

**TOWN BOARD AGENDA**  
MEETING OF THE TOWN BOARD OF THE TOWN OF HARRISON,  
TO BE HELD AT THE MUNICIPAL BUILDING,  
1 HEINEMAN PLACE, HARRISON, NY., IN WESTCHESTER COUNTY,  
ON JANUARY 13, 2005 AT 7:30 PM, EASTERN STANDARD TIME

**“THE MAYOR’S STATE OF THE TOWN ADDRESS”**

- A. REPORT FROM SUPERVISOR MALFITANO ON DECISIONS MADE FOLLOWING THE REGULAR TOWN BOARD MEETING ON DECEMBER 15, 2004.
1. Authorization for the Supervisor to make an offer of employment to a certain person discussed in Executive Session.
  2. Appointment of Debra Leone as Payroll Clerk in the Comptroller’s Office.
  3. Adjustment to the number of vacation days that can be held over by the Town Engineer Hugh Greechan.
  4. Authorization for out-of-title pay for Anna Piloni in the Law Department during the absence of Millie Ferraro, Senior Law Steno.
  5. Authorization of payment to Superintendent Robert Viscome of the value of his accrued sick leave time.
  6. Authorization of payment to Michael Popp of the value of his accrued sick leave time.
- B. CORRESPONDENCE AND REPORTS:
- 1a. Monthly report from the Receiver of Taxes for December, 2004.
  - 1b. Monthly report from the Fire Marshal for December, 2004.
  - 1c. Monthly report from the Building Inspector for December, 2004 and a year to date activities report.
  - 1d. Monthly report from the Town Clerk for December, 2004.
  - 1e. Quarterly report from the Library Director for October, November & December, 2004.
- LATE**  
**ITEM:**1f. Monthly report from the HVAC for December, 2004.
2. Notification by the NYS DEC review of approval of modifications changing the areas of the wetlands and the areas to receive clean fill.
- LATE**  
**ITEM:**3. Monthly report from the Superintendent of Recreation for December, 2004.
- C. PUBLIC HEARING:
1. PUBLIC HEARING – Re: Request of the Westchester Country Club for a Special Exception Use Permit, for the construction of five (5) squash courts, a golf storage cart area and an auto detailing area. **(Back-up was received at the December 15<sup>th</sup> Town Board meeting, C-3)**
  2. PUBLIC HEARING – Re: Request of Kraft Foods Federal Credit Union for an

Amended Special Exception Use Permit, for the installation of an emergency electric generator at The Centre at Purchase, 2 Manhattanville Road. **(Back-up was received at the December 15<sup>th</sup> Town Board meeting, E-7)**

3. PUBLIC HEARING – Continuation of the Public Hearing Re: Request by Cingular f/k/a/ AT&T Wireless for a Special Exception Use Permit, to install twelve (12) panel antennas and associated equipment cabinets on the roof of the existing building located at 2975 Westchester Avenue. **(Back-up was received at the December 15<sup>th</sup> Town Board meeting, C-4)**
4. PUBLIC HEARING – Re: Request by Manhattanville College for a Special Exception Use Permit for a proposed Environmental Sanctuary to be located on campus utilizing the remains of the old masonry chapel. **(Back-up was received at the December 15<sup>th</sup> Town Board meeting, E-9)**

D. PERSONNEL:

1. Request by Superintendent of Recreation Ron Belmont for approval for Recreation Supervisor Gerry Salvo to be reimbursed for the following courses for the Spring Semester at Lehman College:
  - REC 705 – Community Recreation & Park Facilities - 3 credits
  - REC 709 – Mental Retardation Programs (Therapeutic Recreation Service) - 3 creditsFurther requested to authorize the Comptroller, upon successful completion of these courses, to reimburse the amount of \$1,639.50 to Mr. Salvo.
2. Letter of retirement from Sgt. Michael Pineau, effective February 9, 2005.
3. Request by Chief of Police Dave Hall for approval for Sgt. Mark Tamucci to be reimbursed for the following course for the 2004 Fall Semester at Manhattanville College:
  - “Introduction to the Exceptional Student”Further requested that upon submission of attendance and submission of proof of payment, the Comptroller be authorized to audit and pay the amount of \$2,039.69, for tuition and books.
4. Request by the Library Board of Trustees for confirmation of the appointment of Richard Schneeman as a part-time substitute Library Clerk, effective January 18, 2005 at a rate of \$12.50 per hour and a Sunday rate of \$14.50 per hour.

