

**AGENDA**  
**JUNE 5, 2013**  
**BOARD OF TRUSTEES**  
**VILLAGE OF BRIARCLIFF MANOR, NEW YORK**  
**REGULAR MEETING – 7:30 PM**

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1. Public Hearing to Amend a Special Use Permit – Faith Lutheran Brethren Church

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

2. Award of Bid
  - a) Bus Transportation
  - b) Medium Duty Truck Chassis
  - c) Medium Duty Truck Body
3. Tax Certioraris
4. Budget Amendments
5. Minutes
  - May 15, 2013 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – JUNE 19, 2013**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
JUNE 5, 2013

1. **PUBLIC HEARING, SPECIAL USE PERMIT, FAITH LUTHERAN BRETHREN CHURCH**



Robert P. Astorino  
County Executive

County Planning Board

May 20, 2013

Philip Zegarelli, Village Manager  
Village of Briarcliff Manor  
1111 Pleasantville Road  
Briarcliff Manor, NY 10510

**Subject: Referral File No. BMR 13-002 – Faith Lutheran Brethren Church  
Amendment of Special Use Permit and Site Plan**

Dear Mr. Zegarelli:

The Westchester County Planning Board has received a notice of public hearing for proposed site plan and special permit amendments for the Faith Lutheran Brethren Church located at 480 Pleasantville Road.

We previously reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and responded to the Village in a letter dated October 15, 2012. We have no further comments at this time.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For  
By:

Edward Burroughs, AICP  
Commissioner

EEB/LH



RECEIVED

MAY 24 2013

Village Clerk  
Village of Briarcliff Manor

## VILLAGE OF BRIARCLIFF MANOR PLANNING BOARD

**To:** Mayor William Vescio and the Village Board of Trustees

**From:** Village Planning Board

**Date:** May 15, 2013

**Subject:** Faith Lutheran Brethren Church Expansion- Recommendation to the Village Board of Trustees regarding Amended Special Permit Approval

At the May 14, 2013 Planning Board Meeting, the Planning Board issued a general recommendation of support for the application of Faith Lutheran Brethren Church (the "Applicant/Church") for Amended Special Permit to the Village Board of Trustees (the "BOT"), with regard to the Special Permit Regulations of the Village Code [§220-6.C. (1) through (8)]. This Application was reviewed in conjunction with the Applicant's application to the Planning Board for Amended Site Plan approval. The Planning Board has not made a determination on the Site Plan and will not be prepared to do so until after the required public hearing on the Amended Special Permit, completion of SEQRA, and the issuance of the Amended Special Permit by the BOT.

The Church, located at 480 Pleasantville Road, operates under a special permit as a place of worship under Village Code §220-6.J.(1) within the R-20B Single-family Residence District. We believe that the application for amended special permit is in compliance with all of the special permit criteria stated in §220-6.C.(1) through (8) of the Village. As currently presented in the Amended Site Plan, the Applicant is proposing to construct an square foot addition that would provide additional meeting and assembly space as well as a new kitchen and dining area for Church parishioners.

Based on the information presented before it, the Planning Board recommends to the Village Board of Trustees that the requested amendment to the existing Special Use Permit be approved.

If you have any questions please do not hesitate to contact David Turiano, Village Engineer/Building Inspector at (914) 944-2770 or Sarah K. Yackel, Village Consulting Planner at (212) 353-7375.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nolan". The signature is written in a cursive, flowing style.

Edward Nolan, Chairman

Cc: David Turiano, Village Engineer/Building Inspector  
Philip Zegarelli, Village Manager  
Sarah K. Yackel, Village Planner  
Clinton Smith, Village Counsel  
Dan Pozin, Village Counsel

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
JUNE 5, 2013

**2A. AWARD OF BID, BUS TRANSPORTATION**

BE IT RESOLVED that the bid for the furnishing of Bus Transportation Services for various programs operated by the Recreation and Parks Department (VM-1314-1) is hereby awarded to Briarcliff Bus Co., Inc. of Briarcliff Manor, New York as per the rates in the attached schedule.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Briarcliff Bus Co., Inc. for the furnishing of Bus Transportation Services for the Recreation and Parks Department.



