



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

**AUGUST 27, 2013
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 August 27, 2013 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 Northern Wilcher, Geoffrey Harter and Peter Tripodi. Councilman Eric Blaha was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

So many things are happening here in Ossining:

- New Fall Recreation brochure came out last night. On the Village of Ossining web page if you did not get it in an email. Exciting new programs.
- Tomorrow come to the waterfront and participate as we remember the march on Washington with words and music. 7:00 Pm in Louis Engel Park. The celebration continues on Thursday at 6:30 PM the library share in a panel discussion after viewing Brother Outsider – A Commemoration of the march on Washington.
- This weekend there are sailing regattas down at the waterfront. Enjoy Labor Day weekend with your families and friends.
- The offices at 16 Croton Ave will be closed on Thursday the 29th as we have a file retention morning from 10:00 A.M. – 1:00 P.M.

The Town has many projects going on and we will be discussing them at our work sessions during the month of September.

1. The proposed extension of Dale cemetery. Sections of the cemetery have been sold to Chinese groups who require a southern exposure, hilly terrain, with water at the best. There is an area that fits this description where a school owned property borders on Dale Cemetery.
2. The Town wants and to move the salt shed from Parkland. Right now it is in Cedar Lane Park so as part of the proposal we would move the salt shed to a clear area with the AMD parcel of land, making sure it is a structure that can be moved in the future. We would do a complete SEQRA process on the property and will work with the schools for the use of the salt shed for the school

personnel too. Come to the work session next week as the discussion begins and mark your calendar now for the Oct 1, 2013 Town Hall Meeting when the Town and schools will be available to answer any questions. Our plan is make sure everyone understands what we are doing how it will help both the Schools and the Town/ Cemetery.

3. In early September we will begin our feasibility Study concerning the Building in Louis Engel Park that houses the OBCC. We will begin our meetings with the membership of the club but we will be available at several meetings to discuss this process and what it could mean to this community with the residents of the Town of Ossining. Justin Mathews is here tonight to make a short presentation on one. It is essential that we support our youth in their passions especially when it is for such a good cause. I will not steal your thunder Justin.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 approves the August 13, 2013, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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 approves the Voucher Detail Report dated August 27, 2013 in the amount of \$1,472,484.68

Motion Carried: Unanimously

C. Personnel- Highway Department- Seasonal Appointment

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 appoints Melvin Davis, Ossining, to the seasonal position of Laborer in the Highway Department effective September 3rd, 2013 at \$12.00 per hour.

Motion Carried: Unanimously

D. Personnel- Highway Department- Seasonal 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 appoints Ryan Seepaul, Ossining, to the seasonal position of Laborer in the Highway Department effective September 3rd, 2013 at \$12.00 per hour.

Motion Carried: Unanimously

E.

TAX CERTIORARI

Pace University
vs.
Town Of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Tripodi 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 Pace University against the Town of Ossining, to review the tax assessments made on Petitioner’s property located at 235 Elm Road, Village of Briarcliff Manor in The Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.19-2-11 for Tax Assessment Years 2009 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 24379/09; 23632/10; 56952/11; and 67204/12; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceeding, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

As to Parcel 98.19 -2-011:

<u>Assessment Year</u>	<u>Original AV</u>	<u>Revised AV</u>	<u>AV Diff</u>
2009	\$3,864,198	\$2,304,000	\$1,560,198
2010	\$3,864,198	\$2,502,000	\$1,362,198
2011	\$3,864,198	\$2,340,000	\$1,524,198
2012	\$3,864,198	\$2,440,198	\$1,424,198

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 \$ 65, 069.78, which will be ordered pursuant to said Consent Judgment.

Motion Carried: 3-1-0
Ayes: Wilcher, Tripodi & Donnelly
Abstain: Harter

F.

TAX CERTIORARI

Pocantico Hills Realty Corp.

vs.

Town Of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Harter 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 Pocantico Hills Realty Corp. against the Town of Ossining, to review the tax assessments made on Petitioner’s property located at 75 South Highland Avenue in The Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.07-7-1 for Tax Assessment Years 2008 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22183/08; 23164/09; 25054/10; 15139/11; and 66237/12; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceeding, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Section 97.07 Block 7 Lot 1 (75 South Highland Avenue)

Lot	Assessment Tax Year	County Tax Year	Assessed Valuation		Amount of Red.
			Reduced From	Reduced To	
1	2008	2009	\$41,600	\$30,000	\$11,600
1	2009	2010	\$41,600	\$30,000	\$11,600
1	2010	2011	\$41,600	\$30,000	\$11,600
1	2011	2012	\$41,600	\$32,000	\$9,600
1	2012	2013	\$41,600	\$32,000	\$9,600
1	2013	2014	\$41,600	\$32,000	\$9,600

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 \$ 740.79, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G.

TAX CERTIORARI

TLC Holding Corporation, Jorge Rodriguez

vs.

Town Of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Tripodi 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 TLC Holding Corporation, Jorge Rodriguez against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 2 Broad Avenue in The Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.07-4-1 for Tax Assessment Years 2010 through 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 26548/2010; 57148/2011 and 66918/2012; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceeding, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

2010 Assessed Valuation

<u>Parcel ID</u>	<u>Current AV</u>	<u>Reduced AV</u>	<u>AV Reduction</u>
97.07-4	\$76,900	\$61,000	\$15,900

2011 Assessed Valuation

<u>Parcel ID</u>	<u>Current AV</u>	<u>Reduced AV</u>	<u>AV Reduction</u>
97.07-4-1	\$76,900	\$61,000	\$15,900

2012 Assessed Valuation

<u>Parcel ID</u>	<u>Current AV</u>	<u>Reduced AV</u>	<u>AV Reduction</u>
97.07-4-1	\$67,100	\$61,000	\$6,100

2013 Assessed Valuation

<u>Parcel ID</u>	<u>Current AV</u>	<u>Reduced AV</u>	<u>AV Reduction</u>
97.07-4-1	\$67,100	\$56,610	\$10,490

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 \$ 443.21, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. TAX CERTIORARI

Central Westchester Business Park Co. No.5. LLC

vs.

Town Of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Harter 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 Central Westchester Business Park Co. No.5, LLC against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 500 Executive Boulevard, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20-Block 1- Lot 18 for Tax Assessment Years 2009 through 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23853/2009; 25523/2010; 15693/2011; and Index No. 66903/2012; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceeding, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

<u>Ass't Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Reduced To</u>	<u>Amount of Reduction</u>
2009	175,000	131,250	43 750
2010	175,000	131,250	43 750
2011	175,000	131,250	43 750
2012	175,000	131,250	43 750

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 \$ 25, 166.04 ,which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. MONTHLY REPORTS

VII. VISITOR RECOGNITION

VIII. ADJOURNMENT –EXECUTIVE SESSION -PERSONNEL & LEGAL ADVICE

At 7:57 P.M., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the Regular Meeting be adjourned.

Approved:

Mary Ann Roberts Town Clerk