



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET  
OSSINING, NEW YORK**

**SEPTEMBER 22, 2015  
7:30 P.M.**

**SUPERVISOR  
Susanne Donnelly**

**COUNCILMEMBERS  
Geoffrey Harter    Eric P. Blaha  
Kim L. Jeffrey     Northern Wilcher**

**I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL**

The Regular Meeting of the Town Board of the Town of Ossining was held on September 22, 2015 at the Birdsall-Fagan Police Court/Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Eric Blaha, Geoffrey Harter, Northern Wilcher and Kim Jeffrey arrived at 7:30 p.m. Also present were Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts. Town Attorney Wayne Spector was absent.

**II. PUBLIC HEARINGS:**

- **Public Hearing in the matter of Local Law #5 of 2015- “Amending Notification Provisions of the Town Code”**

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

Donn Sharrett of Morningside Drive read the following statement:

*Thank you for allowing me to comment on the proposed code amendments and for considering my remarks. I applaud all of the hard work you are putting towards this project and am very appreciative for this.*

*Attached are my comments, to include the corrected comments for the proposed Wetland code. I apologize for the error, which I corrected when I spoke but it was not correct in the hard copy given to you last night.*

*To reiterate, in regards to the Notification code, I strongly believe and there is evidence with recent proposed projects, that the involvement of residents from the beginning of a proposed project review process is very important. Communication and transparency are things for which this board has advocated, and demonstrated by the Town Hall meetings, and public meetings. The exclusion of residents from informative board meetings should be avoided, particularly when these meetings pertain to issues of potentially negative impact to residents within our community – our neighbors.*

*Not everyone receives the Supervisor’s eblast, and it should again be noted that this eblast is not law and therefore not required for any future supervisor. Very few people read public notices in the back pages of local newspapers. This is a fact. To put the onerous on residents to subscribe to papers and read these notices blatantly denies that this means of notification is antiquated, from a time when everyone received news exclusively from such local papers. Times have changed and notification codes needs to change to reflect this.*

*An informed public leads to better development in our town, development that is built as expected due to thorough and informed review of proposals. While developers are*

*(often) land owners in our community they are often not residents. The knowledge of existing conditions alone adds valuable information that will result in projects with less negative impacts after the project's completion. Often a developer's involvement ends at the completion of their project. The involvement of residents from the beginning of a review process goes a long way towards eliminating future problems.*

*Thank you again.*

*Notification code:*

*As owners of a home at the top of a steeply sloped property in the Town of Ossining, my husband and I applaud the proposed change to the notification laws to notify residents up to 500' of a proposed action. The proposed change reflects an acknowledgement that our community exists within a sloped landscape and that proposed actions in our town have the potential to be of greater negative impact to residents at greater distances due to this sloped landscape.*

*Notification needs to occur at the start of a proposed action review process.*

*It has been demonstrated that the involvement of residents at the beginning of a proposed action review process brings important information to that review process that might otherwise be overlooked, omitted or inaccurately presented.*

*It has also been demonstrated that negative impacts to residents can and have occurred when residents are excluded until the public hearing at the very end of the review process. The rezoning of Gordon Avenue from a residential neighborhood to a mixed residential and GB district would be just one example.*

*The requirement to notify neighboring residents 10 days prior to a public hearing is grossly inadequate. This gives residents at most 5 business days to go to the building department during business hours to review all the materials for that proposed project. Many of the materials for a proposed project could potentially be difficult to accurately understand for residents without law, engineering or architectural degrees. The review process involves the town's lawyer, consultant, engineer, Planning Board – which consists of 5 members to include architects, and the Environmental Advisory Committee. How can residents be asked to interpret these documents unassisted under time constraints?*

*I recently had to research information to disprove inaccurate information included in a proposed action review process. My research, in part, required access to files at the building department, and as such necessitated a Freedom of Information Law request. Had I been made aware of this particular propose action as established by the current and proposed notification laws, I would not have had adequate time to comprehend all the documents for this proposed action and do the research necessary to correct this inaccuracy.*

*A requirement to notify neighboring residents 10 days prior to a public hearing presumes that all residents have the luxury to stop all of their current commitments and obligations so to immediately upon receipt of the notification have the opportunity to go to the building department, immediately comprehend all the documents for the proposed action and still have time for research and analysis, if necessary.*

*The current and proposed notification laws do not consider the possibility that such short notice might preclude a resident's involvement due to business or vacation schedules – someone might be away when the notice arrives –or even the possibility of a family commitment, crisis or tragedy. It is unreasonable to exclude residents from the entire proposed action review process and unduly disadvantages our town's residents to the possible benefit of applicants.*

*I have been informed on numerous occasions that the rights of residents and the need to protect the environment must be balanced with a property owner's right to build. Zoning and project approvals made based almost exclusively on an applicant's*

*application and their input, without the involvement of potentially impacted residents, is not balanced. This practice heavily favors applicants too often at the expense of residents, neighborhoods and our environment. This practice needs to end.*

*I ask you to change the notification laws so that residents within 500' of a proposed action are notified upon the town's receipt of an application for that proposed action.*

*Notification needs to occur at the start of a proposed action review process.*

At 7:37 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until October 13, 2015.

- **Public Hearing in the matter of Local Law #6 of 2015- "Amending the Tree Protection Chapter of the Town Code"**

At 7:37 P.M., the Public Hearing was opened.

*Donna Sharrett of Morningside Drive read the following statement:*

*September 22, 2015 comment for Public Hearing for proposed Tree and Wetland codes*

### ***Tree codes***

*Section 176-20.B.(1)(f) Planting recommendations should follow Cornell Cooperative Extension's Cornell Guide for Planting and Maintaining Trees and Shrubs. This should be made available at the Building Department. Not all planting conditions are the same. The code could refer the applicant to the building department for approved planting methods.*

*(g) The guarantee for planted trees should be for at least 3 years. A second or third year of drought or excessively hot summers or dry winters with inconsistent snow cover could kill newly planted trees which have not yet rooted out sufficiently to withstand these stresses.*

*(h) instead of a list of trees, I would recommend that the code refer the applicant to the approval authority for recommendations. The current list is unacceptable.*

*Section 183-5.B (6) the removal of invasive trees in wetlands and buffers should be permitted.*

*Section 183-10.E. states that under certain circumstances the EAC should submit a written report within 10 days. This group meets on a monthly basis and should be permitted 30 days to comment.*

### ***Section 183-13.C***

*The code could state that the species choice could be upon approval of the approval authority.*

At 7:40 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until October 13, 2015.

- **Public Hearing in the matter of Local Law #7 of 2015- "Amending the Freshwater Wetlands, Watercourses and Water Bodies Protection Chapter of the Town Code"**

At 7:41 P.M., the Public Hearing was opened.

*Donna Sharrett of Morningside Drive read the following statement:*

*Freshwater Wetlands, Watercourses and Waterbodies Protection:*

**105-2. Definitions:**

*I strongly disagree with the 2<sup>nd</sup> item of the wetland definition in regard to Buffers and recommend that this be deleted. Unless of course it could be explained how a 50 ft buffer would be adequate on a stream when 100 foot is the scientific recommendation.*

**Growing Season definition:**

*Amount of frost-free days ~~does not~~ determine(s) the amount of days in a growing season not the start and end of the growing season. Man-made calendar dates do not also correlate to natural conditions, particularly with the unpredictability of rapidly changing conditions due to climate change.*

*My recommendation: The portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biological zero (5 degrees C) (U.S. Department of Agriculture, Soil Conservation Service, 1985). For ease of determination this period can be identified as the time of year when soils are not snow covered or frozen, and which permits above-ground observation of active herbaceous plant growth.*

*Section 105-3 The full report of the wetland delineation should include a description of observed vegetation and plants within delineated boundaries, using both the scientific and common names.*

*Section 105 -5.B (4) is also included in 105-5.C. In my opinion it I should remain in 105-5.C, and be deleted from 105-5.B(4)*

**Section 105-6.D**

*There should be a #2 for letters c, d, e taken from the Town of Bedford code, which indicates that these improvements and activities would be permitted only to preexisting single-family residences.*

*I strongly disagree that (f) fences or (g) stone walls should be permitted within a wetland, watercourse or stream. The use of pressure treated materials would be toxic. Untreated wood would rot in standing water. Stone walls would impede the buffers for these areas to handle storm surge waters, or could redirect those waters.*

*Section 105-8.B(4) & (5). I applaud the Town board and its consultant for including Aquatic Organism Passage provisions in the proposed code. This provision should be applied to all watercourses regardless of size, to include those which are ephemeral.*

**At 7:47 P.M., Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until October 13, 2015.**

- **Public Hearing in the matter of Local Law #8 of 2015- “Amending the Steep Slope Protection Chapter of the Town Code”**

**At 7:47 P.M., the Public Hearing was opened.**

**At 7:48 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the Public Hearing be adjourned until October 13, 2015.**

- **Public Hearing in the matter of Local Law #9 of 2015- “Amending the Subdivision of Land and Zoning Chapters of the Town Code”**

**At 7:49 P.M., the Public Hearing was opened.**

**At 7:50 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the Public Hearing be adjourned until October 13, 2015.**

- **Public Hearing in the matter of Local Law #10 of 2015- Establishment of an Architectural Review Board**

**At 7:50 P.M., the Public Hearing was opened.**

**John Perillo, Havell Street, questioned whether this was an extension of the Planning Board.**

**Donna Sharrett, Morningside Drive, stated that it was excellent that the Board is doing this. I is well thought out and could be an Appeal Process.**

**At 7:55 P.M., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until October 13, 2015.**

- **Public Hearing in the matter of the Petition for Extension of the Ossining Consolidated Sewer District, 73 Morningside Drive**

**At 7:55 P.M., the Public Hearing was opened.**

**At 7:57 P.M., Councilmember Blaha moved and it was seconded by Councilmember Jeffrey that the Public Hearing be closed.**

### **III. ANNOUNCEMENTS**

**Supervisor Donnelly read the following statement:**

**The creation of an architectural review board for the unincorporated area of Ossining has been under consideration for a considerable period of time. Last year a committee was formed to study the issue that committee, which included volunteers from the community, some of whom are architects, met many times to review the need for an ARB and the scope and structure of the board. That committee has done an excellent job in recommending the law that we are now considering to create an ARB for the town of Ossining.**

**The need for an ARB was initially recognized due to what many people felt was inadequate attention to improving architectural standards in the many developments approved for North State Road, the main business district of the unincorporated town. The site plan approval process before the planning board is limited in connection with creating and enforcing architectural standards in the town. The Planning board, which has the authority to approve subdivisions and site plans, as currently constituted, has only limited authority to review architectural details and to establish minimal architectural standards.**

**By creating an ARB and making it coterminous with the planning board, meaning that the planning board members will also be members of the ARB, we are creating a structure that will not overburden developers and property owners by forcing them to go before separate boards, and at the same time we will be providing the necessary authority to the planning board to improve the architectural quality of new and renovated buildings within the town. The architectural review process will proceed simultaneous with the site plan review process and with a level of consistency which is fair to the applicants and at the same time furthering the goal of improving the appearance of our town, particularly on North State Rd.**

**In crafting the law attention was given to avoiding the creation of over burdensome regulations which would add expense and cause delay in small home improvement projects. We believe that the law as proposed properly balances all the concerns and needs of the community, including our business community.**

**Supervisor Donnelly also announced that on this evenings agenda there are a number of appointments to the Town Ethics Board with Mark Reisman as Chair**

until the end of October. The Town budget will be presented on October 30th after which the various department heads will review their budget with the Board. The Board will adopt the budget in early December. The Louis Engel Park will be closing next week for sewage piping work; electrical work as well as the removal of the chain link fence which will be replaced by boulders.

**IV. PUBLIC COMMENT ON AGENDA ITEMS**

**V. BOARD RESOLUTIONS**

**A. Approval of Minutes-Special Meeting**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the September 1, 2015, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

**B. Approval of Minutes-Regular Meeting**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the September 8, 2015, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

**C. Approval of Voucher Detail Report**

Councilmember Harter 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 September 22, 2015 in the amount of \$278,953.88

Motion Carried: Unanimously

**D.**

**TAX CERTIORARI**  
**Manufacturers and Traders Trust Company**  
vs.  
**Town of Ossining**

Councilmember Blaha moved and it was seconded by Councilmember Harter 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 Manufacturers and Traders Trust Company against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 246-J South Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.19-1-42; all for Tax Assessment Year 2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 61226/2014; 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:**

**Tax ID: Section 97.19, Block 1, Lot 42 SBL: 97.19-1-42 246-J South Highland Avenue, Ossining, N.Y.**

Assessment Year	Assessed Valuation		Assessment Reduction
	Reduced From	Reduced To	
2014	\$138,800	\$90,400	\$48,400

**WHEREAS, it is Ordered, Adjudged and Decreed that the provisions of RPTL 727 will apply to these proceedings, except that the exceptions referenced in 727 (2) (a) and 727 (2) (b) with respect to revaluations shall not apply, and that the assessment of the parcel having a Tax Map Number of 97.19-1-42 shall remain less than \$90,400 in 2015, 2016 and 2017 and Petitioner agrees not to file judicial petitions challenging the assessment of this property and also not to file any administrative grievances with the Board of Assessment Review in 2015, 2016 and 2017, as long as the assessed value is at or less than \$90,400; and**

**WHEREAS, it is Ordered, Adjudged and Decreed that refunds due as a result of the adjustment to the 2014 assessment are waived by Petitioner, but any refunds that may become due as a result of the application of this Consent Judgment and RPTL 727 for 2015, 2016 and 2017 are not waived; and**

**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 Town Attorney, 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 Town Attorney 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 \$0, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**E.**

**TAX CERTIORARI  
1360 Pleasantville Rd., LLC  
vs.  
Town of Ossining**

**Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey 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 1360 Pleasantville Rd., LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 1360 Pleasantville Road, in The Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 3; all for Tax Assessment Years 2011-2015, which**

proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 55713/2011; 65051/2012; 64051/13; 64650/14; 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:

**Tax ID : Section 98.10, Block 1, Lot 3 SBL: 98.10-1-3 1360 Pleasantville Road, Briarcliff Manor, N.Y.**

Assessment Year	Assessed Valuation		Assessment Reduction
	Reduced From	Reduced To	
2011	\$159,000	\$103,350	\$55,650
2012	\$159,000	\$103,350	\$55,650
2013	\$159,000	\$103,350	\$55,650
2014	\$159,000	\$103,350	\$55,650
2015	\$159,000	\$103,350	\$55,650

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 Town Attorney, 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 Town Attorney 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 \$ 2,628.44, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F.

**TAX CERTIORARI**  
**137 Operators Holding Corp.**  
vs.  
**Town of Ossining**

Councilmember Harter 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 137 Operators Holding Corp. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 1360 Pleasantville Road, in The Village of Briarcliff Manor, Town of

Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 3; all for Tax Assessment Years 2009-2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22483/2009 and 23345/2010; 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:

**Tax ID : Section 98.10, Block 1, Lot 3 SBL: 98.10-1-3 1360 Pleasantville Road, Briarcliff Manor, N.Y.**

Assessment Year	Assessed Valuation		Assessment
	Reduced From	Reduced To	
2009	\$159,000	\$103,350	\$55,650
2010	\$159,000	\$103,350	\$55,650

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

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 1,220.36, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. Avalon Ossining LLC  
vs.  
Town of Ossining

Councilmember Blaha moved and it was seconded by Councilmember Jeffrey 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 Avalon Ossining LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 217 North Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.10-1-2; 89.11-1-3; 89.10-1-14; and 89.10-1-2.1 for Tax Assessment Years 2014 and 2015; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 65260/2014; 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:**

