



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

**FEBRUARY 14, 2012
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Peter Tripodi Northern Wilcher**

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, 2012 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Geoffrey Harter, Peter Tripodi, Northern Wilcher and Eric Blaha. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. Public Hearing for a Cabaret License for the Tuscan Grille, (Moktock, LLC.) 581 North State Road, Briarcliff Manor, NY

At 7:35 P.M., the Public Hearing was opened.

No one spoke at this Public Hearing

At 7:36 P.M., Councilman Tripodi moved and it was seconded by Councilman Harter that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Donnelly announced that this is the 45th day of the new Town Administration and we are still working on the State of the Town. Supervisor Donnelly requested that the Community shop locally. The 2011 books for the Town will be closing at the end of the month.

A meeting was held this morning regarding FEMA reimbursement from Hurricane Irene. The Highway Department has put together an Action Plan for future projects. An appraisal for the Town Police Department at 507 North State Road has been completed. A Group Home Task Force has been formed. The Town has many interesting groups to service the Community including a Climate Action Group, Business Incentive Board, etc. The Town is interviewing for a new Assessor. Supervisor Donnelly wrote a letter regarding re-districting and according to the maps, the entire Town of Ossining has moved into Rockland County and this is unacceptable. A copy of this letter written by Supervisor Donnelly can be found on Town of Ossining's web page or in the Ossining/Croton Patch. Councilman Tripodi has a face book page "Ossining Not In Rockland County". The Town Board meets the second and fourth Tuesday of each month for their Legislative Meeting at 86-88 Spring Street at 7:30 p.m. and the first and third Tuesday at 16 Croton Avenue for their Work Sessions at 7:30 p.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Wilcher moved and it was seconded by Councilmember Tripodi that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the January 24, 2012 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the February 7, 2012 Minutes of the Special meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated February 14, 2012 in the amount of \$39,189.89 for 2011 and \$311,169.23 for 2012, for a total of \$350,359.04

**Vote: 4-0-1
Voting Aye: Wilcher,
Harter, Blaha & Donnelly
Voting Nay: Tripodi**

D. Call-a-Cab Agreement

Councilmember Wilcher moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board hereby authorizes the Supervisor to sign an agreement with the following cab company for participation in the Call-a-Cab Program for the period ending December 31, 2012.

- Mega I Car Service

**Vote: 4-0-1
Voting Aye: Wilcher,
Harter, Blaha & Donnelly
Voting Nay: Tripodi**

E. TAX CERTIORARI

YELLOW BRICK ROAD APARTMENTS, INC.

vs.
TOWN OF OSSINING

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Yellow Brick Road Apartments, Inc., against the Town of Ossining to review the tax assessments made on Petitioner's property located at 149 Central Drive in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.09, Block 1, Lot 44, for assessment years 2005 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17307/2005, 18651/2006; 18872/2007; 22403/2008; 23428/2009; 25032/2010; 15047/2011; 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:

<u>Assess.</u> <u>Year</u>	<u>Assessed Valuation</u>		<u>Amount of</u> <u>Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2005	56,950	39,000	17,950
2006	56,950	35,700	21,250
2007	56,950	35,600	21,350
2008	56,950	35,950	21,000
2009	56,950	35,000	21,950
2010	56,950	36,250	20,700
2011	56,950	38,050	18,900

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 Town Attorney, 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 Town Attorney 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 \$1,324.49, which will be ordered pursuant to said Consent Judgment.

Yellow Brick Road Apartments

Index Nos. 17307/05, 18651/06, 18872/07, 22403/08, 23428/09, 25032/10, 15047/11

Muni 554201 Parcel ID 98.09-0001-044

149 Central Drive

Assessment Year	Tax Year	Original Assessment	Reduced Assessment	Reduction	Town Gen'l Rate	Town Refund
2005	2006	56,950	3,900	53,050	6.28765	333.56
2006	2007	56,950	35,700	21,250	6.77909	144.06
2007	2008	56,950	35,600	21,350	7.84547	167.50
2008	2009	56,950	35,950	21,000	9.44522	198.35
2009	2010	56,950	3,500	53,450	11.01208	588.60
2010	2011	56,950	36,250	20,700	10.91713	225.98
2011	2012	56,950	38,050	18,900	**	**
TOTAL						1,324.49

** No refund is due if the assessment is changed prior to 2012 Town/County tax bills.

Motion Carried: Unanimously

F.

TAX CERTIORARI

URSTADT BIDDLE PROPERTIES, INC.

vs.

TOWN OF OSSINING

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Urstadt Biddle Properties, Inc., against the Town of Ossining to review the tax assessments made on Petitioner's property located at 214-236 S. Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 3, Lot 15.1, (F/K/A Section 97.15, Block 3, Lot 15 and Section 97.19, Block 1, Lot 41) for assessment years 2005 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18412/2005, 18652/2006; 18876/2007; 22399/2008; 23426/2009; 25029/2010; 15044/2011; 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:

Section 97.15, Block 3, Lot 15

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2005	469,100	469,100	Ø
2006	469,100	469,100	Ø
2007	469,100	394,350	74,750
2008	469,100	418,400	50,700

Section 97.19, Block 1, Lot 41

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2005	252,500	252,500	Ø
2006	252,500	252,500	Ø
2007	352,500	296,300	56,200
2008	352,500	314,400	38,100

Section 97.15, Block 3, Lot 15.1

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2009	946,400	731,650	214,750
2010	1,168,800	777,300	391,500
2011	1,168,800	853,500	315,300

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 Town Attorney, 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 Town Attorney 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 \$8,504.99, which will be ordered pursuant to said Consent Judgment.

Urstadt Biddle Properties, Inc.

Index Nos. 18412/05, 18652/06, 18876/07, 22399/08, 23426/09, 25029/10, 15044/11

Muni 554203 Parcel ID 97.15-3-15				Highland Ave		
Assessment Year	Tax Year	Original Assessment	Reduced Assessment	Reduction	Town Gen'l Rate	Town Refund
2005	2006	469,100	469,100	0	6.28765	0.00
2006	2007	469,100	469,100	0	6.77909	0.00
2007	2008	469,100	394,350	74,750	7.84547	586.45
2008	2009	469,100	418,400	50,700	9.44522	478.87
TOTAL						1,065.32

Muni 554203 Parcel ID 97.19-1-4 1				Highland Ave		
Assessment Year	Tax Year	Original Assessment	Reduced Assessment	Reduction	Town Gen'l Rate	Town Refund
2005	2006	252,500	252,500	0	6.28765	0.00
2006	2007	252,500	252,500	0	6.77909	0.00
2007	2008	352,500	296,300	56,200	7.84547	440.92
2008	2009	352,500	314,400	38,100	9.44522	359.86
TOTAL						800.78

Muni 554203 Parcel ID 97.15-3-15.1				Highland Ave		
Assessment Year	Tax Year	Original Assessment	Reduced Assessment	Reduction	Town Gen'l Rate	Town Refund
2009	2010	946,400	731,650	214,750	11.01208	2,364.84
2010	2011	1,168,800	777,300	391,500	10.91713	4,274.05
2011	2012	1,168,800	853,500	315,300	**	**
TOTAL						6,638.89

TOTAL REFUND 8,504.99

**Vote: 4-1-0
Voting Aye: Wilcher,
Harter, Blaha & Donnelly
Abstaining: Tripodi**

G. TAX CERTIORARI
COUNTRY MEADOW ASSOCIATES
vs.
TOWN OF OSSINING

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Country Meadow Associates, against the Town of Ossining to review the tax assessments made on Petitioner's property located at Pheasant Ridge Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.08, Block 1, Lot 65, for assessment year 2011, which proceeding is now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15732/2011; 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:

ASSESSED VALUATION

Assessment Year	Reduced From	Reduced To	Amount of Reduction
2011	\$10,000	\$1	\$9,999

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 Town Attorney, 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 Town Attorney 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 \$111.00 **, which will be ordered pursuant to said Consent Judgment.

****Based upon 2011 tax rates. Actual refund to be computed after rates are set for 2012.**

**Vote: 4-1-0
Voting Aye: Wilcher,
Harter, Blaha & Donnelly
Abstaining: Tripodi**

H. TAX CERTIORARI

**V & B REALTY, LLC.
vs.
TOWN OF OSSINING**

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by V & B Realty, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 515 North State Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 90.19, Block 2, Lot 7, for assessment years 2004 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17082/2004; 18252/2005, 20444/2006; 20942/2007; 23241/2008; 23149/2009; 25939/2010; 15802/2011; 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:

<u>Assessment Year</u>	<u>Tax Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2004	2005	104,110	87,450	16,660
2005	2006	104,110	85,370	18,740
2006	2007	121,060	79,290	41,770
2007	2008	121,060	81,110	39,950
2008	2009	121,060	82,320	38,740
2009	2010	121,060	66,560	54,500
2010	2011	121,060	66,720	54,340
2011	2012	121,060	66,720	54,340

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 Town Attorney, 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 Town Attorney 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 \$36,239.00, which will be ordered pursuant to said Consent Judgment.

V & B Realty
Muni 554289 90.19-2-7
515 North State Road

wn General Tax/Unincorporated Tax

Assessment Year	Tax Year	Original Assessment	Reduced Assessment	Reduction	Town General		Unincorporated	
					Rate	Refund	Rate	Refund
2004	2005	104,110	87,450	16,660	5.93506	98.88	69.26716	1,153.99
2005	2006	104,110	85,370	18,740	6.28765	117.83	74.22162	1,390.91
2006	2007	121,060	79,290	41,770	6.77909	283.16	80.94126	3,380.92
2007	2008	121,060	81,110	39,950	7.84547	313.43	90.39968	3,611.47
2008	2009	121,060	82,320	38,740	9.44522	365.91	98.55344	3,817.96
2009	2010	121,060	66,560	54,500	11.01208	600.16	106.99939	5,831.47
2010	2011	121,060	66,720	54,340	10.91713	593.24	98.09865	5,330.68
2011	2012	121,060	66,720	54,340	**	**	**	**
Total						2,372.60	Total	24,517.40

Special Districts

Assessment Year	Tax Year	Reduction	Townwide Water		Town/North State Rd Sewer		Refuse Fire Lighting	
			Rate	Refund	Rate	Refund	Rate	Refund
2004	2005	16,660	0.42078	7.01	15.05668	250.84	16.79951	279.88
2005	2006	18,740	0.40069	7.51	13.70838	256.90	17.22149	322.73
2006	2007	41,770	0.38004	15.87	12.98000	542.17	20.76032	867.16
2007	2008	39,950	0.36478	14.57	12.63157	504.63	21.47759	858.03
2008	2009	38,740	0.35718	13.84	12.47076	483.12	22.93385	888.46
2009	2010	54,500	0.37480	20.43	13.94521	760.01	22.93385	1,249.90
2010	2011	54,340	0.37794	20.54	13.78613	749.14	22.75057	1,236.27
2011	2012	54,340	**	**	**	**	**	**
Total				99.77		3,546.81		5,702.42

Town General Fund Refund	\$ 2,372.60
Unincorporated Town Tax Refund	\$ 24,517.40
Townwide Water Refund	\$ 99.77
Town Sewer Refund	\$ 3,546.81
Refuse Fire Lighting District Refunds	\$ 5,702.42
Total Town Refund	\$ 36,239.00

Motion Carried: Unanimously

I. Order Calling a Public Hearing in the matter of the Petition for Extension of the Ossining Consolidated Sewer District

Councilmember Blaha moved and it was seconded by Councilmember Tripodi that the following be approved:

Whereas, a written petition, dated January 24, 2012, in due form and containing the required signature, has been presented by Thomas Williamson to the Town Board of the Town of Ossining, Westchester County, New York, for the extension of the Ossining Consolidated Sewer District in said Town; and

Whereas, the boundaries of the proposed Sewer District Extension are described as follows:

“Beginning at a point formed by the northerly terminus of the herein described parcel with the southerly side of Ryder Avenue, also being the northeasterly corner of Lot 522 as shown on a map entitled “Map of Briarcliff Hills, Section 1-8 dated December 16, 1929 and filed in Westchester County Clerk’s Office (Division of Land Records) on January 17, 1930 as Map No. 3557; running thence from said point of beginning along the southerly side of Ryder Avenue, S 44 degrees 35’ 40” E 27.71 feet. Thence along the centerline of Pine Street, S 70 degrees 57’ 10” W 212.29 feet, and S 49 degrees 12’ 10” W 150.61feet to a point on the extension of the northerly side of Park Lane (Not Developed). Thence along the extension of the northerly side of Park Lane (Not Developed), N 45 degrees 03’ 20” E 25.07 feet to the southeasterly corner of Lot 535 as show on aforesaid Map No. 3557. Thence along the easterly side of Lots 535 through 522, N 49 degrees 12’ 10” E 157.27 feet and N 70 degrees 57’ 10” E 205.14 feet to a point on the northerly terminus of the herein described portion of Pine Street Right of Way (Not Developed) as shown on the aforesaid filed Map No. 3557, the point and place of beginning.

Said premises known as 5 Ryder Avenue, Briarcliff Manor, New York, and also known as Section 90.15, Block 2, Lot 20 on the Tax Map of the Town of Ossining,” and

Whereas, the improvements proposed for said Sewer District Extension consist of the construction and installation of a sewer system, including sewer main, manhole and other improvements incidental thereto, all as more described in the map and plan accompanying the aforesaid petition, which map and plan are on file in the Town Clerk’s Office of said Town for public inspection during regular business hours; and

Whereas, the cost of establishing such Sewer District Extension shall be borne entirely by the Petitioner; and

Whereas, it is now desired to call a Public Hearing to consider the Petition for the proposed establishment of said Sewer District Extension pursuant to Section 193 of the Town Law, as well as for purposes of determining the environmental impact of said action; Now Therefore be it

Ordered, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1: A meeting of the Town Board of the Town of Ossining, Westchester County, New York, shall be held at the Police/Court Facility, 86-88 Spring Street, In Ossining, New York, on the 28 day of February 2012, at 7:30p.m., for the purpose of conducting a public hearing to consider the aforementioned Petition and to hear all persons interested in the subject thereof concerning the same.

Section 2: The Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be published in the Journal News and posted in the manner provided by law.

Section 3: This Order shall take effect immediately.

Motion Carried: Unanimously

J. Assessment Board of Review Re-Appointment

Councilmember Wilcher moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby reappoints Larry Schactel of Susquehanna Road, Ossining, to the Assessment Board of Review, for a term of five years expiring September 30th, 2017.

Motion Carried: Unanimously

K. Parks Department- Authorization to Advertise for Bids- GMC 3500HD Truck and Dump Body

Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the following be approved:

Resolved, that the Town Clerk is hereby authorized to advertise for bids for a GMC 3500HD and one Air Flow Pro Class Dump Body , to be returnable to the Office of the Town Clerk by 10:00 a.m. on March 2nd, 2012.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Wilcher moved and it was seconded by Councilmember Harter that the following be approved:

- Minutes from January 11, 2012 Planning Board Meeting
- Planning Board Minutes January 25, 2012

Motion Carried: Unanimously

VII. MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the monthly reports for the month of January 2012 from the following:

- Tax Receiver's Office**
- Town Clerk's Office**

VIII. VISITOR RECOGNITION

Bobby Williams, Spring Street, questioned the certioraris on this evenings agenda and whether the Town had included the refunds in the budget. How do you balance the budget with assessments being lowered? How is the sales tax going?

Supervisor Donnelly responded that the Town had taken out a BAN to pay for the refunds. The bans were sold with less than a 1 percent interest rate. The County needs to reassess all of the parcels in the County. There is a good team in the Assessor's Office and they are working constantly.

Town Attorney Spector stated that the residents do have the right to grieve their taxes.

Councilman Tripodi had been appointed to the Fair Housing Committee by the County Executive.

IX. ADJOURNMENT

At 8:03 P.M. Councilmember Harter moved and it was seconded by Councilmember Wilcher that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk