



MINUTES
TOWN BOARD
TOWN OF OSSINING
MAY 26, 2020
REGULAR MEETING
7:30 P.M.

THIS MEETING WILL BE HELD VIA VIDEO CONFERENCING ONLY

Pursuant to Governor's Executive Order 202.1 dated March 12, 2020

Members of the public can view the meeting via computer or mobile app:

<https://us02web.zoom.us/j/83565969528>

Members of the public can listen to the meeting by dialing in via phone:

+1 929 205 6099

Meeting ID: 835 6596 9528

****Please note that by dialing in, your phone number will be visible to the host, participants, and attendees of the meeting.****

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 May 26, 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, Gregory G. Meyer, and Northern Wilcher Jr. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

Supervisor Levenberg said the following: This year, we were unable to gather together as we usually do to recognize the members of our community who have given everything in service to our country. I would like to take a moment now to remember the servicemen and women we have lost in battle, and also in their return home, including those who have waged wars against PTSD, chronic illnesses, and yes, even COVID. Memorial Day is always a meaningful time to pause and remember the bravest among us, and perhaps even more so during this incredibly difficult time. Please join me in a moment of silence.

II. ANNOUNCEMENTS

Supervisor Levenberg made the following announcements:

This weekend, we heard from Governor Cuomo that the Mid-Hudson Region – including Westchester, Rockland, Putnam, Dutchess, Sullivan, Ulster, and Orange counties – has met the criteria for Phase One reopening as of today, Tuesday, May 26, 2020.

This means that only Phase One businesses, specifically those in the construction, agriculture, forestry, fishing, hunting, contactless retail, manufacturing, and wholesale trade industries, are eligible to reopen. Businesses in these industries that are seeking to reopen must first develop a

written Business Safety Plan, and must read and affirm industry specific guidelines. The Business Safety Plan must be conspicuously posted at the business premises and available upon inspection by the New York State Department of Health, or local safety and health authorities. Template Safety Plans and guidelines are available on the New York Forward website at forward.ny.gov.

But, you cannot simply print out the templates and reopen – there are specific questions each business owner must consider carefully and answer regarding practices they will put in place when open to protect employees, visitors, and customers from exposure to COVID-19 and make sure do not exacerbate spread.

Do not mistake this Phase One reopening as the floodgates opening for all businesses and everything goes back to normal! Businesses not included within the specific industries listed for Phase One are NOT yet eligible for reopening. As part of New York Forward, Governor Cuomo has indicated that there will be at least two weeks between phases to sufficiently evaluate how phased reopening will impact the number of cases in each region. Phase Two will bring us professional services, more retail, administrative support, hair salons (woohoo!) and real estate/rental and leasing. Phase Three will include restaurants and food service, and finally Phase Four will bring us arts, entertainment, recreation and education. So if you fit in any of these categories, you are not eligible for reopening!

The virus has not gone away! Instead, our social distancing efforts have gone a long way to flattening the curve and we now have a sufficient handle on the infrastructure necessary – including number of hospital beds, ICU beds, and a robust contact tracing effort – to better control positive cases of COVID-19.

For the rest of us not in the construction, agriculture, forestry, fishing, hunting, curbside retail, manufacturing, or wholesale trade industries, all existing restrictions of New York PAUSE remain in effect. Other non-essential businesses remain closed, non-essential employees shall continue to work remotely, and we must remain vigilant in our efforts to socially distance and wear masks when out in public. If you have any questions regarding this news, please feel free to reach out to the Town Supervisor's office at 762-6001. If you have questions specific to construction in the Unincorporated Town of Ossining, you should reach our Building Department at 762-8419.

We also continue to have available some cloth face masks for distribution to local businesses but get them while we have them! You can submit your request and schedule a timeslot for contactless pick up by calling Carina Scorcio in my office at 762-6002. We have now been told we can distribute some of these cloth masks to members of the public, which we will be doing via the weekly Feeding Westchester food distributions. Our stock remains limited, so we are still unable to distribute outside of these categories. But, we have some resources on our website to help you make your own mask, and we have introduced #MaskMondays – share your selfies with your handmade creations via Instagram or Facebook – we would love to see them!

As we begin this transition to our new normal, we have to re-evaluate many of the public events and gatherings we have all come to enjoy so much. We have discussed at the past few work sessions plans to re-imagine the Independence Day Fireworks and Summer Concert Series at Louis Engel Park, through the lens of social distancing. I am sorry to announce tonight that we will be cancelling our Independence Day Fireworks Celebration. Given what we know about New York Forward, it is highly unlikely we will all be able to safely gather for our fireworks display this July. We are also following suit with our Westchester County colleagues, who recently announced they would be cancelling both County-sponsored Independence Day celebrations. That being said, we are happy to share that we have been working closely with our friends at the Greater Ossining Chamber of Commerce, Mike and Miriam Risko, and

Sing Sing Kill Brewery to schedule at least four virtual concerts on Fridays in July! There is still a bit of coordinating to do, but we hope to feature some local musicians and find ways to support local business owners at the same time by encouraging audience members to grab some local takeout while they enjoy the show. We will be sharing more details in the coming weeks – stay tuned! As we also look at our parks and public spaces and remind everyone to please respect those areas that are still closed (such as our playground equipment where we hear people continue to tear down the caution tape which we put up to remind people these areas are closed), I wanted to let everyone know of something I shared in my update on Friday. That is that New York State, at the request of our State Assemblywoman and State Senator Pete Harckham, agreed to close the Unique Area for the season. As sad as it is for us to have to close public spaces, over the last bunch of years, as community groups work in partnership with the multiple bordering municipalities, we know this State Forest property along the Croton River has become completely overcrowded and very difficult to control. Many of us who have worked at putting appropriate restrictions in place to protect the area while making it a safe place for the public to enjoy, were very concerned that now more than ever, this area would have been a breeding ground for spread with the increased popularity it has seen. We are grateful that the Governor’s office responded and decided to close this area for the season. We hope that with other efforts in place, next year it will be up and running again with an active Stewardship program in place. Meanwhile, please help share with others that it is closed through Labor Day 2020.

The school district budget and Board of Education elections for both the Ossining and Briarcliff School Districts will be conducted entirely via absentee ballot this year. All qualified voters within the Ossining and Briarcliff school districts will be receiving a ballot directly via mail –probably this week-- no need to apply this time! You must complete your ballot and it must be received in the mail by 5pm on Tuesday, June 9. No in-person voting or voter registration will be allowed. Please remember that if you live in the Ossining School District, you will also be asked to vote on the Ossining Public Library budget and trustee elections as well. Both school districts and the Ossining Library have additional information regarding their proposed budgets and board candidates on their websites. If you have any questions, you can reach the Ossining School District Clerk at iortiz@ossiningufsd.org and the Briarcliff School District Clerk by calling (914) 432-8130."

Finally, I cannot forget my weekly Census plug! We are still a ways away from being fully counted in the 2020 Census – can we get to 100% Ossining??? Memorial Day reminds us that data from the Census helps support veteran and military programs, shaping the future of this important community in our country. Fill out your Census today – 2020census.gov, this simple questionnaire will go a long way in helping out our entire community, including, of course, our schools!

III. DEPARTMENTAL REPORT

Ossining Police Chief Kevin Sylvester gave the Town Board an update on the Ossining Police Department’s (OPD) activities. The OPD reduced staffing to prevent the spread of COVID-19. As of this meeting no staff member of the OPD has tested positive for COVID-19. Police officers have been busy hosting birthday parades. They do as many as they can with OVAC’s help. The OPD is not currently writing tickets to people violating COVID-19 health guidelines. They are stopping people, however, and asking them to please adhere to health guidelines. On June 1, 2020 full staff will return to work. The Ossining High School Parade will be on June 19, 2020.

IV. LIAISON REPORTS

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – May 12, 2020

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 approves the May 12, 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 May 26, 2020 in the amount of \$357,830.95.

Motion: Carried

C. Contract with SeamlessDocs.com to provide services to the Clerk’s Office.

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

RESOLVED, that upon review by Counsel to the Town, the Supervisor is authorized to sign the May 8, 2020 proposal with SeamlessDocs.com, 30 Vandam Street, New York, New York 10013, for SeamlessDocs.com to provide software and services to the Clerk’s Office, which also serves as the Village of Ossining Clerk per an intermunicipal agreement, for a three year subscription commencing on or about June 1, 2020 for \$11,595 (year 1); \$10,000 (year 2); and \$10,000 (year 3), with the cost to be shared equally between the Town of Ossining and Village of Ossining.

Supervisor Levenberg said the following in regard to the resolution: A few weeks back, our Town Clerk, Sue Donnelly, presented to the Town Board a proposal to engage SeamlessDocs to allow for remote services through our Clerk’s office. After a thorough review – thanks Counsel Tomm Addona – we are ready to sign this contract and begin the process of bringing many more services online.

Motion: Carried

D. Tax Payment Plan – 159-161 Croton Avenue

Councilmember Shaw 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 property at 159-161 Croton Avenue, Tax Parcel Designation ID# 89.16-3-85.1; 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 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 said the following in regard to the resolution: From time to time, our Tax Receiver will receive a request from a property owner to enter into a payment plan for uncollected taxes. Recently, we received requests from the property owners at 159-161 Croton Avenue and 14 Fuller Road. Both property owners qualify under the current local and state regulations governing payment plans, so we will be voting on both requests tonight.

Motion: Carried

E. Tax Payment Plan – 14 Fuller Road

Councilmember Feldman moved and it was seconded by Councilmember Shaw 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 property at 14 Fuller Road, Tax Parcel Designation ID# 97.11-2-25; 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 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.

Motion: Carried

F. Amending Payment Plan for Delinquent Taxes for 108 Croton Avenue

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

WHEREAS, due to the COVID-19 pandemic and the related restrictions on business operations, many taxpayers are suffering financial hardship due to loss of employment and/or other income; and

WHEREAS, as a result, the Federal and New York State governments have extended the deadline for filing income tax returns and, if applicable, paying the outstanding amount owed, until July 15, 2020; and the New York State and Westchester County governments have eliminated or substantially reduced the penalties on late payment of Town and County real property taxes for payments received by July 15, 2020; and

WHEREAS, pursuant to Real Property Tax Law § 1184 and Town Code Chapter 180, Article 5, the Town is authorized to enter into agreements for payment plans with taxpayers delinquent on their real property taxes and requires monthly payments in order to satisfy the outstanding real property tax obligation; and

WHEREAS, the Town Board previously authorized the Town Receiver of Taxes to enter into a payment plan with the owner of 108 Croton Avenue, Ossining, New York (the “Property”), for the payment of delinquent real property taxes; and

WHEREAS, the Property owner contacted the Town Receiver of Taxes and advised that they are suffering financial hardship due to the COVID-19 pandemic and requested a modification of the payment plan to delay the deadline of payments to be made under the plan; and

WHEREAS, while the Town does not generally entertain modifications to payment plans, and is not obligated to do so under law, due to the extraordinary and unprecedented circumstances surrounding the economic impact of the COVID-19 pandemic, and the fact that action has been taken at the Federal, State and County levels to eliminate or substantially reduce the burden on taxpayers to pay income and real property taxes until July 15, 2020, the Town Board believes it is appropriate and warranted in this situation to provide the Property owner with relief in line with that provided at the higher levels of government; and

