



**TOWN BOARD
TOWN OF OSSINING
86-88 SPRING STREET
BIRDSALL-FAGEN POLICE COURT FACILITY
OSSINING, NEW YORK**

**JULY 12, 2016
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

COUNCILMEMBERS

**Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey 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 July 12, 2016 at the Birdsall-Fagan Police Court/Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Northern Wilcher, Jr., Karen D'Attore and Kim Jeffrey. Also present were Town Counsels Steven Silverberg, Christie Tomm Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. Public Hearing in the matter of 2016 Cabaret License for Maya Riviera.

At 7:31 PM, The public hearing was open.

No one came to speak on this topic.

At 7:32 PM, Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the public hearing be closed.

III. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

Thanks for joining us on this warm Ossining evening. It's been a while since we've all been together, since the Town is on a reduced meeting schedule this summer, so tonight we will be combining our regular meeting with a Work Session in order to get through some pressing business while still keeping our ongoing projects on track.

Before I get into announcements, I wanted to briefly address the recent tragic events in Louisiana, Minnesota, and Dallas.

As I was thinking about what to say,, I happened to open an email from Nely Galan, a very successful woman I recently heard speak at Barnard College about her new book "Self Made." Interestingly, she had some words which encapsulated many of my own feelings, so I would like to quote her, in a slightly condensed version, quote:

"To say the events of the past week in this country have been tragic would be a monumental understatement. We're a nation overcome with suffering, divisiveness, and an overwhelming sense of uncertainty. But as painful as all of this is to witness, in these moments, we must, in the inspiring words of Dr. Martin Luther King Jr., "accept finite disappointment, but never lose infinite hope."

“These are the exact moments when we must ask ourselves the tough questions: is this the best we can do? Is this the best I can do? What can each of us do every day to stand up for ourselves and for others? Are we being our bravest selves? Are our voices ringing loud enough to be heard? This is when we tap into every ounce of grit we have, for the crucial, if not sacred, sake of being part of the solution.” End quote.

Here in the Town of Ossining, we have a dedicated community that has experienced some very difficult times in our past, but has rallied to find solutions. In the coming weeks and months, expect to hear more about what we can all do to find ways to heal, and to build. To all those who have lost family members in these tragic events, we send our love and prayers and promise to work harder, stand up for ourselves and others, be our bravest selves and help make sure everyone is respected and loved for exactly who they are.

I have a few short announcements this evening—we have so many special events happening in Ossining this week! Tomorrow evening, Michael Capra, the Superintendent of Sing Sing, will be hosted by the Ossining Historical Society for an informal discussion. Space is limited, but the Historical Society may still be taking reservations—give them a call at 941-0001.

Assemblywoman Sandy Galef will be hosting a Senior Forum on Thursday at Cortlandt Town Hall, beginning at 9AM. Come out to learn about some of the programs and assistance available to our seniors, this is always an informative and enjoyable morning, and worth a share with your neighbors.

Also on Thursday, OVAC’s is hosting its annual Cocktail Party and Fundraiser at the Atria on Hudson. Join our first responders for an outdoor cocktail party, rain or shine. A \$10 donation is suggested, and all proceeds go to OVAC.

Westchester Collaborative Theater will present “Unintended Consequences”, a series of one-act plays. The first show is on Thursday, July 14th at 8PM, followed by Friday and Saturday nights at 8PM and a matinee on Sunday at 3PM. All readings will take place at the Steamer Firehouse at 117 Main Street. Go to WCTheater.com for tickets and more info.

On Friday, July 15th at 1:30PM, IFCA will have a ribbon cutting of their new building at 65 Hunter Street, which will soon be a space that 3 families will call home. This is an exciting accomplishment for Ossining, and a special congratulations is in order for Councilwoman D’Attore, whose hard work to provide assistance to Ossining’s families is an inspiration to all public servants.

Also on Friday, July 15th, NYS Empire State Development will host a public hearing on the \$250k grant to fund the market research and planning studies being conducted for the Sing Sing Museum project. Please join us at 10AM at 16 Croton Avenue to offer your input on this fantastic project.

And of course, I would be remiss if I didn’t announce the next two installments of the Ossining Waterfront Concert Series. This Friday at Louis Engel Park, The Soul Projekt will be playing. If you’ve ever heard them play, you know this is one concert not to miss! Next Friday, July 22nd, we will host Sundad, another incredibly talented band that will help you dance the night away. Thanks to our phenomenal Parks Department staff and Recreation Superintendent Chris Soi for all of their help coordinating this great series.

We have been hard at work this week on a variety of things, but perhaps the most important has been sitting down with our Parks Foreman, Recreation Superintendent and our Superintendent of Cemeteries to discuss our long-term capital needs. As the economy has caused municipalities to tighten their belts, our outdoor and recreational spaces have borne the brunt of service cuts, and unfortunately, sometimes it starts to show. We are in the process of coming up with a combined plan to present to the Board at our July 26th

meeting, so stay tuned for more information on how we plan to improve these important public spaces.

IV. LIAISON REPORTS

V. DEPARTMENTAL REPORTS

Police Chief Kevin Sylvester provided an update on the Police Department:

- **Big conviction on the murder case in Ossining- this was a very difficult case because it was out of our jurisdiction.**
- **We are working on the second installment of our training program at the Ossining Public Library to try and re-vamp their Emergency Management System.**
- **Our police exam will be open to Village/Town residents. We are encouraging everyone interested in police work to take the exam.**
- **Police Department is trying to address the animal complaints in Ossining.**
- **Contact the police at 914-941-4099 if residents have any questions.**
- **The Police Department will have a big announcement on Facebook on Friday, July 15th, 2016. Please stay tuned.**
- **On July 20th, 2016 the Ossining Police Department will be hiring three new Police Officers. Anthony Perillo, Joe Rinaldi and Andrea Zambrano. All three are local residents.**

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes

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

Resolved, that the Town Board of the Town of Ossining hereby approves the June 28, 2016, 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 Jeffrey that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated July 12, 2016 in the amount of \$427,312.35.

Motion Carried: Unanimously

C. Calling for a Public Hearing in the matter of the 2016 Cabaret License for Ballroom Studio of Westchester

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 26, 2016 at 7:30 p.m. at the Ossining Municipal Building 16 Croton Avenue, 1st Floor Boardroom, Ossining NY 10562, in the matter of the 2016 Cabaret License for Ballroom Studio of Westchester, 565 North State Road Briarcliff Manor, NY 10510.

Motion Carried: Unanimously

D. Calling for a Public Hearing in the matter of the 2016 Cabaret License for Briarcliff Manor Restaurant & Catering Corp.

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 26, 2016 at 7:35 p.m. at the Ossining Municipal Building, 1st Floor Boardroom, Ossining NY 10562, in the matter of the 2016 Cabaret License for Briarcliff Manor Restaurant & Catering Corp., 25 Studio Hill Road, Briarcliff Manor, NY 10510.

Motion Carried: Unanimously

E. Adoption of Local Law #6 of 2016- Declaring a Moratorium on Construction within the Town of Ossining

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled "Declaring a Moratorium on Construction within the Town of Ossining", which impose a temporary moratorium on development within the Town of Ossining to allow for a planning and zoning analysis consistent with the Town's Comprehensive Plan; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 6-2016 entitled "Declaring a Moratorium on Construction within the Town of Ossining" on June 28th at 7:30 p.m. at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 6-2016, entitled "Declaring a Moratorium on Construction within the Town of Ossining" with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #6 of 2016 to be filed and/or distributed in accordance with applicable law.

Supervisor Levenberg stated that we are waiting on the results of a study on some of the recommendations on our comprehensive plan. It seems a good time to put the brakes on to get a good sense of our changing landscape to we make sure our planning and zoning boards can act upon the decisions we make at the Town Board level to enact a vision our community embraces.

Roll Call Vote: 5-0-0

Ayes: D'Attore, Wilcher, Jeffrey, Feldman & Levenberg

F. Adoption of Local Law #7 of 2016- Emergency Access Systems

Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the following be approved:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Emergency Access Systems”, which shall cause commercial structures within the Unincorporated Town to follow a set of rules and regulations designed to aid emergency responders enter a building safely and quickly in an emergency; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 7-2016 entitled “Emergency Access Systems” on June 28th at 7:35 p.m.at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 7-2016, entitled “Emergency Access Systems” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #7 of 2016 to be filed and/or distributed in accordance with applicable law.

