

**MINUTES**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**APRIL 27, 2021**  
**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 April 27, 2021 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**

- **Local Law 4-2021: Regulations for Boat Launch at Louis H. Engel, Jr. Park**

At 7:31 PM, the Public Hearing opened.

Pat Yost said that he agrees on the Boat Launch being regulated. He spoke about having someone available at the park to give out daily permits.

At 7:33 PM Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned to May 11, 2021.

- **Local Law 5-2021: Adding provisions for a local energy code under Chapter 63 (Building Construction) of the Town Code**

At 7:33 PM, the Public Hearing opened.

Supervisor Levenberg said the following: This legislation was developed based upon a template from NYSERDA, to basically increase the elements of the state building code to make sure buildings are built with more stringent regulations that make them less energy reliant. NY State will probably officially adopt this more stringent standards anyway in the near future. But until then, these stretch codes are in place so that municipalities can get a jump start on energy efficiency building requirements. Counsel Addona, can you please note for the board where in the law you deviated from the template, based upon our discussions at our last Work Session on this topic? I assume this deviation would not compromise our ability to receive credit through the Clean Energy Communities program b/c we are still adopting the NYStretch code as is, correct?

Town Counsel Tomm-Addona explained the local law.

At 7:40 PM Councilmember Feldman moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to May 11, 2021.

- **Local Law 6-2021: Adopting a new Chapter 166 (Special Events, Parades and Public Gatherings) of the Town of Ossining Code**

At 7:40 PM, the Public Hearing opened.

Supervisor Levenberg said the following: The last of our three public hearings for tonight is for a local law to adopt a special events policy. This effort started following the Village of Ossining adopting a similar policy earlier this year. The Village of Ossining worked on their legislation for close to one year, seeking input from stakeholders and community members. Once the law was adopted by the Village Board, our shared Recreation Superintendent Bill Garrison requested that the Town adopt the same general policy. With both Town and Village special events administered out of the Recreation Department, it seemed to make sense that the Town consider adopting similar policies and procedures, both for the ease of administration for our staff and to maintain consistency for the public's benefit. We have discussed this now at two Work Sessions, adapted the legislation in areas where it made the most sense for the Town, and tonight is the first public hearing on the Town's law.

Pamela Nelson, Ossining, asked if the local law will apply to private home events.

Supervisor Levenberg said the local law focuses more on events happening in Town parks and pavilions.

Trustee Feldman said the local law will apply to private home events that require traffic control.

Supervisor Levenberg said that the local law will apply to block parties that need traffic control.

Town Counsel Tomm-Addona discussed the sections of the local law that reference private parties.

At 7:46 PM Councilmember Wilcher moved and it was seconded by Councilmember Shaw that the Public Hearing be adjourned to May 11, 2021

### **III. ADJOURN – WORK SESSION**

At 7:47 PM, Councilmember Shaw motioned to adjourn to Work Session for and Councilmember Wilcher seconded.

**Motion Carried: Unanimously**

The Town Board had a discussion on tax exemption of properties owned and used by the Village of Ossining for water supply and related purposes.

At 7:51 PM, Councilmember Feldman motioned to leave the Work Session and Councilmember Shaw seconded.

**Motion Carried: Unanimously**

### **IV. ANNOUNCEMENTS**

Supervisor Levenberg announced the following:

Last night, the Ossining Community Equity Task Force hosted its first Town Hall event. Panelists discussed how the pandemic has put a spotlight on issues of

inequity, from food insecurity and unstable broadband connections, to the impact on education and access to healthcare services. The Town Hall was livestreamed on Facebook on the Equity Facebook Page. The evening was very informative and I encourage everyone to check it out. If you are interested in being involved in the Task Force, please email [Equity@TownofOssining.com](mailto:Equity@TownofOssining.com)

Special thanks to Suzie Ross and Green Ossining for putting together such a fantastic calendar of Earth Week events. This year's festival wrapped up Sunday and it was great to see so many people join in. I joined Elisha Simpson of the Crossover Yoga Project on Saturday for some morning yoga at the waterfront. This event will actually be continuing as part of our Mind Body Spirit Ossining free summer wellness program. If you want to keep Earth Week going, good news! There's still time to sign up for Community Solar! Go to [sustainablewestchester.org](http://sustainablewestchester.org) tonight, and find out how you can tap the power of the sun without having to cut down trees or put solar panels on your roof. And you can do so from a local collection site in Ossining, AND save money on your electricity bill! Other ways to continue showing your love of our Earth: Green Ossining is hosting their community-wide tag sale this weekend from 10am to 4pm. The tag sale is a biannual tradition to help residents of Ossining and Briarcliff declutter their homes without adding to growing landfills. Unfortunately, the registration to participate in the tag sale has passed, but you can still do some shopping this weekend. Visit [GreenOssining.org](http://GreenOssining.org) for the map of properties participating.

Ossining is very lucky to have a number of other Earth-friendly activities still in the hopper. The Riverkeeper Sweep will take place on Saturday at Engel Park, the Sing Sing Kill, and the Old Croton Aqueduct at Gerlach Park. The Ossining Parks Habitat Stewards are also leading an invasive species removal at Ryder Park via I Love My Parks Day, and there is work to be done at other spots on the Aqueduct as well. Thanks to Community Members Daria Gregg, Suzie Ross, Donna Sharrett and Patrick Vipperman for hosting these events, and my friend just over the border, Diane Alden, for being an inspiration to many, leading the way, and being such a great environmental steward! The Riverkeeper Sweep has cleaned out over 4 tons of trash from Ossining waterways over the past decade. To register for Saturday's clean-up events, including the invasive species removal, visit [Riverkeeper.org](http://Riverkeeper.org). Or I Love My Parks day at <https://parks.ny.gov/events/my-park-day> and find your park.

This afternoon I participated in a meeting with representatives from Sustainable Westchester to discuss our ongoing campaigns to lower energy costs for Town of Ossining residents and collectively reduce our carbon footprint. Sustainable Westchester is an excellent resource for anyone looking for guidance on these topics. The Grid Rewards app was developed to help Con Ed customers earn cash when they reduce their impact on the energy grid during peak hours. You must sign up by Friday to be eligible for the most cash rewards. As I mentioned earlier, the Community Solar program, can help residents lower their electric bill by up to 10 percent. And for anyone who needs a new hot water heater or just wants to save money on their regular heating and cooling costs, I recommend looking into the EnergySmart Homes program. The Town has hosted quite a few virtual discussions on these programs and last week we were joined at our Board Meeting by several members of the Sustainable Westchester team to share more information about the programs. You can visit the Town Facebook Page to watch recordings of our meetings and past webinars. You should also visit [SustainableWestchester.org](http://SustainableWestchester.org)

The 2021 Town and County tax bills are due on Friday, April 30th. The easiest way to pay is online via Xpress pay, available through the Town's website. You can also pay via mail or by placing your stamped envelope in the dedicated mail slot at the Ossining Post Office lobby which gets delivered straight to our offices and doesn't get processed through White Plains before delivery. Or you can still stop by in person at Town Hall, 16 Croton Avenue, where the tax office is set up to take payments in the lobby between 9am and 2:30pm Monday through

**Thursday. Our Tax Receiver Holly Perlowitz will be accepting in person payments on Friday until 7:00pm. We do not recommend using online bill pay through your bank this late in the month – your payment will likely not make it to our office on time and those checks are often mailed without a postmark so we will not be able to consider your payment timely, even if you made the request for payment before the deadline. Instead, use our Xpress pay feature, which is available for safe, easy, and timely online payments through the April 30 deadline. If you have questions about your Town/County taxes, just give the tax office a call at (914) 762-8790 or email [hperlowitz@townofossining.com](mailto:hperlowitz@townofossining.com).**

**And finally, please remember that we are not out of the woods yet with COVID-19, as we can unfortunately witness through the surges in cases occurring across the country and around the world. The best way for us to end the pandemic is to get vaccinated! The CDC released some new guidance today reducing the requirements for fully vaccinated people to wear masks while engaging in some outdoor activities, which is certainly promising. However, in the United States, we have seen a decline in vaccinations per day, which illustrates that most people who want to receive the vaccine already have. And there is still a large fraction of the eligible population who have not gotten vaccinated, or even decided to skip their second dose. Please please please get vaccinated, be sure to receive all of the required doses – I promise the second vaccine side effects are not that bad and certainly much better than COVID. And you will get closer to being able to enjoy the great outdoors without wearing a mask and gather safely with family and friends! Administration of the Johnson and Johnson vaccine has resumed in the United States, now with a warning to recipients, caregivers, and healthcare professionals regarding the extremely rare blood clotting disorder observed in some recipients of the J&J vaccine. Westchester County continues to offer appointments at their County-run sites at Westchester Community College and Westchester County Department of Health, walk-ins are now allowed for people ages 60 and up at all State-run sites like Westchester County Center, and as of this Thursday, they will be open to anyone over 16. Most local pharmacies have appointments readily available. It looks like OVAC will be visiting some of our neighbors who are homebound this Thursday, thanks to our work with them and the County and our Vaccine Angels group who helped get them scheduled. Big shout out to OVAC Chief Nick Franzoso for his persistence, and Mirla Morrison for single handedly confirming all the appointments! If you or someone you know would like to be added to the list for homebound vaccinations, please email us [otownvaccineangels@gmail.com](mailto:otownvaccineangels@gmail.com) or call 914-236-4567. These volunteers have all done such a great job. Now that it is much easier to find and book an appointment for a vaccine, they are winding down, but are certainly still there to help and are a wealth of information! And of course, if you have not been vaccinated and are experiencing symptoms of COVID-19 get tested! There are many local sites with testing available, including our friends at OVAC as well as Open Door. We post many of these resources on our Town website and via our Town social media accounts, but if you have any questions about vaccinations, or need help accessing vaccines or testing, please do not hesitate to reach out to my office as well at (914) 762-6001.**

**Councilmember Feldman thanked OVAC for all the hard work they have done during the pandemic.**

- V. LIAISON REPORTS**
- VI. PUBLIC COMMENT ON AGENDA ITEMS**
- VII. BOARD RESOLUTIONS**

**A. Approval of Minutes—Regular Meeting – April 13, 2021**

**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 hereby approves the April 13, 2021 minutes of the Regular Meeting as presented.**

**Motion: Carried**

**B. Approval of Voucher Detail Report**

**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 Voucher Detail Report dated April 27, 2021 in the amount of \$257,216.43**

**Motion: Carried**

**C. Call for Public Hearing: Community Development Block Grant 2022-2024 Application Cycle**

**Councilmember Feldman 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 calls for a public hearing in the matter of the Town's applications to the Community Development Block Grant 2022-2024 Application Cycle as part of the Westchester County Urban County Consortium to be held at 7:30pm on Tuesday, May 11, 2021; 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: Supervisor Levenberg said the following: This year, another round of CDBG funding will become available to the Town through the Westchester County administered Urban County Consortium. As part of the requirements for CDBG, the Town must hold a public hearing for the public to be heard on potential projects the Town should consider applying for. At last week's Town Board meeting, we heard from our Town Planner, Valerie Monastra, about some of the parameters of this grant opportunity. It is likely that our best bet for eligibility will be to apply for projects within Louis Engel Park, as it is the only park located within a designated low-moderate income neighborhood that is operated by the Town. We look forward to hearing from the public at our next Legislative Session and developing our applications further before the June deadline.**

**Motion: Carried**

**D. Tax Payment Plan – 136 Cedar Lane**

**Councilmember Wilcher moved and it was seconded by Councilmember Feldman 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 136 Cedar Lane, Tax Parcel Designation ID# 80.18-2-20; 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: The Tax Receiver has received two requests for tax payment plans from property owners. These requests have been reviewed for eligibility, and are eligible for payment plans. We are hopeful that this opportunity will allow these property owners to retain ownership of their properties, while catching up on their unpaid taxes—which does include penalties for late payment.

Motion: Carried

**E. Tax Payment Plan – 20 Maurice Avenue**

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 20 Maurice Avenue, Tax Parcel Designation ID# 97.7-7-9; 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. Approval of Contract – Maltz Auctions, Inc.**

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 authorizes the Supervisor to sign an agreement with Maltz Auctions, Inc., Central Islip, NY 11722 for services relating to auctioning real property following the issuance of foreclosure judgements in accordance with New York State Real Property Tax Law and Westchester County Tax Law authorizing the Town to acquire and/or sell certain real property.

Supervisor Levenberg said the following: We do, unfortunately, have a few properties that either already have, or will shortly, reach the end of the foreclosure process. At that time, the Town will be able to auction these properties for sale and recoup the unpaid taxes. We have decided to engage a professional auction company this year, which will allow us to hold the auctions online due to COVID-19 restrictions and hopefully reach a wider audience of potential buyers. All of the costs associated with engaging this firm will be passed on to the eventual buyers.

Motion: Carried

**G. Resolution – Adopting Local Law Amending Zoning Map Regarding Battery Energy Storage Systems**

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

WHEREAS, an application was made by Borrego Solar Systems Inc. (the “Applicant”) to construct a standalone battery energy storage system that would be used to supplement power to the local power grid at peak hours by utilizing New York State’s Value of Distributed Energy Resources (VDER) mechanism (the “Proposed Project”), on property owned by the Archdiocese of New York (St. Augustine Church) located at 381 North Highland Avenue, Ossining, New York and shown on the Town of Ossining tax map as Section 81.18, Block 2, Lot 1 (the “Property”); and

WHEREAS, the Proposed Project is a Tier 2 Battery Energy Storage System as defined in Zoning Code § 200-53.A and subject to the regulations of Zoning Code § 200-31.4, which would require the Town Board to adopt a local law to amend the Town’s Zoning Map to include the Property in the Tier 2 battery energy storage system floating zone; and

WHEREAS, should the Town Board grant the above-referenced amendments to the Zoning Map, the Proposed Project will also require site plan approval and a conditional use permit from the Town of Ossining Planning Board (“Planning Board”); and

WHEREAS, the Applicant previously appeared before the Town Board at a work session to discuss the Proposed Project and provide additional information to the Town Board; and

WHEREAS, the Planning Board served as lead agency for a coordinated review pursuant to the State Environmental Quality Review Act, and at its meeting on March 17, 2021, the Planning Board adopted a Negative Declaration finding the Proposed Project does not have the potential for any significant adverse environmental impacts and also recommended approval of the floating zone by the Town Board in accordance with Zoning Code § 200-52; and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, April 13, 2021 via videoconferencing in accordance with the Governor’s Executive Orders 202.1 and 202.15, as

subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on April 13, 2021; and

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

NOW THEREFORE,

BE IT RESOLVED, the Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 3 of 2021 to amend the Zoning Map to apply the Tier 2 Battery Energy Storage System Floating Zone to the Property located at 381 North Highland Avenue, Ossining, New York for the purposes of the Proposed Project; and

BE IT FURTHER RESOLVED, in accordance with the Town's December 31, 2020 correspondence to the Applicant, the Applicant is hereby directed to contact the Supervisor's Office to discuss entering into a payment in lieu of taxes as authorized by NY Real Property Tax Law § 487 and a Building Permit shall not be issued for the Proposed Project until an agreement has been executed by the Town and the Applicant in furtherance of such; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

Supervisor Levenberg said the following: At our last legislative session we opened and closed a public hearing regarding the floating zone for battery energy storage at the St. Augustine's property at 381 North Highland Avenue. This resolution on our agenda tonight will allow the Town to establish a floating zone for this property for this purpose, so the project can go back to the Planning Board for final site plan approval. We are excited to put this new local law into effect for a project that has so many environmental benefits.

Motion: Carried  
Ayes: Levenberg, Meyer, Feldman, Shaw, & Wilcher

#### **H. Cabaret License – The Briarcliff Manor Restaurant & Catering Corp.**

Councilmember Shaw 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 an annual Cabaret License for its leased property located at 25 Studio Hill Road, Briarcliff Manor, NY 10510; 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, as with its prior application, 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 Town Board held a duly noticed public hearing at its regular meeting on Tuesday, April 13, 2021 via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15, as subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on April 13, 2021; and**

**Now therefore,**

**Be It Resolved, that the Town Board of the Town of Ossining hereby approves the application of The Briarcliff Manor Restaurant & Catering Corp., 25 Studio Hill Road, Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License to have a Bands/DJs with no more than 6 performers at one time on Sunday through Wednesday from 12:00 p.m. – 11:00 p.m. and Thursday through Saturday from 12:00 p.m. – 12:00 a.m., and**

**Be It Further Resolved, that the Town Board recognizes that in the past the Applicant has made various improvements to the property, both inside and outside, in order to reduce noise reaching the neighboring properties and that during the COVID-19 pandemic restaurants and event venues are struggling to stay in business with reduced customers and operational restrictions and are attempting to utilize outdoor spaces to accommodate their customers, ensure social distancing and reduce the risk of spreading the virus, and therefore the Board believes that so long as the Applicant complies with the conditions set forth below it is appropriate and consistent with the public safety and welfare to allow indoor amplified music until midnight on Thursdays, 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 from 11 p.m. to midnight on Thursdays, the Applicant will have to appear before the Board to reconsider this extension; and**

**Be It Further Resolved, the Town Board hereby directs the Applicant to ensure strict adherence with all requirements of the Town Code and State Law, and specifically the Town Board determines it is necessary in order to protect the health, safety and welfare of the residents of the Town of Ossining to expressly condition this approval upon the Applicant's adherence with the following:**

- **The Applicant must ensure the back doors are kept closed at all times except when being used for ingress/egress**
- **The Applicant shall not play amplified music outdoors at any time**
- **The Applicant shall not use amplification of any kind outdoors at any time**

**Be It Further Resolved, if the Applicant fails to adhere to the conditions stated above, the Town Board reserves the right to take whatever action may be necessary and appropriate under the law; and**

**Be It Further Resolved, the Town Board reserves the right to revisit this application and its decision when the Applicant applies for its next annual cabaret license based upon the facts and circumstances presented to the Town Board in at that time and this decision shall not establish a precedent for this application or any other applicant seeking a cabaret license; and**

**Be It Further Resolved, the Town Clerk is hereby directed to send the Applicant a certified copy of this Resolution.**

Supervisor Levenberg said the following: We also opened and closed a public hearing last meeting on the Briarcliff Manor Cabaret License application. We will be granting the extension of operating hours on Thursday evening until midnight, as was granted in 2019. However, in response to some comments from the public, we have added some language to this resolution reminding the applicant of being thoughtful of their neighbors to limit the amount of sound that will travel to other properties. We are hopeful this will help a local business continue to thrive during these challenging times, while also limiting nuisance to the neighbors.

Motion: Carried

**I. RESOLUTION – to exempt from Town taxes real property owned and used by the Village of Ossining for water supply**

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

Whereas, pursuant to an inter-municipal agreement, the Village of Ossining provides residents of the unincorporated Town of Ossining with water utilizing the following parcels that contain the Indian Brook Reservoir, the existing water filtration plant and the location of the planned new water filtration plant, pumping facilities, water storage, appurtenant piping and watershed buffering lands, all of which are integral to the Village providing adequate water resources for drinking and fire protection:

- 80.11-1-66 (Old Albany Post Road)
- 80.14-2-11 (25 Fowler Avenue)
- 80.15-1-1 (25 Reservoir Road)
- 80.15-1-2 (Old Albany Post Road)
- 80.15-1-3 (Old Albany Post Road)
- 81.17-1-66 (13 Bracken Road)
- 80.11-1-67 (Waterview Drive)
- 90.10-3-37 (17 Cooper Drive)

(collectively referred to as the “Village Water Parcels”); and

Whereas, the Village Water Parcels are located in the Unincorporated Town of Ossining and are currently subject to real property taxation by the Town, the Ossining Union Free School District and the Ossining Public Library; and

Whereas, it is historically unclear why the Village Water Parcels are subject to real property taxation by the Town as the Village Water Parcels provide water to residents of the Unincorporated Town through one contiguous water system and it is common for municipal infrastructure and resources to be exempt from real property taxation and such exemption is authorized by State law, and in fact, the County of Westchester has already exempted the Village Water Parcels from County real property taxation; and

Whereas, the Village is in the process of constructing a new water filtration plant, which construction is necessary to meet long-term capacity and water quality needs, including continuing to be able to provide residents of the unincorporated Town with water; and

Whereas, water rate payers, which include residents of the Town of Ossining and Village of Ossining, fund the costs related to the water filtration plant’s operation and providing water to the rate payers, which costs include the real property taxes owed for the Village Water Parcels; and

Whereas, as a result of the construction of the new water filtration plant, the assessed value of the Village Water Parcels is expected to increase substantially, resulting in a much higher real property tax burden to be paid by the water rate payers; and

Whereas, based upon thorough research and analysis conducted by the Village of Ossining and presented to the Town Board at a work session in January 2021, with which the Town Board agrees, the costs to individual water rate payers will increase significantly to cover the increased real property taxes that will result from the increased assessed value of the Village Water Parcels once the new water filtration plant is constructed (average increase of approximately \$370/year/ratepayer), while exempting the improved water filtration plant property from real property taxation would result in a substantially lower increase to property owners' real property taxes to accommodate the budgets set by the taxing jurisdictions with no reduction in the budget (increase of approximately \$10-30/year/property owner for school district taxes, which are the majority of the Village Water Parcels taxes); and

Whereas, while the majority of the real property taxes on Village Water Parcels will be paid to the school district and the Town Board understands the school district is also considering exempting the Village Water Parcels from real property taxation, the Town of Ossining recognizes that it is in the best interest of the water rate payers for the Village Water Parcels to be exempt from all applicable real property taxes, including Town real property taxes; and

Whereas, the Town Board is authorized to exempt the Village Water Parcels from real property taxation pursuant to Real Property Tax Law §406(3), which provides in pertinent part, "real property owned by a municipal corporation having a population of less than one hundred thousand...used as a water plant, pumping station, water treatment plant, water shed or reservoir, including necessary connections and appurtenances shall be wholly or partially exempt from special ad valorem levies and special assessments, by any municipal corporation in which located, provided the governing board thereof shall so agree in writing"; and

Now Therefore,

Be It Resolved, that the Town Board of the Town of Ossining hereby adopts this resolution to express its written agreement that the Village Water Parcels enumerated above are hereby exempt from real property taxation by the Town of Ossining; and

Be It Further Resolved, that the Town Clerk shall transmit certified copies of this resolution to the Westchester County Department of Finance, the Town of Ossining Assessor, the Town of Ossining Receiver of Taxes, the Ossining Union Free School District, the Ossining Public Library and the Village of Ossining Treasurer; and

Be It Further Resolved, that the Town of Ossining Assessor shall make appropriate notations in the respective tax assessment rolls that the Village Water Parcels are tax exempt as relate to the Town real property taxes; and

Be It Further Resolved, that the tax-exempt status of the Village Water Parcels with respect to Town real property taxes shall be effective April 27, 2021.

Supervisor Levenberg said the following: Per our discussion earlier this evening, we now have this resolution before us. I do not think there is much else to say, but we know this exemption will relieve the cost burden of an increased assessment on so many of our residents, while the Village continues to further its plans to improve our infrastructure so we all have access to safe drinking water.

Motion: Carried

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

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

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

- Town Planning Board Meeting Minutes – March 3, 2021

Motion: Carried

**IX. VISITOR RECOGNITION**

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

**X. ADJOURNMENT**

At 8:38 P.M., Councilmember Wilcher motioned to adjourn to Executive Session for advice of counsel and personnel and Councilmember Shaw seconded.

Motion Carried: Unanimously

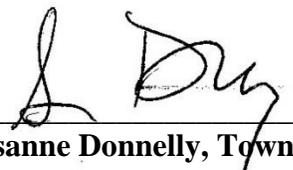
At 8:59 P.M., Councilmember Shaw motioned to leave Executive Session and Councilmember Wilcher seconded.

Motion Carried: Unanimously

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

Motion Carried: Unanimously

Approved:

  
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Susanne Donnelly, Town Clerk