



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

**JANUARY 28, 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 January 28, 2015 in the 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 Geoffrey Harter, Eric Blaha and Kim Jeffrey. Councilmember Northern Wilcher was absent. Also present were Town Attorney Wayne Spector, Budget Officer Madeline Zachacz and Deputy Town Clerk Ann Marie Rocco.

II. Public Hearing In The Matter of Local Law #1 - Changes to Town Ethics Code

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

No one came to speak at this Public Hearing.

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

Public Hearing In The Matter of Local Law #2- Salary of the Elected Highway Superintendent

At 7:33 P.M., the Public Hearing was opened.

No one came to speak at this Public Hearing.

At 7:34 P.M., Councilmember Harter moved and it was seconded by Councilmember Blaha that the Public Hearing be adjourned.

III. ANNOUNCEMENTS

Supervisor Donnelly announced the following:

- Very proud of the Town Highway Department and Village DPW Department for all their hard work on keeping the roads safe during yesterday's storm.
- Parking and small claims court dates were adjourned until February 9th at 6:30 p.m.
- All the Village and Town recycle pick up were begun again today.
- There will be a planning board meeting tonight at the Community Center/multipurpose room.
- Zoning Board meeting will be scheduled for next week sometime. We will confirm the date and announce it on the Town's Website.

- Solarize Ossining-Briarcliff kick off meeting will take place at the Ossining Public Library on January 29th at 7:00 p.m. This will be an informational meeting.
- Town of Ossining Comp Plan review meeting will take place on February 4th at 7:00 p.m. 16 Croton Ave.
- Supervisor Donnelley explained how Town/Village of Ossining and Briarcliff Manor came together for Solarize Ossining. This is a great opportunity for a group rate and the Building Department is also working very closely together with Solarize Ossining. This will benefit both residential and commercial properties. There are different financial options available and there will be many more meetings regarding this topic. Please visit www.solarizewestchester.com

Councilmember Jeffrey announced that the Ossining Matters fundraiser will take place at the Mike Risko Music School this Friday, January 30th.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes

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 approves the January 13, 2015, Minutes of the Re-Organizational Meeting as presented.

Motion Carried: 3-1-0
Ayes: Jeffrey, Harter, Donnelly
Abstain: Blaha

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated January 27, 2015 in the amount of \$ 339,756.40 for 2014 and \$ 430,249.37 for 2015. Grand total of \$ 770,005.77.

Motion Carried: Unanimously

C. TAX CERTIORARI Verizon New York Inc. 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 Verizon New York Inc. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 160 Main Street, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.19-4-4 and Section 89.19-4-42;; all for Tax Assessment Years 2009-2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23429/09; 25030/10; 15045/11; 66846/12; 65634/13; and 67282/14; 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 89.19, Block 4, Lot 44 SBL : 89.19-4-44 160 Main Street
Assessed Valuation

Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2009	\$182,850	\$131,500	\$51,350
2010	\$182,850	\$131,820	\$51,030
2011	\$182,850	\$127,519	\$55,331
2012	\$182,850	\$129,530	\$53,320
2013	\$182,850	\$135,188	\$47,662
2014	\$182,850	\$133,743	\$49,107

Tax ID: Section 89.19, Block 4, Lot 42 SBL: 89.19-4-42 Main Street

Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2009	\$1,620	\$1,620	\$0
2010	\$1,620	\$1,620	\$0
2011	\$1,620	\$1,620	\$0
2012	\$1,620	\$1,620	\$0
2013	\$1,620	\$1,620	\$0
2014	\$1,620	\$1,620	\$0

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 \$3,624.79, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

D.

TAX CERTIORARI
200 South Highland Avenue LLC
vs.
Town of Ossining

Councilmember Harter moved and it was seconded by Councilmember Blaha 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 200 South Highland Avenue, LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property

located at 200 South Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.15-3-16; and for property located at South Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.15, Block 3, Lot 17; and for property located at 194 South Highland Avenue, and designated on the tax assessment map of The Town of Ossining as Section 97.15, Block 3, Lot 18.1; and for property located at 190 South Highland Avenue, and designated on the tax assessment map of The Town of Ossining as Section 97.15, Block 3, Lot 20; all for Tax Assessment Years 2009-2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 24451/09; 26011/10; 16040/11; 67411/12; 67044/13; and 67374/14; 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 : 97.15-3-16		200 South Highland Avenue	
		Assessed Valuation	
Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2009	\$98,700	\$49,750	\$48,950
2010	\$98,700	\$54,050	\$44,650
2011	\$98,700	\$56,850	\$41,850
2012	\$98,700	\$60,400	\$38,300
2013	\$98,700	\$62,275	\$36,425
2014	\$98,700	\$62,100	\$36,600

Tax ID: 97.15-3-17		South Highland Avenue	
		Assessed Valuation	
Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2009	\$47,900	\$23,500	\$24,400
2010	\$47,900	\$25,500	\$22,400
2011	\$47,900	\$26,850	\$21,050
2012	\$47,900	\$28,500	\$19,400
2013	\$47,900	\$29,400	\$18,500
2014	\$47,900	\$29,350	\$18,550

Tax ID: 97.15-3-18.1		194 South Highland Avenue	
		Assessed Valuation	
Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2009	\$107,900	\$53,900	\$54,000
2010	\$107,900	\$58,550	\$49,350
2011	\$107,900	\$61,600	\$46,300
2012	\$107,900	\$65,400	\$42,500
2013	\$107,900	\$67,450	\$40,450
2014	\$107,900	\$67,300	\$40,600

Tax ID : 97.15-3-20		190 South Highland Avenue	
		Assessed Valuation	
Assessment Year	Reduced From	Reduced To	Assessment
Reduction			
2009	\$21,300	\$11,100	\$10,200
2010	\$21,300	\$12,000	\$9,300
2011	\$21,300	\$12,650	\$8,650
2012	\$21,300	\$13,450	\$7,850
2013	\$21,300	\$13,850	\$7,450
2014	\$21,300	\$13,800	\$7,500

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

Motion Carried: Unanimously

TAX CERTIORARI
Scarborough Manor Owner's Corp.
vs.
Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Scarborough Manor Owner's Corp. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 16 Rockledge Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.15-1-37 for Tax Years 2010, 2011, 2012, 2013 and 2014, which proceedings are now pending in the Supreme Court of the State of New York, under Index Nos. 24026/2010; 14820/2011; 65742/2012; 64243/2013; and 65347/2014; and

Tax ID : 97.15-1-37		16 Rockledge Avenue	
Assessment Year	Reduced From	Assessed Valuation Reduced To	Assessment
2010	\$1,952,915	\$1,952,915	\$0
2011	\$1,952,915	\$1,952,915	\$0
2012	\$1,952,915	\$1,757,620	\$195,295
2013	\$1,952,915	\$1,757,620	\$195,295
2014	\$1,952,915	\$1,757,620	\$195,295

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, 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 \$475.74, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G. Foreclosure Sale- Default

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

WHEREAS, The town conducted a foreclosure auction of properties for unpaid taxes on August 13, 2014 and, included in the auction was property referred to as Thornton Hill vacant lots (10) in an approved subdivision named Hawkes Crossing, to be sold together subject to existing subdivision approvals, also referred to as parcel ID 89.008 – 0001 – 049.004 through 89.008 – 0001 – 049.013, and

WHEREAS, the winning bidder for the Thornton Hill vacant lots was Sayed Abbas Hosseini (on behalf 110 Ossining LLC c/o Mohammad Yaghoubi,) with a winning bid price of \$520,000, and

WHEREAS, the terms of sale provided that the closing would be required to take place within 45 days of the auction and, in the event the winning bidder failed to close that the town could reject the bid and retain the \$2500 fee collected from the bidder to be recognized as a qualified bidder, and;

WHEREAS, subsequent to the auction, the County of Westchester indicated an interest in exercising a right of first refusal to develop the property for affordable housing and, as a result, the closing was delayed to afford the County an opportunity to determine whether the property was suitable for such development and whether it intended to proceed to exercise its right of first refusal, and;

WHEREAS, prior to making a final determination, the County of Westchester determined that it would defer to the winning bidder if the winning bidder wished to proceed with the purchase and, as a result, efforts have been made to contact the winning bidder, which efforts resulted in communications between the Town Attorney and the winning bidder as well as the attorney for the winning bidder and both the winning bidder and the attorney for the winning bidder were both advised that due to the time that has elapsed since the date of the auction the town has the option, pursuant to the terms of sale, to declare the winning bidder in default, to retain the initial \$2500 paid to qualify the bidder and to proceed to sell the property to another purchaser. Both the winning bidder and the bidder's attorney were requested to confirm whether or not they proceed with the purchase and neither the winning bidder nor its attorney has responded within the time requested.

THEREFORE, be it resolved that, by reason of the failure on the part of the winning bidder for the Thornton Hill vacant lots, to close within a reasonable period of time from the date of auction, given all the circumstances, the town hereby exercises its right to declare the winning bidder in default, to retain the \$2500 bidder qualification fee and to proceed to re--sell the property in an appropriate manner as the town sees fit.

Motion Carried: Unanimously

H. Rescinding Zoning & Planning Board Training Waivers

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

WHEREAS, on November 13, 2007 the town duly adopted a resolution waiving the requirement pursuant New York State law which calls for four hours of annual training for the town's Planning Board and Zoning Board members, which waiver is permitted under state law;

THEREFORE, be it resolved that the town hereby rescinds its previously adopted resolution waiving the mandatory training requirement for Planning and Zoning Board members, therefore requiring those board members to henceforth meet all mandatory training requirements established by New York State law.

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 following:

- **December 10, 2014-Planning Board Meeting Minutes**

Motion Carried: Unanimously

VII. MONTHLY REPORTS

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 following monthly reports for the month of December, 2014 from:

- **Town Tax Receiver's Office**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT

At 7:59 P.M. Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk

