



AGENDA
TOWN BOARD
TOWN OF OSSINING
86-88 SPRING STREET
BIRDSALL-FAGEN POLICE COURT FACILITY
OSSINING, NEW YORK

JULY 12, 2016
7:30 P.M.

SUPERVISOR
Dana Levenberg

COUNCILMEMBERS
Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey Northern Wilcher, Jr.

- I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL
- II. Public Hearing in the matter of 2016 Cabaret License for Maya Riviera.
- III. ANNOUNCEMENTS
- IV. LIAISON REPORTS
- V. DEPARTMENTAL REPORTS
- VI. PUBLIC COMMENT ON AGENDA ITEMS
- VII. BOARD RESOLUTIONS

A. **Approval of Minutes**

Resolved, that the Town Board of the Town of Ossining hereby approves the June 28, 2016, Minutes of the Regular Meeting as presented.

B. **Approval of Voucher Detail Report**

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated July 12, 2016 in the amount of \$427,312.35.

C. **Calling for a Public Hearing in the matter of the 2016 Cabaret License for Ballroom Studio of Westchester**

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 26, 2016 at 7:30 p.m. at the Ossining Municipal Building 16 Croton Avenue, 1st Floor Boardroom, Ossining NY 10562, in the matter of the 2016 Cabaret License for Ballroom Studio of Westchester, 565 North State Road Briarcliff Manor, NY 10510.

D. **Calling for a Public Hearing in the matter of the 2016 Cabaret License for Briarcliff Manor Restaurant & Catering Corp.**

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 26, 2016 at 7:35 p.m. at the Ossining Municipal Building, 1st Floor Boardroom, Ossining NY 10562, in the matter of the 2016 Cabaret License for Briarcliff Manor Restaurant & Catering Corp., 25 Studio Hill Road, Briarcliff Manor, NY 10510.

E. Adoption of Local Law #6 of 2016- Declaring a Moratorium on Construction within the Town of Ossining

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Declaring a Moratorium on Construction within the Town of Ossining”, which impose a temporary moratorium on development within the Town of Ossining to allow for a planning and zoning analysis consistent with the Town’s Comprehensive Plan; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 6-2016 entitled “Declaring a Moratorium on Construction within the Town of Ossining” on June 28th at 7:30 p.m.at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 6-2016, entitled “Declaring a Moratorium on Construction within the Town of Ossining” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #6 of 2016 to be filed and/or distributed in accordance with applicable law.

F. Adoption of Local Law #7 of 2016- Emergency Access Systems

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Emergency Access Systems”, which shall cause commercial structures within the Unincorporated Town to follow a set of rules and regulations designed to aid emergency responders enter a building safely and quickly in an emergency; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 7-2016 entitled “Emergency Access Systems” on June 28th at 7:35 p.m.at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 7-2016, entitled “Emergency Access Systems” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #7 of 2016 to be filed and/or distributed in accordance with applicable law.

G.

TAX CERTIORARI

Campwood Realty, LLC(9013-1-84)

vs.

Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Campwood Realty, LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 15 Campwoods Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.13, Block 1, Lot 84, for Tax Assessment Years 2011 through 2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 55713/11; 65051/12; 64051/13; and 64650/14; 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:

15 Campwoods Road, Ossining, N.Y. Section 90.13, Block 1, Lot 84

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2011	90.13-1-84	\$44,900	\$6,000	\$38,900
2012	90.13-1-84	\$44,900	\$6,400	\$38,500
2013	90.13-1-84	\$44,900	\$7,200	\$37,700
2014	90.13-1-84	\$44,900	\$13,200	\$31,700

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 Special 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 Special 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 \$296.53, which will be ordered pursuant to said Consent Judgment.

H. Receiver of Taxes: Property Redemption, 8-04 Brooke Club Drive

Whereas, on June 28th, 2016, the Town Board of the Town of Ossining authorized a list of properties with delinquent taxes to be scheduled to be sold at auction on August 10th, 2016; and

WHEREAS, the owner of 8-04 Brooke Club Drive appeared at the June 28, 2016 meeting seeking to arrange to make payment in full, explaining that she had just learned her tenant had failed to make the tax payments as required by the lease for the property; and

Whereas, the Town Board, at its discretion, may remove a property from the list if full payment, including a 10% redemption penalty, is tendered and cleared prior to July 31st, 2016; and

Whereas, the owner of 8-04 Brooke Club Drive has come forward and paid the full lien amount, plus interest and penalties;

Therefore be it Resolved, that the Town Board of the Town of Ossining hereby orders the Receiver of Taxes/ Enforcement Officer to remove the following property from the list of parcels to be auctioned on August 10th, 2016;

House and Property at 8-04 Brooke Club Drive, Tax I.D. # 80.19-1-35.0804,

And be it Further Resolved, that the Town Board reserves the right to evaluate future requests of a similar nature on a case-by-case basis.

I. Agreement for Professional Engineering Services – TC Merritts Land Surveyors P.C.

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a proposal to provide professional surveying services with TC Merritts Land Surveyors P.C., Pleasantville, NY dated June 27th, 2016 to conduct a Right of Way survey as part of the Sanitary Sewer Improvement project at the intersection of Croton Dam Road (Route 134) and Kitchawan State Road, for an amount not to exceed \$6,940.

J. Personnel – Dale Cemetery, Seasonal Appointment Termination

Resolved, that the Town Board of the Town of Ossining hereby terminates the seasonal employment of Carmelo Ciccone, effective July 11th, 2016.

ADJOURNMENT INTO WORK SESSION FROM WHICH THE BOARD WILL RETURN TO LEGISLATIVE

- Discussion of Phase-In Legislation
- Request from Ossining Chamber- Lobsterfest
- Request for Reduced Cost Burials at Dale Cemetery for Emergency Responders
- Update on CFA/ Priority Project Grant Application
- Indigent Emergency Responders

MOTION TO RETURN TO LEGISLATIVE SESSION

I. Calling for a Public Hearing in the Matter of Local Law #8 of 2016- Determining the Manner of Calculating and Determining Eligibility for the “Phase-in” Exemption of Real Property Tax Assessments

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 26th, 2016 at 7:40 P.M. at the Ossining Municipal Building, 16 Croton Avenue, 1st Floor Boardroom, Ossining, NY 10562 in the matter of Local Law #8 of 2016, adopting the provisions of Chapter 91 of the Laws of 2016 regarding the manner of calculating and eligibility for the “phase-in” exemption of real property tax assessments within the Town of Ossining.

VIII. MONTHLY REPORTS

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

- Town Clerk’s Office, June 2016
- Town Supervisor’s Office, June 2016

- **Building Department, February 2016, April 2016, May 2016 & June 2016**
- **Dale Cemetery, June 2016**
- **G.E. Helicopter Report, June 2016**

IX. VISITOR RECOGNITION

X. ADJOURNMENT