NOW THEREFORE,

BE IT RESOLVED, upon the owner of 108 Croton Avenue submitting a signed hardship certification in the form provided by the Town based upon the criteria established by the Westchester County Executive, the Town Board hereby authorizes the Town Receiver of Taxes to enter into an amended agreement for a payment plan for the delinquent real property taxes for 108 Croton Avenue, which agreement shall make the deadline for the next payment July 15, 2020 and subsequent payments shall be made on or before the 15th of every month thereafter until the outstanding obligation has been satisfied; and

BE IT FURTHER RESOLVED, the Town Board is authorizing this action based upon the extraordinary and unprecedented circumstances of the COVID-19 pandemic and the actions taken at the federal, state and county level to alleviate tax burdens on taxpayers until July 15, 2020, and this authorization shall not establish a precedent for this Property owner or any other property owners going forward in seeking relief from their delinquent tax payment plan obligations or general tax obligations; and

BE IT FURTHER RESOLVED, in authorizing this action, the Town Board does not waive any rights or remedies available to it under the original payment plan, State Law or Local Law, and hereby expressly reserves the

right to take any action or utilize any remedies and enforcement mechanisms available to the Town under the law at any time in the future.

Motion: Carried

G. Amending Payment Plan for Delinquent Taxes for 34 Eastern Avenue

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

WHEREAS, due to the COVID-19 pandemic and the related restrictions on business operations, many taxpayers are suffering financial hardship due to loss of employment and/or other income; and

WHEREAS, as a result, the Federal and New York State governments have extended the deadline for filing income tax returns and, if applicable, paying the outstanding amount owed, until July 15, 2020; and the New York State and Westchester County governments have eliminated or substantially reduced the penalties on late payment of Town and County real property taxes for payments received by July 15, 2020; and

WHEREAS, pursuant to Real Property Tax Law § 1184 and Town Code Chapter 180, Article 5, the Town is authorized to enter into agreements for payment plans with taxpayers delinquent on their real property taxes and requires monthly payments in order to satisfy the outstanding real property tax obligation; and

WHEREAS, the Town Board previously authorized the Town Receiver of Taxes to enter into a payment plan with the owner of 34 Eastern Avenue, Ossining, New York (the "Property"), for the payment of delinquent real property taxes; and

WHEREAS, the Property owner contacted the Town Receiver of Taxes and advised that they are suffering financial hardship due to the COVID-19 pandemic and requested a modification of the payment plan to delay the deadline of payments to be made under the plan; and

WHEREAS, while the Town does not generally entertain modifications to payment plans, and is not obligated to do so under law, due to the extraordinary and unprecedented circumstances surrounding the economic impact of the COVID-19 pandemic, and the fact that action has been taken at the Federal, State and County levels to eliminate or substantially reduce the burden on taxpayers to pay income and real property taxes until July 15, 2020, the Town Board believes it is appropriate and warranted in this situation to provide the Property owner with relief in line with that provided at the higher levels of government; and

NOW THEREFORE,

BE IT RESOLVED, upon the owner of 34 Eastern Avenue submitting a signed hardship certification in the form provided by the Town based upon the criteria established by the Westchester County Executive, the Town Board hereby authorizes the Town Receiver of Taxes to enter into an amended agreement for a payment plan for the delinquent real property taxes for 34 Eastern Avenue, which agreement shall make the deadline for the next payment July 15, 2020 and subsequent payments shall be made on or before the 15th of every month thereafter until the outstanding obligation has been satisfied; and

BE IT FURTHER RESOLVED, the Town Board is authorizing this action based upon the extraordinary and unprecedented circumstances of the COVID-19 pandemic and the actions taken at the federal, state and county

level to alleviate tax burdens on taxpayers until July 15, 2020, and this authorization shall not establish a precedent for this Property owner or any other property owners going forward in seeking relief from their delinquent tax payment plan obligations or general tax obligations; and

BE IT FURTHER RESOLVED, in authorizing this action, the Town Board does not waive any rights or remedies available to it under the original payment plan, State Law or Local Law, and hereby expressly reserves the right to take any action or utilize any remedies and enforcement mechanisms available to the Town under the law at any time in the future.

Supervisor Levenberg said the following in regard to the resolution: Recently, due to the undue hardships many property owners are currently facing due to COVID, we have received a few requests from property owners with existing payment plans to allow for an extension of payment until July 15, in line with extensions in state and federal income tax filing deadlines and hardship extensions for payment of Town/County taxes that were due April 2020. We have decided to follow suit and authorize amended payment plans to the property owners at 108 Croton Avenue and 34 Eastern Avenue, suspending payments until July 15 due to hardships those individuals are currently facing.

Motion: Carried

H. Extension of Approval of Provisional 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, Maya Riviera Bar and Restaurant (the “Applicant”) filed an application for a Cabaret License for the calendar year 2020 requesting 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, by resolution adopted March 10, 2020, the Town Board, under its authority pursuant to Chapter 68 of the Town Code (Section 68-20(B)) to extend hours a cabaret may play amplified music beyond what is permitted in the Code where it deems it appropriate and consistent with the public safety and welfare, granted the Applicant a provisional cabaret license with the requested extended hours for three months and directed that a public hearing be held on May 26, 2020 to give the Town Board an opportunity to evaluate whether there were any adverse impacts from the extended hours before determining whether to grant the cabaret license with the extended hours for the entirety of the 2020 calendar year; and

WHEREAS, less than one week later, Governor Cuomo issued Executive Order 202.3 related to the continuing COVID-19 pandemic, directing that all restaurants and bars cease on-premises operations effective at 8:00 p.m. on March 16, 2020; and

WHEREAS, as the purpose of the provisional license and the scheduling of the May 26, 2020 public hearing was to assess the Applicant’s operations with the extended hours, and due to EO 202.3 the Applicant has been closed to on-premises operations, including playing amplified music, for the vast majority of that three-month period, the Board finds that it would not be productive to hold the public hearing or make a final determination on whether to allow the extended hours for the entirety of 2020 at this time; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Ossining hereby extends until August 25, 2020 the provisional license subject to all of the terms and conditions set forth in the March 10, 2020 resolution; and

BE IT FURTHER RESOLVED, the Town Board will hold a public hearing at its August 11, 2020 meeting to assess whether to approve this license in its current form for the entirety of 2020 or make changes to the hours the Applicant is authorized to play amplified music on Sundays through Thursdays if the Town Board deems it appropriate based upon the information received at the public hearing; and

BE IT FURTHER RESOLVED, the Town Board reserves the right to amend the above dates as appropriate under the circumstances based upon the Applicant's ability to operate in the interim.

Supervisor Levenberg said the following in regard to the resolution: If you can remember any time before quarantine (feels like a lifetime ago at this point!) we had approved a provisional cabaret license at our March 10th meeting for Maya Riviera for a period of 90 days to evaluate the impact of their request for extended hours of operation. Given Maya Riviera has been unable to operate for just about the entire 90 day period, we will be extending this provisional approval until August to allow for sufficient review.

Motion: Carried

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

VIII. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of April 2020:

- Dale Cemetery
- Town Supervisor

Motion: Carried

IX. VISITOR RECOGNITION

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

X. ADJOURNMENT

At 8:35 P.M., Councilmember Shaw motioned to adjourn to Executive Session for personnel, contracts and advice of counsel and Councilmember Feldman seconded.

Motion Carried: Unanimously

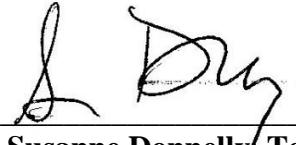
At 8:59 P.M., Councilmember Shaw motioned to return to the Regular Meeting and Councilmember Wilcher seconded.

Motion Carried: Unanimously

At 9:26 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". The signature is written in a cursive style with a large initial "S" and "D".

Susanne Donnelly, Town Clerk