



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

JUNE 28, 2016
7:30 P.M.

SUPERVISOR
Dana Levenberg

COUNCILMEMBERS

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

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

II. PUBLIC HEARINGS:

- Public Hearing in the Matter of Local Law #6 of 2016- Declaring a Moratorium on Construction within the Town of Ossining
- Public Hearing in the Matter of Local Law #7 of 2016- Emergency Access Systems

III. ANNOUNCEMENTS

IV. LIAISON REPORTS

V. DEPARTMENTAL REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes

Resolved, that the Town Board of the Town of Ossining hereby approves the June 14, 2016, Minutes of the Regular Meeting as presented.

B. Approval of Voucher Detail Report

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

B. Finance: Budget Modifications

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
SUPERVISOR			
010.1220.0110 Part Time	14787.00	14787.00	010.1220.0101 Pers. Service Regular
010.1220.0405 Conference	814.00	814.00	010.1990.0400 Contingency
TAX COLLECTION			
010.1330.0110 Part Time	352.00	352.00	010.1330.0109 Sick Incentive
TOWN CLERK			

010.1410.0105 Overtime	1053.00			
010.1410.0402 Printing	215.00			
010.1410.0419 Maint/ Repair	3903.00	5171.00		010.1410.0110 Part Time
TOWN ATTORNEY				
010.1420.0426 Special Counsel	61750.00	61750.00		010.1420.0101 Pers Service Regular
010.1420.0494 Property Auction Exp.	150.00	150.00		010.1420.0405 Conference
UNALLOCATED INSURANCE				
010.1910.0465 GASB 45 Services	1950.00			
010.1910.0467 Liability	275.00	2225.00		010.1910.0468 Auto
OTHER GENERAL GOVERNMENT				
010.1989.0400 Contractual	15391.00	15391.00		010.1990.0400 Contingency
TRANSPORTATION SUPPORT SERVICE				
010.6772.0105 Overtime	110.00			
010.6772.0402 Printing	18.00	128.00		010.6772.0429 Call A Cab
010.6772.0437 Professional Fees	1396.00	1396.00		010.6772.0110 Part Time
PARKS				
010.7110.0419 Maint/ Repair	29000.00	29000.00		010.0010.2680 Insurance Recoveries
010.7110.0441 Paper Cleaning Supplies	214.00	214.00		010.7110.0109 Sick Incentive
TOTALS		131378.00	131378.00	
TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT		TRANSFER FRM G/L ACCNT
SUPERVISOR				
020.1220.0110 Part Time	7963.00	7963.00		020.1220.0101 Pers Service Reg
TOWN ATTORNEY				
020.1420.0426 Special Counsel	33250.00	33250.00		020.1420.0101 Pers Service Reg
OTHER GENERAL GOVERNMENT				
020.1989.0413 Consultant/ Contractual	2522.00	2522.00		020.1990.0400 Contingency
ZONING				
020.8010.0466 Legal Notices	146.00	146.00		020.1990.0400 Contingency
PLANNING				
020.8020.0201 Equipment	46.00			
020.8020.0436 Postage	8.00			
020.8020.0436 Postage	99.00	153.00		020.1990.0400 Contingency
TOTALS		44034.00	44034.00	
TRANSFER TO G/L ACCOUNT	TO ACCOUNT:	FROM ACCOUNT:		TRANSFER FRM G/L ACCNT
INDEPENDENT AUDIT				
031.1320.0438 Ind. Audit Services	525.00	525.00		031.5110.0101 Pers. Services Regular
UNALLOCATED INSURANCE				
031.1910.0465 GASB 45	304.00	105.00		031.5110.0101 Pers. Services Regular
031.1910.0468 Auto Insurance	1987.00	2186.00		031.1910.0467 Liability
MACHINERY				
031.5130.0201 Equipment	29800.00	29800.00		031.0031.4795 Fund Balance
TOTALS		32616.00	32616.00	

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
CEMETERIES			
032.8810.0203 Car	807.00		
032.8810.0419 Maint/ Repair	7332.00	8139.00	032.8810.0442 Improvements/ Capital
032.9010.0815 Unemployment Ins.	2132.00	2132.00	032.8810.0410 Supplies
TOTAL	10271.00	10271.00	
TRANSFER TO G/L ACCOUNT			
	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
CONSOLIDATED SEWER DST			
045.1320.0438 Audit	150.00	150.00	045.8120.0406 Telephone
TOTAL	150.00	150.00	
TRANSFER TO G/L ACCOUNT			
	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
AMBULANCE			
066.4540.0475 Contractual	126290.18	126290.18	066.0066.2351 Reimb for Ambulance District Svcs
TOTAL	126290.18	126290.18	

D.

TAX CERTIORARI

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

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

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

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

Section 97.15, Block 3, Lot 1

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

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

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

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

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 5,634.82, which will be ordered pursuant to said Consent Judgment.

E.

TAX CERTIORARI

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

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

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

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

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

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

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

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

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual

unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 572.74, which will be ordered pursuant to said Consent Judgment.

F.

TAX CERTIORARI

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

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

Cedar Manor Realty LLC	32 Cedar Lane, Ossining, N.Y.	Section 89.07, Block 3, Lot 69		
Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2009	89.07-3-69	\$336,400	\$94,480	\$241,920
2010	89.07-3-69	\$336,400	\$70,910	\$265,490
2011	89.07-3-69	\$336,400	\$55,600	\$280,800
2012	89.07-3-69	\$336,400	\$43,600	\$292,800
2013	89.07-3-69	\$336,400	\$34,480	\$301,920
2014	89.07-3-69	\$336,400	\$44,850	\$291,550
2015	89.07-3-69	\$336,400	\$59,550	\$276,850

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

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

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

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

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 4,298.97, which will be ordered pursuant to said Consent Judgment.

G.

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 1844 Pleasantville Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.17-1-6 for Tax Assessment Years 2011-2013, and to review the tax assessments made on Petitioner’s property located at Pleasantville Road , Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.17-1-5 for Tax Assessment Year 2012, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15044/11; 66844/12; and 65639/13; and

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

Urstadt Biddle Properties Inc. 1844 Pleasantville Road, Ossining, N.Y. Section 90.17-1-6	Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
	2011	90.17-1-6	\$57,100	\$16,150	\$40,950
	2012	90.17-1-6	\$57,100	\$20,500	\$36,600
	2013	90.17-1-6	\$57,100	\$19,630	\$37,740

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

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

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

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

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

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 650.60, which will be ordered pursuant to said Consent Judgment.

H.

TAX CERTIORARI

William J. Vescio and Sara A. Vescio

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 William J. Vescio and Sara A. Vescio against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 124 Old Briarcliff Road and 130 Old Briarcliff Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.09, Block 1, Lot 3.1 and Section 98.09, Block 1, Lot 3.2 for Tax Assessment Year 2015, which proceedings are now pending

in the Supreme Court of the State of New York, County of Westchester, under Index No. 67318/15 and 67319/15; and

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

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

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

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

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

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

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

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 86.40, which will be ordered pursuant to said Consent Judgment.

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

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

J. Town Board- Change in Meeting Schedule for 2016

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

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

And,

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

K. Foreclosure- Public Auction

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

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

L. Personnel: Parks Department, Seasonal Appointment

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

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

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

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

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

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

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

N. Revision of Town Policy Manual

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

O. Policy Adoption: Hazard Communications (HAZCOM)

Resolved, that the Town Board of the Town of Ossining hereby adopts the HAZCOM policy for the Town of Ossining, intended to satisfy OSHA’s Hazard Communication Standard 29 CFR 1910.1200 and inform employees about potential hazards in the workplace.

VIII. MONTHLY REPORTS

IX. VISITOR RECOGNITION

X. ADJOURNMENT –