



**TOWN BOARD
TOWN OF OSSINING
86-88 SPRING STREET
BIRDSALL-FAGAN POLICE COURT FACILITY
OSSINING, NEW YORK
AUGUST 8, 2017
7:30 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

The Regular Meeting of the Town Board of the Town of Ossining was held on August 8, 2017 at the Birdsall-Fagan Police Court Facility, 86-88 Spring Street Ossining, NY. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Northern Wilcher, Elizabeth R. Feldman, Karen D'Attore and Kim Jeffrey. Also present were Town Counsel Christie Tom Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARINGS IN THE MATTER OF:

- Local Law #6 of 2017- Extending A Moratorium on Construction within the Town of Ossining

At 7:31 P.M., the Public Hearing was opened.

No one came to address the Board on this issue.

At 7:32 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Levenberg read the following statement:

I want to begin with sharing some exciting news that we received earlier today—the Village of Ossining announced this morning that they have selected a new Village Manager who will be starting after the Labor Day weekend on Tuesday, September 5th. Ms. Deborah (or Debbie) McDonnell comes to Ossining by way of Poughkeepsie, where she serves as City Administrator, and before that she served as City Manager for Fairborn, Ohio. We look forward to welcoming Ms. McDonnell into the Ossining community, and we especially want to thank Interim Village Manager Paul Fraioli for his service over the past year plus—we are grateful for everything you have helped our community achieve during your time in this role, and we are very glad to know that you won't be going far!

On Thursday, August 10th, Senator David Carlucci and the Westchester Hispanic Coalition will host a “Know Your Rights” Immigration Forum at the Joseph G. Caputo Center starting at 6PM. RSVP by calling the Senator's Ossining office at (914) 941-2041.

Westchester Collaborative Theater will begin performances of “Barefoot in the Box”, their August monologue showcase, this coming weekend, with shows on Friday August 11th at 8PM, Saturday August 12th at 2PM and 8PM, and Sunday August 13th with a performance at 3PM, which will be followed with a special Q&A with the playwrights and director. Tickets are available at wctheater.org.

Hudson River Expeditions still has several kayak tours available this summer, so why not get out on the water? The next set of tours are coming up on Friday, August 11th, with one group sailing at 4PM and another at 6:30PM. Interested? Visit www.hudsonriverexpeditions.com to learn more about these great tours and purchase your tickets for this and other dates through September.

Also coming up, the Ossining Historic Cemeteries Conservancy will be hosting a grave cleaning at Dale Cemetery on Saturday, August 19th between 9AM and 12 noon. No experience is required—just a willingness to learn and maybe get a little dirty! Snacks and water will be provided.

On Monday, August 21st, we will have a chance to view the solar eclipse right here in Ossining. Visit the Ossining Public Library to view the partial phases beginning at 1:25PM—the Friends of the Ossining Public Library will provide special glasses to help you view the eclipse safely and in style.

Are you interested in learning to knit, or are you a practiced expert looking to make some new friends while honing your craft? Join the Ossining Knitting Club led by Virginia Benedict, which meets on Mondays at the Senior Center between 9AM and 11:30AM, or at Maple House on Wednesdays between 12PM and 4PM and Thursdays from 7 to 9PM. If you're interested or have questions, please call Virginia at (917) 494-0563, or you can email her at Virginia.Benedict@gmail.com.

I want to end by sharing a phone call that I got earlier today from Town resident Carmelina Iorio, who wanted to express her thanks to the Town for how beautiful Dale Cemetery has been looking—our Superintendent Pete Connelly and his crew work tirelessly to keep one of our most important parcels looking great, and it is my pleasure to share with all of you that it is being noticed.

Councilperson Jeffrey announced the Annual Senior Fair scheduled for September 14 at the Joseph G. Caputo Center from 10 a.m. to 1 p.m. This is sponsored by Senator Carlucci and addresses a variety of services for our senior population. A thank you was also extended to the Highway Department for replacement of aging signs.

IV. LIAISON REPORTS

Councilperson Jeffrey announced the Village of Ossining Fire Department Parade which was held this past Friday with good weather. Also a congratulations was extended to Nyack for receiving the Best Overall Award”.

V. DEPARTMENTAL REPORTS

VI. PUBLIC COMMENT ON AGENDA ITEMS

VII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the July 25, 2017, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the August 1, 2017, Minutes of the Special Meeting as presented.

Motion Carried: 4-0-1
Ayes: D’Attore, Jeffrey, Wilcher & Levenberg
Abstain: Feldman

C. Approval of Voucher Detail Report

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated August 8, 2017 in the amount of \$93,889.42.

Motion Carried: Unanimously

D.

TAX CERTIORARI

Guido Federici
vs.
Town of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Guido Federici against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at Cypress Lane, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.05-2-55 for Tax Assessment Year 2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 51766/2017; 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: Guido Federici Cypress Lane, Ossining, N.Y. Section 98.05-2-55

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	98.05-2-56	\$158,600	\$123,600	\$35,000

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 the 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 the Counsel to the Town 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 \$ 91.85, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E.

TAX CERTIORARI

**Clinton Terrace LP
vs.
Town of Ossining**

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Clinton Terrace LP against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 70 Croton Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19-2-18; for Tax Assessment Year s 2014-2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 66962/14; 67421/15 and 64443/16; 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:

Clinton Terrace LP	70 Croton Avenue, Ossining, N.Y.	Section 89.19-2-18		
Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.19-2-18	\$458,635	\$57,010	\$401,625
2015	89.19-2-18	\$458,635	\$74,435	\$384,200
2016	89.19-2-18	\$9,665,500	\$2,065,500	\$7,600,000

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 the 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 the 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 \$4,122.16, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F.

MDY Realty Corp.

vs.

Town of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember D’Attore that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by MDY Realty Corp. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 27/29 Spring Street, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19-4-87; and on Petitioner’s property located at 23/25 Spring Street, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19-4-88 for Tax Assessment Year 2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 64744/16; 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:

MDY Realty Corp. 27/29 Spring Street , Ossining, N.Y. Section 89.19-4-87

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.19-4-87	\$818,400	\$160,160	\$658,240

MDY Realty Corp. 23/25 Spring Street, Ossining, N.Y. Section 89.19-4-88

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.19-4-88	\$673,700	\$131,940	\$541,760

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 the 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 the 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 \$ 278.65 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G.

TAX CERTIORARI

Louis Bataille

vs.

Town of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Louis Bataille against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 30 North Malcolm Street, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19-1-29.2 for Tax Assessment Year 2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 53861/16; 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:

Louis Bataille 30 North Malcolm Street, Ossining, N.Y. Section 89.19-1-29.2

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	89.19-1-29.2	\$613,900	\$105,900	\$508,000

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 the 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 the 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 \$ 101.02 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H.

TAX CERTIORARI

Monte Kalfa Corp.

vs.

Town of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Monte Kalfa Corp. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 66-68 Croton Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19-2-21 for Tax Assessment Years 2008-2016, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 23242/08, 23147/09, 25941/10, 15803/11, 67496/12, 66923/13, 67297/14, 67291/15, and 65075/16; 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:

Monte Kalfa Corp. 66-68 Croton Avenue, Ossining, N.Y. Section 89.19-2-21

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2008	89.19-2-21	\$382,000	\$42,020	\$339,980
2009	89.19-2-21	\$382,000	\$72,580	\$309,420
2010	89.19-2-21	\$382,000	\$38,200	\$343,800
2011	89.19-2-21	\$382,000	\$7,640	\$374,360
2012	89.19-2-21	\$382,000	\$0	\$382,000
2013	89.19-2-21	\$382,000	\$0	\$382,000
2014	89.19-2-21	\$382,000	\$0	\$382,000
2015	89.19-2-21	\$382,000	\$0	\$382,000
2016	89.19-2-21	\$7,253,300	\$453,300	\$6,800,000

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 the 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 the Counsel to the Town is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 2,576.87, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

I. Agreement- CGI Communications, Inc., 2017 Community Video Program

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an agreement with CGI Communications, Inc., of Rochester, New York, for the continuation of the no-cost Community Video Program for the Town of Ossining as per the proposal dated July 5th, 2017.

Motion Carried: Unanimously

J. Agreement- Auctions International

Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an agreement with Auctions International of East Aurora, New York, for the provision of surplus auction services for the Town of Ossining with terms and conditions to remain in effect for a period of two years from the date of signing; and

Be it further Resolved, that this agreement may be cancelled upon request of the Town of Ossining at any time during this two year period.

Motion Carried: Unanimously

K. Adoption of Introductory Local Law #6 of 2017 as Local Law #5 of 2017 - Extending A Moratorium on Construction within the Town of Ossining

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amendment to Extend Interim Development Moratorium within the Unincorporated Town of Ossining”, which means to impose a temporary moratorium on development within the Town of Ossining to allow for a planning and zoning analysis consistent with the Town’s Comprehensive Plan; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 6-2017 entitled “Amendment to Extend Interim Development Moratorium within the Unincorporated Town of Ossining” on August 8th, 2017 at 7:30 p.m. at the Birdsall-Fagan Police/Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 5-2017, entitled “Amendment to Extend Interim Development Moratorium within the Unincorporated Town of Ossining” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #5 of 2017 to be filed and/or distributed in accordance with applicable law.

