

July 26, 2007

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 26th day of July at 7:30 PM, Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano ..... Supervisor

Joseph Cannella )  
Thomas Scappaticci ) ..... Councilmen  
Patrick Vetere )  
Robert Paladino\* )

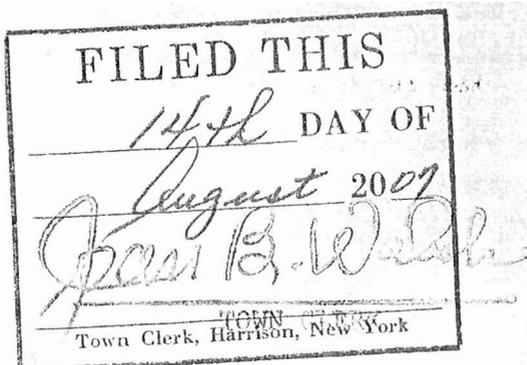
Mr. Paladino arrived at 7:40 PM.

ALSO ATTENDING

Frank Allegretti ..... Town Attorney  
Jonathan Kraut ..... Deputy Village Attorney  
Joseph Latwin ..... Deputy Village Attorney  
Fred Castiglia ..... Village Attorney (arrived late)  
Robert Wasp ..... Commissioner of Public Works  
Maureen MacKenzie ..... Comptroller

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- Bldg
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- Engrng
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- Supvs'r



July 26, 2007

2007 -- 316

ACCPETANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report from the Town Clerk for June 2007.
  - 1b. Monthly report from the Recreation Department for June 2007
  - 1c. Monthly report from the Building Inspector for June 2007.
2. Letter from Matthew Walsh praising the following men for their hard work in moving 1,000 boxes plus the shelving units to hold them, from the Municipal Building to the DOT Garage off Purchase Street, near the Airport.  
Bill D'Imperio, Joe Arcara, Peter Tortorici, Felipe Belfiore, Jack Arcara, Peter Vendola, Rich Passarella, Rich Vendola, Jerry Forgione, Adam Straface and Dino Delsignore.

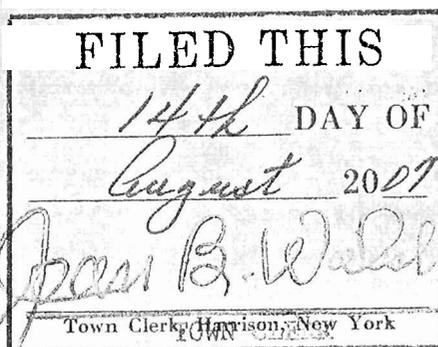
The letter is to be placed in their personnel files.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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- Purch'g
- Recr'tn
- Supvs'r

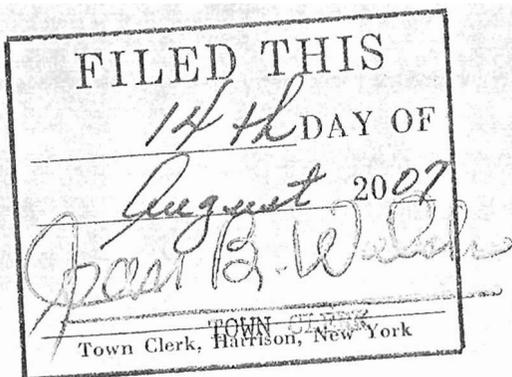
July 26, 2007

2007 -- 317 - a

PUBLIC HEARING; CONTINUATION OF PUBLIC HEARING; EMINENT DOMAIN  
PROCEEDING FOR THE CONSOLIDATION AND EXPANSION OF  
VETERANS' PARK, BLOCK 344, LOT 6(6-7).

Town Attorney Frank Allegretti stated that an agreement had been reached with the owners of the property.

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



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- Supvs'r

July 26, 2007

2007 -- 317 - b

AUTHORIZATION FOR A CONTRACT OF SALE FOR THE PURCHASE BY THE TOWN OF LOT 6(6-7) IN BLOCK 344 FOR THE CONSOLIDATION AND EXPANSION OF VETERANS' PARK FOR \$22,500.  
SUBJECT TO A PERMISSIVE REFERENDUM

Town Attorney Frank Allegretti stated that an agreement to the purchase price of this land had been reached with the owners of the property, in the amount of \$22,500. He added that this purchase is subject to a permissive referendum.

Resident Rob Porto stated that he was glad that the issue was resolved, as he is opposed to Eminent Domain proceedings. He also stated that he thought that it should be a regular referendum rather than a permissive referendum. His third point was that he wanted more open space, not less.

Supervisor Malfitano replied that it was the law that it must be a permissive referendum, and the result of the purchase will be an increase in open space. (The land is within the borders of Veterans' Park.)

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize a contract of sale between the Town of Harrison and Francine MacBeth and Nancy Lambiasi, the owners of Lot 6(6-7) in Block 344, with the Town to pay the amount of \$22,500 for this land, contingent upon the provisions for permissive referendum.

FURTHER RESOLVED that funding in the amount of \$22,500 is to come from the Contingency Fund.

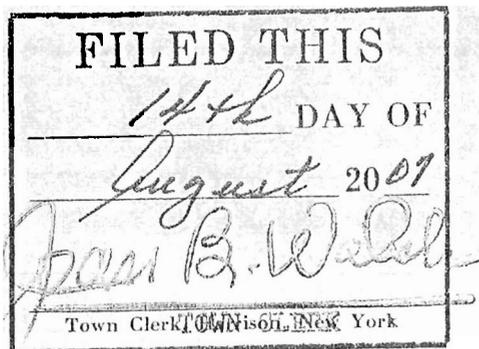
FURTHER RESOLVED that a copy of this Resolution be forwarded to the Comptroller, the Town Attorneys, the Commissioner of Public Works and the Superintendent of Recreation.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



- Copies to:**
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  - Benefits
  - Bldg
  - Compt'lr
  - Engrng
  - Law
  - Police
  - P. Wrks
  - Purch'g
  - Recr'in
  - Supvs'r

July 26, 2007

2007 -- 318

AUTHORIZATION FOR THE COURT CLERK AND THE DEPUTY COURT CLERK  
TO ATTEND THE ANNUAL NYS MAGISTRATES/COURT CLERKS CONFERENCE  
IN TARRYTOWN, NY, SEPTEMBER 30 THRU OCTOBER 3, 2007

COST: NOT TO EXCEED \$1,000 PER PERSON.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Court Clerk Rosemary King for authorization for herself and Deputy Court Clerk Jackie Ricciardi to attend the annual conference of NYS Magistrates / Court Clerks to be held at the Westchester Marriot, Tarrytown, NY, from September 30 through October 3, 2007, at a cost not to exceed \$1,000 per person. Funding is available in account 1110-406. This is a budgeted item.

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

Adopted by the following vote:

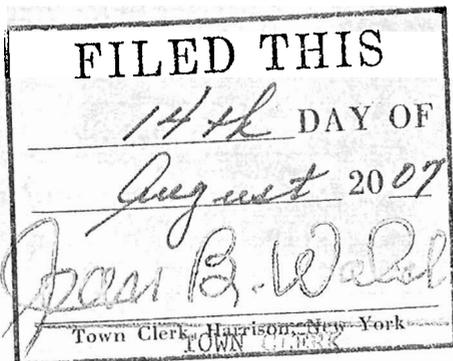
AYES: Councilmen Cannella, Scappaticci, Vetere and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

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- Assessor
- Benefits
- Bldg
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- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'
- Court Clerk



July 26, 2007

2007 -- 319

APPROVAL OF ADDITIONS TO THE PART-TIME AVAILABILITY LIST  
FOR THE RECREATION DEPARTMENT

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Superintendent of Recreation Ron Belmont for additions to the Recreation Part-time Availability List, as follows:

<u>NAME</u>	<u>HOURLY RATE</u>
Carducci, Robert	\$5.50
Marino, Ashley	\$5.50
Miller, Brad	\$9.00
Pepitone, Matt	\$5.50

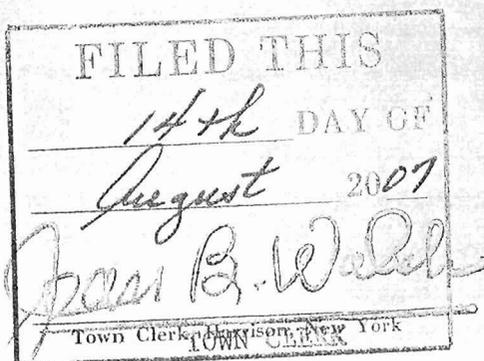
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Superintendent of Recreation and the Personnel Manager.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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- Supvs'r

July 26, 2007

2007 -- 320 -- a

APPROVAL OF A SPECIAL EVENTS PERMIT FOR MANHATTANVILLE COLLEGE  
TO HOST A FIREWORKS DISPLAY ON SATURDAY, SEPTEMBER 29, 2007

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Joseph Hinchey, Director of Campus Safety and Security, of Manhattanville College for a Special Events Permit to host a fireworks display as part of a Student Activities event on Saturday, September 29, 2007, at 9:00 PM. There is no rain date.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that a copy of this Resolution to the Fire Marshal, the Chief of Police, the Chief of the Purchase Fire Department, the Building Department and Mr. Hinchey.

Adopted by the following:

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

NAYS: None

ABSENT: None

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- 

*Fire Marshal  
Chief of the Purchase Fire Dept.  
Mr. Hinchey*

FILED THIS  
14th DAY OF  
August 2007  
*John B. Walsh*  
Town Clerk  
TOWN OF TRISON, New York

July 26, 2007

2007 -- 320 -- b

AUTHORIZATION FOR THE USE OF THE RECREATION DEPARTMENT'S  
SOUND STAGE BY MANHATTANVILLE COLLEGE FOR A CAMPUS EVENT  
ON THE WEEKEND OF SEPTEMBER 14-16.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Manhattanville College President Richard Berman for the use of the Recreation Department's Sound Stage for a campus event, with the stage to be delivered to the campus on Friday, September 14, 2007 and picked up on Monday, September 17, 2007. There will not be a rain date.

FURTHER RESOLVED to forward a copy of this Resolution to the Superintendent of Recreation and Mr. Berman.

Adopted by the following vote:

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

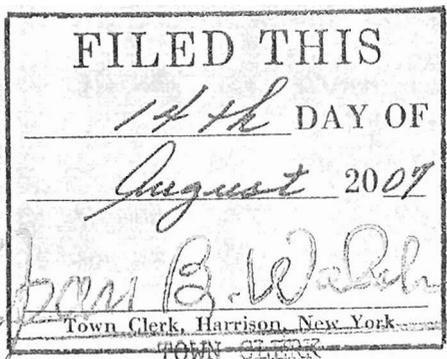
NAYS: None

ABSENT: None

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- Purch'g
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- Supvs'r

*Mr. Berman*



July 26, 2007

2007 -- 321 (corrected)

AUTHORIZATION TO FLY M.I.A. (MISSING IN ACTION) FLAGS  
ON ALL TOWN-OWNED FLAG POLES ON A DAILY BASIS

Ben DeFonce, Commander of VFW Post #3047 in downtown Harrison, introduced Salvatore Monastra, Commander of the West Harrison VFW Post #5463, as well as the American Legion. Commander Monastra thanked Mr. Defonce and read the following statement:

“VFW Post 5463, with the support of the VFW Post #3047, and American Legion Post #559 respectfully request the Town Board to pass a Resolution for the POW/M.I.A. flag to be flown under all American flags in the Town of Harrison in honoring those veterans who are, or were, prisoners of war and missing in action, who gave their full measure of devotion to their country.”

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Salvatore Monastra, Commander of the West Harrison VFW Post 5463, and Ben DeFonce, Commander of the VFW Post 3047 that the POW/M.I.A. flag be flown on all town-owned flag poles on a daily basis, honoring those veterans who are, or were, prisoners of war and missing in action, who gave their full measure of devotion to their country.

FURTHER RESOLVED that Supervisor Malfitano will contact the Harrison School Board, informing them of this decision of the Town Board, and request that the School Board consider adopting a similar Resolution.

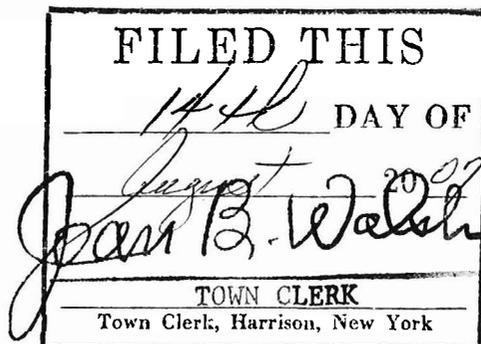
FURTHER RESOLVED to forward a copy of this Resolution to Commander Monastra and Commander DeFonce, the Chief of Police and the Commissioner of the Department of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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- Recr'tn
- Supvs'r

*Commander  
Monastra*

July 26, 2007

2007 -- 322

AUTHORIZATION TO SET THE DATE OF AUGUST 23, 2007 FOR A PUBLIC HEARING  
RE: A LOCAL LAW AMENDING CHAPTER 146  
OF THE CODE OF THE TOWN OF HARRISON  
FOR FLOOD DAMAGE PREVENTION

On motion of Councilman Paladino, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Deputy Village Attorney Joseph Latwin for approval to set a date of August 23, 2007, for a Public Hearing Re: A Local Law amending Chapter 146 of the Code of the Town of Harrison for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

FURTHER RESOLVED to forward a copy of this Resolution to Law Department and the Commissioner of Public Works.

Adopted by the following vote:

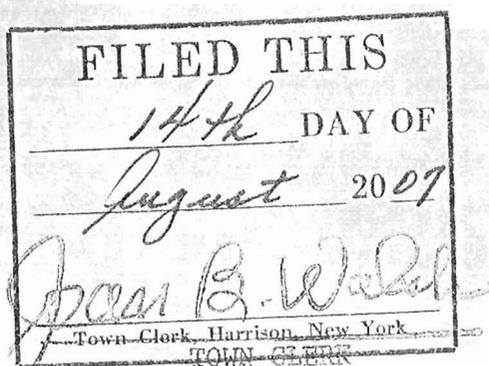
AYES: Councilmen Cannella, Paladino, Scappaticci and Vetere  
Supervisor Malfitano

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
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- Purch'g
- Recr'tn
- Supvs'r
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July 26, 2007

2007 -- 323

AUTHORIZATION FOR A MUNICIPAL RESOLUTION  
RE: MS4 STORMWATER PHASE II IMPLEMENTATION

Christine Anderson, Environmental Planner of the Westchester County Department of Planning, is in the process of finalizing a contract with the NYS DEC for the joint Stormwater Phase II Implementation grant to prepare stormwater education and outreach material. Ms. Anderson requested that the Harrison Town Board adopt a resolution affirming its commitment to participate in this Grant. The DEC grant requires a 50% local share to bring the total project value to \$400,000. Westchester County will provide three-fourths of the local match (\$150,000) through in-kind services and some available funds. Harrison's share is anticipated to be about \$1,500 but in in-kind services.

WATER QUALITY IMPROVEMENT PROJECTS AND NONAGRICULTURAL  
NONPOINT SOURCE PROJECTS MUNICIPAL RESOLUTION

RESOLUTION AUTHORIZING THE ITEMS LISTED BELOW PURSUANT TO THE BOND  
ACTS ENACTED IN 1965, 1972 AND 1996 AND THE ENVIRONMENT PROTECTION  
FUND, AS WELL AS FEDERAL GRANT AWARDS AVAILABLE FOR SUCH PROJECTS.

**WHEREAS,** The Town of Harrison herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

**WHEREAS,** the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of the Town of Harrison

1. That Robert Wasp, Acting Town Engineer or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to work with and through the County of Westchester as the lead party to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for Municipality's governing body in all matters related to the Project and to State assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project through allowable in-kind services and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this Resolution be prepared and sent to the Westchester County Department of Planning.

4. That this Resolution take effect immediately.

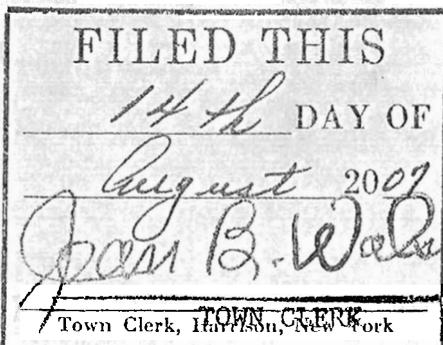
FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorney, the Acting Town Engineer and the Westchester County Department of Planning.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

- Assessor
- Benefits
- Bldg
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- Engrng
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- Purch'g
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- Supvs'r

*X Westchester County Dept. of Planning*

July 26, 2007

2007 -- 324

BID AWARD TO SEAGRAVE FIRE APPARATUS, LLC,  
FOR A RESCUE PUMPER FOR FIRE DISTRICT #2,  
AT A TOTAL BID PRICE OF \$542,790

When questioned, Comptroller Maureen MacKenzie stated that her recollection was that the last truck purchased, about two years ago, cost between \$475,000 and \$480,000.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for a Bid Award to Seagrave Fire Apparatus, LLC, 105 East 12<sup>th</sup> St, Clintonville, WI 54929, having met all the requirements of the specifications for the purchase of Rescue Pumper for the Harrison Fire Department #2, at a total bid price of \$542,790.

FURTHER RESOLVED to authorize the Town Attorney to prepare the contract, which the Supervisor is authorized to execute.

FURTHER RESOLVED that funding in the amount of only \$512,348.81 is available in Account #01F215, the balance of \$30,441.19 will be funded through the 2008 Fire Department Budget.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of Purchasing and the Chief of Fire District #2.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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- Benefits
- Bldg
- Compt'n
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- Chief of FD #2

**FILED THIS**  
*14th* DAY OF  
*August* 2007  
*Jean B. Walsh*  
 Town Clerk, Harrison, New York

July 26, 2007

2007 -- 325

AUTHORIZATION FOR THE DEDICATION OF BROOKSIDE LANE

Councilman Cannella asked why it had taken so long to submit this road for dedication, and was told that there had been a few issues that needed to be cleared up regarding landscaping.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Deputy Village Attorney Jonathan Kraut and accept the Dedication of Brookside Lane.

FURTHER RESOLVED to authorize the Supervisor to sign the Consent and any necessary documents to effectuate the closing.

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

Adopted by the following vote:

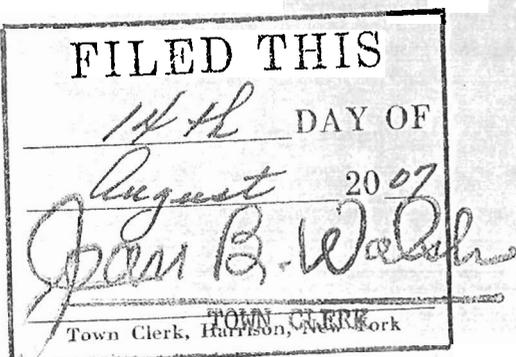
AYES: Councilmen Scappaticci, Vetere, Paladino and Canella,  
Supervisor Malfitano

NAYS: None

ABSENT: None

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- Bldg
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- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



July 26, 2007

2007 - - 326  
DISCUSSION

TOWN'S POLICY ON USE OF TOWN-OWNED VEHICLES

Resident Rob Porto asked if the Town Board had written a policy on the use of Town-owned vehicles, something that he had been asking for over a period of the last two years.

Deputy Village Attorney Jonathan Kraut replied that there had been a meeting about that policy that day, that it is being circulated, and will be presented at the next Board meeting.

UPDATE ON THE REQUEST OF AN UPZONING OF THE FRANKLIN AVENUE, HUNTER STREET AND HARRINGTON PLACE

Supervisor Malfitano stated that he had spoken that day with a half dozen of the residents of that area, and discussed with them the fact that the Planning Board had not received the Town Board Resolution from the July 12<sup>th</sup> Town Board meeting which requested the Planning Board to review the request of the up-zoning of the area, and to consider holding off on its consideration of the subdivision of a certain parcel on that street. He added that the Planning Board will have the Resolution before that Board meets next week, and that he has asked them to commence the study expeditiously. He further stated that there will be a public meeting in September on the issue.

**FILED THIS**  
*14<sup>th</sup>* DAY OF  
*August* 20*07*  
*Jean B. Walsh*  
Town Clerk, TOWN OF GENESEE, New York

Copies to:

- Assessor
- Benefits
- Bidg
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- Engrng
- Law
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- Purch'g
- Rec'n
- Supvs'r

July 26, 2007

2007 -- 327 -- a

DISCUSSION OF THE MINTZER CENTER ANNEX BUILDING

Town Senior Engineer Michael Amodeo gave a presentation to the Board of the present plans for the Mintzer Center Annex building, incorporating the changes from the last Board meeting. These included a 25'x15' "bump-out" to create a main entrance with the door set at an angle, plus a few minor adjustments to the interior walls. Also included is a 100 square foot conference room, ample storage space and a coat room.

Supervisor Malfitano said that when (the plan) was last discussed at length and additional input given to the Board, concerns were raised about (amenities) that were wanted: a more formal entrance into the building that greeted people; a nice coat room at the entrance; bathrooms reasonably close to the entrance; plus additional space for a video and card room and certainly concern about storage. He stated that this floor plan addresses each issue: a lobby with seating, a reception area and office, a very large coat room, a main entrance into the main room with an entrance into the bathrooms in the entrance area; two storage areas for tables and chairs, and added a 400 square foot space that can be used as a video, TV and card room. He pointed out that the center space now has 2,300 square feet of open space, and adding the 400 square foot card room gives a total of 2,800 square feet. Mr. Malfitano continued that (the Board) listened and tried to come up with a scheme that did not dramatically increase the footprint so as to retain space for future development. Mr. Malfitano also stated that with regards to cost: there will not be a basement, that the Architect located the mechanical components in the attic, which saves money. He concluded by stating that the size of the building remains the same, plus the 25'x15' entrance area.

Councilman Cannella agreed, saying that the office space is less, thus increasing interior open space; the card room is a decent size and (can be used) for TV and movies if desired. He continued that he thought (the current design) is an improvement all the way around.

In general discussion, it was agreed that

- there should be a wall around the card room,
- there should be a powder room at the opposite end from the bathrooms, near the kitchen,
- that the powder room should not be located in the card room,
- the men's room should have 4 facilities, two stalls and two urinals, not three and one.
- the bathrooms should be located back to back to reduce noise of flushing as well as cost.
- perhaps the partition dividing open space should be relocated to provide equal areas, but Superintendent of Recreation Ron Belmont should be consulted. The second area could also be a useable room for cards or such.

Senior Town Engineer Mike Amodeo stated that the facilities that will be in the ground floor mechanical room would include the electrical panels, the fire sprinkler mechanism, telephone equipment, backflow preventers for sprinkler and domestic water, Hot Water Heater, miscellaneous minor controls and sprinkler controls.

Councilman Paladino questioned why there were two large storage areas for tables and chairs, double the size as in the previous plan.

Mr. Amodeo replied that the plan was to have storage on either side of the moveable wall.

Resident Lucille Held again addressed the Board regarding these plans. She said that she could not understand the design being presented, that everyone had approved the design that she presented at the last meeting, that (the present design with) 260 coats in one room is ridiculous, and the kitchen is too far away from the front of the building. She added that, in all truthfulness, she believes that her design was not accepted because she did the design, (although) her design was far superior to the present one. Mrs. Held continued that (the Town) paid the architect \$10,000 for preliminary drawings in April, the first work session was (not until) the end of June, (a meeting) to which the Seniors in West Harrison were told not to come. She continued that it is almost August, (and we are) still at the design changing (stage). She pointed out that the Town had paid (the architect) \$1,790 for this redesign, and (we are) still sitting here talking about another redesign. Mrs. Held asked: "When are we going to stop (redesigning)?" that if her design (had been) approved, it could have gone right to the people -- who might have been the builders - - who would have made the final design for nothing. She questioned spending another \$1,750 for another redesign. She added that her plan took from 1 PM on Sunday until 11:30 PM, and did not cost (the Town) anything, that she showed where it could go, even with the Senior housing which (the Town) must have, and which (she was) demanding. Mrs. Held also stated that she was embarrassed to walk into the Senior Center in Southbury CT, (a community of ) 20,000 people, (which had) a computer room , sewing room, knitting room, a room for dancing and what has Harrison got? Mrs. Held also said that she objected to calling the building an Annex, that it is a Senior Citizen building. She continued that (Harrison) is one of the highest income areas in Westchester, and we have the lowest design of any place that she visited, including Port Chester. Why don't we offer our Seniors what every other community in Westchester does? Why are we going to another plan? Why are we moving walls? Why don't we get it finalized and get it done, that there is no reason to spend more money. The Seniors want it and they deserve it, and (deserve) not just a room to play bingo, but one including computers and exercise, that we want this finished once and for all. Mrs. Held concluded by saying that she was demanding, as a Senior citizen, although not part of the West Harrison Seniors as her husband kept her busy, that she was demanding that (the Board) get off your horses and finish this, there was no reason to delay from April when the 1<sup>st</sup> bill was paid until now, and yet (you) are still re-doing, re-designing and re-discussing. Mrs. Held's final comment was: "Mr. Malfitano, what was wrong with the plan that I gave you except that I gave you? I demand an answer."

Supervisor Malfitano replied that Mrs. Held did not have to demand an answer. He stated that, to back up, you talk about April and why (the project) has taken so long. He pointed out that there were three Board members who agreed to pay for the design. One Board member was opposed, that was Councilman Vetere, and Councilman Paladino was absent. He continued that at a subsequent meeting, Councilman Paladino had some other suggestions not related to the design of building but to explore if this location was the proper location, with reference to the Library and the park building in Passidomo Park, and questioned why (this Annex was being built) here and maybe it should be somewhere else. Mr. Malfitano added that three Councilmen wanted to

move forward, and two did not.

Councilman Vetere stated that his comments were that the Town did not need to hire an outside engineer to do (the design, it could be done) in house.

Supervisor Malfitano continued that it had been decided to do something that would address the immediate needs of the Seniors and also serve as a multipurpose building for the community when the Seniors were not using it. He added that the Seniors had been told the building was for their use principally but would be used by other groups when not being used by them. He suggested that perhaps this would be for meetings, for example in the evening for an organization looking for space. He added that it took a number of months, that Councilman Paladino needed to be comfortable with the location.

Councilman Paladino chimed in that the Board had moved it, and went from a portable building to a permanent structure.

Mr. Malfitano disagreed, stating that early on it had been decided not to have a modular building, but the type of building now being discussed. He added that it had been stated that the Board was concerned about the future uses of the space. He continued that Mrs. Held's design did not come close to meeting the parking requirements or meet setbacks. He also said that he was concerned about the expanding costs, that this was not to be a permanent solution for the Seniors, it was meant to provide immediate space that greatly increased the amount of space as well as the amenities available. It was meant to be a relatively short term fix – five, six, seven, ten years from now until a real Senior Citizen project could be located on this site. The process was well thought out, well planned. He added that he would never build Mrs. Held's plan as a final solution for the Seniors, because it could be done even better than that. He continued that in his judgment the West Harrison Seniors need something now, and we need to give them the best we can, considering the planning issues.

Councilman Scappaticci said that he liked the plan that had been proposed on June 21<sup>st</sup>, that it had everything except the entrance foyer. He continued that what he was trying to do was expedite the plan, as the Seniors in Silver Lake are looking for additional space, now. He added that once we start with a new design, it will go back and forth, negotiating. He said that he was the one who brought up the fact that a bathroom was needed on the other side.

Councilman Paladino asked where that bathroom had gone (in the present plan)?

Councilman Cannella stated that he agreed about the powder room. He added that he had been talking to the Senior Town Engineer and there are various places that the powder room could go, that is an internal detail, the additional urinal is possible depending on the Code issues, and it is all detail that can be worked out. He suggested that the Board take a vote tonight and asked for a second. He thanked Mrs. Held for her contribution.

Councilman Scappaticci seconded the motion.

Councilman Paladino said that his vote would be “Yes” but asked what are they voting on. (The present plan in front of them) doesn’t have the bathroom, it doesn’t have the wall – what are we bidding on.

Senior Committee member Ann Guadenzi asked where the Seniors would be holding their exercise class in the future. The answer was that the class would remain in the Mintzer Center. She also asked about the acoustics in the new building as the present area is unbearable noisy. It was stated that there would be acoustical tile in the ceiling, and perhaps wood floors that would also minimize noise. She also asked if this building was not going to be the Senior Citizen building. She further asked for a definite date when construction would start. Councilman Scappaticci suggested that it would be up by Christmas, although Mr. Malfitano said it would more likely be New Year’s.

Mr. Malfitano reminded Mrs. Guadenzi that at a Senior meeting, (Senior Citizen Program Director) Rocco Troiano stated that while it would be a Senior building but it would be available to other groups when the Seniors did not need it.

Mr. Cannella said that whenever the Seniors want it, they pre-empt the building but it will be used for alternative uses when the Seniors do not need it, that the Seniors have priority.

Councilman Paladino summarized the vote as follows: approve the raw space with the “bumpout” entryway, add a powder room subject to code restrictions, add a urinal in the men’s room, close in the card room with a wall and sliding door and add carpeting, and install an engineered wood floor that lays on slab.

Chair of the West Harrison Neighborhood Association Rosemarie Verano addressed the Board, and stated that Mrs. Guadenzi is a member of the Senior committee and she values her opinions, she participates in most activities. Her one concern is closing off the card room, not with an arch but with a sliding door that would recess into the wall. She thanked the Board for the three urinals, pointing out that her father had stated that men stand more often than sit (great laughter). She added that there is too much storage, and the added powder room could go in the storage area near the kitchen. Mrs. Verano added that she liked Mrs. Held’s plans for the Senior building, but knew that was not what was being done at this time. Her final point was that, at the ground-breaking for this building, she wanted the members of the Senior Committee to take the first shovels full, before the Supervisor and Councilmen. It was agreed that it would be done that way...Senior Committee first, then the Town Board. Mrs. Verano also asked that the building be formally named the West Harrison Senior Citizen Building.

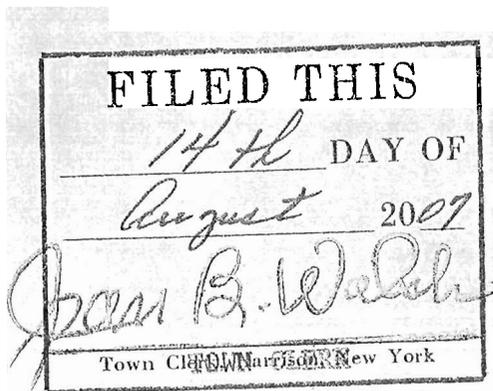
Resident Roy Porto asked how (the Town) could go out to bid without final documents, moving walls and such.

Commissioner of Public Works Bob Wasp said that an authorization to go out to bid would accelerate the process, but all the details would be finalized before the bid documents go out – everyone would be bidding on the same thing.

In response to a comment from Councilman Paladino, it was also affirmed that the bid would be written so that any manufacturer of a panel building, wood or metal, could bid.

The vote to go out to bid was then taken, and approved. See TBR # 2007—327—b.

Mrs. Held did not agree that the discussion should be ended, and commented that (with the vote at this time) the public, the taxpayers, did not know the cost of this building.



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July 26, 2007

2007 -- 327 -- b

AUTHORIZATION TO ADVERTISE AND GO OUT TO BID FOR  
THE SENIOR CENTER BUILDING ON THE MINTZER CENTER GROUNDS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the Director of Purchasing to advertise and go out for bids for the Senior Center Building on the grounds of the Mintzer Center, with the understanding that the changes that were discussed at this meeting, including the additional bathroom, the wall for the card room, an additional urinal and an engineered wood floor, will be included.

FURTHER RESOLVED that it will be called the West Harrison Senior Citizen Center.

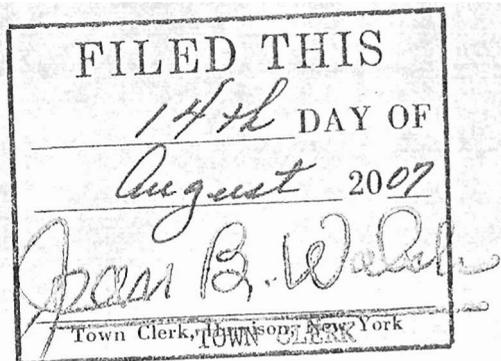
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of Purchasing and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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- Purch'g
- Recr'tn
- Supvs'r

July 26, 2007

2007 -- 328

MATTERS FOR EXECUTIVE SESSION:

Personnel	9
Advice of Counsel	1
Settlement of Tax Certiorari	1
Litigation Update	1
Collective bargaining	2
Settlement of Claims	4

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was recessed for Executive Session  
at 11:28 PM.

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was re-convened at 11:30 PM.

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- Recr'tn
- Supvs'r

FILED THIS  
*14<sup>th</sup>* DAY OF  
*August* 2007  
*Jan B. Welch*  
Town Clerk TOWN OF NEW YORK

July 26, 2007

2007 -- 329

ADOPTION OF REPORT AND RECOMMENDATIONS  
OF HEARING OFFICER RICHARD GARDELLA  
RE: PATRICK McCARTY

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to adopt the report and recommendations of Hearing Officer Richard Gardella with reference to paid firefighter Patrick McCarty to immediately terminate the 207-A benefits of Mr. McCarty.

FURTHER RESOLVED that firefighter McCarty is directed to return to work on July 29, 2007 for his light duty assignment.

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

Adopted by the following vote:

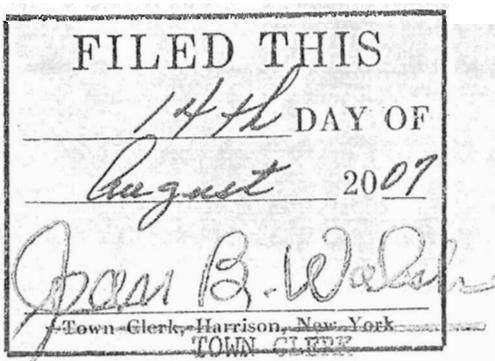
AYES: Councilmen Vetere, Scappaticci, Cannella and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

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- Bldg
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- Engrng
- Law
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- Recr'tn
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July 26, 2007

2007 -- 330

AUTHORIZATION TO INCREASE THE HOURLY RATE OF PAY  
OF DEPARTMENT OF PUBLIC WORKS EMPLOYEE ROBERT STRUZZI  
TO \$16.00 PER HOUR

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for an increase in the rate of pay of DPW part-time employee Robert Struzzi to \$16.00 per hour, effective July 27, 2007.

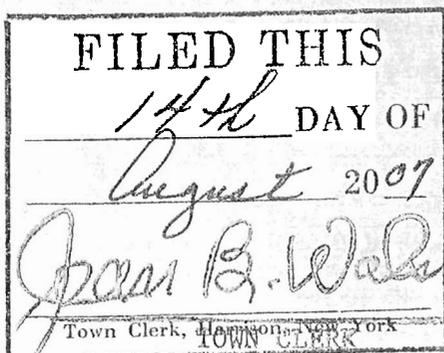
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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  - Supvs'r

July 26, 2007

2007 -- 331

PROMOTION OF JUNIOR ENGINEER FRANK BALBI, Jr., GRADE 10  
TO THE TITLE OF ASSISTANT ENGINEER, GRADE 11, STEP 4

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Acting Town Engineer/Commissioner of Public Works Bob Wasp and promote Junior Engineer Frank Balbi to the title and position of Assistant Engineer, Grade XI, Step 4 at the annual salary of \$72,973, effective July 27, 2007.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Acting Town Engineer, the Personnel Manager and Mr. Balbi.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

Copies to:

- Assessor
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- Supvs'r

*Mr. Balbi*

FILED THIS  
*14<sup>th</sup>* DAY OF  
*August* 2007  
*Jan B. Walsh*  
Town Clerk  
TOWN CLERK York

July 26, 2007

2007 -- 332

PROVISIONAL APPOINTMENT OF ANNA GIANNETTI  
AS SENIOR OFFICE ASSISTANT, AUTOMATED SYSTEMS, GRADE IX, STEP 1,  
IN THE OFFICE OF THE TOWN ENGINEER

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of the Commissioner of Public Works and appoint Anna Giannetti on a provisional basis, to the position of Senior Office Assistant, Automated Systems, in the office of the Town Engineer, Group IX, Step 1, at the annual salary of \$51,364, effective July 30, 2007.

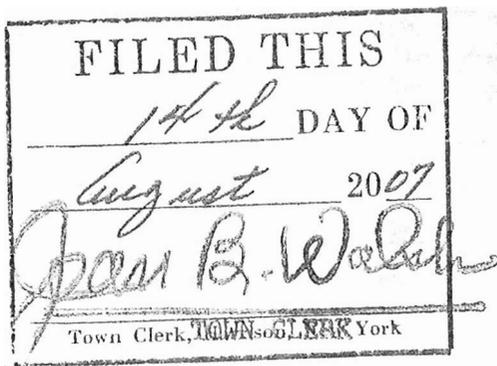
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager, the Acting Town Engineer/Commissioner of Public Works, the President of CSEA and Mrs. Gianetti.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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*President of CSEA*  
*Anna Giannetti*

July 26, 2007

2007 -- 333

PROBATIONARY APPOINTMENT OF MICHELE ALLEGRETTI  
AS OFFICE ASSISTANT, AUTOMATED SYSTEMS, GRADE VII, STEP I  
IN THE BUILDING DEPARTMENT

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to appoint Michele Allegretti on a probationary basis to the position of Office Assistant, Automated Systems in the Building Department, having passed the Civil Service exam for this title, and being next on the Civil Service List, in Grade VII, Step 1, at the annual salary of \$43,318, effective July 24, 2007.

FURTHER RESOLVED that this appointment will be on a probationary basis for a period of one year.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Building Inspector, the Personnel Manager and Ms. Allegretti.

Adopted by the following vote:

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

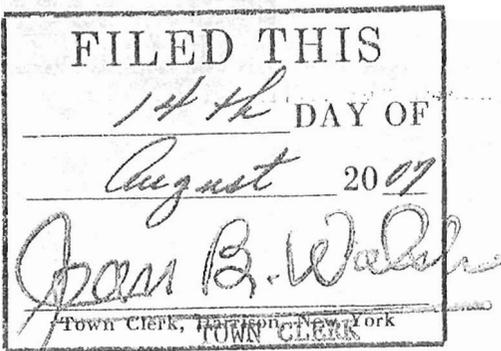
NAYS: None

ABSENT: None

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- Engrng
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- Supvs'r

*Ms. Allegretti*



July 26, 2007

2007 -- 334

ADDITION OF JONATHAN CHAIM TO THE SUMMER PART-TIME AVAILABILITY LIST  
AT THE RATE OF \$11 PER HOUR

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to add Jonathan Chaim to the summer part-time availability list at the rate of \$11 per hour, effective July 27, 2007.

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

Adopted by the following vote:

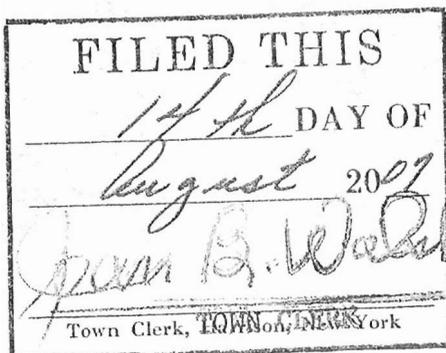
AYES: Councilmen Scappaticci, Vetere, Paladino and Cannella,  
Supervisor Malfitano

NAYS: None

ABSENT: None

Copies to:

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July 26, 2007

2007 -- 335

AUTHORIZATION TO RE-INSTATE 156 HOURS OF SICK LEAVE  
TO THE ACCOUNT OF FIRE MARSHALL STEVE SURACE

Fire Marshal Surace had been out of the office on sick leave due to surgery. He informed the Board that, even though he was not in the office, he was working at home. Mr. Surace submitted a list of the applications and permits that he had approved during that time. The Board then agreed to restore 156 hours of sick leave credits to his account.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Fire Marshal Steve Surace and restore 156 hours to his sick leave account, on the basis that he had been working at home during that period and had provided documentation to substantiate his claim.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and Mr. Surace.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

Copies to:

- Assessor
  - Benefits
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  - Compt'lr
  - Engrng
  - Law
  - Police
  - P. Wrks
  - Purch'g
  - Recr'tn
  - Supvs'r
- Fire Marshal*

FILED THIS  
 14<sup>th</sup> DAY OF  
 August 2007  
*Tom B. Walsh*  
 Town Clerk, Harrison, New York  
 TOWN CLERK

July 26, 2007

2007 -- 336

SETTLEMENT OF A TAX CERTIORARI:  
R-Z REALTY AT 3 CALVERT STREET

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to settle the Certiorari of R-Z Realty, 3 Calvert Street as follows:

<u>YEAR</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
1998/99	\$ 75,800	\$ 75,800
1999/00	75,800	70,000
2000/01	84,450	65,000
2001/02	84,450	60,000
2002/03	84,450	60,000
2003/04	84,450	60,000
2004/05	84,450	58,000
2005/06	84,450	58,000
2006/07	84,450	56,000
2007/08	56,000	56,000

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

Adopted by the following vote:

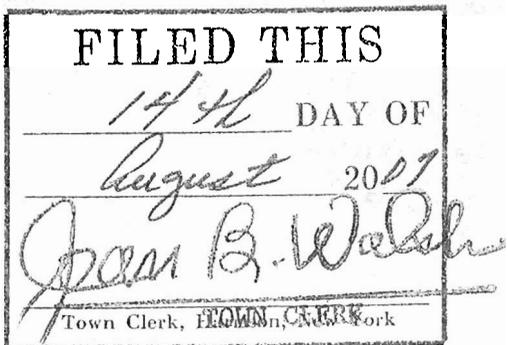
AYES: Councilmen Scappaticci, Vetere, Paladino and Cannella,  
Supervisor Malfitano

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
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- Engrng
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- Purch'g
- Recr'tn
- Supvs'r



July 26, 2007

2007 -- 337

AUTHORIZATION TO RAISE THE CAP ON FEES IN REGARDS  
TO THE MURPHY LITIGATION TO \$215,000

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to raise the cap on fees for attorneys with regards to the Murphy litigation to \$215,000.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

Copies to:

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- Engng
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- P. Wrks
- Purch'g
- Recr'in
- Supvs'r

FILED THIS

14<sup>th</sup> DAY OF

August 20<sup>07</sup>

*Jan B. Walsh*

Town Clerk, Harrington, DE

July 26, 2007

2007 -- 338

APPROVAL TO RECOGNIZE THE SCHOOL CROSSING GUARDS  
AS PART OF THE BARGAINING UNIT OF  
THE CIVIL SERVICE EMPLOYEES ASSOCIATION, (CSEA) LOCAL 860

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to recognize the School Crossing Guards as part of the bargaining unit of the Civil Service Employees Association, (CSEA) Local 860, effective immediately.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager, the President of the CSEA and the Chief of Police.

Adopted by the following vote:

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

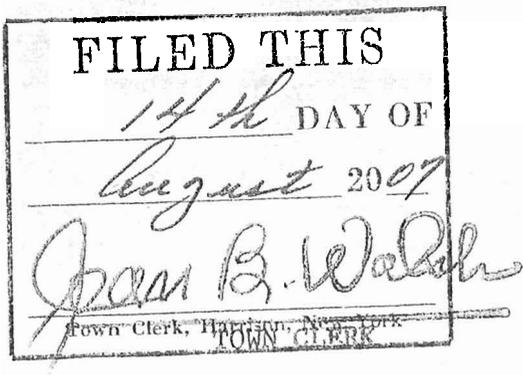
NAYS: None

ABSENT: None

Copies to:

- Assessor
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- Bldg
- Compt'lr
- Engrng
- Law
- Police
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- Purch'g
- Recr'tn
- Supvs'r

*President of CSEA*



July 26, 2007

2007 -- 339

SETTLEMENT OF CLAIM: FELDMAN vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to settle the claim of Feldman vs the Town of Harrison for damage to an automobile, in the amount of \$1,127.87.

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

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Town Attorneys and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Eng'ng
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- Purch'g
- Rec'r'n
- Supvs'r

**FILED THIS**  
*14th* DAY OF  
*August* 2007  
*Jean B. Walsh*  
 Town Clerk, TOWN OF HARRISON

July 26, 2007

2007 -- 340

SETTLEMENT OF CLAIM: NICOLA ACOCELLA vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to settle the claim of Nicola Acocella vs the Town of Harrison, for damage to an automobile, in the amount of \$2,686.84.

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

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Town Attorneys and the Commissioner of Public Works.

Adopted by the following vote:

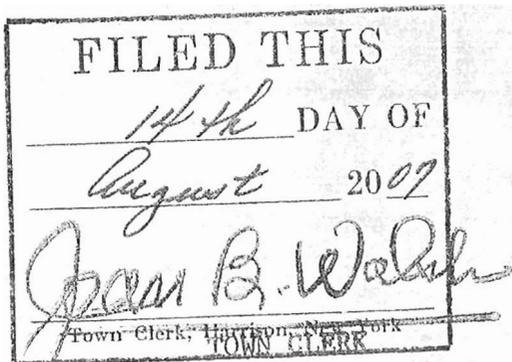
AYES: Councilmen Scappaticci, Vetere, Paladino and Cannella,  
Supervisor Malfitano

NAYS: None

ABSENT: None

Copies to:

- Assessor
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- Engrng
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- Supvs'r



July 26, 2007

2007 -- 341

AUTHORIZATION TO RAISE THE CAP ON LEGAL FEES  
IN THE MATTER OF PASTORE vs TOWN OF HARRISON  
TO \$25,000

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to raise the cap on legal fees in the matter of Pastore vs the Town of Harrison to \$25,000.

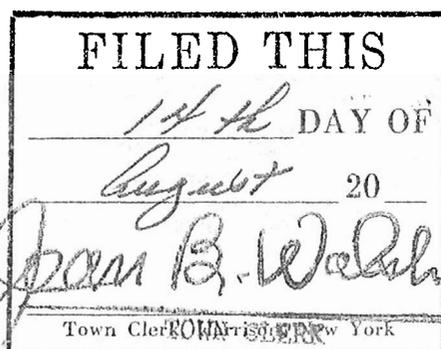
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Town Attorneys and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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- Engrng
- Law
- Police
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- Purch'g
- Recr'tn
- Supvs'r

July 26, 2007

2007 -- 342

APPROVAL OF AN INTERMUNICIPAL AGREEMENT  
WITH THE COUNTY OF WESTCHESTER RE: PRISONER TRANSPORTATION  
FOR THE YEARS 2007, 2008, 2009 and 2010

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED that;

The County will reimburse Harrison for prisoner transportation as follows:

	<u>Round Trip</u> <u>amount</u>	<u>Annual not to exceed</u>
2007	\$150.39	\$18,000
2008	\$168.14	\$20,000
2009	\$183.60	\$22,000
2010	\$200.12	\$24,000

The County will also reimburse Harrison for mileage at the rate of 44.5 cents per mile, as may be amended by the Internal Revenue Service from time to time, and for the actual and reasonable costs of meals provided to post-arraignment prisoners.

Reimbursement will be for:

Transport to the County Jail subsequent to arrest – **1 round trip plus mileage;**

Transport from the County Jail to local court – no return – **1 round trip plus mileage;**

Transport from the County Jail to local court; remand to County Jail where the transportation time expended does not exceed three (3) hours – **2 round trips plus mileage.**

Only in the following circumstances will an hourly rate and mileage fee be paid:

- a. Transportation of female prisoners (1 officer and 1 matron). A minimum of four (4) hours will be reimbursed for a matron; or
- b. Transportation of (7) or more prisoners (requiring an additional officer);  
or
- c. Transportation of prisoners charged with Class A felonies OR classified by Dept. of Corrections as an “A” or “AA” prisoner considered to present danger may warrant an additional officer; or

- d. Transportation from County Jail to local court and remand to County Jail where actual transportation time expended exceeds three (3) hours.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

There being no further matters to come before the Board,  
the Meeting was, on motion duly made and seconded,  
declared closed at 11:31 PM.

Respectfully submitted,

Joan B. Walsh  
Town Clerk

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
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- Police
- P. Wrks
- Purch'g
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- 

