



**MINUTES**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**OCTOBER 13, 2020**  
**REGULAR MEETING**  
**7:30 P.M.**

**THIS MEETING WAS HELD VIA VIDEO CONFERENCING ONLY**  
**Pursuant to Governor's Executive Order 202.1 dated March 12, 2020**

**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 October 13, 2020 via video conference, pursuant to Governor's Executive Order 202.1 dated March 12, 2020. 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, Northern Wilcher, Jr., and Gregory G. Meyer. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

**II. PUBLIC HEARING**

At 7:32 p.m., the Public Hearing opened.

- **Local Law to Amend Chapter 200 of the Town Code, Zoning, to Create Beekeeping Regulations in the Town of Ossining**

Supervisor Levenberg said the following: At our last legislative session, we opened a public hearing on proposed legislation to create beekeeping regulations in the Town of Ossining. At that hearing, we received some good comments and feedback from the public, some of which we have incorporated into our latest draft of the local law. We discussed the draft at work session and the Board's comments were also incorporated. The latest version of the law has been circulated, however, we are still awaiting some comments from our Building Inspector. So we will likely keep the public hearing open for another meeting until we receive his feedback.

Donna Sharrett discussed the history of honeybees in the area. Honeybees were brought to the area by the Europeans. They are not native bees and as result have posed as a challenge to native species for years. The local law will protect native bee species while helping people keep honeybees. Mrs. Sharrett raised concern over the number of beehives residents will be allowed to be keep. She believes that having 6 beehives will pose challenges to residential areas. She asked for the Local Law to bring down the number of beehives allowed to be kept to 4.

Supervisor Levenberg said that only very large properties will be allowed to keep 6 beehives. Mrs. Sharrett said that she believes that 6 beehives will be too many to keep at the Bethany Center due to its proximity to residential properties.

At 7:38 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to October 27, 2020.

At 7:38 p.m., the Public Hearing opened.

- **Extension of Approval of Provisional 2020 Cabaret License for Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor**

Supervisor Levenberg said the following: This has been lingering for some time now – at the beginning of 2020, Maya Riviera submitted their request for a cabaret license, with an expansion of their normal operating hours. The Board provisionally approved the license at the beginning of March, hoping the 90 day period of the provisional license would give the Board an opportunity to review the impacts of these expanded hours. I know we all are trying to forget those early days of March, but soon after the Board’s approval, Maya Riviera, along with other businesses, were forced to close due to COVID. The Board has been approving additional extensions all year, as we keep hoping we might return to some normalcy sooner rather than later. Alas, we have not. So tonight, we are holding the public hearing to just wrap this up for the rest of 2020 and approve the license through the end of the year. We can revisit with their 2021 request when we will hopefully – finally – be back to some sort of normalcy.

At 7:41 p.m., Councilmember Feldman moved and it was seconded by Councilmember Shaw to close the Public Hearing.

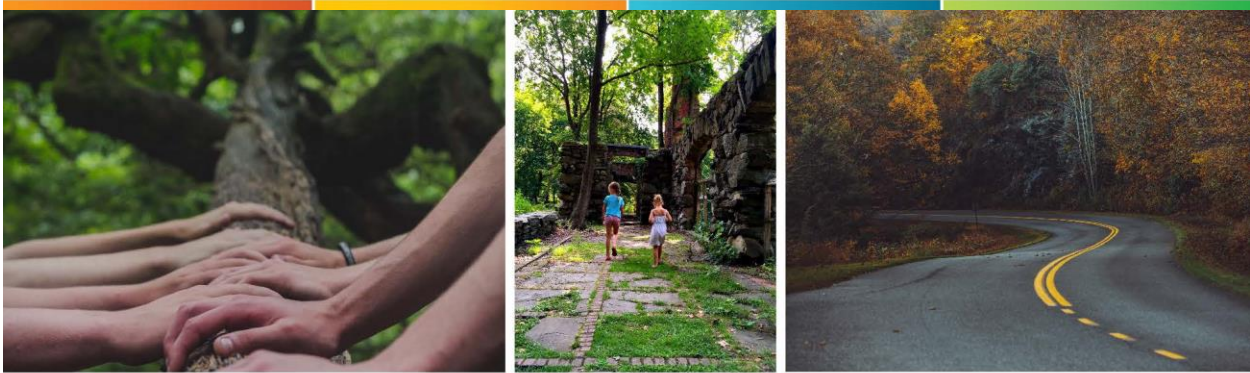
**III. SPECIAL PRESENTATION – Westchester Power Program Update from Sustainable Westchester**

Carmen Santos from Westchester Power Program presented the following:



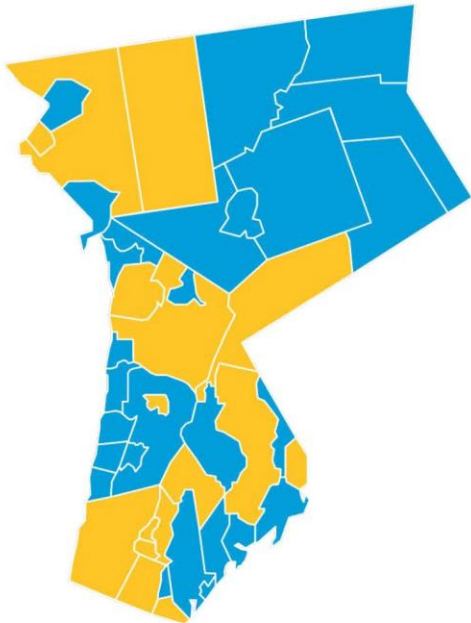


- Vetted Community Energy program adopted by municipalities
- Creating energy choice since 2016
- Collective purchase of clean energy power at “fixed rates”
- Making a positive environmental impact



## BUILDING HEALTHY, RESILIENT COMMUNITIES

- Access to affordable clean, renewable power
- Helps address climate change and secure a good future for our children
- Improves air quality
- Boosts green economy, green jobs



### WESTCHESTER POWER CCA MUNICIPAL PARTICIPATION

Ardsley	Larchmont	North Salem	Rye Brook
Bedford	Lewisboro	Ossining Village	Rye City
Croton-on-Hudson	Mamaroneck Village	Ossining Town	Sleepy Hollow
Dobbs Ferry	Mamaroneck Town	Peekskill	Somers
Greenburgh	Mount Kisco	Pelham Village	Tarrytown
Hastings-on-Hudson	New Castle	Pleasantville	White Plains
Irvington	New Rochelle	Pound Ridge	

27	24	115,000
Municipalities	Green Supply Municipalities	Residents and Small Businesses





# HOW DOES IT WORK?

## How Local Energy Aggregation Works



SOURCE



**WESTCHESTER  
POWER**  
buys electricity supply



DELIVERY



**CONED**  
delivers energy, maintains  
lines, bills customers



CUSTOMER



**YOU**  
have energy choice,  
support clean energy

Adapted from original Lean Energy image



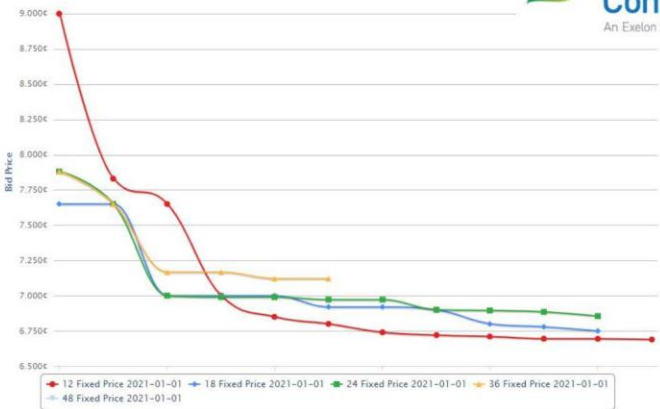
# WESTCHESTER POWER: BID RESULTS & 2021 CONTRACT

## BID RESULTS

Residential Standard  
Supply



**6.749 cents**  
for 18 months



Best Bids					
	12 Month	18 Month	24 Month	36 Month	48 Month
Best Bid	6.689c	6.749c	6.855c	7.121c	
Supplier	Constellation NewEnergy	Constellation NewEnergy	Constellation NewEnergy	Eligo Energy	

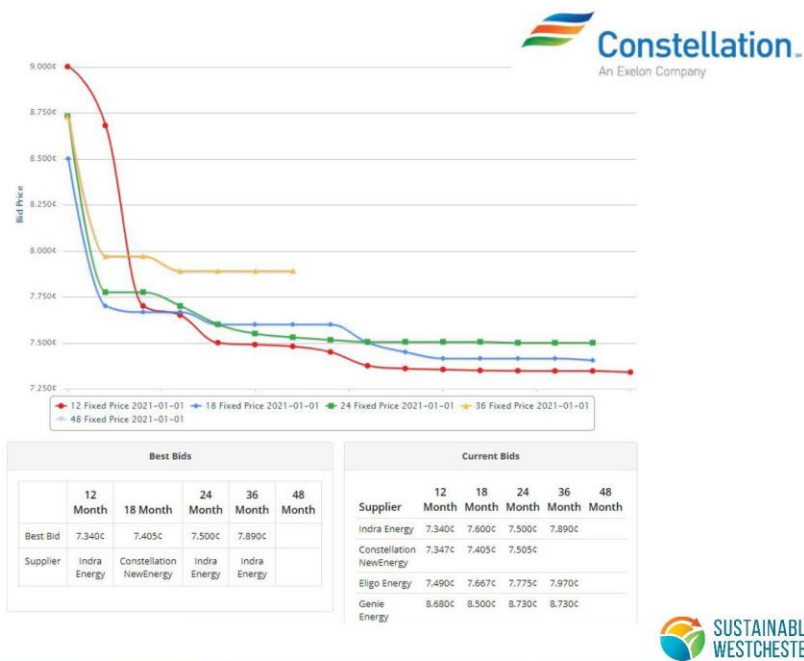


# BID RESULTS

Residential Green Supply



7.405 cents  
for 18 months

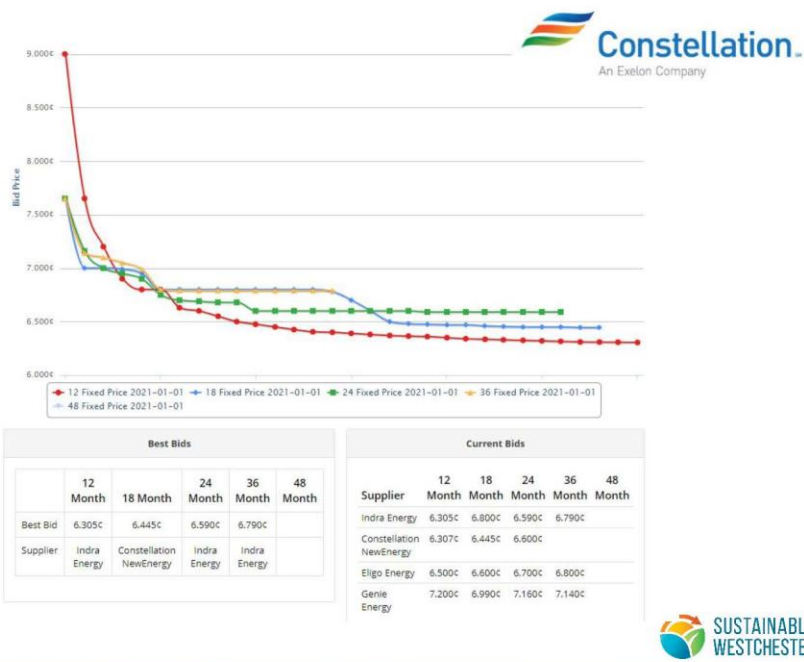


# BID RESULTS

Commercial Standard Supply



6.445 cents  
for 18 months



# BID RESULTS

Commercial Green Supply



7.100 cents  
for 18 months



# KEY DATES

**NOVEMBER 4<sup>th</sup>** — Notification Letters sent to Residents

**NOVEMBER 9<sup>th</sup> – DECEMBER 9<sup>th</sup>** — 30 Day Opt Out Period

**JANUARY 1<sup>st</sup>** — Enrollment begins



# OPTING OUT & SWITCHING SUPPLY OPTIONS

Residents can opt out at any time with no penalty

**POSTCARD** — Sign and send back postage-paid postcard

**PHONE** — Call our office (914) 242-4725 and we'll help you switch your supply option or opt out

**ONLINE** — [www.sustainablewestchester.org/wp](http://www.sustainablewestchester.org/wp)



# OUTREACH & EDUCATION

Outreach is ongoing and a robust emphasis on digital outreach that includes:



COUNTY & LOCAL PRESS



DIGITAL COLLATERAL & CONSUMER  
EDUCATION VIDEO SERIES  
[sustainablewestchester.org/wp](http://sustainablewestchester.org/wp) or  
Sustainable Westchester Media on YouTube



SOCIAL MEDIA POSTING



VIRTUAL COMMUNITY EDUCATION SESSIONS  
(transitioning to in person & events as allowable)



Supervisor Levenberg asked how people can re-enroll into the program if they opted out of it. Mrs. Santos said that people can Sustainable Westchester to re-enroll.