Motion Carried: Unanimously

L. Resolution- Closed Bid Solicitation for 15 Meadowbrook Drive

Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the following be approved:

Whereas, the Town Board of the Town of Ossining occasionally auctions properties with delinquent taxes in accordance with the requirements and procedure set forth in State and Local Law; and

Whereas, the Town Board passed a resolution on May 23rd, 2017 authorizing the sale of several such properties, including 15 Meadowbrook Drive, Tax I.D. #89.07-1-60 (the “Property”); and

Whereas, the Town Board held a duly-noticed auction on July 25th, 2017 at 1:00PM at 16 Croton Avenue; and

Whereas, the high bidder at \$340,000 has declined to move forward with the purchase at the \$340,000 price and the second high bidder at \$335,000 has also declined to move forward with the purchase at the \$335,000 price; and

Whereas, it is the recommendation of the Receiver of Taxes that, in the interest of fairness and equity to both the bidders and the Town and due to the unusual nature of this situation, that the Town Board authorizes the Receiver of Taxes move forward with a procedure whereby the three highest bidders are permitted to submit a sealed bid for the property as outlined in the updated “Conditions of Sale” document attached hereto and with a minimum bid of \$300,000 where the bid cannot be a whole number and must include cents (NOT \$3XX,XXX.00).

Therefore, be it Resolved, that the Town Board does hereby authorize the Receiver of Taxes to commence with notification of the three highest bidders as prescribed in the “Conditions of Sale” with all bid submissions due to the Town Tax Receiver’s Office at 16 Croton Avenue by Friday, August 11th at 4:30PM; and

Be it Further Resolved, that the Receiver of Taxes is hereby authorized to accept the highest qualified bidder over \$300,000 for retroactive approval by the Town Board at the August 22nd, 2017 meeting.

Motion Carried: Unanimously

M. Finance- Capital Project #2014-5190- Spray Park Recirculation AMENDMENT

Councilmember D’Attore moved and it was seconded by Councilmember Wilcher that the following be approved:

Whereas, on August 1st, 2017, the Town Board of the Town of Ossining passed a budget adjustment for Capital Project #2014-5190 Spray Park Recirculation; and

Whereas, upon further review of the project, there was a calculation error in the resolution passed by the Board;

Resolved, that the Town Board of the Town of Ossining authorizes a corrected budget adjustment for Capital Project #2014-5190, entitled “Spray Park Recirculation”, of \$241,197 for project implementation, increasing the project to \$461,197 to be funded by a transfer from General fund balance, which will replace the budget adjustment for the Capital Project authorized on August 1st, 2017.

Increase: 370.7110.200.5190

\$241,197 Spray Park Recirculation (Expense)

Increase: 370050.503100.5190

\$241,197 Transfer from General Fund (Revenue)

Increase: 1009901.905
Increase: 100060.4795

\$241,197 Transfer to Capital (Expense)
\$241,197 Fund Balance (Revenue)

Motion Carried: Unanimously

N. Contract- Commercial Instruments and Alarm Systems, Inc.- Commercial Fire Alarm System for Cedar Lane Arts Center

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to sign a revised agreement with Commercial Instruments and Alarm Systems, Inc. of Fishkill, New York for a commercial fire alarm system and ongoing monitoring services for the Cedar Lane Arts Center, subject to approval by Counsel to the Town as to form.

Motion Carried: Unanimously

VIII.CORRESPONDENCE TO BE RECEIVED AND FILED

IX.MONTHLY REPORTS

Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of July 2017:

- Town Clerk's Office
- Town Building Department
- Town Supervisor's Office
- Town Tax Receiver's Office

Motion Carried: Unanimously

X.VISITOR RECOGNITION

Robert Katz, Icognito Lane, spoke about the dirt portion of McCarthy Drive which had a serious water drainage problem which \$50,000 was spent on it to resolve the problem. Now with the prospect of the road being paved over will increase water flow. This should be a concern to the Town as well homeowners due to inaccurate property lines.

XI.ADJOURNMENT-WORK SESSION

At 8:21 P.M., Councilmember D'Attore moved and it was seconded by Councilmember Wilcher that the Regular Meeting be adjourned to Work Session.

At 9:39 P.M., Councilmember Wilcher motioned to leave Exec and Councilmember D'Attore seconded, 5-0-0.

At 9:40 P.M., Councilmember Jeffrey motioned to adjourn and Councilmember Feldman seconded, 5-0-0.

Approved:

Mary Ann Roberts Town Clerk

TOWN OF OSSINING PUBLIC AUCTION
CONDITIONS OF SALE

1. The property known as 15 Meadowbrook Drive, Ossining, New York (the "Property") will be offered for sale separately and "as is" in a sealed bid auction conducted by the Supervisor of the Town of Ossining or her designee.

2. A person wishing to be recognized as a Qualified Bidder in this sealed bid auction must submit

- a bank or certified check payable to "The Town of Ossining" in the amount of Two Thousand, Five Hundred (\$2,500) Dollars,
- an executed copy of this Conditions of Sale, and
- a completed Sealed Bid form (in the form attached as Exhibit "A"),

and return these three items to the Ossining Town Tax Receiver's Office (8:30 a.m. to 4:30 p.m. weekdays, excluding holidays) by close of business on Friday, August 11, 2017.

3. The Property will be sold to the Qualified Bidder who offers the highest purchase price above \$300,000 where the bid cannot be a whole number and must include cents (NOT \$3XX,XXX.00). The only parties who will be eligible to be recognized as Qualified Bidders for the purposes of this sealed bid auction are those parties who bid \$300,000 or higher at the live auction held on July 25th, 2017.

4. Checks from Qualified Bidders will be held pending the results of the sealed bid auction and the subsequent closing of the property to be held on September 12, 2017. Checks of unsuccessful bidders will be returned no later than September 12, 2017, regardless of the date of the closing.

5. The highest bidder will be informed on Monday, August 14th and shall be required to pay the balance of their bid, i.e. the balance of the purchase price, by bank or certified check on the closing date. All payments shall be made to the Town of Ossining and shall be in cash or by certified check or by bank teller's check or bank cashier's check. The other two bidders will be informed of the results on August 14th as well.

6. All taxes and assessments for the current fiscal year shall be apportioned as of the closing date herein set as September 12, 2017.

7. All Deeds shall be recorded by a Title Company chosen by the Town and the purchaser will be responsible for the payment of any real estate transfer taxes, recording fees, and document preparation fees incurred in the transactions to file the deeds from the original owner to both the Town and the Purchaser. Payment of these fees shall be made by check directly to the Title Company.

8. In addition to the selling price a service charge of Two Hundred Fifty Dollars (\$250.00) will be imposed for the preparation of the Deed and the delivery of the Deed to the Title Company chosen by the Town for recording. Payment of this fee shall be made to the Town of Ossining on the closing date.

9. The Town will deliver a deed upon payment of the full purchase price reciting that its title is derived from a tax foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law of the State of New York, that it has no direct knowledge of, or familiarity with, the property being conveyed and that it makes no warranties or representation with respect to the

condition of the property, the status of the title acquired by the Town in tax foreclosure, the limitations or restrictions that may apply to use of the property, or otherwise. Interested persons may view the exteriors of all properties in the Town of Ossining, New York.

10. In the event of a default by the successful bidder in this sealed bid auction, the Town will retain the \$2,500 submitted by such bidder as liquidated damages, the parties agreeing that such amount is reasonable and does not constitute a penalty.

11. Should the highest bidder default for any reason, the Town will offer the property in question to the second highest bidder. Should the second highest bidder default for any reason or decline to pursue the Property at its sealed bid price, the Town will offer the property to the third highest bidder. If the third highest bidder defaults for any reason or declines to pursue the Property at its sealed bid price, the Town may, but need not conduct a new auction. All bidders understand that should they be offered the property and be unable to close for any reason the town will retain the \$2,500 submitted by each bidder as liquidated damages. The parties agree that such amount is reasonable and does not constitute a penalty.

12. In the event of a tie among the highest Qualified Bidders, the winning bid will be determined by using a random number generator program.

13. If the Town is unsuccessful in selling the Property pursuant to the procedure and terms set forth herein, the Town shall retain such Property and will be free to dispose of it by private sale, subject to approval by the Town Board.

14. Signature of a copy of this Conditions of Sale by the below named Qualified Bidder confirms the agreement of such Qualified Bidder to all of the above terms and further confirms that both the Town of Ossining and the Qualified Bidder intend to be bound thereby.

Dated: Ossining, New York
August __, 2017

(Qualified Bidder)

TOWN OF OSSINING

By: _____
Dana Levenberg, Supervisor