

MINUTES
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY

MAY 10, 2022
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Angelo A. Manicchio Jennifer Fields-Tawil

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 10, 2022 in the Town Municipal Building, 16 Croton Ave in Ossining, and via video conference, pursuant to Chapter 417 of the Laws of 2021 signed into law on September 2, 2021 by Governor Hochul and Executive Order 11.5. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Angelo A. Manicchio, and Jennifer Fields-Tawil. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca.

Councilmember Gregory G. Meyer entered the Zoom meeting at 7:34 PM and 8 PM before withdrawing from meeting.

II. PUBLIC HEARING

- **The Briarcliff Manor Cabaret License 2022**

At 7:31 PM, the Public Hearing opened.

Supervisor Levenberg said the following: The Briarcliff Manor has filed a renewal of its cabaret license for 2022. The application has been reviewed by our building inspector and police department prior to it being considered by the Board for a public hearing. The neighbors near Briarcliff Manor spoke about the noise coming from the establishment and how doors/windows should be kept closed.

At 7:33 PM, Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil to close the public hearing.

Councilmember Meyer was not present for the Public Hearing.

III. SPECIAL PRESENTATION

- **Mike Ritchie from Dolph Rotfeld Engineers presented to the Town Board the Town of Ossining 2021-2022 Draft Stormwater Annual Report.**

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

Supervisor Levenberg announced the following:

This Friday, May 13 the Ossining community is invited to the first annual COVID-19 Remembrance Memorial Ceremony at Nelson Sitting Park at 9am.

This memorial will serve as a quiet place for residents and visitors to stop and remember those we lost during the COVID-19 pandemic.

After a bit of a rainy weekend, Compost Give Back Days are back this Friday, May 13 and Saturday, May 14 for participants in our Food Scrap Recycling Program. Participants in the program can pick up 6 gallons of free compost at Cedar Lane Park from 9am to 12noon on Friday or Saturday. Registration in advance is preferred, but not required to participate in this fun day and get your garden started. The compost will come from Sustainable Materials Management, Inc. in Cortlandt Manor, which is the facility where our food scraps is composted locally!

Saturday, May 14 is also the return of the Green Ossining Repair Café. Stop by the Community Center from 11am to 3pm with your broken, but beloved items, and have them fixed – for free!

Also, if you registered to help with I Love My Parks Day last Saturday, the events were postponed until this Saturday. Hope to see you out there!

The Ossining Arts Council is hosting a free community art event in support of Ukraine on Saturday, May 14 from 10am to 1pm at Market Square. Connect with your community and express yourself on a large canvas using your drawing tools of choice. Cash donations are appreciated, and will go towards World Central Kitchen’s efforts to provide food to those impacted by the war in Ukraine.

This Saturday and Sunday, May 14 and 15 is the Spring 2022 Westchester Craft Crawl! This event features 48 professional craft artist over 4 tour stops in Ossining and Croton, from 10am to 5pm both days, rain or shine. Visit www.westchestercraftcrawl.com for more information and to plan your shopping!

Peter Calo and Anne Carpenter will perform an Evening of Timeless Singer Songwriters, with special guest Aaron Heick, on Saturday, May 14 at 7:30pm at Westchester Collaborative Theater. Grab your tickets at www.wctheater.org. Also, Fable Farm is hosting Fable Farm Fest from 10-4 this Saturday. They are on 134 near the Taconic. 1311 Kitchawan Rd. They will have a whole bunch of great vendors and live music with family friendly artists and entertainment and maybe you could even pat a free roaming chicken or two!

Support the Ossining High School PTSA by picking up a food truck dinner on Takeout Tuesday, Tuesday, May 17 from 5:30pm-7:30pm in the Ossining High School parking lot. Support Ossining teachers and students, and enjoy some yummy dinner from a few local favorites!

Councilmember Feldman announced that applications for membership for the Ossining Boat & Canoe Club is opened. The Jug Tavern of Sparta’s walking tour will be on May 15, 2022.

V. ADMINISTRATIVE REPORT ON TOWN OPERATIONS

Supervisor Levenberg said the following:

Last week, we presented to the community and the Local Planning Committee as part of the Downtown Revitalization Initiative the Town’s request for funding for a new performance space at Louis Engel Park. It was great to hear that the project was well received by the community members and LPC members, and we are now working on refining our vision with concept plans for the new stage. Visit the Village of Ossining’s website to learn more about the DRI grant opportunity, review the proposed projects, and submit your comments on the projects proposed thus far. It will be great to see how the DRI money will be spent to revitalize Ossining’s downtown and spur economic development.

I also attended a partner meeting for Ossining Communities That Care (CTC), our local coalition dedicated to improving the overall well-being of youth and families. We listened to updated data from the annual teen substance use study, and I was happy to learn that, in spite of the pandemic and recent moves to decriminalize and legalize adult marijuana use, teen substance use in Ossining has continued to decline. It is important to have conversations with young people in your life about substance use and abuse, to ensure they are well-informed about the risks and also the fact that substance use and abuse is not the norm among their peers, despite what they may think. Visit the CTC's website, ossiningctc.org, to learn more about how to start these conversations and keep them going. It makes a difference.

Now that we are well into spring, many of our road paving and rehabilitation projects can resume, including the McCarthy Drive Road Rehabilitation project. The Town's contractor paused operations during the winter months, but will be re-mobilizing on site to complete the project starting Monday, May 16. Residents along McCarthy Drive and surrounding roads who are directly impacted by the project have received a more detailed update via e-mail last week. If you live on McCarthy Drive, and do not already receive our updates, please call my office at 914-762-6001 so we can get you on the list. We also anticipate that the Morningside Drive paving project will start back up sometime after Memorial Day; stay tuned for more updates.

VI. LIAISON REPORTS

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – April 26, 2022

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

Resolved, that the Town Board of the Town of Ossining hereby approves the April 26, 2022 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 10, 2022 in the amount of \$139,754.26

Motion: Carried

C. Resolution – Local Law # 3 of 2022 – Prohibition on Release of Balloons and Sky Lanterns

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

WHEREAS, although balloon and sky lantern releases are common ways to celebrate and/or memorialize people and/or occasions, there is considerable objective and scientific evidence that such activities are contrary to Town policy and law of not littering, protecting our environment and wildlife, and being good stewards of the Hudson River; and

WHEREAS, the Town Board, in the interest of protecting the public health, safety and welfare, considered a local law to prohibit the release of balloons and sky lanterns, subject to certain exceptions; and

WHEREAS, the Town Board opened a duly noticed public hearing on the proposed local law at its regular meeting on Tuesday, April 26, 2022, and members of the public having the opportunity to attend and be heard, the public hearing was closed on April 26, 2022; and

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

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration pursuant to the State Environmental Quality Review Act determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law will further protect the environment by prohibiting the release of materials that often become litter on land and in water and can harm wildlife; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Town, it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law #3 of 2022 entitled Prohibition on Release of Balloons and Sky Lanterns; 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: Thank you to Councilmember Feldman for championing this legislation, we are hopeful it will go a long way in educating the community on how to protect our environment.

Motion: Carried

Ayes: Levenberg, Feldman, Meyer, Manicchio, & Fields-Tawil

D. Resolution Declaring Support for the New York State Climate Action Council Scoping Plan

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

WHEREAS, the Sixth Assessment of the International Panel on Climate Change (IPCC) finds that climate change is causing dangerous and widespread disruption in nature and affecting the lives of billions of people around the world; and

WHEREAS, the IPCC Assessment concludes that rapid, deep and sustained reductions in global greenhouse gas emissions (GHG) are necessary, including accelerated action in this critical decade, to limit global warming to within 1.5°C and 2°C in this century; and

WHEREAS, New York State recognizes the urgent need to reduce and eliminate GHG emissions in the atmosphere, passing the 2019 Climate

Leadership and Community Protection Act ("Climate Act") committing the State to:

- **reduce GHG emissions by 40 percent by 2030 below 1990 levels, and achieve net-zero emissions by 2050;**
- **meet 70 percent of electricity needs from renewable resources by 2030, and 100 percent of electricity needs from zero-emissions resources by 2040;**
- **ensure a just and equitable transition that leaves no one behind, and dedicate up to 40 percent of the benefits of clean energy investments to Disadvantaged Communities; and**

WHEREAS, the New York State Climate Action Council has approved for public comment a Draft Scoping Plan to meet New York's climate and equity goals; and

WHEREAS, the Scoping Plan calls for shifting to energy-efficient electrification in buildings and transportation as the primary solution to replace fossil-fuel combustion in these sectors, which together account for 60 percent of the state's carbon emissions; and

WHEREAS, the Scoping Plan calls for a phase-down of emissions from fossil fuel-fired electricity generation, while ensuring support and protections for impacted workers as they transition to clean energy jobs; and

WHEREAS, the 2021 Jobs Study by the Just Transition Working Group for the NYS Climate Action Council estimates that meeting New York's climate goals will result in a net gain of 189,000 jobs across the state by 2030, alone, with a ratio of jobs gained to jobs displaced of 10 to 1; and

WHEREAS, the Scoping Plan includes measures that would expand the development of renewable resources and battery storage, encourage "agrivoltaics," or the co-location of agricultural activities with solar and wind, and provide resources to communities to assist with renewable siting and land-use planning; and

WHEREAS, the Scoping Plan recognizes the critical role that rural landscapes play, both natural and working lands, in sequestering carbon emissions and enabling the state to achieve net-zero emissions, and the importance of agricultural land preservation, open space protection, support for farmers to improve soil health, and policies that expand afforestation and reforestation and incentivize and assist private landowners in implementing sustainable forest management practices; and

WHEREAS, the Integration Analysis for the Scoping Plan finds that meeting emissions reduction goals of the Climate Act is technically feasible and will have the additional and significant benefit of improving public health by eliminating co-pollutants from fossil fuel combustion, resulting in an estimated \$50 to \$120 billion in health-related savings by 2050; and

WHEREAS, according to NYSERDA, over half of what New Yorkers currently spend on energy leaves New York, mostly for fossil fuels; and

WHEREAS, our communities would be better served by keeping energy spending primarily within the local economy; now, therefore be it

RESOLVED, the Town of Ossining affirms the critical importance of meeting the emissions and equity goals of the Climate Act, which will help mitigate dangerous warming while delivering the additional benefits of improving public health, economic opportunities, agricultural land open space protection, and quality of life for the people of Westchester County; and, be it further

RESOLVED, the Town of Ossining declares its support for prohibiting an expansion of fossil fuel infrastructure, which contradicts the goals of the Climate Act, and for transitioning to efficient electricity-based solutions for buildings and transportation; and be it further

RESOLVED, the Town of Ossining supports a planning process for a managed transition of the utility gas system that maintains affordable, safe, and reliable utility service and protects low- and moderate-income households from an undue burden in the transition; and be it further

RESOLVED, the Town of Ossining supports the recommendations of the Scoping Plan for advanced building codes that will improve the energy efficiency of new buildings, creating healthier living and work environments while reducing monthly energy costs; and be it further

RESOLVED, the Town of Ossining supports the recommendations of the Scoping Plan to phase in code requirements prohibiting on-site combustion of fossil fuels in new buildings over a 2024-2027 period; and, be it further

RESOLVED, the Town of Ossining calls on the Climate Action Council to include in the Scoping Plan the necessary policies and support to help owners of existing buildings improve energy efficiency and transition to zero-emissions equipment, ensuring cost parity with fossil systems, with incentives and financing assistance as necessary; and, be it further

RESOLVED, the Town of Ossining supports Scoping Plan recommendations that make electric vehicles more affordable relative to gas-powered vehicles, and expand fast-charging infrastructure; and, be it further

RESOLVED, the Town of Ossining urges the Climate Action Council to include in the Scoping Plan recommendations to expand assistance for all-electric municipal transit systems; and, be it further

RESOLVED, the Town of Ossining further urges the New York State Department of Environmental Conservation and NYSERDA to immediately launch a sustained statewide public education and information campaign on the benefits of a clean energy economy and climate-friendly choices by consumers of heating and cooling systems, transportation, and products and appliances; and, be it further

RESOLVED, the Town of Ossining shall forward copies of this resolution to the Commissioner of the NYS Department of Environmental Conservation, President of NYSERDA, Chair of the NYS Public Service Commission, the NYS Climate Action Council, and Members of the State Senate and Assembly representing the Town of Ossining.

Supervisor Levenberg said the following: We need to do our part to reduce emissions and curb climate change. NYS is leading the way with the Climate Leadership and Community Protection Act, and this scoping plan will serve as a roadmap for meeting climate goals. We are happy to support the plan, and I will also be voicing my support at an upcoming public hearing plan in Westchester, to be held in Peekskill at the Paramount theater.

Motion: Carried

E. Resolution – Recertification of Special Permit – MetroPCS New York, LLC

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

WHEREAS, by resolution dated April 13, 2010 (“2010 Resolution”, attached hereto and made a part hereof), the Town Board granted a special permit to

MetroPCS New York, LLC (the “Applicant”) for a wireless telecommunications facility (the “Facility”) at 400 Executive Boulevard in the unincorporated Town of Ossining, subject to the conditions and limitations set forth in Chapter 182A of the Town Code and the 2010 Resolution; and

WHEREAS, the Facility was constructed in accordance with the 2010 Resolution; and

WHEREAS, the Applicant submitted an application dated March 30, 2022 and supplemented by letter dated April 22, 2022 for recertification of the special permit; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board determines this to be a Type II action under the State Environmental Quality Review Act (“SEQRA”) for which no environmental review is required; and

BE IT FURTHER RESOLVED, the Town Board hereby grants the Applicant’s recertification of the special permit subject to compliance with the terms and conditions of Chapter 182A of the Town Code and the 2010 Resolution; and

BE IT FURTHER RESOLVED, under this special permit the Applicant may only perform modifications to the Facility that constitute an eligible facilities request under 47 C.F.R. § 1.6100 or are otherwise required to be permitted administratively or ministerially under federal, state or local laws, rules or regulations, and prior to making any other changes, modifications or additions to the Facility the Applicant shall make an application to the Town Board for an amended special permit; and

BE IT FURTHER RESOLVED, the Applicant shall make an application to the Town Board for a recertification of the special permit on or before November 10, 2026, and failure to do so may result in the special permit ceasing.

Motion: Carried

F. Donation – Outdoor Shed for Dale Cemetery

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

Resolved, that the Town Board of the Town of Ossining accepts the donation of a used outdoor shed at an estimated value of \$750 from Peter Connolly for use at Dale Cemetery.

Supervisor Levenberg said the following: Thank you Superintendent Connolly for this donation!

Motion: Carried

G. Resignation – Planning Board

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

Resolved, that the Town Board of the Town of Ossining accepts, with regret, the resignation of Gareth Hougham from his positions as member and chair of the Town Planning Board, effective May 10, 2022.

Supervisor Levenberg said the following: With much regret, we are accepting the resignation of Gareth Hougham from the Planning Board. During his 8 years of dedicated service, Gareth has helped ensure that developments in the Town are environmentally sound, always advocating for our streams and living creatures who don't usually have a voice in the process. Gareth was also involved in the Comprehensive Plan update in 2014 and served as the liaison from the Planning Board to the Comp Plan Steering Committee for the Comp Plan we are about to adopt later this evening. Thank you Gareth, for your service, you are leaving very large shoes to fill!

Motion: Carried

H. Appointment – Planning Board Chair

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Carolyn Stevens as chair of the Town Planning Board, effective May 11, 2022.

Supervisor Levenberg said the following: As we say goodbye to Gareth, we are grateful to Carolyn Stevens for stepping up to the chair position. Carolyn has served on the planning board for a few years now, was previously Mayor of the Village of Scarsdale, and has been an active stakeholder in the conversation about affordable housing in Westchester County. We are confident she will do an excellent job, thank you Carolyn for stepping up to this new role.

Motion: Carried

I. Resignation – Zoning Board

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

Resolved, that the Town Board of the Town of Ossining accepts, with regret, the resignation of Nicholas Emmanuel Enriquez from his position on the Town Zoning Board, effective March 22, 2022.

Supervisor Levenberg said the following: We appointed Manny Enriquez to the Planning Board a few weeks ago, but we neglected to accept his resignation from the Zoning Board of Appeals. Thank you Manny for volunteering on behalf of the Town!

Motion: Carried

J. Revised Proposal – Noise Consultant

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

Resolved, that the Town Board of the Town of Ossining accepts the revised proposal from B. Laing Associates, Fort Salonga, NY 11768 for additional environmental consulting services regarding noise in the Crotonville area of the Unincorporated Town of Ossining, for an additional amount not to exceed \$2,600.

Supervisor Levenberg said the following: B. Laing Associates has been assisting the Town with responding to constituent complaints regarding noise in the Crotonville area of Town. There is a small amount of remaining work we'd like them to do for the Town following a noise study conducted by Metro-North, specifically to evaluate whether or not the noise complaints are emanating from the Croton Train Station. We appreciate the expertise as we navigate this complex issue.

K. Resolution – Adoption of Comprehensive Plan – Sustainable Ossining

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

WHEREAS, for more than two years, the Town Board, with the assistance of the Steering Committee appointed by the Town Board comprised of Town residents, stakeholders and officials, has been preparing a new comprehensive plan with ample public input and participation; and

WHEREAS, a draft comprehensive plan was preliminarily completed entitled Sustainable Ossining dated January 27, 2022 and has been available on the Town’s website for the comprehensive plan (www.sustainableossining.com) and in the Town Clerk’s Office for review and inspection during normal business hours; and

WHEREAS, the Town Board, as the only involved agency, declared itself lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”) for the review and adoption of the comprehensive plan; and

WHEREAS, the Town’s consultant planners prepared a Full Environmental Assessment Form, Part 1 and the Town Board adopted a Full Environmental Assessment Form, Part 2; and

WHEREAS, pursuant to General Municipal Law 239-m, the Town Board circulated the draft comprehensive plan and all applicable documents and information to the Westchester County Planning Board and those municipalities abutting the Town, more than 30 days have elapsed since said circulation and the Town Board has only received comments from the Westchester County Planning Board dated March 25, 2022, which comments were discussed at a Town Board work session and incorporated into the Comprehensive Plan; and

WHEREAS, the Town Board opened a duly-noticed public hearing on the draft comprehensive plan at its legislative session on March 8, 2022 at 7:30 p.m., which public hearing was adjourned and continued to multiple subsequent legislative sessions, and members of the public having the opportunity to attend and be heard, the public hearing was closed on April 26, 2022; and

WHEREAS, while the public hearing was open, the Town Board made modifications to the comprehensive plan to address public comment, with the final draft being last revised April 10, 2022, and gave the public an opportunity to review and comment on those changes; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts the Environmental Assessment Form, Part 3 dated May 10, 2022 issuing a Negative Declaration determining that the adoption of the comprehensive plan does not have the potential for any significant adverse environmental impacts, thus ending the SEQRA process; and

BE IT FURTHER RESOLVED, applicable Town staff and consultants are hereby directed to file and distribute the Negative Declaration in accordance with 6 NYCRR 617.12(b); publish the Negative Declaration in the Environmental Notice Bulletin in accordance with 6 NYCRR 617.12(c); and further distribute, file and/or publish the Negative Declaration and any related documents as required by law; and

BE IT FURTHER RESOLVED, the Town Board hereby adopts the comprehensive plan entitled Sustainable Ossining last revised April 10, 2022; and

BE IT FURTHER RESOLVED, the comprehensive plan shall be filed in the Office of the Town Clerk and with the Westchester County Planning Board.

Supervisor Levenberg said the following: Finally, after two-plus years of work, lots of Steering Committee meetings, public meetings, surveys, and much more, we are adopting our new Comprehensive Plan with Sustainability Elements, Sustainable Ossining! This plan sets forth laudable goals in the areas of Connectivity & Mobility, Open Space & Natural Resources, Housing, Preservation & Development, Sustainable Infrastructure, Community & Culture, and Economy. We now have a fantastic roadmap to make the Town of Ossining more sustainable in every sense of the word, and we can't wait to get the work going. At next week's Work Session, our Town Planner, Valerie Monastra, will be back before the Town Board to discuss next steps to bring this plan to life. We do not intend for it to sit on a shelf collecting dust, we want to work towards implementing the goals it sets forth and make our community better for the future. Thank you to my current Board colleagues, as well as previous Town Board Members Jackie Shaw and Northern Wilcher for supporting this project, to the Comp Plan Steering Committee, to all the members of our public who came to meetings, put stickers on poster boards, emailed, called, or participated in some way in shaping this plan, and of course, the NYS DEC for helping to fund it with a grant from the Climate Smart Communities program. Let's get to work!

Motion: Carried

L. TAX CERTIORARI - 40 South Highland Ave. LLC & 56 South Highland Ave. LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 40 South Highland Ave. LLC & 56 South Highland Ave. LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner's property located on 40 South Highland Avenue in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 89.19, Block 4, Lot 68 for Tax Assessment Years 2016-2021; and to review the tax assessments made on Petitioner's property located on 56 South Highland Avenue in The Town of Ossining, 10562, and designated on the tax assessment map of The Town of Ossining, 10562, as Section 97.07, Block 3, Lot 46; all of which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66044/2016; 66795/2017; 66793/2018; 66651/2019; 61827/2020; and 64128/2021; 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:

40 South Highland Ave. LLC , 40 South Highland Avenue , The Town of Ossining, N.Y. 10562
Section 89.19, Block 4, Lot 68

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.19-4-68	\$ 2,238,900	\$ 238,900	\$ 2,000,000
2017	89.19-4-68	\$ 2,238,900	\$ 238,900	\$ 2,000,000
2018	89.19-4-68	\$ 2,573,900	\$ 373,900	\$ 2,200,000

2019	89.19-4-68	\$ 2,573,900	\$ 181,173	\$ 2,392,727
2020	89.19-4-68	\$ 2,707,900	\$ 257,900	\$ 2,450,000
2021	89.19-4-68	\$ 2,803,700	\$ 280,370	\$ 2,523,330

56 South Highland Ave. LLC, 56 South Highland Avenue, The Town of Ossining, N.Y. 10562
Section 97.07, Block 3, Lot 46

Assessment Year	Tax I.D. No.	Original Assessed Value	Reduction	Final Assessed Value
2016	97.07-3-46	\$ 1,148,300	\$ 133,300	\$ 1,015,000
2017	97.07-3-46	\$ 1,148,300	\$ 57,415	\$ 1,090,885
2018	97.07-3-46	\$ 1,322,300	\$ 122,300	\$ 1,200,000
2019	97.07-3-46	\$ 1,322,300	\$ 122,300	\$ 1,200,000
2020	97.07-3-46	\$ 1,412,700	\$ 137, 700	\$ 1,275,000
2021	97.07-3-46	\$ 1,436,000	\$ 143,600	\$ 1,292,400

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 \$ 1,792.83, at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

M. TAX CERTIORARI – 40 South Highland Ave. LLC & 56 South Highland Ave. LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 40 South Highland Ave. LLC & 56 South Highland Ave. LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on 40 South Highland Avenue in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 89.19, Block 4, Lot 68 for Tax Assessment Years 2016-2021; and to review the tax assessments made on Petitioner’s property located on 56 South Highland Avenue in The Town of Ossining, 10562, and designated on the tax assessment map of The Town of Ossining, 10562, as Section 97.07, Block 3, Lot 46; all of which proceedings are now pending in the Supreme Court of

the State of New York, County of Westchester, under Index Nos. 66044/2016; 66795/2017; 66793/2018; 66651/2019; 61827/2020; and 64128/2021; 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:

40 South Highland Ave. LLC , 40 South Highland Avenue , The Town of Ossining, N.Y. 10562
Section 89.19, Block 4, Lot 68

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.19-4-68	\$ 2,238,900	\$ 238,900	\$ 2,000,000
2017	89.19-4-68	\$ 2,238,900	\$ 238,900	\$ 2,000,000
2018	89.19-4-68	\$ 2,573,900	\$ 373,900	\$ 2,200,000
2019	89.19-4-68	\$2,573,900	\$ 179,300	\$ 650,000
2020	89.16-1-56	\$ 832,700	\$ 182,700	\$ 650,000
2021	89.16-1-56	\$ 825,500	\$ 175,500	\$ 650,000

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 \$ 769.71, at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

N. TAX CERTIORARI – Highland Terrace Owners Corp. vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 Highland Terrace Owners Corp. against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on Holbrook Road in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 97.12, Block 1, Lot 88 for Tax Assessment Years 2016-2021; and to review the tax assessments made on Petitioner’s property located on 123-125 South Highland Avenue in The Town of

Ossining, 10562, and designated on the tax assessment map of The Town of Ossining, 10562, as Section 97.11, Block 4, Lot 32; all of which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 64743/2016; 66130/2017; 66054/2018; 65589/2019; 61492/2020; and 63588/2021; 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:

Highland Terrace Owner’s Corp. Holbrook Road, The Town of Ossining, N.Y. 10562
Section 97.12, Block 1, Lot 8

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	97.12-1-8	\$ 157,800	\$ 0	\$ 157,800
2017	97.12-1-8	\$ 157,800	\$ 0	\$ 157,800
2018	97.12-1-8	\$ 162,700	\$ 0	\$ 162,700
2019	97.12-1-8	\$ 162,700	\$ 0	\$ 162,700
2020	97.12-1-8	\$ 162,600	\$ 0	\$ 162,600
2021	97.12-1-8	\$ 162,600	\$ 0	\$ 162,600

Highland Terrace Owner’s Corp. 123-125 South Highland Avenue, The Town of Ossining, N.Y. 10562
Section 97.07, Block 3, Lot 46

Assessment Year	Tax I.D. No.	Original Assessed Value	Reduction	Final Assessed Value
2016	97.11-4-32	\$ 12,707,400	\$ 0	\$ 12,707,400
2017	97.11-4-32	\$ 12,707,400	\$ 0	\$ 12,707,400
2018	97.11-4-32	\$ 14,613,300	\$ 739,000	\$ 13,874,300
2019	97.11-4-32	\$ 14,613,300	\$ 738,300	\$ 13,875,000
2020	97.11-4-32	\$15,270,900	\$ 1,053,500	\$ 14,217,400
2021	97.11-4-32	\$15,735,600	\$ 1,198,200	\$14,537,400

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 \$ 3,621.42, at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

O. TAX CERTIORARI – Research Center on Natural Conservation, Inc. vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 Research Center on Natural Conservation, Inc. against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on 235 Elm Road in The Village of Briarcliff Manor in The Town of Ossining, New York, and designated on the tax assessment map of The Town of Ossining as Section 98.19, Block 2, Lot 11 for Tax Assessment Years 2018 and 2019, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65562/2018 and 65398/2019; 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:

Research Center on Natural Conservation, Inc., 235 Elm Road, The Village of Briarcliff Manor in The Town of Ossining
Section 98.19, Block 2, Lot 11

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2018	98.19-2-11	\$ 17,715,900	\$ 5,033,300	\$ 12,682,600
2019	98.19-2-11	\$ 17,715,900	\$ 5,333,300	\$ 12,382,600

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

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by 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 \$ 7,848.23 at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

P. TAX CERTIORARI – Scarborough Manor Owner’s Corp. vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 Scarborough Manor Owner’s Corp. against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on 16 Rockledge Avenue, in The Town of Ossining, New York 10562, , and designated on the tax assessment map of The Town of Ossining as Section 97.15, Block 1, Lot 37 for Tax Assessment Years 2020 and 2021, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 61497/2020 and 63593/2021; 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 Manor Owner’s Corp., 16 Rockledge Avenue, The Town of Ossining, N.Y. 10562
Section 97.15, Block 1, Lot 37

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2020	97.15-1-37	\$ 35,104,300	\$ 1,755,215	\$ 33,349,085
2021	97.15-1-37	\$ 36,134,800	\$ 1,806,740	\$ 34,328,060

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 \$ 1,687.71, at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

Q. TAX CERTIORARI – West First Management Corp. vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 West First Management Corp.

against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on 170 North Highland Avenue in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 89.15, Block 1, Lot 14.1 for Tax Assessment Years 2016-2021, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.66818/2017; 66013/2018; 66255/2019; 61855/2020; and 64363/2021; 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:

West First Management Corp., 170 North Highland Avenue, The Town of Ossining, N.Y. 10562
Section 89.15, Block 1, Lot 14.1

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.15-1-14.1	\$ 955,600	\$ 47,780	\$ 907,820
2017	89.15-1-14.1	\$ 955,600	\$ 47,780	\$ 907,820
2018	89.15-1-14.1	\$ 1,000,600	\$ 50,030	\$ 950,570
2019	89.15-1-14.1	\$ 1,000,600	\$ 50,030	\$ 950,570
2020	89.15-1-14.1	\$ 1,000,600	\$ 50,030	\$ 950,570
2021	89.15-1-14.1	\$ 1,000,600	\$ 50,030	\$ 950,570

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 \$285.71, at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

R. TAX CERTIORARI – Wolden Road Associates, LLC vs. Town of Ossining

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 Wolden Road Associates, LLC

The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located on 9 Wolden Road in The Town of Ossining, New York 10562, and designated on the tax assessment map of The Town of Ossining as Section 89.20, Block 3, Lot 42 for Tax Assessment Years 2016-2021, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.66043/2016; 66797/2017; 66979/2018; 66649/2019; 61829/2020; and 64144/2021; 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:

Wolden Road Associates, LLC, 9 Wolden Road, The Town of Ossining, N.Y. 10562
Section 89.20, Block 3, Lot 42

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.20-3-42	\$ 985,200	\$ 85,200	\$ 900,000
2017	89.20-3-42	\$ 985,200	\$ 900,000	\$ 85,200
2018	89.20-3-42	\$ 1,044,100	\$ 900,000	\$ 144,100
2019	89.20-3-42	\$ 1,044,100	\$ 995,000	\$ 49,100
2020	89.20-3-42	\$ 1,083,900	\$ 995,000	\$ 88,900
2021	89.20-3-42	\$ 1,128,300	\$ 1,050,000	\$ 78,300

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

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by 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 \$ 512.31, at this time, which will be ordered pursuant to said Consent Judgment.

Motion: Carried

IX. MONTHLY REPORTS

Councilmember Feldman moved and it was seconded by Councilmember Fields-Tawil 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 2022:

- Tax Receiver

- Town Highway
- Town Clerk
- Town Building Department
- Town Supervisor
- Dale Cemetery

Motion: Carried

X. VISITOR RECOGNITION

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

Kim Jeffrey, Ossining, expressed her concern over the incomplete paving done at Morningside DR. One side of Morningside DR was paved but the other side has not been paved as of May. She asked for an update on it.

Supervisor Levenberg said that paving will start after Memorial Day and will take up to 2 weeks.

Jaimie Black, Ossining, thanked the Town Board for protecting water in Ossining. She spoke about the importance of protecting our drinking water. She thanked the Town Board for passing a resolution on the noise issue. She expressed her sadness over Gareth Hougham leaving the Town Planning Board.

XI. ADJOURNMENT

At 8:44 P.M., Councilmember Feldman motioned to adjourn to Executive Session for advice of counsel and personnel and Councilmember Fields-Tawil seconded.

Motion Carried: Unanimously

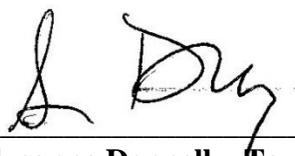
At 9:19 P.M., Councilmember Fields-Tawil motioned to leave Executive Session and Councilmember Feldman seconded.

Motion Carried: Unanimously

At 9:19 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Meyer seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk