

AGENDA
MARCH 6, 2013
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 7:30 PM

Board of Trustees Announcements

Village Managers Report

Public Comments

1. Tax Certioraris
2. Bond Resolution
3. Budget Amendment – Non Budgeted Line Items - Insurance Recovery
4. Minutes
 - February 20, 2013 – Regular Meeting

NEXT REGULAR BOARD OF TRUSTEES MEETING – MARCH 20, 2013

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 6, 2013

1A. TAX CERTIORARI – KAPSON BRIARCLIFF MANOR, LLC

WHEREAS, Kapson Briarcliff Manor, LLC (Atria 1025 Pleasantville Road) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2006-2011; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on August 20, 2012 and received by the Village via email on February 21, 2013;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 in the amount of \$226,292.52 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund
2006	1025 Pleasantville Rd.	\$1,322,200	\$801,125	\$521,075	\$107,158.49	\$64,927.66	\$42,230.84
2007	1025 Pleasantville Rd.	\$1,322,200	\$788,125	\$534,075	\$112,247.24	\$66,907.08	\$45,340.16
2008	1025 Pleasantville Rd.	\$1,322,200	\$845,875	\$476,325	\$114,476.34	\$73,235.86	\$41,240.48
2009	1025 Pleasantville Rd.	\$1,322,200	\$870,400	\$451,800	\$115,439.82	\$75,993.58	\$39,446.24
2010	1025 Pleasantville Rd.	\$1,322,200	\$973,000	\$349,200	\$117,675.80	\$86,597.00	\$31,078.80
2011	1025 Pleasantville Rd.	\$1,322,200	\$1,023,750	\$298,450	\$119,421.10	\$92,465.10	\$26,956.00
				\$2,630,935			\$226,292.52
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION

LAW OFFICES

PODELL, SCHWARTZ, SCHECHTER & BANFIELD, LLP

605 THIRD AVENUE
NEW YORK, N.Y. 10158

(212) 883-6500
FAX: (212) 883-6518
WWW.PSSB-LAW.COM

1205 FRANKLIN AVENUE
GARDEN CITY, NY 11530
TEL. (516) 248-5827
FAX (516) 248-5854

SENIOR COUNSEL
ALLAN C. SCHWARTZ

SPECIAL COUNSEL
VICTOR HADE

October 17, 2012

Village of Briarcliff Manor
Village Hall
1111 Pleasantville Road
Briarcliff Manor, New York 10510

Re: Re: Kapson Briarcliff Manor LLC vs. Assessor(s), Town
of Ossining

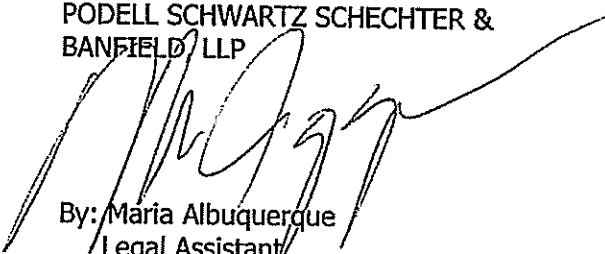
Dear Sir/Madam:

Enclosed please find a certified copy of the entered Final Order on Consent.

Please process the refund on the above in accordance with the terms of the
Order.

Very truly yours,

PODELL SCHWARTZ SCHECHTER &
BANFIELD, LLP


By: Maria Albuquerque
Legal Assistant

encls.

At a term of the Supreme Court of the State of New York, held in and for the County of Westchester at the Court House, White Plains, New York, on the 17th day of August, 2012

PRESENT:
HON. JOHN R. LACAVA
JUSTICE

-----X
In the Matter of

KAPSON BRIARCLIFF MANOR,

Petitioner,

-against -

THE ASSESSOR(S) OF THE TOWN OF OSSINING
AND THE TOWN OF OSSINING,

Respondents,
and

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT,

Respondent-Intervenor.
-----X

FILED
AND
ENTERED
ON 8-20-2012
WESTCHESTER
COUNTY CLERK

INDEX NOS.

18481/06
18995/07
21010/08
22454/09
23939/10
14925/11

FINAL ORDER
ON CONSENT

These proceedings having been instituted to review the assessed valuation on the real property located in the Town of Ossining located at 1025 Pleasantville Road identified on the tax map as number 98.14-1-30, and

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
In the Matter of

KAPSON BRIARCLIFF,

Petitioner,

-against-

INDEX NOS.

18481/06
18995/07
21010/08
22454/09
23939/10
14925/11

NOTICE OF ENTRY

THE ASSESSOR(S) OF THE TOWN OF
OSSINING AND THE TOWN OF OSSINING,

Respondents,

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT,


Intervenor- Respondent.
-----X

PLEASE TAKE NOTICE that a final order, a copy of which is annexed hereto,
was entered in the office of the Clerk of this Court on August 20, 2012;

Dated: New York, New York
August 23, 2012

PODELL, SCHWARTZ, SCHECHTER
& BANFIELD, LLP
Attorneys for Petitioner

By:


GARY SCHULLER
605 Third Avenue
New York, New York 10158
(212) 883-6500

TO: Wayne Spector, Esq.
Cohn & Spector
200 East Post Road
White Plains, New York 10601

Marc E. Sharff, Esq., Intervenor-Respondent
Shaw, Perelson, May & Lambert, LLP
115 Stevens Avenue
Valhalla, New York 10595

These proceedings having duly come on for trial at an IAS term of this Court, and the parties having reached a settlement, it is hereby

ORDERED, that the assessed valuation of petitioner's real property, identified as tax map number 98.14-1-30 on the tax map of the Town of Ossining, for the assessment rolls completed and filed in calendar years 2006 through and including 2011, be reduced as follows:

Tax Map Number 98.14-1-30

<u>Year</u>	<u>FROM</u>	<u>Total</u>
2006	\$ 1,322,200	801,125
2007	\$ 1,322,200	788,125
2008	\$ 1,322,200	845,875
2009	\$ 1,322,200	870,400
2010	\$ 1,322,200	973,000
2011	\$ 1,322,200	1,023,750

TO

2006	\$ 801,125
2007	\$ 788,125

2008	\$ 845,875
2009	\$ 870,400
2010	\$ 973,000
2011	\$ 1,023,750

and it is further

ORDERED, that the officer or officers having custody of the aforesaid assessment rolls and any tax rolls upon which petitioner's property appears shall make or cause to be made upon the proper books and records and upon the assessment and tax rolls of the Town of Ossining the entries, changes, and corrections necessary to conform them to the terms of this Order; and it is further

ORDERED, that there shall be audited, allowed, and paid to petitioner by the Town of Ossining the amounts, if any, paid as town and town special district taxes against the original assessments in excess of what taxes would have been paid if the assessments had been made as determined by this Order, with interest pursuant to Real Property Tax Law (RPTL) section 726; and it is further

ORDERED, that there shall be audited, allowed, and paid to petitioner by the Village of Briarcliff Manor the amounts, if any, paid as village and village special district taxes against the original assessments in excess of what taxes would have been paid if the assessments had been made as determined by this Order, with interest pursuant to RPTL section 726; and it is further

ORDERED, that there shall be audited, allowed, and paid to petitioner by the Briarcliff Manor Union Free School District the amounts, if any, paid as school taxes against the original assessments in excess of what taxes would have been paid if the assessments had been made as determined by this Order, with interest pursuant to RPTL section 726; and it is further

ORDERED, that there shall be audited, allowed, and paid to petitioner by the county legislators of the County of Westchester the amounts, if any, paid as state, county, judiciary, sewer district, and any other Westchester County special district taxes against the original assessments in excess of what taxes would have been paid if the assessments had been made as determined by this Order, with interest pursuant to RPTL section 726; and it is further

ORDERED, that the Commissioner of Finance of Westchester County be served with a copy of this Order with notice of entry, together with proof of payment of state, county, judiciary, sewer district, and any other Westchester County special district taxes; and it is further

ORDERED, that notwithstanding the provisions of the third, fourth, fifth and sixth decretal paragraphs of this Order, if any tax refund payable by reason of the aforesaid assessment reductions be paid within sixty (60) days of service of a copy of this Order with notice of entry, no interest shall be required to be paid thereon; and it is further

ORDERED, that all refunds payable pursuant to this Final Order shall be made payable to Podell, Schwartz, Schechter & Banfield, LLP, 605 Third Avenue, New York, New York 10158, as attorneys for the petitioner; and it is further

ORDERED, that this Final Order constitutes full settlement of each of the tax assessment review proceedings whose index numbers appear above, that there are no costs or allowances awarded to any of the parties, and that upon compliance with the terms of this Final Order the

above captioned proceedings are settled and discontinued
with prejudice.

ENTER

HON. JOHN R. LACAVA
J.S.C.

/s/

Hon. John R. LaCava
J.S.C.

SIGNING AND ENTRY OF THE
FOREGOING FINAL ORDER IS
HEREBY CONSENTED TO:

Town Attorney
Town of Ossining

By: 

PODELL SCHWARTZ SCHECHTER & BANFIELD, LLP
Attorneys for Petitioner

By: 

Gary Schuller

SHAW, PERELSON, MAY & LAMBERT, LLP
Attorneys for Respondent-Intervenor

By: 

THE OFFICE OF THE WESTCHESTER
COUNTY ATTORNEY HAS NO OBJECTION
TO THE ENTERING OF THE WITHIN
ORDER.

DATED: 8/10/12



COUNTY ATTORNEY
THE COUNTY OF WESTCHESTER, NEW YORK

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 6, 2013

1B. TAX CERTIORARI – ELANT AT BRANDYWINE INC. F/K/A 620 SLEEPY HOLLOW CORPORATION

WHEREAS, Elant at Brandywine Inc. F/K/A 620 Sleepy Hollow Corporation (620 Sleepy Hollow Road) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2004-2005; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2005-2006 and 2006-2007; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on January 17, 2013;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Years 2005-2006 and 2006-2007;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Years 2005-2006 and 2006-2007 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Years 2005-2006 and 2006-2007 in the amount of \$15,683.04 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund
2004	620 Sleepy Hollow Rd.	\$903,650	\$775,000	\$128,650	\$64,630.22	\$59,096.85	\$5,533.37
2005	620 Sleepy Hollow Rd.	\$903,650	\$692,125	\$211,525	\$68,902.93	\$58,757.26	\$10,149.67
				\$340,175			\$15,683.04
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION

TRACY PIERRO
ASSISTANT TO DALE ALLINSON
DIRECT DIAL: 516.296.7086
tpierro@certilmanbalin.com

February 21, 2013

Ms. Robin L. Rizzo
Treasurer/Receiver of Taxes
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Re: Elant at Brandywine Inc. f/k/a 620 Sleepy Hollow
Corporation v. Board of Assessors, Town of Ossining
Index No(s) .: 04-14874, 05-16246, 06-19893
Our File No.: 5-85

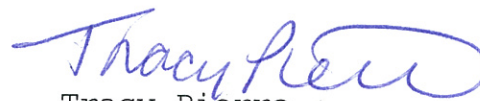
Dear Ms. Rizzo:

Pursuant to our conversation on January 24, 2013, I am enclosing a conformed and certified copy of a Westchester County Supreme Court Consent Judgment with reference to the above matter.

We are hereby requesting the processing of the refund on behalf of our client. As soon as the refund check is prepared, kindly forward same directly to our office. Please note that our firm's Federal Tax Identification Number is 11-6188872.

Thank you for your courtesy and cooperation in this matter.

Sincerely yours,



Tracy Pierro
Assistant to Dale Allinson

/tp
Enclosure

Copy

FILED
AND
ENTERED
ON 1/17 2013
WESTCHESTER
COUNTY CLERK

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Westchester, at 111 Dr. Martin King Jr. Blvd., White Plains, New York on the 17 day of January, 2013.

PRESENT: BRUCE E. TOUBERT
HON. ~~JOHN R. LACAVA~~,
JUSTICE.

COUNTY OF WESTCHESTER

-----X
In the Matter of the Application of

ELANT AT BRANDYWINE INC. F/K/A
620 SLEEPY HOLLOW CORPORATION,

CONSENT JUDGMENT

Index No(s) .: 04-14874
05-16246
06-19893

Petitioner,

-against-

THE BOARD OF ASSESSORS AND/OR THE
ASSESSOR OF THE TOWN OF OSSINING
AND THE BOARD OF ASSESSMENT REVIEW

Respondents,

BRIARCLIFF MANOR UNION FREE S.D.

Intervenor-Respondent.

For a Review of Tax Assessments under
Article 7 of the Real Property Tax Law.

-----X
The above Petitioner having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the TOWN OF OSSINING, for the assessment years 2004, 2005 and 2006 upon certain real property located in the TOWN OF OSSINING, New York, and designated as: Section 105.13, Block 2, Lot 55 (Formally Section 4.33, Block 28, Lot 2A), of the Town of Ossining, and

The issues of these proceedings having duly been conferenced at an IAS Term of this Court, and the petitioner having appeared by CERTILMAN BALIN ADLER & HYMAN, LLP, the respondents having appeared by WAYNE SPECTOR, ESQ., Town Attorney for the TOWN OF OSSINING, and the intervenor-respondent having appeared by SHAW, PERELSON, MAY & LAMBERT, LLP, and the parties having made their settlement, it is

ORDERED, that the assessments on the property referred to herein, be and the same is hereby reduced, corrected and fixed for the 2004, 2005 and 2006 assessment years as follows:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Amount of Reduction</u>
2004	\$903,650	\$775,000	\$128,650
2005	\$903,650	\$692,125	\$211,525
2006	\$903,650	\$903,650	-0-

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this order, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the TOWN OF OSSINING for Tax Map ID: Section 105.13, Block 2, Lot 55 (Formally Section 4.33, Block 28, Lot 2A), the amount of all Town, Special District and any other taxes including any fees, charges, penalties or interest charged for any reason paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid years been

determined by this Order, together with the interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice on entry, and it is further

ORDERED AND DIRECTED, that the County Legislators of the COUNTY OF WESTCHESTER, State of New York, be and are hereby directed and authorized to audit, allow to pay to the petitioner the amount, if any, of State, County, Judiciary and Sewer District taxes including any fees, charges, penalties or interest charged for any reason paid by the petitioner as taxes against the erroneous assessments in excess of what the taxes would have been had the assessments been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute; provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order upon the Commissioner of Finance with notice on entry and proof of payment of taxes; and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT for Tax Map ID: Section 105.13, Block 2, Lot 55 (Formally Section 4.33, Block 28, Lot 2A), the amount of all School and Library taxes, including any fees, charges, penalties or interest charged for any reason paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years been determined by this

Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice on entry, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the VILLAGE OF BRIARCLIFF MANOR for Tax Map ID: Section 105.13, Block 2, Lot 55 (Formally Section 4.33, Block 28, Lot 2A), the amount of Village taxes, including any fees, charges, penalties or interest charged for any reason paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice on entry, and it is further

ORDERED AND DIRECTED, that unless paid within sixty (60) days from service of this Order and of the Audit of Demand for payment of all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to §726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the TOWN OF OSSINING and/or any of the various taxing authorities, be made by check or draft payable to the order of CERTILMAN BALIN ADLER & HYMAN, LLP, 90

Merrick Avenue, East Meadow, New York, 11554, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated: *January 17, 2013*
White Plains, NY

ENTER,

5/ Bruce E. Tolbert

J.S.C.

Entry of the above Order is hereby consented to:

Dale Allin

DALE ALLINSON, ESQ.
Certilman Balin Adler & Hyman, LLP
Attorney for Petitioner
90 Merrick Avenue
East Meadow, NY 11554

Wayne Spector

WAYNE SPECTOR, ESQ.
Town of Ossining
Attorney for Respondents
16 Croton Avenue
Ossining, NY 10562

Marc E. Sharff

MARC E. SHARFF, ESQ.
Shaw, Perelson, May & Lambert, LLP
Attorney for Intervenor-Respondent
115 Stevens Avenue
Valhalla, NY 10595

THE OFFICE OF THE WESTCHESTER COUNTY ATTORNEY HAS NO OBJECTION TO THE ENTERING OF THE WITHIN ORDER.

DATED: *January 9, 2013*

Jan

Asst COUNTY ATTORNEY
THE COUNTY OF WESTCHESTER
Misel Vidas, Esq. AN ATTORNEY AT LAW DO HEREBY CERTIFY PURSUANT TO SEC. 2205 CPLR, THAT I HAVE COMPARED THE FOREGOING WITH THE ORIGINAL AND HAVE FOUND IT TO BE A TRUE AND COMPLETE COPY.
DATED: *2/1/13* *Misel Vidas*

SIGNATURE

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
):ss.
COUNTY OF NASSAU)

TRACY PIERRO, being duly sworn, deposes and says:

Your Deponent is not a party to the action, is over 18 years of age, and resides in Levittown, New York.

On February 21, 2013, your deponent served the within CONSENT JUDGMENT WITH NOTICE OF ENTRY upon:

Wayne Spector, Esq.
Town of Ossining
Attorney for Respondents
16 Croton Avenue
Ossining, NY 10562

Ms. Gloria Fried
Receiver of Taxes
Town of Ossining
16 Croton Avenue
Ossining, NY 10562

Marc E. Sharff, Esq.
Shaw, Perelson, May & Lambert, LLP
Attorney for Intervenor-Respondent
115 Stevens Avenue
Valhalla, NY 10595

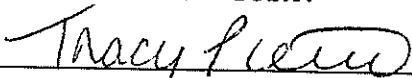
Mr. Fernando Gonzalez
Appointed Assessor
Town of Ossining
16 Croton Avenue
Ossining, NY 10562

Mr. Elio Giuliani
Coordinator, Fiscal Operations
Westchester County Finance Dept.
148 Martine Avenue
Suite 724 - Tax Certioraris
White Plains, NY 10601

Mr. Neal Miller
Superintendent
45 Ingham Road
Briarcliff Manor, NY 10510

Ms. Robin L. Rizzo
Treasurer/Receiver of Taxes
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

the address designated by said attorneys for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



TRACY PIERRO

Sworn to before me on
February 21, 2013



Notary Public

CINDY A. GODSIL
Notary Public, State of New York
No. 01GO6026023
Qualified in Nassau County
Commission Expires June 7, 2015

In the Matter of ELANT AT BRANDYWINE INC. F/K/A 620 SLEEPY HOLLOW CORPORATION,

Petitioner,

- against -

THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF OSSINING AND THE BOARD OF ASSESSMENT REVIEW,

Respondents,

BRIARCLIFF MANOR UNION FREE S.D.,

Intervenor-Respondent.

CONSENT JUDGMENT WITH NOTICE OF ENTRY

CERTILMAN BALIN ADLER & HYMAN, LLP
Attorney(s) for

Petitioner(s)

Office and Post Office Address, Telephone

90 MERRICK AVENUE, 9TH FLOOR
EAST MEADOW, NEW YORK 11554
(516) 296-7000
FAX (516) 296-7111

To

SEE ATTACHED AFFIDAVIT

To the best of the undersigned's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the within documents and contentions contained herein are not frivolous as defined in 22 NYCRR 130-1.1-a.

Respondents

Dated:

Attorney(s) for

PLEASE TAKE NOTICE:

[X] NOTICE OF ENTRY

that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

Judgment

January 17, 2013

[] NOTICE OF SETTLEMENT

that an order will be presented for settlement to the HON. within named Court, at on

of which the within is a true copy one of the judges of the

Dated, East Meadow, New York at February 21, 2013

M. Yours, etc.

CERTILMAN BALIN ADLER & HYMAN, LLP

\$315,721 Tax Certioraris

	TAX SETTLEMENTS	BOT Date	TOS Date
GINSBURG	\$ 26,300.01	7/5/2012	
ATRIA/KAPSON	\$ 226,292.52	3/6/2013	
SEFAR/TETKO	\$ 13,919.03		2/26/2013
ELANT	\$ 15,683.04	3/6/2013	
BEGONI	\$ 9,321.34		2/26/2013
449 NSR	\$ 18,013.65		2/26/2013
		Total	\$ 309,529.59
2% Bonding Costs			\$ 6,191.41
Resolution			\$ 315,721.00

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 6, 2013

2. **BOND RESOLUTION – TAX CERTIORARIS**

BOND RESOLUTION, DATED MARCH 6, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$315,721 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE PAYMENT OF JUDGMENTS AND SETTLED CLAIMS TO BE PAID BY THE VILLAGE RESULTING FROM TAX CERTIORARI PROCEEDINGS BROUGHT PURSUANT TO ARTICLE SEVEN OF THE NEW YORK REAL PROPERTY TAX LAW.

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the “Village”), located in the County of Westchester, in the State of New York (the “State”), hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the payment of judgments and settled claims to be paid by the Village resulting from tax certiorari proceedings brought pursuant to Article 7 of the New York Real Property Tax Law, including any preliminary and incidental costs related thereto, at a total cost not to exceed \$315,721, all in accordance with the Local Finance Law;

WHEREAS, the total amount of judgments and settled claims resulting from tax certiorari proceedings to be paid by the Village is more than three per centum but less than five per centum of the real property tax levy of the Village to be levied for its municipal purposes for the fiscal year in which such payments are to be made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$315,721, pursuant to the Local Finance Law, in order to finance the costs of the payment of judgments and settled claims to be paid by the Village resulting from tax certiorari proceedings brought

pursuant to Article 7 of the New York Real Property Tax Law, including any preliminary and incidental costs related thereto (the "Project").

Section 2. It is hereby determined that the Project is a specific object or purpose described in subdivision 33-a(b) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of serial bonds authorized herein, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$315,721; (b) except as set forth on the financial records of the Village Treasurer, no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs of the Project for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute, on behalf of the Village, all serial bonds authorized herein and all bond

anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of

Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance

which the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 6, 2013

3. BUDGET AMENDMENT, NON-BUDGETED LINE ITEMS

BE IT RESOLVED that the budget for Fiscal Year 2012-2013 is hereby amended as follows:

Increase Revenue – Insurance Recovery
(A0101.2680) by \$112,270.58

Increase Expenses (Trees)
(A5110.101) by \$649.26

Increase Expenses (Trees)
(A5110.102) by \$13,068.33

Increase Expenses (Ramos)
(A5110.460) by \$3,150

Increase Expenses (Social Security/Medicare)
(A5110.850) by \$913.77

Increase Expenses (Replacement Trees)
(A5110.101) by \$94,489.22

TOTAL \$112,270.58

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 20th of February, 2013 commencing at 7:30 p.m.

Present

David Venditti, Deputy Mayor
Mark Pohar, Trustee
Lori A. Sullivan, Trustee

Also Present

Philip Zegarelli, Village Manager
Christine Dennett, Village Clerk
Clinton Smith, Village Counsel

Absent

William J. Vescio, Mayor
Robert Murray, Trustee

Board of Trustees Report by Deputy Mayor Venditti

- The Recreation Department is planning their Spring/Summer programs and the Brochure will be available online in early March.
- Registration for Summer Camp and other programs will begin on March 18th. The 2013 Summer Camp season will span 5 ½ weeks.
- The Annual Village Election will be on March 19th at the Youth Center and all Village registered voters are urged to go out and vote.
- Summercliff Players presents Seussical the Musical. Mark your calendars for the open house meeting on April 22nd. Visit their website www.summercliffplayers.com for more information.

Village Managers Report by Village Manager Zegarelli

- FEMA made new designations based on Hurricane Sandy and Scarborough Park falls into a new flood zone.
- There is an uptick in building permit requests.
- Staff is preparing the FY 2013-2014 tentative budget.
- Only 0.5% of taxes remain uncollected in the Village.
- Unwanted medication may be dropped off in the medication drop box located in the Police Department lobby. Please don't flush them down the drain.

Trustee Sullivan encouraged anyone that hasn't joined the Village Resident email list to please do so. She stated they are very informative and keep residents up to date on happenings in the Village.

Public Comments

There were no public comments.

Amend Master Fee Schedule – Recreation Fees

The Board made minor amendments to the resolution.

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to approve the following resolution as amended:

BE IT RESOLVED that the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

MASTER FEE SCHEDULE

DEPARTMENT	TYPE OF APPLICATION LICENSE OR PERMIT	EXISTING	PROPOSED FYE 2014 FEES	Eligible Non- Residents	
Summer Day Camp Programs	Tree Camp				
	Half Day - entire 5 weeks	510	600	750	
	Half Day - any 4 weeks	460	510	640	
	Half Day - any 3 weeks	375	415	520	
	Full Day - entire 5 weeks	800	915	1145	
	Full Day - any 4 weeks	700	770	965	
	Full Day - any 3 weeks	560	615	770	
	Extended Day Option - Daily Rate	25	30	38	
	Extended Day Option - Weekly Rate	90	110	138	
	Extended Day Option - Seasonal Rate - 5 weeks	275	330	410	
		Super Camp			
	Half Day - entire 5 weeks	510	600	750	
	Half Day - any 4 weeks	460	510	640	
	Half Day - any 3 weeks	375	415	520	
	Full Day - entire 5 weeks	800	915	1145	
	Full Day - any 4 weeks	700	770	965	
	Full Day - any 3 weeks	560	615	770	
	Extended Day Option - Daily Rate	25	30	38	
	Extended Day Option - Weekly Rate	90	110	138	
	Extended Day Option - Seasonal Rate - 5 weeks	275	330	410	
		Camp Adventure			
	Half Day - entire 5 weeks	665	770	965	
	Half Day - any 4 weeks	620	650	850	
	Half Day - any 3 weeks	465	510	640	
	Full Day - entire 5 weeks	800	945	1180	
Full Day - any 4 weeks	700	800	1000		
Full Day - any 3 weeks	585	645	810		

	Camp Horizon			
	Half Day Plus - entire 5 weeks	800	960	1200
	Half Day Plus - any 4 weeks	700	840	1050
	Half Day Plus - any 3 weeks	585	700	875
Pool & Tennis Permit Fees	Child Pool	110	115	
Resident - Seasonal Permits	Child Pool - Day Camp Only	85	90	
	Adult Pool	195	205	
	Family Pool	445	465	
	Senior Pool	110	115	
	Child Combo	155	165	
	Adult Combo	250	265	
	Family Combo	560	590	
	Senior Combo	155	165	
	Child Tennis	100	105	
	Adult Tennis	155	165	
	Family Tennis	365	385	
	Senior Tennis	100	105	
School District - Seasonal Permits	Child Pool	185	195	
	Child Pool - Day Camp Only	130	135	
	Adult Pool	315	330	
	Family Pool	755	790	
	Senior Pool	185	195	
	Child Combo	250	265	
	Adult Combo	415	435	
	Family Combo	950	995	
	Senior Combo	250	265	
	Child Tennis	150	160	
	Adult Tennis	205	215	
	Senior Tennis	165	160	
Other Pool & Tennis Fees	Daily Use ID Permit - Residents	35	40	
	Daily Use ID Permit - School District Residents	45	50	

Tax Abatements

Upon motion by Trustee Pohar, seconded by Trustee Sullivan, the Board voted unanimously to approve the following resolution:

WHEREAS, Eric & Patricia Lindeman instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment year 2007; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal year 2008-2009; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on January 24, 2013;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Year 2008-2009;

WHEREAS, the Consent Order reduced the tax assessment for the subject property (61 Hirst Road) for the Fiscal Year 2008-2009 assessment roll by \$1,600 from \$51,300 to \$49,700; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year 2008-2009 in the amount of \$135.83 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2007	61 Hirst Rd	\$ 51,300	\$ 49,700	\$1,600	\$ 4,355.07	\$4,219.24	\$135.83	
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	TOTAL ABATEMENT

Minutes

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to approve the minutes of February 20, 2013 as amended.

Adjournment

The work session scheduled for Tuesday, February 26, 2013 has been cancelled.

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to adjourn the meeting at 7:50pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk