



MINUTES
TOWN BOARD
TOWN OF OSSINING
IN PERSON AT
MUNICIPAL BUILDING
1st FLOOR CONFERENCE ROOM
16 CROTON AVE – OSSINING, NEW YORK
AND VIA VIDEO CONFERENCING

February 14, 2023
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Elizabeth R. Feldman

COUNCILMEMBERS
Gregory G. Meyer Angelo A. Manicchio
Jennifer Fields-Tawil Matthew J. Weiss

I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

The Regular meeting of the Town Board of the Town of Ossining was held on February 14, 2023 at the Municipal Building, 16 Croton Ave, Ossining, NY 10562 AND via video conference. The meeting was called to order at 7:30 PM by Supervisor Elizabeth R. Feldman. Members of the Board present were: Councilmembers Gregory G. Meyer, Angelo A. Manicchio, Jennifer Fields-Tawil, Matthew J. Weiss also present were Town Counsel Christie Tomm-Addona, Budget Officer Martha C. Quituisaca, Town Clerk Sussanne Donnelly and Deputy Town Clerk Jeaneth V. Guinansaca.

II. PUBLIC HEARINGS

- **Public Hearing in the matter of a local law to implement a real property tax exemption for volunteer emergency service members.**

At 7:31 PM, the Public Hearing opened.

Supervisor Feldman announced the following: the Town is just starting to explore we do not know what is the impact to the Town yet. The purpose of the Public Hearing is looking for feedback.

Town Counsel Tomm-Addona moved the Public Hearing to February 28, 2023 Regular Meeting.

At 7:33 PM, Councilmember Weiss moved and it was seconded by Councilmember Meyer to continue the public hearing until February 28, 2023.

III. DEPARTMENTAL REPORT

- **Lynn Muller, Seniors Nutrition Program.**
 - **Valentine's program on February 14, 2023. First Since COVID.**
 - **Bus working for the Senior Center.**
 - **Lunch every day for the Seniors. Hot meals at noon. Other programs Dancing, Yoga, etc.**
 - **Getting ready for the new kitchen.**
 - **The information about the senior Center is on the Website.**
 - **Having Spanish speaking Staff at the Senior Center help residents' parent, that usually come here and don't speak English, to get involve into the community.**

- Health and fitness day for Senior by the Westchester County coming on March.
- Swim day free for all the senior coming.
- Senior shopping every Wednesday.
- Since there is a new full-time driver, the Center is taking few seniors to their close Doctor's appointments.
- The average for daily senior is 40 daily in Center and Daily meals.

IV. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS

- A message from Senator Harckhams office. I recently spoke with the New York State Department of Transportation commissioner about the bad state of our roads in our area, especially in the Route 9A corridor. It was good news to hear that DOT crews were out last week making badly needed repairs to 9A, but much more needs to be done. This is one of my priorities.
- Senator Harckhams will be co-hosting a virtual gathering on Thursday February 16 with NYS Assembly member Chris Burdick that will give participants home energy info from sustainable Westchester. Register today and come join us.
- Today we had the pleasure of attending the ribbon cutting for reopening of Dunkin Donuts & Baskin Robbins. We wish them the best of luck in there newly renovated location.
- 4 more days until the Gullotta House escape from sing sing plunge there is still time to register to support to register donate or sponsor in Ossining please go to Gullotahouse.org
- Join Habitat Stewards / Ryder park for national invasive species awareness week with vine cutting, detangling and more on February 25th 9-11AM at Ryder Park.
- Westchester County is seeking applicants for Seasonal Park Rangers. These positions are great for young adults who are considering a career in law enforcement. The deadline is fast approaching it will be due on February 17th
- Neighbors link will be offering technology classes free of charge on Thursdays from 10 – 11:30 AM for more information contact Christine Garcia at (914)940-4850 or cgarcia@neighborslink.org
- To celebrate Black History Month, Westchester Collaborative Theater in partnership with Shades Rep will present “Haven”, a play written and directed by award-winning playwright/director Samuel Harps. Happening this February 16 & 17
- Now through March 3rd, at Bethany Arts Community there is a Black History month exhibit curated by Ossining Village Historian Joyce Sharrock Cole. The exhibit is free to the public. Curated tours can be scheduled and have a fee of \$25 per person. There are many other performances and events happening at Bethany for black history month please go to their website to discover all of the wonderful offerings.
- From Thursday February 2nd to Friday April 14th AARP Tax aide will be at the Ossining Public Library with trained volunteers to help you fill out our 2022 Taxes. To make an appointment please call 914-810-3384 and leave a message.
- Get your tickets before they sell out for the Harlem Magic Masters VS. O Town Dribblers. After 4 years we are happy to announce the Ossining PTA is bringing back this event. Come see Dr. Sanchez, Mr. Merry and many others compete against the Harlem Magic Masters.