Supervisor Levenberg stated that this is common sense legislation which will protect our first responders as well as property that would otherwise potentially be damaged to service it in an emergency—specifically as it relates to commercial and multi-family properties.

**Roll Call Vote: 5-0-0
Ayes: D’Attore, Wilcher, Jeffrey,
Feldman & Levenberg**

G.

TAX CERTIORARI

Campwood Realty, LLC(9013-1-84)

vs.

Town of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Campwood Realty, LLC against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 15 Campwoods Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.13, Block 1, Lot 84, for Tax Assessment Years 2011 through 2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 55713/11; 65051/12; 64051/13; and 64650/14; 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:

15 Campwoods Road, Ossining, N.Y. Section 90.13, Block 1, Lot 84

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2011	90.13-1-84	\$44,900	\$6,000	\$38,900
2012	90.13-1-84	\$44,900	\$6,400	\$38,500
2013	90.13-1-84	\$44,900	\$7,200	\$37,700
2014	90.13-1-84	\$44,900	\$13,200	\$31,700

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 Special 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 Special 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 \$296.53, which will be ordered pursuant to said Consent Judgment.

Supervisor Levenberg stated that this is an agreement reached with the development several months ago. There was a sale of the property during the tax cert process. One was approved by the board on Feb 10th. This is the corresponding sale.

Motion Carried: Unanimously

H. Receiver of Taxes: Property Redemption, 8-04 Brooke Club Drive

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

Whereas, on June 28th, 2016, the Town Board of the Town of Ossining authorized a list of properties with delinquent taxes to be scheduled to be sold at auction on August 10th, 2016; and

WHEREAS, the owner of 8-04 Brooke Club Drive appeared at the June 28, 2016 meeting seeking to arrange to make payment in full, explaining that she had just learned her tenant had failed to make the tax payments as required by the lease for the property; and

Whereas, the Town Board, at its discretion, may remove a property from the list if full payment, including a 10% redemption penalty, is tendered and cleared prior to July 31st, 2016; and

Whereas, the owner of 8-04 Brooke Club Drive has come forward and paid the full lien amount, plus interest and penalties;

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby orders the Receiver of Taxes/ Enforcement Officer to remove the following property from the list of parcels to be auctioned on August 10th, 2016;

House and Property at 8-04 Brooke Club Drive, Tax I.D. # 80.19-1-35.0804,

And be it Further Resolved, that the Town Board reserves the right to evaluate future requests of a similar nature on a case-by-case basis.

Supervisor Levenberg stated that the Property Redemption from Foreclosure Auction: 8-04 Brooke Club Drive At our last meeting we were approached by the homeowner of this property which was headed to auction. I am pleased to say all of the delinquent taxes and penalties were paid the day following that meeting. The tax receiver is awaiting this resolution in order to accept the 10% penalty and remove it from the auction.

Motion Carried: Unanimously

I. Agreement for Professional Engineering Services – TC Merritts Land Surveyors P.C.

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a proposal to provide professional surveying services with TC Merritts Land Surveyors P.C., Pleasantville, NY dated June 27th, 2016 to conduct a Right of Way survey as part of the Sanitary Sewer Improvement project at the intersection of Croton Dam Road (Route 134) and Kitchawan State Road, for an amount not to exceed \$6,940.

Supervisor Levenberg stated that as we have discussed, we are doing our best to work with the State DOT to help get the work done for the new culverts at 134 and 9A. At the same time, they will be replacing a town sewer line that currently runs under the culvert but will ultimately be rerouted. There are a number of steps we must take to ensure this work gets done properly and we have the temporary and permanent easements in place. This survey will help us clean up our records and get that work accomplished.

Motion Carried: Unanimously

J. Personnel – Dale Cemetery, Seasonal Appointment Termination

Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby terminates the seasonal employment of Carmelo Ciccone, effective July 11th, 2016.

Supervisor Levenberg stated that a month ago we hired a seasonal laborer for Dale Cemetery. Last week he submitted a letter of resignation as he got a full time job. We wish Carmello the best in his new position with the Town of North Castle.

Motion Carried: Unanimously

ADJOURNMENT INTO WORK SESSION FROM WHICH THE BOARD WILL RETURN TO LEGISLATIVE

At 8:15 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the meeting be adjourned to Work Session.

Motion Carried: Unanimously

Discussion of Phase-In Legislation- Supervisor Levenberg discussed the Introduction of legislation by Assemblywoman Sandy Galef, chair of the real property committee in the Assembly, and Senator Carlucci. We asked the Assessor to do an evaluation and houses had to be eligible for STAR and no improvements to the home and 1-3 family home. There are about 572 properties that fell into this category. Supervisor Levenberg is recommending a cutoff of 25% or above. All members of the Board are in support of the 25% cutoff.

Request from Ossining Chamber- Lobsterfest at Engel park on Aug 27th – Supervisor Levenberg stated that the Chamber, a not for profit, has asked that we wave our fee for the event that they would like to hold in front of the stage. All members of the Board were in agreement.

Request for Reduced Cost Burials at Dale Cemetery for Indigent Emergency Responders. Supervisor Levenberg stated that we were approached by a member of the fire department who was responsible for burying a firefighter at Dale Cemetery in the fire fighter section of the cemetery. They asked if we would reduce the fee to the indigent rate. The Board decided not to make any exemptions at this time.

Update on CFA/ Priority Project Grant Application-Supervisor Levenberg stated that on July 29th, many municipalities and developers will be applying to the state for funding for projects that improve economic development. Hopefully, we will have something ready to submit that will be a plan to tie together some of Ossining's remaining Open Space into a significant corridor, as well as develop bike lanes and street scaping more conducive to the way millennials like to get around. As we are seeing an increase in migration from Brooklyn to Ossining, this is a wonderful time to evaluate how we change our landscape with the changing times. Money would be sought for planning, landscaping, marketing, community outreach to put in bike lanes along Route 133/Somerstown Rd, North State Rd, and hiking trails and paths that would connect Ryder Park to Teatown along the Briarcliff Peekskill Trail way. This would present an opportunity to connect to the Old Croton Aqueduct, the North County Trail way, Village of Briarcliff and Village of Ossining and Town of New Castle.

All members of the board were in support of this grant application. Supervisor Levenberg advised that the Town would be reaching out to our state legislators for support as well.

Supervisor Levenberg advised that we the Town applied for a grant for an ADA compliant kayak launch/ramp which would be located at the south end of the beach at Engle Park. We hope to partner with the School district with this grant.

We have also applied for a grant for recycle bins in all of our parks and a grant for a building study for the house on Dale Cemetery.

Fireworks-We discussed a couple of dates with your Superintendent of Parks and Recreation. Next year 4th of July is on a Tuesday and we are proposing Monday, July 3rd for the fireworks. All members of the board were in agreement the fireworks display on Monday, July 3, 2017

MOTION TO RETURN TO LEGISLATIVE SESSION

At 9:00 P.M., Councilmember Feldman moved and it was seconded by Councilmember Jeffrey that the meeting be adjourned to Legislative Session.

K. Calling for a Public Hearing in the Matter of Local Law #8 of 2016- Determining the Manner of Calculating and Determining Eligibility for the “Phase-in” Exemption of Real Property Tax Assessments

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 26th, 2016 at 7:40 P.M. at the Ossining Municipal Building, 16 Croton Avenue, 1st Floor Boardroom, Ossining, NY 10562 in the matter of Local Law #8 of 2016, adopting the provisions of Chapter 91 of the Laws of 2016 regarding the manner of calculating and eligibility for the “phase-in” exemption of real property tax assessments within the Town of Ossining.

Motion Carried: Unanimously

VIII. MONTHLY REPORTS

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be approved:

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

- Town Clerk’s Office, June 2016
- Town Supervisor’s Office, June 2016
- Building Department, February 2016, April 2016, May 2016 & June 2016
- Dale Cemetery, June 2016
- G.E. Helicopter Report, June 2016

Motion Carried: Unanimously

IX. VISITOR RECOGNITION

X. ADJOURNMENT-EXECUTIVE SESSION –POTENTIAL LITIGATION-PERSONNEL

At 9:04 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the Meeting be adjourned.

Motion Carried: Unanimously

At 9:56 P.M., Councilmember Feldman moved and it was seconded by councilmember Wilcher to leave Executive Session.

At 9:57 P.M., Feldman moved and it was seconded by councilmember D’Attore to adjourn.

Approved:

Mary Ann Roberts Village Clerk