



AGENDA
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
AUGUST 27, 2019
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Jackie G. Shaw Northern Wilcher, Jr.

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

II. PUBLIC HEARINGS IN THE MATTER OF

Visitors shall be accorded one (1) four (4) minute opportunity to speak on each public hearing.

- **Local Law #7 of 2019- Amendments to Chapter 74 of the Town Code entitled “Dogs” to Regulate Registration for and Use of the Town’s Dog Parks.**

- **Local Law # 8 of 2019 -- Amendments to Chapter 180 of the Town Code entitled “Taxation” to Implement the Solar Energy System PILOT Law of the Town of Ossining, New York.**

III. ADJOURN INTO WORK SESSION

- **“The Wait Room” Performances at Engel Park- Discussion**

IV. ADJOURN WORK SESSION, RETURN TO REGULAR MEETING

V. ANNOUNCEMENTS

VI. LIAISON REPORTS

VII. DEPARTMENTAL REPORTS

- **Town Building Inspector John Hamilton**

- **Town Receiver of Taxes Holly Perlowitz**

VIII. PUBLIC COMMENT ON AGENDA ITEMS

IX. BOARD RESOLUTIONS

A. Approval of Minutes—Special Meeting – August 6, 2019

RESOLVED, that the Town Board of the Town of Ossining hereby approves the August 6, 2019 minutes of the Special Meeting as presented.

B. Approval of Minutes—Special Meeting – August 20, 2019

RESOLVED, that the Town Board of the Town of Ossining hereby approves the August 20, 2019 minutes of the Special Meeting as presented.

C. Approval of Voucher Detail Report

RESOLVED, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated August 27, 2019 in the amount of \$886,285.33.

D. Tax Certiorari – 26 Yale Associates LLC vs. Town of Ossining, New York

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Wachovia Wells Fargo against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 22-24 Croton Avenue, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 89.19, Block 2, Lot 50 and for Tax Assessment Years 2016-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 63986/16; 65917/17 and 65371/18; 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:

26 Yale Associates LLC Town of Ossining, N.Y. 10562 22-24 Croton Avenue Section 89.19, Block 2, Lot 50

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.19-2-50	\$891,100	\$76,000	\$815,100
2017	89.19-2-50	\$891,100	\$98,000	\$793,100
2018	89.19-2-50	\$948,800	\$58,000	\$890,800

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 Counsel to 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 Counsel to the Town 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 \$222.63, which will be ordered pursuant to said Consent Judgment.

E. Tax Certiorari - ZSA Ossining, 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 ZSA Ossining, LLC against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 105 Croton Avenue, Ossining, N.Y.

10562 and designated on the tax assessment map of The Town of Ossining as Section 89.16, Block 1, Lot 57 and for Tax Assessment Year 2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65356/18; 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:

ZSA Ossining LLC 105 Croton Avenue Ossining, N.Y. 10562
Section 89.16, Block 1, Lot 57

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2018	89.16-1-57	\$1,976,900	\$126,500	\$1,850,400

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 Counsel to 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 Counsel to the Town 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 \$121.71, which will be ordered pursuant to said Consent Judgment.

F. Tax Certiorari - Wachovia Wells Fargo vs. Village of Briarcliff Manor, Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Wachovia Wells Fargo against The Village of Briarcliff Manor, Town of Ossining, New York to review the tax assessments made on Petitioner's property located at 1050 Pleasantville Road, Village of Briarcliff Manor, N.Y. 10510, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 51 and for Tax Assessment Years 2012-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65896/2012; 66458/2013; 65386/2014; 65975/2015; 63927/2016; 65520/2017 and 65163/2018; 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:

**Wachovia Wells Fargo 1050 Pleasantville Road, Village of Briarcliff Manor,
N.Y. 10510 Town of Ossining
Section 98.10, Block 1, Lot 51**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	98. 10-1-51	\$169,850	\$22,350	\$147,500
2013	98. 10-1-51	\$169,850	\$17,350	\$152,500
2014	98. 10-1-51	\$169,850	\$24,850	\$145,000
2015	98. 10-1-51	\$169,850	\$32,350	\$137,500
2016	98. 10-1-51	\$2,702,500	\$302,500	\$2,400,000
2017	98. 10-1-51	\$2,702,500	\$352,500	\$2,350,000
2018	98. 10-1-51	\$2,744,900	\$444,900	\$2,300,000

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 Counsel to 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 Counsel to the Town 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 \$2,019.84, which will be ordered pursuant to said Consent Judgment.

G. Tax Certiorari - 140 South Highland Avenue, 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 140 South Highland Avenue, LLC against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 140 South Highland Avenue, Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 97.11, Block 4, Lot 29 and for Tax Assessment

Years 2016-2017, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65573/16 and 66517/17; 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:

140 South Highland Avenue, LLC 140 South Highland Avenue, Ossining, N.Y. 10562
Section 97.11, Block 4, Lot 29

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	97.11-4-29	\$1,516,600	\$316,600	\$1,200,000
2017	97.11-4-29	\$1,516,600	\$316,600	\$1,200,000

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 Counsel to 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 Counsel to The Town 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 \$607.07, which will be ordered pursuant to said Consent Judgment.

H. Tax Certiorari -- Deercliff Builders, 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 Friends Construction, Inc. against The Village of Ossining, Town of Ossining, New York to review the tax assessments made on Petitioner's property located on 1250 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, N.Y. 10510 and designated on the tax assessment map of The Town of Ossining, Village of Briarcliff Manor as Section 98.10, Block 1, Lot 41 and for Tax Assessment Years 2015-2018, which proceedings are now pending in the Supreme Court of the State of New York,

County of Westchester, under Index Nos. 65229-15, 63734-16, 64561-17 and 64903-18; 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:

Deercliff Builders, Inc. 1250 Pleasantville Road Village of Briarcliff Manor,
Town of Ossining, N.Y. 10510
Section 98.10, Block 1, Lot 41

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	98. 10-1-41	\$82,200	\$5,925	\$76,275
2016	98. 10-1-41	\$1,424,600	\$74,600	\$1,350,000
2017	98. 10-1-41	\$1,424,600	\$0	\$1,424,600
2018	98. 10-1-41	\$1,400,000	\$0	\$1,400,000

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 Counsel to 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 Counsel to The Town 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 \$130.95 , which will be ordered pursuant to said Consent Judgment.

I. Climate Smart Communities Healthy Communities Initiative Grant Approval

RESOLVED, that the Town Board of the Town of Ossining authorizes the Supervisor to enter into an agreement with the New York State Department of Environmental Conservation for a Climate Smart Communities Certification grant in the amount of \$70,100 to complete a project entitled “Healthy Communities Initiative,” subject to approval by Counsel to the Town as to form.

J. Contract- “The Wait Room” Performance at Louis Engel Park

RESOLVED, that the Town Board of the Town of Ossining authorizes the Supervisor to enter into an agreement with both the Sing Sing Prison Museum, 127 Main Street, Ossining, and Flyaway Productions, 1068 Bowdoin Street, San Francisco, California, to rent a section of Louis Engel Waterfront Park for the purpose of a performance between September 16th, 2019 and September 23rd, 2019 under the terms and conditions outlined in the agreement, subject to approval by Counsel to the Town as to form.

X. CORRESPONDENCE TO BE RECEIVED AND FILED

XI. MONTHLY REPORTS

- Town Building Department

XII. VISITOR RECOGNITION

Visitors shall be accorded one (1) four (4) minute opportunity to speak

XIII. ADJOURN INTO WORK SESSION

- Solar PILOT Law- Discussion

XIV. EXECUTIVE SESSION FOR ADVICE OF COUNSEL