

TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET - OSSINING, NEW YORK
OCTOBER 24, 2006
7:30 PM

SUPERVISOR
John Chervokas
COUNCILMEMBERS

Geoffrey Harter Northern Wilcher
David Krieger Martha Dodge

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on October 24, 2006 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor John Chervokas. Other members of the Board present were: Geoffrey Harter, Northern Wilcher, David Krieger and Martha Dodge. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer; and Mary Ann Roberts, Town Clerk.

II. ANNOUNCEMENTS

The Annual Andrew Sargis Luncheon took place this afternoon at the Joseph G. Caputo Community Center with the Golden Age Club #1 celebrating its 60th Anniversary.

The Maryknoll Sisters will be holding their annual bazaar on Saturday, October 28th beginning at 10 a.m.

On October 29th at Cedar Lane Park from 11 a.m. - 2 p.m. will be the Halloween event for dogs in costume.

The Halloween Parade will take place on October 28th beginning at 2:15 p.m. with the parade stepping off at 2:30 p.m. sharp from the Nelson Sitting Park and ending at Market Square.

The Joseph G. Caputo Community Center will again host the DARE Halloween from 6 p.m. - 8 p.m. on October 31st.

The Town Board Work Session will be held on November 8th rather than the 7th due to Election Day on the third floor of the Municipal Building at 16 Croton Avenue.

III. BOARD RESOLUTIONS

A. Approval of Minutes - October 10, 2006

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the October 10, 2006 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated October 24, 2006 in the amount of \$205,089.50.

Motion Carried: Unanimously

C. Highway-55 Old Albany Post Road

Councilmember Dodge moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Whereas, the Town received bids for use of a hydraulic excavator having a reach of 30 feet +/- to uncover a failed storm drain pipe under the residential driveway of 55 Old Albany Post Road; and

Whereas, the successful low bidder, Anthony L. Fiorito, Inc., uncovered unexpected conditions during the excavation process, including unsuitable material deposited by unknown persons in the course of burying a manhole 14 feet below ground, an 18" pipe clogged with debris and an additional 18" pipe with a 4" offset and an open joint; and

Whereas, the recommended solution to the problem is a combination of slip lining, extension of the existing drain manhole to current grade and installation of a new pipe to Old Albany Post Road; and

Whereas, the above described situation satisfies the requirements for an "emergency" exception from public bidding requirements of Section 103 (4) of the General Municipal Law based on the following:

1. Although the 14 foot deep excavation (roughly 14 feet by 14 feet in length/width) has been shored up for the moment, the engineering consultant has advised that the situation is deteriorating. This dangerous condition exists in the middle of a residential neighborhood where a significant number of people are passing nearby on a daily basis. Filling in the excavation with proper fill material would not necessarily protect the public since the pipes will continue to leak undermining the fill and the surface at street level. Moreover, such filling and later re-excavation would significantly increase the total cost of the project.
2. The approaching winter freeze and wet weather during the early Spring of 2007 are likely to cause further delays. The engineering consultant estimates that the bidding process, including the preparation of plans and specifications, will delay commencement of the necessary work into January 2007. At that point, freezing conditions and Spring rains figure to further postpone a solution.

Now, Therefore be it Resolved, that the Town Board of the Town of Ossining hereby declares this situation a "public emergency" arising out of an unforeseen occurrence or condition whereby circumstances affecting...the life, health, safety or property of the inhabitants" of the Town of Ossining require immediate action which cannot await competitive bidding and authorizes the Highway Superintendent and Consulting Engineer to deal with this matter posthaste, and

Be it further Resolved, that the Budget Officer is also authorized to establish Capital Project # 2006-0048 entitled 55 Old Albany Post Road Drainage in an amount to be determined and agreed upon by the Town Board.

Motion Carried: Unanimously

D. Agreement-Weiler Mapping, Inc.

Councilmember Krieger moved and it was seconded by Councilmember Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Supervisor to enter into an agreement with Weiler Mapping, Inc. of Elmira, New York to perform tax map maintenance services for a fifteen month term commencing on October 1, 2006-December 31, 2007.

Motion Carried: Unanimously

IV. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following correspondence be received and filed:

1. Certioraris: Scarborough Glenn Condos I, II, III & IV; Richard Tontodonato; Monument Plaza Corp.; Dencourt Limited; Hudson Point Condo; Kapson Briarcliff Manor; Mystic Point I & II; Christopher Trotta; Briarcliff Racquet & Fitness Club; The Hamlet on Spring Pond; Scarborough Manor; Hudson View I, II & III.; Elaine & Evan Wetzler; Copley Court; General Electric Co.; Sunoco Inc.; Briarcliff Self Storage; Mavis Tire Supply Corp.; V & B Realty LLC; Conacchio Enterprises; Briarcliff Station; Sleepy Hollow Country Club; Tudor III Realty; Home Properties of Sparta Green; 47 Hudson Street; Al Saleh Assoc. West. Fast Oil LLC; High Meadow Coop. #1; The Park Professional Condominium; Midas Holding; DP 22, LLC.
2. September, 2006 Helicopter Log from General Electric.
3. September 13, 2006 Planning Board Minutes.

Motion Carried: Unanimously

V. VISITOR RECOGNITION

Bobby Williams, Spring Street, was glad to hear that the Town did all of the necessary paperwork to comply with General Municipal Law regarding resolution C (55 Old Albany Post Road). The General Election will take place prior to the next Town Board Meeting and everyone is reminded to exercise your right to vote as your vote does count.

VI. ADJOURNMENT

At 7:50 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the meeting be adjourned in memory of Gail Bennett.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk