

TOWN BOARD  
TOWN OF OSSINING  
Birdsall-Fagan Police/Court Facility  
86-88 Spring Street – Ossining, New York

June 24, 2008 –REGULAR MEETING  
7:30 PM

INTERIM SUPERVISOR

Martha Dodge

COUNCILMEMBERS

Geoffrey Harter Northern Wilcher

David Krieger Kimberlie Jacobs

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on June 24, 2008 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Interim Supervisor Martha Dodge. Other members of the Board present were: Geoffrey Harter, David Krieger and Kimberlie Jacobs. Councilmember Northern Wilcher was absent. Also present were: Thomas Beirne, Town Attorney and Mary Ann Roberts, Town Clerk.

II. ANNOUNCEMENTS

Councilmember Harter announced that the Annual Town and Village Fireworks will be held on Thursday, July 3<sup>rd</sup>, at Louis Engel Park with music provided by Groove Station beginning at 7 p.m. and the fireworks commencing at dusk.

Councilmember Krieger announced that the Ossining Public Library will be hosting "Forbidden Films" beginning on July 9. These are films that were made prior to ratings on films. The first movie is Baby Face. The fun is free.

III. BOARD RESOLUTIONS

A. Approval of Minutes

1. June 10, 2008 Regular Meeting

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the June, 10, 2008 Regular Meeting as presented.

Motion Carried: Unanimously

2. June 13, 2008 Special Meeting

Councilmember Krieger moved and it was seconded by Councilmember Jacobs that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the June 13, 2008 Special Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 24, 2008 in the amount of \$304,551.51.

Motion Carried: Unanimously

C. Calling a Public Hearing-Cabaret License-Studio Hill Mansion

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a public hearing to be held at 7:30 P.M. on Tuesday, July 8, 2008 in the Police/Court Facility, 86-88 Spring Street, in Ossining, in the matter of the application for a Cabaret License by Studio Hill Mansion, 25 Studio Hill Road, Briarcliff Manor, NY.

Motion Carried: Unanimously

D. CERTIORARI SETTLEMENT

GREGORY W. DUNN  
vs.  
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by GREGORY W. DUNN, Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 174 South Highland Avenue in the Village and Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 3, Lot 4 (formerly Section 3, Plate 26, Block 65, Lot 2), for assessment years 1999 through 2005, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16181/99, 15913/00, 15823/01, 17723/02, 16904/03, 17089/04 and 18254/05; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
1999	85,000	85,000	-0-
2000	85,000	85,000	-0-
2001	85,000	85,000	-0-
2002	85,000	60,000	25,000
2003	85,000	60,000	25,000
2004	85,000	55,000	30,000
2005	85,000	55,000	30,000

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$634.86, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. CERTIORARI SETTLEMENT

THE BANK OF NEW YORK  
vs.  
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by THE BANK OF NEW YORK, Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 1946 Pleasantville Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 4.1A, Block 1, Lot 68, which property was subsequently designated as Section 90.17, Block 1, Lot 1, for assessment years 1992 through 2006, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 17832/92, 18886/93, 17499/94, 17150/95, 17117/96, 14939/97, 14737/98, 14356/99, 15056/00, 14697/01, 15887/02, 16293/03, 15896/04, 16548/05, and 18320/06; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
1992	80,100	80,100	-0-
1993	80,100	80,100	-0-
1994	80,100	80,100	-0-
1995	80,100	80,100	-0-
1996	80,100	80,100	-0-
1997	80,100	80,100	-0-
1998	80,100	80,100	-0-
1999	80,100	80,100	-0-
2000	80,100	80,100	-0-
2001	80,100	80,100	-0-

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2002	80,100	80,100	-0-
2003	80,100	80,100	-0-
2004	80,100	73,100	7,000
2005	80,100	73,100	7,000
2006	80,100	79,100	1,000

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$93.40, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F. CERTIORARI SETTLEMENT

THE BANK OF NEW YORK  
vs.  
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by THE BANK OF NEW YORK, Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 1100 Pleasantville Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 4.21, Block 13, Lot 4, which property was subsequently designated as Section 98.10, Block 1, Lot 50, for assessment years 1993 through 2006, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 18869/93, 17523/94, 17153/95, 17116/96, 14943/97, 14738/98, 14355/99, 15055/00, 14700/01, 15894/02, 16288/03, 15895/04, 16547/05, and 18319/06; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
1993	51,000	51,000	-0-
1994	51,000	51,000	-0-
1995	51,000	51,000	-0-
1996	51,000	51,000	-0-
1997	51,000	51,000	-0-
1998	51,000	51,000	-0-
1999	51,000	51,000	-0-
2000	51,000	51,000	-0-
2001	51,000	51,000	-0-
2002	51,000	51,000	-0-
2003	51,000	51,000	-0-
2004	51,000	46,000	5,000
2005	51,000	46,000	5,000
2006	51,000	50,000	1,000

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls 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 \$68.96, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. CERTIORARI SETTLEMENT

HUDSON POINT CONDOMINIUM  
vs.  
TOWN OF OSSINING

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by HUDSON POINT CONDOMINIUM, Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at Spring Street in the Village and Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Tax I.D. No. 3.27-70-1.001 through 6.0013, for assessment years 2004 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15657/04, 17740/05, 18707/06 and 19832/07; 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:

Assessment Year	Original Assessment	Corrected Assessment	Reduction
2004	1,015,150	964,393	50,757
2005	1,015,150	913,635	101,515
2006	1,017,600	890,400	127,200
2007	1,017,600	890,400	127,200

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessments on the tax assessment rolls of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes, estimated to be \$2,780.00 which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. Finance – Capital Project # 2008 –2156 –Police Department-Mobile Video Digital Recorders

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the establishment of Capital Project # 2008-2156, entitled Mobile Video Digital Recorders and Management Solution in the amount of \$59,994.00 to be fully funded by the United States Department of Justice.

Motion Carried: Unanimously

I. Conveyance of McCarthy Drive – Dennis and Kimberly Santucci

Councilmember Jacobs moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Whereas, the Town of Ossining became the owner of an undedicated public road in the Unincorporated Area known as McCarthy Drive by virtue of tax foreclosure proceedings instituted pursuant to the Delinquent Tax List of the year 1970; and

Whereas, the said McCarthy Drive deadends in an area which abuts the residence of Dennis and Kimberly Santucci ("the Santuccis"); and

Whereas, the Santuccis have offered underground utility and drainage easements in favor of the Town of Ossining over the property they currently own, as shown on a Survey of Property by Bunney Associates, Land Surveyors, dated January 6, 2006, in return for the conveyance to them by the Town of a portion of McCarthy Drive located at the very end of that road, designated Parcel 1A on the afore-mentioned Survey of Property and consisting of .165 acres, or 7,190 square feet; and

Whereas, the easements offered and the proposed conveyance have been reviewed by the Planning Board and found to be of benefit to the neighborhood and the Town of Ossining; and

Whereas, the portion of McCarthy Drive to be conveyed is surplus property; now therefore be it

Resolved, that the Supervisor be, and she hereby is, authorized to execute a Quitclaim Deed conveying the above-described portion of McCarthy Drive to Dennis and Kimberly Santucci, subject to the easements shown on the aforementioned Survey of Property by Bunney Associates dated January 6, 2006.

Motion Carried: Unanimously

#### IV. MONTHLY REPORTS

Councilmember Harter moved and it was seconded by Councilmember Jacobs that the reports for the month of May, 2008 from Town Clerk and Receiver of Taxes be received and filed.

Motion Carried: Unanimously

#### V. VISITOR RECOGNITION

John Perillo, Havell Street, requested clarification from the Town Board regarding their discussion of a new taxing district to assist OVAC. It is his understanding that former County Legislator Richard Wishnie is a proponent of this program. OVAC is not as volunteer oriented as it was initially as they are now paid for their services. A suggestion is to merge OVAC with the fire department which is done in numerous communities. The Town should take a look at all of the financial information. This would be a tremendous tax burden on the taxpayers. At the present time there are 350 homes for sale and the difficulty in selling them is not the asking price, but the taxes. Where does the Board stand on this discussion of a tax district? Supervisor Dodge stated that there was a conversation with OVAC regarding this district. This has been an ongoing discussion for the past several years. OVAC does have a shortfall. Briarcliff Manor and Croton both contract for the Fly Car and they are both taxing communities. There are 60 volunteers presently on the roster. Monday thru Friday is mainly a paid crew. Mr. Perillo again questioned whether OVAC could be consolidated with the fire department and whether it was possible to place it on the ballot for the residents to decide. Attorney Beirne stated that a Public Hearing would be held and that it was subject to a permissive referendum. If this did indeed come to fruition, there would be a public oversight board. Supervisor Dodge stated that OVAC will still continue to fund raise and that the same costs would remain whether it merged with the fire department or not.

Peter Tripodi, Pheasant Ridge Road, commended former Supervisor John Chervokas for his dedication to the Town of Ossining. He continued to discuss political issues. Attorney Beirne described the political process.

Bobby Williams, Spring Street, related the fact the Town and Village contributed to OVAC in January of each year until it was determined that this was not an acceptable practice. Also questioned was a proposed joint venture for the Town and Village to provide a free standing Senior Center. What is the status of this program? Supervisor Dodge responded that after the aquatic center opening more and more seniors were participating in other programs such as computer classes, dancing and daily meals and would like to stay at the Community Center.

Councilmember Jacobs stated that many people are having difficulty putting food on their tables. If this is the case, kindly contact IFCA for assistance.

## VI. ADJOURNMENT

At 8:37 p.m., Councilmember Krieger moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

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Mary Ann Roberts, Town Clerk

Approved: