



AGENDA
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
NOVEMBER 12, 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**
 - **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.**
- III. **SPECIAL PRESENTATION**
 - **Presentation of Memorial Plaque for Mario Conte**
- IV. **ANNOUNCEMENTS**
- V. **LIAISON REPORTS**
- VI. **DEPARTMENTAL REPORTS**
 - **Superintendent of Recreation Bill Garrison**
- VII. **PUBLIC COMMENT ON AGENDA ITEMS**
- VIII. **BOARD RESOLUTIONS**
 - A. **Approval of Minutes—Regular Meeting – October 22, 2019**

Resolved, that the Town Board of the Town of Ossining hereby approves the October 22, 2019 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 November 12, 2019 in the amount of \$248,745.65.
 - C. **Calling for a Public Hearing-2020 Preliminary Budget**

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, November 26th, 2019 at 7:30 p.m. at the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street, Ossining, NY in the matter of the 2020 Preliminary Budget for the Town of Ossining.
 - D. **Resolution – Calling for Public Hearing on Local Law #9 of 2019– Reduction of Speed Limit on North State Road**

WHEREAS, the Town of Ossining has engaged consultants to study ways in which its main commercial corridor, North State Road, could enhance bikeability and pedestrian safety, and a recommendation of a speed limit reduction from 30MPH to 25MPH was recommended; and

WHEREAS, a section of the Town Code exists for this purpose and the proposed change will be to Article IV “Speed Regulations” Subsection 188-7 “Speed Limits”, and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, November 26th, 2019 at 7:35PM at the Birdsall-Fagan Police/Court Facility located at 86-88 Spring Street, Ossining, NY 10562 in the matter of local law #9 of 2019 – Amendment of Article IV of the Town Code entitled “Speed Regulations” in Reduction of Speed Limit on North State Road.

E. Appointment of Ossining Representative to WestCOP Board of Directors

Resolved that the Town Board of the Town of Ossining hereby re-appoints Joan E. Whittaker to the position of the Town of Ossining representative to the Board of Directors of the Westchester Community Opportunities Program, (WESTCOP) for the 2019-2020 year.

F. Planning Board- Re-Appointment

Resolved, that the Town Board hereby re-appoints Ching Wah Chin, Ossining, to a five year term on as Planning Board Chair for the Town Planning Board, retroactive to January 1, 2019 and set to expire on December 31st, 2023.

G. Board of Assessment Review- Re-Appointment

Resolved, that the Town Board hereby re-appoints Paul Mazzilli, Ossining, to a five year term on the Board of Assessment Review, retroactive to October 1st, 2018 and set to expire on September 30th, 2023.

H. Tax Certiorari – 172 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 172 Highland Avenue LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 172 North Highland Avenue, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 89.15, Block 1, Lot 13 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. 65232/15; 63735/16; 64566/17; and 64913/18; 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:

172 Highland Avenue LLC 172 North Highland Avenue, Town of Ossining, N.Y. 10562

Section 89.15, Block 1, Lot 13

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	89.15-1-13	\$61,650	\$0	\$61,650
2016	89.15-1-13	\$1,033,300	\$0	\$1,033,300

2017	89.15-1-13	\$1,033,300	\$83,300	\$950,000
2018	89.15-1-13	\$1,025,000	\$75,000	\$950,000

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 \$152.42, which will be ordered pursuant to said Consent Judgment.

I. Tax Certiorari – Irwin J. Kavy 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 Irwin J. Kavy against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 573 North State Road, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 90.11, Block 1, Lot 44 and for Tax Assessment Years 2012-2019, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66318/12; 66034/13; 66413/14; 67109/15; 65232/16; 65209/17; 66309/18; and 64377/19; 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:

Irwin J. Kavy 573 North State Road, Town of Ossining 10562

Section 90.11, Block 1, Lot 44

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	90.11-1-44	\$26,200	\$7,055	\$19,145
2013	90.11-1-44	\$26,200	\$6,400	\$19,800
2014	90.11-1-44	\$26,200	\$7,520	\$18,680
2015	90.11-1-44	\$26,200	\$8,610	\$17,590
2016	90.11-1-44	\$380,800	\$61,200	\$319,600
2017	90.11-1-44	\$380,800	\$61,200	\$319,600
2018	90.11-1-44	\$380,800	\$61,200	\$319,600
2019	90.11-1-44	\$380,800	\$61,200	\$319,600

Section 90.11, Block 1, Lot 45

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2012	90.11-1-45	\$ 1,900	\$0	\$1,900
2013	90.11-1-45	\$ 1,900	\$0	\$1,900
2014	90.11-1-45	\$ 1,900	\$0	\$1,900
2015	90.11-1-45	\$ 1,900	\$0	\$1,900
2016	90.11-1-45	\$20,400	\$0	\$20,400
2017	90.11-1-45	\$20,400	\$0	\$20,400
2018	90.11-1-45	\$20,400	\$0	\$20,400
2019	90.11-1-44	\$20,400	\$0	\$20,400

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 \$5,103.35, which will be ordered pursuant to said Consent Judgment.

J. Tax Certiorari – DCM Properties 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 DCM Properties LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 541 North State Road, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 90.15, Block 1, Lot 40 and for Tax Assessment Years 2013-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 64523/2013; 67870/2014; 66768/2015; 63805/2016; 66983/2017 and 66498/2018; 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:

DCM Properties LLC 541 North State Road, Town of Ossining, N.Y. 10562
Section 90.15, Block 1, Lot 40

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2013	90.15-1-40	\$72,100	\$14,420	\$57,680
2014	90.15-1-40	\$72,100	\$14,420	\$57,680
2015	90.15-1-40	\$72,100	\$14,420	\$57,680
2016	90.15-1-40	\$962,400	\$96,240	\$866,160

2017	90.15-1-40	\$962,400	\$96,240	\$866,160
2018	90.15-1-40	\$1,007,700	\$100,770	\$906,930

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 \$8,960.17, which will be ordered pursuant to said Consent Judgment.

K. Tax Certiorari – Wells Fargo 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 Wells Fargo against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 176 Croton Avenue, Town of Ossining, N.Y. and designated on the tax assessment map of The Town of Ossining as Section 89.16, Block 6, Lot 61, Section 89.16, Block 6, Lot 62 and Section 89.16, Block 6, Lot 64 and for Tax Assessment Years 2014-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 65380/2014; 65983/2015; 63932/2016; 65669/2017; and 65156/ 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:

Wells Fargo Bank Branch 176 Croton Avenue at Pleasantville Road, Town of Ossining, New York 10562
(3 Parcels)

**Parcel One
Section 89.16, Block 6, Lot 61 (Pleasantville Road)**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.16-6-61	\$9,050	\$1,610	\$7,440
2015	89.16-6-61	\$9,050	\$1,610	\$7,440
2016	89.16-6-61	\$159,200	\$36,450	\$122,750
2017	89.16-6-61	\$159,200	\$36,450	\$122,750
2018	89.16-6-61	\$165,300	\$42,550	\$122,750

**Parcel Two
Section 89.16, Block 6, Lot 62 (3 Pleasantville Road)**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.16-6-62	\$7,250	\$1,290	\$5,960
2015	89.16-6-62	\$7,250	\$1,290	\$5,960
2016	89.16-6-62	\$126,800	\$29,030	\$97,770
2017	89.16-6-62	\$126,800	\$29,030	\$97,770
2018	89.16-6-62	\$131,800	\$34,030	\$97,770

Parcel Three

Section 89.16, Block 6, Lot 64 (176 Croton Avenue at Pleasantville Road)

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.16-6-64	\$87,100	\$15,500	\$71,600
2015	89.16-6-64	\$87,100	\$15,500	\$71,600
2016	89.16-6-64	\$1,568,600	\$359,120	\$1,209,480
2017	89.16-6-64	\$1,568,600	\$359,120	\$1,209,480
2018	89.16-6-64	\$1,643,100	\$433,620	\$1,209,480

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 \$1,305.02, which will be ordered pursuant to said Consent Judgment.

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

X. MONTHLY REPORTS

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of October 2019:

- **GE Helicopter Report**
- **Town Clerk**
- **Town Tax Receiver**
- **Town Highway Department**
- **Dale Cemetery**

XI. VISITOR RECOGNITION

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

XII. ADJOURNMENT