

April 14, 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 14th day of April 2005, at 7:30PM. Eastern Daylight Savings 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
Ron Belmont Superintendent of Recreation
Hugh Greechan Town Engineer
James Calandrucchio Assessor

April 14, 2005

RECOGNITION OF THE 2004-2005
NYS ARCHDIOCESAN BASKETBALL BANTAM CHAMPIONS

Coach Paul Broderick stated that the team has won 42 straight games. He praised the players for their efforts and dedication, as well as the parents who were so very supportive. John Pipitone is also a coach of the team.

Supervisor Malfitano presented certificates to the following team members:

Vinnie Nicita,	Tim Broderick,	Nick Pipitone,	Henry Heller,
Bob Scatenato,	David Polakoff,	Jack McCarthy,	John DeFonce,
Kyle Clokey,	Stephen Kavanah	Cory Calcagani,	

ACCEPTANCE OF A DONATION BY THE HARRISON ROTARY CLUB OF
TWO BENCHES TO BE PLACED FACING THE DOWNTOWN VETERANS' HONOR ROLL
IN MA RIIS PARK.

John Porco, President of the Harrison Rotary Club, informed the Board that this year, 2005, is the Centennial of the Harrison Rotary Club. He stated that in commemoration of this milestone the Rotary Club is donating two park benches to the Town, to be placed in Ma Riis Park in the area near the Veterans' Memorial Honor Roll. He asked that the benches be placed so people can view the names on the Honor Roll.

Supervisor Malfitano thanked Mr. Porco and the members of the Rotary Club for their generosity. He then asked Mr. Porco to submit the sketches for the benches indicating the location to the Town Engineer to finalize the details of placement.

April 14, 2005

2005 -- 141

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the following reports:

- 1a. Monthly report from the Harrison Police Department for February 2005.
- 1b1. Monthly report from the Westchester Shore Humane Society for February 2005.
- 1b2. Monthly report from the Westchester Shore Humane Society for March 2005.
- 1c. Monthly report from the Fire Marshal for March 2005.
- 1d. Monthly report from the Town Clerk for March 2005.
- 1e. Quarterly report from the Harrison Library for January, February and March 2005.
- 1f. Monthly report from the Receiver of Taxes for March 2005.
- 1g. Monthly report from the Building Inspector for March 2005.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 142 -- a

PUBLIC HEARING RE: AMENDMENT TO THE SPECIAL EXCEPTION USE PERMIT
THAT HAD BEEN GRANTED TO THE WESTCHESTER COUNTRY CLUB

FOR THE CONSTRUCTION OF A NEW SQUASH COURT
AND CART STORAGE FACILITY.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was opened.

The matter had been before the Planning Board, and that Board had given approval for this change.

No one spoke for or against the application.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was closed.

April 14, 2005

2005 -- 142 -- b

APPROVAL OF THE AMENDMENT TO THE SPECIAL EXCEPTION USE PERMIT
GRANTED TO THE WESTCHESTER COUNTRY CLUB FOR THE CONSTRUCTION OF A
NEW SQUASH COURT AND CART STORAGE FACILITY.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to grant the application of the Westchester Country Club and modify their Special Exception Use Permit relating to the construction of a new squash court and cart storage facility, said modification relating to the height of the roof in the building. The height exceeds the limit stated in the Building Code.

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Cannella and Scappaticci,

NAYS: None

RECUSED: Supervisor Malfitano

ABSENT: None

April 14, 2005

2005 -- 143

AUTHORIZATION FOR ASSESSOR JAMES CALANDRUCCIO AND DEPUTY ASSESSOR
MARK HEINBOCKEL TO ATTEND THE ANNUAL CORNELL UNIVERSITY EDUCATION
PROGRAM IN JULY 2005. COST: \$825 PER PERSON

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Assessor James Calandruccio for authorization for himself and Deputy Assessor Mark Heinbockel to attend the annual Cornell University Assessor Education Program: "Assisted Living Facilities," in Ithaca, NY from July 17th through July 20, 2005, at a cost not to exceed \$825. per person. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 144

ACCEPTANCE, WITH REGRET, OF THE RESIGNATION OF LOUIS FELICE
OF THE DEPARTMENT OF PUBLIC WORKS

Supervisor Malfitano stated that Mr. Felice had been employed by the Town for 18 years, and

stated that he had been an outstanding employee in the General Town Buildings division of the Department of Public Works. He thanked Mr. Felice for his dedication, and added that he is resigning to start his own business.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept with regret and best wishes for his future endeavors, the letter of resignation from Louis Felice, with his resignation to be effective on April 25, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 145

APPROVAL TO ADD LAUREN RICCIARDI TO THE PART-TIME AVAILABILITY LIST
TO WORK IN THE OFFICE OF THE COURT CLERK

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Court Clerk Rosemary King that Lauren Ricciardi, a senior at Harrison High School, be added to the part-time availability list to work in the Archives for the Court Clerk's office, at the hourly rate of \$11.00 with funding to come from the Town Clerk's part-time summer archives budget. Ms. Ricciardi will be supervised by Court Clerk personnel.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 146

AUTHORIZATION FOR THE WESTCHESTER TRIATHLON COMMITTEE
FOR THE LEUKEMIA AND LYMPHOMA SOCIETY TO HOLD ITS
20TH ANNUAL RACE ON SUNDAY, SEPTEMBER 25, 2005

Mr. Tarcisio Alvarez-Rivero informed the Board that the route of the race is to enter Harrison on Anderson Hill Rd. coming from King St., south (left) onto Purchase St. until it crosses Rte. 287, a

left turn onto Westchester Ave. east, continuing onto Rte. 120, following Rte. 120 and then turning left onto Purchase St. and continuing to the City of Rye. He also promised that a Certificate of Insurance and Indemnification will be forwarded upon Town Board approval.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Tarcisio Alvarez-Rivero, on behalf of the Westchester Triathlon Committee for the Leukemia & Lymphoma Society, for authorization to hold its 20th Annual Race on Sunday, September 25, 2005, with no rain date.

FURTHER RESOLVED that the fees be waived.

FURTHER RESOLVED that the Police Department, the Ambulance Corps and the downtown and Purchase Fire Departments be notified, as well as the Department of Public Works.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chief of Police, the Director of the Ambulance Corps, and the Chiefs of the Purchase and downtown Fire Departments.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 147

APPROVAL OF THE AGREEMENT BETWEEN THE TOWN OF HARRISON WATER DISTRICT #1 AND THE TOWN OF HARRISON WATER DISTRICT #2 AND THE WESTCHESTER JOINT WATER WORKS FOR THE TRANSFER OF CERTAIN PROPERTIES FROM HARRISON WATER DISTRICT #1 TO THE WESTCHESTER JOINT WATER WORKS

In December 2004, Harrison Water District #1 merged with the Westchester Joint Water Works which at that time was comprised of Harrison Water District #2 and the Water Districts of the

Town of Mamaroneck and the Village of Mamaroneck.

Councilman Scappaticci had a question about this Agreement regarding possible leases for communication equipment after December 31, 2006. The Agreement conveys the vehicles, equipment, water tanks, pump stations and inventory of Water District #1 to the Westchester Joint Water Works. There is a provision which states that the WJWW has only a land lease for 99 years for the land at the Nike Base property supporting the water tanks and the pump station building, not outright ownership of the land. It also states that the Town has the right to install or to have installed communication and/or other equipment on the tanks, subject to the consent of the WJWW. It also states that the WJWW agrees not to begin nor to entertain offers (for the installation of communication equipment) prior to December 31, 2006. They were concerned that the Town not give up its rights to grant leases for communication equipment to be located on the water tanks in the months before December 2006.

Councilman Paladino stated that he had concerns about the clarity of portions of the first "NOW, THEREFORE, section. Village Attorney Kraut stated that he would review the section.

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to approve the Agreement between the Town of Harrison Water District #1 and the Town of Harrison Water District #2 and the Westchester Joint Water Works, said Agreement conveying to the Westchester Joint Water Works the vehicles, equipment, water tanks, pump stations and inventory of Harrison Water District #1. It also grants a quit claim deed to the land under the Woodside Avenue Water Tank, but only a 99 year land lease for the property at the Nike Base property, and excluding the property at Casarella Way.

FURTHER RESOLVED to authorize the Supervisor to execute the Agreement.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 148

APPROVAL OF THE RE-STATEMENT OF THE HEALTH BENEFITS POLICY
FOR MANAGEMENT EMPLOYEES

Councilman Paladino disclosed, for the record, that parts of this Policy directly affect him. Attorney Kraut stated that it affects all members of the Board, and that voting on it is the same as voting on the Budget, or other such items.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to clarify the Health Benefits policy for management employees as follows:

WHEREAS, pursuant to Town Board Resolution 2001-553 dated December 5, 2001, the Town Board resolved to provide health insurance benefits for elected officials and appointed full time non-union personnel ("Management"), and

WHEREAS, the above resolution provided for contributions towards the cost of health insurance by Management for each of the first eight (8) years of employment, and for coverage upon completion of eight (8) years of total service without contribution while serving the Town, and for full health insurance coverage without cost to the Management person paid by the Town upon their retirement under the New York State Retirement System, providing that they had a minimum of eight (8) years of service with the Town, and

WHEREAS, questions have arisen as to the computation of the above eight (8) year period and the Town Board desires to clarify its prior resolution to resolve those questions,

It is

RESOLVED that, the period of employment shall mean those times when the Management person was serving as an elected official or employee of the Town regardless of whether said person was paid or, if paid, refused to accept compensation for said service to the Town, and it is further

RESOLVED that, in computing the period of employment, the beginning of the computation period of any person taking office in January of any year shall begin at midnight at the beginning of January 1 of the year in which said person took office, regardless of the actual date of taking or signing of the oath of office, and it is further

RESOLVED that, in computing the period of employment, the beginning of the computation period for any person taking office in any month other than January shall begin at midnight at the beginning of day on which said person took office, and it is further

RESOLVED that, such health insurance benefit coverage shall include such Management persons upon their retirement under the New York State Retirement System, whether or not they are working for the town at the time of said retirement, provided that they had a minimum of eight (8) years of total service with the town, whether consecutive or not, regardless of whether such Management person is thereafter employed by the Town or elsewhere, and it is further

RESOLVED that, these rights shall vest upon completion of eight years of total service as computed above, and it is further

RESOLVED that, all the other provisions of Town Board Resolution 2001-553 dated December 5, 2001 shall remain in effect.

FURTHER RESOLVED to forward a copy of this Resolution to all Department Heads.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 149

AUTHORIZATION FOR PLANNING BOARD CHAIR THOMAS HEASLIP TO ATTEND THE
ZONING, SUBDIVISION AND LAND DEVELOPMENT LAW CLASS ON MAY 25, 2005
AT A COST OF \$319.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Planning Board secretary, Rosemarie Cusumano, for authorization for Thomas Heaslip, Chairman of the Planning Board, to attend the Zoning, Subdivision and Land Development Law Class on May 25th, at the Crowne Plaza, White Plains, NY., at a total cost of \$319.

FURTHER RESOLVED that funds for this class come from Town Fund Balance.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Secretary of the Planning Board.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 150

AUTHORIZATION FOR PAYMENT OF BOARDING FEES FOR A RETIRED K-9 DOG
WHILE ITS OWNER IS ON VACATION

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for authorization for payment of a boarding fee, in the amount of \$206.40 for K9 Robby, during the vacation of P.O. Spiconardi as Officer Spiconardi does not have family members to care for Robby during this period.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 151

APPORTIONMENT OF ASSESSED VALUATION OF BLOCK 852,
LOT 7(7-8&Po9) AND LOT 10 (10-11&Po9) TO DOCUMENT THE TRANSFER
OF A NARROW STRIP OF LAND TO THE ADJOINING PROPERTY OWNER

Assessor Calandruccio informed the Board that this apportionment is being submitted to document the transfer of a strip of property measuring 9.91' X 100' to the owner, the adjoining parcel: Lot 10(10-11&Po9).

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Assessor James Calandruccio for authorization for the apportionment of assessed valuation of Block 852, Lots 7(7-8&Po9) and 10(10-11&Po9) on the

Assessment Rolls (Taxes of 2005). Parcel "A" will, hereafter, be known as Lot 10(10-11&Po9), Block 852 and will measure 69.91' X 100'. Parcel "B" will, hereafter, be known as Lot 7(7-8Po9), Block 852 and will measure 55.09' X 100'.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor and the Receiver of Taxes.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 152

APPROVAL OF BUDGET MODIFICATIONS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

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

Increase:

001-0000-057-5710

\$800,000.00

Proceeds from Serial Bonds

Adjust Budget to reflect Bond \$800,000.00 for New York State Retirement Payment

Increase:

001-9000-100-0810 \$289,877.00
Town Employee Benefits-New York State Retirement

Increase:

001-3120-100-0810 \$510,123.00
Police Employee Benefits New York State Retirement

\$800,000.00

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 153

REQUEST TO RETAIN THE CONSULTING FIRM OF LOCKWOOD, KESSLER &
BARTLETT TO PREPARE A TOPOGRAPHIC SURVEY AND COST ESTIMATE FOR
REPAIR OF THE LINCOLN AVENUE ROADWAY IN PURCHASE.

This item was transferred to the Village Agenda of this date as the cost will be bonded.

April 14, 2005

2005 -- 154

RESOLUTION IN SUPPORT OF THE WESTCHESTER COUNTY MEDICAL CENTER
AS A REGIONAL TERTIARY CARE FACILITY

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED as follows:

Whereas, Westchester Medical Center is the regional advanced-level trauma center, providing the a critical lifeline for 3 million people and medical care not available anywhere else in the 5,000-square-mile Hudson Valley region, and

Whereas, Westchester Medical. Center provides the highest-level of care to more than 120,000 adults and children each year from the 7-county Hudson Valley region and beyond through the in trauma and burn

care, comprehensive cardiac care, neuroscience and rehabilitation services, a transplant center, cancer services and for children at its Maria Fareri Children's Hospital, and

Whereas, Westchester Medical Center is the only Level Trauma Center in the region, the only organ Transplant Center in the region, the only full-service Heart Center in the region, the only 24/7 medevac facility in the region, the only Pediatric Intensive Care Unit in the region, the only Level IV Neonatal Intensive Care Unit in the region; the only Burn Center between NYC and the Canadian border, the only Regional Resource for large-scale disasters in the region, the largest provider of pediatric healthcare in the region and the largest biomedical research site in the region, and

Whereas, Westchester Medical Center has the highest case-mix index of any hospital in the State of New York, treating the most severely ill and injured patients anywhere and providing a resource where community hospitals can send their most difficult cases, and

Whereas, Westchester Medical Center directly and indirectly supports more than 6,000 jobs in the region, including more than 800 attending physicians, with a payroll of \$276 million and services and supplies purchased annually totaling \$295 million, with a regional economic impact of \$1.1 billion, and

Whereas, 60 percent of Westchester Medical Center patients come from Westchester, with the remainder coming from the rest of the Hudson Valley region (Rockland, Putnam, Orange, Dutchess, Sullivan and Ulster) and beyond, and

Whereas, Westchester Medical Center has made significant progress in operational improvement, cost reductions and revenue enhancements while maintaining a high quality of care but is still the only public hospital in New York State that does not receive a public subsidy.

THEREFORE, LET IT BE RESOLVED that the *Town/Village of Harrison*, supports Westchester Medical Center's Operation Cure and the renewal of the existing soon-to-expire 1/4% sales tax and the dedication of funds to public hospitals and public nursing homes in New York State.

THEREFORE, LET IT BE RESOLVED that a copy of this Resolution be forwarded to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno and the members of Westchester County's State Senate and Assembly delegations.

FURTHER RESOLVED to forward a copy of this Resolution to the officials of New York State and to the County Executive of Westchester County.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 155

AUTHORIZATION FOR TEN EMPLOYEES TO ATTEND THE HTE ANNUAL USER
GROUP EDUCATIONAL COMPUTER CONFERENCE IN LAS VEGAS NV. FROM JUNE 5-
10TH
AT A COST OF \$2,200 PER PERSON TOTAL COST: \$22,000

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Information Technology Director, Arun Ankola, for authorization for the following people to attend the HTE Annual User Group Educational Conference in Las Vegas, Nevada, from June 5-10th, at a per person cost of \$2,200. This is a budgeted item:

Arun Ankola-MIS;	Bharat Pandya-MIS;	Dominick Pascale-HPD MIS;
Captain Marraccini-HPD;	Maureen MacKenzie-Comptroller;	Bob Wasp - DPW
Debra Leone- Payroll;	Nancy Masi-Receiver of Taxes;	
Judy D'Agostinis - Purchasing;		One Person-Building Department.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 156 -- a

AUTHORIZATION TO ESTABLISH AN ACCOUNT TO ACCEPT DONATIONS
FOR THE REPAIR OF THE DOWNTOWN VETERANS' HONOR ROLL

Supervisor Malfitano stated that cement caps on the downtown Veteran's Honor Roll were crumbling, and the structure needs repair. He asked approval to accept donations to cover the labor costs of the repairs, which are estimated to be about \$8,000. Commissioner of Public Works Bob Wasp stated that the total cost of the repairs, labor and material, will be about \$18,000, with a maximum overall cost for the entire project of \$25,000. He also stated that there are some funds within his Parks Budget, remaining from other projects, that can be applied to this project, specifically from Account # 02HW02. He added that he is looking for vendors for both material and labor, and that he expects that the project can be completed by Memorial Day, May 30th.

Code Enforcement Officer Ed DiBuono offered a challenge donation of \$100 to start the fund. Councilman Pat Vetere added his \$100. America Legion Commander Joe Mazzullo matched those donations with his \$200 donation. Village Attorney Fred Castiglia added his \$100.

Commander Mazzullo then thanked the Board for starting the repairs to the Veterans' Memorial

Building, and asked that there be re-dedication ceremonies when the repairs are completed.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to establish a separate account in the Comptroller's office to receive donations for the labor component for the repairs to the downtown Veterans' Honor Roll.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 156 -- b

AUTHORIZATION TO SEEK QUOTES FOR THE REPAIR
OF THE DOWNTOWN VETERAN'S' HONOR ROLL

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Commissioner of Public Works to seek quotes for the repair of the downtown Veterans' Honor Roll in Ma Riis Park.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

April 14, 2005

2005 -- 157

UPDATE ON THE TASK FORCE ON CODE COMPLIANCE

Supervisor Malfitano reminded the Board that several months ago a Task Force on Code Compliance was established. He said that things are moving along nicely. The group is focused specifically on enforcement of the Building and Zoning Codes, and is interested in finding illegal building activity and illegal uses. He reported that in the last several weeks, over four dozen summonses have been issued for illegal apartments and illegal building activity. In many instances there have already been court appearances.

Mr. Malfitano expressed his gratitude to all those who are taking part in this effort. He also stated that there will be a letter sent to all residents about these efforts. He then asked the community to refer to the Building Department any knowledge that they might have as to illegal activity.

April 14, 2005

2005 -- 157 - a (correction)

APPROVAL FOR AN AMENDMENT TO THE HDR CONTRACT IN THE AMOUNT OF
\$69,000 FOR ADDITIONAL WORK AT THE NIKE BASE SITE

Commissioner of Public Works Bob Wasp stated that in Town Board Resolution 2005-15, the Board authorized the firm of HDR to do the Sanitary Sewer Design and Permitting at the Nike Base site for the new DPW work site at a cost of \$15,000. At that time, the Board put off until a future date consideration of the design of the Vehicle Parking Canopy and the Fueling Station. Mr. Wasp stated that these two items are actually a combination of twelve tasks. He asked for authorization for these two tasks at this time.

Councilman Cannella asked why more of this work cannot be done by internal staff. Town Engineer Greechan said that his office is presently doing other sewer design work.

Councilman Paladino asked if the manufacturers didn't provide design requirements for lights, footings, etc.

Mr. Wasp replied that the manufacturers' specifications are for virgin soil areas, and that is not the condition at this site. He added that the site needs grading. Mr. Wasp also stated that the needs of the Fire Training area and the Police area are mingled with the needs of the DPW area for these infrastructure improvements.

On motion of Councilman Scappaticci, seconded by Supervisor Malfitano,

it was

RESOLVED to approve the amendment to the contract with Henningson, Durham and Richardson (HDR) for the following tasks:

Task 18.0 Vehicle Parking Canopy, Preliminary & Final Design	\$49,500
Task 19.0 Fueling Station Preliminary & Final Design	<u>\$19,500</u>
TOTAL:	\$69,000

FURTHER RESOLVED that the cost will be bonded, as have the other expenses for this project, and the funds will go into Account 03GB12.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: Councilman Vetere

ABSENT: None

April 14, 2005

2005 -- 158

MATTERS FOR EXECUTIVE SESSION:

Personnel	21
Acquisition of Real Property	1
Advice of Counsel	3
Contract Negotiations	1
Update on Litigations	4
Sale of real property	2
Settlement of Claims	5

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed for
Executive Session at 8:25 PM.

Councilman Vetere left about 12:45 AM.

The Meeting was reconvened at 1 AM.

April 14, 2005

2005 -- 159 - corrected

AUTHORIZATION TO PAY THE FIRM OF CENTRAL TREE SERVICE OF RYE, NY,
FOR TREE AND DEBRIS REMOVAL AT THE SITE OF A FIRE

Chief Hall explained that this firm had been called in by the Police Department so that the officers could investigate debris after a fire.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize payment to the firm of Central Tree Service of Rye, NY, in the amount of \$2,960 for labor at a fire site on Purchase Street.

FURTHER RESOLVED that the funds for this cost be taken from Account 001-3120-100-0407 in the Police Department budget.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 160

AUTHORIZATION FOR THE SUPERVISOR TO IMPLEMENT A DECISION REGARDING
MICHAEL CASARELLA OF THE DEPARTMENT OF PUBLIC WORKS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Supervisor to implement the decision with regards to Michael Casarella of the Department of Public Works, as discussed in Executive Session.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 161

TERMINATION OF THE EMPLOYMENT OF ROBERT DONOVAN, FOR CAUSE

On motion of Councilman Paladino, seconded by Councilman Scappaticci,

it was

RESOLVED to terminate the employment of Robert Donovan, for cause, for reasons as discussed in Executive Session.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 162

AUTHORIZATION TO HIRE AN ADDITIONAL SIXTEEN (16) PEOPLE AS
PART-TIMERS IN THE DEPARTMENT OF PUBLIC WORKS

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to authorize the Commissioner of Public Works to hire an additional sixteen (16) people in the Department of Public Works, to work part-time in the various Divisions of that Department.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 163

APPOINTMENT OF ADAM STRAFACE TO THE GENERAL TOWN BUILDINGS DIVISION
OF THE DEPARTMENT OF PUBLIC WORKS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Adam Straface as a Laborer in the General Town Buildings Division of the Department of Public Works, at the salary of \$40, 878, which is 80% of the salary for that position, for a period of two years, in accordance with the provisions of the Teamsters contract.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 164

ACCEPTANCE, WITH REGRET, OF THE RESIGNATION OF DIANA ALLEGRETTI
FROM THE PLANNING BOARD

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept, with regret, the resignation of Diana Allegretti from the Planning Board, effective immediately.

FURTHER RESOLVED to forward a copy of this Resolution to the Chair of the Planning Board, the Secretary to the Planning Board, and the Building Inspector.

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 165

APPOINTMENT OF RAYMOND KRAUS TO THE PLANNING BOARD
IN THE PLACE AND STEAD OF DIANA ALLEGRETTI

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Raymond Kraus to the Planning Board, in the place and stead of Diana Allegretti, with his term to end December 31, 2010.

FURTHER RESOLVED to forward a copy of this Resolution to the Chair of the Planning Board, the Secretary of the Planning Board and the Building Inspector.

