



AGENDA
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET
OSSINING, NEW YORK
NOVEMBER 24, 2015
7:30 P.M.

SUPERVISOR
Susanne Donnelly

COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey 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 November 24, 2015 at the Birdsall-Fagan 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 Eric Blaha, Geoffrey Harter, Northern Wilcher and Kim Jeffrey. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARINGS:

- Public Hearing in the matter of the 2016 Preliminary Budget

At 7:30 P.M., the Public Hearing was opened.

Lillian Nahass commented on the 35% of the salaries of several department heads being placed in the Unincorporated Area paying 45% of salaries in the budget as a slush fund. There is no need for a private secretary. Is there any thought to changing this since 4 out of the 5 board members do not live in the unincorporated area. This should be left to the new board for their action.

At 7:34 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Harter that the Public Hearing be closed.

- Public Hearing in the matter of Local Law #11 of 2015- Amendments to Accessory Apartment Law

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

Town Attorney Wayne Spector stated that the review of this law was requested by the Building Inspector. This will clarify certain requirements which will include an additional provision for yearly inspections. This will eliminate abuse of the law.

At 7:37 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

As we move towards the end of 2015, we have several items still on our agenda to accomplish, the first being to set the 2016 budget, on which we had the public

hearing this evening. While everyone is entitled to their opinion, it is essential to understand that over the past four years, this Administration and Board (as well as the previous Board with Councilman Peter Tripodi) have worked endlessly for the taxpayers of both the Unincorporated Area and all residents of Ossining. We have taken on many projects and opportunities to improve the lives of our constituents, while always watching the bottom line.

Several years ago, we (with the help of our Finance team and our auditors, who helped us get approval from the Comptroller's Office) moved the cable franchise fees to the Unincorporated Area budget. While this left us with a hole in General Fund revenue for the year, we were able to minimize the impact on our taxpayers by closely watching our spending for the General Fund, and services were not affected.

Another change we have made in the Unincorporated Area is the way we do alarm billing and enforcement, putting them in one office so that the payments and the fines add revenue to the Unincorporated Fund. We changed the way false alarms are enforced, and compliance has improved greatly.

The administration always plays an important role in working with developers, homeowners, and commercial property owners when they come in to suggest different projects and opportunities in the Unincorporated Area. Our new laws, which affect only those in the Unincorporated Area, have taken a tremendous amount of time, between evening meetings, work with our planning consultants, the time of the Planning and Zoning Boards and the efforts of many other volunteers in the community. These environmental laws will send more people to the Building Department and Planning Board to ensure that they are all understood and followed.

Another example is negotiating the sale of the former police station, 507 North State Road, at a fair price after the appraisal came back. With a very limited PILOT, we have managed to bring the property back on the tax rolls while also bringing employees of the business to the community, where they eat, shop, and pay sales tax to our local businesses. The schools were involved from the beginning, and part of the PILOT negotiations involved the provision of technical support and intern programs to the District.

We work closely with all departments, including those under the Unincorporated Fund umbrella and those in Town General, to accomplish the infrastructure goals of the Unincorporated Area (like stopping the flooding on North State Road and on Cedar Lane, and paving 5 roads in 2015), with cost effective projects that are well planned, and paid for at fraction of the anticipated cost. This is often an uphill battle- we work with FEMA and NY State to make sure we got as much funding as possible after Hurricane Irene, Superstorm Sandy and other storms that took a toll on our community. These are not just conversations, but conversations that often require the sharing of extensive records and data that take our staff time to prepare.

Staying on top of FEMA and NYS when it comes to getting our fair share of funds is, and will continue to be, an essential part of this administration. Working with our fabulous Finance team, we are constantly reviewing our outstanding projects, often visiting sites and completing an unimaginable amount of paperwork.

We also work with the Finance Office on accounts payable and receivable, payroll and all other functions to ensure that the Town is run like a business- paying its bills on time, being reimbursed and paid for what is due, and to make sure all accounting practices are followed- not just for the auditors, but because it is what is best for the community.

Grant funding is an important part of the administration, as we are constantly looking for ways to get projects done while staying under the tax cap. Our infrastructure is tired, and fixing it is expensive but very necessary. Our credit rating has improved over the last four years due to a lot of hard work and hard choices, allowing for lower interest rates when we DO have to borrow for these

projects. However, “inexpensive” doesn’t mean “free”, and we are continuously on the lookout for new sources of funding from foundations, as well as our state and federal government.

Another top priority is that all of our departments are staffed appropriately, and well equipped to perform the services our taxpayers need. All we ask is that everyone does their job to the best of their ability and works hard, without leaning on personal agendas or searching for ways to do less.

The vast majority of our employees are in a Union, and so negotiating labor contracts that are fair to our taxpayers while being fair to our hard working employees is something else we take very seriously. Those agreements are carefully thought out by people on both sides of the table to ensure a fair day’s pay for a fair day’s work, and all parties need to live up to their end of the bargain.

Along with managing a workforce comes the occasional snag- the Administration spends time mediating disagreements among employees, management staff, and departments. We need to make sure all compliments, comments and complaints are listened to, acted on, and resolved in the best interest of the many, not for a particular person or group.

Our attorneys spend a great deal of time working on issues for the Unincorporated Area, such as prosecuting Town Building cases, supporting the Planning and Zoning Boards as they move projects through the system, and serving as general counsel for the Administration.

These are just a few examples of the responsibilities in the Town Administration. When we look to charge a fraction of the cost back to the Unincorporated Budget, it is certainly fair and equitable. We do not see any reason to hire someone to take care of the Unincorporated Area in these areas, so as an alternative, we have opted to move a very fair percentage of those administrative salaries where we believe they belong, which results in the savings of not only salaries, but the high cost of fringe benefits.

This is done in every budget in every community, but even if it weren’t, the allocation of salaries is something we take very seriously. In other municipalities, it simply happens without being brought to the attention of the taxpayers, but our goal is, and always has been, transparency.

Our second public hearing tonight was to make changes to our Accessory Apartment Law to allow for tighter controls through inspection, with the ability to revoke the privilege of having an accessory apartment if it is warranted. There is currently no mechanism in the law to revoke a permit.

Tonight we will be tabling the Comprehensive Plan Vision Portion and the supporting laws, 5 through 9. We have not rushed this process- it has been very thoughtful from the beginning and, because our Planner needed additional time for personal reasons, we will wait two more weeks to accomplish the goal of moving this community forward environmentally. We will, however, vote on the Architectural Review Board, and we thank all of those who worked with us on this project, which will give the Planning Board authority to work with the developers on the facades of their buildings.

We will be approving a few certs that our assessor his team and our attorneys worked on. We will on the advice of our Tax Receiver allow for property redemption for a property that was in the foreclosure procedures.

We will be accepting the agreement with the auditors for next three years 2015 2016 and 2017. They have agreed to keep the same rate for the 2015 audit with a small increase for 2016 and 2017.

Some exciting things going on right in our community:

- Next week, the Recreation Winter Brochure will be out with some new and exciting programs, as well as old favorites, so keep an eye out for the email.
- On Friday, December 4th, we will be at Market Square singing holiday carols at 5:30 PM, with the tree lighting and Santa's visit at 6:15 PM.
- Breakfast with Santa will be on December 12th, and there will be two seatings. Call the Joseph G Caputo Community Center at 941-3189 or stop by the front desk at the Recreation Center to make sure your reservation is in.
- On December 16th, there will be a blood drive at the Police/Court Facility on Spring Street. All blood donated stays local, with the folks from Phelps running the drive. What a great gift for the community.
- On December 16th, we hope you will be joining us at the ALL Ossining Party from 6:00 PM – 9:00 PM at the Briarcliff Manor. Admission is \$60.00 per person with a choice of entrée, lots of music and dancing. If you've never joined us before, it's a great time- for more information, please feel free to call us at the office at 762-6001.
- Toys for Tots is up and running in some of the businesses around town and will be in full swing next week. The Police Dept has their box up already, so if you are around this weekend and want to donate, please drop it off there. Also remember, you can always drop off your unused prescriptions so they are not around the house during the holiday season.

Councilperson Jeffrey announced that on Tuesday, November 24th, 2015 the Landmark Diner will donate 20% of your food bill to the Gullotta House for a family in need in Ossining. Also turkeys can be dropped off at the diner until 10:00 p.m. Ms. Jeffrey also commented on Supervisor Donnelly's statement and felt that she might have misheard Supervisor Donnelly's comment regarding Cable Franchise fees and that there was work with the Comptroller's office in order to change it. The Comptroller's office has said that the Cable Franchise fees should be distributed to the unincorporated Town. The unincorporated Town has long paid or not been paid in ways that they should have been and that they have not received funds that they should have. The Budget doesn't have the ability to pass on some of the salaries of people working in the Town to those Villages unless there is an IMA. Councilperson Jeffrey feels that the people in the unincorporated town are targeted and inequitable based on the history, budget and financials. Councilperson Jeffrey feels that the unincorporated area is not paid properly.

Councilperson Jeffery announced that Senator Carlucci will sponsor a food drive from December 1st to January 10th for the Ossining Food Pantry.

Supervisor Donnelly stated that she deals with the Village's IMA's and the fee paid is \$66,000. Also, the cost of the employees are in those IMA's.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular 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 November 10, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Blaha 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 November 24, 2015 in the amount of \$468,992.98.

Motion Carried: Unanimously

C. Adoption of Local Law #5 of 2015- "Amending Notification Provisions of the Town Code"

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

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled "Amending the Notification Provisions of the Town Code" which law would amend the notification provisions of sections 200-31., 200-46.A, 200-48A, 200-49B, 200-50.C(5), 200-52C, of The Zoning Code, sections 176-5E, 176-6 F, 176-7E, 176-11.1 of the Subdivision of Land Chapter, sections 105-7B, 105-7D of The Freshwater Wetlands, Watercourses and Water Body Protection Chapter, sections 167-11E, 167-11G of the Steep Slope Protection Chapter, and sections 180-80F and 183-10G of the Tree protection Chapter of the Town of Ossining; 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. 5-2015 entitled "Amending the Notification Provisions of the Town Code" on September 1, 2015 and which hearing was continued on the following dates September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 5-2015, entitled "Amending the Notification Provisions of the Town Code" 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 No. 5-2015 to be filed and/or distributed in accordance with applicable law.

Motion Carried: TABLED

D. Adoption of Local Law #6 of 2015 – Amending the Subdivision of Land and Tree Protection Chapters of the Town Code

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be TABLED:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled "Amending the Subdivision of Land and Tree Protection Chapters of the Town Code" which law would amend section 176-20B of the Subdivision of Land Chapter and 183-6 of the Tree protection Law of the Town of Ossining; 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. 6-2015 entitled "Amending the Subdivision of Land and Tree Protection Chapters of the Town Code" on September 1, 2015 and continued on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and

November 10, 2015 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 6-2015, entitled “Amending the Subdivision of Land and Tree Protection Chapters of the Town Code” 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 No. 6-2015 to be filed and/or distributed in accordance with applicable law.

Motion Carried: TABLED

E. Adoption of Local Law #7 of 2015- “Amending the Freshwater Wetlands, Watercourses and Water Bodies Protection Chapter of the Town Code”

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be TABLED:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Freshwater Wetlands, Watercourses, and Water Bodies Protection Chapter of the Town Code”, which law would amend sections 105-1A,105-2B,105-3A, 105-5A, 105B(4), 105-5C, 105-6A (8) 105-8A,105-8B, 105-10B and 105-10C and adding new sections 105-2B, 105-1A, and 105-6A of the Freshwater Wetlands, Watercourses and Water Body Protections Chapter of the Town of Ossining; 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. 7-2015 entitled “Amending the Freshwater Wetlands, Watercourses, and Water Bodies Protection Chapter of the Town Code” on September 1, 2015 and continued on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 7-2015, entitled “Amending the Freshwater Wetlands, Watercourses, and Water Bodies Protection Chapter of the Town Code” 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 No. 7-2015 to be filed and/or distributed in accordance with applicable law.

Motion Carried: TABLED

F. Adoption of Local Law #8 of 2015-“Amending the Steep Slope Protection Chapter of the Town Code”

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be TABLED:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Steep Slope Protection Chapter of the Town Code” which law would amend section 167-5 of the Steep Slope Protection Chapter of the code of the Town of Ossining; 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. 8-2015 entitled “Amending the Steep Slope Protection Chapter of the Town Code” on September 1, 2015 and continued on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 8-2015, entitled “Amending the Steep Slope Protection Chapter of the Town Code” 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 No. 8-2015 to be filed and/or distributed in accordance with applicable law.

Motion Carried: TABLED

G. Adoption of Local Law #9 of 2015-“Amending the Subdivision of Land and Zoning Chapters of the Town Code”

Councilmember Blaha moved and it was seconded by Councilmember Harter that the following be TABLED:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Subdivision of Land and Zoning Chapters of the Town Code” which law would amend sections 200-6 F, of the Zoning Chapter and 176-18 F of the Subdivision of Land Chapters of the Town of Ossining.

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. 9-2015 entitled “Amending the Subdivision of Land and Zoning Chapters of the Town Code” on September 1, 2015 and continuing on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 9-2015, entitled “Amending the Subdivision of Land and Zoning Chapters of the Town Code” 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 No. 9-2015 to be filed and/or distributed in accordance with applicable law.

Motion Carried: TABLED

H. Adoption of Local Law #10 of 2015 – Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be TABLED:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code” which law would Add a Chapter Entitled “Architecture Review Board to the code of the Town of Ossining.

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. 10-2015 entitled “Adding a Chapter Entitled

‘Architectural Review Board’ To the Town Code” on September 10, 2015 and continuing on September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 10-2015, entitled “Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code” 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 No. 10-2015 to be filed and/or distributed in accordance with applicable law.

Motion Carried: TABLED

I.

TAX CERTIORARI

Deercliff Builders, Inc.

vs.

Town of Ossining

Councilmember Blaha 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 Deercliff Builders, Inc. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 1250 Pleasantville Road, Village of Briarcliff Manor in The Town of Ossining, N.Y. , and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 41 for Tax Assessment Years 2008 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22182/08; 23241/09; 25071/10; and 15151/11; 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: 1250 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2008	98.10-1-41	\$82,200	\$15,200	\$67,000
2009	98.10-1-41	\$82,200	\$14,200	\$68,000
2010	98.10-1-41	\$82,200	\$7,200	\$75,000
2011	98.10-1-41	\$82,200	\$7,200	\$80,000

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 \$ 402.53, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

J.

TAX CERTIORARI

Executive Property Group, LLC

vs.

Town of Ossining

Councilmember Harter moved and it was seconded by Councilmember Jeffrey 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 Executive Property Group, Inc. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 145 North Highland Avenue, Ossining, N.Y. , and designated on the tax assessment map of The Town of Ossining as Section 89.15, Block 1, Lot 45 for Tax Assessment Years 2013 and 2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 67051/13 and 67431/14; 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: 145 North Highland Avenue, Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2013	89.15-1-45	\$93,000	\$23,250	\$69,750
2014	89.15-1-45	\$93,000	\$23,250	\$69,750

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 \$ 371.34, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

K.

TAX CERTIORARI

M & M Realty Corp.

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 M & M Realty Corp. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 520 North State Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.19, Block 2, Lot 19 Section 90.19, Block 2, Lot 20; and Section 90.19, Block 2, Lot 21; for Tax Assessment Years 2010 through 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23957/10; 14742/11; 64981/2012; 64175/2013; 65104/2014 and 65231/2015;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:

520 North State Road, Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2010	90.19-2-19	\$47,900	\$8,143	\$39,757
2011	90.19-2-19	\$47,900	\$8,550	\$39,350
2012	90.19-2-19	\$47,900	\$8,550	\$39,350
2013	90.19-2-19	\$47,900	\$8,550	\$39,350
2014	90.19-2-19	\$47,900	\$8,550	\$39,350
2015	90.19-2-19	\$47,900	\$10,750	\$37,150

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2011	90.19-2-20	\$1,100	\$0	\$1,100
2012	90.19-2-20	\$1,100	\$0	\$1,100
2013	90.19-2-20	\$1,100	\$0	\$1,100
2014	90.19-2-20	\$1,100	\$0	\$1,100

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2011	90.19-2-21	\$1,300	\$0	\$1,300
2012	90.19-2-21	\$1,300	\$0	\$1,300
2013	90.19-2-21	\$1,300	\$0	\$1,300
2014	90.19-2-21	\$1,300	\$0	\$1,300

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 \$ 6,452.30, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

L.

TAX CERTIORARI

Briarcliff Self Storage, Inc.

vs.

Town of Ossining

Councilmember Jeffrey 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 Briarcliff Self Storage, Inc. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 588 North State Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.11-1-49 for Tax Assessment Years 2013, 2014 and 2015; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66152/13 and 66960/14;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:
588 North State Road, Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2013	90.11-1-49	\$265,000	\$70,010	\$194,990
2014	90.11-1-49	\$265,000	\$80,150	\$184,850
2015	90.11-1-49	\$265,000	\$67,250	\$197,750

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 \$ 23,318.54, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

M. Agreement-Auditing of Financial Statements

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

Resolved, that the firm of O'Connor Davies LLP be appointed Auditors for the Town of Ossining for the audit of the 2015, 2016 and 2017 Financial Statements in accordance with their contract letter dated October 19th, 2015 at a fee not to exceed \$64,100 for fiscal year ending 12/31/15, \$66,000 for fiscal year ending 12/31/16 and \$68,000 for fiscal year ending 12/31/17.

Motion Carried: Unanimously

N. Tax Receiver - Property Redemption, 127 Schrade Road

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

Whereas, properties located at 127 Schrade Road, Briarcliff, have delinquent taxes resulting in commencement of In Rem foreclosure proceedings and a judgment of foreclosure, and

Whereas, Champion Mortgage, the mortgage holders, have requested to redeem the property and have tendered full payment; and

Whereas, the Town Board desires to allow the mortgage holders of said property a window of opportunity to redeem the property prior to auction;

Now therefore be it Resolved, that the Town Board of the Town of Ossining hereby allows Champion Mortgage, the mortgage holders of property at 127 Schrade Road, Briarcliff, to redeem said property by paying all outstanding taxes, interest, penalties and fees, plus an additional ten (10%) percent penalty on the lien amount, for a total of \$28,471.05, which, upon the recommendation of the Receiver of Taxes, the Town Board finds to be fair and appropriate based on the specific and unique circumstances of this case.

Motion Carried: Unanimously

O. Resolution to Adopt Amendments to Vision Portion of Town Comprehensive Plan

Councilmember Blaha moved and it was seconded by Councilmember Harter that the following be TABLED:

Whereas, the Town of Ossining, pursuant to section 272 – a of the New York State Town Law adopted a Comprehensive Plan in 2002, following extensive public participation; and

Whereas, pursuant to section 272 – a of the New York State Town Law, the Town of Ossining commenced proceedings to review and amend, where appropriate, certain existing provisions of the adopted Comprehensive Plan consisting of the “Vision Statement” portion of the Comprehensive Plan; and

Whereas, the Town of Ossining as duly noticed and held a public hearing on the proposed amendments on July 14th, 2015 (adjourned), and re-opened on September 1st, 2015, following the procedures set forth in the Town Law, following extensive public participation procedures for Comprehensive Plan amendments adopted by the Town; and

Whereas, the Town has complied with all the requirements set forth in SEQRA, and determined that the proposed amendments to the Comprehensive Plan will have no negative environmental impacts;

Now, Therefore, Be It Resolved, that the Town hereby approves and adopts the amendments to the comprehensive Plan in the form attached hereto.

Motion Carried: TABLED

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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 accepts the following:

- Town of Ossining Zoning Board of Appeals meeting minutes dated October 26, 2015.
-
- Planning Board Meeting Minutes dated October 7, 2015

Motion Carried: Unanimously

VII. MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly report for the month of October 2015:

- Tax Receiver's Office

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE

At 8:10 P.M. Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk