

**TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET – OSSINING, NEW YORK  
OCTOBER 9, 2007  
7:30 P.M.**

**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 9, 2007 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. Members of the Board present were: Councilmembers Geoffrey Harter, Northern Wilcher and David Krieger. Councilmember Martha Dodge was absent. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

**II.     ANNOUNCEMENTS**

Councilmember David Krieger announced that the Annual Halloween Parade will take place on October 27<sup>th</sup> at 2 p.m. beginning at Nelson Park and proceeding down to Market Square. The VanCortlandt Manor in Croton has a pumpkin display of 4,000 carved pumpkins entitled “The Great Jack-O-Lantern Blaze”.

Councilmember Geoffrey Harter announced that Ossining High School Performing Arts is performing “You’re A Good Man Charlie Brown” beginning on November 8 at 4 p.m.; November 9 at 7 p.m., November 10 at 7 p.m. and November 11 at 2 p.m. at the Ossining High School Auditorium, 29 South Highland Avenue. For further information, please call 762-5760 extension 365.

Also, a reminder for homeowners to submit their STAR Program application either on the internet or via the mail.

Councilmember Northern Wilcher announced that on October 11<sup>th</sup> there will be a seminar sponsored by Communities that Care at the Ossining High School Barnes Library from 7:30 – 9:30 p.m. This is a program for parents regarding underage drinking.

**III.    BOARD RESOLUTIONS**

**A.    Approval of Minutes – September 25, 2007**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the September 25, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

**B.    Approval of Voucher Detail Report**

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated October 9, 2007 in the amount of \$115,862.85.

Motion Carried: Unanimously

C. **CERTIORARI SETTLEMENT**  
**PHILIPS ELECTRONICS NORTH AMERICA CORP.**  
and/or  
**NORTH AMERICAN PHILIPS CORPORATION**  
vs.  
**TOWN OF OSSINING**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Philips Electronics North America Corp. and/or North American Philips Corporation, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 345 Scarborough Road, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 4, Plate 9, Block 9, Lot 3, for assessment years 2003 through 2007, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 15711/03, 16354/04, 18380/05, 18233/06, and 18168/07; 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:

Parcel ID	Assessment Year	Original Assessment	Corrected Assessment	Reduction
4-9-9-3	2003	1,775,000	1,640,000	135,000
	2004	1,775,000	1,470,000	305,000
	2005	1,775,000	1,380,000	395,000
	2006	1,812,290	1,360,000	452,290
	2007	1,812,290	1,270,000	542,290

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 in 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, that the Assessor is authorized and directed to make the changes and corrections to the tax assessment rolls 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 \$8,119.21, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

**D. Town Property – Surplus Vehicle**

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 authorizes the following surplus vehicle to be sold to the best offer made by sealed proposals submitted to the Town Clerk by Monday, October 29, 2007 at 10:00AM:

**2000 Ford Crown Victoria VIN# 2FAFP71W8YX110105  
(Building Inspector's Vehicle)**

**Motion Carried: Unanimously**

**E. Awarding of Bid – Dump Body Assembly (Highway Department)**

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

Whereas, the Town of Ossining has solicited bids for a dump body assembly with a central hydraulic system; and

Whereas, the public notice was advertised in the Journal News on August 21, 2007; and

Whereas, at 10:00 AM., Tuesday, September 4, 2007 all bids were opened and upon reviewing the bids, the Highway Superintendent and the Town Attorney were unable to determine which of the two bidders who responded to the aforementioned public notice was the lowest responsible bidder; and

Whereas, both of the aforementioned bids were substantially less than the price available to the Town through the County bidding system with the result that the acceptance of whichever of the two proved to be lower would be in the best interest of the Town of Ossining; and

Whereas, both of the aforementioned bidders were thereafter afforded the opportunity to clarify their bids on or before 10:00 AM, Tuesday, October 2, 2007 at which point the bids, as clarified, were opened and the Highway Superintendent and the Town Attorney determined that the lowest responsible bidder meeting the requirements of the contract documents for the Dump Body Assembly is Amthor Welding Service, Inc. of Walden, New York at a total bid price of \$14,973.00;

Now, Therefore be it resolved, that the Dump Body Assembly Bid is hereby awarded to Amthor Welding Service, Inc. for the total bid price of \$14,973.00.

**Motion Carried: Unanimously**

**F. Finance-2007 Budget Adjustment**

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes the following budget adjustment be made to the 2007 Budget:

<u>TRANSFER TO G/L ACCOUNT</u>	<u>AMT.</u>	<u>TRANSFER FROM G/L ACCT.</u>
Capital Project-Highway Dump Truck 037-5130-2150	\$1,632.02	031-5130-0201-Highway Machinery-Equipment

**Motion Carried: Unanimously**

**G. Finance-Capital Project # 2006-2148 (55 Old Albany Post Road)**

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

Whereas, the Town Board declared 55 Old Albany Post Road drainage an emergency situation and established Capital Project # 2006-2148 with a total project cost of \$110,258.14; and

Whereas, the current expenditures are 118,887.50 and therefore the additional amount of \$8,629.36 must be accounted for,

Now, therefore, be it Resolved, that the Town Board of the Town of Ossining hereby authorizes the Highway Superintendent to fund the additional \$8,629.36 through the 2007 CHIPS allocation and the project budget is increased from \$110,258.14 to \$118,887.50.

Motion Carried: Unanimously

**IV. MONTHLY REPORTS – September, 2007**

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the Reports for the month of September, 2007 from Town Clerk and Building Inspector be received and filed.

Motion Carried: Unanimously

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

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

1. Certioraris: 140 South Highland Ave., 26 South Highland Ave., 550 North State Road, 72-94 North State Road, Kemeys Cove Condo., Metalized Carbon Corp., Ossining River Assoc., Urstadt Biddle Prop. (Scarborough Assoc.), Urstadt Biddle Properties, Verizon New York, Wachovia Corp., Yellow Brick Road Apts., JP Morgan Chase (4), Richard Tontodonato, Hudson Point Condo, Stop & Shop, Brandywine, Con Ed, O.K. Café of West., Harbor Square, 7-Eleven, 97 Croton Ave., Briarcliff Woods Condos, S.C.I, Funeral Services (2), The Great Atlantic & Pacific Tea Co., London Terrace, Edward E. Alany, Brandywine Holding Co., Philips Electronics No. America Corp, Eagle Bay Condo.
2. September, 2007 Helicopter Log from General Electric.

Motion Carried: Unanimously

**VI. VISITOR RECOGNITION**

Bobby Williams, Spring Street, reminded the public about the STAR Program. He suggested that the Police Chief prepare a printout of penalties for underage drinking. Also discussed was the Town's acceptance of grant money for erosion prevention at the waterfront. Supervisor Chervokas announced that the Spray Ground will be closing soon.

Town Clerk Mary Ann Roberts announced that the Ossining Historical Society would be holding their Annual Installation Dinner at Travelers' Rest on October 26<sup>th</sup> at 6 p.m. with reservations at \$45 per person. Seating is limited. There will also be a silent auction. On October 31<sup>st</sup> DARE Halloween will take place at the Joseph G. Caputo Community Center from 6 – 8 p.m. The Village and Town Police Departments will also be participating in the Homecoming: Underage Drinking Seminar on October 11<sup>th</sup> as reported by Councilmember Wilcher.

**Councilmember Wilcher also announced that Bruce Kelly an Assistant DA will also be a member of the panel along with Andrea Palick and Jan Sheppard from the Ossining School District.**

**Councilmember Harter also suggested that if parents do not want to participate in the underage drinking panel to contact their officer from the Town's Your Cop Program. You can gain valuable information thru this program.**

**VII. ADJOURNMENT**

**At 8:07 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the meeting be adjourned.**

**Motion Carried: Unanimously**

**Approved:**

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