

February 15, 2005

A regular meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on the 15th day of February 2005, at 7:30PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano . . . . . Supervisor

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

ALSO ATTENDING

Frank Allegretti . . . . . Town Attorney  
Fred Castiglia . . . . . Village Attorney  
Jonathan Kraut . . . . . Deputy Village Attorney  
Joseph Latwin . . . . . Deputy Village Attorney  
Robert Wasp . . . . . Commissioner of Public Works  
David Hall . . . . . Chief of Police  
Judith D'Agostinis . . . . . Director of Purchasing  
Maureen MacKenzie . . . . . Comptroller  
Ronald Belmont . . . . . Superintendent of Recreation  
  
Martin Rogowsky . . . . . County Legislator, downtown area

February 15, 2005

2005 -- 071

PRESENTATION BY THE WEST HARRISON NEIGHBORHOOD ASSOCIATION

Fred Sciliano, President of the West Harrison Neighborhood Association, addressed the Board and discussed the mission statement of the Association, which are to support the preservation, enhancement and improvement of quality of life issues that affect Harrison and the local West Harrison community. He introduced Lori Wilson, Vice President, Jeff LaGrotte, Treasurer, Angela Amodeo, Secretary, and then introduced Lisa Sciliano, Charles Russo, Geraldine Barbagallo, Mario Gallo and Gregg Rosenberg. He continued that it has been an exciting three months getting the organization up and going, particularly as the first meeting coincided with the Town's presentation of the Streetscape for the West Harrison business area, and the plans for improvements to Passidomo Park. He added that the group looks forward to working with the Board on the projects.

Mr. Sciliano also said that a concern of the group is the Safe Housing issue, which the Mayor had mentioned in his State of the Town address (in January.) Committees that have been established to address the Associations concerns and ideas, and to make recommendations (for the West Harrison area) to the Town Board and the appropriate Departments are the Planning, Zoning, Architecture Committee, the Traffic Safety and Crime Watch Committee, Public Works, Utilities and Beautification, the Parks and Recreation Committee, the Senior Citizens and Family Committee, and the Membership and Newsletter Committee.

Mr. Sciliano invited everyone to attend their monthly meetings on the 3rd Thursday of each month, with Chief Hall addressing last month's meeting, and Councilman Cannella to be the speaker at this month's meeting.

Supervisor Malfitano commended the Association for coming together to address their concerns for the betterment of their community, and stated that he looked forward to working with them.

February 15, 2005

2005 -- 072

PRESENTATION BY BARBARA SPECHT, TOWN HISTORIAN

Supervisor Malfitano stated that Ms. Specht had recently submitted her Annual Report, and he thought it appropriate that she tell the community what is happening in her office and with the Historical Society.

Ms. Specht told the audience that the oldest artifacts that are in the History Center are about 3,000 years old, and are Indian arrowheads donated by former Town Councilman Frank Vetere, and his brother Pat, one of the current Councilman, had donated, as well as some stone tools and fragments of clay pipes. She continued that she now has on display an actual helmet worn by Amelia Earhardt (she had once lived here in Harrison); as well as winter sporting equipment. Ms. Specht showed the group an old pair of clamp-on ice skates that is part of the display and mentioned the seven-foot-long skis that she has. She also stated that on display at this time is a photo album that a then-soldier in World War II had put together during his time in the service, showing places that he had served, ships he was on and other happenings during his time in the service.

Ms. Specht pointed out that some families had given to the Center histories of their families as they grew up here in Harrison, and that she would love to have others, as they document the growth of the town and its people. She added that she has a great deal of information in their files for anyone who wants to do research, including over 18,000 obituaries scanned into the computer. They are presently working on a history of transportation in Harrison, from the Indians on, and are planning to start research into the businesses here over the years.

Ms. Specht concluded that she gives presentations to school groups and Scout troops, as well as welcoming anyone who comes to the Center. It is open on Tuesdays and Wednesdays, from 8 AM until 4 PM, and other days by appointment.

February 15, 2005

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 Harrison Police Department for December 2004.
- 1b. Monthly report from the Fire Marshall for January 2005.
- 1c. Monthly report from the Town Clerk for January 2005.
- 1d. 2004 Year-end report from the Town Historian
- 1e. Monthly report from the Receiver of Taxes for January 2005.
- 1f. Monthly report from the Building Inspector for January 2005.
- 1g. Monthly report from the Recreation Department for January 2005.
  
2. Report from the Long Island Sound Watershed Intermunicipal Council that the Board of Representatives unanimously adopted the amendment to Article VI, Section 2, "Conduct of Meetings".

Adopted by the following vote:

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

NAYS: None

ABSENT: None

AUTHORIZATION FOR FIRE MARSHAL STEVE SURACE TO ATTEND THE  
NYS FIRE INVESTIGATOR'S SEMINAR IN COLONIE, NY, COST: \$500

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize Fire Marshal Steve Surace to attend the NYS Fire Investigator's Seminar, in Colonie, NY, from February 25 through February 27, 2005, at a cost not to exceed \$500.00. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

APPOINTMENT OF BRENDA CAPASSO AS SENIOR OFFICE ASSISTANT-RECREATION

Superintendent of Recreation Ron Belmont informed the Board that Mrs. Capasso meets all civil service requirements and is on the Westchester County Civil Service list No. 63-018.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Ron Belmont, Superintendent of Recreation, and appoint Brenda Capasso to the position of Senior Office Assistant - Recreation, Job Group IX-D, Step One, at a salary of \$55,017, effective February 28, 2005. This is a budgeted item.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Benefits Officer, the Superintendent of Recreation, Mrs. Capasso and the President of the CSEA.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 076

AUTHORIZATION TO INCREASE THE HOURLY RATES OF PAY FOR SUBSTITUTE  
PART-TIME PERSONNEL IN THE LIBRARIES

Library Director Virginia Vogl had informed the Board members that funding for these increases is available in the Library budget, Section 1, Personnel.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Library Director Virginia Vogl and authorize the following proposed revised hourly rates of pay for substitute part-time personnel, effective for the first payroll in March, 2005 as follows:

- Librarians: J. Axelrod, L. Kugel, H. Goodspeed, and L. Farand,  
Increase from \$23.00 per hour to \$24.00 per hour
- Clerks: R. Holodak, E. Scappaticci, J. Rosa and R. Schneeman,  
Increase from \$12.50 per hour to \$13.50 per hour,  
with the Sunday rate to remain at \$14.50 per hour.
- Clerk: R. Mustacato: Increase from \$11.00 per hour to \$13.50 per hour
- Pages: F. Camera, D. Briem, C. DeFrancisco, A. Fuller, A. Veliz,  
Increase from \$7.50 to \$8.50 per hour
- Page: A. Vannoni, Increase from \$9.50 per hour to \$10.00 per hour
- Custodians: L. Annunziata, F. Cifichiello and K. Fuller,  
Increase from \$16.00 per hour to \$17.00 per hour

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of the Library and the Library Board of Trustees.

Adopted by the following vote:

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

February 15, 2005

2005 -- 077

AUTHORIZATION FOR MANHATTANVILLE COLLEGE TO HOLD A FIREWORKS DISPLAY  
ON SUNDAY, APRIL 17, 2005, WITH NO RAIN DATE

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of the Manhattanville College Director of Campus Safety & Security, Joseph Hinchey, for authorization for the College to host a fireworks display as part of a Student Activities event on Sunday, April 17, 2005 at 7:30 pm., with no rain date.

FURTHER RESOLVED that the Special Event fee be waived.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chief of Police, the Chief of the Purchase Fire Department, the Director of the Volunteer Ambulance Corps and Mr. Hinchey.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 078

AUTHORIZATION FOR THE USE OF THE RECREATION DEPARTMENT'S SOUND STAGE  
BY MANHATTANVILLE COLLEGE ON SATURDAY, APRIL 16, 2005

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Manhattanville College President Richard Berman and authorize the use of the Recreation Department's Sound Stage at the College on Saturday, April 16, 2005 during a Student Activities event.

FURTHER RESOLVED to accept the Certificate of Insurance and Indemnification Agreement as presented.

FURTHER RESOLVED to forward a copy of this Resolution to Manhattanville President Berman, and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 079

APPROVAL TO SET THE DATE OF MARCH 10, 2005 FOR A PUBLIC HEARING  
FOR A SPECIAL EXCEPTION USE PERMIT FOR VERIZON'S APPLICATION FOR  
DRAINAGE IMPROVEMENTS AT 500 WESTCHESTER AVENUE

Mr. Chris Longo, with the firm of Charles Sells, Civil Engineers, appeared for VERIZON, and stated

that there had been extensive wetlands review during the original design of the building. He added that this project is a maintenance project and will correct an ice plume that covers part of the parking lot in the winter from water that flows from the adjacent rocks. Most of the Board's questions centered on possible encroachments into wetlands, and also on where the water would go after the drainage improvements were made. It was suggested that the presentation on March 10<sup>th</sup> focus on these issues. Planning Board approval has been granted.

Councilman Paladino requested a report be prepared by the Town's wetland consultant, Beth Evans. It was agreed that the Town Engineer and Town Planner review the application and then, following that review, if there is any question as to wetlands encroachment or impact, that Ms. Evans be consulted.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to set the date of March 10, 2005, for a Public Hearing re: Special Exception Use Permit for drainage improvements to the parking lot at the Verizon facility, 500 Westchester Avenue.

FURTHER RESOLVED that the Town Engineer and the Town Planner again review the application and, if there is any question of wetlands encroachment or impact, that Wetlands Consultant Beth Evans be retained to prepare a report.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Town Engineer, the Town Planner, the Building Inspector and Mr. Longo.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 080

REQUEST TO DE-MAP THE WESTERNMOST PORTION OF HILLTOP PLACE –  
REFERRED TO THE LAW DEPARTMENT AND ADJOURNED TO MARCH 10, 2005

George Grossman of the law firm of Grossman & Associates, on behalf of their clients, Stephen and Colleen Hines requested approval for the de-mapping of the westernmost portion of Hilltop Place. Town Planner Patrick Cleary, Assessor James Calandrucchio, Building Inspector Bob Fitzimmons and

Village Attorney Joseph Latwin had been consulted regarding issues of ownership of the road, frontage and related matters. It was also stated that the portion of Hilltop Place which Mr. and Mrs. Hines seek to remove from the official tax map is entirely privately owned by them, is unpaved, provides no outlet to any private or public road, and is not maintained by the Town. A survey of the area was presented.

On motion of Councilman Cannella, seconded by Councilman Paladino,

it was

RESOLVED to adjourn this request until the March 10, 2005 Town Board meeting, and refer the applicant to Village Attorney Joseph Latwin for further discussion.

FURTHER RESOLVED that the applicant notify all owners of property abutting Hilltop Place.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Town Engineer, the Planning Consultant, the Assessor and Mr. Grossman.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 081

AUTHORIZATION TO EXTEND THE NEW YORK STATE SNOW AND ICE AGREEMENT  
WITH WESTCHESTER COUNTY FROM JULY 1, 2006 TO JUNE 30, 2007,  
AT A COST OF \$27,484.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Deputy Village Attorney Joseph Latwin and authorize the extension of the NYS Snow and Ice Agreement with Westchester County for the period of July 1, 2006 to June 30, 2007, with an annual expenditure of \$27,482.

FURTHER RESOLVED that the Supervisor be authorized to sign said Agreement and the Commissioner of Public Works be authorized to sign the maps.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 082

AUTHORIZATION FOR A REDUCTION IN THE PERFORMANCE BOND  
FOR THE BROOKVIEW ESTATES SUBDIVISION FROM \$850,000 TO \$450,000

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Planning Board, upon the recommendation of the Town Engineer, to reduce the bond of the Brookview Estates Subdivision from \$850,000. to \$450,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chair of the Planning Board and the Town Engineer.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 083

APPROVAL TO AMEND TOWN BOARD RESOLUTION #90-509 AND INCREASE  
THE DOLLAR LIMIT FOR VARIOUS FEES SUBMITTED TO THE LAW DEPARTMENT  
THAT CAN BE PAID WITHOUT TOWN BOARD APPROVAL FROM \$5,000 TO \$10,000

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Village Attorney Fred Castiglia and amend TBR# 90-509 increasing the dollar amount for adjusting fees, investigative fees, transcript fees and all miscellaneous fees in connection with all Notice of Claims and Lawsuits as submitted to the Law Department from the previous limit of \$5,000 to an increased limit of \$10,000, with fees within these limits to be paid without requiring Town Board approval.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 084

APPROVAL FOR A REDUCTION IN THE PERFORMANCE BOND  
OF THE KNIGHTSBRIDGE MANOR SUBDIVISION FROM \$900,000 TO \$275,000

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the decision of the Planning Board and reduce the amount of the Performance Bond for the Knightsbridge Manor Subdivision from \$900,000 to \$275,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Town Engineer, the Building Inspector and the Subdivision's Attorney, Linda Whitehead.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 085a

APPROVAL TO DECLARE THE TOWN BOARD AS LEAD AGENCY IN THE MATTER OF  
THE CREATION OF A NEW BUILDING ZONE: RTZ: RESIDENTIAL TRANSITIONAL ZONE,  
AND FOR THE APPLICATION TO BUILD TOWN HOUSES ON THE PROPERTY AT  
390 MAMARONECK AVENUE UNDER THIS PROPOSED ZONING.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to declare the Town Board as Lead Agency under SEQRA in the matter of the creation

of a new building zone: RTZ: Residential Transitional Zone, and for the application to build town houses on the property at 390 Mamaroneck Avenue under this proposed zoning.

FURTHER RESOLVED to forward a copy of this Resolution to the Chair of the Planning Board, the Town Engineer, the Town Attorneys, the Building Inspector, and the Town Planner.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 085b

REFERRED TO THE PLANNING BOARD: REQUEST FOR CREATION OF  
A NEW BUILDING ZONE, FOR TOWN HOUSES, AND AN  
APPLICATION TO BUILD TOWNHOUSES  
ON THE PROPERTY AT 390 MAMARONECK AVENUE

Attorney Frank McCullough, Jr., of the law firm of McCullough, Goldberger and Staudt, made a presentation on behalf on his client, The Real Estate Equity Company, LLC (Treeco), requesting the rezoning of 390 Mamaroneck Avenue, property currently owned by The Strait Gate Church, Inc., with Treeco as the prospective buyer. He stated that Treeco is proposing a plan for 29 single-family townhouses to be built on the approximately 8.36 acre property bordering Mamaroneck

Avenue near the Westchester Joint Water Works building, land which is presently zoned R-1, single family homes. The townhouses would be attached in groups of two to five units, that there would be eight buildings, with underground garages as well as driveway parking.

Mr. McCullough continued that the Zoning Code of the Town of Harrison does not currently permit attached townhouses in any district, and therefore a Petition to create a new Zoning District to be designated as the RTZ - Residential Transition Zone is being submitted at this time, following consultation with Town Planner Pat Cleary. Mr. McCullough also said that this Petition requests the rezoning of the Property that Treeco is proposing to purchase to this new RTZ zone. Included in the proposed rezoning are two parcels of land adjacent to the Property which currently contain a single family home on each parcel. However, since the proposed amendment permits single-family homes, these properties would not be rendered nonconforming as a result of the rezoning.

Mr. McCullough continued that he is also submitting Part I of the Environmental Assessment Form, which could be used to initiate the Lead Agency Process of the required Environmental Quality Review under SEQRA. He also stated that a traffic study is being prepared by the offices of Saccardi & Schiff, Inc., and John Collins Engineers.

Mr. McCullough also stated that, under the criteria that they are proposing there are only two sites in the Town of Harrison that would fit the criteria of the proposed zone, properties that abut R-1 single family zones and SB-1 zones. He pointed out that the second property is the Kentucky Stables site which is also on Mamaroneck Avenue. He added that he just wanted to make it clear to the Board that this zoning would not be replicated throughout the Town.

Councilman Palaldino questioned the reason that the adjoining parcels that now contain two single-family homes, were included within the proposed rezoning. Mr. McCullough answered that it goes back to the rezoning of the present Pepsico property, the SB-100 zone, that, at that time, the rezoning only applied to the property that Pepsico purchased; it did not extend to Anderson Hill Road. He added that he believed that rezoning should be applied to natural barriers, not to acreage. In response to a further question, he did add that his client was negotiating to purchase the properties, but had not been successful.

Mr. McCullough further stated that his client is preparing a Corridor Study for the stretch of Mamaroneck Avenue from the Hutchinson River Parkway to the Mamaroneck line, for submission to the Planning Board and the Town Board, which will address the planning aspects of this transitional site, a full traffic analysis and also a fiscal impact analysis. He also stated that he would include in the submission what would happen if his client was able to purchase the additional two lots, which would be about an additional seven units. Environmental issues will also be addressed.

In response to a question, Mr. McCullough said that the units proposed would be about 3,000 square feet, in town houses 2.5 stories high, built in clusters with underground parking as well as driveway tandem parking, with an overall colonial look to the buildings.

He continued that the units are being targeted to empty nesters, younger as well as older, to recapture people who are leaving Harrison by presenting an alternative that does not exist here, that this will be a high-end project.

Councilman Cannella stated that, to the extent that this Zone is being particularly crafted to this site, he wanted to make sure that going forward does not give to this applicant an "as of right" right to develop this site with townhouses. He also said that this is a needed Zone in Harrison.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to refer to the Planning Board the application The Real Estate Equity Company, LLS (Treeco) for the rezoning of the property at 390 Mamaroneck Avenue.

FURTHER RESOLVED that the Planning Board send to the Town Board a full site plan review.

FURTHER RESOLVED that the residents of the Winfield Glen area be notified through their Association.

FURTHER RESOLVED to forward a copy of this Resolution to the Chair of the Planning Board, the Town Engineer, the Town Attorneys, the Building Inspector, and the Town Planner.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 086

APPROVAL TO SET THE DATE OF MARCH 10, 2005 FOR  
A PUBLIC HEARING ON THE REQUEST OF EASTRIDGE PROPERTIES FOR A SPECIAL  
EXCEPTION USE PERMIT FOR AN ADDITION TO 103 CORPORATE PARK DRIVE AND  
RELIEF FROM PARKING REQUIREMENTS.

Planning Board approval has been granted. Planning Board Resolutions 2005/03 and 2005/04 were presented.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to set the date of March 10, 2005, for a Public Hearing on the request of Architect James Smith on behalf of his client, Eastridge Properties II Corporation, 103 Corporate Park Drive, for a Public Hearing on their request for a Special Exception Use Permit regarding the addition of

approximately 1,000 square feet to the existing building and relief from parking requirements.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Town Engineer, the Assessor and Mr. Smith.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 087

APPROVAL OF APPORTIONMENT OF ASSESSED VALUATION:  
BLOCK 523, LOTS 8,9,10,11 AND 27(27Po11)

Deputy Village Attorney Joseph Latwin explained that this apportionment will move lot lines, resulting in three lots instead of five lots with only one of them conforming: the proposed Lot A is vacant and remains a conforming lot; proposed Lot B will result in an improvement in conformity as to the side yard setbacks; proposed Lot C has two small structures on it, but no principal structure for them to be attached to. He added that it is not legal to have accessory structures without a main building.

Assessor James Calandruccio further explained that of the present five lots, only one is conforming to the present zoning code although all are legal building lots, while the proposed apportionment will result in three lots conforming to the zoning in area. He added that two of the lots have homes on them, two have accessory structures that were built sometime prior to 1947 and one is vacant. The end result will be one lot with a house, a garage and a caretakers' house, one lot with two accessory structures, and one vacant lot. He added that at this time, the owners are planning construction of a public sewer.

The attorney for the applicants, Linda Whitehead of McCullough, Goldberger and Staudt, had informed the Board that the proposed re-apportionment will eliminate four (4) non-conforming parcels, with regard to area. She added that, since some of the set-backs are non-conforming, the re-adjustment of the common property lines will have no adverse impact on the new set-backs.

After considerable discussion, Mr. Latwin proposed that the apportionment be approved, with the structures to remain at this time, but that no building permit be issued for that particular lot until the accessory structures are removed.

Councilman Cannella stated that what the Board is doing here is creating a building lot and facilitating the development of that lot, and questioned whether or not it should be reviewed first by the Planning Board. He felt that it should be so reviewed.

Mr. Latwin replied that this is not within the responsibility of the Planning Board.

In response to the concerns of Councilmen Cannella and Paladino that future owners of Lot B, which has 1.768 acres, might come in and request that the Lot be subdivided, Supervisor Malfitano stated that, as a matter of policy, the Planning Board will no longer hear any requests for subdivision that results in substandard lots.

Town Clerk Joan Walsh pointed out that, under the current Grant that was awarded under the Archive Grant program, all the Resolutions of the Planning Board and the Zoning Board of Appeals going back to the 1930's, are being entered into a Building Department database. As part of that database, any conditions or restrictions on a property will be recorded so that any time someone looks at a particular parcel, they will immediately know if there are conditions or restrictions on that property.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Assessor James Calandruccio for the apportionment of assessed valuation of Lots 8, 9, 10, 11 and 27(27Po11), Block 523 on the 2004 Assessment Roll (Tax of 2005) requesting the re-apportionment of the existing five (5) parcels into three (3) parcels, as follows:

Lot A, containing 1.013 Acres will hereafter, be known as Lot 8(Po8), Block 523

Lot B, containing 1.768 Acres will hereafter, be known as Lot 10(9-10&Po8&11)  
Block 523.

Lot C, containing 1.005 Acres will hereafter, be known as Lot 27(27&Po11) Block  
523.

FURTHER RESOLVED that no building permit will be issued for Lot C until the accessory structures are removed, with the further directive that both accessory structures be removed no later than three years from this date regardless of whether or not a main structure is built within that time.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor, the Commissioner of

Public Works, the Town Engineer, the Town Planner, the Town Attorneys and Ms. Whitehead.

Adopted by the following vote:

AYES: Councilmen Scappaticci and Vetere  
Supervisor Malfitano

NAYS: None

ABSTAIN: Councilmen Cannella and Paladino

ABSENT: None

February 15, 2005

2005 -- 088

SUPPORT OF THE APPLICATION OF WESTCHESTER COUNTY  
TO HOST THE 2007 EMPIRE STATE GAMES

The Empire State Games is the largest competition of its kind in the entire country – a multi-sport event for amateur athletes, patterned after the Olympic Games. Over 30,000 men and women try out to be a finalist in the Games every year, and those who make it, about 6,000 athletes, have gone on to be Olympic medallists, All-Americans and professional athletes in nearly every sport. The 2007 Games will be held from July 24th through the 29<sup>th</sup> of 2007.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED as follows:

WHEREAS Westchester County has recently submitted an application to host the Empire State Games in 2007; and

WHEREAS the Empire State Games is the largest competition of its kind in the United States, a multi-sport event for amateur athletes patterned after the Olympic Games; and

WHEREAS the Empire States Games in Westchester is expected to attract 6,000 athletes, their families, friends and coaches to the County, boosting the economy for local restaurants, hotels, retail stores and entertainment and recreational venues; and

WHEREAS Westchester's many student-athletes and excellent athletic programs stand to benefit if Westchester hosts the Empire State Games in 2007; and

WHEREAS hosting the Empire State Games is a great opportunity for the county to publicize its cultural, recreational and historical attractions to the entire State of New York; and

WHEREAS Westchester County has never before been given the opportunity to host the Games and every municipality will benefit from this event.

NOW, THEREFORE, BE IT RESOLVED that the Town/Village of Harrison urges Governor Pataki to select Westchester County as the host for the 2007 Empire State Games; and

BE IT FURTHER RESOLVED that Harrison is particularly proud to be the host community for those sport competitions that will be held at Manhattanville College and Purchase College (SUNY), colleges located within the borders of the Town/Village of Harrison; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Governor Pataki, Commissioner Bernadette Castro of the New York State Office of Parks, Recreation and Historic Preservation, and to Westchester County Executive Andrew Spano.

BE IT FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Superintendent of Recreation, the Chief of Police, the Chief of the Purchase Fire Department and the Director of the Harrison Volunteer Ambulance Corps.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 089

AUTHORIZATION TO APPLY FOR GRANT FUNDING UNDER THE QUALITY  
COMMUNITIES GRANT PROGRAM ADMINISTERED BY THE NEW YORK STATE  
DEPARTMENT OF STATE, DIVISION OF LOCAL GOVERNMENT

Supervisor Malfitano explained that this Program would grant to Harrison funds to enhance the appearance of an area, IE. store fronts or business signage. A total of \$1 million is available for all municipalities. Mr. Malfitano intends to apply for \$50,000 under this program.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize Supervisor Malfitano to apply for a grant under the Quality Communities Grant program, as administered by the New York State Department of State, Division of Local Government.

FURTHER RESOLVED to designate Supervisor Malfitano as the representative authorized to act on behalf of the Town Board in all matters related to this financial assistance.

FURTHER RESOLVED that, as requested by Councilman Paladino, a copy of any application will be sent to the Councilmen.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 090

AUTHORIZATION TO APPLY TO WESTCHESTER COUNTY FOR GRANT FUNDS  
FROM THE WESTCHESTER COUNTY DEPARTMENT OF PARKS TO BE USED TOWARDS  
THE COSTS OF PROJECT HOME RUN.

County Legislator Martin Rogowsky addressed the Board, and stated that County Executive Andy Spano has asked the County Board of Legislators to provide funding to create more ball fields throughout the County, and that it is anticipated that this funding will be about \$2 million to \$3 million each year.

Mr. Rogowsky continued that there are three phases to this Westchester Legacy program: (1) acquisition of open space; (2) acquisition of environmentally sensitive land; and (3) encouraging active recreation. Under the last category is (A) partnering with local municipalities to create new ball fields; (B) creating new fields in County Parks; and (C) rebuilding fields in County Parks. He added that now, with all the two-season sports, more fields are needed. Mr. Rogowsky also said that, locally, three fields are being created on King Street in Rye Brook, and a soccer field in White Plains.

Westchester County Commissioner of Parks Joseph Stout, a former Harrison resident, stated that a requirement of the funding is that the fields be open for use by all County residents, but he added that with the great need for fields here in Harrison, it is not likely that there would be free time for County use. He added that as Harrison holds tournaments here with players from other communities, that

would satisfy the requirement for county use. He also stated that since Harrison has many travel teams, those games would also meet the requirement for County use. Mr. Stout also said that the County would only get involved in the scheduling of the use of the fields if a County resident was denied use of the field when it was not being used -- that would be a "no-no."

Councilman Scappaticci asked how a County resident would know that these fields might be available, if they are not included in the listings for County parks.

Mr. Stout pointed out that, as the application process proceeds, there will be public meetings and public approvals.

Councilman Paladino questioned the provision in the Agreement that provides for a sale of the land to the County, and then a leaseback to the Town.

Commissioner Stout replied that, in order for the County to issue bonds, Harrison must lease to the County for a period of fifteen years, and then the County will "permit" it back to the Town. After fifteen years, the lease ends.

Supervisor Malfitano stated that the Town now has inter-municipal play (in various sports), that there will not be any change in use, but that there will now be a legal requirement for such play. He added that there aren't any implications regarding the use of any other Harrison parks.

Mr. Malfitano also questioned the possible impact that this grant request might have on the Town's application for funding for county roads within the Town, and was told that there would not be a negative impact, and might possible increase such funding.

Councilman Cannella asked if filing the application locks the Town into the process, if the Board later finds that there is an area of disagreement.

Mr. Stout replied that the Town can back out of the process at any time prior to signing the Inter-Municipal Agreement.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

**RESOLVED** to authorize the Supervisor to apply for funding from the County of Westchester for the ball fields in Project Home Run, under the provisions as stated in the proposed Inter-Municipal Agreement.

**FURTHER RESOLVED** to forward a copy of this Resolution to the Superintendent of Recreation, the Comptroller, the Commissioner of Public Works, the Town Engineer, the Town Attorneys and Commissioner Stout.

Adopted by the following vote:

AYES: Councilmen Scappaticci and Cannella  
Councilman Paladino, with reservations,  
Supervisor Malfitano

NAYS: Councilman Vetere

ABSENT: None

February 15, 2005

2005 -- 091

TABLED: REQUEST FOR AUTHORIZATION FOR AN AGREEMENT WITH HARRISON  
WATER DISTRICT #2 AND THE WESTCHESTER JOINT WATER WORKS REGARDING  
THE TRANSFER OF CERTAIN ASSETS FROM THE FORMER WATER DISTRICT #1 NOW  
THAT IT HAS MERGED WITH WATER DISTRICT 2/WJWW.

Supervisor Malfitano asked that this matter be tabled, as the Agreement is not yet finalized.

February 15, 2005

2005 -- 092

APPROVAL FOR FIRE MARSHAL STEVE SURACE TO RESPOND TO  
ARSON INVESTIGATION TEAM CALLS DURING NORMAL BUSINESS HOURS.

This matter had been tabled at the last Town Board meeting.

Mr. Surace requested a decision from the Board. It was pointed out that there were questions raised by the Board, particularly the matter of insurance coverage when Mr. Surace was out on calls, as well as the amount of time that might be needed. Mr. Surace stated that he was covered by the Volunteer FireFighters Association when responding to such calls, and that he would only be responding to calls in the Sound Shore area and it would be a matter of Mutual Aid.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Fire Marshal Steve Surace for authority to respond to Mutual Aid calls as a member of the Arson Investigation Team during normal business hours.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci, Vetere and Cannella

Supervisor Malfitano

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 093

APPROVAL TO OPEN NEGOTIATIONS WITH THE COUNTY OF WESTCHESTER  
REGARDING THE TOWN TAKING OVER THE MAINTENANCE RESPONSIBILITY  
FOR CERTAIN COUNTY ROADS.

Commissioner of Public Works Bob Wasp asked the Board for a Resolution indicating the Town is interested in taking on the responsibility for the maintenance of certain County roads. In doing so, the Town would get funding for equipment for maintaining these roads and for various other purposes, in an amount of approximately \$250,000 per mile of roadway. He pointed out that one possible road would be Halstead Avenue, which has recently been repaved and would not need substantial maintenance for many years.