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 166

RESOLUTION DIRECTING FIRE MARSHALL STEVE SURACE TO COMPARE
THE TOWN'S ORIGINAL AND UPDATED SPRINKLER LAWS RELATIVE TO
THE CURRENT NEW YORK STATE BUILDING CODE AND TO PRESENT HIS FINDINGS
TO THE SUPERVISOR AND THE TOWN BOARD.

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to direct Fire Marshall Steve Surace to compare the current New York State Building Code with the Town's Fire Sprinkler Law, particularly relative to the progression of the Town's Law from 1992 to the present.

FURTHER RESOLVED that Mr. Surace shall present his findings to the Supervisor as soon as possible.

FURTHER RESOLVED to forward a copy of this Resolution to the Fire Marshall and the Building Inspector.

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 167

AUTHORIZATION TO PAY ANTHONY ZACCAGNINO OF THE RECREATION
DEPARTMENT FOR TWELVE (12) UNUSED VACATION DAYS FROM 2004

Mr. Zaccagnino had not been able to take any vacation time as he was out on disability for many weeks, and could not take any time off when he returned to work.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the payment to Anthony Zaccagnino for twelve (12) unused vacation days from 2004.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 168

SETTLEMENT OF CLAIM: COHEN vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to settle the claim of Cohen vs Town of Harrison, for damage to a fence, in the amount of \$95.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 169

SETTLEMENT OF CLAIM: ABBATANTONO vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to settle the claim of Anthony Abbatantono vs Town of Harrison, for the disappearance of a radar detector, in the amount of \$80.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 170(corrected)

SETTLEMENT OF CLAIM: CARPENTER vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to settle the claim of Carpenter vs Town of Harrison, in the matter of damage to a mailbox, in the amount of \$210.67.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

**the amount was incorrect

April 14, 2005

2005 -- 171

SETTLEMENT OF CLAIM: ACOCELLA vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to settle the claim of Acocella vs Town of Harrison, for damage to a mailbox, in the amount of \$350.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 172

SETTLEMENT OF CLAIM: BALDINO vs TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to settle the claim of Baldino vs Town of Harrison, for damage to a mailbox, in the amount of \$165.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 173

AUTHORIZATION TO RETAIN THE LAW FIRM OF FRIEDMAN, HARFENIST, LANGER & KRAUT IN THE MATTER OF THE LAW SUIT BROUGHT AGAINST THE TOWN BY THE ATLANTIC DEVELOPMENT COMPANY, AND TO RAISE THE CAP ON FEES TO \$25,000.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to retain the law firm of Friedman, Harfenist, Langer and Kraut in the matter of the law suit brought by the Atlantic Development Company against the Town, and to raise the cap on fees for this matter to \$25,000.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 174(revised)

AUTHORIZATION TO RETAIN THE LAW FIRM OF HUFF WILKES TO REPRESENT THE
TOWN IN 2005 CERTIORARI MATTERS

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to retain the law firm of Huff Wilkes to represent the Town in 2005 Certiorari matters.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 175

AUTHORIZATION TO RETAIN THE ACCOUNTING FIRM OF KLINGER & KLINGER LLP,
IN THE MATTER OF BALABER, STRAUSS, (BANKRUPTCY OF MURPHY,)
WITH A CAP ON FEES OF \$25,000

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to retain the accounting firm of Klinger & Klinger, LLP, in the matter of Balaber, Strauss regarding the bankruptcy of Ms. Murphy relating to the Town's foreclosure on her property for unpaid taxes.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Cannella and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSENT: Councilman Vetere

April 14, 2005

2005 -- 176

AUTHORIZATION TO SUSPEND A CERTAIN MEMBER OF CERTAIN TOWN BOARDS
AND COMMITTEES AND DIRECTING THE TOWN ATTORNEYS TO PROCEED
AS DISCUSSED IN EXECUTIVE SESSION.

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to suspend a certain member of certain Town Boards and Committees, and to direct the Town Attorneys to proceed as discussed in Executive Session.

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

Adopted by the following vote:

AYES: Councilmen Paladino and Scappaticci,
Supervisor Malfitano

NAYS: None

ABSTAINED: Councilman Cannella

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 1:05 AM on April 15, 2005.

Respectfully submitted,

Joan B. Walsh, Town Clerk