



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

DECEMBER 13, 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. ANNOUNCEMENTS**
- III. LIAISON REPORTS**
- IV. DEPARTMENTAL REPORTS**
 - a. Police Chief Kevin Sylvester**
- V. PUBLIC COMMENT ON AGENDA ITEMS**
- VI. BOARD RESOLUTIONS**

A. Approval of Minutes-Regular Meeting

Resolved, that the Town Board of the Town of Ossining hereby approves the November 22, 2016, Minutes of the Regular Meeting as presented.

B. Approval of Minutes-Special Meeting

Resolved, that the Town Board of the Town of Ossining hereby approves the December 6, 2016, Minutes of the Special Meeting as presented.

C. Approval of Voucher Detail Report

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated December 13, 2016 in the amount of \$924,911.66

D. Approval of the 2017 Budget

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Resolved, that the Town Board of the Town of Ossining hereby approves the 2016 Budget for the Town of Ossining. Total appropriations for the 2016 entire Town (10) Fund are \$5,447,710. Total appropriations for the Unincorporated (20) Area Fund are \$4,126,523 and total appropriations for the Highway (31) Fund are \$2,607,441. Total appropriations for the Water and Sewer Funds are \$543,311. Total appropriations for the Fire/Light/Refuse Funds are \$1,336,314. Total appropriations for the Ambulance District are \$633,488.

E. Stipulation of Settlement- Weeks and Hadjstylianos

WHEREAS, two actions have been commenced by Dale Cemetery Management Corp., George Weeks and Barbara Hadjstylianos against the Town Board, as well as

current and former members of the Town Board and the former Town Attorney;
and

WHEREAS, the Town Board believes it is in the best interests of the Town to resolve such litigation, without acknowledging liability;

Therefore BE IT RESOLVED that Town Counsel, Steven Silverberg, Esq. and Town Special Counsel, Benjamin Leavitt, Esq, are authorized to execute the annexed Stipulation of Settlement and related documents required to complete such settlement, and

IT IS FURTHER RESOLVED that the Town Budget Officer and Supervisor are authorized to issue payments in accordance with the terms of such Stipulation of Settlement.

F. Request for Home Rule Legislation from New York State—Mortgage Recording Tax

Whereas, the Town of Ossining has long discussed a reapportionment of the Mortgage Recording Tax revenue from Westchester County, based on the unique geographic boundaries of the Town's Unincorporated Area; and

Whereas, the Town Board has unanimously agreed to apply a share of this revenue, in accordance with the Unincorporated Area's percentage of assessed value within the Town as a whole, to the Unincorporated Fund in the 2017 budget;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby calls upon the State of New York to permit Home Rule legislation on this specific circumstance within the Town of Ossining;

And be it further Resolved that the Town Supervisor is hereby authorized to complete paperwork as requested by New York State to enact the above.

G. Indian Brook- Croton Gorge Watershed Conservation Plan

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign the annexed letter as part of an effort among the agencies comprising the IBCG Watershed Committee to solicit help from Westchester County Planning to update the plan to protect our local watersheds and drinking water.

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

Resolved, that the Town Board of the Town of Ossining hereby accepts the following Planning Board Meeting Minutes dated October 19, 2016 -Artis Senior Living.

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VIII. MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly report for the month of November 2016:

- Town Building Department
- Town Clerk's Office
- Town Tax Receiver's Office
- Town Supervisor's Office
- Town Senior Center
- Dale Cemetery

IX. VISITOR RECOGNITION

X. ADJOURNMENT –EXECUTIVE SESSION-PERSONNEL

November 29, 2016

Ed Buroughs, AICP, Commissioner
Westchester County Planning
Department 432 Michaelian Office
Building
148 Martine Avenue
White Plains, New York 10601

RE: Indian Brook - Croton Gorge (IBCG) Watershed Conservation

Action Plan. Dear Commissioner Buroughs,

The County Department of Planning worked with the Town of Cortlandt, Town of New Castle, Town/Village of Ossining and Village of Croton-on-Hudson to prepare the **Indian Brook - Croton Gorge (IBCG) Watershed Conservation Action Plan**. This plan focused on protecting the drinking water supply for the Village of Croton-on-Hudson and the Town/Village of Ossining as well as the health of the Croton River. The plan was completed in 2008 and won a WMPF award. The County then assisted in creating the IBCG IMA (2009) that formed the IBCG Watershed Committee.

The Committee has been meeting over the years and most recently is considering applying for a Hudson River Valley Greenway Grant to update the **IBCG Plan** and implement goals to protect the drinking water possibly through new zoning and/or modifications and enhancements to environmental laws. Today much of the data used to create the plan is over 10 years old and there is additional useful data – such as septic system data – that wasn't available when the IBCG plan was created. Revising the base information of the IBCG plan would be very helpful in determining the most critical actions – such as septic vs. stormwater -- necessary to protect the quality of the drinking water and the environment in the area.

The IBCG municipalities would like to request the assistance of Westchester County Department of Planning's GIS services to assist us with updating the plan – primarily the data and maps. The County services would be used as part of the match and we would then use the grant award to enable the hiring of a consultant to implement a project such as the adoption of new ordinances/zoning to protect the drinking water supplies of both basins. The next grant application deadline is in February 2017 and if awarded the project could start the second quarter of 2017.

We look forward to continue working together to protect the Indian Brook and Croton River watersheds and the drinking water for the residents of Westchester.

Sincerely,

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Linda D. Puglisi, Supervisor Town of Cortlandt
Ossining

Dana Levenberg, Supervisor, Town of

Dr. Gregory Schmidt, Mayor, Village of Croton
Ossining
-on-Hudson

Victoria Gearity, Mayor, Village of

Robert Greenstein, Supervisor, Town of New Castle

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----)(
DALE CEMETERY MANAGEMENT CORP.,
GEORGE WEEKS and BARBARA
HADJSTYLIANOS,

Index No. 3135/2016

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Petitioners,

-against-

SUSANNE DONNELLY and DANA LEVENBERG, in their capacities as Town Supervisor(s), KIMBERLY JEFFREY, NORTHERN WILCHER JR., ERIC BLAHA, JEFFREY HARTER, KAREN D'ATTORE and ELIZABETH FELDMAN, in their capacities as Town Council members, WAYNE SPECTOR, in his capacity as Attorney to the Town Board (as constituted from January 1, 2014 to December 31, 2015), THE TOWN BOARD OF THE TOWN OF OSSINING (as constituted from January 1, 2014 to December 31, 2015), and THE TOWN BOARD OF THE TOWN OF OSSINING (as constituted from January 1, 2016 to date of Petition),

**STIPULATION
OF
SETTLEMENT**

Respondents.

-----)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----)

DALE CEMETERY MANAGEMENT CORP.,
GEORGE WEEKS and BARBARA HADJSTYLIANOS,

Plaintiffs,

-against-

Index No. 66893/2016

SUSANNE DONNELLY, WAYNE SPECTOR,
KIMBERLY JEFFREY, WILCHER JR.,
ERIC BLAHA, JEFFREY HARTER,
KAREN D'ATTORE, ELIZABETH FELDMAN, and
DANA LEVENBERG,

Defendants.

-----)

WHEREAS, the Petitioners and Plaintiffs have commenced the above referenced Article 78 proceeding and plenary action, respectively, and

WHEREAS, the Respondents and Defendants in the above captioned Article 78 proceeding and plenary action deny all claims brought by the Petitioners and Plaintiffs, respectively, and

WHEREAS, the Petitioners, Respondents, Plaintiffs and Defendants in the above referenced captions (individually and collectively referred to herein as the "Parties") have determined it is in the best interests of all to resolve the claims asserted in the above referenced Article 78 proceeding and plenary action, and

WHEREAS, the reference to Wilcher, Jr. in the plenary action, bearing Index Number 66893/2016, is intended to mean Town Council Member Northern Wilcher, Jr., the reference in the captions in both proceedings to Jeffrey Harter is intended to refer to former Town Council Member Geoffrey Harter, and the reference to Kimberly Jeffrey is intended to refer to Town Council Member Kim Jeffrey, and

WHEREAS, this Stipulation of Settlement is not an acknowledgement of any wrongdoing on the part of any of the Respondents or Defendants,

IT IS HEREBY STIPULATED AND AGREED BY AND AMONG THE PARTIES BY AND THROUGH THEIR ATTORNEYS AS FOLLOWS:

- 1- The Town of Ossining shall issue payments of twenty thousand dollars (\$20,000.00) in good funds ("Payments"), to each of GEORGE WEEKS, and, BARBARA HADJSTYLIANOS, in full satisfaction of any and all claims that exist or may exist by Petitioners/Plaintiffs DALE CEMETERY MANAGEMENT CORP., GEORGE WEEKS and/or BARBARA HADJSTYLIANOS as against any and all of the named Respondents and Defendants, as well as the Town of Ossining and all of its current and former officers, employees, elected officials, contractors, consultants, accountants and attorneys.
- 2- Petitioners/Plaintiffs DALE CEMETERY MANAGEMENT CORP., GEORGE WEEKS and BARBARA HADJSTYLIANOS shall provide General Releases in the forms annexed as Exhibit "A" releasing all of the named Respondents and Defendants, as well as the Town of Ossining and all of its current and former officers, employees, elected officials, contractors, consultants, accountants and attorneys.

- 3- Separate Stipulations of Discontinuance with Prejudice in the form annexed as Exhibit "B" shall be executed by the Attorneys for the Parties to the Article 78 proceeding and the Attorneys for the Parties to the plenary action.
- 4- The Attorneys executing this Stipulation of Settlement represent they have been authorized by all of their respective clients to enter into this Stipulation of Settlement and that all legal requirements to execute the annexed Exhibits have been completed and

authorized as required by law. WEEKS and HADJSTYLIANOS aver, and only for purposes of resolving the within actions the Respondents/Defendants do not dispute, that said individuals are authorized to act on behalf of and bind the Dale Cemetery Management Corp, and in consideration of the fact that all of the Petitioners/Plaintiffs have represented through their attorney that no other claims or causes of action among the Parties are known to exist or that are not fully and finally resolved by this Stipulation of Settlement, Respondents/Defendants have agreed to enter into this Stipulation of Settlement. Further, it is specifically agreed that no claim of lack of authority may form the basis for vacating this settlement or any of its terms by any party hereto.

- 5- Upon execution of the General Releases by Petitioners/Plaintiffs, their counsel Felsenfeld Legal, PLLC shall similarly execute and cause this Stipulation of Settlement, and the aforementioned executed General Releases and Stipulations of Discontinuance with Prejudice to be delivered to Silverberg Zalantis LLP, which shall be held in escrow, pending delivery of the Payments provided for herein to Felsenfeld Legal PLLC, counsel for Petitioners/Plaintiffs.
- 6- Within (5) days of delivery to Silverberg Zalantis LLP of this Stipulation of Settlement, and the aforementioned General Releases and Stipulations of Discontinuance with Prejudice, Payments as set forth above shall be fmihwith delivered to Petitioners/Plaintiffs counsel.
- 7- Upon acknowledgement of receipt of such Payments by Petitioners/Plaintiffs' counsel, Silverberg Zalantis LLP shall then be authorized to file said Stipulations of Discontinuance with Prejudice and provide the General Releases to the respective parties.
- 8- This Stipulation of Settlement, which may only be modified in writing upon consent of all of the Parties to the respective action or proceeding, constitutes the entire agreement among the Paliies and supersedes and nullifies any other agreement(s) among or between any or all of the Parties.
- 9- This Stipulation of Settlement may be executed in counterparts or by electronic or facsimile signature, all of which shall be deemed original signatures.

Dated: December __, 2016

FELSENFELD LEGAL, PLLC

Steven Felsenfeld, Esq.
Attorneys for Petitioners and
Plaintiffs 6 Knoll View
Ossining, NY 10562
(914) 844-4911

SIGNATURES CONTINUED ON THE FOLLOWING PAGE

SILVERBERG ZALANTIS LLP

Steven M. Silverberg
Attorneys for Respondents and Defendants,
except Defendant Donnelly
220 White Plains Road, Fifth Floor
Tarrytown, NY 10591
(914) 682-0707

LEAVITT LEGAL PLLC

Benjamin F. Leavitt, Esq.
Attorneys for Defendant
Donnelly 19 Court Plaza, Suite
201
White Plains, NY 10601
(914) 946-3800

EXHIBIT A

GENERAL RELEASE

In consideration for payment by the TOWN OF OSSINING (the "TOWN") of TEN (\$10) DOLLARS, receipt of which is acknowledged Dale Cemetery Management Corp. (hereinafter "Releasor") hereby remises, releases, and forever discharges the TOWN, the CURRENT AND FORMER TOWN BOARD, SUSANNE DONNELLY, WAYNE SPECTOR, KIMBERLY aka KIM JEFFREY, NORTHERN WILCHER JR., ERIC BLAHA, JEFFREY aka GEOFFREY HARTER, KAREN D'ATTORE, ELIZABETH FELDMAN, and DANA LEVENBERG, and

their heirs, executors, administrators, successors, current and former attorneys, current and former officers, current and former elected officials and current and former employees (individually, in their official capacities and collectively "Releasees") from all debts, demands, actions, claims, causes of action, suits, dues, sums of money, accounts, bonds, specialties, covenants, contracts, controversies, agreements, promises, doings, omissions, damages, executions, liabilities, judgments and any and all other claims of every kind, nature, and description whatsoever, which against the said Releasees, and their heirs, executors, administrators, successors, attorneys, officers, and employees Releasor now has or ever had or

ever will have from the beginning of the world to the date of this General Release, relating to any of the Releasees' conduct, and including all claims that were or could have been asserted in any and all demands or litigations served on Releasor's behalf, not limited to allegations related to any non-payments of wages, infliction of emotional distress, breach of contract, the operation, management, control and/or finances of Dale Cemetery and/or Dale Cemetery Management

Corp. or any other damages of any nature or kind whether or not currently asserted inuring to Releasor; and Releasor agrees that (a) this General Release relates to the settlement of any and all disputed claims between Releasor and Releasees, (b) that the Releasees deny all liability, and

(c) this General Release is not and should not be construed as an admission of the truthfulness of any of Releasor's claims.

GEORGE A. WEEKS,
PRESIDENT DALE
CEMETERYMANAGEMENT
CORP.

Sworn to before me this
_____da
y of December 2016

NOTARY PUBLIC

GENERAL RELEASE

In consideration for payment by the TOWN OF OSSINING (the "TOWN") of TWENTY THOUSAND (\$20,000.00) DOLLARS, to be delivered on or before December 19, 2016, payable to "GEORGE A. WEEKS," George A. Weeks (hereinafter "Releasor") hereby remises, releases, and forever discharges the TOWN, the CURRENT AND FORMER TOWN BOARD, SUSANNE DONNELLY, WAYNE SPECTOR, KIMBERLY aka KIM JEFFREY, NORTHERN WILCHER JR., ERIC BLAHA, JEFFREY aka GEOFFREY HARTEK, KAREN D'ATTORE, ELIZABETH FELDMAN, and DANA LEVENBERG, and their heirs, executors, administrators, successors, current and former attorneys, current and former officers, current and former elected officials and current and former employees (individually, in their official capacities and collectively "Releasees") from all debts, demands, actions, claims, causes of action, suits, dues, sums of money, accounts, bonds, specialties, covenants, contracts, controversies, agreements, promises, doings, omissions, damages, executions, liabilities, judgments and any and all other claims of every kind, nature, and description whatsoever, which against the said Releasees, and their heirs, executors, administrators, successors, attorneys, officers, and employees Releasor now has or ever had or ever will have from the beginning of the world to the date of this General Release, relating to any of the Releasees' conduct, and including all claims that were or could have been asserted in any and all demands or litigations served on Releasor's behalf, not limited to allegations related to any non-payments of wages, infliction of emotional distress, breach of contract, the operation, management, control and/or finances of Dale Cemetery and/or Dale Cemetery Management Corp. or any other damages of any nature or kind whether or not currently asserted inuring to Releasor; and Releasor agrees that (a) this General Release relates to the settlement of any and all disputed claims between Releasor and Releasees, (b) that the Releasees deny all liability, and (c) this General Release is not and should not be construed as an admission of the truthfulness of any of Releasor's claims.

GEORGE A. WEEKS

Sworn to before me this ___ day
of December 2016

NOTARY PUBLIC

GENERAL RELEASE

In consideration for payment by the TOWN OF OSSINING (the "TOWN") of TWENTY THOUSAND (\$20,000.00) DOLLARS, to be delivered on or before December 19, 2016, payable to "BARBARA HADJSTYLIANOS," Barbara Hadjstylianos (hereinafter "Releasor") hereby remises, releases, and forever discharges the TOWN, the CURRENT AND FORMER TOWN BOARD, SUSANNE DONNELLY, WAYNE SPECTOR, KIMBERLY aka KIM JEFFREY, NORTHERN WILCHER JR., ERIC BLAHA, JEFFREY aka GEOFFREY HARTEK, KAREN D'ATTORE, ELIZABETH FELDMAN, and DANA LEVENBERG, and their heirs, executors, administrators, successors, current and former attorneys, current and former officers, current and former elected officials and current and former employees (individually, in their official capacities and collectively "Releasees") from all debts, demands, actions, claims, causes of action, suits, dues, sums of money, accounts, bonds, specialties, covenants, contracts, controversies, agreements, promises, doings, omissions, damages, executions, liabilities, judgments and any and all other claims of every kind, nature, and description whatsoever, which against the said Releasees, and their heirs, executors, administrators, successors, attorneys, officers, and employees Releasor now has or ever had or ever will have from the beginning of the world to the date of this General Release, relating to any of the Releasees' conduct, and including all claims that were or could have been asserted in any and all demands or litigations served on Releasor's behalf, not limited to allegations related to any non-payments of wages, infliction of emotional distress, breach of contract, the operation, management, control and/or finances of Dale Cemetery and/or Dale Cemetery Management Corp. or any other damages of any nature or kind whether or not currently asserted inuring to Releasor; and Releasor agrees that (a) this General Release relates to the settlement of any and all disputed claims between Releasor and Releasees, (b) that the Releasees deny all liability, and (c) this General Release is not and should not be construed as an admission of the truthfulness of any of Releasor's claims.