# RECREATION and PARKS DEPARTMENT

Village of Briarcliff Manor

Henry A. Jamin, CPRP, *Superintendent*

MEMO TO: Philip E. Zegarelli, Village Manager

FROM: Henry Jamin, Superintendent *HJ*

DATE: May 9, 2013

RE: 2013-2014 Transportation Service Contract

*PZ*

*Copy to m/BOT*

Bids for our department's 2013-2014 transportation services contract were opened at 11:00 am this morning, May 9<sup>th</sup>. This year we had three companies submit bids. Analyzing these bids involves determining how the unit cost prices submitted will translate into true expenditures once we are into the actual provision of the services we require. The bid involves transportation for our summer day camp programs, and variables such as final camper enrollment (determines the true # of buses needed for each trip) and possible cancellations due to weather make this contract one that cannot be assigned a specific dollar amount at the time of award. We can, however, calculate an anticipated expenditure total and award the contract based upon this analysis. To this end, I have multiplied each unit price by the number of buses we anticipate using for each of the trips included in the bid. This analysis provides us with an estimate that is as accurate as can be determined at this time, and a copy of the bid analysis worksheet is attached for your review and information.

Briarcliff Bus Company was the low bidder with a projected total contract amount of \$35,035. The second lowest bid was submitted by Quality Bus Lines, Inc. with a projected total of \$35,105, and the third bid was from Towne Bus Corp. at an estimated \$52,449. Several other companies were provided with bid packages, but did not submit bids this year. The low bid projection for Briarcliff Bus is \$6,401 less than our budget of \$41,436 for these services, and their total is projected to be \$70 less than the bid from Quality Bus Lines.

Based upon their low bid and the very positive experiences we have had with them over many years of service, I recommend that the Village Board award this year's contract, VM-1314-1, to Briarcliff Bus Company at the unit prices submitted. The term of the contract shall be from date of award through August 2, 2013.

Please let me know if you have any questions, or if there is anything further I can provide regarding the matter of this contract award. Thank you for your attention and consideration.



**Village of Briarcliff Manor Bus Bid Results FYE 2014**

Individual Low Bid Amounts are indicated in bold

Bid Item #	Item Description	projected # of buses	# of days or trips	Briarcliff Bus Co.		Quality Bus Lines		Towne Bus Corp.		BUDGET as APPROVED	
				BUS	Total	BUS	Total	BUS	Total	BUS	Total
<b>A7314.444 TREE CAMP</b>											
A	Shuttle Buses	1	39	235	9165	250	9750	413	16107	258	10062
B-1a	Bounce U - Elmsford	3	1	225	675	175	525	298	894	290	870
B-1b	Leapin Lizard - Port Chester	2	1	275	550	225	450	298	596	290	580
<b>A7315.444 SUPER CAMP</b>											
A	Shuttle Buses	1	39	235	9165	250	9750	413	16107	258	10062
B-2a	Bounce - Yorktown	2	1	275	550	250	500	345	690	290	580
B-2b	The Cliffs - Valhalla	2	1	225	450	200	400	295	590	268	536
B-2c	Maritime Center	2	1	365	730	325	650	365	730	395	790
B-2d	Rockland Boulders Stadium	2	1	375	750	340	680	365	730	289	578
B-3a	Splashdown - Fishkill	3	1	345	1035	325	975	445	1335	363	1089
B-3b	Palisades Mall - West Nyack	3	1	300	900	305	915	316	948	268	804
B-3c	Bounce Trampoline - Valley Cottage	3	1	275	825	305	915	298	894	395	1185
B-3d	Rockland Boulders Stadium	3	1	375	1125	340	1020	425	1275	290	870
<b>A7316.444 CAMP ADVENTURE</b>											
B-4a	New Roc City	2	1	350	700	275	550	425	850	395	790
B-4b	Club Getaway - Kent, CT	2	1	485	970	450	900	790	1580	510	1020
B-4c	Discovery Adv. Pk. - Bridgeport, CT	2	1	375	750	375	750	390	780	395	790
B-4d	Rockland Boulders Stadium	2	1	375	750	340	680	380	760	395	790
B-4e	Medieval Times - Lyndhurst, NJ	2	1	425	850	365	730	380	760	460	920
B-4f	The Sports Center - Shelton, CT	2	1	375	750	365	730	425	850	460	920
B-4g	Lake Compounce - Bristol	2	1	495	990	485	970	790	1580	560	1120
<b>A7317.444 CAMP HORIZON</b>											
B-5a	Palisades Mall - West Nyack	1	1	325	325	315	315	345	345	290	580
B-5b	Mtn. Valley Guides - Cornwall, NY	1	1	350	350	375	375	379	379	245	490
B-5c	Island Current - City Island, NY	1	1	350	350	325	325	424	424	460	920
B-5d	Yankee Stadium - Bronx	1	1	425	425	340	340	620	620	460	920
B-5e	Brownstone Park - Portland, CT	1	1	435	435	525	525	455	455	575	1150
B-5f	Cortlandt Lanes - Cortlandt	1	1	250	250	225	225	345	345	290	580
B-5g	Lake Compounce - Bristol	1	1	495	495	485	485	810	810	560	1120
B-5h	Meis Citi Field - Flushing	1	1	450	450	450	450	645	645	460	920
B-5i	Grand Prix - Mt. Kisco	1	1	275	275	225	225	370	370	200	400
B-6	Cancellation Fee	0	0	50	0	75	0	150	0		0

**TOTALS >>>**

**\$ 35,035**  
 Amount less than Quality Bus Lines Total = \$ (70.00)  
 Amount less than Adopted Budget = \$ (6,401.00)

**\$ 52,449**

**\$ 41,436** \*\*

\*\* Note: Budget was approved with 2 buses for each Camp Horizon Trip -- we now plan to try to use 1 bus per trip. This accounts for \$3,640 of the \$6,401 that the bid projection is less than the approved budget.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
JUNE 5, 2013

**2B. AWARD OF BID – MEDIUM DUTY TRUCK CHASSIS**

WHEREAS the Village received 1 bid for a Medium Duty Truck Chassis; and

BE IT RESOLVED that the bid for a Medium Duty Truck Chassis (VM-1213-10) is hereby awarded to Diehl and Sons, Inc. as per their bid of \$103,624.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Diehl and Sons for said equipment.

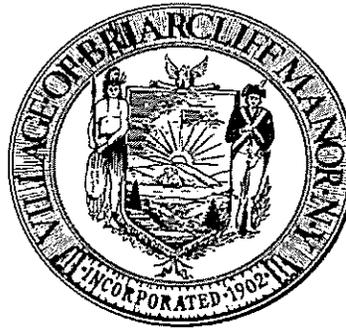
**2C. AWARD OF BID – MEDIUM DUTY TRUCK BODY**

WHEREAS the Village received 3 bids for a Medium Duty Truck Body; and

BE IT RESOLVED that the bid for a Medium Duty Truck Body (VM-1213-8) is hereby awarded to Reed System, Ltd. as per their bid of \$91,770.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Reed System, Ltd. for said equipment.

Village of Briarcliff Manor  
Department of Public Works  
10 Buckhout Road  
Briarcliff Manor, NY 10510



Village of Briarcliff Manor  
Main (914) 941-9105  
Fax (914) 941-4747

## MEMORANDUM

TO: Philip Zegarelli, Village Manager  
Robin Rizzo, Treasurer

FROM: Edward C. Torhan, Superintendent of Public Works 

DATE: May 10, 2013

RE: Contract # VM-1213-10 – One 2014 Medium Duty Truck Chassis  
Contract # VM-1213-8 – One 2014 Medium Duty Truck Body

The Village called several bidders and advertised in the paper for the above bids, meeting the proper guidelines for bidding Municipal Bids.

The Village received only one (1) bid for VM-1213-10 (Chassis) and received three (3) bids for the VM-1213-8 (Body) as follows:

### VM-1213-10 (Chassis)

Diehl and Sons, Inc. (New York Freightliner)	\$103,624.00
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### VM-1213-8 (Body)

Reed System, Ltd.	\$ 91,770.00
Henderson Truck Equipment	\$ 92,850.00
Amthor Welding	\$103,474.00

The low bidder's submittals were reviewed and found to meet what was specified, with no exceptions.

The approved Capital Budget for a Medium Duty Truck Chassis and Body is \$200,000.00.

I recommend awarding to the low bidders of both the chassis and body for a total combined price of \$195,394.00 which is within the budgeted amount.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
JUNE 5, 2013

**3A. TAX CERTIORARI, 449 NORTH STATE ROAD CO. LLC**

WHEREAS, 449 North State Road Co. LLC, 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 2008 through 2012; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2009-2010, 2010-2011, 2011-2012, 2012-2013 and 2013-2014; and

WHEREAS, an Consent Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on April 26, 2013;

WHEREAS, the Consent Judgment was received after the finalization of the approval of the Village budget for Fiscal Year 2013-2014;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the refund of the tax bills for Fiscal Years 2009-2010, 2010-2011, 2011-2012 and 2012-2013 based upon the reduced assessment values in the following amounts based upon assessment values reduced in accordance with the Consent Judgment to be refunded in Fiscal Year 2012-2013:

FY 2009-2010	\$4,415.58
FY 2010-2011	\$4,452.75
FY 2011-2012	\$4,539.00
<u>FY 2012-2013</u>	<u>\$4,606.32</u>
Total Refund	\$18,031.65

BE IT FURTHER RESOLVED, that the assessment for the Fiscal Year 2013-2014 shall be adjusted in accordance with the Consent Judgment.

BE IT FURTHER RESOLVED, that the Board of Trustees does hereby authorize the abatement of the tax bill for Fiscal Year 2013-2014 in the amount of \$7,190.08 and the issuance of a new tax bill based upon the reduced assessment value in the Consent Judgment.

<u>FY 2013-2014</u>	<u>\$7,190.08</u>
Total Abatement	\$7,190.08

**449 North State Road**

<b>Year</b>	<b>Address</b>	<b>Original Assessed Value</b>	<b>New Assessed Value</b>	<b>Assessment Reduction</b>	<b>Original Tax Amount</b>	<b>Reduced Tax Amount</b>	<b>Refund</b>	<b>Abatement</b>
2008	449 North State	\$170,000	\$119,000	\$51,000	\$14,718.60	\$10,303.02	\$4,415.58	
2009	449 North State	\$170,000	\$119,000	\$51,000	\$14,842.5	\$10,389.75	\$4,452.75	
2010	449 North State	\$170,000	\$119,000	\$51,000	\$15,130	\$10,591.00	\$4,539.00	
2011	449 North State	\$170,000	\$119,000	\$51,000	\$15,354.40	\$10,748.08	\$4,606.32	
2012	449 North State	\$170,000	\$93,500	\$76,500	\$15,977.96	\$8,787.88		\$7,190.08
				<b>\$280,500</b>		Total	<b>\$18,013.65</b>	<b>\$7,190.08</b>
				<b>TOTAL AV REDUCTION</b>			<b>TOTAL REVENUE REDUCTION</b>	<b>TOTAL ABATEMENT</b>

JEFFREY S. RODNER  
JRodner@GellertRodner.com

BRANDON R. SALL\*  
BSall@SSG-Law.com

\*ALSO ADMITTED IN NJ, CT & FL

**GELLERT & RODNER**  
COUNSELLORS AT LAW  
ELEVENTH FLOOR  
ONE NORTH LEXINGTON AVE.  
WHITE PLAINS, N.Y. 10601

(914) 644-8900  
FAX: (914) 644-8393

**PERCY G. GELLERT**  
1897-1991

May 22, 2013

Village Manager  
Village of Briarcliff Manor  
1111 Pleasantville Road  
Briarcliff Manor, NY 10510

**Re: 449 North State Road Co., LLC vs. Village of Briarcliff Manor**

Dear Sir/Madam:

Enclosed please find copy of Consent Judgment with Notice of Entry and Application for Refund re the above.

Please have the Village prepare the necessary tax refunds and forward same, by check made payable to **449 North State Road Co., LLC, by Gellert & Rodner, Esqs., Agents**, to this office.

Thank you for your cooperation.

Cordially,

GELLERT & RODNER

Jeffrey S. Rodner

JSR/tmg  
enclosure  
Copy: Village Comptroller



**FILED  
AND  
ENTERED**  
ON 4/30 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 White Plains, New York on the 24<sup>th</sup> day of April, 2013 **TOWN OF OSSINING**

PRESENT:

JAN 16 2013

**ASSESSORS OFFICE**

HON. BRUCE E. TOLBERT,  
JUSTICE.

**RECEIVED**  
MAY 24 2013  
Village Clerk  
Village of Briarcliff Manor

In the Matter of the Application of

449 NORTH STATE ROAD CO., LLC,  
BY GELLERT & RODNER, ESQS., AGENTS,  
Petitioner(s),

-against-

THE ASSESSOR OF THE TOWN OF OSSINING, THE  
BOARD OF REVIEW OF THE TOWN OF OSSINING  
and THE TOWN OF OSSINING,  
Respondents,

-and-

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT,

For Review Under Article 7 of the RPTL.

**CONSENT  
JUDGMENT**

Index No.  
21938/08  
23848/09  
25516/10  
15701/11  
66896/12

**RECEIVED  
IN CHAMBERS**

APR 25 2013

HON BRUCE E. TOLBERT  
JSC

The above petitioner(s) having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the Town of Ossining for the assessment years 2008 through 2012 upon certain real property located at 449 North State Road, Town of Ossining, and designated as Tax Map #90.19/1/8 on the Official Assessment Map of the Town of Ossining, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by **JEFFREY S. RODNER, ESQ.**, of Gellert & Rodner, the respondents having appeared by **WAYNE SPECTOR, ESQ.**, Town Attorney for the Town of Ossining, and the intervenor having appeared by **MARC E. SHARFF, ESQ.**, attorney for the Briarcliff Manor Union Free School District, and the parties having made their settlement, it is

**ORDERED**, that the assessments on the above referenced properties be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Ass't Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2008	170,000	119,000	51,000
2009	170,000	119,000	51,000
2010	170,000	119,000	51,000
2011	170,000	119,000	51,000
2012	170,000	93,500	76,500

**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**, that there shall be audited, allowed and paid to the petitioner by the **TOWN OF OSSINING** the amount of Town and Town Special District taxes 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 had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

**ORDERED**, that there shall be audited, allowed and paid to the petitioner by the **VILLAGE OF BRIARCLIFF MANOR** the amount of Village taxes 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 had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

**ORDERED**, that there shall be audited, allowed and paid to the petitioner by the **BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT**, the amount of School taxes 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 had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, 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 and pay to the petitioner the amount, if any, of State, County, Judiciary and Sewer District taxes paid by the petitioner as taxes against the erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

**ORDERED AND DIRECTED**, that the Commissioner of Finance of Westchester County be served with a copy of this judgment with notice of entry, together with proof of payment of State, County, Judiciary, Sewer and any other Westchester County special district taxes, and it is further

**ORDERED AND DIRECTED**, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid within sixty (60) days from the date of service of a copy of this judgment with Notice of Entry, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, 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 **GELLERT & RODNER**, as attorneys for the petitioners, 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.

ENTER

*5/ Bruce E. Tolbert*  
\_\_\_\_\_  
HON. BRUCE E. TOLBERT, J.S.C.

**SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:**

*Wayne Spector*  
\_\_\_\_\_

**WAYNE SPECTOR, ESQ.**

Town of Ossining  
16 Croton Avenue  
Ossining, NY 10562  
(914) 428-0505

*Jeffrey S. Rodner*  
\_\_\_\_\_

**JEFFREY S. RODNER, ESQ.**  
Gellert & Rodner  
Attorneys for Petitioner  
One North Lexington Avenue, 11<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 644-8900

*Marc E. Sharff*  
\_\_\_\_\_

**MARC E. SHARFF, ESQ.**  
Shaw, Perelson, May & Lambert, LLP  
Attorneys for Petitioner  
115 Stevens Avenue  
Valhalla, New York 10595  
(914) 741-9870

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

DATED: *April 22, 2013*

*David L. Vitero*  
\_\_\_\_\_  
*Sr. Asst.* COUNTY ATTORNEY  
THE COUNTY OF WESTCHESTER

Index No. 21938/08 Year 20

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER**

In the Matter of the Application of  
449 NORTH STATE ROAD CO., LLC  
Petitioner,  
-against-  
THE ASSESSOR OF THE TOWN OF OSSINING, ET AL.,  
Respondents.  
BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT,  
Intervenor-Respondent.  
For Review Under Article 7 of the RPTL.

**CONSENT JUDGMENT**

**GELLERT & RODNER, ESQS.**  
Attorneys for **Petitioner**

ONE NORTH LEXINGTON AVENUE  
WHITE PLAINS, N. Y. 10601  
(914) 644-8900

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: \_\_\_\_\_ Signature \_\_\_\_\_  
Print Signer's Name \_\_\_\_\_

Service of a copy of the within \_\_\_\_\_ is hereby admitted.

Dated: \_\_\_\_\_  
Attorney(s) for \_\_\_\_\_

**PLEASE TAKE NOTICE**

Check Applicable Box

NOTICE OF ENTRY that the within is a (certified) true copy of a \_\_\_\_\_ 20  
entered in the office of the clerk of the within-named Court on

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the  
Hon. \_\_\_\_\_, one of the judges of the within-named Court,  
at \_\_\_\_\_  
on \_\_\_\_\_ 20 \_\_\_\_\_, at \_\_\_\_\_ M.

Dated:

**GELLERT & RODNER, ESQS.**

Attorneys for

To:

ONE NORTH LEXINGTON AVENUE  
WHITE PLAINS, N. Y. 10601

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

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

449 NORTH STATE ROAD CO., LLC,  
BY GELLERT & RODNER, ESQS., AGENTS,  
Petitioner,

NOTICE OF ENTRY  
AND  
APPLICATION FOR  
REFUND

Tax Map #90.19/1/8

- against -

THE ASSESSOR OF THE TOWN OF OSSINING,  
BOARD OF ASSESSMENT REVIEW OF THE TOWN  
OF OSSINING AND THE TOWN OF OSSINING,  
Respondents,

-and

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT,  
Intervenor-Respondents.

For a Review Under Article 7 of the RPTL.

-----X  
SIRS:

**PLEASE TAKE NOTICE** that the within is a true copy of Consent Judgment in the above-entitled matter dated April 26, 2013, and filed in the Office of the County Clerk of Westchester County on April 26, 2013.

**PLEASE TAKE FURTHER NOTICE** that the undersigned hereby demands that the refunds directed to be audited, allowed and paid to the petitioner in the above-entitled proceeding be allowed and paid according to the terms of said Order, and

**PLEASE TAKE FURTHER NOTICE** that this demand is made pursuant to §726 of the Real Property Tax Law of the State of New York.

Dated: White Plains, New York  
May 22, 2013

**GELLERT & RODNER**  
Attorneys for Petitioner  
One North Lexington Ave, 11<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 644-8900

TO: Village Manager  
Village of Briarcliff Manor  
1111 Pleasantville Road  
Briarcliff Manor, NY 10510

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
JUNE 5, 2013

**3B. TAX CERTIORARI, SEFAR AMERICA, INC.**

WHEREAS, Sefar America, Inc, 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 2000 through 2002; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2001-2002, 2002-2003 and 2003-2004; and

WHEREAS, an Consent Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on April 17, 2013;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the refund of the tax bills for Fiscal Years 2001-2002, 2002-2003 and 2003-2004 based upon the reduced assessment values in the following amounts based upon assessment values reduced in accordance with the Consent Judgment to be refunded in Fiscal Year 2012-2013::

FY 2003-2004	\$6,820.21
FY 2002-2003	\$3,908.41
<u>FY 2001-2002</u>	<u>\$3,190.52</u>
Total Refund	\$13,919.14

**333 South Highland Avenue**

Year	Address	Original Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2002	333 S. Highland	\$542,500	\$442,100	\$100,400	\$36,852.24	\$30,032.03	\$6,820.21	
2001	333 S. Highland	\$542,500	\$481,255	\$61,245	\$34,620.18	\$30,711.77	\$3,908.41	
2000	333 S. Highland	\$542,500	\$489,825	\$52,675	\$32,859.11	\$29,668.70	\$3,190.52	
				<b>\$214,320</b>		Total	<b>\$13,919.14</b>	
				<b>TOTAL AV REDUCTION</b>			<b>TOTAL REVENUE REDUCTION</b>	<b>TOTAL ABATEMENT</b>

LAW OFFICES

PODELL, SCHWARTZ, SCHECHTER & BANFIELD, LLP

605 THIRD AVENUE  
NEW YORK, N.Y. 10158

(212) 883-6500  
FAX: (212) 883-6518  
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1205 FRANKLIN AVENUE  
GARDEN CITY, NY 11530  
TEL. (516) 248-5827  
FAX (516) 248-5854

SENIOR COUNSEL  
ALLAN C. SCHWARTZ

SPECIAL COUNSEL  
VICTOR HADE

May 17, 2013

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

Re: Sefar America, Inc. v.  
Assessor, Town of Ossining

Dear Sir/Madam:

Enclosed please find a copy of the entered Consent Order on the above matter.

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

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
In the Matter of

SEFAR AMERICA, INC.,

Petitioner,

-against-

INDEX NOS.

14423/00

14261/01

15999/02

NOTICE OF ENTRY

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

Respondents,  
-----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 April 17, 2013;

Dated: New York, New York  
April 22, 2013

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

**FILED  
AND  
ENTERED**  
ON 4/17 2013  
WESTCHESTER  
COUNTY CLERK

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 17<sup>th</sup> day of  
April, 2013.

PRESENT:

HON. BRUCE E. TOLBERT  
JUSTICE

**TOWN OF OSSINING**

**JAN 25 2013**

-----X  
In the Matter of

SEFAR AMERICA, INC.,

Petitioner,

-against-

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

Respondents .

**ASSESSORS OFFICE**

**Index Nos.**

14423/00

14261/01

15999/02

**FINAL ORDER  
ON CONSENT**

-----X  
These proceedings having been instituted to review the assessed  
valuation on the real property located in the Town of Ossining located at  
333 South Highland Avenue and identified on the tax map as Map No.  
97.19-2-2 (formerly known as 4.11-009-043 & 044), and

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

**RECEIVED  
IN CHAMBERS**

**APR 16 2013**

MO: \_\_\_\_\_

ORDERED, that the assessed valuation of petitioner's real property, identified as Map No. 97.19-2-2 (formerly known as 4.11-009-043 & 044) on the tax map of the Town of Ossining, for assessment rolls completed and filed in calendar years 2000 through 2002, be reduced as follows:

**Map No. 97.19-2-2 (formerly known as 4.11-009-043 & 044)**

		<b>FROM</b>	
<u>Year</u>		<u>Total</u>	
			542,500.00+
			<del>489,825.00-</del>
			000
			52,675.00*
2000		542,500	
2001		542,500	0.*
2002		542,500	
			542,500.00+
			<del>481,255.00-</del>
			000
			61,245.00*
2000		489,825	
2001		481,255	542,500.00+
2002		442,100	<del>442,100.00-</del>
			000
			100,400.00*

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 Ossining 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 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 Real Property Tax Law (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 ninety (90) days of service of a copy of this Order with notice of entry no interest shall be payable 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



VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
JUNE 5, 2013

**4. BUDGET TRANSFERS/AMENDMENTS – MISCELLANEOUS**

BE IT RESOLVED that the Board of Trustees does hereby authorize the appropriation of fund balance and contingency for FY 2012-2013 as follows:

**PBA**

<b>From:</b> A0909	General Fund Fund Balance	\$1,170.79
<b>To:</b> A3120.498	MTA	\$1,170.79
<b>From:</b> A0909	General Fund Fund Balance	\$298,736.84
<b>To:</b> A3120.101	Salary	\$298,736.84
<b>From:</b> A0909	General Fund Fund Balance	\$32,924.03
<b>To:</b> A3120.102	Overtime	\$32,924.03
<b>From:</b> A0909	General Fund Fund Balance	\$11,079.77
<b>To:</b> A3120.104	Holiday	\$11,079.77
<b>From:</b> A0909	General Fund Fund Balance	\$742.84
<b>To:</b> A3120.106	Longevity	\$742.84
<b>From:</b> A0909	General Fund Fund Balance	\$2,304.35
<b>To:</b> A3120.107	Vacation Pay	\$2,304.35
<b>From:</b> A0909	General Fund Fund Balance	\$677.72
<b>To:</b> A3120.109	Training	\$677.72
<b>From:</b> A0909	General Fund Fund Balance	\$181.17
<b>To:</b> A3120.112	Off Site	\$181.17
<b>From:</b> A0909	General Fund Fund Balance	\$26,307.40
<b>To:</b> A3120.850	FICA/Medicare	\$26,307.40
<b>TOTAL</b>		<b>\$374,124.91</b>

**CSEA**

<b>From:</b> A0909	General Fund Fund Balance	\$3,281.94
<b>To:</b> A1640.101	Salary	\$3,281.94
<b>From:</b> A0909	General Fund Fund Balance	\$11,660.19
<b>To:</b> A5110.101	Salary	\$11,660.19
<b>From:</b> A0909	General Fund Fund Balance	\$2,081.31
<b>To:</b> A5182.101	Salary	\$2,081.31
<b>From:</b> A0909	General Fund Fund Balance	\$6,366.03
<b>To:</b> A7110.101	Salary	\$6,366.03
<b>From:</b> A0909	General Fund Fund Balance	\$4,242.87
<b>To:</b> A8090.101	Salary	\$4,242.87
<b>From:</b> A0909	General Fund Fund Balance	\$12,385.80
<b>To:</b> A8160.101	Salary	\$12,385.80
<b>From:</b> A0909	General Fund Fund Balance	\$1,778.67
<b>To:</b> A8510.101	Salary	\$1,778.67
<b>From:</b> A0909	General Fund Fund Balance	\$4,293.93
<b>To:</b> A8989.101	Salary	\$4,293.93
<b>TOTAL General Fund</b>		<b>\$46,090.74</b>
<b>From:</b> F1990.499	Water Fund Contingency	\$1,093.98
<b>To:</b> F1640.101	Salary	\$1,093.98
<b>From:</b> F1990.499	Water Fund Contingency	\$2,081.31
<b>To:</b> F8120.101	Salary	\$2,081.31
<b>From:</b> F1990.499	Water Fund Contingency	\$6,295.02
<b>To:</b> F8340.101	Salary	\$6,295.02
<b>From:</b> F1990.499	Water Fund Contingency	\$1,730.70
<b>To:</b> F8320.101	Salary	\$1,730.70
<b>TOTAL Water Fund</b>		<b>\$11,201.01</b>