Councilman Cannella requested a 50-year modeling for each road that Commissioner Wasp would want to be included in this negotiation.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to open negotiations with the County of Westchester regarding the possible takeover by the Town of certain County-owned roads within the Town, and authorizing the Supervisor to send a letter opening such negotiations.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 094  
DISCUSSION

Speed Monitoring Sign on Park Lane

Police Chief David Hall addressed the Board on the topic of the Speed monitoring device that had been promised be installed on Park Lane following the roll-over accident of a truck on that road.

Chief Hall stated that he now had an estimate of the costs for such a device of between \$20,000 and \$25,000. He added that excavation costs would be about \$11,000, and electrical costs about \$10,000 to \$11,000.

Town Engineer Hugh Greechan was directed to prepare the specifications for the installation of the device.

February 15, 2005

2005 -- 095

MATTERS FOR EXECUTIVE SESSION:

Personnel	4
Litigation	6
Advice of Counsel	1

On motion duly made and seconded,  
with all members voting in favor, the Meeting  
was recessed for Executive Session at 9:35 PM.

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was reconvened at 11:35 PM.

February 15, 2005

2005 -- 096

APPOINTMENT OF HEINZ FROHLICH TO THE PERMANENT POSITION  
OF HIGHWAY FOREMAN, IN THE DEPARTMENT OF PUBLIC WORKS

Mr. Frohlich has been Acting Highway Foreman.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Heinz Frohlich to the position of Highway Foreman on a permanent basis, effective January 1, 2005, at the annual salary of \$ 61,984.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 097

RE-APPOINTMENT OF MICHAEL BISCEGLIA AS GENERAL FORMAN  
IN THE HIGHWAY DIVISION OF THE DEPARTMENT OF PUBLIC WORKS

Mr. Bisceglia had been away from his position as General Foreman due to a disability.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to re-appoint Michael Bisceglia to the position of General Foreman in the Highway Division of the Department of Public Works, effective January 31, 2005, at the annual salary of \$90,394, prorated from January 31, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 098

SETTLEMENT OF CLAIM: DiFEO GLASS AND MIRROR COMPANY  
vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to settle the claim of the DiFeo Glass and Mirror Company for damage to a vehicle in the amount of \$1,622.41.

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 Commissioner of Public Works, the Comptroller and the Town Attorneys.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 099

SETTLEMENT OF CLAIM: SIRAGUSA vs. TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to settle the claim of Robert Siragusa vs. the Town of Harrison for damage to an automobile, in the amount of \$526.32

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 Commissioner of Public Works and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 100

APPOINTMENT OF GARY BOIGON TO THE ARCHITECTURAL BOARD OF REVIEW

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Gary Boigon to the Architectural Board of Review, in the place and stead of Robin Topol, with his term to expire on December 31, 2007.

FURTHER RESOLVED to forward a copy of this Resolution to the Chair of the Architectural Board of Review, and to Mr. Boigon.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

February 15, 2005

2005 -- 101

AUTHORIZATION TO INDEMNIFY AND DEFEND THE SUPERVISOR IN THE MATTER OF  
A CLAIM FILED AGAINST HIM BY BALABER-STRAUSS AS TRUSTEE FOR THE ESTATE  
OF LORONDA MURPHY VS THE TOWN OF HARRISON AND VARIOUS OFFICIALS  
PURSUANT TO THE PUBLIC OFFICERS LAW AND PRIOR TOWN BOARD RESOLUTIONS.

In August 2003, the Town foreclosed upon property owned by Loronda Murphy for non-payment of real estate taxes, but allowed Mrs. Murphy and her family to stay in the house until a date no later than February 28, 2004. At the Town Board meeting of February 26, 2004, Mrs. Murphy continued her campaign to regain ownership of the house. Her demand was addressed by the Town Attorney, Frank Allegretti at that meeting. Mrs. Murphy is now suing the town and its officials regarding this foreclosure.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to indemnify and defend the Supervisor, pursuant to the Public Officers law and prior Town Board Resolutions, in any matters arising from the law suit: Balaber-Strauss as Trustee for the Estate of Loronda Murphy vs. Town of Harrison, and Loronda Murphy and Vincent Murphy,

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

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci, Vetere 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, with all members voting in favor, declared closed at 11:40 PM.

Respectfully submitted,

Joan B. Walsh  
Town Clerk