- A reminder the Town offices will be closed in observance of president's day Monday February 20, 2023.

V. LIAISON REPORTS

- GCYS baseball and softball families are starting registrations for this coming year and they are looking for coaches. If there is any interest, please contact the GCYS president and any information will be post on the website.

VI. PUBLIC COMMENT ON AGENDA ITEMS

2023 Cabaret License – Terra Rustica

- Donna Sharret – 84 Morningside Dr. Briarcliff Manor, NY 105610
 - Concerns were not address for the resolutions.
 - All the trees are been cut down on the property behind N. State Road and legally removed all mature trees which eliminate potential screening for sound from Terra Rustica.
 - We should not have to listen music from Terra Rustica at any time specially when they are outside in their property.
 - Requiring Terra Rustica to close the doors at 8pm in unachievable nor doesn't address the noise produce prior 8 pm.
 - Terra Rustica has an open application from the Planning Board which now includes a proposal to enclose the Deck.
 - Should be note it Terra Rustica only has a temporary CO for the deck. Terra Rustica should be able to a Cabaret License when they able to contain music to inside of their establishment and when they have a permanent CO.
 - Table Terra Rustica application until they met these condition and then require the noise should be kept to the inside of the establishment without negative impact on the neighborhood.
- Vira Albert – 552 North State St. Briarcliff Manor, NY 10510.
 - I wasn't aware of the meeting on January 24th.
 - Under my understanding the notices were not issue to the neighbors but only mention on the local newspaper and the Town Website I believe is only fare that the notice would be given to people of the surrounding areas so the can voice their opinion on this matter.
 - Consider voting this down. Stating summer, the door and the plastic outside Terra Rustica will be removed and people will be sitting outside and will be eating. The door will be not close because they have to bring the food in and out.
 - The music will be heard outside no matter what. Specially when they have live music.
 - I work from home and have meeting during the day. This issue will definitely affect my job since I will be sitting outside on the patio.
 - We won't be able to be home in peace and quite since the music will be there 7days a week day, lunch and nighttime.
 - NY state Law has a 500 Foot law that states the can have a Cabaret License if the is existing premises under 500 feet. My house and other two houses are 50 feet from Terra Rustica and there are other houses that are within the 500-foot Law. NY requires a hearing in regard of this law to consider all the facts and do testing on the music and people should be notify so they can attend and have their opinion hear.
- Joanne Zeoli – 4 Ryder Ave. Briarcliff Manor, NY 10510. (ZOOM)
 - Do Terra Rustica has a Cabaret license for 2022?
 - Their music is really loud and all this impact our daily life even with our windows close.
 - Seems like they have speakers outside.
 - We had complained about the garbage as well.

- Patrick Vipperman – 86 Morningside Dr. Briarcliff Manor, NY 10510.
 - o The new patio does not yet have windows and doors, it is only plastic. If their increasing playing amplified music it will make it worse.
 - o It does not make sense to consider Cabaret License before their current work is complete.

- Rudy Albert. – 552 North State Rd. Briarcliff Manor, NY 10510.
 - o Terra Rustica does not comply what recourse do we have. They never respond to our call to the Police Department. Last year over 50 calls nobody seemed to know.
 - o The music is pipe to outside speakers and is always loud. We can hear from our deck 40 ft. away from Terra Rustica.

- Vicky Traener – 55 Gordon Ave. Briarcliff Manor, NY 10510.
 - o None of us were notify. We were not here January 24th because we didn't know anything about it.
 - o We heard by Word of mouth no by looking to the website, who looks online to be honest.

VII. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – January 24, 2023.

Councilmember Meyer 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 approves the January 24, 2023 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

Councilmember Meyer 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 approves the Voucher Detail Report dated February 14, 2023 in the amount of \$664,657.35

Motion: Carried

C. Alternate Delegate to the Association of Towns

Councilmember Weiss moved and it was seconded by Councilmember Meyer that the following resolution be approved.

Resolved, that the Town Board hereby designates Holly Perlowitz, Tax Receiver, as Alternate Delegate to the Association of Towns Annual Meeting for 2023.

Motion: Carried

D. Town Work Session – February 21, 2023 – Cancelled

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

BE IT RESOLVED, due to the annual Association of Town's meeting scheduled from February 19-22, 2023, which is attended by many Town officials and employees, including members of the Town Board, and which

provides valuable insight, guidance and education that assists in Town operations, the Town Board hereby cancels its work session scheduled for Tuesday, February 21, 2023.