**217 North Highland Avenue, Ossining, N.Y.**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2014	89.10-1-2	\$897,000	\$0	\$897,000
2014	89.10-1-14	\$2,000	\$0	\$2,000
2014	89.11-1-3	\$897,000	\$0	\$897,000

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	89.10-1-2.1	\$857,100	\$167,400	\$689,700
2015	89.11-1-3	\$897,000	\$174,200	\$722,800

**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 Town Attorney, 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 Town Attorney 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 \$0, which will be ordered pursuant to said Consent Judgment.**

**Motion Carried: Unanimously**

**H. Waiver of Unpaid Tax following Auction- 94 State Street**

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

**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 13th, 2014, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 94 State Street, Tax ID# 97.11-1-84; 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. Darwin Yunga was the successful bidder at a bid price of \$49,000.00, and

Whereas, The Town accepted the high bid of \$49,000 for 94 State Street, submitted by Mr. Darwin Yunga, Ossining, New York, the Town accepted a deed for the property from the Receiver of Taxes and The Town Supervisor executed a deed as well as all required transfer documents in forms thereby effectuating the sale of the premises to the high bidder after receipt by the Town of the bid price, receipt of which is acknowledged, and

Whereas, by resolution, upon conveyance of the property to the high bidder, the bidder became responsible to 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 waived;

Now, Therefore be it Resolved, that the Town hereby acknowledges that the unpaid base taxes for the premises, accrued through the date of conveyance, August 19<sup>th</sup>, 2015, in the amount of \$16,878.93 for Tax ID #97.11-1-84 has been waived and written off by the Town.

KVS Information Systems, Inc. - Town Compass									
TCIQ13/CS/V03/L032			Town of Ossining				DATE: 09/08/15		
TERMINAL NO: 000			Account Balance Summary				TIME: 18:35:07		
*** Lien Bill ***									
Owner: WESLEY VANESSA ANN					Bank :				
					Id: 554203 97.011-0001-084				
Acct#:					Loc: 94 STATE ST				
Yr	Seq	Bill No	Inst	Due Date	Principal	Penalty	Total Amount	Cumulative	
						To 09/08/15	Due	Due	
10	*LIEN	147	1	06/30/10	5092.80	3208.47	8301.27	8301.27	
-2010	09	TOTAL-			\$5092.80	\$3208.47	\$8301.27		
11	*LIEN	52	1	06/30/11	6481.83	2095.83	8577.66	16878.93	
-2011	09	TOTAL-			\$6481.83	\$2095.83	\$8577.66		
*** Grand Totals					\$11574.63	\$5304.30	\$16878.93	\$16878.93	
*** End Of Transactions ***									

Motion Carried: Unanimously

**I.Environmental Advisory Committee- Appointment**

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

Resolved, that the Town Board hereby appoints James Nolan, Ossining, to fill the remainder of an unexpired term on the Town's Environmental Advisory Committee, set to expire on December 31<sup>st</sup>, 2017.

Motion Carried: Unanimously

**J. Town Ethics Board- Appointment**

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

**Resolved, that the Town Board hereby appoints Stuart Kahan, Ossining, to a five-year term on the Town Ethics Board, set to expire on December 31<sup>st</sup>, 2020.**

**Motion Carried: Unanimously**

**K. Town Ethics Board- Appointment**

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

**Resolved, that the Town Board hereby appoints Sandra Hirsch, Ossining, to a four-year term on the Town Ethics Board, set to expire on December 31<sup>st</sup>, 2019.**

**Motion Carried: Unanimously**

**L. Town Ethics Board- Appointment**

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

**Resolved, that the Town Board hereby appoints Christopher Komosa, Ossining, to a three-year term on the Town Ethics Board, set to expire on December 31<sup>st</sup>, 2018.**

**Motion Carried: Unanimously**

**M. Town Ethics Board- Appointment**

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

**Resolved, that the Town Board hereby appoints Susan Sarch, Ossining, to a two-year term on the Town Ethics Board, set to expire on December 31<sup>st</sup>, 2017.**

**Motion Carried: Unanimously**

**N. Town Ethics Board- Appointment**

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

**Resolved, that the Town Board hereby appoints Laura Houston Whitlinger, Ossining, to a one-year term on the Town Ethics Board, set to expire on December 31<sup>st</sup>, 2016.**

**Motion Carried: Unanimously**

**O. Emergency Medical Services Committee- Appointment**

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

**Resolved, that the Town Board hereby re-appoints Richard Wishnie, Ossining, to a two-year term on the Emergency Medical Services Committee, set to expire on August 25<sup>th</sup>, 2017.**

**Motion Carried: Unanimously**

**P. Correction to the 2013 and 2014 Town Assessment Roll**

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

**WHEREAS, the Assessor has acknowledged receipt of an application for refund and credit of 2014 and 2015 real property taxes made pursuant to NYS Real Property Tax Law Section 550 (7) from the owners of the real property having an address at 11 Nelson Avenue and the tax ID number of 97.11-4-26; and**

**WHEREAS, in addition to the refund of real property taxes paid in 2014 and 2015, such application also seeks to correct the 2013 and 2014 Town of Ossining assessment roll; and**

**WHEREAS, following a review of such application by the Assessor and the Westchester County Tax Commission, it is their recommendation that the application be approved and implemented as directed;**

**NOW THEREFORE BE IT RESOLVED, that the Assessment Roll for the Town of Ossining, and all other applicable records of the Assessor, Comptroller and Finance Department, be corrected to reflect the true and accurate status of the real property located at 11 Nelson Avenue, Tax ID of 97.11-4-26, an assessment reduction of 2,000 omitted from the 2013 and 2014 assessment rolls due to a Veteran's Exemption not extended; and**

**BE IT FURTHER RESOLVED, that any and all real property taxes paid and/or owed to the Town as 2014 and 2015 real property taxes resulting from the inaccurate 2013 and 2014 tax assessment roll be refunded to the property owner of the subject real property in accordance with all applicable laws and regulations, consisting of \$49.62 of Town tax and \$344.91 of County tax.**

**Motion Carried: Unanimously**

**Q. Sale of Surplus Equipment**

**Councilmember Harter moved and it was seconded by Councilmember Blaha that the following be approved:**

**Whereas, the Town Board recently approved the purchase of two Transit vans for use by the Senior Nutrition Program to replace two vehicles in the Department that have outlived their usefulness to the Town;**

**Whereas, the Town Board authorized the surplus and sale of those vehicles on Auctions International; and**

**Now therefore be it Resolved that the Town Board of the Town of Ossining authorizes the 2001 Ford Taurus Wagon to be sold to the high bidder for \$2,075.00, to be payable immediately to the Town of Ossining.**

*2001 Ford Taurus Wagon, VIN# 1FAFP58U41G213333*

**Motion Carried: Unanimously**

**VI. CORRESPONDENCE TO BE RECEIVED AND FILED**

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

**Resolved, that the Town Board of the Town of Ossining hereby accepts the Town Planning Board Minutes dated August 5, 2015.**

**Motion Carried: Unanimously**

**VII. MONTHLY REPORTS**

## **VIII. VISITOR RECOGNITION**

**John Perillo, Havell Street, stated that he was quite familiar with the forum of the Jewish Faith particularly the high holy days. He questioned why the Board chose to have a meeting on the highest holy day. The Supervisor and Board need to be more sensitive. I notice that your attorney is not even present.**

**Matthew Gullotta, Gullotta House, announced several upcoming event one of which will be at Nelson Park on October 10, 2015 and the other The First Annual Charity Masquerade Gala being held on October 16<sup>th</sup> at the Doubletree Hilton in Tarrytown. The funds will assist Mr. Badger who is awaiting a new heart. Thus far 22 families have received assistance from Gullotta House.**

**Supervisor Donnelly announced that the next Town Hall Meeting will be held on October 6, 2015 at the Ossining Public Library at 7:30 p.m.**

## **IX. ADJOURNMENT**

**At 8:27 P.M. Councilmember Wilcher moved and it was seconded by Councilmember Blaha that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

\_\_\_\_\_  
**Mary Ann Roberts, Town Clerk**