**LATE**

**ITEM:5.** Letter of retirement from P. O. John DeRenzis, effective January 29, 2005.

**LATE**

**ITEM:6.** Appointment of Joseph Cannella as Deputy Mayor.

E.

**FIRST OF THE YEAR RESOLUTIONS:**

a. Re-affirmation of the powers and duties of the Comptroller, in accordance with Town Law

Section 34 (2)

1. The keeping of separate appropriation accounts and preventing funds or appropriation accounts from being overdrawn.
  2. The drawing upon funds or appropriations, with the provision that the counter-signature of the Supervisor shall be required,
  3. Continue the foregoing operations and other duties in accordance with previous Resolutions of this Board heretofore adopted; and
  4. The furnishing to the Supervisor such information and data as the Supervisor may require for the purpose of enabling the Supervisor to exercise the powers and perform the duties or make reports as required by law.
  5. The Comptroller is also assigned to perform the duties as set forth in Town Law Section 124, designating the Comptroller as Accounting Officer of the Town of Harrison.
- b.** Re-appointment of Joan Walsh as Registrar of Vital Statistics, effective January 1, 2005.
- c.** Re-appointment of Angela Tamucci and Diana Minishi as Deputy Registrar's of Vital Statistics, effective January 1, 2005.
- d.** Re-stating that the all employees are assigned to the various departments for budget purposes only; and that the Supervisor shall supervise all Town employees, independent contractors and consultants, and shall have full authority for the assignment of duties and responsibilities.
- e.** Re-affirming that the regular meetings of the Town Board be held on the second and fourth Thursday of the month, with meetings to be held in the Municipal Building or any other public building with access for the handicapped, in the downtown, West Harrison of Purchase areas of the town, as designated in the Notice of Meeting.
- f.** Re-affirming the Rules of proper conduct at Town Board Meetings.
1. Any person wishing to address the Town Board on any matter on the Agenda, shall be recognized by the Chairperson and identify themselves by name and address;
  2. Speakers may be permitted to address the Board before a vote is taken on any matter;
  3. Speakers shall concisely address the Town Board setting forth their views on the matter in no more than five (5) minutes;
  4. Speakers should confine themselves to the subject at hand, and refrain from personal attacks. If such attacks are made by a speaker, the speaker is to be immediately deemed out of order;
  5. Speakers may be permitted to address the Board for such additional time as the Supervisor may grant;
  6. At the conclusion of the regular agenda and before the meeting is recessed or adjourned, speakers may be permitted to bring to the Board's attention, for discussion, any matter relating to Town business and that they be permitted to speak thereon.
- g.** Re-affirming the Rules of proper conduct at Public Hearings:
1. Any person wishing to address the Town Board, shall be recognized by the Chairperson and identify themselves by name and address;
  2. The speakers shall state whether they are in favor or against the proposal being discussed;
  3. The speakers shall concisely address the Town Board setting forth their views on the matter in no more than five (5) minutes;
  4. Speakers should confine themselves to the subject at hand, and refrain from

personal attacks. If such attacks are made by a speaker, the speaker is to be immediately deemed out of order.

- h.** Re-affirming the procedures for transcription of Town Board meetings, that the Town Clerk preserve the electronic recordings of Town Board meetings for a period of one year following the meeting;
- i.** Re-affirming the procedure for authorized signatures:
  - 1. all transactions involved in the following account shall include the signature of both the Supervisor and the Comptroller and in the absence of the Supervisor, the Deputy Supervisor --Comptroller Payroll (J.P. Morgan Chase) Account;
  - 2. all transactions involved in the Town Clerk's Account shall include the signature of the Town Clerk, and in her absence, the Deputy Town Clerk;
  - 3. all transactions involved in the Police Pension Fund shall have the signature of the Supervisor;  
and further re-affirmed that a copy of this Resolution be forwarded to the J.P. Morgan Chase Bank Harrison Office.
- j.** Re-affirming that the Supervisor and the Comptroller are authorized to sign payroll checks with a facsimile of their signature as reproduced by machine, stamp or device commonly known as a Check signer.
- k.** Designation of certain banks as depositories of the Town of Harrison and that the funds of the Town of Harrison in said banks be subject to withdrawal or transfer only by check or electronic transfer which shall be audited and signed by the Comptroller of the Town of Harrison, and in the absence of the Comptroller, by the Supervisor, and in absence of the Supervisor, by the Deputy Supervisor.
  - J.P. Morgan Chase Bank
  - Bank of New York (County Trust Region)
  - MBIA-Class
  - Wachovia Bank
- l.** Designation of the Journal News and The Harrison Report as the official newspapers of the Town of Harrison, and designating that the Harrison Independent may also be used for the publication of, among other things: notices, resolutions and ordinances.
- m-1.** Re-affirmation of the Depositories for the office of the Receiver of Taxes.
- m-2.** Re-affirmation of the duties of the Receiver of Taxes.
- m-3.** Re-affirmation that the Receiver of Taxes must deposit any and all payments within twenty-four hours of the receipt of same.
- n.** Appointment of Police Pension Fund Officers: Councilmen Cannella, Paladino and Scappaticci.
- o.** Designation of Supervisor Malfitano as Treasurer of the Harrison Public Library.
- p.** Approval of procedures for the preparation of Agendas for the Town Board Meetings;
  - 1. All matters are to be filed in the Town Clerk's office by 9:30AM on the Thursday before the meeting.
  - 2. The Clerk shall prepare a draft Agenda for each meeting and deliver it to the Supervisor by noon on the Thursday before each meeting.
  - 3. The Supervisor shall prepare the final Agenda for each meeting, and deliver it to the Town Clerk by noon on or before the Friday before each meeting.
  - 4. The Clerk shall make copies of all appropriate items or keep them on file for inspection, and shall deliver same to the Town Board members on or before the

Friday before the meeting.

5. No matter shall be placed on the Agenda after the Agenda is approved by the Supervisor unless it is of an emergency nature or it is deemed by the Supervisor to be in the best interests of the town.

- q. Re-affirmation of the requirements regarding securing Public Liability Insurance from all independent contractors.
- r. Re-affirmation of the duties of Department Heads who receive monies.
- s. Re-affirmation of the responsibility of the Commissioner of Public Works to remove snow from all public parking areas controlled by the Town.
- t. Re-affirmation of required procedures for funding of Public Works projects:

<u>Dollar Limit</u>	<u>Procedure</u>
\$1 - \$2,999	At the discretion of the Purchasing Department
\$3,000 - \$9,999	Documented telephone quotes to be obtained by the Director of Purchasing from at least three vendors (if available)
\$10,000 - \$19,999	Written/fax quotes to be obtained by the Director of Purchasing from at least three vendors (if available) and sent to the Supervisor for approval.
\$20,000 - and up	Formal, sealed bids in conformance with General Municipal Law Section 103 and sent to the Town Board for approval.

All purchases in excess of \$20,000 require Town Board approval.

- u. Re-affirmation of required procedures for the purchase of commodities, equipment or goods:

<u>Dollar Limit</u>	<u>Procedure</u>
\$1 - \$999	At the discretion of the Purchasing Department
\$1,000 - \$3,000	Documented telephone quotes to be obtained by the Director of Purchasing from at least three vendors (if available)
\$3,000 - \$4,999	Written/fax quotes to be obtained by the Director of Purchasing from at least three vendors (if available)
\$5,000 - \$9,999	Written RFP to be obtained by the Director of Purchasing from as many vendors as possible, but at least three (if available) and a Purchase Order and sent to the Supervisor for approval.
\$10,000 - and up	Formal, sealed bids in conformance with General Municipal Law Section 103 and sent to the Town Board for approval.

- Exceptions:
- A. Purchases under State and/or County contracts;
  - B. Purchases from the Dept of Corrections and/or Industries for the Blind
  - C. Emergency purchases
  - D. True leases, and
  - E. Personal Service contract
  - F. General Services Administration

All purchases in excess of \$10,000 require Town Board approval

\*\*\*\*\* End of FIRST OF THE YEAR RESOLUTIONS \*\*\*\*\*

E. ACTIONS AND RESOLUTIONS:

- 1. Request by Town Attorney Frank Allegretti for approval for the following Service Agreements for the year 2005:

Friends of the Opera	\$ 5,000.00
Harrison Children's Center	\$ 22,000.00*

Harrison Council for the Arts	\$ 6,000.00
Harrison Youth Council	\$ 57,000.00*
Purchase Free Library	\$200,000.00
Water Dist. #1, Fire Protection #1	\$ 20,595.00
Water Dist. #3, Fire Protection with the City of Rye	\$ 25,685.00*

\*subject to receipt of Certificate of Insurance

Further requested upon approval to authorize the Town Attorney's office to prepare the Agreements and the Supervisor to execute same.

- 2a. Request by Town Clerk Joan Walsh for 2005 dues for the Association of Towns in the amount of \$1,650.00.
- 2b. Notification that the 2005 Training School and Annual Meeting of the Association of Towns will be held From February 20<sup>th</sup> thru February 23<sup>rd</sup>, 2005, at the New York Hilton.
- 2c. List of Resolutions proposed for adoption at the Annual Meeting.
3. Request by HVAC Chairman Albert Mignone for approval for their first of four installment payments of \$100,000.00, due January, 2005.
4. Request by David Snyder of Snyder & Snyder on behalf of his client Con Edison Communications, LLC (CEC) for approval to the transfer of control of CEC to FiberNet Telecom Group, Inc. ("FiberNet"). A petition supporting the proposed transfer and a proposed resolution are enclosed.
5. Notification by Deputy Village Attorney Joseph Latwin that as of June 1, 2004 Miller & Van Eaton P.L.L.C., Cablevision Professional Services increased their billing rate of \$230.00 per hour to \$250.00. In addition, Miller & VanEaton has submitted the following invoices reflecting their increases:

Invoice #11438	\$106.00 (remaining balance)
Invoice #11552	20.00 (remaining balance)
Invoice #1175	76.37
Total:	\$202.37

Request to authorize the increase in rate to \$250.00 per hour and authorize payment for the listed invoices.
- 6a. Request by Chief of Police Dave Hall for approval to purchase a Dual Purpose Police Service/Narcotic Detection dog. The cost for the dog and training is \$14,000. (A donation in the amount of \$10,000. has been received towards the purchase of said dog).
- 6b. Request for P.O. John Vasta to attend K9 training in Blacklick, Ohio, during the Spring of 2005, at a cost not to exceed \$5,300.including lodging, meals and fuel. This is a budgeted item.
7. Request by Town Attorney Frank Allegretti for approval for the 2005 Inter-Agency Agreement between the South East Consortium and the Town of Harrison in the

amount of \$17,388.00. Further requested that upon Town Board approval the Supervisor be authorized to execute same. Certificate of Insurance is attached.

8. **Transferred to the Village.**

9. Request by John Hock, Manager of the Westchester Joint Water Works for approval for the Lincoln Lane Easement, Lot P/O 14.

10. Request by John Hock, Manager of the Westchester Joint Water Works for confirmation for the approved recommended Capital Improvements Report for 2005 as follows:

1. Joint Projects 2005-J.1 to 2005-J.3, inclusive, as described on pages 10 and 11.

The Town's projected share of the estimated \$126,000 cost of these projects is \$60,200.

2. Local (Distribution) Project 2005-3.2 Gainsborg Avenue as described on page 18, at an estimated cost of \$795,000.

At the Town Board meeting of January 8, 2004 the Town Board authorized Joint Project 2004-J.6 together with the approval for other projects.

Further requested that the Town Board's authorized share of this \$260,000 project amounting to \$122,500 be transferred or otherwise made available for other capital projects of higher priority.

11. Request by Commissioner of Public Works Bob Wasp for authorization for Contract Amendment #6 with Malcolm Pirnie Re: Beaver Swamp Brook Brownfields Remediation Project, for engineering and design services and construction oversight at a cost of \$280,584.00. The work included in this amendment is as follows:

- |   |            |
|---|------------|
| 1. Quantitative Environmental Analysis  | \$ 10,400. |
| 2. Hydrology Design   | \$ 19,986. |
| 3. Sediment Sampling and Analysis   | \$ 41,140. |
| 4. Soil Sampling and Analysis   | \$ 64,608. |
| 5. Extended Field Oversight-2 month extension of time and Overtime expenditures | \$116,200. |
| 6. Oakland Avenue Grading-redesign as per NYSDEC request                        | \$ 12,500. |
| 7. Design Basis Report Re-submittal and Permitting-NYSDEC Submittal             | \$ 5,250.  |
| 8. Hydrology and Hydraulic Analyses- Stormwater Management revisions            | \$ 10,500. |

Upon execution of the State Assistance Contract, these amendments will be formally added to the DEC grant.

Further requested that the Law Department is authorized to execute Amendment #6 to the contract with Malcolm Pirnie in the amount of \$280,584. and to increase the upset limit of this project from \$348,000. to \$628,584.

Funding for this work, which totals \$406,384. is being provided by the NYSDEC at the 90% level for all eligible costs. The net cost to the Town consisting of ineligible

costs and 10% local share of eligible costs totals \$122,200.

**LATE**

**ITEM: 12.** Request from Comptroller Maureen MacKenzie for authorization for the Supervisor to sign and execute the renewal contract with Gallagher Bassett Services.

**LATE**

**ITEM: 13.** Request by Commissioner of Public Works Bob Wasp for authorization for payment to Royal Environmental Services in the amount of \$12,800. for the emergency clean-up of petroleum products into the Beaver Swamp Brook that was attributed to the Utility Garage by regulatory agencies. Funding is requested from the 2004 Contingency Budget.

**LATE**

**ITEM: 14.** Request by Commissioner of Public Works Bob Wasp for funds in the amount not to exceed \$20,000.00 for remediation of a mold condition recently found on the gym walls at the Mintzer Center. Further requested that a bid award be made to Crystal Restoration of Port Chester in the amount of \$15,500.00. Further requested to authorize the amount of \$3,650.00 to State Environmental Analysis for mold sampling during and after the remediation process. Funding is available in the 2005 Contingency Fund. Further requested to transfer these funds into the GTB Special Services #001-1620-100-0407. Due to the emergency condition the work was given verbal authorization by Supervisor Malfitano and is now completed.

**LATE**

**ITEM: 15.** Request by Director of Purchasing Judy D'Agostinis for a transfer of funds of \$6500.00 from FD#2's operating budget into their .250 account for emergency replacement of the boiler at the fire house on Harrison Avenue. (Please see attached back-up.)

**LATE**

**ITEM: 16.** Request by Assessor James Calandruccio for approval of the apportionment of assessed valuation of Block 84, Lot 12(Po12&58) on the 2004 Assessment Roll (Tax of 2005). Mr. Peter J. Pezzella, Jr. and Mrs. Ann D. Pezzella, owners of Block 84, Lot 12(Po12&58) would like the aforementioned property apportioned into two (2) parcels:

1. Lot 1, will, hereafter be known as Lot 12(Po12&58), Block 84.
2. Lot 2, will, hereafter be known as Lot 87(Po12&58), Block 84.

The subdivision map is attached, which was approved by the Planning Board and filed in the Westchester County Clerk's office on December 20, 2004 as Map #27467. This apportionment is necessary so that all future taxes will be sent to the respective owners.

**LATE**

**ITEM: 17.** Request by Assessor Calandruccio for reimbursement for an omitted STAR exempt for Block 741, Lot 1. Further requested to authorize the Comptroller to pay the amount of \$1,270.00 to Park Knoll Owners Corp., on behalf of Ms. Carole LaPick, owner of the unit at 34 Underhill Avenue.

**LATE**

**ITEM: 18.** Notification by Supervisor Malfitano that Harrison is the host municipality for February for the Westchester County Officials Association. The dinner will be held at

Reid Castle on the Manhattanville College grounds with the reception beginning at 6:00 pm. As is customary all Town Board members and Department Heads are invited. Supervisor Malfitano requests authorization for funds for this event in an amount not to exceed \$5,000.00. **(No Back-up)**

F. OLD BUSINESS:  
None

G. MATTERS FOR EXECUTIVE SESSION: