

August 23, 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 23rd day of August 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)

ALSO ATTENDING

Frank Allegretti Town Attorney
Joseph Latwin Deputy Village Attorney
Fred Castiglia Village Attorney
Robert Wasp Commissioner of Public Works
Maureen MacKenzie Comptroller
Judy D'Agostinis Director of Purchasing
David Hall Chief of Police

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report from the Recreation Department for July 2007.
 - 1b. Monthly report from the Fire Marshal for July 2007.
 - 1c. Monthly report from the Town Clerk for July 2007.
 - 1d. Monthly report from the Receiver of Taxes for July 2007.
 - 1e. Monthly report from the Department of Public Works for June 2007, with a chart of complaints/requests for service.
 - 1f. Monthly report from the Building Department for June 2007.
2. Notification from FEMA for Public Open House Meetings in September 2007 at the following locations, RE: Map Modernization and the National Flood Insurance Program.
- September 10th, 2PM and 7PM, Westchester County Center, White Plains
 - September 11th, 10:30 AM, Mamaroneck Town Center, Mamaroneck,
 - September 11th, 7PM, Bedford Town House, Bedford Hills.
3. Notification from Rev. M. Jonah Kendall, Rector All Saints' Church, that on Friday, September 14, 2007, All Saints' will be holding its Semi-Annual Silent Auction fundraising event. The success of their event has increased each time it has been held. They truly appreciate the past support of the community and local business and all that it has enabled them to accomplish. They hope the community will assist us by providing goods or services to help make this year's Silent Auction the most successful yet.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 344

PUBLIC HEARING: RE: A LOCAL LAW AMENDING CHAPTER 146 OF THE CODE OF
THE TOWN OF HARRISON FOR FLOOD PREVENTION AS AUTHORIZED BY THE
NYS CONSTITUTION, ARTICLE IX, SECTION 2,
AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36.

The matter was tabled until the September 20, 2007 Town Board Meeting.

August 23, 2007

APPOINTMENT OF ELAINE CARLUCCI AS A CROSSING GUARD

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for the appointment of Elaine Carlucci, of West Harrison, NY, as a crossing guard on a part-time availability basis, at an hourly rate of \$17.50 per hour, to be effective as of September 4, 2007.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

ACCEPTANCE, WITH REGRET, OF THE RETIREMENT OF SGT. PETER OLIVA

Chief Hall stated that he will miss Sgt. Oliva, that they were in the same squad years ago, and that he is a terrific officer and an outstanding Detective. It was pointed out that the Sergeant had been an officer in Harrison for 18 years, plus two years with the New Rochelle Police Force, for a total of 20 years. The Chief added that Sgt. Oliva had also been the President of the Harrison Benevolent Association, and wished him well in the future.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept, with great regret, the letter of retirement from Sgt. Peter Oliva, effective September 22, 2007.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 347

AUTHORIZATION FOR LT. LAWRENCE MARSHALL TO ATTEND THE

FBI NATIONAL ACADEMY, IN QUANTICO, VIRGINIA,
JANUARY 6-MARCH 14, 2008, AT A COST NOT TO EXCEED \$1,000
FOR TRAVEL EXPENSES.

Chief of Police David Hall stated that it was a great honor for Lt. Marshall to be chosen to attend this course, and an honor for the Department as well. He added that there will not be any cost for this training, beyond travel expenses.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept the notification by Chief of Police Dave Hall that Lt. Lawrence Marshall has been accepted for the 232nd Session of the FBI National Academy, in Quantico, VA., from January 6th through March 14, 2008.

FURTHER RESOLVED to authorize travel expenses in an amount not to exceed \$1,000. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 348

AUTHORIZATION FOR DOROTHY DiBUONO

OF THE INFORMATION TECHNOLOGY DEPARTMENT
TO ATTEND WESTCHESTER COMMUNITY COLLEGE, FALL 2007 SEMESTER,
AT A COST OF \$1,859

Mrs. DiBuono is working towards a degree in Computer Information Systems.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Dorothy DiBuono for authorization to attend Westchester Community College, 2007 Fall Semester for the following courses:

1. Computer Information Systems
2. Object Oriented Programming Logic
3. Business Communications

FURTHER RESOLVED that, upon satisfactory completion of the courses and submission of attendance, and upon proof of payment, the Comptroller is authorized to audit and pay expenses as outlined in the CSEA contract up to the amount of \$1,859.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager, the Director of Information Technology and Mrs. DiBuono.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 349

AUTHORIZATION FOR ASSESSOR JAMES CALANDRUCCIO AND DEPUTY ASSESSOR
MARK HEINBOCKEL TO ATTENT THE ANNUAL NYS ASSESSORS' ASSOCIATION

CONFERENCE IN BUFFALO, NY., SEPTEMBER 23-26,
AT A 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 Deputy Assessor Mark Heinbockel for authorization for himself and Assessor James Calandruccio to attend the annual New York State Assessors' Association Conference in Buffalo, NY, from September 23-26, 2007, at a cost of \$1,000 per person. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 350

AUTHORIZATION FOR BUDGET MODIFICATIONS

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie for authorization for the following Budget Modifications:

Increase:

001-0000-020-2680

Town –Insurance Recoveries \$16,077

Increase:

001-3120-100-0479

Law Enforcement-Auto Body Work \$16,077

Damages to police vehicles due to accidents that occurred.

Increase:

001-0000-027-2705

Town-Gifts and Donations \$3,750

Increase:

001-7550-100-0410

Celebrations-Material and Supplies \$3,750

Donation made by Roy Aletti for fireworks

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 351

AUTHORIZATION FOR A BUDGET TRANSFER IN THE POLICE DEPARTMENT
BUDGET IN THE AMOUNT OF \$1,800

On motion of Councilman Vetere, seconded by Councilman Cannella,

On motion duly made and seconded, with all members voting in favor, the Board recessed at 9:05 PM.

On motion duly made and seconded, with all members voting in favor, the Board re-convened at 9:20 PM.

Dodie Tschirch, Vice President-Government & Public Affairs on behalf of Cablevision, had sent a letter thanking the Town Board for taking the time to speak with her regarding the pending transaction at Cablevision. As discussed, the plan to take the company private will not affect the management, operation or control of the franchise in Harrison, or impact the cable service the company delivers to Harrison's residents. She added that the Transaction will not result in any change to the control, operations or management of the cable system or the Franchise and the Franchise will continue to be held by CSC Acquisition-MA, Inc.

THIS REQUEST WAS TABLED.

August 23, 2007

2007 -- 353

AUTHORIZATION TO RESCHEDULE THE BLOCK PARTY TO BE HELD ON
OAKLAND AVENUE-BRADFORD AVENUE, MEADOW STREET AND DAVENPORT
STREET, -- FROM AUGUST 18th, 2007, TO SEPTEMBER 1, 2007

Mrs. Rella stated that the party is being re-scheduled in order to accommodate more of the residents. The Certificate of Insurance has been approved by the Law Department.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Andrea Rella for authorization to reschedule the approved Block Party, being held on Oakland Avenue/Bradford Street/Meadow Street/Davenport Street from Saturday, August 18th to Saturday, September 1, 2007 (TBR #2007-307.)

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chief of Police, and the Chief of the downtown Fire Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 354

AUTHORIZATION FOR A SPECIAL EVENTS PERMIT
FOR THE PRESBYTERIAN CHURCH OF HARRISON
FOR A FAMILY FUN AND SAFETY DAY TO BE HELD
ON SATURDAY, SEPTEMBER 15TH.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Rev. Thomas Unhenholz, Pastor of the Presbyterian Church of Harrison for a Special Events Permit for the Family Fun and Safety Day to be held on Saturday, September 15th from 10 to 2 PM.

FURTHER RESOLVED that Meadow Street be closed during this event so that the space could be used for Fire and Police Department vehicles and demonstrations.

FURTHER RESOLVED that the fee be waived and that a Certificate of Insurance be provided.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Chief of Police, the Commissioner of Public Works and Rev. Unhenholz.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 355

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR THE PURCHASE
OF A 4-WHEEL DRIVE SPORT UTILITLY VEHICLE FOR FIRE DISTRICT #2.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for authorization

to advertise and receive sealed bids for the purchase of a Four Wheel Drive S.U.V. for Fire District #2. Funds are available in their 2007 Operating Budget.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 356

ACCEPTANCE AND CONFIRMATION OF THE RECOMMENDATIONS
OF ACTING TOWN ENGINEER BOB WASP WITH REFERENCE TO THE
CONSTRUCTION OF A GARAGE AT 280 PARK AVENUE.

Acting Town Engineer Bob Wasp notified the Board of the following regulations which affect construction at 280 Park Avenue: "Pursuant to Section 235-32 of the Zoning Code: "All plans for buildings built in flood areas as defined (in the preceding section of the Town Code) shall be transmitted to the Town Engineer for a recommendation as to the minimum floor level of the building and the final grading of the property. Such recommendation must be confirmed by a resolution of the Town Board prior to the issuance of a building permit conforming to the

recommendations.” Mr. Wasp’s recommendations are as stated below.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the recommendations of Acting Town Engineer Wasp for construction of a garage on the property at 280 Park Avenue in downtown Harrison as follows:

1. No grade change is permitted on property.
2. The new garage floor elevation shall be set 0.5 feet below the base flood elevation at 33.5 feet.
3. The construction of the new structure shall conform to Chapter 146, Section 17 (Flood Damage Prevention) of the Town Code.

FURTHER RESOLVED to forward a copy of this Resolution to the Acting Town Engineer, the Building Inspector and the property owner.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 357

APPROVAL OF A BID AWARD TO AAA EMERGENCY SUPPLY COMPANY OF
WHITE PLAINS FOR MISCELLANEOUS FIRE HOSE

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Director of Purchasing Judy D’Agostinis for approval of a Bid Award to AAA Emergency Supply Co., 635 No. Broadway, White Plains, NY, having met all the requirements and specifications for the purchase of Miscellaneous Fire Hose as follows:

- A. 1-3/4” Key Fire Hose with 1.75 x 1.5 NST Couplings and

10 year warranty, in 50 foot lengths	\$109 per length
B. 2-1/2" Key Fire Hose with 2.5 NY Corp Couplings and 10 year warranty, in 50 foot lengths	\$157 per length
C. 5" Key Fire Hose with Storz Couplings and 5 year warranty, in 50 foot lengths and 100 foot lengths	
50 foot lengths	\$360 per length
100 foot lengths	\$545 per length

FURTHER RESOLVED to authorize the Comptroller, upon receipt of claims to audit and upon audit, the Mayor to pay same.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of Purchasing, and the Chiefs of the Fire District's #1 and #2.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 358

AUTHORIZATION TO SCHEDULE A PUBLIC HEARING ON THE PROPOSAL
TO RE-ZONE THE SECTION OF TOWN KNOWN AS
THE FRANKLIN AVENUE/HUNTER STREET/HARRINGTON PLACE AREA

Mr. Mark Castaldi, the owner of two parcels on Franklin Avenue which he has now subdivided into three 50x100 lots, addressed the Board and pointed out that his subdivision to build three 2-family homes is an "as of right" building plan. He continued that this proposal to re-zone the area to allow just 1-family homes on the properties is depriving him of his rights, that he has a right to build under the zoning in place when he was before the Planning Board and the subdivision was approved.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to schedule a Public Hearing on September 20, 2007, concerning the recommendation from the Planning Board to re-zone the section of Town known as Franklin Avenue/Hunter Street/Harrington Place, from the B Zone (2-family on 50x100) to the R-50 Zone (1-family on 50x100).

FURTHER RESOLVED to send a certified letter to each of the property owners on these three streets to ascertain their position on the question.

FURTHER RESOLVED to forward a copy of this Resolution to the Planning Board members, the Assessor, the Law Department and the Building Inspector.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 359

AUTHORIZATION TO SCHEDULE A PUBLIC HEARING ON SEPTEMBER 20, 2007,
RE: THE REQUEST FOR A SPECIAL EXCEPTION USE PERMIT AND AMENDMENT TO
SECTION 235-17.U OF THE ZONING ORDANANCE REGARDING THE PROPERTY
LOCATED AT 400 WESTCHESTER AVENUE, TO PERMIT UNDERGRADUATE AND
GRADUATE SCHOOLS IN THE BUILDING

Planning Board approval had been granted on July 24, 2007, subject to certain changes in the proposed Zoning Amendment text. Among those changes are, that the number of parcels that this change would affect be limited and that there be a focus on protecting the tax status of the property. The payment of a sum in lieu of taxes, as was done by the Windward School on West Red Oak Lane, was mentioned.

Seth Mandelbaum, attorney with the firm of McCullough, Goldberger and Staudt, appeared on

behalf of the applicant.

Councilman Vetere stated that it is important that, regardless of the use, that the property pay taxes, and not become tax-exempt.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request Seth Mandelbaum and Frank McCullough, Jr., of the firm McCullough, Goldberger & Staudt, on behalf of their client, 400 Westchester Avenue, for approval to schedule a Public Hearing Re: a Special Exception Use Permit for a Petition for Amendment-§235-17.U of the Zoning Ordinance, to permit undergraduate and graduate schools in the building.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 360

AUTHORIATION FOR A SPECIAL EVENTS PERMIT FOR THE FIRM OF
MORGAN STANLEY TO HOLD A COUNTRY FAIR-STYLE EMPLOYEE EVENT ON
THEIR CORPORATE GROUNDS ON OCTOBER 13 & 14 , 2007.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to authorize a Special Events Permit for the firm of Morgan Stanley to hold a Country Fair-style event on their corporate grounds on Saturday, October 13 and Sunday October 14th, 2007 between the hours of 9AM and 6 PM.

FURTHER RESOLVED that the Police Department, the Purchase Fire Department and the Ambulance Corps be notified.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 361

AUTHORIZATION FOR AN ADDITIONAL \$48,000 FOR THE RENTAL OF HIGHWAY
CONTAINERS, NEEDED FOR THE CLEAN-UP FROM MULTIPLE SPRING AND
SUMMER STORMS, WITH THE EXPECTATION THAT THE COSTS WILL BE RE-
IMBURSED BY THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION
(FEMA)

Commissioner of Public Works Bob Wasp stated that the costs, estimated at \$48,000, associated with the clean-up from multiple spring and summer storms has resulted in the need for additional containers for the removal of road debris related to permanent roadway restoration at various locations throughout the Town. He continued that, following a discussion with our FEMA representative, we were advised that these costs should be submitted to FEMA for inclusion in our project worksheet for permanent roadway restoration and that funding should be granted for these costs.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for authorization for additional funding in the amount of \$48,000 for the Highway Container Rental Budget Line, as the approved budget of \$70,000 has been exceeded due to the cleanup following the spring and summer storms.

FURTHER RESOLVED to authorize the transfer of funds from the Town Fund Balance to the Highway Fund and, upon receipt of FEMA moneys, these funds are to be transferred back to the Town Fund Balance.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Acting Town Engineer and the Director of Purchasing.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 362

APPROVAL TO CONSTRUCT A RETAINING WALL ON LOT 9 IN BLOCK 103,
ADJACENT TO THE BRENTWOOD BROOK

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the recommendation of Acting Town Engineer Bob Wasp regarding the Site Plan Application for 148 Halstead Avenue, Block 103, Lot 9, for authorization to construct a retaining wall adjacent to a portion of the Brentwood Brook on the above referenced parcel, with construction to proceed once a Town Board Resolution has been adopted, including the following recommendations:

1. The Contractor shall engage a New York State Professional Engineer to inspect the work during construction. The Engineer shall submit certification stating that the structural integrity of the Brook has not been compromised. This certification should be submitted prior to the release of any Certificates of Occupancy.
2. The existing sewer main must be shown on the plan. Include location of pipe and

- manhole; type and size of pipe; rim and invert elevations.
3. Due to the placement of fill and added loads on the main, the sewer pipe shall be replaced with ductile iron piping.
 4. A minimum 5 foot clearance from all sewer mains, manhole structures and piping to any portion of the new wall and footing is required. If this can not be acquired, the main must be relocated.
 5. Show relation of wall and footing to sewer main and manholes.
 6. Provide 15 foot sewer easement around pipe.
 7. Clarify easement around brook. If no easement exists for the Brook, one must be supplied.
 8. Flood plain information must be supplied on the plan. Show boundary lines and elevations.
 9. According to section 235-31-B of the Town/Village Code, "Any building permit for a building or structure" on a lot bounded by or in which a stream or other water body is located, shall be transmitted to the Town Engineer for a recommendation as to how the stream or water body shall be accommodated. Such recommendations shall be confirmed by a resolution of the Town Board prior to issuance of a building permit conforming to the recommendations."

FURTHER RESOLVED to forward a copy of this Resolution to the Acting Town Engineer and the Building Inspector.

Adopted by the following vote:

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

August 23, 2007

2007 -- 363

AUTHORIZATION TO ADVANCE THE AMOUNT OF \$30,000 TO THE HARRISON
EMERGENCY MEDICAL SERVICES (HVAC) AS PART OF THEIR 4TH QUARTER
INSTALLMENT PAYMENT DUE OCTOBER 1, 2007.

Chairman Mark Scocchera said that the Service has made changes in their 3rd party billing program but the changes are taking time.

On motion of Councilman Cannella, seconded by Councilman Paladino,

it was

RESOLVED to approve the request of Mark Scocchera, Chairman of the Board of the Harrison Emergency Medical Services (HVAC) for authorization for an advance of \$30,000 of their fourth (4) Quarter Installment Payment due October 1, 2007.

FURTHER RESOLVED to forward a copy of this Resolution to Comptroller and the Board of the Emergency Medical Services (HVAC).

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2003 -- 364

DECLARATION THAT THE TOWN BOARD ASSUME LEAD AGENCY STATUS
FOR CONSIDERATION OF THE COMPREHENSIVE PLAN (MASTER PLAN)

COMMENTS ON THE PLANNING BOARD'S RECOMMENDATIONS
RE: DRAFT COMPREHENSIVE PLAN (MASTER PLAN)

Supervisor Malfitano thanked the following people for their efforts in the preparation of this Plan: Fred Sciliano, Chair of the Architectural Review Board, Tom Heaslip, Chair of the Planning Board, Holly Bukofser, Chair of the Environmental Committee, Mark Fisher, Chair of the Zoning Board, Superintendent of Recreation Ron Belmont, Deputy Village Attorney Joe Latwin, and former Secretary to the Supervisor, Celia Curtis.

The comments from various people were distributed to the Town Board members for further consideration.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Town Board was declared Lead Agency under SEQRA.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Board made a Positive Declaration under SEQRA.

August 23, 2007

2007 -- 365

APPROVAL OF A BID AWARD TO KOVATCH MOBILE EQUIPMENT CORPORATION
OF TUXEDO, NEW YORK, FOR THE PURCHASE OF A RESCUE VEHICLE,
IN AN AMOUNT NOT TO EXCEED \$185,000.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for a Bid Award to Kovatch Mobile Equipment Corp, 276 Woodlands Dr, Tuxedo, NY, having met all the requirements of the specifications, for the purchase of a Rescue Vehicle, (with Ford Chassis) at a price not to exceed \$185,000, for the West Harrison Fire Department.

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

FURTHER RESOLVED that funding is available in Account #006-3410-100-98-75 (Project #01F117).

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 366

AUTHORIZATION TO RETAIN THE FIRM OF HARBRIDGE CONSULTING TO EXAMINE
THE TOWN'S PRESCRIPTION DRUG PLAN, TO DETERMINE IF IT IS EQUAL TO, OR
BETTER THAN, THAT BEING OFFERED BY THE FEDERAL GOVERNMENT,
AT A COST OF \$3,200.

On motion of Councilman Paladino, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie for authorization to retain Harbridge Consulting Corp, an actuarial firm, to attest to the federal government that the Town's prescription drug plan is equal to or better than the one being offered by the federal government, at a cost of \$3,200 with funds available in budget line 001-1900-100-4407, Special Items, Special Services.

FURTHER RESOLVED to authorize the Supervisor to sign the engagement letter, after review by the Law Department.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel

Manager and the Town Attorneys.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 -- 367
OLD BUSINESS

Resident Roy Porto again brought up the question of a town policy regarding the use of Town-owned vehicles that are assigned to various town employees.

The attorneys stated that the Policy has been drafted and is being circulated. It was further stated that no comments had been received. It was also stated that the issue would be considered at the September 20th Town Board meeting.

Supervisor Malfitano asked that Mr. Porto be given a copy of the proposed policy.

August 23, 2007

2007 -- 368

MATTERS FOR EXECUTIVE SESSION:

Settlement of claims	5
Acquisition of property	1
Tax certiorari	2
Litigation update	1
Personnel	7
Sale of property	1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 9:25.

On motion duly made and seconded,
with all members voting in favor,
the meeting was re-convened at 12:20 AM on August 24, 2007

August 23, 2007

2007- - 369

AUTHORIZATION TO CHANGE THE TITLE OF ANNA GIANNETTI FROM SENIOR
OFFICE ASSISTANT TO OFFICE ASSISTANT-AUTOMATED SYSTEMS

Ms. Giannetti was placed in the Senior Office Assistant position in the Department of Public Works on a provisional basis, at a salary of \$51,364, as she had not yet taken the exam for this title. However, the County has now advised us that they will not allow Ms Giannetti to be appointed in the Senior Office Assistant. She has taken and passed the Office Assistant-Automated Systems exam. She will not be allowed to sit for the Senior Office Assistant exam until April 2008. The position in the DPW is clearly a "Senior Office Assistant" position.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the change in title of Anna Giannetti, Office Assistant-Automated Systems in the Department of Public Works, with a stipend in the amount of \$310 per pay period, beginning with payroll #17 and continuing through payroll #26.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 370

AUTHORIZATION FOR AN UNPAID LEAVE OF ABSENCE
FOR TONI ANN DERENZIS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Ms. Toni Ann Derenzis for an unpaid leave of absence, commencing on September 1, 2007, said leave to end on August 31, 2008. Ms. Derenzis had been assigned to the Supervisor's office.

FURTHER RESOLVED that Ms. Derenzis's leave time will be subject to COBRA regulations in regards to benefits.

FURTHER RESOLVED that any accruals will be frozen as of the date of her leave.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 371

AUTHORIZATION TO HIRE A PERSON IN THE LAW DEPARTMENT DURING
THE ABSENCE OF MILLIE FERRARO

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to hire a person to replace Millie Ferraro on a temporary basis during her illness.

FURTHER RESOLVED that funding is available in the Supervisor/Mayor's budget.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 372

SETTLEMENT OF CLAIM: GOLDSTEIN vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Goldstein vs the Town of Harrison, for flood damage, in the amount of \$30,000.

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 and the Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 373

SETTLEMENT OF CLAIM: RODRIGUEZ vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Rodriguez vs the Town of Harrison, for damage to an automobile, in the amount of \$4,294.77.

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 and the Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 374

SETTLEMENT OF CLAIM: FULLER vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Fuller vs the Town of Harrison for automobile damage, in the amount of \$1,087.24.

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 and the Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 375

SETTLEMENT OF CLAIM: ACOCELLA vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Acocella vs the Town of Harrison for automobile damage, in the amount of \$625.00.

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 and the Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

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SETTLEMENT OF CLAIM: SACCO vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Sacco vs the Town of Harrison for automobile damage, in the amount of \$989.72.

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 and the Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 377

SETTLEMENT OF CLAIM: PASTORE vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Pastore vs the Town of Harrison, up to an amount as discussed in Executive Session.

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 and the Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 378

APPROVAL FOR A STIPEND FOR ANNA PILLONI, SENIOR OFFICE ASSISTANT,
AUTOMATED SYSTEMS, IN THE LAW DEPARTMENT

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the sum of \$750 per pay period during the absence of Millie Ferraro, retroactive to the date of Ms. Ferraro's accident.

FURTHER RESOLVED that funding is available in the Supervisor/Mayor's budget.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 379

SETTLEMENT OF A TAX CERTIORARI:
OLD OAKS COUNTRY CLUB AT 3100 PURCHASE STREET
BLOCK 672, LOT 5

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the Certiorari of Old Oaks Country Club, 3100 Purchase Street, Block 672, Lot 5 as follows:

<u>YEAR</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>	<u>REDUCTION</u>
2004/05	125,700	118,100	7,600
2005/06	125,700	118,100	7,600
2006/07	125,700	113,100	12,600
2007/08	113,100		

BLOCK 681, LOT 5

2004/05	221,800	166,900	54,900
2005/06	221,800	166,900	54,900
2006/07	221,800	161,900	59,900
2007/08	161,900		

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

Adopted by the following vote:

AYES: Councilman Vetere, Scappaticci, Cannella and Paladino

Supervisor Malfitano

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 380

SETTLEMENT OF A TAX CERTIORARI:
SHERIF HANNA AND DONNA PIERETTI
302 WEST STREET, BLOCK 292, LOT 16

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the Certiorari of Sherif Hanna and Donna Pieretti, 302 West Street, Block 292, Lot 16 as follows:

ASSESSMENT OF
TAX YEAR RATE

REDUCTION

TAX 2007
GENERAL TOWN

2006

3,600

\$207.632907

FIRE PROTECTION #4

\$49.80957

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

August 23, 2007

2007 - - 381

AUTHORIZATION TO RAISE THE CAP ON FEES
RE: DUFFELMEYER vs TOWN OF HARRISON TO \$25,000.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to raise the cap on fees for attorneys with regards to Duffelmeyer vs the Town of Harrison, in the amount of \$25,000.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

There being no further matter to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 12:25 AM

Respectfully submitted,

Joan B. Walsh
Town Clerk