

October 20, 2005

A regular meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on the 20th day of October 2005, at 7:30PM. Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano . . . . .Supervisor  
Thomas Scappaticci ) . . . . .Councilmen  
Joseph Cannella )  
Robert Paladino )  
Patrick Vetere )

ALSO ATTENDING

Frank Allegretti . . . . .Town Attorney  
Fred Castiglia . . . . .Village Attorney  
Jonathan Kraut . . . . .Deputy Village Attorney  
Joseph Latwin . . . . .Deputy Village Attorney  
Robert Wasp . . . . .Commissioner of Public Works  
David Hall . . . . .Chief of Police  
Ron Belmont . . . . .Superintendent of Recreation  
James Calandruccio . . . . .Assessor  
Judy D'Agostinis . . . . .Director of Purchasing

October 20, 2005

PRESENTATION OF AWARDS TO MEMBERS OF THE LITTLE LEAGUE BASEBALL TEAMS  
AS CHAMPIONS OR FINALISTS IN THE 2005 BASEBALL SEASON

(1) 10-YEAR-OLD-BOYS LITTLE LEAGUE DISTRICT 20 CHAMPIONS

Tim Broderick, Cory Calcagni, Mike D'Annibile, John DeFonce, Brandon Fabian, Patrick Gray, Tyler Hart, B.J. Jacobson, Ryan Lynch, Vincent Nicita, Nicholas Pipitone and Robert Scatenato  
Manager: Tony Dalto; Coaches: Mark Dalto and Paul Broderick

(2) 11-YEAR-OLD-GIRLS LITTLE LEAGUE DISTRICT 20, SECTION 3 CHAMPIONS,  
NEW YORK STATE FINALISTS

Ashley Beatberg, Nicole Tenner, Samantha Angilletta, Kathleen Samuelson,  
Adriana Nocco, Christine Vecchiolla, Faryn Brown, Catherine DiQuinzio,  
Alyx Scapperotti, Rhiannon Gaspare, Jessica Rosycki and Emily Dickinson  
Coaches: Eric Bratberg, Mike Gaspare and Gerard Tenner

(3) 12-YEAR-OLD-GIRLS LITTLE LEAGUE DISTRICT 20, SECTION 3 CHAMPIONS,  
NEW YORK STATE CHAMPIONS

Breanne Arlotta, Ashley Marino, Jillian Tiburzi, Marissa DeCarlo,  
Julia Brefere, Samantha Lagana, Jessica Magnotta, Suzie Valerie, Ginna LaDolce,  
Anastasia Nitis, Diana Minishi and Alessandra Neu  
Coaches: Neil Marino, Lou Arlotta and Ed Tiburzi

NOTE:

The Meeting was recessed for 15 minutes while the room cleared and the players and their families left.

**CORRECTION TO THE MINUTES OF THE PREVIOUS MEETING.**

**Supervisor Malfitano pointed out that Mr. Viscome had been hired by the Town as an Arborist on a consultant basis, not on the part-time payroll. Councilman Vetere again voiced his objection to this action.**

ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept the following reports:

- 1a. Monthly report by the Building Inspector for September 2005.
  - 1b. Monthly report by the Fire Marshall for September 2005.
  - 1c. Monthly report by the Recreation Department for September 2005.
  - 1d. Monthly report by the Town Clerk for September 2005.
  - 1e. Monthly report by the Receiver of Taxes for September 2005.
  - 1f. Quarterly report by the Library Director for July, August and September.
2. Notification from the NYSDOT that, in conjunction with Crown Communications, they will be installing wireless telecommunications equipment mounted on a half span sign structure on I-684 (northbound direction), just south of the Barnes Lane Bridge over I-684. The sign structure will hold a Variable Message Sign (VMS) as part of the Department's Intelligent Transportation System (ITS). The VMS as well as other ITS equipment is being located along major highways in Westchester County to detect, verify and manage incidents that may negatively impact the operations of the roadways. This information will be transmitted back to their Transportation Management Center, to then be disseminated to the public via the internet media as well as through the use of electronic Variable Message Signs. The work is expected to be completed during the 2005/2006 construction season.

Jacqueline Phillips Murray, an attorney with the firm of Crown Communications, stated that her firm is an agent with the State of New York to help the State manage its infrastructure so as to improve communications. Two representatives of the NYS Department of Transportation were also present. One goal is to reduce the proliferation of wireless communication towers across the State by utilizing the established roadways. Second goal is to improve the State's communication and monitoring network. There is also the intention to preserve the beauty and aesthetics of the roadways. Ms. Murray continued that there will be two poles constructed south of the Barnes Lane Bridge, one will be 25' tall, and the second one will be 65' tall, and will hold a camera and a variable message sign, as well as communication equipment for various agencies.

October 20, 2005

2005 -- 401

CONTINUATION OF THE PUBLIC HEARING RE: AMENDING PARKING REQUIREMENTS

FOR CERTAIN USES AND LOCATIONS -- SCHEDULE OF OFF-STREET PARKING  
REQUIREMENTS FOR NONRESIDENTIAL USES

Supervisor Malfitano stated that this Hearing would be continued until the November 10, 2005 Town Board Meeting as comments have not been received from the Planning Board.

October 20, 2005

2005 -- 402 -- a

PUBLIC HEARING – RE: REQUEST OF GREYWOLF CAPITAL MANAGEMENT L.P.,  
FOR AN AMENDMENT TO THEIR SPECIAL EXCEPTION USE PERMIT TO INSTALL

AN EMERGENCY ELECTRIC GENERATOR  
IN THEIR BUILDING AT THE CENTRE AT PURCHASE

It was noted that the Planning Board had declared itself as Lead Agency under SEQRA, and issued a Negative Declaration as a Type II action.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, the Hearing was opened.

Mr. Joseph Modafferi, of John Meyers Consulting, appeared on behalf of the applicant.

Councilman Paladino asked what type of fuel would be used by the generator, and was told that it would be diesel fuel.

Councilman Vetere asked if any consideration had been given to installing solar panels on the building. Mr. Modafferi stated that he had no knowledge of any such studies.

On motion of Councilman Cannella, seconded by Councilman Vetere, the Hearing was closed.

October 20, 2005

2005 -- 402 -- b

APPROVAL OF THE REQUEST OF GREYWOLF CAPITAL MANAGEMENT L.P.,  
FOR AN AMENDMENT TO THEIR SPECIAL EXCEPTION USE PERMIT  
TO INSTALL AN EMERGENCY ELECTRIC GENERATOR

IN THEIR BUILDING AT THE CENTRE AT PURCHASE.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Greywolf Capital Management L.P. for an amendment to their Special Exception Use Permit so that they may install an emergency electric generator in their building at the Centre at Purchase.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commissioner of Public Works, the Fire Marshall, the Chair of the Planning Board and Mr. Modafferi.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 403 -- a

PUBLIC HEARING: RE: REQUEST BY DILUNA REAL ESTATE, INC. FOR A SPECIAL  
EXCEPTION USE PERMIT TO CONSTRUCT A BUILDING AT 339 HALSTEAD AVENUE,  
CORNER OF HAVILAND STREET, WITH A RESTAURANT ON THE STREET FLOOR,  
SIX APARTMENTS ABOVE, AND UNDERGROUND PARKING.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was opened.

Councilman Paladino questioned the documentation that had been presented to him at this meeting, noting that there were different dates on different pages of the document, and that there were different members of the Planning Board on the two dates.

Supervisor Malfitano replied that the application had been before the Planning Board at an earlier time, and then before the Town Board. At that time, the applicant was sent back to the Planning Board for changes, as the Town Board members noted that the open space requirement has not been met, and that additional parking should be provided. He continued that this is a different application, with fewer apartments and more parking per apartment.

Resident Emil Toso spoke against the proposal, stating it is a multifamily structure with a restaurant on the ground floor. He questioned why it was not before the Zoning Board, blaming the ambiguous provisions of the Zoning Code. He continued that it does not meet many zoning restrictions, that this particular type of building is more prevalent in a multifamily "R" district. Deputy Village Attorney Kraut replied that the application had been reviewed by the Law Department, by the Town Engineer, by the Building Inspector, by the Town Planner and the Planning Board, and was approved by all of them as meeting the Zoning Code. He added that Mr. Toso could appeal the decision. Mr. Toso stated that the building does not meet the open space requirement as it covers the lot 100%, while in an "R" zone there would have to be 50% open space on ground level. He added that there is no parking provided for the restaurant as required, instead the applicant is presenting the restaurant as a retail store, otherwise it would require 38 spaces. He added that the apartments, with no open space, are typical of a building that is in the Bronx. He added that the main entrance to the apartments are on Haviland Street, and asked if the other owners on Haviland Street are also going to be allowed to build apartments. He then asked that buildings of this type be considered under the laws that govern this type of building.

Supervisor Malfitano stated that the statements are inaccurate, that this is a Special Exception Use application, which occurs throughout the Town.

Attorney Latwin stated that the nature of a Special Exception Use application, which means that it is a permitted use under the Zoning code, if you meet the qualifications set forth under the Special Exception Use. He added that there are many types of such Exception applications, including such items as antennas and schools.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was closed.

October 20, 2005

2005 -- 403 -- b

APPROVAL OF THE REQUEST OF DILUNA REAL ESTATE FOR A SPECIAL EXCEPTION  
USE PERMIT TO CONSTRUCT A BUILDING AT 339 HALSTEAD AVENUE

The Planning Board approved this application. Their Resolution is attached.

Councilman Paladino stated that he was voting "NO," as it was too large a building on too small a lot, and added that he was reiterating what he has said in the past, that the continued reliance of the exemptions from the parking requirements is hurting the Town. Councilman Vetere agreed, and praised Mr. Toso for doing his homework.

Councilman Cannella stated that it was very unusual for the Town Board to turn down an application that had been passed by the Planning Board. He continued that this is an unusual spot, but when you have an applicant who is willing to work with the town, who scaled down the project at a cost to himself, then that is the process working the way it is supposed to work. Supervisor Malfitano agreed, and said that there weren't any zoning issues, and the Town has ended up with a better project.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of DiLuna Real Estate, Inc., for a Special Exception Use Permit to construct a building at 339 Halstead Avenue, corner of Haviland Street, with a restaurant on the street floor, six two-bedroom apartments above, and underground parking.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Chair of the Planning Board, the Commissioner of Public Works and the Fire Marshall.

Adopted by the following vote:

AYES: Councilmen Scappaticci and Cannella  
Supervisor Malfitano

NAYS: Councilmen Paladino and Vetere

ABSENT: None

October 20, 2005

2005 -- 404 -- a

PUBLIC HEARING RE: PROPOSED EXTENSION OF THE TOWN OF HARRISON  
SEWER LINE ON WESTCHESTER AVENUE AND WOODS END.

On motion of Councilman Scappaticci, seconded by Councilman Cannella, with all members voting in

favor, the Hearing was opened.

Mr. Roland O'Neal, a member of the Board of Directors of the Greek Orthodox Church of Our Savior, a prospective member of this Sewer District, spoke on behalf of the Church. He stated that the officials of the Church had signed the petition, but before any further action is taken, they are asking to see estimates of the proportionate share for each beneficial property owner, mentioning that they are already paying \$7,800 in County sewer taxes.

Mr. David Mooney, the engineer for the project, stated that, based on water usage, it is estimated that the cost per year per house for the four residential lots, would be about \$3,100 (500 gallons per day), while the Church would be billed about \$5,700 (900 gals per day.) He added that the homeowners would like to move forward, and are willing to bear the cost.

On motion of Councilman Paladino, seconded by Councilman Cannella, with all members voting in favor, the Hearing was closed.

October 20, 2005

2005 -- 404 -- b

APPROVAL FOR THE PROPOSED EXTENSION OF THE TOWN OF HARRISON  
SEWER LINE ON WESTCHESTER AVENUE AND WOODS END.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of the residents of the property owners fronting on Westchester Avenue and Woods End for an extension of the Town sewer adjoining their property.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Town Engineer, the Commissioner of Public Works and the Town Attorneys as well as the property owners.

Adopted by the following vote:

AYES: Councilmen Scappaticci, Paladino, Vetere and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 405

AUTHORIZATION TO REIMBURSE RECREATION SUPERVISOR GERRY SALVO  
AFTER THE SUCCESSFUL COMPLETION OF TWO COURSES AT LEHMAN COLLEGE  
COST: \$1,541.50

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Superintendent of Recreation Ron Belmont that Recreation Supervisor Gerry Salvo be reimbursed his cost of \$1,541.50 after the successful completion

of the following two courses at Lehman College:

Recreation 710	Programs Serving Social Development	3 credits
Recreation 790	Independent Study: Recreation	2 credits

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Superintendent of Recreation and Mr. Salvo.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 406

ACCEPTANCE OF THE RETIREMENT OF K9 DOG "YOURIE" WITH THE  
RECOMMENDATION THAT, IN RETIREMENT, THE DOG LIVE WITH HIS  
HANDLER, POLICE OFFICER RICHARD LIGHT

Chief Hall stated that "Yourie" has been a wonderful addition to the Department. He located lost children and was great at searching vehicles. He added that the dog had received an award from Westchester County officials for his work during an incident in Sleepy Hollow.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept the retirement of the K9 dog "Yourie."

FURTHER RESOLVED to approve the recommendation of Chief of Police Hall that the dog live with his handler, Police Office Richard Light, in his retirement.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the Comptroller and Officer Light.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 407

ACCEPTANCE, WITH REGRET, OF THE RETIREMENT  
OF POLICE DETECTIVE PAUL HARRIS

Chief of Police David Hall praised Detective Harris as a great cop, a terrific guy with a wonderful sense of humor. He added that Detective Harris's father is former Police Chief Bill Harris. Chief Hall continued that Detective Harris is moving to North Carolina.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept, with regret, the letter of retirement from Detective Paul Harris, with an effective date of September 10, 2005.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the Benefits Officer, Detective Harris and the Comptroller.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 408

APPOINTMENT OF GAIL FROHLICH AS A CROSSING GUARD.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for the appointment of Gail Frohlich, 21 West Street, Harrison, to the part time availability list for School Crossing Guards

at an hourly rate of \$15.50.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Benefits Officer and the Chief of Police.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 409

AUTHORIZATION FOR FIRE MARSHAL STEVE SURACE TO ATTEND  
THE NYS FIRE/ARSON INVESTIGATORS SEMINAR IN MONTOUR FALLS,  
NOVEMBER 2 THROUGH 4, 2005 COST: NOT TO EXCEED \$500

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Fire Marshal Steve Surace for authorization to attend the

NYS Fire/Arson Investigators Seminar to be held at the NYS Fire Academy in Montour Falls, from November 2 through November 4, 2005, at a cost not to exceed \$500.00. This is a budgeted item.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Fire Marshall.

Adopted by the following vote:

AYES: Councilmen Vetere, Scappaticci, Cannella and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 410

AUTHORIZATION OF FIVE POLICE OFFICERS TO ATTEND A TRAINING CONFERENCE  
RE: SEXUAL VIOLENCE: A COLLABORATIVE RESPONSE COST: \$250

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for authorization for five officers to attend a training conference entitled "Sexual Violence: A Collaborative Response," sponsored by the Westchester County Office for Women, October 19, 2005 at Manhattanville College, at a fee of

\$50.00 per officer for a total cost of \$250.00. This is a budgeted item.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chief of Police.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 411

APPROVAL OF PURCHASE ORDER #253020 FOR FIRE DISTRICT #1 FOR AIR-PAKS AND AIR CYLINDERS IN THE AMOUNT OF \$19,353.90.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Director of Purchasing and authorize PO#253020 for Fire District #1, in the amount of \$19,353.90, for the following:

	<u>Unit Rate</u>	<u>Total</u>
4 each SCOTT 4.5 Air Pak W/Air Line	4296.60	\$17,186.40

Manifold, ¾ HR CF Air Cylinder/Pak		
Alert, Nepa 2003 Heads Up Display/RIC		
Connection/AV3000 Face Mask		
2 each SCOTT 4.5 1 Hr Air Cylinder	1083.75	\$ 2,167.50
Total Cost:		\$19,353.90

FURTHER RESOLVED that funding will come from Account #010-3410-100-02-40. These are budgeted items.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Fire District #1, the Comptroller and the Director of Purchasing.

Adopted by the following vote:

AYES:	Councilman Vetere, Scappaticci, Cannella, and Paladino Supervisor Malfitano
NAYS:	None
ABSENT:	None

October 20, 2005

2005 -- 412

AUTHORIZATION FOR A HALLOWEEN BLOCK PARTY ON HARRIS LANE  
ON SUNDAY, OCTOBER 23, FROM NOON TO 4:30 PM

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Robin Basciano, 18 Harris Lane, for authorization to hold a block party for a children's Halloween Party, Sunday, October 23<sup>rd</sup> from 12:00 to 4:30 pm. with the rain date on Sunday, October 30, 2005, with the street closed between 14 and 20 Harris Lane.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that a Certificate of Insurance will be submitted, that the Commissioner of Public Works Bob Wasp issue the necessary permits, and that the Police Department be notified.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 413

APPROVAL OF APPORTIONMENT OF ASSESSED VALUATION OF LOT 37(Po37 & 18) AND  
LOT 38(38 & Po37) ON THE 2005 ASSESSMENT ROLL

Assessor James Calandruccio explained that, at the present time, Lot 37 has a building permit for a one family residence, however the side setback for the new home did not meet the minimum distance of 50 feet. In order for Lot 37 to meet the zoning requirements for R-2 district, a boundary line adjustment is necessary. Mr. Roskind's sister, Ms. Dina Lee Walsh, has conveyed a portion of her property to her brother to give Lot 37 a side yard setback of 53.4 feet. In addition Mr. Roskind has conveyed a portion of his property equal in size to that conveyed to him by his sister, Ms. Walsh, which results in each parcel remaining unchanged in total area.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Assessor James Calandruccio for the apportionment of assessed valuation of Lots 37(Po3&18) and 38(38&Po37) on the 2005 Assessment Roll (Taxes of 2006).

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 414

QUESTIONS RE: CONSTRUCTION OF WATER FILTRATION PLANT BY THE  
WESTCHESTER JOINT WATER WORKS

Councilman Paladino questioned the fact that Agenda Item #5 was withdrawn, stating that he had just been handed a letter stating that it was not withdrawn.

Supervisor Malfitano replied that the matter was discussed in the afternoon, and he had suggested that the people take up the matter with the Trustees and management of the Westchester Joint Water Works, and express their concerns to them. He continued that he understands that there is a potential option for the filtration plant to have an access road from the Westchester County airport, which would be a better result. He added that the County has denied the Water Works access through the Airport but the WWJW is very willing to work with the County. He added that the new owner of the (residential) property (that lies between the plant and Westchester Avenue) would like to see such an event take place, and he has suggested that the owners talk to the Water Works officials.

Councilman Paladino stated that the Board had issued a Special Exception Permit to the Water Works at the last meeting, and asked if this option of another location was not available at that time.

Mr. Malfitano replied that it is not another location that is available, it would be an access road that might be available, but he did not believe that such a road was available. It had been researched and discussed but it had been denied. He added that when the subdivision was planned, it was understood that the access to the filtration plant was to be through the street of the subdivision.

Mr. Paladino read a portion of the letter from the subdivision owners which stated that the Water Works has indicated to (the property owners) that they intend to condemn the portions of our property required for the improvement of the facility if the (property owners) do not consent to grant the necessary easements.

Mr. Malfitano questioned if that statement was factually accurate.

Mr. Paladino pointed out that at the Special Exception Use Hearing, it was presented to the Board that the easement had been granted.

Supervisor Malfitano replied that the Water Works does have an easement over the proposed roadway, that they have a utility easement beneath the proposed roadway, and what they may be alluding to is that there may be another small portion of the property that the Water Works may wish to acquire to support infrastructure.

Councilman Paladino continued that the letter also mentioned that there is an alternative site on the Westchester County Airport. He added that this is a very serious letter, and questioned what happens to the Board's vote if these facts are true?

Mr. Malfitano stated that he did not think the letter was factual, adding that there may be an option to build a road through the Airport but that has not been achieved. He added that when the property was sold to the developer, the easements were incorporated. He further stated that there have been efforts going back years to achieve access through the Airport which were repeatedly denied, adding that he believes that these are all facts. He suggested that Mr. Paladino go back to the fact pattern, and meet with the attorneys and the Water Works officials to determine the facts.

Councilman Cannella requested the Town Attorneys research the matter and determine if the easements do indeed exist.

October 20, 2005

2005 -- 415

AUTHORIZATION FOR A BUDGET TRANSFER IN THE OFFICE OF THE COURT CLERK

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Court Clerk Rosemary King for a budget transfer in the amount of \$318.08 to Account #406 (travel) from Account #403 (office supplies). Expenses for a recent Conference (gas and travel) exceeded the budgeted amount.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Court Clerk.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino

Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 416

AUTHORIZATION FOR THE RECEIVER OF TAXES TO CORRECT THE SCHOOL TAX BILL  
FOR A CERTAIN PROPERTY TO REFLECT "STAR" SAVINGS WHICH WERE  
INADVERTENTLY REMOVED FROM THE PROPERTY

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Deputy Assessor Mark Heinbockel for authorization for the Receiver of Taxes to correct the 2005 School Tax bill to reflect the STAR savings, for Mr. & Mrs. Quittell's property, which was inadvertently removed from the basic STAR exemption.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Assessor, the Receiver of Taxes and Mr. and Mrs. Quittell.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 417

TABLED: REQUEST TO ADOPT A RESOLUTION EXPRESSING CONCERN ABOUT THE  
CONTINUED OPERATION OF THE INDIAN POINT NUCLEAR ENERGY CENTER

Supervisor Malfitano pointed out that he believed that the Board had adopted a Resolution in the last two years or so which called for the closure of Indian Point, and asked the Town Attorneys to research such an action before this request was discussed. He then asked that the request be tabled.

Resident Rob Porto pointed out that homeowners' insurance does not cover losses from nuclear disasters.

October 20, 2005

2005 -- 418

TABLED: REQUEST TO DECLARE A 1985 MACK FIRE ENGINE AS SURPLUS AND  
AUTHORIZATION THAT IT BE SENT TO A FIRE DEPARTMENT IN LOUISIANA OR  
MISSISSIPPI THAT WAS DEVASTATED BY THE RECENT HURRICANES

After discussion, it was agreed that this request be tabled until it is known where the truck will be sent. Councilman Vetere asked that it also be determined.

October 20, 2005

2005 -- 419

APPROVAL TO SCHEDULE A PUBLIC HEARING ON NOVEMBER 10, 2005  
ON THE NEW SPRINKLER SYSTEMS LAW

Deputy Attorney Joseph Latwin distributed to the Board members copies of the former Sprinkler Law, with the statement that modifications to the Law would be presented at the Hearing.

The Fire Marshall was directed to prepare all documentation required to file the new Law with the Secretary of State so that it can be filed as soon as it is adopted by the Board.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to schedule a Public Hearing for November 10, 2005 on the new Sprinkler Systems Law.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys, the Building Inspector and the Fire Marshall.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 420

AUTHORIZATION FOR CERTAIN PEOPLE TO ATTEND THE HTE ANNUAL NORTHEAST  
USER GROUP EDUCATION CONFERENCE IN STAMFORD, CONNECTICUT,  
NOVEMBER 1-4, AT A COST OF \$9,600

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of IT Director Arun Ankola for authorization for the following System Administrators/Key Users to attend the HTE Annual North East User Group Education Conference in Stamford, Ct., from November 1 to November 4, 2005, at a cost not to exceed \$600.00 per person, at a total of \$9,600.00. This is a budgeted item.

Arun Ankola/MIS;  
Michael Piccini/MIS;  
Dominick Pascale/HPD MIS;  
Joe Acocella/HPD;  
Anna Maria Galluzzo/Comptroller's Office;  
Dot DiBuono/Purchasing;  
Suzanne Fuller/Building Dept.;  
Opal McLean/Purchasing.

Bharat Pandya/MIS;  
Deborah Schuck/HPD MIS;  
Donna Pellicci/HPD;  
John Bonistall/Comptroller's Office;  
Florinda Broderick/DPW;  
Paul Senitta/Building Dept.;  
Rosemarie Cusumano/Planning-Zoning;

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the IT Director.

Adopted by the following vote:

AYES:	Councilman Vetere, Scappaticci, Cannella, and Paladino Supervisor Malfitano
NAYS:	None
ABSENT:	None

October 20, 2005

2005 -- 421  
DISCUSSIONS

(1) ASSIGNMENT OF VEHICLES TO TOWN EMPLOYEES, AND THE USE OF THOSE VEHICLES

Mr. Roy Porto addressed the Board and stated that he wanted to know the policy about use of Town vehicles, as well as the miles that the vehicles are driven to and from home for the officials who take them home, as well as the gas mileage.

Supervisor Malfitano stated that the original question (by Mr. Porto at the previous Town Board meeting) was if the Town has a policy regarding use of Town vehicles. He continued that such a policy had been adopted in 1993, it had not been amended since, and the basic thrust is that certain employees are given access to Town vehicles for purposes of conducting their duties and responsibilities and for transportation to and from. He further stated that there is a restriction for the use of those vehicles within the County of Westchester, clearly any travel outside the county beyond a 25 mile radius would require the approval of the Department Head. And, depending on whether it is travel out of state or for an extended stay, it would require the approval of the Board. He added that if there are situations occurring that the Board is not aware of, (such rules) cannot be enforced, and that, if anyone is aware of violations, they are asked to inform the Board.

Mr. Porto stated that his questions was who is taking cars home, and how many of them do so. He added that he had also asked about use of care for personal business, civilians in cars, drop offs and pickup (of family members,) going to Kohl's or a food store. He added that in order to control it, it has to be policed, and what is the penalty for violations. Mr. Porto added that there

should be a maximum of 10 or 12 cars that go home with employees (who may be called out.) He pointed out that New Rochelle and other communities had reduced the number of cars, and had a provision that the person had to live within the town limits. He added that there is no benefit to the Town for people to take cars home. He also added that there is an insurance risk if family members are in cars and there is an accident.

Mr. Malfitano stated that the Board would make a list of the positions of employees, by title, who are entitled to have cars.

(2) WRONG PLACEMENT OF A RETAINING WALL BEHIND THE BASKETBALL COURT  
IN THE NEW GUAGNINI PARK.

Mr. Roy Porto asked the Board to look into the wall that is now behind the basketball court in the renovated Guagnini Park, stating that it was masonry, three feet high, and presented a danger to a child who might fall against it when playing basketball. It is a retaining wall.

Commissioner Wasp answered that he had become aware of it, and that they were looking into alternatives.

October 20, 2005

2005 -- 422

AUTHORIZATION TO FUND THE CHAMBER OF COMMERCE FOR FUNDING  
IN THE AMOUNT OF \$3,000 FOR 2005, WITH THAT FUNDING TO BE CONTINUED  
IN THE 2006 BUDGET.

Supervisor Malfitano stated that the Attorneys had researched the question of allocating funds to the Chamber of Commerce for the purpose of operating that office, and had found authority in Town Law for donations up to \$3,000. He then stated that a Resolution is already on file for this. He added that at a later time he would have a request for additional funding.

The President of the Chamber had indicated that the funds for 2005 would be used for the purchase of a computer for their office, and associated software, with the first goal to create a database of all merchants and business in the town.

Councilman Paladino stated that he had a Pentium II computer he would be happy to donate to the Chamber.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to fund the Chamber of Commerce in the amount of \$3,000 for fiscal year 2005.

FURTHER RESOLVED that the funds will come from the General Fund.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the President of

the Chamber of Commerce.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 423

DISCUSSION OF REPAIRS TO THE SOLLAZZO CENTER

Commissioner of Public Works Wasp reminded the Board that he had given to them, at the last Town Board meeting, a list of the repairs that were needed for the Sollazzo Center, adding that decisions did not have to be made at this meeting.

Councilman Paladino stated that he understood the need for repairs to the roof to prevent ice and rain from coming into the building, but questioned the need for the replacement of all cedar shake siding, asking if that was needed or just for appearance. Mr. Wasp stated that about 40% of the shakes on the front of the building had rotted, and it would be the right thing to do the whole job. Mr. Paladino said that \$200,000 is a lot of money for repairs to a building that may be replaced. Mr. Wasp replied that if only short term repairs are needed, some items could be cut back, but the asset has to be protected for the period of years needed to develop long range plans, and that he agreed with Mr. Paladino that, when repairing an old building, there are often surprises which might increase the costs, but he thought they were prepared for that.

Supervisor Malfitano stated that over the last couple of years, the town has made some repairs to the building, and he thought that a repair to the roof would give protection at a more limited cost than the \$200,000 to \$300,000 proposed.

Commissioner Wasp stated that the structure of the building was sound, it is the outside of the building that needs work, and the longer the wait, the more repairs will be needed. In response to a question, he said that there is rot on the outside, but not on the inside walls.

Councilman Cannella asked if the structure itself is sound. Mr. Wasp stated that the answer is "yes," but there are areas that will need to be replaced, such as some beams in the roof.

Supervisor Malfitano suggested that in the next couple of weeks, a work session be set up to discuss the matter in detail. Mr. Wasp said he would bring the architect to that meeting.

Resident Lucille Held addressed the Board and stated that it is obvious that continuous repairs will be needed for this old building, and that it is wanton waste for the Board to consider doing a ball park when buildings need such repairs. She added that for 36 years she has been trying to find out what the Board actually does, making suggestions for improvements and better operations, sued the Town for various reasons, and won. Under the Malfitano regime she has 20 Freedom of Information requests that have not been answered, including one for the blueprints for the new Court House.

Supervisor Malfitano stated that Mrs. Held had asked for blueprints but only floor plans exist.

Mrs. Held replied that the Attorneys had told her in May that her requests were being reviewed, but she has not yet gotten an answer to that request. Mrs. Held then stated that she had requested names of members of the Board in reference to code enforcement, but not gotten an answer to that either.

October 20, 2005

2005 -- 424

AUTHORIZATION FOR THE SUPERVISOR TO SIGN THE CERTIFICATE OF  
INCORPORATION OF THE WEST HARRISON VOLUNTEER FIREFIGHTERS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Supervisor to sign the Certificate of Incorporation for the West Harrison Volunteer Firefighters.

FURTHER RESOLVED to forward a copy of this Resolution to the Supervisor, the Town Attorneys and the Chief of the West Harrison Fire Department.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

OCTOBER 20, 2005

2005 -- 425  
REPORTS

FROM THE SUPERVISOR

Supervisor Malfitano reported that, despite the recent heavy rains --13.5 inches of rain in eight days, the Beaver Swamp Brook corridor did not experience any flooding in the general vicinity, and areas that had always been wet in the past, most notably the Harrison Shopping Center, received no water this time. Residents in the Trails also informed his office that the drainage in their area had also improved.

Commissioner Wasp stated that he had received the same reports, that there was no street or stream flooding reported. He added that this is a credit to the (Beaver Swamp Brook) project, the reshaping and dredging. He added that the Highway Department has also done a fine job in cleaning out some of the storm drains throughout the town.

FROM COMMISSIONER BOB WASP

Mr. Wasp stated that the County of Westchester has joined a program called Hope Line, sponsored by the VERISON phone company, whereby they collect old cell phones to be refurbished and distribute them to victims of domestic violence and other emergency situations. He asked the Town Board for authority to place a box in the Lobby for the collection of such phones.

The Board agreed to help with the program.

COMMENTS ABOUT THE BEAVER SWAMP BROOK PROJECT.

Resident Lou Funicello stated that he had a problem with rain water on his property, a problem that had been created by the Town of Harrison (when they allowed his neighbor to change the grade of that property.) He then asked the cost of the ball park (to be located on the land at the intersection of Halstead and Oakland Avenues, adjacent to the Beaver Swamp Brook.)

Supervisor Malfitano replied that the town hasn't built the ball park, but has used almost \$7 million of state and federal funds to clean up a blighted area of town, to make channel improvements to the Brook which have dramatically reduced flooding. He continued that the town spent money to acquiring property, about \$1.4 million, with one property being a junk yard. In addition, Mr. Malfitano continued, the Town expended additional funds that the state has not covered, (an amount equal to) 10% of the state funds, amounting to about another \$500,000 plus some additional engineering costs. He added that the ball fields have not yet been designed nor built, although preliminary work has been done, such as working on the roadway, a significant project which included elevating the roadway, with drains to take the water out to the brook. Federal funds are helping with the line, about a 55%-45% split. He added that the intention is to build a park, available to everyone, old people as well as young people, a youth park, nature trails, parking, which would change that section of the town into the future.

Mr. Funicello also criticized the appearance of Harrison Avenue.

October 20, 2005

2005 -- 426

MATTERS FOR EXECUTIVE SESSION:

Litigation updates:	4
Tax Certiorari	1
Discussion of Claims	7
Personnel	2

On motion duly made and seconded,  
the Meeting was recessed for Executive Session  
at 10:02 PM

On motion duly made and seconded,  
the Meeting was reconvened at 11:20 PM

October 20, 2005

2005 -- 427

AUTHORIZATION TO INSTITUTE LONGEVITY PAYMENTS ON AN ANNUAL BASIS  
FOR MANAGEMENT PERSONNEL

Councilman Paladino stated that he supported the idea of longevity payments for management personnel, and approved the schedule as set forth by Commissioner of Public Works Bob Wasp for future payments, in 2006 and beyond. He added that he did not support such payments for 2005 as the amounts had not been budgeted.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to institute a schedule of longevity payments for management personnel as follows:

	2005	2006
15 to 20 years	\$1,000	\$1,500
Greater than 20 years	\$1,500	\$2,250

FURTHER RESOLVED that these payments will be increased by the percentage of wage increases granted to CSEA personnel in 2007 and beyond.

FURTHER RESOLVED that payments in 2005 are as follows:

15-20 years:	Richard Magrino, Virginia Vogl and Angelo DelBorgo
Greater than 20 years:	Judy D'Agostinis, Michael Mauro, Rosemary King, Anthony Zaccagnino, James Calandruccio, Michael Bisceglia and Ronald Belmont.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilmen Scappaticci and Cannella  
Supervisor Malfitano

NAYS: Councilmen Vetere and Paladino

ABSENT: None

October 20, 2005

2005 -- 428

SETTLEMENT OF CLAIM: COLE vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Cole vs Town of Harrison, for damage by a tree to their driveway light, with replacement costs, in the amount of \$931.51.

FURTHER RESOLVED that the settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 429

SETTLEMENT OF CLAIM: DARRETTA vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Darretta vs Town of Harrison, for repair of damage to their fence caused by a fallen tree, in the amount of \$595.00.

FURTHER RESOLVED that the settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Supervisor, the Town Attorneys and the chief of the West Harrison Fire Department.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 430

SETTLEMENT OF CLAIM: MONTSANO vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Montsano vs Town of Harrison, for replacement of a wheeled toy which was erroneously collected by the Sanitation Department.

FURTHER RESOLVED that the settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 431

AUTHORIZATION FOR AN INCREASE IN LEGAL FEES  
RE: ROBERTSON vs TOWN OF HARRISON, IN THE AMOUNT OF \$277.75

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize an increase of \$277.75 in legal fees in the matter of Robertson vs Town of Harrison, as the invoices have exceeded the \$10,000 limit by that amount.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 432

SETTLEMENT OF CLAIM: BURGHEIMER vs TOWN OF HARRISON: \$551.20

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Burgheimer vs the Town of Harrison, for the replacement of a mirror on a vehicle which had been taken off by a fire truck, in the amount of \$551.20.

FURTHER RESOLVED that the settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 433

SETTLEMENT OF CLAIM: PANGALLO vs TOWN OF HARRISON: \$570.10

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Pangallo vs the Town of Harrison, for a sewer back-up problem, in the amount of \$570.10.

FURTHER RESOLVED that the settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 434

SETTLEMENT OF CLAIM: KOLB vs TOWN OF HARRISON: \$244.49

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Kolb vs Town of Harrison, for replacement of a mirror on a car which had been taken off by an accident with a sanitation man, in the amount of \$244.49.

FURTHER RESOLVED that the settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 435

SETTLEMENT OF CLAIM: COLE vs TOWN OF HARRISON: \$931.51

THIS TBR# 2005 – 435 WAS PREVIOUSLY GIVEN  
THE NUMBER OF TBR # 2005 - - 428

October 20, 2005

2005 -- 436

AUTHORIZATION TO INCREASE THE CAP, TO \$40,000, ON LEGAL FEES FOR  
THE FIRM OF KLINGER AND KLINGER RE: FORECLOSURE OF THE MURPHY PROPERTY  
ON OLD ORCHARD STREET.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the cap on legal fees, to \$40,000, for the firm of Klinger and Klinger, in the matter of the foreclosure of the Murphy property on Old Orchard Street.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Assessor, and the Comptroller.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 20, 2005

2005 -- 437 (corrected)

SETTLEMENT OF TAX CERTIORARI RE: 1 & 4 WEST RED OAK LANE

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the Tax Certiorari brought by Pirri Enterprises LLC, et al., for 1 & 4 West Red Oak Lane, as follows:

<u>Assessment/ Tax Years</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>EQ Rate</u>	<u>Market Value</u>
2002 2003	\$554,000	\$400,000	2.19%	\$18,264,840.00
2003 2004	\$554,000	\$420,000	2.10%	\$20,476,190.00
2004 2005	\$554,000	\$400,000	1.95%	\$22,051,282.00
2005 2006	\$454,000	\$400,000	1.79%	\$22,346,368.00

<u>Year</u>	<u>Reduction</u>	<u>General Town</u>	<u>Refund</u>	<u>F. P. #4</u>	<u>Refund</u>	<u>Total</u>
2002/2003	\$154,000	\$163,132323	\$25,122.38	\$21.197561	\$3,264.42	\$28,386.80
2003/2004	\$134,000	\$171.08649	\$22,925.59	\$18.354254	\$2,459.47	\$25,385.06
2004/2005	\$154,000	\$182.347964	\$28,081.59	\$20.079739	\$3,092.28	\$31,173.87
2005/2006	\$ 58,000	No refunds				
		Total:	\$76,129.56		\$8,816.17	\$84,945.73

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Assessor and the Town Attorney.

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

\*2005/2006 in the amount of \$54,000, was corrected to read \$58,000.

There being no further matters to come before the Board,  
the Meeting was, on motion duly made and seconded,  
declared closed at 11:24 PM.

Respectfully submitted,

Joan B. Walsh  
Town Clerk