carried: Unanimously

At 9:26 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman to leave executive session.

Motion Carried: Unanimously

At 9:27 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Feldman to adjourn executive session.

Motion Carried: Unanimously

Approved:

Town Clerk, Mary Ann Roberts