



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

**DECEMBER 27, 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 27, 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. ANNOUNCEMENTS

Supervisor Borgia announced that the Ossining Inauguration of newly elected officials will take place on January 1, 2012 at 12 noon at the Joseph G. Caputo Community Center, 95 Broadway and the public is invited to attend. Light refreshments will be served in the back of the gym.

III. PUBLIC COMMENT ON AGENDA ITEMS

Linda, Village resident, questioned various voucher detail items, including a full amount payment to a former employee. Also questioned was Resolution G (Tax Certiorari – The Residences at Trump National Golf Club vs. Town of Ossining) and the fact that there is not a refund amount stated in the resolution as there are in other tax certiorari's. Town Attorney Spector responded that Trump Nation condos are individually owned and there are no refunds. Also questioned was the Traffic Violations Bureau as to where the fines will be paid. Supervisor Borgia responded that the fines would go to the Village.

IV. BOARD RESOLUTIONS

A. Approval of Minutes-Regular 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 13, 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 Tripodi that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the December 19, 2011 Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. 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 27, 2011 in the amount of \$299,614.34

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

D. Golden's Tree Services, Inc. of Albany Post Road in Montrose, NY

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 extends the contract between the Town of Ossining and Kenny Golden, of Golden's Tree Services, Inc., Albany Post Road in Montrose, NY for tree removal services for the period of one year.

Motion Carried: Unanimously

E. Tax Certiorari Resolution: Brandywine

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

TAX CERTIORARI

BRANDYWINE HOLDING COMPANY, INC.

vs.

TOWN OF OSSINING

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Brandywine Holding Company, Inc., against the Town of Ossining to review the tax assessments made on Petitioner's property located at 620 Sleepy Hollow Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 105.13, Block 2, Lot 54, 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. 19284/2006; 19774/2007; 20869/2008; 21834/2009; 23458/2010; 56156/2011; 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:

BRANDYWINE HOLDING COMPANY, INC.
Section 105.13 Block 2 Lot 54

<u>Assessment Year</u>	<u>Total Assessment</u>	<u>Amount of Reduction</u>	<u>Reduced Assessment</u>
2006	\$140,145	\$ -0-	\$140,145(c)
2007	140,145	-0-	140,145(c)
2008	140,145	20,145	120,000
2009	140,145	20,145	120,000
2010	140,145	20,145	120,000
2011	140,145	20,145	120,000

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 \$632.04, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F. Tax Certiorari Resolution: Wire Mill

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

TAX CERTIORARI
THE WIRE MILL, LLC,
vs.
TOWN OF OSSINING

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by The Wire Mill, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 61, 51, 47, 62 Water Street, and Water Street, in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.18, Block 1, Lot 15 (61 Water St.); Section 89.18, Block 1, Lot 17 (51 Water St.); Section 89.18, Block 1, Lot 18 (47 Water St.); Section 89.19, Block 5, Lot 1(62 Water St.); Section 89.18, Block 1, Lot 16 (Water St.); for assessment years 2005 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16947/2005; 19781/2006; 20383/2007; 21935/2008; 23861/2009; 25535/2010; 15696/2011; 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:

Tax Map #89.18-1-15 (61 Water Street)

Ass't	Assessed Valuation		Amount of
Year	Reduced From	Reduced To	Reduction
2005-2009	22,170	22,170	-0-
2010	41,920	30,000	11,920
2011	41,920	30,000	11,920

Tax Map #89.18-1-16 (Water Street)

Ass't	Assessed Valuation		Amount of
Year	Reduced From	Reduced To	Reduction
2011	10,852	10,852	-0-

Tax Map #89.18-1-17 (51 Water Street)

Ass't	Assessed Valuation		Amount of
Year	Reduced From	Reduced To	Reduction
2005-2009	2,805	2,805	-0-
2010-2011	21,500	21,500	-0-

Tax Map #89.18-1-18 (47 Water Street)

Ass't	Assessed Valuation		Amount of
Year	Reduced From	Reduced To	Reduction
2005-2009	780	780	-0-
2010-2011	5,600	5,600	-0-