Motion: Carried

E. Extension of Consulting Agreement with Fernando

Councilmember Meyer 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 extends its Consulting Agreement with Fernando Gonzalez.

Motion: Carried

F. Town Supervisor's Office - Confidential Secretary

Councilmember Meyer 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 appoints Eileen Tacuri, Ossining, to the full-time position of Confidential Secretary in the Town Supervisor's Office, 35 hours per week, \$23 per hour, effective February 27, 2023.

Motion: Carried

G. 2023 Cabaret License – Terra Rustica

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

Whereas, Terra Rustica, 550 North State Road (the "Applicant") has filed an application for a Cabaret License for the calendar year 2023 pursuant to Chapter 68 of the Town Code; and

Whereas, the Town Board has reviewed the 2023 application and attachments thereto, and has solicited input from involved departments, including the Police Department and Building Department; and

Whereas, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, January 24, 2023, at which time no members of the public appeared to speak on the application, and the public hearing was closed on January 24, 2023; and

Now therefore,

Be it Resolved, that the Town Board of the Town of Ossining hereby approves the application of Terra Rustica for a Cabaret License for the calendar year 2023, subject to the following limitations and conditions:

1. Amplified music shall only be permitted indoors until 10:00 p.m.
2. After 8:00 p.m., all doors shall be closed to limit the amount of amplified music heard outside.
3. The Applicant shall comply with any and all other requirements of the Town Code, including but not limited to Chapter 68.
4. The Applicant is required to review the Method of Operation it filed with the State Liquor Authority in connection with its liquor license and to the extent the Method of Operation is inconsistent with its actual operations as represented to the Town Board, the Applicant shall promptly take all necessary steps to remedy that inconsistency. This

requirement will be enforced when the Applicant seeks a cabaret license for the 2024 calendar year.

Be it further Resolved, the conditions on this cabaret license are only for the 2023 calendar year and the Town Board reserves the right to modify, add to and/or eliminate any and all conditions when considering the Applicant's application for a cabaret license renewal for the 2024 calendar year in accordance with Chapter 68 of the Town Code; and

Be it further Resolved; the Town Clerk is hereby directed to provide a certified copy of this Resolution to the Applicant.

Motion: Carried

H. 2023 Mileage Allowance

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

Resolved, that wherever it shall be appropriate to compensate Town Officials and/or Town Employees for mileage, they shall be reimbursed at a rate of \$0.655 per mile to be paid upon claim voucher, after audit and approval, in accordance with IRS standards.

Motion: Carried

I. Resolution – Inter-municipal Agreement with Westchester County for Bus Shelters

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

WHEREAS, Westchester County has entered into a License Agreement with a private franchisee to operate and maintain bus passenger shelters at various locations within the County as well as provide advertising on bus shelters; and

WHEREAS, the Town Board is desirous of having the County provide bus passenger shelter(s) within the Unincorporated Town for the comfort and benefit of its citizens; and

NOW THEREFORE,

BE IT RESOLVED, the Supervisor is hereby authorized to executed a License Agreement with Westchester County for the County to provide bus passenger shelter(s) in accordance with the License Agreement.

Motion: Carried

J. Resolution – 63 River Parkway

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be table.

WHEREAS, the Town received an in-rem foreclosure judgment from Westchester County Supreme Court (Index No. 2336/2017) authorizing the Town to acquire and convey the property know as 63 River Parkway (90.15-2-61); and

WHEREAS, 63 River Parkway is a vacant, undersized, undevelopable lot; and

WHEREAS, the Town desires to convey 63 River Parkway to the neighboring property owner, the only party with a potential interest in the property, in order to put the property back on the tax roll; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the conveyance of 63 River Parkway to Richard Snedaker, 1 River Parkway for the sum of \$800 and costs associated with recording the deed; and

BE IT FURTHER RESOLVED, the Town Supervisor, the Town Receiver of Taxes and any other applicable Town officers, employees and/or agents, are hereby authorized to execute a deed and all other documentation necessary to facilitate this conveyance.

Motion Table: Carried

K. Resolution – Inter-municipal Agreement with Village of Ossining for Engineering Services

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

WHEREAS, the Town of Ossining does not have an engineering department; and

WHEREAS, it is the longstanding practice of the Town to enter into an inter-municipal agreement with the Village of Ossining for engineering services; and

WHEREAS, the Town Board believes this is a productive and efficient relationship given the overlap between Village and Town projects and the Village engineers' familiarity with the Town; and

NOW THEREFORE,

BE IT RESOLVED, the Town Supervisor is hereby authorized to enter into an inter-municipal agreement with the Village of Ossining for engineering services for the 2023 calendar year in accordance with the terms of the Inter-Municipal Agreement.

Motion: Carried

L. Resolution – Agreement with Village of Briarcliff Manor and Briarcliff Manor Union Free School District

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

BE IT RESOLVED, the Town Supervisor is authorized to execute an agreement with the Village of Briarcliff Manor and the Briarcliff Manor Union Free School District related to the payment of 2022/2023 school district real property taxes for the property located at 1050 Pleasantville Road that was purchased by the Village of Briarcliff Manor on May 31, 2022.

Motion: Carried

M. Resolution – Authorization of Use of Ryder Park Pavilion

Councilmember Meyer moved and it was seconded by Councilmember Fields-Tawil that the following resolution be approved.

WHEREAS, Punishers LEMC Westchester (the “Applicant”) is an organization of active and retired law enforcement officers and like-minded individuals who endeavor to provide service to others and support for law enforcement; and

WHEREAS, as part of these initiatives, the Applicant holds an annual motorcycle ride called Ride for the Fallen, which features a multi-municipality police escort; and

WHEREAS, the Applicant has requested to use the Ryder Park Pavilion to hold an event at the end of the Ride for the Fallen on Saturday, July 15, 2023, which event will include amplified music and serving of alcohol from 12:00 p.m. to 3:00 p.m. only; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Applicant’s exclusive use of the Ryder Park Pavilion on Saturday, July 15, 2023 from 7:00 a.m. to 7:00 p.m. subject to the following conditions and limitations:

- 1. The Applicant shall be solely responsible for any and all permits and fees, including those of the Town, associated with the event.**
- 2. Alcohol shall only be served and amplified music shall only be played from 12:00 p.m. to 3:00 p.m.**
- 3. The Applicant shall use best reasonable efforts to ensure motorcycles are not idled or their engines revved at any point when within the Town of Ossining.**
- 4. The Applicant shall use best reasonable efforts to ensure motorcycles are only parked in areas legal and designated for parking and, specifically, not on any grassed areas or in any street or right of way.**
- 5. The Applicant shall coordinate with the Town’s Recreation Superintendent to ensure compliance with Chapter 166 (Special Events, Parades and Public Gatherings) of the Town Code.**
- 6. If the Applicant intends to install a tent or any other temporary structure, the Applicant shall coordinate with the Building Inspector and obtain any necessary permits and approvals.**
- 7. The Applicant shall provide proof of insurance and proof of naming the Town of Ossining as an additional insured in a manner and with such insurance limits satisfactory to the Town’s counsel and insurance agent.**

BE IT FURTHER RESOLVED, the Supervisor or any other applicable officer, employee or agent is hereby authorized to execute any documentation reasonably necessary to facilitate the objectives of this Resolution.

Motion: Carried

N. Engagement Letter – PKF O’Connor Davies

Councilmember Meyer 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 authorizes the Supervisor to sign an engagement letter with PKF O’Connor Davies for auditing services.

Motion: Carried

O. Proposal – GASB 74/75 Actuarial Valuation Services

Councilmember Meyer 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 accepts the proposal by USI Consulting Group, Glastonbury, CT dated January 2023 for GASB 74/75 actuarial valuation services for fiscal years 2023 and 2024 in the amount of \$5,700; and

Be it further Resolved, that additional projects, including estimates of the effects of plan changes, will be billed at an hourly rate of \$385.

Motion: Carried

P. Calling for a Public Hearing in the matter of a local law to Amend Chapter 180 of the Town Code to Allow Medical Costs to be Excluded from Income for Persons with Disabilities and Limited Income

Councilmember Meyer 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 calls for a Public Hearing to be held on Tuesday, February 28, 2023 at 7:30 p.m. in the First Floor Boardroom at the Ossining Municipal Building, 16 Croton Avenue, Ossining, NY 10562 and via Zoom videoconferencing (which information will be available at www.townofossining.com), in the matter of a local law to Amend Chapter 180 of the Town Code to Allow Medical Costs to be Excluded from Income for Persons with Disabilities and Limited Income.

Motion: Carried

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Meyer 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 correspondence:

- Town Planning Board Minutes Approve 10/19/22

IX. MONTHLY REPORTS

Councilmember Meyer 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 JANUARY 2023:

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

X. VISITOR RECOGNITION

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

XI. ADJOURNMENT

At 8:25 P.M., Councilmember Meyer motioned to adjourn to Executive Session for advice of counsel and personnel, and Councilmember Fields-Tawil seconded.

Motion Carried: Unanimously

At 9:18 P.M., Councilmember Meyer motioned to leave Executive Session and Councilmember Weiss seconded.

Motion Carried: Unanimously

At 9:18 P.M., Councilmember Meyer motioned to adjourn the Regular Meeting and Councilmember Weiss seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk