



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

**DECEMBER 13, 2011  
7:30 P.M.**

**SUPERVISOR  
Catherine Borgia**

**COUNCILMEMBERS  
Geoffrey Harter    Michael L. Tawil  
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 December 13, 2011 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Northern Wilcher, Peter Tripodi and Michael Tawil. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II. Public Hearing- in the matter of Traffic Violations Bureau Local Law No. 9 of 2011**

At 7:32 P.M., the Public Hearing was opened.

Town Attorney Wayne Spector stated that with the upcoming Court Consolidation, the Village of Ossining Court will be abolished as of December 31, 2011 and the Traffic Violations Administrative function will still be under the Town Court. The Village will pay the Town for the Administrative staff for non-moving violations, which is mainly parking violations.

Bobby Williams, Spring Street, questioned whether the Town was collecting money for the Village. What other purpose will it serve?

Supervisor Borgia responded that there is a particular software system. The IMA will pay for running the traffic violations. It will not be a duplication of services. Town Attorney Spector responded that there will only be one court. Justice has direct responsibility of the monies going to the correct entity (Village/Town/State) portion.

At 7:43 P.M., the Public Hearing was closed.

**Public Hearing- in the matter of Emergency Alarms in the Town of Ossining Local Law No. 10 of 2011**

At 7:43 P.M., the Public Hearing was opened.

Town Attorney Wayne Spector provided an overview of this local law. It will bring up to date the list of Alarm Monitoring Companies. It will allow for certain applications with a registration fee. The Town will be in tune with the majority of municipalities in the County of Westchester.

Supervisor Borgia added that definitions will be changed. This process began in the Town Police Department and has now been transferred to the Supervisor's office. The fees have been pulled out of the local law and will be put into the fee schedule

which will be adopted in January at the Re-organizational Meeting. This will make the false alarm fees clearer.

Councilman Tripodi questioned the fees for penalties and whether it was yearly. Supervisor Borgia responded that if you receive a \$250 fine it is better to register your alarm for \$25 rather than pay the \$250. The first two false alarms are freebies and then if there are additional ones, the fine is imposed. The registration is from the residents, not the alarm companies. It is useful for municipalities to know where alarms are located.

Steve Penzuk, Total Protection, Lincoln Place, questioned the registration of alarm companies. He has been in the business for the past 25 years and maintains that State Law exempts alarm companies.

At 7:53 P.M., the Public Hearing was closed.

### III. ANNOUNCEMENTS

Supervisor Borgia announced that the All Ossining Christmas Party will be held on Wednesday at the Travelers' Rest beginning at 6 p.m. If you have any questions or comments please contact Trustee Susanne Donnelly.

### IV. PUBLIC COMMENT ON AGENDA ITEMS

### V. BOARD RESOLUTIONS

#### A. Approval of Minutes-Regular Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the November 22, 2011 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

#### B. Approval of Minutes-Special Meeting

Councilmember Tawil 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 15, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

#### C. Approval of Minutes-Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the December 1, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

#### D. Approval of Minutes-Special Meeting

Councilmember Tawil 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 December 6, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

**E. Approval of Voucher Detail Report**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated December 13, 2011 in the amount of \$265,840.76.

Councilman Tripodi commented on some items on the voucher detail:

- Optimum life path for the Westchester County Police. This is normal to pay this amount to the Westchester County Police.
- Found a Medicare reimbursement for someone who has passed away which is indicated on page 6 on the Voucher Detail.
- What is the status the Art instructor and Dance instructor for the Senior Center? Do we have any volunteers for these positions? This would enable us to cut costs on these two positions.
- The receipt for the canopy tent was \$419. What kind of tent was purchased? Mr. Tripodi did some research on-line and found the same types of tents and the highest for \$270 and the least expensive was \$120 and the one we purchased was \$419.

Supervisor Borgia advised that the tent that the cemetery purchased was specialized and more of a protective tent.

Vote: 4-0-1  
Voting Aye: Wilcher,  
Harter, Tawil & Borgia  
Nay: Tripodi

**F. Approve 2012 Budget**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the 2012 Budget for the Town of Ossining. Total appropriations for the 2012 entire Town (10) Fund are \$5,292,022. Total appropriations for the Unincorporated (20) Area Fund are \$3,672,145 and total appropriations for the Highway (31) Fund are \$2,207,249. Total appropriations for the Water and Sewer Funds are \$469,929. Total appropriations for the Fire/Light/Refuse Funds are \$1,213,020. Total appropriations for the Ambulance District are \$536,728.

Supervisor Borgia commented on this year's budget and thanked everyone who participated in this budget. This year the budget was complex and we had to be creative, work with the court consolidation and the 2% tax cap. We were pleased that all of our Manager's were able to bring in very tight budgets this year. Supervisor Borgia thanked her colleagues who spent many hours working on this budget. We also were able to create this budget while we were also creating a fund balance. The Town is in excellent financial shape.

Councilman Tripodi had the following statements:

- The Town outside does not have Fire Protection. Why wasn't the Board informed?
- Lack of open meetings for the Mid- Hudson Ambulance District and not advertising these meetings. There are personnel issues that exists in OVAC. However, the service is excellent. There could be serious consequences ahead. This issue has not been properly delt with.
- The Police Station on North State Rd. should be sold or rented.

- Court Consolidation has failed already and it has not even begun. Court Consolidation is costing \$460,000 in new spending for the Town of Ossining.
- Finance Department is costing the Town \$360,000 and would like to examine this IMA.
- All employees of the Town Of Ossining receive training to help them perform their jobs better paid for by the Town except for the Town Board members. Mr. Tripodi feels that this is directly aimed at him.

Councilman Tripodi will not be voting for this resolution.

Supervisor Borgia commented on the following:

- It is true that The Town does pay for some training. We discuss every year what our expenses will be.
- We have already reviewed the Finance IMA.
- Court Consolidation-the Comptroller's office did review our Court Consolidation and did give the Town a credit of \$460,000 this is equivalent to the amount of savings that the Village budget sees under the Court Consolidation.
- Police Station-The new board will be looking at new ways of using this property for the municipality.
- Mid-Hudson Ambulance District-this is governed by an oversight committee. These meetings are advertized.
- Fire protection – The Town has a contract with the Village of Ossining for fire protection.

Councilman Harter stated that this budget is a major accomplishment and congratulated the Supervisor and her staff.

Councilman Wilcher stated that the Board has discussed Mr. Tipodi's points over and over again. Councilman Wilcher thanked the Supervisor and her office for the work they have done on the budget.

Councilman Tawil stated that the Town has passed two consecutive tax cuts and increased their fund balance. He is proud of this accomplishment.

**Roll Call Vote:**

**Vote: 4-0-1**

**Ayes: Wilcher, Tawil, Harter & Borgia**

**Nay: Tripodi**

**G. Dennis Kirby- Re-Appointment to Planning Board**

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

Resolved, that the Town Board of the Town of Ossining hereby re-appoints Dennis Kirby of Pheasant Ridge Road, Ossining, NY, to the Town of Ossining Planning Board for a term of five years.

**Motion Carried: Unanimously**

**H. Appointment of Julie Davis as Seasonal Tax Clerk**

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Julie Davis of Croton Avenue, Ossining, NY, to the position of Seasonal Part Time Intermediate Tax Clerk, at a rate of \$15.198 per hour.

Motion Carried: Unanimously

**I. Nicholas Piqueras- Amended Resolution to Appoint to Provisionary Status Effective 1/3/2011**

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

Resolved, that the Town Board of the Town of Ossining hereby changes the effective date of re-appointment for Part-Time Police Officer Nicholas Piqueras to January 3, 2012 in accordance with Civil Service requirements.

Motion Carried: Unanimously

**J. Finance-Capital Project # 2011-2177,-Parks Truck**

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 authorizes the establishment of Capital Project # 2011-2177, entitled Parks Vehicle in the amount of \$53,273.62 to be fully funded by Fund Balance and municipal borrowing.

Motion Carried: Unanimously

**K. Tax Cert Resolution- Demarchis/ Westerly Marina**

**TAX CERTIORARI**

**ARTHUR DEMARCHIS/WESTERLY ENTERPRISES LP/  
WESTERLY REALTY CORP.**

**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 Arthur DeMarchis/Westerly Enterprises LP/Westerly Realty Corp., against the Town of Ossining to review the tax assessments made on Petitioner's property located at Westerly Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.06, Block 1, Lot 3.1; Section 97.06, Block 1, Lot 4; Section 89.18, Block 1, Lot 20; Section 89.18, Block 1, Lot 21; Section 89.18, Block 1, Lot 22.1; for assessment years 2002 through 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17674/2002; 16690/2003; 17056/2004; 16481/2005; 20606/2006; 20766/2007; 23287/2008; 24317/2009; 26010/2010; 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:

**SEE ATTACHED SCHEDULE**

**DEMARCHI/WESTERLY ENTERPRISES  
SCHEDULE OF ASSESSMENT REDUCTIONS  
December 6, 2011**

| Assessment Year       | Original Assmt |         | New Assmt |           | Original Assmt |           | New Assmt |           | Original Assmt |           | New Assmt |           | Original Assmt |           | New Assmt |           | Original Assmt |           | New Assmt |           | Original Assmt |           | New Assmt |           |         |
|-----------------------|----------------|---------|-----------|-----------|----------------|-----------|-----------|-----------|----------------|-----------|-----------|-----------|----------------|-----------|-----------|-----------|----------------|-----------|-----------|-----------|----------------|-----------|-----------|-----------|---------|
|                       | 2002           | 2003    | 2002      | 2003      | 2003           | 2004      | 2004      | 2005      | 2005           | 2006      | 2006      | 2007      | 2007           | 2008      | 2008      | 2009      | 2009           | 2010      | 2010      | 2011      | 2011           | 2012      | 2012      |           |         |
| 97-06-1-1             | 5,040          | 5,040   | 5,040     | 4,138     | 5,040          | 3,788     | 5,040     | 3,578     | 5,040          | 3,478     | 5,040     | 3,427     | 5,040          | 3,427     | 5,040     | 3,427     | 5,040          | 3,427     | 5,040     | 3,427     | 5,040          | 3,427     | 5,040     | 3,427     |         |
| 97-06-1-2             | 4,620          | 4,620   | 4,620     | 3,788     | 4,620          | 3,280     | 4,620     | 3,280     | 4,620          | 3,142     | 4,620     | 3,142     | 4,620          | 3,142     | 4,620     | 3,142     | 4,620          | 3,142     | 4,620     | 3,142     | 4,620          | 3,142     | 4,620     | 3,142     |         |
| 97-06-1-3             | 122,710        | 122,710 | 122,710   | 100,622   | 122,710        | 87,224    | 122,710   | 87,224    | 122,710        | 84,670    | 122,710   | 83,443    | 122,710        | 83,443    | 122,710   | 83,443    | 122,710        | 83,443    | 122,710   | 83,443    | 122,710        | 83,443    | 122,710   | 83,443    |         |
| 97-06-1-3.1           |                |         |           |           |                |           |           |           |                |           |           |           |                |           |           |           |                |           |           |           |                |           |           |           |         |
| 97-06-1-4             | 11,210         | 11,210  | 11,210    | 9,192     | 11,210         | 7,959     | 11,210    | 7,959     | 11,210         | 7,735     | 11,210    | 7,623     | 11,210         | 7,623     | 11,210    | 7,623     | 11,210         | 7,623     | 11,210    | 7,623     | 11,210         | 7,623     | 11,210    | 7,623     |         |
| 81-18-1-20            | 42,110         | 42,110  | 42,110    | 34,520    | 42,110         | 29,898    | 42,110    | 29,898    | 42,110         | 29,056    | 42,110    | 28,692    | 42,110         | 28,692    | 42,110    | 28,692    | 42,110         | 28,692    | 42,110    | 28,692    | 42,110         | 28,692    | 42,110    | 28,692    |         |
| 81-18-1-21            | 4,200          | 4,200   | 4,200     | 3,444     | 4,200          | 2,982     | 4,200     | 2,982     | 4,200          | 2,898     | 4,200     | 2,856     | 4,200          | 2,856     | 4,200     | 2,856     | 4,200          | 2,856     | 4,200     | 2,856     | 4,200          | 2,856     | 4,200     | 2,856     |         |
| 81-18-1-22            | 55,810         | 55,810  | 55,810    | 45,764    | 55,810         | 38,625    | 55,810    | 38,625    | 55,810         | 38,509    | 55,810    | 37,951    | 55,810         | 37,951    | 55,810    | 37,951    | 55,810         | 37,951    | 55,810    | 37,951    | 55,810         | 37,951    | 55,810    | 37,951    |         |
| 81-18-1-23            | 2,690          | 2,690   | 2,690     | 2,206     | 2,690          | 1,910     | 2,690     | 1,910     | 2,690          | 1,897     | 2,690     | 1,879     | 2,690          | 1,879     | 2,690     | 1,879     | 2,690          | 1,879     | 2,690     | 1,879     | 2,690          | 1,879     | 2,690     | 1,879     |         |
| 81-18-1-24            | 24,370         | 24,370  | 24,370    | 19,983    | 24,370         | 17,303    | 24,370    | 17,303    | 24,370         | 16,915    | 24,370    | 16,572    | 24,370         | 16,572    | 24,370    | 16,572    | 24,370         | 16,572    | 24,370    | 16,572    | 24,370         | 16,572    | 24,370    | 16,572    |         |
| 81-18-1-22.1          |                |         |           |           |                |           |           |           |                |           |           |           |                |           |           |           |                |           |           |           |                |           |           |           |         |
| TOTAL                 | 272,760        | 272,760 | 272,760   | 223,662   | 272,760        | 195,659   | 272,760   | 195,659   | 272,760        | 188,205   | 272,760   | 185,478   | 272,760        | 185,478   | 272,760   | 185,478   | 272,760        | 185,478   | 272,760   | 185,478   | 272,760        | 185,478   | 272,760   | 185,478   |         |
| Agreed Reduction      | 0              | 0       | 18,000%   | 49,098    | 29,000%        | 79,101    | 31,000%   | 84,555    | 32,000%        | 87,282    | 32,000%   | 87,282    | 32,000%        | 87,282    | 32,000%   | 87,282    | 32,000%        | 87,282    | 32,000%   | 87,282    | 32,000%        | 87,282    | 32,000%   | 87,282    | 32,000% |
| REDUCTION             | 272,760        | 272,760 | 223,662   | 223,662   | 243,760        | 195,659   | 195,659   | 188,205   | 188,205        | 185,478   | 185,478   | 185,478   | 185,478        | 185,478   | 185,478   | 185,478   | 185,478        | 185,478   | 185,478   | 185,478   | 185,478        | 185,478   | 185,478   | 185,478   |         |
| ESTIMATED TOWN REFUND | \$ 0           | \$ 0    | \$ 54,098 | \$ 54,098 | \$ 69,447      | \$ 69,447 | \$ 79,101 | \$ 79,101 | \$ 84,555      | \$ 84,555 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 |         |
| TOWN TAX RATE         |                |         |           |           |                |           |           |           |                |           |           |           |                |           |           |           |                |           |           |           |                |           |           |           |         |
| ESTIMATED TOWN REFUND | \$ 0           | \$ 0    | \$ 54,098 | \$ 54,098 | \$ 69,447      | \$ 69,447 | \$ 79,101 | \$ 79,101 | \$ 84,555      | \$ 84,555 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 |         |
| TOTAL REFUND          | \$ 0           | \$ 0    | \$ 54,098 | \$ 54,098 | \$ 69,447      | \$ 69,447 | \$ 79,101 | \$ 79,101 | \$ 84,555      | \$ 84,555 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 | \$ 87,282      | \$ 87,282 | \$ 87,282 | \$ 87,282 |         |

**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 \$5,321.93, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**L. Tax Cert Resolution- Claremont Gardens**

**TAX CERTIORARI**

**CLAREMONT GARDENS**

vs.

**TOWN OF OSSINING**

Councilmember Tawil 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 Claremont Gardens against the Town of Ossining to review the tax assessments made on Petitioner's property located at North Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.15, Block 2, Lot 1, for assessment years 2009 and 2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23854/2009; 25524/2010; 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:

| Ass't<br>Year | Assessed Valuation |            | Amount of<br>Reduction |
|---------------|--------------------|------------|------------------------|
|               | Reduced From       | Reduced To |                        |
| 2009          | \$1,047,100        | \$ 751,500 | \$295,600              |
| 2010          | \$1,047,100        | \$ 808,150 | \$238,950              |

**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 \$5,863.82, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**M. Tax Cert Resolution- Cedar Arms**

**TAX CERTIORARI**

**CEDAR ARMS, LLC**

**vs.**

**TOWN OF OSSINING**

**Councilmember Tawil 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 Cedar Arms, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 42 Cedar Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.11, Block 2, Lot 2, for assessment years 2009 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23852/2009; 25521/2010; and 15695/2011; 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>Ass't<br/>Year</u> | <u>Assessed Valuation</u> |                   | <u>Amount of<br/>Reduction</u> |
|-----------------------|---------------------------|-------------------|--------------------------------|
|                       | <u>Reduced From</u>       | <u>Reduced To</u> |                                |
| 2009                  | \$450,690                 | \$229,850         | \$220,840                      |
| 2010                  | \$450,690                 | \$229,850         | \$220,840                      |
| 2011                  | \$450,690                 | \$236,600         | \$214,090                      |

**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 \$62,658.49, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**N. Tax Cert Resolution- Tudor III**

**TAX CERTIORARI**

**TUDOR III REALTY**

**vs.**

**TOWN OF OSSINING**

**Councilmember Tawil 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 Tudor III Realty, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 81-109 North State Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.10, Block 2, Lot 34, for assessment years 2006 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 20302/2006; 19616/2007; 22509/2008; 21965/2009; 24524/2010; 14635/2011; 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:**

| <b>Assessment Year</b> | <b>Reduced From</b> | <b>Reduced To</b> | <b>Amount of Reduction</b> |
|------------------------|---------------------|-------------------|----------------------------|
| 2006                   | \$372,300           | \$372,300         | \$0                        |
| 2007                   | \$372,300           | \$320,000         | \$52,300                   |
| 2008                   | \$372,300           | \$310,000         | \$62,300                   |
| 2009                   | \$372,300           | \$305,000         | \$67,300                   |
| 2010                   | \$372,300           | \$300,000         | \$72,300                   |
| 2011                   | \$372,300           | \$300,000         | \$72,300                   |

**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 \$2,529.18, which will be ordered pursuant to said Consent Judgment.**

**Vote: 4-1-0**  
**Voting Aye: Wilcher,**  
**Harter, Tawil & Tripodi**  
**Abstain: Borgia**

**O. Tax Cert Resolution- Briarcliff Station**

**TAX CERTIORARI**

**BRIARCLIFF STATION**

**vs.**

**TOWN OF OSSINING**

**Councilmember Tawil 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 Station, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 75 North State Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.10, Block 2, Lots 32 and 33, for assessment years 2006 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 20303/2006; 19615/2007; 22510/2008; 21967/2009; 24491/2010; 14586/2011; 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:**

Parcel 98.10-2-32 a/k/a 4.22-015-12.B:

**ASSESSED VALUATION**

| <b>Assessment Year</b> | <b>Reduced From</b> | <b>Reduced To</b> | <b>Amount of Reduction</b> |
|------------------------|---------------------|-------------------|----------------------------|
| 2006                   | \$35,800            | \$35,800          | \$0                        |
| 2007                   | \$45,800            | \$39,400          | \$6,400                    |
| 2008                   | \$45,800            | \$38,000          | \$7,800                    |
| 2009                   | \$45,800            | \$37,550          | \$8,250                    |
| 2010                   | \$45,800            | \$37,100          | \$8,700                    |
| 2011                   | \$45,800            | \$37,100          | \$8,700                    |

**ASSESSED VALUATION**

| <b>Assessment Year</b> | <b>Reduced From</b> | <b>Reduced To</b> | <b>Amount of Reduction</b> |
|------------------------|---------------------|-------------------|----------------------------|
| 2006                   | \$4,400             | \$4,400           | \$0                        |
| 2007                   | \$10,400            | \$10,400          | \$0                        |
| 2008                   | \$10,400            | \$10,400          | \$0                        |
| 2009                   | \$10,400            | \$10,400          | \$0                        |
| 2010                   | \$10,400            | \$10,400          | \$0                        |
| 2011                   | \$10,400            | \$10,400          | \$0                        |

**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 \$309.71, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**P. Croton IMA for Mid Hudson EMT District**

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

**Whereas the Town of Ossining, acting as the agent for the Mid-Hudson EMS District, submitted a proposal to provide Emergency Medical Technicians to the Village of Croton in response to a request for proposal, and**

**Whereas the Town of Ossining was notified on November 16, 2011 that the Mid-Hudson EMS District had been awarded the contract by action of the Croton Board of Trustees on November 7, 2011, and**

**Whereas the Town of Ossining acts as the fiscal agent for the Mid-Hudson EMT District,**

**Therefore be it resolved that the Town Supervisor of the Town of Ossining, on behalf of the Mid-Hudson EMT District, is authorized to sign a contract with the Village of Croton to allow the Mid-Hudson EMT District to provide Emergency**

**Medical Technicians to the Village of Croton, pending approval by the Town Attorney.**

**Motion Carried: Unanimously**

**VI. CORRESPONDENCE TO BE RECEIVED AND FILED**

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

- **Minutes of the Town Planning Board**

**Motion Carried: Unanimously**

**VII. MONTHLY REPORTS**

**Councilmember Tawil moved and it was seconded by Councilmember Wilcher hat the following be approved:**

**Resolved, that the Town Board of the Town of Ossining hereby accepts the monthly report for the month of November 2011 from the Town Clerk's Office.**

**Motion Carried: Unanimously**

**VIII. VISITOR RECOGNITION**

**Bobby Williams, Spring Street, stated that public service is very difficult however everyone should show respect. He is looking forward to seeing everyone on New Year's Day. He also expressed his condolences for the family of former Mayor Thomas G. Cambariere.**

**IX. ADJOURNMENT –EXECUTIVE SESSION-PERSONNEL**

**At 9:00 p.m. Supervisor Borgia moved and it was seconded by Councilmember Harter that the Town Board adjourn this meeting in memory of former Mayor Thomas Cambariere.**

**Mayor Cambariere was a very dedicated memory of the Community. He was a Village Trustee for 4 terms and Mayor for 3 terms. Tom was also a member of many local organizations including OVAC, Rotary, NAACAP and the Elks Lodge to name a few. Tom will be sorely missed by all who had the pleasure of working with him and the members of the Community.**

**Motion Carried: Unanimously**

**Approved:**

\_\_\_\_\_  
**Mary Ann Roberts, Town Clerk**