BARBARA HADJSTYLIANOS

Sworn to before me this ___ day
of December 2016

NOTARY PUBLIC

;

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----) {
DALE CEMETERY MANAGEMENT CORP.,
GEORGE WEEKS and BARBARA
HADJSTYLIANOS,

Index No. 3135/2016

Petitioners,

-against-

SUSANNE DONNELLY and DANA LEVENBERG, in their capacities as Town Supervisor(s), KIMBERLY JEFFREY, NORTHERN WILCHER JR., ERIC BLAHA, JEFFREY HARTEK, KAREN D'ATTORE and ELIZABETH FELDMAN, in their capacities as Town Council members, WAYNE SPECTOR, in his capacity as Attorney to the Town Board (as constituted from January I, 2014 to December 31, 2015), THE TOWN BOARD OF THE TOWN OF OSSINING (as constituted from January I, 2014 to December 31, 2015), and THE TOWN BOARD OF THE TOWN OF OSSINING (as constituted from January I, 2016 to date of Petition),

STIPULATION OF DISCONTINUANCE WITH PREJUDICE

Respondents.

-----) {

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for all named parties and all appearing parties that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the above-captioned action, this action and all counterclaims asserted therein, if any, be, and the same hereby are all discontinued with prejudice, without costs or attorneys' fees or any disbursements to either party as against the other. This Stipulation of Discontinuance with Prejudice is being executed in consideration of a certain Stipulation of Settlement dated December __, 2016 and is subject thereto.

This Stipulation may be executed in counterparts or by electronic or facsimile signature, all of which shall be deemed original signatures.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: Tarrytown, New
York December __,
2016

SILVERBERG ZALANTIS
LLP

FELSENFELD LEGAL, PLLC

By:
Steven M. Silverberg, Esq
Attorneys for Defendants
220 White Plains Road, 5th
Floor Tarrytown, New York
10591 Tel. (914) 682-0707

By:
Steven Felsenfeld, Esq
Attorneys for
Plaintiffs 6 Knoll
View
Ossining, New York
10562 Tel. (914) 844-
4911

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER

DALE CEMETERY MANAGEMENT CORP.,
GEORGE WEEKS and BARBARA HADJSTYLIANOS, **STIPULATION OF DISCONTINUANCE WITH PREJUDICE**

Plaintiffs,

-against-

Index

No.

66893/2016 SUSANNE DONNELLY, WAYNE SPECTOR,
KIMBERLY JEFFREY, WILCHER JR.,
ERIC BLAHA, JEFFREY HARTEK,
KAREN D'ATTORE, ELIZABETH
FELDMAN, and DANA LEVENBERG,

Defendants

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for all named parties and all appearing parties that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the above-captioned action, this action and all counterclaims asserted therein, if any, be, and the same hereby are all discontinued with prejudice, without costs or attorneys' fees or any disbursements to either party as against the other. This Stipulation of Discontinuance with Prejudice is being executed in consideration of a certain Stipulation of Settlement dated December __, 2016 and is subject thereto.

This Stipulation may be executed in counterparts or by electronic or facsimile signature, all of which shall be deemed original signatures.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Tarrytown, New
York December __,
2016

SILVERBERG ZALANTIS LLP

By:

Steven M. Silverberg, Esq Attorneys for Defendants except Donnelly
220 White Plains Road, 5th Floor
Tarrytown, New York 10591 Tel. (914) 682-0707

LEAVITT LEGAL PLLC.

By:

Benjamin F. Leavitt, Esq. Attorneys for Defendant Donnelly 19 Court Plaza, Suite 201
White Plains, NY 10601 (914) 946-3800

FELSENFELD LEGAL, PLLC

By:

Steven Felsenfeld, Esq Attorneys for Plaintiffs 6

Knoll View

Ossining, New York 10562 Tel. (9