



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

**JANUARY 24, 2012
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric Blaha
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 January 24, 2012 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Geoffrey Harter, Peter Tripodi, Northern Wilcher and Eric Blaha. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly announced that the State of the Town would be completed by the end of January and would be presented the third week in February. The Mid Hudson Ambulance District will hold a meeting at 16 Croton Avenue on the fifth Tuesday of January (January 31, 2012). This meeting is open to the public and will begin at 7 p.m. There is a resolution on this evening's agenda Calling for a Public Hearing on the application for a cabaret license for the Tuscan Grille. This will take place on February 14, 2012. Also on this evening's agenda is a resolution authorizing the Clerk to advertise for bids for Old Albany Post "S" curve. There are also several resolutions on this evening's agenda regarding tax certioraris. A thank you was extended to the Assessor for a job well done. The Town is also looking for an Assessor with interviews beginning the end of this week. A Contractors Round Table will take place.

III. PUBLIC COMMENT ON AGENDA ITEMS

Jerry Gershner, Stonegate Road, questioned several items on the voucher detail including a fee of \$174.75 for cleaning supplies as well as \$120.20 for water. How long will we (Town outside residents) be spending money on a building that we no longer need?

IV. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Wilcher 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 January 10, 2012 Minutes of the Reorganizational Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated January 24, 2012 in the amount of \$770,399.60 for 2011 and \$334,273.26 for 2012, for a total of \$1,104,672.86.

Vote: 4-0-1
Voting Aye: Wilcher,
Harter, Blaha & Donnelly
Voting Nay: Tripodi

C. Calling for a Public Hearing on the application for a Cabaret License for the Tuscan Grille, (Moktock, LLC.) 581 North State Road, Briarcliff Manor, NY

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

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, February 14, 2012 at 7:30p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the application of the Tuscan Grille, (Moktock, LLC.) 518 North State Road, Briarcliff Manor, for a Cabaret License for 2012.

Motion Carried: Unanimously

D.

TAX CERTIORARI

KAPSON BRIARCLIFF MANOR

vs.

TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Kapson Briarcliff Manor, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 1025 Pleasantville Road in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.14, Block 1, Lot 30, 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. 18481/2006; 18995/2007; 21010/2008; 22454/2009; 23939/2010; 14925/2011; 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>Year</u>	<u>Current AV</u>	<u>Reduced AV</u>	<u>AV Reduction</u>
2006	\$1,322,200	\$801,125	\$521,075
2007	\$1,322,200	\$788,125	\$534,075
2008	\$1,322,200	\$845,875	\$476,325
2009	\$1,322,200	\$870,400	\$451,800
2010	\$1,322,200	\$973,000	\$349,200

2011 \$1,322,200 \$1,023,750 \$298,450

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 \$21,008.99, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. TAX CERTIORARI

THE WOODS IN WESTCHESTER CONDOMINIUM I
vs.
TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by the Woods in Westchester Condominium I, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at Brooke Hollow Court, Brooke View Drive, Pondview Court, in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20, Block 1, Lot 12/0101-0606, 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. 21103/2009; 24256/2010; 55894/2011; 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>Assessment Year:</u>	<u>Reduction From:</u>	<u>Reduction To:</u>	<u>Reduction:</u>
2009	\$349,198	\$303,809	\$45,389
2010	\$349,198	\$310,783	\$38,415
2011	\$349,198	\$314,272	\$34,926

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 \$29,176.39, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F.

TAX CERTIORARI

THE WOODS IN WESTCHESTER CONDOMINIUM II

vs.

TOWN OF OSSINING

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by the Woods in Westchester Condominium II, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at Woods Brooke Terrace, Woods Brooke Circle, Woods View Lane, in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20, Block 1, Lot 12/0801-1606, 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. 21102/2009; 24257/2010; 55895/2011; 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>Assessment Year:</u>	<u>Reduction From:</u>	<u>Reduction To:</u>	<u>Reduction:</u>
2009	\$497,127	\$442,439	\$54,688
2010	\$498,460	\$458,593	\$39,867
2011	\$500,499	\$465,468	\$35,031

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 \$ 30,275.01, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. TAX CERTIORARI

**THE WOODS IN WESTCHESTER CONDOMINIUM III
vs.
TOWN OF OSSINING**

Councilmember Blaha 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 the Woods in Westchester Condominium III, against the Town of Ossining to review the tax assessments made on Petitioner’s property located at Woods Brooke Circle, Woods Brooke Court, in the Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 80.20, Block 1, Lots 12/0701 to 0706, 12/1701 to 2504, 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. 21101/2009; 24258/2010; 55896/2011; 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>Assessment Year:</u>	<u>Reduction From:</u>	<u>Reduction To:</u>	<u>Reduction:</u>
2009	\$581,781	\$517,779	\$64,002
2010	\$581,781	\$529,410	\$52,371
2011	\$581,781	\$541,063	\$40,718

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 \$ 32,916.49, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. Authorization to Advertise for Bids for Old Albany Post “S” Curve

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Clerk to advertise for bids for the repairs of the Old Albany Post Road “S” Curve, to be returnable no later than 10:00 AM on February 29th, 2012 in the office of the Town Clerk, 16 Croton Avenue, Ossining, New York.

Motion Carried: Unanimously

I. Authorization to Sign Contract with the Village of Ossining for Meeting Space

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign an agreement with the Village of Ossining for use of the Village Board Meeting Room on the first floor of 16 Croton Avenue for the period from February 1, 2012 through December 31, 2012 to be used for Town Board Work Sessions and occasional use upon approval by the Village Manager’s Office, for a fee of \$300 per month.

Vote: 4-1-0
Voting Aye: Wilcher,
Harter, Blaha & Donnelly
Voting Abstain: Tripodi

V. CORRESPONDENCE TO BE RECEIVED AND FILED

- Minutes of the Town Planning Board dated December 14, 2011.

VI. MONTHLY REPORTS

VII. VISITOR RECOGNITION

Bobby Williams, Spring Street, announced his disclaimer that he is speaking only on behalf of himself and no one else. Mr. Williams also spoke about the school taxes and the 2% tax cap.

Supervisor Donnelly agrees with Mr. Williams that someday down the road we can do some “back office” functions with all the different municipalities.

Councilman Tripodi agrees with Mr. Williams that cutting may not be the problem solver but feels we need a more comprehensive reform to how we fund our schools. Unfortunately, unless we have some change at the state level we will continue seeing these discussions. Councilman Tripodi feels that schools should spend more wisely but it will be hard for them to do so when the tools are not provided to them by the state.

VIII. ADJOURNMENT

At 8:03 P.M. Councilmember Wilcher moved and it was seconded by Councilmember Tripodi that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk