



**AGENDA
TOWN BOARD
TOWN OF OSSINING
HELD VIA VIDEO CONFERENCING ONLY**

Members of the public can view the meeting via computer or mobile app:
<https://us02web.zoom.us/j/84110930312>

Members of the public can listen to the meeting by dialing in via phone: +1 929 205 6099

Meeting ID: 841 1093 0312

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

**FEBRUARY 8, 2022
REGULAR MEETING
7:30 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
Elizabeth R. Feldman
Angelo A. Manicchio Gregory G. Meyer**

- I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL**
- II. PUBLIC HEARING**
 - **Local Law to amend Chapter 47 of the Town Code (“Residency Requirements”) with respect to Town Constable position**
- III. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS**
- IV. LIAISON REPORTS**
- V. DEPARTMENTAL REPORT**
 - **Tax Receiver Holly Perlowitz**
- VI. ADMINISTRATIVE REPORT ON TOWN OPERATIONS**
- VII. PUBLIC COMMENT ON AGENDA ITEMS**
- VIII. BOARD RESOLUTIONS**
 - A. Approval of Minutes— Reorganizational & Regular Meeting – January 11, 2022**

Resolved, that the Town Board of the Town of Ossining hereby approves the January 11, 2022 minutes of the Reorganizational & Regular Meeting as presented.
 - B. Approval of Minutes— Special Meeting – January 18, 2022**

Resolved, that the Town Board of the Town of Ossining hereby approves the January 18, 2022 minutes of the Special Meeting as presented.
 - C. Approval of Minutes—Regular Meeting – January 25, 2022**

Resolved, that the Town Board of the Town of Ossining hereby approves the January 25, 2022 minutes of the Regular Meeting as presented.

D. Approval of Voucher Detail Report

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated February 8, 2022 in the amount of \$173,202.07 for 2021 and \$283,005.87 for 2022 for a grand total of \$456,207.94.

E. Resolution – Local Law # 1 of 2022 – Increase Real Property Tax Exemption Available to Veterans

WHEREAS, State law permits taxing jurisdictions to provide for certain levels of real property tax exemptions to different categories of eligible veterans; and

WHEREAS, the Town currently does not offer certain real property tax exemptions and does not provide for other tax exemptions at the highest possible level; and

WHEREAS, the Town Board values and appreciates the service of veterans and desires to provide them with the greatest opportunity for real property tax exemptions available under State law; and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, January 25, 2022 via videoconferencing in accordance with Chapter 1 of the Laws of 2022 of the State of New York, and members of the public having the opportunity to attend and be heard, the public hearing was closed on January 25, 2022; and

WHEREAS, a Short Environmental Assessment Form, Part 1 was prepared pursuant to the State Environmental Quality Review Act (“SEQRA”); 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 hereby determines this action is not subject to SEQRA as it will not affect the environment, but to the extent it has been determined that this action may affect the environment, the Town Board adopts a Negative Declaration determining this action does not have the potential to have any significant adverse environmental impacts as the State Legislature has already authorized these exemptions and the Town Assessor provided a fiscal analysis to demonstrate that while the potential benefits to eligible Town veterans could be substantial, the offset to other Town residents would be minimal; and

BE IT FURTHER 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 # 1 of 2022 entitled Amendments to Chapter 180 (“Taxation”) of the Town Code to Increase the Real Property Tax Exemptions Available to Veterans; 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.

F. Resolution – Local Law # 2 of 2022 – Residency Requirements for Town Constables

WHEREAS, due to the stringent qualification requirements established by Westchester County for the Court Attendant position, the Town has found it difficult to find qualified individuals for this position who reside within the Town of Ossining, and

WHEREAS, as a result, the Town Board amended the Town Code in 2020 to expand the permitted residency for the Court Attendant position beyond the Town of Ossining in order to ensure the Town can hire qualified individuals to serve in this important position to protect the Justice Court staff and members of the public visiting the Justice Court; and

WHEREAS, for personnel consistency and efficiency, the Town desires to hire individuals to serve in the Town Constable position who can/do also serve in the Court Attendant position; and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, February 8, 2022 via videoconferencing in accordance with Chapter 1 of the Laws of 2022 of the State of New York, and members of the public having the opportunity to attend and be heard, the public hearing was closed on February 8, 2022; and

WHEREAS, a Short Environmental Assessment Form, Part 1 was prepared pursuant to the State Environmental Quality Review Act (“SEQRA”); 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 hereby determines this action is not subject to SEQRA as it will not affect the environment, but to the extent it has been determined that this action may affect the environment, the Town Board adopts a Negative Declaration determining this action does not have the potential to have any significant adverse environmental impacts as this action will improve the environment by ensuring the Town can hire qualified individuals to protect the Justice Court staff and members of the public visiting the Justice Court; and

BE IT FURTHER 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 # 2 of 2022 entitled Amendment to Chapter 47 of the Town Code with respect to Town Constable residency; 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.

G. 2022 Cabaret License – Maya Riviera Bar and Restaurant

Whereas, Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor (the “Applicant”) has filed an application for a Cabaret License for the calendar year 2022; and

Whereas, in 2018 the Town Board authorized the Applicant to play amplified music until 1 a.m. on Fridays and Saturdays on a provisional basis, and in 2020 the Town Board also authorized the Applicant to play amplified music until 1 a.m. on Sundays through Thursdays on a provisional basis; and

Whereas, the Applicant again requests to be able to play amplified music until 1 a.m. every night; and

Whereas, the Town Board is authorized under Chapter 68 of the Town Code (Section 68-20(B)) to extend hours a cabaret may play amplified music beyond what is permitted in the Code where it deems it appropriate and consistent with the public safety and welfare; and

Whereas, the Town Board has reviewed the 2022 application and attachments thereto, and has solicited input from involved departments, including the Police Department and Building Department, both of which recommended granting the application; and

Whereas, the Town Board held a duly noticed public hearing at its regular meeting on Tuesday, January 25, 2022 via videoconferencing in accordance with Chapter 1 of the Laws of 2022 of the State of New York, at which time no members of the public appeared to speak on the application, and the public hearing was closed on January 25, 2022; and

Whereas, based upon the record before the Board on this application, the Board wishes to, and determines it is appropriate to, allow the Applicant to continue to play amplified music until 1 a.m. for the calendar year 2022; and

Now therefore,

Be it Resolved, that the Town Board of the Town of Ossining hereby approves the application of the Maya Riviera Bar and Restaurant, 518 North State Road Briarcliff Manor, in the Unincorporated Area of the Town of Ossining, for a Cabaret License for the calendar year 2022, subject to the following limitations and conditions:

1. The music played on site will consist only of (a) a Mariachi Band consisting of 3-5 members using guitars, trumpets, drums and/or other mariachi band instruments or (b) a DJ using a Karaoke Machine
2. Amplified music shall be allowed every day of the week from 11:00 a.m. to 1:00 a.m.

Be it further Resolved, the Town Board finds that based upon the lack of complaints from the public or the Town's departments and the positive role the Applicant's establishment plays in the community that it is appropriate and consistent with the public safety and welfare to allow the Applicant to play amplified until 1:00 a.m., but reserves the right to revisit this determination in subsequent years and make any modifications to the hours during which amplified music is permitted that the Town Board deems necessary based upon the circumstances presented at that time, and

Be it further Resolved, the conditions on this cabaret license are only for the 2022 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 2023 calendar year in accordance with Chapter 68 of the Town Code.

H. Finance – Ambulance District Budget Amendment

Whereas, in response to the COVID-19 pandemic, the Ossining Volunteer Ambulance Corps (OVAC) established a community paramedicine program to provide additional healthcare services to residents in the Town of

Ossining, and Westchester County as a whole, including COVID-19 testing and vaccinations; and

Whereas, OVAC provides these services free of charge with funding coming from various sources, including New York State and the Town of Ossining via an appropriation of \$50,000 from Ambulance District Fund Balance in November 2021 for COVID-19 molecular test kits; and

Whereas, during the months of December 2021 and January 2022, the Ossining community and the surrounding New York metropolitan area experienced a sharp increase in COVID-19 cases as a result of the Omicron variant and OVAC administered nearly 6,000 tests to the community during that time period alone; and

Whereas, as a result of the exponential increase in demand for COVID-19 tests in the late fall and winter of 2021-2022, the \$50,000 appropriation from the Town was expended faster than anticipated; and

Whereas, the Town Board recognizes that free, molecular testing provided by OVAC continues to be essential to the Ossining community’s response to the ongoing COVID-19 pandemic; and

Whereas, the Town’s Ambulance District Fund currently has \$ 83,431.94 in fund balance accumulated at 2021 year end; and

Whereas, the Town wishes to transfer \$30,000 from the Ambulance District Fund Balance to the Contractual Services expenditure account for payment of up to \$30,000 of costs incurred by the Ossining Volunteer Ambulance District for COVID-19 testing and supplies, so molecular tests can continue to be provided to members of the community at no charge, now therefore be it

RESOLVED, the revenue and expenditure accounts are amended as follows:

<u>Increase Ambulance District Fund Appropriations (2021):</u>		
<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
660 4540.520	Ambulance – Services	<u>\$ 30,000.00</u>
Total Increase Ambulance District Fund Appropriations		\$ 30,000.00
<u>Increase Ambulance District Fund Estimated Revenues (2021):</u>		
<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
660 0600.4795	Ambulance – Fund Balance	<u>\$ 30,000.00</u>
Total Increase Ambulance District Fund Estimated Revenues		\$ 30,000.00

I. Personnel – Assistant Automotive Mechanic

Resolved, that the Town Board of the Town of Ossining hereby appoints Allan Sanchez, Ossining, to the probationary position of Assistant Automotive Mechanic in the Town Highway Department, at a pro-rated annual salary of \$65,323, effective February 14, 2022.

J. Contract – Removal of Snow and Ice from County Roads

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign First Amendment to Agreement No. 15-958 with Westchester County for the Removal of Snow and Ice from County Roads.

K. Call For Public Support For Immediate Action By New York State To Repair Defective Conditions And Design And Execute Safety Enhancements To Route 9a In The Town Of Ossining And Passage Of NYS Senate Bill S2988 And NYS Assembly Bill A11126

WHEREAS the Town Board of the Town of Ossining, in its capacity to represent the best interests of all the residents of the community, and protect the non-residents who pass through our community, recognizes the unsafe conditions existing on the portion of New York State Route 9A within the Town of Ossining; and

WHEREAS, the Town Board, mourns those who have lost their lives or have been seriously injured traveling this dangerous stretch of roadway, including recent accidents that have occurred at the intersection of Routes 9A and 134 in the Town of Ossining; and

WHEREAS, the Mayor and Board of Trustees of the Village of Briarcliff Manor, which is largely located within the Town of Ossining, through earlier mailings and emails, have documented the dangerous conditions and design defects of Route 9A, which have led to loss of life, damage to property, and a strain on municipal emergency services and the Town Board thanks the Village of Briarcliff for their efforts to document these conditions and advocate for improvements; and

NOW THEREFORE,

BE IT RESOLVED that the Town Board hereby issues this Resolution to the Governor of the State of New York, the Commissioner of the New York State Department of Transportation and the Westchester County Executive as further evidence of the Town's concern and steadfast determination to improve these defective conditions and strongly expresses the Town Board's continuing alarm with the obsolete design and ongoing deterioration of Route 9A, together with the concomitant accidents and tragedies; and be it

FURTHER RESOLVED that the Town Board does hereby urge and formally request that immediate plans be made to design, cause to execute safety enhancements, and effect appropriate travelling conditions on Route 9A and that priority be given for immediate, determined action; and be it

FURTHER RESOLVED that the Town Board fully supports NYS Senate Bill S2988 Co-Sponsored by Senators Peter Harckham and Elijah Reichlin-Melnick and Assembly Bill A11126 Sponsored by Assemblywoman Sandra Galef authorizing the NYS Department of Transportation to conduct a study pertaining to proposed improvements of State Route 9A in the towns of Ossining and Mount Pleasant; and be it; and be it

FURTHER RESOLVED that the Town Board directs Town Staff to send copies of this resolution to State and County elected officials urging their support of the legislation.

L. Resolution – Authorizing demolition of the Reuben House in Cedar Lane Park

WHEREAS, the Reuben House is located in Cedar Lane Park and has been uninhabited for many years; and

WHEREAS, in addition to being an eyesore, the Reuben House also presents a safety hazard as the Building Inspector has deemed it uninhabitable but yet individuals have trespassed in the structure; and

WHEREAS, the Town has been advised that to use the structure for anything but a residential purpose (which would not be conducive to its

location in Cedar Lane Park) would require an entire rebuild, which is cost-prohibitive without grant funding that the Town has not been able to obtain; and

WHEREAS, a Short Environmental Assessment Form, Part 1 was prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) for the proposed demolition of the Reuben House; and

WHEREAS, the Town can perform the demolition with its own staff in order to reduce the cost to approximately \$15,000; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration pursuant to SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the structure no longer serves a functional purpose, is a hazard to Town staff and park patrons, and is a drain on municipal resources; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the funding of the demolition of Reuben House with the remaining \$5,000 from the Town’s 2018 capital project being exhausted first and the remainder of the cost coming from the Town’s operating budget; and

BE IT FURTHER RESOLVED, all applicable Town staff and consultants shall coordinate in preparing for, notifying the public of and executing the demolition using best practices to ensure the demolition is conducted in a safe manner and there are no hazards to Town staff or the public; and

BE IT FURTHER RESOLVED, to the extent practicable, the Town shall preserve the stone foundation and chimneys for potential future development/park use.

IX. MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of January 2022:

- Dale Cemetery
- Town Highway Department
- GE Helicopter
- Tax Receiver
- Town Clerk
- Supervisor’s Office

X. VISITOR RECOGNITION

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

XI. ADJOURNMENT