



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

**JUNE 28, 2016  
7:30 P.M.**

**SUPERVISOR  
Dana Levenberg**

**COUNCILMEMBERS**

**Karen M. D'Attore Elizabeth R. Feldman  
Kim L. Jeffrey Northern Wilcher, Jr.**

**I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL**

The Regular Meeting of the Town Board of the Town of Ossining was held on June 28, 2016 at the Birdsall-Fagan Police Court/Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:33 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman Northern Wilcher, Jr., Karen D'Attore and Kim Jeffrey. Also present were Town Counsels Christie Tomm Addona and Steven Silverberg, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II. PUBLIC HEARINGS:**

- **Public Hearing in the Matter of Local Law #6 of 2016- Declaring a Moratorium on Construction within the Town of Ossining**

At 7:35 PM, The public hearing was open.

At 7:45 PM, Councilmember Jeffrey moved and it was seconded by councilmember Wilcher that the public hearing be closed.

- **Public Hearing in the Matter of Local Law #7 of 2016- Emergency Access Systems**

At 7:36 PM, The public hearing was open.

At 7:50 PM, Councilmember Jeffrey moved and it was seconded by councilmember Wilcher that the public hearing be closed.

**III. ANNOUNCEMENTS**

Supervisor Levenberg read the following statement:

Welcome to the Regular Meeting of the Town Board of the Town of Ossining for June 28<sup>th</sup>, 2016. Please rise and join me for the pledge of allegiance.

Tonight's we have a packed agenda. Let me start with a few announcements before we get into the meat of our meeting.

I hope everyone knows by now that our Independence Day celebration with our fireworks display will take place at Engel Park on the waterfront this Thursday night. We have been busy making sure the grounds are in great shape and all our departments are coordinated to offer a safe and enjoyable experience. Many of us had the pleasure of attending the ribbon cutting for Harbor Square and Henry

**Gourdine Park. This beautiful new Village Park will be open as well for the fireworks and Town and Village staff will work together. We kick off the evening with a great concert with KJ Denhart and her band starting at 7pm, followed by the fireworks at 9:15, and then our post fireworks concert with Powderfinger. Plan to spend the night with us and have a great time. Our concert series will continue on Friday nights throughout the summer starting next Friday, July 8<sup>th</sup> with Breakfast for the Boys at 7p.m.**

**Summer camps have started in Ossining this past week and will start in Briarcliff next week, on July 5th. Please reach out to the Recreation Departments of Ossining or Briarcliff if you have any questions about the programs or want to find out about openings for your child.**

**Our Senior program is also in full swing for the summer. Chair yoga, offered by the county, is available Tuesdays through August 2<sup>nd</sup> from 10:30-11:30a.m. Also, as always, there are daily programs including dancing, art, bocci, bingo, exercise classes, lunch for a nominal suggested donation, shopping, field trips (like today they went to Atlantic City), a reduced-price taxi voucher program, speakers, and a wonderful and caring staff. If you or a loved one 60 or over are looking to fill your day and live in the Town of Ossining, please consider taking advantage of this great program.**

**The Food Bank for Westchester's Mobile Food Distribution sponsored by the Ossining Food Pantry is available Wednesdays from 12:30-2pm while supplies last at Star of Bethlehem at 304 Spring St. Bring boxes, carts or re-usable bags to carry food home.**

**This past weekend the Town and Village of Ossining formed a team to participate in the American Cancer Society's community event, Relay for Life. I am not yet sure of the totals, but it was a great experience for all who participated, survivors and supporters alike and really very moving. We appreciate everyone who came out for the cause to help eradicate this horrible disease. Yesterday, Governor Cuomo took a tour of the Hudson Valley on his motorcycle, with his partner Sandra Lee to highlight the need for early screenings to catch breast cancer, specifically. Recent legislation was passed and signed into law that would require insurers to waive copays for breast cancer screenings, hospitals and clinics to offer hours beyond the work day, and a hotline to offer help finding local places to get screened. I joined the Governor and others at Bear Mountain State Park to support this important new law and raise awareness that everyone should get screened early which is the best way to fight breast cancer.**

**Also, last Saturday the Ossining Fire Department displayed their engines and apparatus for their annual inspection. All was gleaming and in order and the neighboring companies that came out to support them were very much appreciated. Thanks so much to all of our volunteer first responders for the great job they do every day to protect us.**

**We recently sent a letter to Governor Cuomo encouraging him to sign the phase-in legislation which passed the Assembly and Senate at the end of session two weeks ago. This bill would allow a two year phase in of taxes associated with increased assessments over 25% whose property owners are STAR eligible. We understand that the bill is before the Governor tonight and will let you know as we get more information, if he has signed it. He has ten days to do so.**

**Last Tuesday, while we were here at our work session, 32 property owners took advantage of Grievance day appear before the Board of Assessment review. We have had 672 grievances filed, and anticipate the roll being finalized on September 1<sup>st</sup> with adjustments based on these grievances.**

**Also last week, we evaluated additional grant opportunities we could apply for, as well as worked on the grant I had mentioned previously for an ADA compliant kayak launch at Engel Park that would also provide kayaks and apparatus for**

recreation and education programs at the waterfront. We anticipate applying for a number of grants to evaluate planning for an open space corridor in the Town as well as a way to introduce for bikeable and pedestrian opportunities through planning and street scaping. We will share more information with you as these grants develop.

Last week we received multiple communications from people in the Town and surroundings who had received a flyer that was distributed about the Sunshine Children's Home application for expansion. As a reminder, in January this board sent a letter to the Town of New Castle Planning Board to request a complete environmental impact analysis. We do not believe any additional details have come before the planning board since that request was made. As in involved party, Ossining should be receiving all updates which the New Castle Planning board receives. It is my understanding that New Castle will be discussing this in an Executive Session they have scheduled this week. I have reached out to the Town to get more information and make sure we are receiving accurate updates.

This Sunday morning the Town's Mind Body Spirit Ossining initiative continues with Laurice Nemetz from Club Fit leading a yoga class at Engel Park. Include this free program in your July 4<sup>th</sup> weekend plans to make sure you feel great and continue to enjoy our outdoor public spaces.

Ossining Volunteer Ambulance Corp hosts their annual cocktail party fundraiser, Thursday, July 14<sup>th</sup> at 5pm at the Atria on the Hudson in Ossining. I hope many of you will be able to attend to support this great community asset.

The St. Ann's Fair took place last week and as always, a wonderful time was had by all. I love the opportunity to see so many people out enjoying the night and supporting one of our biggest faith-based organizations while having a great time.

Our agenda starts off with two Public Hearings on local laws 6 & 7. Number 6 has to do with shoring up details from our Comprehensive Plan recommendations in our Town Code. To do so, and make sure they have legal standing, we have proposed a 4 month moratorium, retroactive to June 7<sup>th</sup>, on new building applications, except for changes to existing single family homes. This would allow the Town Board time to make sure our code matches our plan's intentions without compromising them for applications submitted while we are working out the details.

Local law number 7 relates to making sure certain properties, either commercial or multi-family residential with fire suppression systems or auto-lock devices have an external lock box that would allow emergency responders easier access to these properties in the event of an emergency. Our Town Building Inspector is here to answer any questions our board or the public might have. The fire department had requested this in the recent past. The Village of Ossining has this legislation in place and have found that it works very well.

After our public hearings, we will here department reports from Mary Ann Roberts in the Town Clerk's office and John Hamilton. Mary Ann will also speak about our Cabaret Licensing process. We do have a cabaret license on the agenda for which we will be calling a public hearing tonight.

After our minutes and voucher detail, we have a number of budget adjustments. This is the first set for the 2016 budget and I anticipate one of two more this year.

We have five tax certiorari agreements before us tonight. We are hopeful that the reassessment process will, in future years, reduce the overall number of challenges to our assessments so that we will not be in the position of paying back taxes already collected by all of our taxing jurisdictions.

We will be calling for a public hearing in the matter of a cabaret license for 2016 for Maya Riviera on North State Rd in Briarcliff. And we will be memorializing changes to the Town Board's meeting schedule this summer, including holding

meetings every other week to include a work session and regular meeting component.

In August, we have an auction scheduled on 7 foreclosed properties throughout the town. Some of these properties have already approached us to redeem. If they pay the full lien amounts plus the 10% penalty on the principle before July 31<sup>st</sup>, and the checks clear, we will remove the properties from the auction. We do have to have resolution accepting these payments, and we have one tonight.

We are appointing a seasonal employee to work for our recreation department at the Spray Park. Our Spray Park is now open 7 days a week from noon -6pm, weather permitting, through Labor Day.

The next item on our agenda is to clean up some business from last year. Dale Cemetery work had been outsourced to Dale Cemetery Management Corporation since 2004. Unfortunately, there were a number of issues which led to the need for the Town to terminate this contract. We want to ratify the actions of past boards to make sure our records are in order.

Our Town Policy manual is in need of update. Rather than finding an outside vendor to do this work, our Labor Counsel has proposed a very reasonable rate, and this is an area of specialty for them, so we think we can get an excellent result using them. We have a resolution to approve their proposal.

Safety is a top priority for the Town. To that end, we need to make sure every department has a set of documents at their fingertips which list any potentially hazardous materials in their work place. Our Hazard Communications documents provide a plan and point person for each department. We are asking for the board to approve these and we will make sure binders are distributed and instructions for upkeep followed.

St. Augustine's has requested permission to hold their annual fireworks display on Wednesday, July 20<sup>th</sup> with a rain date Thursday, July 21<sup>st</sup>. The Ossining Fire Chief has inspected the site and given his approval. I hope everyone will have an opportunity to enjoy their annual Italian festival from Tuesday, July 19<sup>th</sup> through Sunday, July 24<sup>th</sup>.

Next, we have a request from the owner of one of the properties slated for the foreclosure auction to redeem the property by paying all unpaid taxes and penalties, as well as a 10% penalty on the principal. If the funds are not secured by the Town by July 31<sup>st</sup>, the property will proceed to auction.

Finally, we have a request from a property owner for a tax payment plan on an owner occupied home.

**End of Meeting:**

Please everyone have a safe, fun, relaxing and enjoyable Fourth of July weekend. Remember Town and Village offices will be closed on Monday, July 4<sup>th</sup> in recognition of our country's independence. At this pivotal time in history, with everything that is going on in the UK, I think it is especially important to remember how we came together to form this great nation through acceptance and tolerance of so many nationalities. Now more than ever we need to remain strong and united to preserve these ideals for our children. Have a great week and holiday weekend.

**IV. LIAISON REPORTS**

**V. DEPARTMENTAL REPORTS**

**VI. PUBLIC COMMENT ON AGENDA ITEMS**

**VII. BOARD RESOLUTIONS**

**A. Approval of Minutes**

**Councilmember Jeffrey 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 June 14, 2016, 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 Feldman that the following be approved:**

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 28, 2016 in the amount of \$ 507,067.36.**

**Motion Carried: Unanimously**

**C. Finance: Budget Modifications**

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

<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FROM G/L ACCOUNT</b>
<b>SUPERVISOR</b>			
010.1220.0110 Part Time	14787.00	14787.00	010.1220.0101 Pers. Service Regular
010.1220.0405 Conference	814.00	814.00	010.1990.0400 Contingency
<b>TAX COLLECTION</b>			
010.1330.0110 Part Time	352.00	352.00	010.1330.0109 Sick Incentive
<b>TOWN CLERK</b>			
010.1410.0105 Overtime	1053.00		
010.1410.0402 Printing	215.00		
010.1410.0419 Maint/ Repair	3903.00	5171.00	010.1410.0110 Part Time
<b>TOWN ATTORNEY</b>			
010.1420.0426 Special Counsel	61750.00	61750.00	010.1420.0101 Pers Service Regular
010.1420.0494 Property Auction Exp.	150.00	150.00	010.1420.0405 Conference
<b>UNALLOCATED INSURANCE</b>			
010.1910.0465 GASB 45 Services	1950.00		
010.1910.0467 Liability	275.00	2225.00	010.1910.0468 Auto
<b>OTHER GENERAL GOVERNMENT</b>			
010.1989.0400 Contractual	15391.00	15391.00	010.1990.0400 Contingency

**TRANSPORTATION SUPPORT SERVICE**

010.6772.0105 Overtime	110.00		
010.6772.0402 Printing	18.00	128.00	010.6772.0429 Call A Cab
010.6772.0437 Professional Fees	1396.00	1396.00	010.6772.0110 Part Time

**PARKS**

010.7110.0419 Maint/ Repair	29000.00	29000.00	010.0010.2680 Insurance Recoveries
010.7110.0441 Paper Cleaning Supplies	214.00	214.00	010.7110.0109 Sick Incentive

<b>TOTALS</b>	<b>131378.00</b>	<b>131378.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FRM G/L ACCNT</b>

**SUPERVISOR**

<b>020.1220.0110 Part Time</b>	<b>7963.00</b>	<b>7963.00</b>	020.1220.0101 Pers Service Reg
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**TOWN ATTORNEY**

<b>020.1420.0426 Special Counsel</b>	<b>33250.00</b>	<b>33250.00</b>	020.1420.0101 Pers Service Reg
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**OTHER GENERAL GOVERNMENT**

<b>020.1989.0413 Consultant/ Contractual</b>	<b>2522.00</b>	<b>2522.00</b>	020.1990.0400 Contingency
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**ZONING**

<b>020.8010.0466 Legal Notices</b>	<b>146.00</b>	<b>146.00</b>	020.1990.0400 Contingency
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**PLANNING**

<b>020.8020.0201 Equipment</b>	<b>46.00</b>		
<b>020.8020.0436 Postage</b>	<b>8.00</b>		
<b>020.8020.0436 Postage</b>	<b>99.00</b>	<b>153.00</b>	020.1990.0400 Contingency

<b>TOTALS</b>	<b>44034.00</b>	<b>44034.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>	<b>TO ACCOUNT:</b>	<b>FROM ACCOUNT:</b>	<b>TRANSFER FRM G/L ACCNT</b>

**INDEPENDENT AUDIT**

031.1320.0438 Ind. Audit Services	525.00	525.00	031.5110.0101 Pers. Services Regular
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**UNALLOCATED INSURANCE**

031.1910.0465 GASB 45	304.00	105.00	031.5110.0101 Pers. Services Regular
031.1910.0468 Auto Insurance	1987.00	2186.00	031.1910.0467 Liability

**MACHINERY**

031.5130.0201 Equipment	29800.00	29800.00	031.0031.4795 Fund Balance
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<b>TOTALS</b>	<b>32616.00</b>	<b>32616.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FROM G/L ACCOUNT</b>

**CEMETERIES**

032.8810.0203 Car	807.00		
032.8810.0419 Maint/ Repair	7332.00	8139.00	032.8810.0442 Improvements/ Capital
032.9010.0815 Unemployment Ins.	2132.00	2132.00	032.8810.0410 Supplies

<b>TOTAL</b>	<b>10271.00</b>	<b>10271.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>	<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FRM G/L ACCNT</b>

**CONSOLIDATED SEWER DST**

045.1320.0438 Audit		150.00	150.00	045.8120.0406 Telephone
045.1820.0201 Equipment		3352.00	3352.00	045.8120.0419 Maint/ Repair

	<b>TOTAL</b>	<b>3502.00</b>	<b>3502.00</b>	
<b>TRANSFER TO G/L ACCOUNT</b>		<b>AMOUNT</b>	<b>AMOUNT</b>	<b>TRANSFER FRM G/L ACCNT</b>
<b>AMBULANCE</b>				
066.4540.0475 Contractual		126290.18	126290.18	066.0066.2351 Reimb for Ambula Svcs
	<b>TOTAL</b>	<b>126290.18</b>	<b>126290.18</b>	

**Motion Carried: Unanimously**

**D.**

**TAX CERTIORARI**

**Regatell Realty LLC,  
vs.  
Town of Ossining**

**Councilmember Wilcher moved and it was seconded by Councilmember Feldman 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 Regatell Realty LLC against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 525 North State Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.19-2-6 for Tax Assessment Years 2011- 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 14392/11; 65476/12; 65394/13; 65389/14 and 65637/15; 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:**

**Regatell Realty LLC 525 North State Road, Ossining, N.Y. Section 90.19, Block 2, Lot 6**

<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
2011	90.19-2-6	\$146,190	\$7,309	\$138,881
2012	90.19-2-6	\$146,190	\$7,309	\$138,881
2013	90.19-2-6	\$146,190	\$7,309	\$138,881
2014	90.19-2-6	\$146,190	\$7,309	\$138,881
2015	90.19-2-6	\$146,190	\$7,309	\$138,881

**Section 97.15, Block 3, Lot 1**

**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 Special Counsel for the Town, 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 Special Counsel 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 \$ 5,634.82, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E.

**TAX CERTIORARI**

**Orchid Condominium**

**vs.**

**Town of Ossining**

**Councilmember Wilcher moved and it was seconded by Councilmember Feldman 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 Orchid Condominium against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 73,75,and 77 Spring Street, , Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.07, Block 3, Lots 70.0001 through 70.0028, for Tax Assessment Years 2013 through 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 64242/13; 65346/14 and 65545/15; 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:**

**Orchid Condominium 73, 75, 77 Spring Street, Ossining, N.Y. Section 97.07, Block 3, Lots 70.0001 through 70.0028**

<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
2013	97.07-3-70	\$296,900	\$35,860	\$261,040
2014	97.07-3-70	\$296,900	\$44,040	\$252,860
2015	97.07-3-70	\$296,900	\$51,125	\$245,775

**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 Special Counsel for the Town, 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 Special Counsel 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 \$572.74, which will be ordered pursuant to said Consent Judgment.**

Motion Carried: Unanimously

F.

**TAX CERTIORARI**

**Cedar Manor Realty LLC,**

**vs.**

**Town of Ossining**

**Councilmember Jeffrey moved and it was seconded by Councilmember Feldman 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 Manor Realty LLC against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 323 Cedar Lane, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.07-3-69 for Tax Assessment Years 2009 - 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23421/09; 25021/10; 15036/11; 66825/12; 65650/13; 67258/14; and 67348/15; 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:**

**Cedar Manor Realty LLC 32 Cedar Lane, Ossining, N.Y. Section 89.07, Block 3, Lot 69**

<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
2009	89.07-3-69	\$336,400	\$94,480	\$241,920
2010	89.07-3-69	\$336,400	\$70,910	\$265,490
2011	89.07-3-69	\$336,400	\$55,600	\$280,800
2012	89.07-3-69	\$336,400	\$43,600	\$292,800
2013	89.07-3-69	\$336,400	\$34,480	\$301,920
2014	89.07-3-69	\$336,400	\$44,850	\$291,550
2015	89.07-3-69	\$336,400	\$59,550	\$276,850

**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 Special Counsel for the Town, 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 Special Counsel 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 \$ 4,298.97, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

G.

**TAX CERTIORARI**

**Urstadt Biddle Properties Inc.**

**vs.**

**Town of Ossining**

**Councilmember Jeffrey moved and it was seconded by Councilmember D'Attore 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 1844 Pleasantville Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.17-1-6 for Tax Assessment Years 2011-2013, and to review the tax assessments made on Petitioner's property located at Pleasantville Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.17-1-5 for Tax Assessment Year 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15044/11; 66844/12; and 65639/13; 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>Urstadt Biddle Properties Inc. 1844 Pleasantville Road, Ossining, N.Y. Section 90.17-1-6</b>				
<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
2011	90.17-1-6	\$57,100	\$16,150	\$40,950
2012	90.17-1-6	\$57,100	\$20,500	\$36,600
2013	90.17-1-6	\$57,100	\$19,630	\$37,470

<b>Urstadt Biddle Properties Inc. Pleasantville Road, Ossining, N.Y. Section 90.17-1-5</b>				
<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
2012	90.17-1-5	\$215,830	\$0	\$215,830

**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 Special Counsel for the Town, 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 Special Counsel 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 \$ 650.60, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

H.

**TAX CERTIORARI**

**William J. Vescio and Sara A. Vescio**

**vs.**

**Town of Ossining**

**Councilmember Jeffrey 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 William J. Vescio and Sara A. Vescio against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 124 Old Briarcliff Road and 130 Old Briarcliff Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.09, Block 1, Lot 3.1 and Section 98.09, Block 1, Lot 3.2 for Tax Assessment Year 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 67318/15 and 67319/15; 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:**

**William J. Vescio and Sara A. Vescio 124 Old Briarcliff Road and 130 Old Briarcliff Road Ossining, N.Y. Section 98.09, Block 1, Lots 3.1, 3.2**

<b>Assessment Year</b>	<b>Tax ID No.</b>	<b>Original Assessed Value</b>	<b>Reduction</b>	<b>Final Assessed Value</b>
<b>2015</b>	<b>98.09-1-3.1</b>	<b>\$17,500</b>	<b>\$500</b>	<b>\$17,000</b>
<b>2015</b>	<b>98.09-1-3.2</b>	<b>\$17,750</b>	<b>\$6,280</b>	<b>\$11,470</b>

**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 \$ 86.40, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**I. Calling for a Public Hearing in the matter of the 2016 Cabaret License for Maya Riviera.**

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

**Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, July 12, 2016 at 7:30 p.m. in the Police/Court Facility, 86-88 Spring Street in Ossining, in the matter of the 2016 Cabaret License for Maya Riviera, 518 North State Road Briarcliff Manor, NY 10510.**

**Motion Carried: Unanimously**

**J. Town Board- Change in Meeting Schedule for 2016**

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

**Resolved, that the Town Board of the Town of Ossining hereby affirms that the Town Board's Meeting Schedule for Summer 2016 will be as follows:**

**Tuesday, July 12th, 7:30PM, Birdsall/Fagan Police-Court Facility  
Tuesday, July 26<sup>th</sup>, 7:30PM, 16 Croton Avenue  
Tuesday, August 9<sup>th</sup>, 7:30PM, Birdsall/Fagan Police-Court Facility  
Tuesday, August 23<sup>rd</sup>, 7:30PM, Birdsall-Fagan Police-Court Facility**

**And,**

**Be it Further Resolved that the Town Board reserves the right to add meetings to this schedule if and when necessary, after providing sufficient notice to the public of said meetings.**

**Motion Carried: Unanimously**

**K. Foreclosure- Public Auction**

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

**Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the following be amended:**

**Resolved, that the Town Board of the Town of Ossining hereby authorizes the following properties to be sold at a Public Auction on August 10<sup>th</sup>, 2016 pursuant to a judgment of foreclosure and sale has been entered into with New York State Supreme Court, Westchester County, New York.**

- 1. House and Property at 8-04 Brooke Club Drive, Tax I.D. # 80.19-1-35.0804, Minimum Bid \$60,000**
- 2. House and Property at 35 Yale Avenue, Tax I.D. # 89.15-2-59, Minimum Bid- \$46,000**
- 3. House and Property at 18 Sarah Street, Tax I.D. # 89.15-4-50, Minimum Bid- \$31,000**
- 4. House and Property at 12 Ellis Place, Tax I.D. # 89.19-3-35, Minimum Bid- \$92,000**
- 5. House and Property at 27 Secor Road, Tax I.D. # 97.7-1-41, Minimum Bid- \$74,000**
- 6. Property at Hunter Street, Tax I.D. # 97.7-2-70, Minimum Bid- \$18,000**
- 7. House and Property at 25 Hawkes Avenue, Tax I.D. # 89.8-1-20, Minimum Bid- \$83,000**

**And be it further resolved, that the town reserved the right to withdraw any and all properties from the foreclosure auction if redeemed by July 31, 2016.**

**Motion Carried: Unanimously**

**L. Personnel: Parks Department, Seasonal Appointment**

**Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the following be approved:**

**Resolved, that the Town Board of the Town of Ossining hereby appoints Savanna Castellano, Ossining, to the seasonal position of Recreation Attendant in the Town Parks Department effective June 29<sup>th</sup>, 2016 at a rate of \$9.25 per hour.**

**Motion Carried: Unanimously**

**M. Resolution Reaffirming the Termination of the License Agreement for Operation of Dale Cemetery**

**Councilmember D'Attore moved and it was seconded by Councilmember Wilcher that the following be approved:**

**WHEREAS, in July 2014, then Supervisor Donnelly terminated the License Agreement with Dale Cemetery Management Corp ("DCMC"); and**

**WHEREAS, in September 2015 the Town Board affirmed the actions of Supervisor Donnelly; and**

**WHEREAS, certain individuals have contacted the current Town Board questioning the procedures followed in taking the prior action; and**

**WHEREAS, the Town Board wishes to remove any question as to the adequacy of the actions terminating the License Agreement with DCMC;**

**NOW THEREFORE BE IT RESOLVED: the Town Board hereby reaffirms the prior actions in terminating the License agreement between the Town of Ossining and DCMC dated the 12<sup>th</sup> of August 2004 and directs that notice of such termination be forwarded to the DCMC.**

**Motion Carried: 4-0-1  
Ayes: Wilcher, D'Attore, Jeffrey & Levenberg  
Abstain: Feldman**

**N. Revision of Town Policy Manual**

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

**Resolved, that the Town Board of the Town of Ossining hereby accepts the proposal from Bond, Schoeneck & King to revise the Town's Employee Policy handbook, at a rate of \$2500, consistent with their letter to the Town dated June 10<sup>th</sup>, 2016.**

**Motion Carried: Unanimously**

**O. Policy Adoption: Hazard Communications (HAZCOM)**

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

**Resolved, that the Town Board of the Town of Ossining hereby adopts the HAZCOM policy for the Town of Ossining, intended to satisfy OSHA's Hazard Communication**

Standard 29 CFR 1910.1200 and inform employees about potential hazards in the workplace.

**Motion Carried: 4-0-1**

**Ayes: Wilcher, D'Attore, Feldman & Levenberg**

**Abstain: Jeffrey**

**P. Firework's Approval – St. Augustine's Church**

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

**Whereas, the Church of St. Augustine, by letter dated June 27, 2016 has requested a permit from the Town of Ossining for a fireworks display to be held on the evenings of Wednesday, July 20, 2016 (rain date Thursday, July 21, 2016).**

**Whereas, the Church has submitted the information required by Section 101-5 of the Code of the Town of Ossining and Section 405(2) of the Penal Law of the State of New York; and**

**Whereas, the bond/insurance coverage submitted by the Church has been found by the Town Counsel to comply with the requirements of Section 101-6 of the Ossining Code and Section 405 of the State Penal Law; and**

**Whereas, the Fire Chief has made an inspection of the premises where the fireworks display will be held and reported that such display will not be hazardous to persons or property;**

**Now, Therefore, Be It Resolved, that the application of the Church of St. Augustine's for a fireworks display on Wednesday, July 20, 2016 at 9:15 p.m. (rain date Thursday, July 21, 2016), is approved subject to the following conditions pursuant to Section 405(3) of the Penal Law:**

- 1. The actual point at which the fireworks are to be fired shall be at least 200 feet from the nearest permanent building, public highway or railroad or other means of travel and at least 50 feet from the nearest above-ground telephone or telegraph line, tree or other overhead obstruction;**
- 2. The audience at such display shall be restrained behind lines at least 150 feet from the point at which the fireworks are discharged and only persons in active charge of the display shall be allowed inside these lines;**
- 3. All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, unless such fireworks are to be fired from the shore or a lake or other large body of water, in which case they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water;**
- 4. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining;**
- 5. No fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 miles per hour;**
- 6. All persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task;**
- 7. There shall be at least 2 such operators consistently on duty during the discharge; and**
- 8. At least 2 soda acid or other approved type fire extinguishers of at least 2 and one-half gallons capacity each shall be kept at**

as widely separated points as possible within the actual area of the display; and it is further

Resolved, that a copy of this Resolution duly certified by the Town Clerk of the Town of Ossining shall constitute a Permit, meeting the requirements of the Code of the Town of Ossining and the Penal Law of the State of New York.

Motion Carried: Unanimously

**Q. Tax Receiver - Property Redemption, 25 Hawkes Avenue**

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

Whereas, the owner-occupied property located at 25 Hawkes Avenue, Ossining, has delinquent taxes resulting in commencement of In Rem foreclosure proceedings and a judgment of foreclosure, and

Whereas, the property owners have requested to redeem the property; and

Whereas, the Town Board desires to allow the owners 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 the holder of property at 25 Hawkes Avenue, Ossining 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 \$73, 849.68 if paid prior to June 30<sup>th</sup> or \$74,358.40 if paid between June 30<sup>th</sup> and July 8<sup>th</sup>, 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; and

Be it further Resolved, that failure of the property owner to pay the balance of taxes owed by July 31st, 2016 shall result in the property being included in the list of properties to be auctioned by the Town of Ossining on August 10<sup>th</sup>, 2016 in accordance with the recommendation of the Enforcement Officer.

Motion Carried: Unanimously

**R. Resolution Authorizing Receiver of Taxes/ Enforcing Officer to Enter into an Installment Agreement with the Property Owner of Tax Lot 90.17-1-11**

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

WHEREAS, in 2010 the Town Board authorized the Receiver of Taxes/Enforcing Officer to enter into an installment agreement with the owner of tax lot 90.17-1-11 ("Property Owner") to pay all outstanding delinquent taxes and, although the Property Owner did not make the payments in accordance with the terms of the installment agreement, the Property Owner did pay all monies owed under the installment agreement by June 2011, and

WHEREAS, the Property Owner subsequently did not pay the required taxes for the remainder of 2011 or the entirety of 2012 and 2013, but when faced with foreclosure in 2013 the Property Owner paid the entire delinquent balance plus the requisite penalties and fees, and

WHEREAS, the Property Owner has since failed to pay the 2014 taxes and while the Property Owner was delinquent on the 2015 taxes, the Property Owner has subsequently paid the 2015 taxes and is current on the 2016 taxes, and

WHEREAS, the 2014 taxes that the Property Owner has not paid became a 2015 lien and will be part of the Town's 2016 foreclosure proceeding, and

**WHEREAS, the Property Owner has requested that the Town enter into a second installment agreement to allow the Property Owner to pay the outstanding taxes owed from 2014, and**

**NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the Receiver of Taxes/Enforcing Officer to enter into an installment plan with the Property Owner, in a form and substance to be approved by the Counsel to the Town, to pay the outstanding taxes owed plus all required interest, penalties and fees in accordance with all applicable State and Local laws, and**

**BE IT FURTHER RESOLVED, the Receiver of Taxes/Enforcing Officer shall not remove the property from the 2016 foreclosure proceeding and therefore any installment agreement entered into with the Property Owner must require full payment of all outstanding taxes, interest, penalties and fees before the Town receives a foreclosure judgment in or about February 2017, and**

**BE IT FURTHER RESOLVED, as part of any installment agreement entered into in accordance with this Resolution, for the term of the agreement the Property Owner shall be required to timely pay all subsequently levied taxes in accordance with State and Local law.**

**Motion Carried: Unanimously**

**VIII. MONTHLY REPORTS**

**IX. VISITOR RECOGNITION**

**X. ADJOURNMENT –EXECUTIVE SESSION-CONTRACTS**

**At 9:05 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Special Meeting be adjourned.**

**Motion Carried: Unanimously**

**At 9:51PM, Councilmember Wilcher moved and it was seconded by councilmember D’Attore to leave Executive Session.**

**At 9:52PM, D’Attore moved and it was seconded by councilmember Feldman to adjourn.**

**Approved:**

\_\_\_\_\_  
**Mary Ann Roberts Village Clerk**