



SPECIAL MEETING
AGENDA
TOWN BOARD
TOWN OF OSSINING
OSSINING PUBLIC LIBRARY
53 CROTON AVENUE-BUDARZ THEATER
OSSINING, NEW YORK

SEPTEMBER 20, 2016
9:00 P.M.

SUPERVISOR
Dana Levenberg

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

- I. **CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL**
- II. **ANNOUNCEMENTS**
- III. **PUBLIC COMMENT ON AGENDA ITEMS**
- IV. **BOARD RESOLUTIONS**

A. **Planning Board- Resignation**

Resolved, that the Town Board hereby accepts, with regret, the resignation of Town Planning Board Chair Ingrid Richards, effective September 7th, 2016.

B. **Planning Board- Temporary Appointment**

Resolved, that the Town Board hereby appoints Ching Wah Chin, Ossining, to the position of Acting Chair of the Town Planning Board, effective September 21st, 2016.

C. **Acceptance of High Bid- Hunter Street Lot, Buyer Name Amendment**

Whereas, the Town Board of the Town of Ossining passed a resolution on Tuesday, September 13th, 2016, accepting the high bid for the Hunter Street lot auctioned on August 10th, 2016; and

Whereas, the high bidder was named as Karl Dibble of KWD Realty Inc, Irvington NY, and would now like to be identified differently, as Hunter Lot LLC in all purchase documents for the property;

Now therefore be it Resolved, that the Town Board amends the resolution of September 13th, 2016 to read as follows:

“Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was a vacant lot on Hunter Street, Tax ID# 97.7-2-70; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the three properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Mr. Karl Dibble of Hunter Lot LLC, was the successful bidder at a bid price of \$51,000; and

Now therefore, be it Resolved that the Town accepts the high bid of \$51,000 for the property at Hunter Street, submitted by Mr. Karl Dibble, the Town is authorized to accept a deed for the property from the Receiver of Taxes in a form approved by Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer

documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.”

**D. RESOLUTION BY THE TOWN OF OSSINING WESTCHESTER COUNTY-
For Incorporating Municipal Work And Maintenance of Sewers**

A resolution authorizing the State of New York to incorporate the relocation of the existing 8 inch sanitary sewer facilities for the Town of Ossining (the Town) in the contract for the replacement of culverts PIN 8812.14/D262855, S.H. 768, County of Westchester (the contract).

WHEREAS, Section 10, Subdivision 27 of the New York Highway Law provides, in part, that the Commissioner of Transportation shall have the power, upon the request of the municipality, to perform for and at the expense of the State of New York, any work of construction or reconstruction, including the removal and relocation of facilities, and including the acquisition of permanent easements, provided the Commissioner of Transportation deems it practicable to perform such work in connection with the performance of any work of construction, reconstruction, or improvement; and

WHEREAS, the State of New York is presently preparing contract plans for the construction, reconstruction, or improvement of culvert replacements, which involves the relocation of sewer facilities and acquisition of permanent easements; and

WHEREAS, said construction, reconstruction, or improvement can be undertaken in conjunction with the construction of the aforesaid culvert replacement at a substantial ultimate savings to the Town of Ossining; and

WHEREAS, the Town will provide the New York State Department of Transportation with Westchester County Health Department approved plans for the relocation of the 8 inch sanitary sewer facilities; and

WHEREAS, pursuant to Section 10, Subdivision 24 of the Highway Law the Town of Ossining has requested the State will provide for the relocation of sewers, including acquisition of permanent easements, as shown on the contract plans relating to the project; and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended.

NOW, THEREFORE, BE IT RESOLVED that the Town of Ossining in regular meeting convened, petitions the New York State Department of Transportation as follows:

Petition 1. The State of New York is hereby authorized to proceed with the necessary arrangements to incorporate the relocation of the existing 8 inch sanitary sewer relocation as designed by the Town in the contract for the construction, reconstruction, or improvements of replacement of culverts with the cost of said construction and necessary work in connection therewith, in addition to the acquisition of permanent easements, to be borne by the State of New York.

Petition 2. The Town of Ossining will maintain said sewers subsequent to the construction thereof.

Petition 3. The Town of Ossining will accept the property rights acquired for the sewer relocation via a quick claim deed subsequent to the construction thereof and make accommodations for said acceptance.

Petition 4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Ossining is hereby authorized to execute all necessary agreements, certifications, deeds or documents on behalf of the Town of Ossining with the New York State Department of Transportation to accept said property rights.

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the forgoing resolution to the New York State Department of Transportation.

E. Acceptance of High Bid- 27 Secor Road, Buyer Name Amendment

Whereas, the Town Board of the Town of Ossining passed a resolution on Tuesday, September 13th, 2016, accepting the high bid for 27 Secor Road auctioned on August 10th, 2016; and

Whereas, the high bidder was named as Pedro Silva of I&P Realty Corp, Ossining, and would now like to be identified differently, as 27 Secor Corp. in all purchase documents for the property;

Now therefore be it Resolved, that the Town Board amends the resolution of September 13th, 2016 to read as follows:

“Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 27 Secor Road, Tax ID# 97.7-1-41; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the three properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Mr. Pedro Silva of 27 Secor Corp., was the successful bidder at a bid price of \$159,000; and

Now therefore, be it Resolved that the Town accepts the high bid of \$159,000 for the property at 27 Secor Road, submitted by Mr. Pedro Silva of 27 Secor Corp., the Town is authorized to accept a deed for the property from the Receiver of Taxes in a form approved by

Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.”

F. Acceptance of Second Highest Bid- 18 Sarah Street

Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 10th, 2016, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 18 Sarah Street, Tax ID# 89.15-4-50; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the three properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining; and,

Whereas, Mr. Willman A. Morocho, Ossining, NY, was the successful bidder at a bid price of \$70,000; and

Whereas, Mr. Morocho contacted the Receiver of Taxes and expressed that he is no longer interested in the sale and will default his \$2500 deposit; and

Whereas, the Receiver of Taxes contacted the second highest bidder, Mr. Mark Brown, Bronx, NY, who bid \$69,000 and who expressed that he would like to purchase the property;

Now therefore, be it Resolved that the Town accepts the high bid of \$69,000 for the property at 18 Sarah Street, submitted by Mr. Mark Brown, the Town is authorized to accept a deed

for the property from the Receiver of Taxes in a form approved by Counsel to the Town and The Town Supervisor is authorized to execute a deed as well as all required transfer documents in forms acceptable to Counsel to the Town, effectuating the sale of the premises to the high bidder upon receipt by the Town of the bid price.

Furthermore, upon conveyance of the property to the high bidder, the bidder will pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being hereby waived.

G. RESOLUTION AUTHORIZING BUILDING INSPECTOR TO PROCEED IN ACCORDANCE WITH TOWN CODE CHAPTER 60 TO REMOVE HAZARDOUS CONDITION ON 67 OLD ALBANY POST ROAD PROPERTY.

WHEREAS, the Town Board has been advised by the Building Inspector that the property located at 67 Old Albany Post Road and shown on the Tax Map as Section 80.14, Block 1, Lot 12 (the "Property") is overgrown with weeds and grass that are spreading into the street and causing a hazard to drivers; and

WHEREAS, this has been an issue on this Property for more than one year as the Property's owner was previously issued a Court Appearance Ticket for this hazard but yet the hazardous condition remains on the Property; and

WHEREAS, the Building Inspector issued the Property's owner a Notice of and Order to Remedy Violation for this hazard and other illegal conditions on the Property on August 10, 2016, but the owner did not remedy the conditions within 30 days by September 10, 2016 as required by the Notice; and

WHEREAS, there continues to exist on the Property a hazardous condition that is only increasing and becoming more dangerous with time; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board authorizes the Building Inspector to send a notice to the property owner in accordance with Town Code § 60-2 to clean and remove the weeds and grass on the Property that are spreading into the street and causing a hazard to drivers within 15 days of the mailing of the notice and a copy of this Resolution shall be included with the notice; and

BE IT FURTHER RESOLVED, in the event the Property's owner does not cure the hazardous conditions within 15 days of the mailing of the notice by the Building Inspector, the Town Highway Department and/or an independent contractor, as determined to be appropriate and necessary by the Building Inspector, is hereby authorized to clean and remove the hazardous condition in accordance with Town Code § 60-3; and

BE IT FURTHER RESOLVED, the reasonable cost of doing the work necessary to remove the hazardous condition on the Property shall be charged to the Property, which cost shall be assessed and shall constitute a lien and charge on the Property in accordance with Town Code § 60-3.

V. ADJOURNMENT