

March 7, 2007

A regular meeting of the Village 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 7th day of March, at 6:30 PM. Eastern Standard Time. All members having received due notice.

MEMBERS PRESENT:

Stephen Malfitano Mayor

Joseph Cannella)
arrived at 7:15 (train problems)

Thomas Scappaticci)Trustees

Patrick Vetere)

Robert Paladino)

ALSO ATTENDING:

Frank Allegretti Town 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

Steve Surace Fire Marshall

March 7, 2007

V -- 2007 -- 032

APPROVAL TO SCHEDULE A PUBLIC HEARING ON MARCH 29, 2007
RE: AUTHORIZATION TO BOND THE COSTS OF THE
WESTCHESTER JOINT WATER WORKS LOCAL DISTRIBUTION PROJECT #2006-3.2
REPLACEMENT OF WATER MAINS ON TAYLOR, COLUMBUS AND
GAINSBORG AVENUES: ESTIMATED COST: \$835,500.

On motion of Trustee Scappaticci, seconded by Trustee Paladino,

it was

RESOLVED to approve the request of Treasurer Maureen MacKenzie that a Public Hearing be scheduled for March 29, 2007, for authorization to bond the costs of the WJWW local distribution Project 2006-3.2, replacement of 2,520 feet of twelve (12) inch water mains on Taylor, Gainsborg and Columbus Avenues in West Harrison, at an estimated cost of \$838,500.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Director of Purchasing, the Commissioner of Public Works, the Village Engineer and WJWW.

Adopted by the following vote:

AYES: Trustees Vetere, Scappaticci and Paladino
Mayor Malfitano

NAYS: None

ABSENT: Trustee Cannella

March 7, 2007

V -- 2007 -- 033

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR PHASE II OF
THE JOHN A. PASSIDOMO PARK IMPROVEMENTS AND AQUATIC FACILITY

Commissioner of Public Works Bob Wasp stated that this Bid included the new exit road in the northern end of the Park, parking areas, site grading including slopes and excavation for the new pool, drainage and retaining walls.

Trustee Scappaticci asked the schedule for the opening of the new pool, and the schedule for construction of this proposed work so that it not interfere with the teams playing at the Park in the Fall of 2007. He wanted to be sure that the pool will be open in the Spring of 2008.

There was considerable discussion as to the advisability of including in this bid the construction of the new entrance roadway at the south end of the Park. Mr. Wasp pointed out that such work would probably not be done for an additional 18 months, and questioned if a contractor would submit a bid for work so far in the future.

Superintendent of Recreation pointed out that the work (at the southern end) can't be started until November of 2008, after the playing season is finished, and that work will include demolishing the present pool as the roadway goes thru the location of that pool.

Trustee Scappaticci asked why the existing pool can't be demolished after Labor Day of 2007.

Mr. Belmont said that he wanted to be sure that there was a pool for the summer of 2008, and therefore he didn't want the existing pool demolished until the new pool was ready for use.

Trustee Paladino asked the timetable for the new Recreation Building, saying that he thought there had been a commitment for the design of that building to be started in the Fall of 2006.

Mr. Wasp said that there had never been a timetable, but that it had been agreed that when they were ready for construction (of Phase II – the pool, etc.) that they would bring up the design for Phase III (the Recreation Building.)

Mayor Malfitano said he expected Mr. Wasp to bring that up now. He continued that perhaps there should be a work session, to discuss what the design will be.

Trustee Paladino asked that an addendum to the Bid be prepared which included the road work and the excavations at the south end of the Park, including the "stem road," that he was concerned about costs, and asked that Commissioner Wasp explore an addendum to include the work at the south end to be presented to the Board at its March 29, 2007 Board meeting.

On motion of Trustee Scappaticci, seconded by Trustee Paladino,

it was

RESOLVED to approve the request of the Director of Purchasing for authorization to advertise and receive Bids for Phase II of the John A. Passidomo Park Improvements & the Aquatic Facility.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Director of Purchasing, the Commissioner of Public Works who is also the Acting Village Engineer and the Superintendent of Recreation.

Adopted by the following vote:

AYES: Trustees Scappaticci and Paladino
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: Trustee Cannella

March 7, 2007

V -- 2007 -- 034

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS
FOR CONSTRUCTION OF THE LEO MINTZER CENTER ANNEX BUILDING AND

INSTALLATION OF PLAYGROUND EQUIPMENT

Trustee Paladino stated that the Fire Inspector had questions about the location of the proposed Annex particularly regarding its distance from the current building and from the property line for safety reasons. He added that he understood that there needed to be an open space of 20 feet surrounding the building for fire truck access, that that was not in the plans as presented to the Board.

Fire Marshal Steve Surace stated he had seen a sketch of the proposed building months ago, but had never been included in any following meetings. He added that, as presented, it would not meet the NYS Code, that a variance would be needed.

Commissioner Wasp said that he had discussions with Mr. Surace at one point, but had been assured by the Building Inspector that the proposed building met the Code.

Mayor Malfitano stated that no one wanted to compromise fire safety. He added that he had no problem with advertising now, while the Fire Marshal looked at the plans.

Trustee Vetere said he was opposed to the building itself, as well as the hiring of a firm to design the interior of the building – work that could have been done by the manufacturer of this Butler-type building, and would vote against the motion.

Trustee Paladino stated that he was not comfortable at this point in voting to go out to bid.

AT THIS POINT, (7:15 PM) TRUSTEE CANNELLA ARRIVED. He had been delayed by train problems.

Mayor Malfitano explained the concerns of the Fire Marshal regarding the site of the proposed Annex to Trustee Cannella, as well as the assurances by the Building Inspector that the building did meet the Fire requirements.

Trustee Cannella asked if the building itself could be moved.

Mr. Wasp said that it was an engineered building, like an erector set, with pre-engineered panels and structural components that can be taken down and re-established and the major cost to doing so would be the labor costs. He added it was like the buildings (classrooms) at the schools.

Mr. Scappaticci asked if the Town wasn't, after the Building was erected, going into the building and adding the architectural finishes. He then asked how it would be then cut into pieces and moved, adding that the buildings (classrooms) at the schools were called portables for a reason that they were driven up to the site, put down, and then finished.

Mr. Wasp replied that the interior surfaces would sustain some damages and could be replaced but the structural components could be re-established. He added that this is not a temporary building, it is a building that has permanence but at the same time could be taken apart.

Superintendent of Recreation Ron Belmont agreed, and added that he and Mr. Wasp had looked at all the portables at the schools, and that they are pre-engineered buildings.

Mr. Paladino said that he had thought the purpose of this (Annex) building was to provide a hiatus, a place with a big enough room for the Seniors until the Phase III building was completed, and once this function was moved to the Phase III building, this (Annex) building could be moved. He continued, so to find out now that this is not a moveable building, not a portable building but (if moved) one in which the bathrooms get demolished, is upsetting.

Mr. Malfitano said that the other issue that has not been resolved, in all fairness, in that last Phase III, is what will be incorporated into that (Phase III Passidomo Park) building. It was envisioned to be a Recreation facility. Now, you are suggesting that it house other community functions, such as the Senior Citizens program. Mr. Malfitano stated that he didn't believe that (the Board) ever intended that. It is something that could be talked about, but the bottom line, at the end of the day, there is a lot that needs to be worked through and resolved. He added that he would look at this as an interim step, one that would last more than one or two years, as many as ten, and it could very well end up remaining on the site that it is on, with some re-development of the (rest of) the existing site.

Mr. Wasp said that this is an almost one and a half acre site, and we have talked about whether the main building might be demolished at some time, and yes, as Trustee Paladino correctly pointed out, (the location chosen) was to allow for the (further) development of the site but keeping in mind this building could serve not only a temporary use but a longer term use. It could actually be as a supplemental building on the premises. The options that we looked at early on, including putting together trailers, such as was done at the NIKE base for the Highway Department, doesn't give rooms much bigger than what the Seniors now have. The pre-engineered buildings were much larger, about 20'x 40', again, in the big picture of things, this building is likely to stay there for five years.

Mr. Malfitano agreed (it would be) at least five years, and maybe more.

Mr. Wasp continued that it has (yet) to be decided what is going to be put in Passidomo Park. This (Annex) building will get a lot of use, and it might actually be a supplemental building, as lots of uses have been discussed. (The current location of the Annex building) leaves the site in a very developable condition as it is off to one side, and leaves the remaining space for whatever might be needed.

Trustee Vetere asked if the Fire Marshal is correct about the space needed to meet the fire code, and then asked if there is another location on the site for this building.

Mr. Wasp said it is a 1.4 acre site, so there are other sites, but this location preserves the open space. He added that it may be the Fire Marshal is wrong, and he did not appreciate having these comments at the last minute. He then stated that he would not put the building in any location that is not safe.

Mr. Vetere again repeated his opposition to the hiring of a designer for the interior of the Annex

building.

Fire Marshal Surace stated that he was embarrassed that he had not been part of the planning process since the beginning, and that he had made the statement earlier about the requirement for the 20-foot spacing.

Trustee Cannella stated that the current environment for the Seniors in West Harrison is horrific, and is unacceptable, adding that something must be done and done quickly as it is a problem. He continued that this building has a long-term useful life, but the expectation is that it will not be long-term for the Seniors, that they will be re-located at the appropriate time. He said that there will be another use for the building, which was an important consideration given the expenditures involved. He also stated that, with respect to the site location, it was originally contemplated to be in a different location, but the continued use of the ice-skating rink narrowed it down to this site and, also, it allowed development of the site without moving this building. Mr. Cannella concluded by stating that if there is a problem with respect to any Code issues, we can work those out, and if there needs to be an adjustment, those can be worked out also. He added that it was not anyone's intention to disregard the comments of the Fire Marshal, they will be taken into account.

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to authorize Director of Purchasing Judy D'Agostinis to advertise and receive bids for the construction of the Leo Mintzer Center Annex Building and the installation of playground equipment in a new location.

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

Adopted by the following vote:

AYES: Trustees Scappaticci and Cannella
Mayor Malfitano

NAYS: Trustees Vetere and Paladino

ABSENT: None

March 7, 2007

V -- 2007 -- 035

APPROVAL OF PURCHASE ORDER #270798 TO TCD OF MAMARONECK FOR
MISCELLANEOUS ITEMS FOR A POLICE VEHICLE COST: \$17,865

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to approve the request of the Director of Purchasing for authorization for PO #270798 to T.C.D. Cellular Communications of Mamaroneck, as the sole source supplier, for miscellaneous items for a police vehicle, for a total of \$17,865, with funding available in the following accounts:

#006-3120-100-98-95	\$ 3,200.
#006-3120-100-98-70	\$14,665.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Director of Purchasing and the Chief of Police.

Adopted by the following vote:

AYES: Trustees Scappaticci, Vetere, Paladino and Cannella
Mayor Malfitano

NAYS: None

ABSENT: None

March 7, 2007

V -- 2007 -- 036

AUTHORIZATION FOR BILOTTA CONSTRUCTION COMPANY TO EXERCISE ITS
OPTION TO EXTEND THE CURRENT 2006 RESURFACING CONTRACT FOR
WORK TO BE DONE IN 2007

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for authorization for the Bilotta Construction Company to exercise the extension option to its current 2006 Resurfacing Contract, for work to be done in 2007.

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

Adopted by the following vote:

AYES: Trustees Scappaticci, Vetere, Paladino and Cannella
Mayor Malfitano

NAYS: None

ABSENT: None

March 7, 2007

V -- 2007 -- 037

TABLED: REQUEST TO ENTER INTO A CONTRACT WITH ALL POINTS SECURITY
FOR THE DESIGN OF A SECURITY SYSTEM FOR
THE HARRISON VOLUNTEER AMBULANCE BUILDING

At the request of Trustee Paladino, this request was tabled until the March 29th, 2007 Town

Board meeting.

March 7, 2007

V -- 2007 -- 038

TABLED: REQUEST FOR AN AMENDMENT TO THE CONTRACT WITH WOODARD
AND CURRAN FOR PROJECT HOME RUN COST: \$513,000

Trustee Paladino stated that he had not had a chance to review the new material in conjunction with the material received at the work session on this matter.

Trustee Vetere stated that the Board should re-evaluate this project, due to the extensive flooding that occurred during the recent storm.

Commissioner of Public Works Bob Wasp replied that, during the storm, he had met with the City Engineer of the City of Rye and it was agreed that this storm, on both sides of the river, was no more dramatic than other storms historically, that is, there were no evacuations. He added that it was predictable according to the flood maps and he did not see any change in the path that we want to go. He added that the flood elevation was 33, and the field elevation was 35.

Mayor Malfitano said that when there was an overlaying of the flood maps, there was nothing out of the ordinary and, in point of fact, the experience was as good if not better than had been predicted in the modeling that had been done.

Trustee Cannella asked if the accumulation of the water on the site was a result of the converse grading that had been done.

Mr. Wasp replied that the flooding was due to the elevation of the stream. He added that the fields were above the 100-year-flood elevations.

Mr. Malfitano added that in a 100-year event, Oakland Avenue, including the Harrison Shopping Center, would have been shut down, and that didn't happen (this time.) He continued that the baseball field area, as designed, was out of the flood area.

Mr. Wasp pointed out that the water levels had gone down by the next day. He added that for reference purposes, the area is at elevation 33, and the field area is at elevation 35 and 34.

Mike LaDore of 277 Park Avenue, addressed the Board, and stated that (given) what he is hearing about Project Home Run, he wonders if we are in the same Town or not that he saw (the water) there. He added that the DPW did not do the job they should have, that he called DPW at 9:30 as he had sewage backing up into his house, and no one responded, and that he then called the Mayor. Mr. LaDore continued that he ended up with four (4) feet of water in his back yard, and one (1) foot of water on the first floor of his house, at ground level, in his house, and lost three (3) rooms. He then stated that all of this was from the overflow of the brook, and that this was not the first time the brook overflowed, but it had never made it to his house, citing 2006, 2000 and this was by far the worst. Mr. LaDore pointed out that the reference to a 100-year flood is just a formula, it could happen every year. He added that his question is: what is going to be done about the Beaver Swamp Brook, and how are we going to correct this problem. To say that no one was displaced is not true as people next to him in Rye were as well as people on Bradford with three feet of water in their house. Mr. LaDore added that he normally has four sump pumps in his house, but this time he had ten pumps, and it wasn't until 3:15 in the morning that they went off, and he had no assistance from the town. He continued that all the reports, including reports from Malcolm Pirnie in 2000, 1997 and 1985, starting in the 1920's and the 30's, and when you built houses, they got flooding and they sunk. In the 40's and 50's, every time you build, it floods.

Mr. Malfitano: In terms of the measurement of the water elevation, and the experience of where

that water went, relative to the studies the Town has done as well as by the Federal government, the experience is no different from previous years and decades. For the homes on Bradford Avenue, there is not a real difference here. Even going across to the Rye side, we don't see any difference in terms of the experience. The experience is still taking place and that is what people object to.

Mr. Malfitano continued that in discussions with the City Engineer of Rye, he had stated there is an opportunity, but the fix to this problem does not lie within the boundaries of Harrison of the City of Rye. He pointed out that hundreds of thousands of Grant money had been spent in studying this. The conclusion that was brought to us was that the work being done is not making the problem worse but, if you want to fix the problem, the fix is further down stream. The problem is a segment of the brook that runs through the town of Mamaroneck, that a deepening and widening of the channel where the Beaver Swamp Brook and the Brentwood Brook meet would make a big difference. He added that (such an action) would affect the wetlands, and that would be a different problem. These recommendations have not been acted upon as Harrison does not control the section of the Brook where the problem is.

Mr. LaDore replied that he would then recommend to the Town that the Board look into fiberglass seawalls (and install them) along the Brook so that you can stop the flow from overflowing onto people's properties. He continued that (the Town) has known for years about where it has to be fixed, but nothing gets done; how much damage to people's properties has to occur before it is fixed?

Mr. Malfitano said that there were significant problems in the core of the City of Rye, not along this corridor, and he had made the suggestion to their City Engineer, while it was fresh in people's minds, the Rye City Administration has to work with the Harrison Administration and get the Village of Mamaroneck Administration to allow us access, and have the three jurisdictions to cooperate. Mr. Malfitano added that he had no problem with investing serious dollars on Village of Mamaroneck property to bring a benefit to the residents of Harrison.

Trustee Paladino pointed out that there was a fourth player: the Department of Environmental Conservation. He continued that because there is a wetlands there, the DEC is protecting it, and it can't be done to build a pipe to drain all the water out of the wetlands.

Mr. LaDore further stated that he had walked this area with Mayor Malfitano a year ago, with the Village Engineer, and was told that something should be done and, a year later, nothing has been done, and I was flooded out (in this last storm.) whereas he never before had water in the house.

Mr. Paladino asked Mr. LaDore if, during a previous storm when the Harrison Shopping Center was flooded out, did he have water? (This was before the roadway was raised.)

Mr. LaDore stated that he had one to two feet (of water) in the back yard, but no water in the house.

Mr. Paladino then asked the Commissioner of Public Work, Bob Wasp, to describe the storm of

that time.

Mr. Wasp said his recollection was that it was seven inches of rain, and it was reported as between a 25-year and a 50-year storm. He further stated that this was a more severe storm, and will probably be classified as a 100-year storm, based on the elevations that he saw, the impact was greater right across the board (than the previous storm) according to the reports that he has. Mr. Wasp then asked Mr. LaDore if his house was within the 100-year flood plain, and the answer was "Yes."

Mr. Paladino continued that at 2 PM the next day, there was a house on the right side of Bradford Avenue that still had at least three and four feet of water in the basement.

Mr. Wasp stated that all those houses in that area are in the 100-foot flood plain, as were the houses in the Trails (section of Town which had also flooding.) He also addressed the issue of sewage back-up, and stated that the County trunk sewers were "bubbling up," so Harrison's sewers could not empty (into them.) He added that this was a "worst case" storm.

Joseph Derwin, of South Road, addressed the Board concerning the flooding, stating that on the day in question, he went out with a camera to document the water, and residents of Rye came over to him, and asked what was going on in Harrison. He added that he took 50 pictures that day from Halstead Avenue all the way down to the Sound, and some of the comments by the Board (tonight) are patently untrue. He added that a 100-year event doesn't make much difference, if you get a couple of thunderstorms during the summertime, with 3 or 4 inches of rain, that place is going to fill with water right up again. He continued that the Town had raised the level of the land, and filled in areas where the water should go.

Mr. Malfitano replied that the engineers did not agree (with those statements.)

This request was tabled until the March 29, 2007 Town Board meeting:

Request by Commissioner of Public Works Bob Wasp for authorization for an amendment to the contract with Woodard and Curran for Project Home Run, for Task B in an amount not to exceed \$513,000. Funding is available in the proposed 2007 DPW Capital Budget.

1. Task A- Report: Geotechnical Data Review in conjunction with Design Documents
2. Task B- Proposal for Professional Services: Design and Construction Documents-
Item B1- Ground Improvement Program;
Item B2- Park Facility Design and Construction Bid Documents.

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

On motion duly made and seconded,
With all members voting in favor,
the Meeting was recessed for
Executive Session, at 7:50 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was re-convened at 9:50 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was declared closed at 9:51 PM.

Respectfully submitted,

Joan B. Walsh
Village Clerk