

January 26, 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 26th day of January 2005, at 7:30PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen MalfitanoSupervisor

Thomas Scappaticci)Councilmen
Joseph Cannella)
Robert Paladino)

MEMBERS ABSENT:

Patrick Vetere Councilman

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

Supervisor Malfitano congratulated all the employees in the Department of Public Works for their fine efforts during the recent snow event (about 9 inches of snow fell during the weekend of January 22/23, with high winds and drifting snow.) He also congratulated the police force and the firefighters for their efforts during the storm.

Mr. Malfitano also stated that the details of the Fund-raising Dinner to be held by the Harrison Chamber of Commerce, planned for April, to benefit the victims of the Tsumani in Asia, on December 26, 2004, were not yet available, but would be announced as soon as the plans are finalized.

January 26, 2005

2005 -- 052

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilman Paladino,

it was

RESOLVED to accept the following Report:

Annual Program Report from the Recreation Department for 2004.

Adopted by the following vote:

AYES: Councilmen Paladino and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere
Councilman Scappaticci had not yet arrived.

January 26, 2005

2005 -- 053

ACCEPTANCE, WITH REGRET, OF THE RETIREMENT OF NANCY FRAIOLI,
BENEFITS ASSISTANCE OFFICER

On motion of Councilman Cannella, seconded by Councilman Paladino,

it was

RESOLVED to accept, with great regret, the letter of retirement from Nancy Fraioli, Benefits Assistance Officer, effective February 28, 2005, after serving the Town for 18 years.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Nancy Fraioli as the retiree and as the Benefits Officer.

Adopted by the following vote:

AYES: Councilmen Paladino and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere
Councilman Scappaticci had not yet arrived.

January 26, 2005

2005 -- 054

AUTHORIZATION FOR MARGARET MINISHI-HARMON,
OF THE RECREATION DEPARTMENT,
TO ATTEND THE REC-WARE USERS CONFERENCE COST: \$1,450

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Superintendent of Recreation Ron Belmont and authorize Margaret Minishi-Harmon to attend the Rec-Ware Users Conference, from February 27th through March 1, 2005, in Sacramento, Ca., at a cost not to exceed \$1,450.00. This is a budgeted item.

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

Adopted by the following vote:

AYES: Councilmen Paladino and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere
Councilman Scappaticci had not yet arrived.

January 26, 2005

2005 -- 055

APPROVAL FOR A SPECIAL EVENTS PERMIT FOR A WALK-A-THON
ON SUNDAY, JUNE 12, 2005, ON THE MANHATTANVILLE COLLEGE CAMPUS,
TO BENEFIT THE NATIONAL ALLIANCE FOR AUTISM RESEARCH

Ms. Zygmont informed the Board that the route is to be fully contained on campus, with registration beginning at 9:00 AM and the Walk commencing at 10:00 AM. She also notified the Board that a Certificate of Insurance has been submitted.

On motion of Councilman Cannella, seconded by Councilman Paladino,

it was

RESOLVED to approve the request of Valerie Zygmont of the National Alliance for Autism Research for a Special Events Permit for a Walk-a-thon, Sunday, June 12, 2005 at Manhattanville College.

FURTHER RESOLVED that the present Certificate of Insurance must be amended to include the Town of Harrison and the Village of Harrison as additional insured.

FURTHER RESOLVED that use of the Recreation Department's Portable Stage be authorized, and that all fees be waived.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

Councilman Scappaticci arrived while this Resolution was being discussed.

January 26, 2005

APPROVAL OF THE SENIOR TRANSPORTATION PROGRAM AND SERVICES
AGREEMENT BETWEEN THE COUNTY OF WESTCHESTER AND THE
TOWN OF HARRISON, JANUARY 1, 2005 THROUGH DECEMBER 31, 2005

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the Senior Transportation Program and Services Agreement between the County of Westchester and the Town of Harrison, from January 1, 2005 through December 31, 2005.

FURTHER RESOLVED that the Supervisor be authorized to execute said Agreement.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

APPROVAL OF A 207-a DISABILITY BENEFITS APPLICATION
FOR FIREFIGHTER ARTHUR COPPOLA

Town Attorney Frank Allegretti explained that Mr. Coppola was injured while using the Jaws of Life equipment while at an emergency call. He added that although the injury occurred on August 12, 2004, Mr. Coppola did not file for benefits until January 13, 2005 as he had not been aware that he was eligible. He returned to work on September 8, 2004.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti and approve the 207-a Disability Benefits Application for Firefighter Arthur Coppola.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Chief of the downtown Fire Department and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 058

APPROVAL FOR THE PAYMENT OF THE PREVIOUSLY AUTHORIZED STIPEND TO

TOWN CLERK JOAN WALSH AS ELECTION LIAISON

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Town Clerk Joan Walsh for payment of her stipend as Election Liaison, in the amount of \$5,000.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 059

TABLED: REQUEST OF FIRE MARSHAL STEVE SURACE TO RESPOND TO CALLS
FROM THE WESTCHESTER COUNTY ARSON TASK FORCE

Fire Marshal Steve Surace notified the Town Board of his appointment to the Westchester County Arson Task Force, Cause and Origin Team-Zone Number 2. He stated that as a member of this Team, he may be called upon to respond to an incident during the daytime hours, and asked the Board for authorization to respond to such calls during his normal working hours.

January 26, 2005

2005 -- 060

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 BEEN MERGED WITH WATER DISTRICT #2/WJWW

Water District #1 was merged with Water District #2 effective December 31, 2004. Water District #2 is part of the Westchester Joint Water Works, as are the Water Districts of the Town of Mamaroneck and the Village of Mamaroneck.

The Request was tabled until the wording of the Agreement is finalized.

January 26, 2005

2005 -- 061

TABLED: REQUEST TO BROADEN THE USE OF THE PER LIMIT AMOUNT
OF \$5,000 TO \$10,000 BY THE TOWN ATTORNEYS' OFFICE TO PAY
FOR CERTAIN SPECIFIED FEES

This Request was tabled until the Law Department prepares the exact wording for the Resolution.

January 26, 2005

2005 -- 062

APPROVAL OF A RESOLUTION THAT PROOF OF CITIZENSHIP BE REQUIRED
FOR VOTER REGISTRATION.

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to adopt the following:

WHEREAS, Article II, Section 1 of the Constitution of the State of New York provides, in part, that "Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years or over...", and

WHEREAS, Article II, Section 5, entitled (Registration of Voters) provides, in part, that "Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters', which registration shall be completed at least ten days before each election. Such registration shall not be required for towns and village elections except by express provisions of law," and

WHEREAS, Section 5-102 of New York's Election Law provides, in part, that "no person shall be qualified to register for and vote at any election unless he is a citizen of the United States," and

WHEREAS, Section 5-210 of New York's Election Law provides in part, that a person may apply for registration upon signing an affidavit which states, in part:

AFFIDAVIT: I swear or affirm that:

- * I am a citizen of the United States.
- * I will have Lived in the county, city or village for at least 30 days before the election.
- * I meet all the requirements to register to vote in New York State.
- * This is my signature or mark on the line below.
- * All the information contained on this application is true. I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years, ...

and

WHEREAS, it is the position of this Town Board of the Town of Harrison that notwithstanding the provisions of the above requirement, many voters have registered notwithstanding that they are not citizens of the United States.

NOW THEREFORE, BE IT RESOLVED, that in order to clearly establish that only citizens of the United States be entitled to vote at elections, that the State enact legislation requiring proof of citizenship, either in the form of a valid birth certificate, or proof of naturalization, be furnished to the authorities by any person wishing to register to vote in any future election, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to our State Representatives, and also to all Municipalities so that similar Resolutions be forwarded to the State Legislature to support the requested legislation.

FURTHER RESOLVED to forward a copy of this Resolution to our Representatives in the State Legislature, to Governor Pataki, Governor of the State of New York, to the Town Clerk of the

City of Rye, and all other Municipalities in Westchester County.

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 063

MATTERS FOR EXECUTIVE SESSION:

Personnel	8
Acquisition of Property	1
Contract negotiations	1
Outside Counsel fees.	2
Litigation update	1

On motion duly made and seconded,
the Meeting was recessed for
Executive Session at 8:10 PM

The Meeting reconvened
at 9:55 PM

January 26, 2005

2005 -- 064

APPOINTMENT OF BRIAN MOHR TO THE FULL-TIME POSITION OF MECHANIC
IN THE DEPARTMENT OF PUBLIC WORKS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Brian Mohr to the position of Mechanic, on a full-time basis, in the Department of Public Works, at the annual salary of \$45,898, effective January 1, 2005, which,

in accordance with the Teamsters' Union contract, is 80% of the salary of the position, for the initial two years of the appointment.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 065

RE-APPOINTMENT OF JOHN TANNENBAUM
TO THE BOARD OF ASSESSMENT REVIEW

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to re-appoint John Tannenbaum to the Board of Assessment Review, said appointment to be for a term of five years, from October 1, 2004 through September 30, 2009.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor and the Chair of the Board of Assessment Review.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Paladino
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 066

INCREASE IN THE STIPEND PAID TO ALBERT DiLAURIA AND BEN DeFONCE,
VETERANS' AFFAIRS OFFICERS, TO \$6,000 PER YEAR

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the stipend paid to Veterans' Affairs Officers Albert DiLauria and Ben DeFonce by \$1,000 each, to \$6,000 each.

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

and Mr. DeFonce.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Paladino
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 067

APPROVAL TO INCREASE THE HOURLY RATE OF PAY OF FLORENCE D'IMPERIO
MEALS ON WHEELS AND COMMUNITY SERVICES OFFICE, TO \$17.00 PER HOUR

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to increase the hourly rate of pay for Florence D'Imperio, part-time clerk in the office of Community Services and Coordinator for the Meals on Wheels program, to \$17.00 per hour. Funds are available in the Community Services budget.

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

Director of Community Services.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Paladino
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 068

APPROVAL OF THE INVOICE OF OUTSIDE COUNSEL ROBERT WEININGER
IN THE MATTER OF BAKSH vs TOWN OF HARRISON,
IN THE AMOUNT OF \$953.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the invoice of Robert Weininger, in the matter of Baksh vs Town of Harrison, in the amount of \$953, which sum exceeds the cap on legal fees of \$10,000.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Paladino
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 069(corrected)

APPROVAL TO CREATE THE POSITION OF INTERMEDIATE CLERK IN
BUDGET CATEGORY: GENERAL TOWN SERVICES

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to create the position of Intermediate Clerk in the budget line for General Town Services, as a Grade III, with a beginning salary of \$30,775.

FURTHER RESOLVED that the Supervisor will notify the President of the CSEA to post this job opening for the required 10 day period, and that the Civil Service list for this title will then be canvassed.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the President of the Civil Service Employees Association.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Paladino
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

January 26, 2005

2005 -- 070

AUTHORIZATION FOR THE SUPERVISOR TO MAKE AN OFFER OF EMPLOYMENT
TO A CERTAIN INDIVIDUAL AND TO NEGOTIATE THE TERMS OF EMPLOYMENT

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the Supervisor to make an offer of employment to a certain individual, and to negotiate the terms of employment with that person, as discussed in Executive Session.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller the President of the Civil Service Employees Association.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Paladino
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 9:55 PM.

Respectfully submitted,

Joan B. Walsh
Town Clerk