#### **IV. ANNOUNCEMENTS**

**Supervisor Levenberg announced the following:**

**Today is the last day to register as an Organ Donor as part of “Team Ossining.” On Thursday last week we hosted a Zoom-a-thon with nearly 30 participants. Typically we celebrate Organ Donor Enrollment Day with outdoor events to help people register, but we had to get creative this year. Thank you so much to all the elected officials, musicians, donors, and transplant recipients that came together to raise awareness. We reached over six thousand people with the livestreamed Zoom-a-thon and hopefully a lot of people registered to be donors. Most New Yorkers support organ donation but only 32% are actually enrolled. If you are interested in becoming an organ donor visit the Town of Ossining Facebook page or <https://donatelife.ny.gov/ref/LiveOnNYDD139/>. Sign up today and give the gift of life!**

**Coming right off all the good work we did on Organ Donor enrollment day, I woke up to a much different feeling on Friday morning when I went out for a run. Right in front of my home, clearly in response to the Black Lives Matter sign I have posted, someone had chalked a nasty message with a racial slur that rocked my entire day. We quickly pulled so many of Ossining’s leaders together for a press conference, including from the Village, Town, School District and Police Dept, county and state, our Community Equity Task Force and faith based community, and my husband and two grown sons as well. We all find this type of behavior and hateful messaging atrocious and every one of us is committed to countering it and working even harder to root out racism in our midst. I felt so supported and inspired by all of the people who quickly gathered at my home, and send big thanks to all who joined me to show that Ossining will not stand for hate. I also thank the Town Board for individually speaking out as well on Friday. The Police are continuing to investigate the matter. If you have any information about anything you may have seen in the area of Emwilton Place on Friday morning, October 9<sup>th</sup> at around 6:15am please call the OPD at 941-4099 and ask to speak to a detective.**

**We are coming up on some important deadlines. The start of early voting is just 11 days away and absentee ballots have already been received in some homes. Have you made your voting plan? Take a few minutes to think about how you will be voting this year. Do you need to find a way to get to your polling site? Do you know where your polling site will be? Do you have questions about early voting? New York voters have several options for this upcoming election. You can cast your vote by absentee ballot, vote in-person on Election Day, or vote in-person during the early voting period starting October 24<sup>th</sup>. Visit the Board of Elections website at [citizenparticipation.westchestergov.com](http://citizenparticipation.westchestergov.com) for information on this upcoming election. All voters in Westchester County can go to any of the 17 early voting sites across the county from October 24-Nov 1<sup>st</sup>, but on Election Day, Nov 3<sup>rd</sup>, you must vote at your assigned polling place. Please note your polling place may have changed this year, so check the Board of Elections website to confirm your correct polling place or keep an eye out for a postcard in the mail with your information. I would also like to take the opportunity to remind everyone that the presidential candidates are not the only candidates on your ballot this year. Positions on the State Supreme Court, in the Senate, for district attorney, local judge, as well as Village of Ossining trustees– among others – also deserve your attention. You can visit [vote411.org/ballot](http://vote411.org/ballot) to learn whose names will be on your ballot.**

**Another deadline quickly approaching is the one for the US Census. If you haven’t completed the Census yet what are you waiting for? The US government only asks for us to complete the Census every 10 years, which means our response rate will be locked in until 2030. The Town of Ossining currently has a 69.9% response rate, the Village of Ossining has a 65.9% response rate, and the Village of Briarcliff has an 81.4% response rate. We can do better! Ossining lost \$2500 per year since 2010 for every resident that did not complete the last**

Census. It takes only 10 minutes to complete and you can do it online. You can also call to complete the census over the phone. The Census is a count of all residents, regardless of immigration status, age, or race. Please do whatever you can to make sure Ossining is accurately counted in this Census!

As a quick update about Town Services, leaf collection will be starting up soon so be sure to rake all your leaves to the curb. Leaves can be left loose at the curb or in paper bags for pickup. Please do not bag your leaves in plastic. The only exception to this rule is for folks on state roads – that’s Route 133 and 134. Unfortunately, the State has not caught up to us yet, and leaves along state roads still must be bagged in plastic. Leaf collection will continue through the end of the year by our amazing Highway Department. Please make every effort to keep leaves out of the road. When leaves get into the road they make the space thinner and more slick in the rain. This can lower the time it takes for your car to slow down or stop when it needs to. We are happy to offer leaf collection services to our residents, but please be mindful of where the piles end up.

Lastly, I need to ask everyone to remain vigilant when it comes to the health guidelines. As the chilly weather drives us indoors, it is important to keep washing our hands, wearing our masks, and avoiding touching our faces. I know the news is full of discussion about an eventual vaccine but we don’t have one yet. That means that we need to keep working *every day* to protect each other. If you are considering traveling out of state please review the NY State travel advisory. If your business’ reopening plan was drafted with warmer weather in mind, please do another review of your procedures. We have seen an uptick in cases across the state. New York is now offering a “COVID Alert NY” app, which uses Bluetooth technology to alert users if they have been in close proximity to a positive case. The app is voluntary, anonymous, and does not use location services, GPS, or geographical information. You can learn more about this app at [coronavirus.health.ny.gov/covid-alert-ny](https://coronavirus.health.ny.gov/covid-alert-ny).

**V. LIAISON REPORTS**

**VI. PUBLIC COMMENT ON AGENDA ITEMS**

**VII. BOARD RESOLUTIONS**

**A. Approval of Minutes—Regular Meeting – September 22, 2020**

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 September 22, 2020 minutes of the Regular Meeting as presented.

Motion: Carried

**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 October 13, 2020 in the amount of \$435,911.41.

Motion: Carried

**C. Tax Certiorari – David Swope/Estate of David A. Swope vs. Town of Ossining**



Councilmember Wilcher 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 David Swope/Estate of David A. Swope against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at Scarborough Station Road, Village of Briarcliff Manor in The Town of Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 104.07-1-43, 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. 64742/16; 66129/17 and 66090/18; 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:

Scarborough Station Road, Town of Ossining, N.Y. 10562

Section 104.07, Block 1, Lot 43

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	104.07-1-43	\$467,500	\$52,500	\$415,000
2017	104.07-1-43	\$472,200	\$52,200	\$420,000
2018	104.07-1-43	\$476,900	\$46,900	\$430,000

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

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by The Counsel to The Town, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that The Counsel to The Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$113.72, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg said the following: We have a few tax certiorari resolutions on our agenda tonight, this is just the first of three. Thank you to our Assessor Fernando Gonzalez and our Prosecutor Steve Dewey for working hard to achieve a fair outcome in these proceedings both to the Town and the petitioners. And thankfully, as a result of our annual reassessments, we are seeing fewer and fewer of these applications year after year.

Motion: Carried

**D. Tax Certiorari – 97 North Water, 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 North Water, LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 97 Water Street, Village of Ossining, N.Y. in The Town of Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 89.14-1-13 for Tax Assessment Year 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 66401/15; 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:

97 Water Street, Village of Ossining, N.Y., Town of Ossining, 10562  
Section 89.14, Block 1, Lot 13

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	89.14-1-13	\$92,710	\$19,260	\$73,450

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

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by The Counsel to The Town, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that The Counsel to The Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$318.35, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

**E. Tax Certiorari – Parkview Apartments Corporation 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 Parkview Apartments Corporation against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 117-121 South Highland Avenue, Village of Ossining in The Town of Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 97.11, Block 2, Lot 82 for 117-121 South Highland Avenue, and designated on the tax assessment map of The Town of Ossining as Section 97.12, Block 1, Lot 7 for Holbrook Road, Village of Ossining in The Town of Ossining, N.Y. 10562 for Tax Assessment Years 2015-2017; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 67426/15; 64509/16; and 66550/17; and**

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

**117-121 South Highland Avenue, Village of Ossining, N.Y. 10562**

**Section 97.11, Block 2, Lot 82**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	97.11-2-82	\$1,079,750	\$55,082	\$1,024,668
2016	97.11-2-82	\$19,387,700	\$985,095	\$18,402,605
2017	97.11-2-82	\$19,387,700	\$985,095	\$18,402,605

**Parkview Apartments Corporation Holbrook Road Village of Ossining, N.Y. 10562**

**Section 97.12, Block 1, Lot 7**

Assessment Year	Tax ID. No.	Original Assessed Value	Reduction	Final Assessed Value
2015	97.12-1-7	\$21,900	\$0	\$21,900
2016	97.12-1-7	\$314,200	\$0	\$314,200
2017	97.12-1-7	\$314,200	\$0	\$314,200

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

**WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by The Counsel to The Town, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is**

**RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further**

**RESOLVED, that The Counsel to The Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further**

**RESOLVED**, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 2,799.34, which will be ordered pursuant to said Consent Judgment.

**Motion: Carried**

**F. Resignation – Town of Ossining Justice Court**

**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 accepts, with regret, the resignation of Sarath Nair from the position of Intermediate Clerk in the Town of Ossining Justice Court, effective October 14, 2020.

**Supervisor Levenberg said the following:** Yes, today was a sad day in the Town of Ossining! Sarath Nair, a shining star in our Justice Court, finished his last day of work with us today, after several years working for the Town. During the years he was working full time in the Court, Sarath was also able to pursue his true passion after hours – a career in social work. Now that Sarath has finished his schooling and secured a new job in his preferred field, we do have to let him fly away from the nest. Thank you, Sarath, for your service to the Town, you will be missed!

**Motion: Carried**

**G. Promotion – Appointment – Town of Ossining Justice Court**

**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 promotes Fernanda Lilley from the provisional to probationary position of Intermediate Clerk – Spanish Speaking, effective October 13, 2020; and

**Be it further Resolved**, that Ms. Lilley’s pro-rated annual salary remains at \$46,963 for 2020.

**Supervisor Levenberg said the following:** We have had a couple of big personnel shifts in the Justice Court this year, as we promoted our part-timer, Fernanda Lilley, into a full-time provisional appointment in July to fill a vacancy from earlier in the year. Fernanda recently passed the Civil Service test with flying colors and has been an asset to the Court team, so we are excited to make her appointment more permanent tonight.

**Motion: Carried**

**H. Approval of 2020 Cabaret License – Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor**

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

**WHEREAS**, by resolution duly adopted March 10, 2020, the Town Board, under its authority pursuant to Chapter 68 of the Town Code (Section 68-20(B)), granted Maya Riviera Bar and Restaurant (the “Applicant”) a three-month provisional cabaret license for extended hours during which the



**Applicant can play amplified music on Sundays through Thursdays from 11:00 p.m. to 1:00 a.m.; and**

**WHEREAS, the Town Board intended to revisit this approval after three months in May 2020 to assess if there were any negative impacts from the extended hours, but due to the COVID-19 pandemic and the related closures to and operational restrictions on restaurant establishments, the Town Board extended the provisional cabaret license until October 27, 2020 and directed a public hearing be held on the provisional license on October 13, 2020; and**

**WHEREAS, the Town Board held a public hearing at its regular meeting on October 13, 2020 via videoconferencing in accordance with the Governor’s Executive Orders 202.1 and 202.13, as subsequently extended, and members of the public having an opportunity to be heard, the public hearing was closed on October 13, 2020; and**

**NOW THEREFORE,**

**BE IT RESOLVED, the Town Board of the Town of Ossining hereby grants the Applicant a cabaret license for the calendar year of 2020 in accordance with the provisions of its March 10, 2020 resolution; and**

**BE IT FURTHER RESOLVED, this cabaret license is only for the 2020 calendar year and is granted under unique circumstances where restaurants are not allowed to operate at full capacity, and accordingly, the Town Board reserves the right to modify, add to and/or eliminate any and all of the terms and conditions of the cabaret license when considering the Applicant’s application for a cabaret license renewal for the 2021 calendar year in accordance with Chapter 68 of the Town Code.**

**Motion: Carried**

**I. Fee Proposal – In Rem Proceedings for Taxes**

**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 accepts the fee proposal of Tulis & Geiger, LLP, dated September 30, 2020, for the preparation In Rem Proceedings for Taxes for 2020, at a fee of \$2,800 to cover the preparation and service of the Notice of Foreclosure, and associated costs; and**

**Be it further Resolved, any costs beyond the base fee of \$2,800 will be billed at a rate of \$300 per hour for Mr. Mark Tulis and \$85 per hour for paralegal and the Town will be reimbursed for such expenses as part of the foreclosure process.**

**Supervisor Levenberg said the following: We have worked with Mark Tulis for many many years, and we are happy to accept his fee proposal for 2020, yes at the same rate as last year. We know our Receiver Holly Perlowitz greatly appreciates his expert assistance during foreclosure processes.**

**Motion: Carried**

**J. Inter-municipal Agreement – New York State Department of Environmental Conservation Grant for Recycling App**

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

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign the renewal of an inter-municipal agreement for calendar year 2021 with the Village of Tarrytown, and the following municipalities: City of New Rochelle, Town of Greenburgh, Town of Harrison, Town of Ossining, Village of Bronxville, Village of Elmsford, Village of Hastings on Hudson, Village of Irvington, Village of Mamaroneck, Village of Pelham, and Village of Tuckahoe, for the purposes of receiving grant funding from the New York State Department of Environmental Conservation for a shared “Recycling App,” with the Village of Tarrytown as the lead entity for the grant funding, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg said the following: As the resolution states, this IMA is a renewal from last year so the Town can continue to receive reduced rates for the Recollect Recycling App as a result of a shared grant with the Village of Tarrytown as the lead and many other municipal partners. This is truly a win win, and I hope anyone who has taken the time to explore this app has found it super useful in navigating the garbage collection schedule in the Unincorporated Town.

Motion: Carried

**K. Electric Service Agreement – Constellation NewEnergy, Inc.**

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

Whereas, the Town of Ossining signed a memorandum of understanding with Sustainable Westchester to participate in the Westchester Power Community Choice Aggregation Program commencing January 1, 2021; and

Whereas, Sustainable Westchester, as administrators of the Westchester Power Program, sought electric service billing rates through a competitive bidding process, with Constellation NewEnergy, Inc. as the winning bidder; now therefore be it

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an Electric Service Agreement (“ESA”) with Constellation NewEnergy, Inc. and Sustainable Westchester to offer Town residents electric rates set forth in Exhibit A of the ESA commencing as of the participating consumer’s first meter read dates after December 31, 2020 and continuing until the participating consumer’s first meter reading date after June 30, 2022 as part of the Westchester Power Community Choice Aggregation Program, subject to approval by Counsel to the Town as to form.

Supervisor Levenberg said the following: Thank you Sustainable Westchester for administering this important program for municipalities, we are excited to be able to offer our residents reduced rates for electricity that is also 100% renewable!

Motion: Carried

**L. Call for Public Hearing: Local Law (#4 of 2020) to Amend Chapter 136 of the Town Code to Allow Eating and Drinking Establishments that are issued a Temporary Outdoor Dining Permit to have Tents and Heaters**

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 calls for a public hearing in the matter of Local Law #4 of 2020 to be held at 7:30pm on Tuesday, October 27, 2020; and

Be it further Resolved, that pursuant to the Governor’s Executive Orders 202.1 and 202.15, and subsequently extended, this public hearing will be held via videoconferencing only, with the information to participate in the public hearing to be duly noticed and circulated in accordance with the requirements for noticing public hearings.

Supervisor Levenberg said the following: As we get into the colder season, we are starting to see that our restaurants would attract more customers if they were allowed to use tents with sides and heaters. The Town Board would like to consider incorporating this into our recently adopted local law, with guidance from our Building Inspector. We will open the public hearing at our next legislative session to get the ball rolling.

Motion: Carried

**VIII. MONTHLY REPORTS**

Councilmember Shaw moved and it was seconded by Councilmember Wilcher 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 September 2020:

- Dale Cemetery
- GE Helicopter
- Town Building Department
- Town Highway
- Tax Receiver’s Office
- Town Clerk’s Office
- Town Supervisor

Motion: Carried

**IX. CORRESPONDENCE TO BE RECEIVED AND FILED**

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 correspondence:

- Resolution of Architectural Review Board Approval – Cliff Neto (53 Ganung DR)
- Town Planning Board Minutes 8-19-2020
- Town Planning Board Minutes 9-02-2020

Motion: Carried

**X. VISITOR RECOGNITION**

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

**XI. ADJOURNMENT**

At 8:19 P.M., Councilmember Feldman motioned to adjourn to Executive Session for personnel, advice of counsel, and contracts and Councilmember Shaw seconded.

Motion Carried: Unanimously

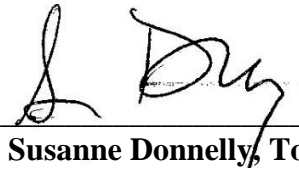
**At 9:09 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

**At 9:09 P.M., Councilmember Shaw motioned to adjourn the Regular Meeting and Councilmember Feldman seconded.**

**Motion Carried: Unanimously**

**Approved:**

A handwritten signature in black ink, appearing to read "S. Donnelly", is written over a horizontal line.

**Susanne Donnelly, Town Clerk**