



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

**APRIL 28, 2015
7:30 P.M.**

**SUPERVISOR
Susanne Donnelly**

**COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey 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 April 28, 2015 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 Northern Wilcher, Kim Jeffrey and Geoffrey Harter. Councilmember Eric Blaha was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

While there is no question that we are moving forward with the town wide revaluation, we must put to rest some misconceptions on the Homestead Option. In March 2015, each member of the Town Board signed a document, which we will publish, stating our commitment not to move forward with the Homestead Option for a variety of reasons, including getting a handle on the new software, continuing to promote our community as a fair place to do business, and just plain getting the revaluation done correctly.

However, we can only take a formal vote after the analysis is completed and the tax shift has been determined, which will not be done until February/March of 2016. Once the Town has completed these analyses and votes not to move forward with Homestead, neither the Villages nor Schools will have the option to move forward with Homestead.

As many of you are aware, Councilman Geoffrey Harter will be completing his 6th consecutive term in service to the Town of Ossining, and after 24 years, will be retiring and not seeking re-election. We know we will have one new Board Member. However, it takes a majority vote, or at least three votes to pass a resolution. Should the rest of this board remain the same on January 1st, 2016, you have the commitment of this Board as it stands today that will vote against the Homestead Option for this reassessment.

Today is Geoff Harter Day in the Town of Ossining we want to celebrate with him this evening. As stated above Geoff is retiring after 24 years at the end of this year. We celebrated his time with us by giving him the Steven A. Galef award at a bunch on Sunday. We thank you Geoff for all of your wisdom you have shared with us and your institutional knowledge.

Some exciting things that are happening this weekend:

Saturday May 2, 2015 at 10:00 AM the Ossining Historic Cemeteries Conservancy will be at Dale Cemetery to have an introductory lesson on the care and restoration of Historical Burial Grounds. The focus is on simple minimally invasive techniques advocated by the Association of Gravestone Studies. The rain date will be Sunday May 3rd.

You will start to see more boats in the Hudson River a sure sign of spring. Take advantage of using your waterfront parks Louis Engel Park Crawbuckie trails or even the parks that are not on the Hudson.

Mark your calendars for next Saturday May 9 for trash the town from 8:30 AM – 12:00 PM Noon

Places you can get your gloves (if you have your own even better) and your bags:

- **Joseph G Caputo Community Center**
- **Jugg Tavern**
- **Ossining Historical Society**
- **Louis Engel Waterfront Park**

Chris Soi is still looking for volunteers to man the stations. Please let him know where you will be picking up trash too so we can make sure the Town and Village staff know where the bags of trash are.

Councilmember Jeffrey read the following statement:

Last Tuesday at the Town Hall meeting a question was asked by a constituent regarding Homestead. Specifically the question was as to this Board's decision to table the matter, and the implications of that decision going forward. The Town Attorney made a statement and stated that while this Board tables it, it could not bind any future Board with respect to the decision on whether to vote for the Homestead Option, or against.

Since that meeting community members have come to me because it seems that there is information out there that is contradictory to that statement. On the Town of Ossining's own website it states:

To reiterate, we are tabling the Homestead Option.

It will be the prerogative of a future Town Board to reconsider the Homestead Option if the Town of Ossining undergoes a subsequent revaluation.

In other literature it states that "by state law cannot be resurrected unless there is another town wide reassessment in future years"

Those statements are incorrect and must be amended.

In this particular case, regarding Homestead, as long as the reassessment is on the table there can be a vote on applying Homestead. In fact there is a legal step that the Board must do, and the State must approve, before the Board legally has the right to even consider the Homestead option. This means that although this Board has tabled the matter, the new Board in 2016 could vote to implement Homestead.

This is not to scare anyone. No one knows what the new Board will do, or even who will be on the new Board. This is simply to clarify the facts with respect to the Homestead option, and to state that it is still, legally, an option.

III. PRESENTATION- Lumen Light Solutions LED lighting for the Town of Ossining– Heather Cuffel

Heather Cuffel and Robert Craig made a presentation to the Town Board indicating that it is an extension of the Village of Ossining. They are the proposed vendor to the City of Yonkers leasing with New York State Energy with a local team based in

Westchester for 20 years and in Yonkers for 70 years. An Energy Audit will be conducted to verify the fixtures based on inventory. There will also be a Con Edison field audit to adjust lighting on streets and the level of lighting. There are 400 fixtures and it should take approximately one month for installation. We will provide the best price to the Town of Ossining. There are several payment options which include payment lump sums for a 7 year term or a 5 year term. There is also the annual payment for a lease. There is a ten year warranty and the LED lights are good for 18 – 23 years. Lumin uses local union labor.

Supervisor Donnelly posed the following questions:

If we finance on our own, what would our service contract look like? We have some unusual decorative lighting. We also have passive parks. Ms. Couple stated that flood lights are not included in this proposal. Mr. Craig's company is the one who installed the lights at Route 134 and 9A.

Councilman Blaha posed the following questions:

I don't understand leasing/purchasing? If you purchase fixtures for \$1 after the lease contract is ended. What is the cost of the Town now? \$190,000 cash with 4.2% interest for 7 years. Lumin does a measurement of high bright which has less wasted lighting. Do we receive a credit for used fixtures? We find that to be a cost burden as they must be recycled properly.

Councilman Harter stated that the presentation was good.

Councilperson Jeffrey proposed questions on page 2 of the proposal.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

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 April 14, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the April 21, 2015, 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 Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated April 28, 2015 in the amount of \$518,992.12.

Motion Carried: Unanimously

D. TAX CERTIORARI

North State Road LLC
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 North State Road LLC against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 565 North State Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.15-1-48; all for Tax Assessment Years 2011-2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15041/11; 66833/12; 65644/13; and 67279/14; 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 ID: Section 90.15, Block 1, Lot 48 SBL: 90.15-1-48 565 North State Rd.

Assessment Year	Assessed Valuation		Assessment Reduction
	Reduced From	Reduced To	
2011	\$59,100	\$38,610	\$20,490
2012	\$59,100	\$40,260	\$18,840
2013	\$59,100	\$41,514	\$17,586
2014	\$59,100	\$39,270	\$19,830

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 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 \$ 11,750.23, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E.

TAX CERTIORARI

Josef Lukacovic

vs.

Town of Ossining

Councilmember Harter moved and it was seconded by Councilmember Jeffrey 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 Josef Lukacovic against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 157 South Highland Avenue Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.15-3-34; all for Tax Assessment Years 2012-2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66914/12; 67331/13; and 67553/14; 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 ID : Section 97.15, Block 3, Lot 34 SBL : 97.15-3-34 157 South Highland Avenue			
Assessed Valuation			
Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2012	\$64,200	\$48,150	\$16,050
2013	\$64,200	\$48,150	\$16,050
2014	\$64,200	\$48,150	\$16,050

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 \$ 758.80, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F.

TAX CERTIORARI

**SONY Corp. of America,
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 SONY Corp. of America against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 600 Albany Post Road in The Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 104.11, Block 1, Lot 40; all for Tax Assessment Years 2011-2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 56958/2011; 64844/2012; and 65161/2013; 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 ID: Section 104.11, Block 1, Lot 40 SBL: 104.11-1-40 600 Albany Post Road, Briarcliff

Assessed Valuation			
Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2011	\$522,100	\$351,000	\$171,100
2012	\$522,100	\$366,000	\$156,100
2013	\$522,100	\$377,400	\$144,700

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 5,445.18, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. **TAX CERTIORARI**

Credendino Realty Corp.,
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 Credendino Realty Corp., against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 88 North Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.15, Block 2, Lot 65; all for Tax Assessment Years 2008-2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22395/08; 23422/09; 25023/10; 15038/11; 66828/12; 65648/13; and 67256/14; 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 ID: Section 89.15, Block 2, Lot 65 SBL: 89.15-2-65 88 North Highland Ave.

Assessment Year	Assessed Valuation		Assessment
	Reduced From	Reduced To	
Reduction			
2008	\$55,000	\$39,000	\$16,000
2009	\$55,000	\$39,000	\$16,000
2010	\$55,000	\$39,000	\$16,000
2011	\$55,000	\$39,000	\$16,000
2012	\$55,000	\$39,000	\$16,000
2013	\$55,000	\$39,000	\$16,000
2014	\$55,000	\$39,000	\$16,000

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 \$ 1,358.01, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. Resolution in Support of the Town's Position on Dredging in the Hudson River

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

WHEREAS, the Hudson River is an American Heritage River, and the Hudson River Valley is a National Heritage Area, and the health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it, including those throughout Westchester and Putnam Counties, as well as the state and the country at large; and

WHEREAS, sections of the Hudson River - from Hudson Falls to New York City – are a federal Superfund site because the General Electric Corporation (GE) discharged large quantities of polychlorinated biphenyls (PCBs) from two of its manufacturing plants between 1947 and 1977; and

WHEREAS, the Town of Ossining has been asked by Clearwater, Riverkeeper and other organizations to support their efforts to cause the PCBs to be removed from the Hudson River to further restore the Hudson River to its former ecological health, and spur the revival of long-dormant economic opportunities for both the Upper and Lower Hudson communities, including the towns in Westchester and Putnam Counties; and

WHEREAS, this endeavor has already been supported by more than fifty municipalities, and is something that the Town of Ossining Board is eager to support as well;

NOW THEREFORE, be it resolved, that the Town of Ossining hereby lends its voice to this effort and urges a more thorough removal of PCBs from the Hudson River and calls upon GE to: (1) dredge all areas of PCB-contaminated sediments in River Sections 2 and 3 that would require cleanup under the applicable standards in River Section 1, including, at a minimum, the 136 acres identified by the federal Trustees; (2) conduct any additional necessary removal of soils and sediments in PCB-contaminated “hot spots” in and around the Upper Hudson River, including cleanup of the Champlain Canal to ensure full use of the canal by deep draft shipping vessels; and (3) complete a thorough analysis and robust cleanup of the Hudson River, including the floodplains and the Old Champlain Canal, in order to restore the River to its full health and value as a natural and economic resource.

Motion Carried: Unanimously

I. Calling for a Public Hearing in the matter of 2015 Cabaret License for The Briarcliff Manor Featuring Antipasti di Napoli Restaurant and Bar

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 calls for a Public Hearing to be held on Tuesday, May 12, 2015 at 7:30 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the 2015 cabaret application for the Briarcliff Manor Featuring Antipasti di Napoli Restaurant and Bar, 25 Studio Hill Road Briarcliff Manor, NY 10510.

Motion Carried: Unanimously

J. Calling for a Public Hearing in the matter of Community Choice Aggregation (CCA)

Councilmember Blaha moved and it was seconded by Councilmember Jeffrey 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, May 12, 2015 at 7:35 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the Community Choice Aggregation (CCA) program for the Town of Ossining.

Motion Carried: Unanimously

K. Calling for a Public Hearing in the matter of Local Law #3 of 2015- “Amendments to ‘No Parking’ Regulations in the Town of Ossining”

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, May 12, 2015 at 7:40 p.m. in the Police/Court facility, 86-88 Spring Street in Ossining, in the matter of the “Amendments to ‘No Parking’ Regulations in the Town of Ossining”.

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the Town Planning Board Resolution dated April 10, 2015.

Motion Carried: Unanimously

VII. MONTHLY REPORTS

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT –EXECUTIVE SESSION-LEGAL ADVICE

At 8:40 P.M., Trustee Blaha moved and it was seconded by Trustee Harter that the Regular Meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Village Clerk