Tax Map #89.19-5-1 (62 Water Street)

Ass't	Assessed Valuation		Amount of
Year	Reduced From	Reduced To	Reduction
2005	279,000	258,200	20,800
2006	307,250	242,000	65,250
2007	307,250	269,000	38,250
2008	349,500	279,000	70,500
2009	349,500	277,500	72,000
2010	349,500	260,000	89,500
2011	349,500	260,000	89,500

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 \$3,439.18, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. Tax Certiorari Resolution: Trump Residences

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

TAX CERTIORARI

THE RESIDENCES AT TRUMP NATIONAL GOLF CLUB

vs.

TOWN OF OSSINING

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by The Residences at Trump National Golf Club, against the Town of Ossining to review the tax assessments made on Petitioner's property located at Shadow Tree Lane and Arrow Tree Drive in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.14, Block 1, Lot 1/0006, 0007, 0008, 0009, 0014, 0015, 0016, for assessment year 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 16713/2011; 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>Unit Owner</u>	<u>Tax Map ID</u>	<u>2011 Assessed Valuation</u>		<u>Amount of Reduction</u>
		<u>Reduced From</u>	<u>Reduced To</u>	
Hershey	98.14-1-1./0006	67,500	50,625	16,875
McLaughlin	98.14-1-1./0007	72,500	54,375	18,125
Hyun	98.14-1-1./0008	72,500	54,375	18,125
Nardizzi	98.14-1-1./0009	72,500	54,375	18,125
Carini	98.14-1-1./0014	72,500	54,375	18,125
Glaser	98.14-1-1./0015	72,500	54,375	18,125
Baron	98.14-1-1./0016	125,000	62,500	62,500
Total		555,000	385,000	170,000

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 that may be required for the 2012 tax bill, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. Tax Certiorari Resolution: Hudson View

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

TAX CERTIORARI

**HUDSONVIEW REALTY N.Y., LLC,
vs.
TOWN OF OSSINING**

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Hudsonview Realty N.Y., LLC, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at 43 South Highland Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.07, Block 6, Lot 1, 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. 23858/2009; 25529/2010; 15702/2011; 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 Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Reduced To</u>	<u>Amount of Reduction</u>
2009	142,400	128,000	14,400
2010	142,400	132,400	10,000
2011	142,400	128,500	13,900

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$268.69, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I. Tax Certiorari Resolution: 2 Church Street (DP22 LLC)

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

TAX CERTIORARI

**DP 22, LLC
vs.
TOWN OF OSSINING**

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by DP 22, LLC, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 2 Church Street in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 89.19, Block 4, Lot 48, for assessment years 2006 and 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 19785/2006; and 20387/2007; 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 Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2006	113,300	93,700	19,600
2007	113,300	92,100	21,200

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 \$299.19, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

J. Tax Certiorari Resolution: Wyndcrest

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

TAX CERTIORARI

**WYNDCREST CONDOMINIUM
vs.
TOWN OF OSSINING**

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Wyndcrest Condominium, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at Deertree Lane/Winterberry Lane in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.07, Block 1, Lot 4 (Lots 0001-0082), for assessment years 2010 and 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 25031/2010 and 15046/2011; and

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

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2010	1,881,720	1,279,570	602,150
	<i>See, Exhibit “A” attached</i>		
2011	1,905,795	1,350,014	555,781
	<i>See, Exhibit “B” attached</i>		

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 \$3,064.99, which will be ordered pursuant to said Consent Judgment.

Exhibit A

Wyndcrest Condominium

<u>2010 Lot</u>	<u>Original Assessment</u>	<u>Adjusted Assessment</u>	<u>Reduction</u>
1	\$28,300	\$17,884	\$8,416
2	\$18,900	\$12,852	\$6,048
3	\$17,000	\$11,560	\$5,440
4	\$14,900	\$10,132	\$4,768
5	\$18,900	\$12,852	\$6,048
6	\$27,160	\$18,488	\$8,672
7	\$22,900	\$15,672	\$7,328
8	\$22,900	\$15,572	\$7,328
9	\$22,700	\$15,436	\$7,264
10	\$27,000	\$18,380	\$8,620
11	\$25,300	\$17,204	\$8,096
12	\$19,000	\$12,920	\$6,080
13	\$18,090	\$10,941	\$5,149
14	\$14,735	\$10,020	\$4,715
15	\$19,085	\$12,964	\$6,121
16	\$25,520	\$17,354	\$8,166
17	\$28,190	\$19,169	\$9,021
18	\$22,400	\$15,232	\$7,168
19	\$20,100	\$13,868	\$6,432
20	\$27,500	\$18,700	\$8,800
21	\$28,300	\$17,884	\$8,416
22	\$19,035	\$12,944	\$6,091
23	\$14,900	\$10,132	\$4,768
24	\$14,000	\$9,520	\$4,480
25	\$18,530	\$12,600	\$5,930
26	\$28,100	\$19,108	\$8,992
27	\$26,700	\$18,156	\$8,544
28	\$26,500	\$18,020	\$8,480
29	\$25,900	\$17,612	\$8,288
30	\$26,600	\$18,020	\$8,480
31	\$27,600	\$18,768	\$8,832
32	\$18,400	\$12,512	\$5,888
33	\$14,700	\$9,966	\$4,734
34	\$18,400	\$12,512	\$5,888
35	\$14,700	\$9,966	\$4,734
36	\$27,900	\$18,972	\$8,928
37	\$27,900	\$18,972	\$8,928
38	\$22,100	\$15,028	\$7,072
39	\$20,900	\$14,212	\$6,688
40	\$27,400	\$18,632	\$8,768
41	\$27,800	\$18,904	\$8,896
42	\$18,900	\$13,532	\$5,368
43	\$14,300	\$9,724	\$4,576
44	\$18,400	\$12,512	\$5,888
45	\$14,900	\$10,132	\$4,768
46	\$21,500	\$14,620	\$6,880
47	\$29,500	\$20,060	\$9,440
48	\$21,700	\$14,756	\$6,944
49	\$22,200	\$15,096	\$7,104
50	\$27,500	\$18,700	\$8,800
51	\$28,500	\$19,380	\$9,120
52	\$26,500	\$18,020	\$8,480
53	\$27,500	\$18,700	\$8,800
54	\$17,100	\$11,828	\$5,472
55	\$17,015	\$11,670	\$5,445

Wyndcrest Condominium

<u>2010 Lot</u>	<u>Original Assessment</u>	<u>Adjusted Assessment</u>	<u>Reduction</u>
56	\$26,500	\$18,020	\$8,480
57	\$15,900	\$10,812	\$5,088
58	\$11,825	\$7,905	\$3,920
59	\$23,100	\$15,708	\$7,392
60	\$28,200	\$19,176	\$9,024
61	\$28,070	\$19,088	\$8,982
62	\$25,800	\$17,612	\$8,288
63	\$28,620	\$19,462	\$9,158
64	\$27,965	\$19,016	\$8,949
65	\$30,700	\$20,878	\$9,822
66	\$27,200	\$18,496	\$8,704
67	\$22,400	\$15,232	\$7,168
68	\$21,500	\$14,620	\$6,880
69	\$25,400	\$17,272	\$8,128
70	\$24,900	\$16,932	\$7,968
71	\$28,500	\$19,380	\$9,120
72	\$26,500	\$18,020	\$8,480
73	\$26,600	\$18,020	\$8,480
74	\$26,500	\$18,020	\$8,480
75	\$25,100	\$17,068	\$8,032
76	\$13,800	\$9,384	\$4,416
77	\$14,900	\$10,132	\$4,768
78	\$25,600	\$17,408	\$8,192
79	\$27,500	\$18,700	\$8,800
80	\$26,500	\$18,020	\$8,480
81	\$26,500	\$18,020	\$8,480
82	\$28,500	\$19,380	\$9,120
Total	\$1,881,720	\$1,279,670	\$602,150

Motion Carried: Unanimously

K. Tax Certiorari Resolution: Urstadt Biddle

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

TAX CERTIORARI

URSTADT BIDDLE PROPERTIES, INC.

vs.

TOWN OF OSSINING

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 22 Rockledge Avenue in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 3, Lot 14, for assessment years 2005 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18411/2005, 18653/2006; 18875/2007; 22400/2008; 23427/2009; 25029/2010; 15044/2011; and

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

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2005	320,700	262,460	58,240
2006	320,700	225,563	95,137
2007	320,700	230,860	89,840
2008	320,700	238,865	81,835
2009	320,700	242,688	78,012
2010	320,700	259,096	61,604
2011	320,700	259,096	61,604

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 \$4,020.53, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

L. Local Law No. 9: Traffic Violations Bureau Law

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

WHEREAS, the Town Board of the Town of Ossining having duly called and held a Public Hearing on the 13th day of December, 2011 upon the question of enactment of Local Law No.9 of 2011 of the Town of Ossining, Westchester County, New York, enacting Article 14-B of the General Municipal Law Sections 370, 371 and 373, establishing a “Traffic Violations Bureau”.

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Ossining that Local Law No. 9 of 2011, of the Town of Ossining, Westchester County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

LOCAL LAW NO. 9, 2011

TRAFFIC VIOLATIONS BUREAU- TOWN OF OSSINING, NEW YORK

Town of Ossining, NY: Tuesday, November 22, 2011

Section 1: Authorization for establishment; purpose.

The Town Board of the Town of Ossining hereby authorizes the Justice Court of the Town of Ossining to establish a Traffic Violations Bureau, pursuant to Article 14-B, Sections 370, 371 and 373, of the General Municipal Law, to aid said Court in the disposition of traffic offenses when such traffic offenses shall not constitute a traffic infraction known as "speeding" or a misdemeanor or felony.

Section 2: Officers and hours.

Said Bureau shall be in charge of such person or persons and shall be open at such hours as the Justice Court of the Town of Ossining may designate.

Section 3: Authority to dispose of certain violations; procedure.

Said Traffic Violations Bureau so established is authorized to dispose of traffic violations of traffic laws, ordinances, rules and regulations including parking violation tickets, when such offenses shall not constitute the traffic infraction known as "speeding" or a misdemeanor or felony, by permitting a person charged with an offense within the limitations herein stated to answer, within a specified time, at the Traffic Violations Bureau, either in person or by written power of attorney as herein prescribed, by paying a prescribed fine and, in writing, waiving a hearing in Court, pleading guilty to the charge and authorizing the person or persons in charge of the Bureau to make such a plea and pay such a fine.

Section 4: Authorization to prescribe form of complaint.

The Town Justices of the Town of Ossining shall be authorized to prescribe the form of complaint in all cases involving a violation of any traffic law, ordinance, rule or regulation relating to parking, which complaint shall be known as a "parking violation ticket".

Section 5: Right to counsel.

Said Traffic Violations Bureau of the Town of Ossining shall not be authorized to deprive a person of his or her right to counsel or to prevent him or her from exercising his or her right to appear in Court to answer, explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

Section 6. Fines.

The Justice Court shall designate the fines to be paid for offenses which may be satisfied at the Bureau as hereinbefore stated, provided that such fines are within the limits established as penalties for such offenses.

Section 7. Maintenance of records.

The Traffic Violations Bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also maintain a record of all fines collected and the disposition thereof. It shall also perform such other duties and keep such other or additional records as shall be prescribed by the Court and/or the Town Board of the Town of Ossining.

Section 8. Form of waiver and plea.

All persons who shall appear by written power of attorney must execute the waiver and plea on any uniform traffic or parking ticket or a waiver and plea in substantially the following form and forward the same to the Traffic Violations Bureau, in addition to the sum prescribed by the Justice Court of the Town of Ossining to: Traffic Violations Bureau, Justice Court of the Town of Ossining, 86-88 Spring Street, Ossining, New York 10562;

Authorization and Waiver

I, the undersigned, hereby waive a hearing in the Justice Court of the Town of Ossining, County of Westchester, and plead guilty to the charge specified herein. I authorize the person or persons in charge of the Traffic Violations Bureau of said Court to make such a plea and pay the prescribed fine in Court. All statements are made under penalty of perjury.

Date

Signature

Resolved, that the Town Board of the Town of Ossining hereby adopts the following Local Law #9 of 2011, adding a Traffic Violations Bureau in the Town Code.

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

M. Local Law No.10: Alarm Fine Local Law

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

WHEREAS, the Town Board of the Town of Ossining having duly called and held a Public Hearing, on the 13th day of December, 2011 upon the question of enactment of Local Law No. 10 of 2011 of the Town of Ossining, Westchester County, New York, being a Local Law amending Chapter 51 of the Code of the Town of Ossining (Town Board, Office of).

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Ossining that Local Law No. 10 of 2011, of the Town of Ossining, Westchester County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

Chapter 51. ALARM DEVICES AND SYSTEMS

[HISTORY: Adopted by the Town Board of the Town of Ossining 4-12-1994 as L.L. No. 1-1994. Amendments noted where applicable.]

§ 51-1. Title.

This chapter shall be known and cited as the "Alarm Devices and Systems Law of the Town of Ossining, New York."

§ 51-2. Purpose.

The purpose of this chapter is to regulate the installation, maintenance and use of emergency alarm devices and systems designed to require Police Department response, investigation and safeguarding of property located in the Town of Ossining upon notification of the activation of an alarm. This chapter is intended that such regulation by the Town of Ossining will serve to protect and promote the health, safety and welfare of the residents of the Town through safer and more efficient use of alarm devices and systems. It is further intended to reduce the number of false alarms and to encourage the use and proper maintenance of reliable emergency signal systems and devices.

§ 51-3. Definitions.

The following definitions apply as used in this chapter:

ALARM

A signal transmitted to police headquarters which is intended to notify the Police Department of a burglary, robbery or other emergency at a premises within the Town of Ossining to which the Police Department is expected to respond.

ALARM AGENT

Any individual who is employed by any person licensed by New York State to conduct the business of owning, operating, maintaining, installing, leasing or selling alarm devices, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing in or on any building, place or premises any alarm device or system, as defined in this chapter, within the Town of Ossining.

ALARM BUSINESS

Any person engaged in the business of owning, operating, maintaining, installing, leasing or selling an alarm device or devices or system of alarm devices, which business is, as owner, operator, provider of maintenance service, installer, lessor or seller of said device, devices or system of devices, subject to the license requirements of New York State.

ALARM DEVICE

Any system which, when activated, transmits a signal to police headquarters or to a central alarm station and/or produces an audible or visible signal to which the Police Department is expected to respond.

ALARM INSTALLATION

Any alarm system or aggregation of alarm devices installed on or within a single building or on or within more than one building or area located on a common site.

ALARM REVIEW BOARD

A board consisting of ~~three members appointed by the~~ the Town Board of the Town Of Ossining to review any complaints or problems arising out of the enforcement of any provision of this chapter.

ALARM USER

Any person as owner or lessee on whose premises an alarm system is owned, operated, used or maintained.

CENTRAL ALARM MONITORING FACILITY

A facility operated by the Police Department at police headquarters which is monitored by Village of Ossining employees, on behalf of the Town of Ossining Police Department, who receive, record and verify alarm signals transmitted from alarm systems or from central alarm stations.

CENTRAL ALARM STATION

Any facility operated by a private firm that receives and verifies alarm signals and relays information about such verified signals to the central alarm monitoring facility.

DIGITAL DIAL ALARM

A telephone device or telephone attachment that automatically or electronically selects a telephone line connected to the central alarm monitoring facility or to a central alarm station to report a burglary, robbery or other emergency requiring Police Department response.

DIRECT ALARM

Any alarm device which transmits a signal over a leased telephone line to the central alarm monitoring facility or to a central alarm station.

FALSE ALARM

Any activation of an alarm system, whether intentional or automatic, that does not emit a valid emergency signal.

LICENSING OFFICER

The Town Supervisor or a Town officer designated by him/her and whose designation has been filed with the Town Clerk.

LOCAL ALARM SYSTEM

Any alarm system not connected to the central alarm monitoring facility or to a central alarm station which, when activated, causes an audible and/or visual signaling device to be activated at the premises on or within which the system is installed.

MALFUNCTION

A mechanical deficiency or other fault or failure in an alarm system which results in a false alarm.

MANUAL ALARM SYSTEM

Any alarm device in which activation of the alarm signal is initiated by the direct action of the alarm user.

PERSON

Any natural person or any other entity capable of being sued.

POLICE DEPARTMENT

~~The Town of Ossining Police Department.~~

The Police agency authorized by the Town Board of the Town of Ossining to provide police/public safety services in the Unincorporated portion of the Town of Ossining.

RESPONSE

Acknowledgment that an alarm has been received at police headquarters by an act of answering a telephone call, noting information received and starting any process of verification, such as notifying vehicles of receipt of an alarm or any other act commencing the process of acting as a Police Department on account of such notification.

VERIFICATION

Qualification of the legitimacy of an alarm signal by various means which may, under normal conditions, include but not be limited to customer call-in, central station call-out, automatic abort or built-in delay.

§ 51-4. Mandatory registration of alarm devices; yearly permit required.

A. Any property owner or lessee of property in the Town of Ossining having on such premises an alarm device or alarm system shall register with the licensing officer to obtain a yearly permit to own or otherwise have such a system. No such system may be installed on the premises of the owner or lessee prior to the issuance of a permit to such owner or lessee. Any permit issued hereunder shall be good for one year from the date of issue ~~October 1 thru September 30 of each year. Renewals must be made within 30 days of the expiration of the permit and must include an statement affirmation~~ that the device or system is in good working order.

B. Any alarm systems installed prior to the effective date of this chapter shall also be subject to the registration requirements outlined above.

C. If an existing alarm system has had two or more false alarms within the year immediately preceding registration, it shall be a further requirement that the person who installed the system or the person who services the system must certify that the system is in proper working order at the time of registration.

§ 51-5. Registration of alarm devices; obtaining a permit.

A. Any person seeking to register an alarm device or system under this chapter shall complete an Application for Permit to Operate an Alarm System form and submit it to the licensing officer. Said form must contain at least the following information:

- (1) Name of applicant.
- (2) Address of applicant.
- (3) Home telephone number.
- (4) Business telephone number.
- (5) Type of alarm system.
- (6) Emergency contacts (persons authorized to enter the premises in emergencies).
- (7) Whether the application is for an existing system, a new system or a modification to an existing system.
- (8) Type of monitoring for the system.
- (9) Name, address, telephone number and license number of the person or company installing or servicing the alarm system.

B. Upon receipt of an application, the licensing officer will review it and, if it is found to be complete, will issue a permit.

§ 51-6. Restrictions on type of alarm.

A. No person shall use or cause or permit to be used any alarm system that automatically selects a telephone trunk line of the Police Department and then reproduces any prerecorded voice messages to report any robbery, burglary or other emergency.

B. The use of any dial alarm device which relays a digital coded signal to the central alarm monitoring facility is permitted under this chapter.

C. Alarms which are designed to be heard outside of a building are prohibited, except that an external alarm that is installed which shall be capable of and shall automatically terminate its operation within 15 minutes of being activated is permitted.

§ 51-7. Permit fee.

The fee for a permit issued under this chapter shall be established by resolution adopted by the Town Board as part of the Town's fee schedule. Payment of such fee must be made before the issuance of the permit. No refunds of permit fees shall be made.

§ 51-8. Confidentiality.

Information contained in the application for a permit shall be confidential and not subject to disclosure without the written permission of the applicant.

§ 51-9. Licensing of alarm businesses and agents.

A. Licensing to conduct alarm business. Any person engaged in the business of owning, operating, maintaining, installing or leasing or selling an alarm device or devices or system of alarm devices who desires to conduct such business in the Town of Ossining must be properly licensed by the State of New York pursuant to Article 6-D of the General Business Law and Title 19 of NYCRR, Parts 195 and 196. Any person operating without a license within the Town of Ossining shall be subject to a fine as set forth in the Town's fee schedule.

B. Alarm agent license. Any person engaged in the business of maintaining, repairing, servicing, altering, replacing, removing or installing an alarm device or alarm system shall carry on his or her person at all times while so engaged a valid license and identification card and shall display such license and identification card to any Town official upon request.

C. Registration of license. A copy of the alarm agent's New York State license must be filed with the licensing officer of the Town of Ossining or be verifiable on a publicly-accessed governmental website.

§ 51-10. License registration fee.

The fee, ~~if any,~~ for filing a copy of the license with the licensing officer of the Town Ossining may be established by resolution adopted by the Town Board in the Town's fee schedule.

§ 51-11. Penalties for offenses.

A. Any person found to be using an alarm device on premises located within the unincorporated section of the Town of Ossining without a valid permit shall be in violation of this chapter. Each such violation shall subject the violator to a civil penalty, ~~of up to \$250~~ set forth in the Town's fee schedule. Each week that such violation continues shall constitute a separate offense.

B. Any individual or company found to be installing or maintaining, servicing or in any way dealing with an alarm device or system on property located within the unincorporated section of the Town of Ossining without a valid license shall be in violation of this chapter. Each such violation shall subject the violator to a civil penalty, ~~set forth in the Town's fee schedule of \$250.~~ Each week that such violation continues shall constitute a separate offense.

§ 51-12. Charges for false alarm.

Any owner or lessee of property having an alarm device or system on such premises and any user of services or equipment furnished by a licensee under this chapter shall pay to the Town of Ossining a charge for a false alarm as established herein. The amount of the charge shall be established by resolution adopted by the Town Board in the Town's fee schedule.

§ 51-13. Notification of false alarm charges.

A. Notification of charges for false alarms shall be made by the Police Department, working with the office of the Tax Receiver, by regular first-class mail, by letter outlining the charge to the property owner or lessee in possession. Copies of such notifications shall be kept on file by the ~~Police Department~~ Town of Ossining for a period of not less than two years.

B. A monthly list of all charges issued shall be filed with the Town Clerk.

§ 51-14. Payment of false alarm charge.

Payment of any false alarm charge pursuant to § 51-12 shall be made to the Town of Ossining either in person or by mail to the Town Clerk of Ossining.

§ 51-15. Unpaid charges to become lien.

Unpaid false alarm fees, as outlined in § 51-12. Charges for false alarm, shall become a lien upon the property from which the alarm originated in a call to the police and shall be collected in the same manner as real estate taxes.

§ 51-16. Alarm Review Board.

[Amended 1-22-2002 by L.L. No. 2-2002]

The Town Board shall constitute, and shall function as, the Alarm Review Board hereunder.

§ 51-17. Appeals to Alarm Review Board.

[Amended 1-22-2002 by L.L. No. 2-2002]

A. Any person who believes he has been wrongfully charged for a false alarm or has been wrongfully denied a permit or license after filling out an application for the same may appeal to the Town Board of the Town of Ossining, sitting as the Alarm Review Board, by sending a certified letter describing the relevant facts and circumstances to the Supervisor within 30 days of such charge or denial. Upon receipt of such letter, the Supervisor shall place said appeal on the agenda of the Town Board for consideration at its next regular public meeting/work session.

B. The Supervisor shall notify the person making an appeal of the determination of the Town Board, in writing, within 10 days following the Town Board meeting at which such determination was made.

§ 51-18. Responsibility for maintenance and service of alarms.

The alarm device owner, lessee or user shall be responsible for the maintenance and service of the alarm device and shall be responsible for all malfunctions of such device.

§ 51-19. Obligation of town.

A. Notwithstanding the payment of any fee and/or the issuance of any permit as herein required, the Police Department and the Town of Ossining shall not be under any obligation concerning the adequacy, operation or maintenance of any alarm device so installed or of the operation of the central alarm monitoring facility or of any central alarm station, and the Town of Ossining and its authorized agents assume no liability for any failure of any such alarm device or the central alarm monitoring facility or of any central alarm system for failure to respond to any such alarms or for any act of omission or commission as a result of any alarm, device or system.

B. The alarm user or permit holder, by acceptance of a permit, hereby agrees to hold and save harmless the Town of Ossining, its agents or employees from any liability with respect to any such alarm device or the operation thereof.

§ 51-20. Notification of changes required.

A. The alarm user or permit holder shall notify the Police Department within 10 days of any changes in the information contained in the application for a permit. Failure to do so is punishable by a fine as set forth in the Town's fee schedule.

B. The holder of any license to install and/or service alarms shall notify the Police Department within 10 days of any changes in the information contained in the New York State application for a license.

§ 51-21. Severability.

If any clause, sentence, paragraph, word, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 51-22. When effective.

This chapter shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.

Fee Schedule -adopted annually at Reorganization meeting

Alarms

Chapter 51

Annual registration: \$25

Non Registration Fee: \$250

False alarms:

1st and 2nd offense Warning

3rd offense \$50

4th offense \$100

5th offense \$200

6th offense \$500

Subsequent offenses \$500

Resolved, that the Town Board of the Town of Ossining hereby adopts the following Local Law #10 of 2011, changing the Alarm Fine Law in the Town Code.

Vote: 4-0-1

**Voting Aye: Wilcher,
Harter, Tawil & Borgia
Nay: Tripodi**

N. Teamsters Contract

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 labor agreement between the Town of Ossining and Local 456 International

Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, covering the period from January 1, 2012 through December 31, 2015, and be it further

RESOLVED, that the Town Supervisor is authorized to sign this contract under supervision of the Town Attorney.

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

V. CORRESPONDENCE TO BE RECEIVED AND FILED

VI. VISITOR RECOGNITION

Bobby Williams, Spring Street, wished everyone a Happy New Year and extended his congratulations to those being sworn in on January 1, 2012.

Linda Mangano, Village of Ossining resident, questioned who sets the fines in the Traffic Violation Bureau? The Recreation Budget is \$2.2 million and as a Village Taxpayers she is taxed for Recreation in her Village Tax as well as in her Town Tax bill. This is double taxation. Also discussed was a fire that took place earlier this year at the old DPW garage where sailboats were stored. She feels there is no oversight over the Recreation Department.

Supervisor Borgia stated that the Supervisor's office did do some research regarding the boats and we did make sure that they are all on our insurance and they are on the Town's fixed asset list. Ms. Mangano questioned why the boats were registered under 95 Broadway?

Supervisor Borgia explained that 95 Broadway is a Municipal Building. However, it is our policy to register all our vehicles to 16 Croton Avenue. Dana Levenberg and Supervisor Borgia are the founding members of the Ossining Micro Fund. This is a 501C3 fund and it is an organization that gives out one-time loans for financial emergencies. This organization is also co-sponsored by the Rotary Club.

Ms. Manago questioned how much money was in the fund. Supervisor Borgia advised that there was approximately \$20,000. We make small interest free loans that are \$1,000 or less.

Councilmember Tawil stated that this was his last meeting as Town Councilman. As of January 1, 2012 he will be sworn in as Town Justice. He explained that when he was elected his goal was to be a public servant. He is very proud of what he has accomplished on this board and wished everyone a happy and health New Year.

Clerk Roberts stated that she has had the opportunity to work with Supervisor Borgia as a Trustee, Supervisor and hopes to work with her as County Legislator. Clerk Roberts wished her and her family well.

Clerk Roberts wished Councilman Tawil luck in his new role as Town Justice.

Supervisor Borgia stated that it was a privledge and honor to serve the people of the Town of Ossining and she thanked everyone for giving her the opportunity to serve the community. Supervisor Borgia is moving on to County Legislator and will continue to serve the Village of Ossining, Town of Ossining, Village of Briarcliff Manor, etc...she is looking forward to her new role.

Councilman Wilcher advised Supervisor Borgia to keep doing what she is doing.

VII. ADJOURNMENT

At 8:37 p.m. Councilmember Tripodi moved and it was seconded by Councilmember Tawil that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

**_____
Mary Ann Roberts, Town Clerk**