

January 13, 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 13th day of January 2004, at 7:30PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano . . . . . Supervisor

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

ALSO ATTENDING:

Frank Allegretti . . . . . Town Attorney  
Fred Castiglia . . . . . Village Attorney  
Jonathan Kraut . . . . . Deputy Village Attorney  
Joseph Latwin . . . . . Deputy Village Attorney  
James Calandrucchio . . . . . Assessor  
Hugh Greechan . . . . . Town Engineer  
Ronald Belmont . . . . . Superintendent of Recreation  
David Hall . . . . . Chief of Police  
Edward DiBuono . . . . . Code Enforcement Officer

January 13, 2005

2005 -- 001

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

Supervisor Malfitano gave the following remarks on the accomplishments of 2004, and the plans for 2005:

For many years, the infrastructure of the Town of Harrison has been neglected and not properly maintained. This Administration for the last three years has been focused on updating the infrastructure, improving facilities, enhancing services and, we hope, improving the overall quality of life for our residents.

He continued that there are many complex issues that require much thought, consideration, planning, and investment. We have managed accomplish much, while remaining fiscally responsible, and that is a goal that this Board is committed to. For example, in the last two years, the tax rate rose on an average of 5.7%, which puts Harrison in the bottom third of other communities in Westchester, clearly a sign (of fiscal responsibility) given the fiscal issues addressed, notably a substantial increase in the NYS pension obligation which no community had contemplated. Mr. Malfitano pointed out that this is an indication that the Town is well-managed financially.

Mr. Malfitano listed two of the corporate events of 2004, stating that they demonstrate our commitment to maintaining a class corporate tax base in Harrison:

- Morgan Stanley completed its renovation of the former TEXACO building and staffed it with over 2,000 employees.
- NOKIA Corporation acquired a parcel on Corporate Park Drive, which has been demolished and is in the process of rebuilding a similar size structure which will become their world headquarters.

Mr. Malfitano continued that perhaps the biggest public policy issue that this Town has had to face is water, that we all take it for granted but, for the people in West Harrison, where there were 1,700 customers, their infrastructure, some of it 100 years and more in age, had been left neglected for many years, and in fact there were water service and water quality problems. The capital needs are substantial, and the cost to the customer could be substantial. This led us in the direction of consolidating the (town's) water districts, which has now been effected. Water District #1 is now consolidated with Water District #2 (which operates as part of the Westchester Joint Water Works,) with economies of scale that are being realized, and there will be a greater degree of net income that will flow to Harrison as a participant in the Westchester Joint Water Works. It is from that enhanced revenue, or net income, that we intend to fund the bulk of the improvements for the residents of West Harrison, thereby foregoing them a 40%+ rate increase. Mr. Malfitano said that he was thankful that we were able to accomplish this.

Mr. Malfitano also said that, in lower Harrison, Project Home Run finally got under way.

Those entering Harrison through the Harrison Avenue corridor will notice a measurable difference. As you know, the Town has received 90% funding from the State of New York, and the dollar amount will probably top \$5 million. That is all a tremendous benefit to the community, greatly reducing the cost to the taxpayer. (The Project) provides multiple levels of benefits: taking out a blighted area turning it into a useful recreation purpose and creating open space park areas, and also visually improving the esthetics of the business area and providing an economic benefit. It is anticipated that it will be essentially complete towards the end of 2005.

Mr. Malfitano continued that another project that they had focused on was the old historic train station building. He added that his goal was to obtain possession of the building, and turn it into a productive use. Mr. Malfitano also stated that the value of this landmark building was north of \$1 million, and it only cost \$137,000 to buy it. He continued that the future use of the building will be as a beautiful Town Court and Meeting Hall facility which will serve the community well for many decades.

Mr. Malfitano listed other accomplishments of 2004, as follows:

- a. The organic yard waste facility has been moved from the Nike Base to a NYS DOT garage located at the Westchester County Airport. It is being used while the town works out an agreement to buy the site;
- b. The Nike Base is being improved, with a 4,000 ton salt storage building which was greatly needed;
- c. The sidewalk and road resurfacing program was the largest dollar amount that the Town has ever undertaken in a calendar year, to keep our roadways safe and sidewalks in good repair;
- d. Many drainage improvements were effected this year, and more are in the pipeline.
- e. In Guagnini Park, Phase II was completed, and it has turned into a beautiful neighborhood park facility, and serves as the prototype for the Project Home Run park.
- f. In West Harrison, a Master Plan has been initiated for Passidomo Park, with the entire Park being studied. Some recommendations have been given to the Board, and an engineering firm has been authorized to move forward on a technical study, and design work for the reconstruction of the ball field. It is expected that the construction phase of the ball field will begin no later than the period after Labor Day 2005.
- g. Planning and design for Streetscape improvements to the West Harrison Business District have been started.
- h. The "Doughboy" statue in Ma Riis Park was refurbished. This statue is one of only 137 ever constructed, a terrific landmark for Harrison.
- i. Opened more parking opportunities in lower Harrison, adjacent to Veterans' Memorial Building - 20 spaces.
- j. Through his efforts with the Governor's Office, the Town was able to establish a Parking Authority, and Harrison is now one of the few communities in the State of New York with a Parking Authority. This Authority will play a role in efforts to revitalize the downtown Business District and the West Harrison Business District and enhance parking opportunities.
- k. Revitalization of the downtown business district -- new buildings going up - on speculation, buildings being painted, properties are changing hands. He suggested that

what has changed (to encourage these happenings) is that there is an Administration in office that is undertaking projects that are beneficial to the Business District. Mr. Malfitano mentioned Project Home Run, the train station building plans, and discussions with Metro North about their three acre site on Halstead Avenue, seeking to construct significant parking and some retail space to go with it. He stated that these plans influence the investor community, and they invest here. He also stated that there are numerous inquiries coming through his office for future development.

Plans for 2005:

- a. Continuation of the evolution of the Passidomo Park Master Plan, with the ball fields the first Phase, and the design of the other Phases.
- b. Implementation of the West Harrison Streetscape Improvement Program, with the input of people in West Harrison.
- c. Engaging the services of an architectural design firm for planning for the Metro North site (three acres) including a significant parking structure. Mr. Malfitano added that he is confident that the transaction with Metro North for the site can be brought to fruition, that it is very important to the community.
- d. Interim repairs to Sollazzo Center and the Mintzer Center. Interim because there are decisions to be made as to the future of these buildings, but for now they need repairs.
- e. Undertaken a Study by an engineering firm of the Police Department building and, based on that Study, will evolve plans for either renovation of the building, or a new building on that site.
- f. Substantial rehabilitation to the exterior of the Veteran's Memorial Building, and the Senior Building adjacent to it, with planned completion date of Memorial Day '05.
- g. Rebuilding of Gleason Place Garage -- reviewing of plans that have been completed and rebuild in the future.
- h. The Library Board has undertaken a Needs Assessment; Likely to be plans put forward to enhance the downtown Library, and a major rehabilitation of the West Harrison Library.

Supervisor Malfitano continued that some areas that he personally is focused on as major initiatives are as follows:

- a. Code Enforcement.  
Announced a Task Force that will focus on matters of code compliance, particularly in the area of illegal apartments. The Task Force will have members from the Building Department, the Police Department, the Fire Marshall's office, the Law Department, the Fire Departments and the Department of Public Works. The focus will be, bring those individuals to task who violate our laws, to improve the living conditions in our neighborhoods.
- b. Upgrading some of the Town's laws, some of which are decades old, so they meet the contemporary needs of the community. One area is updating the sign and lighting codes of the business districts, a committee is working on this.
- c. Release of a newsletter. Mr. Malfitano said that in the last few years, a good job of communicating has been done, but he is keenly aware of the need to do more. Many people are unaware of happenings. First quarterly newsletter will be

Harrison released in January, as a report from Town Hall, and called The Quarterly.

Supervisor Malfitano closed his Report by praising the hard work of all the Board members, thanking them for their efforts, stating that the accomplishments could not have been done without their efforts. He also thanked the Department Heads for their commitment and efforts, and all the town employees for their efforts, adding that everyone is committed to bring the best quality of services to all the residents of Harrison.

APPEAL BY CRIME STOPPERS AND THE CHAMBER OF COMMERCE  
RE: RECENT BURGLARY

Supervisor Malfitano stated that, unfortunately, 2005 has not started out too well, as there was an armed robbery last night which resulted in a shooting, with injuries. The person is expected to make a full recovery. He added that, although crime is all around us, our police department does a fine job, and he is confident that the robber will be apprehended.

Supervisor Malfitano then introduced Dennis Nardone, of the organization "Crime Stoppers", who is also President of the Harrison Chamber of Commerce, and also Ada Angarano, Vice President of the Harrison Chamber of Commerce.

Mr. Nardone stated that "Crime Stoppers" is offering a reward of up to \$5,000 for information about this crime, and that a poster to that effect will be posted throughout Westchester County. He added that the phone number to call with information is 1-800-898-TIPS. Mr. Nardone continued that the Chamber is also posting a reward for information as the owner of the establishment where the robbery, (Top of the Hill Restaurant), took place is a member of the Chamber and a member of the Chamber's Executive Board. Ms. Angarano stated that the Chamber has posted a \$1,000 reward, and is asking the other organizations for donations. She added that the person who was shot is a former police officer, that what he did was heroic, and may have saved the lives of other individuals in the restaurant.

Mr. John Tannenbaum, a resident of the Town, came to the microphone and said he would add \$2,500 to the posted reward, as he lives here and so do his children, adding that we can't always just rely on organizations, sometimes individuals have to step up.

Police Chief David Hall stated that when the officers did a canvas of the neighborhood this morning, a number of people stated that they thought they heard gunshots. However, the Chief added, there was only one call. He further said that he cannot stress enough that police officers cannot be everywhere, and that the community has to be the eyes and ears of the department. Chief Hall urged people to call the department if they see or hear anything suspicious.

January 13, 2005

2005 -- 003-1

RE-AFFIRMATION OF THE POWERS AND DUTIES OF THE COMPTROLLER

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the powers and duties of the Comptroller, in accordance with Town Law Section 34 (2) as follows:

1. The keeping of separate appropriation accounts and preventing funds or appropriation accounts from being overdrawn.
2. The drawing upon funds or appropriations, with the provision that the counter-signature of the Supervisor shall be required,
3. Continue the foregoing operations and other duties in accordance with previous Resolutions of this Board heretofore adopted; and
4. The furnishing to the Supervisor such information and data as the Supervisor may require for the purpose of enabling the Supervisor to exercise the powers and perform the duties or make reports as required by law.
5. The Comptroller is also assigned to perform the duties as set forth in Town Law Section 124, designating the Comptroller as Accounting Officer of the Town of Harrison.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-2

RE-APPOINTMENT OF TOWN CLERK JOAN WALSH  
AS REGISTRAR OF VITAL STATISTICS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-appoint Town Clerk Joan Walsh as Registrar of Vital Statistics, effective January 1, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-3

RE-APPOINTMENT OF DEPUTY TOWN CLERK ANGELA TAMUCCI  
AS DEPUTY REGISTRAR OF VITAL STATISTICS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-appoint Deputy Town Clerk Angela Tamucci as Deputy Registrar of Vital Statistics, effective January 1, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 - - 003-4

RE-APPOINTMENT OF DIANA MINISHI AS  
DEPUTY REGISTRAR OF VITAL STATISTICS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-appoint Diana Minishi as Deputy Registrar of Vital Statistics, effective January 1, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-5

RE-STATEMENT THAT ALL EMPLOYEES ARE ASSIGNED TO VARIOUS DEPARTMENTS  
FOR BUDGET PURPOSES ONLY

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-state that all employees are assigned to various Departments for budget purposes only, and that the Supervisor shall supervise all town employees, independent contractors and consultants, and shall have full authority for the assignment of duties and responsibilities.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-6

RE-AFFIRMATION THAT THE REGULAR MEETINGS OF THE TOWN BOARD SHALL BE HELD ON THE SECOND AND FOURTH THURSDAY OF THE MONTH, IN THE MUNICIPAL BUILDING OR OTHER PUBLIC BUILDING WITH HANDICAPPED ACCESS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm that the regular meeting of the Town Board shall be held on the second and fourth Thursday of the month, with meetings to be held in the Municipal Building or any other public building with access for the handicapped, in the downtown, West Harrison or Purchase areas of the town, as designated in the Notice of Meeting.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-7

RE-AFFIRMING THE RULES OF PROPER CONDUCT AT TOWN BOARD MEETINGS.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the rules of proper conduct at Town Board meetings, as follows:

1. Any person wishing to address the Town Board on any matter on the Agenda,

shall be recognized by the Chairperson and identify themselves by name and address;

2. Speakers may be permitted to address the Board before a vote is taken on any matter;

3. Speakers shall concisely address the Town Board setting forth their views on the matter in no more than five (5) minutes;

4. Speakers should confine themselves to the subject at hand, and refrain from personal attacks. If such attacks are made by a speaker, the speaker is to be immediately deemed out of order;

5. Speakers may be permitted to address the Board for such additional time as the Supervisor may grant;

6. At the conclusion of the regular agenda and before the meeting is recessed or adjourned, speakers may be permitted to bring to the Board's attention, for discussion, any matter relating to Town business and that they be permitted to speak thereon.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-8

RE-AFFIRMING THE RULES OF PROPER CONDUCT AT PUBLIC HEARINGS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED that:

1. Any person wishing to address the Town Board, shall be recognized by the Chairperson and identify themselves by name and address;

2. The speakers shall state whether they are in favor or against the proposal being discussed;
3. The speakers shall concisely address the Town Board setting forth their views on the matter in no more than five (5) minutes;
4. Speakers should confine themselves to the subject at hand, and refrain from personal attacks. If such attacks are made by a speaker, the speaker is to be immediately deemed out of order.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-9

RE-AFFIRMING THE PROCEDURES FOR TRANSCRIPTION OF TOWN BOARD MEETINGS.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the procedures for transcription of Town Board meetings, that the Town

Clerk preserve the electronic recordings of Town Board meetings for a period of one year following the meeting.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-10

RE-AFFIRMING THE PROCEDURE FOR AUTHORIZED SIGNATURES

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the procedure for authorized signatures:

1. all transactions involved in the following account shall include the signature of both the Supervisor and the Comptroller and in the absence of the Supervisor, the Deputy Supervisor --Comptroller Payroll (J.P. Morgan Chase) Account;

2. all transactions involved in the Town Clerk's Account shall include the signature of the Town Clerk, and in her absence, the Deputy Town Clerk;
3. all transactions involved in the Police Pension Fund shall have the signature of the Supervisor;  
and further re-affirmed that a copy of this Resolution be forwarded to the J.P. Morgan Chase Bank Harrison Office.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-11

RE-AFFIRMING THE PROCEDURES FOR SIGNATURES OF PAYROLL CHECKS  
BY FACSIMILE AS REPRODUCED BY A "CHECKSIGNER" MACHINE

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm that the Supervisor and the Comptroller are authorized to sign payroll checks with a facsimile of their signature as reproduced by machine, stamp or device commonly known as a Checksigner.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-12

DESIGNATION OF CERTAIN BANKS AS DEPOSITORIES OF THE TOWN OF HARRISON

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to designate certain banks as depositories of the Town of Harrison and that the funds of the Town of Harrison in said banks be subject to withdrawal or transfer only by check or electronic transfer which shall be audited and signed by the Comptroller of the Town of Harrison, and in the absence of the Comptroller, by the Supervisor, and in absence of the Supervisor, by the Deputy Supervisor.

J.P. Morgan Chase Bank

Bank of New York (County Trust Region)  
MBIA-Class  
Wachovia Bank

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-13

DESIGNATION OF THE JOURNAL NEWS AND THE HARRISON REPORT AS  
THE OFFICIAL NEWSPAPERS OF THE TOWN OF HARRISON

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to:

Designate the Journal News and The Harrison Report as the official newspapers of the Town of Harrison, and designating that the Harrison Independent may also be used for the publication of, among other things: notices, resolutions and ordinances.

FURTHER RESOLVED that a copy of this Resolution be forwarded to all Department Heads.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-14

RE-AFFIRMING THE DEPOSITORIES FOR THE OFFICE OF THE RECEIVER OF TAXES

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED that the Receiver of Taxes of the Town of Harrison be and hereby is directed to open and maintain an account in the JP Morgan Chase (Harrison Office) to be known as "Receiver's Deposits" in which shall be deposited daily all moneys collected and received in the Receiver of Taxes' official capacity, that said money shall not be withdrawn except upon check or warrant signed by both the Comptroller and the Supervisor; that said Receiver of Taxes shall, at the end of each calendar month in each fiscal year, prepare and file with the Town Board an itemized statement showing the amounts received and the accounts or items to be credited. A duplicate of each report shall be filed with the Comptroller. The Receiver of Taxes shall, in depositing such moneys furnish

to the Comptroller a duplicate deposit ticket properly receipted by the Bank.

FURTHER RESOLVED that, in accordance with Section 548 of the Westchester County Tax Act, as amended, deposits shall be made daily and to the end that the spirit of said statute shall be in effect, the foregoing report shall be required so that the deposits shall be transferred and/or paid out upon the warrant and/or draft of the Comptroller signed by the Supervisor. The Receiver shall, in accordance with said statute, file with the Comptroller duplicate deposit slips of receipts showing the amount of each deposit. It is the spirit and intention of this Resolution that moneys when deposited by the Receiver of Taxes daily shall become immediately available for use by the Comptroller for distribution in various funds and accounts so that payments may be made thereupon by the Comptroller's Office.

FURTHER RESOLVED that this Resolution shall become effective immediately so that there shall be no delay in distributing the moneys for Town purposes, District purposes, School purposes, or County and State purposes. The Comptroller is to be advised immediately of the availability of moneys by virtue of the deposits by means of the certified deposit slips filed with the Comptroller's office by the Receiver of Taxes.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-15

RE-AFFIRMING THE DUTIES OF THE RECEIVER OF TAXES

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the duties of the Receiver of Taxes, as follows:

RESOLVED that the Receiver of Taxes shall report all receipts and payments in her regular monthly report of receipt to the Town Board. A copy of such report shall be filed with the Supervisor and with the Comptroller;

FURTHER RESOLVED that the Receiver of Taxes shall maintain in her office an Account Book containing complete records of the receipt of moneys in connection with the sale of Town-owned properties either outright or over a period of time;

FURTHER RESOLVED that, in accordance with Section 548 of the Westchester County Tax Act, as amended, deposits shall be made daily and, to the end that the spirit of said statute shall be in effect, the foregoing report shall be required so that the deposits shall be transferred and/or paid out upon the warrant and/or draft of the Comptroller signed by the Supervisor. The Receiver shall, in accordance with said statute, file with the Comptroller duplicate deposit slips or receipts showing the amount of each deposit. It is the spirit and intention of this resolution that the moneys when deposited by the Receiver of Taxes daily shall become immediately available for use by the Comptroller and Supervisor for distribution in various funds and accounts and so that the payment may be made thereupon by the Comptroller's Office and the Supervisor's Office;

FURTHER RESOLVED that this Resolution shall become effective immediately so that there shall be no delay in distributing the moneys for Town purposes, District purposes, County and State purposes and that the Comptroller be advised immediately of the availability of moneys by virtue of the deposits by the Receiver of Taxes certified by the Deposit Slip filed with the Supervisor;

FURTHER RESOLVED that, in addition to the duties heretofore enumerated, the Receiver of Taxes shall at all times comply with all provisions as set forth in the Westchester County Administrative Code as applicable to the Office of the Receiver of Taxes.

RESOLVED that the Receiver of Taxes shall report all receipts and payments in her regular monthly report of receipt to the Town Board. A copy of such report shall be filed with the Supervisor and with the Comptroller;

FURTHER RESOLVED that the Receiver of Taxes shall maintain in her office an Account Book containing complete records of the receipt of moneys in connection with the sale of Town-owned properties either outright or over a period of time;

FURTHER RESOLVED that, in accordance with Section 548 of the Westchester County Tax Act, as amended, deposits shall be made daily and, to the end that the spirit of said statute shall be in effect, the foregoing report shall be required so that the deposits shall be transferred and/or paid out upon the warrant and/or draft of the Comptroller signed by the Supervisor. The Receiver shall, in accordance with said statute, file with the Comptroller duplicate deposit slips or receipts showing the amount of each deposit. It is the spirit and intention of this resolution that the moneys when deposited by the Receiver of Taxes daily shall become immediately available for use by the Comptroller and Supervisor for distribution in various funds and accounts and so that the payment may be made thereupon by the Comptroller's Office and the Supervisor's Office;

FURTHER RESOLVED that this Resolution shall become effective immediately so that there shall be no delay in distributing the moneys for Town purposes, District purposes, County and State purposes and that the Comptroller be advised immediately of the availability of moneys by virtue of the deposits by the Receiver of Taxes certified by the Deposit Slip filed with the Supervisor;

FURTHER RESOLVED that, in addition to the duties heretofore enumerated, the Receiver of Taxes shall at all times comply with all provisions as set forth in the Westchester County Administrative

Code as applicable to the Office of the Receiver of Taxes.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-16

RE-AFFIRMING THE REGULATION THAT THE RECEIVER OF TAXES MUST DEPOSIT ANY AND ALL PAYMENTS WITH TWENTY-FOUR (24) HOURS OF RECEIVING SAME

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm that the Receiver of Taxes must deposit any and all payments within twenty four hours of the receipt of same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-17

APPOINTMENT OF POLICE PENSION FUND OFFICERS:  
COUNCILMEN CANNELLA, PALADINO AND SCAPPATICCI

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-appoint the following as Police Pension Fund Officers:

Councilmen Cannella, Paladino and Scappaticci.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-18

DESIGNATION OF SUPERVISOR MALFITANO AS TREASURER  
OF THE HARRISON PUBLIC LIBRARY

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to designate Supervisor Malfitano as the Treasurer of the Harrison Public Library.

FURTHER RESOLVED to forward a copy of this Resolution to the Supervisor and the Director of the Library.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Paladino

Supervisor Malfitano

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-19

RE-AFFIRMING THE PROCEDURES FOR PREPARATION OF AGENDAS  
FOR TOWN BOARD MEETINGS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the following procedures for the preparation of Agendas for the Town Board Meetings;

1. All matters are to be filed in the Town Clerk's office by 9:30AM on the Thursday before the meeting.
2. The Clerk shall prepare a draft Agenda for each meeting and deliver it to the Supervisor by noon on the Thursday before each meeting.
3. The Supervisor shall prepare the final Agenda for each meeting, and deliver it to the Town Clerk by noon on or before the Friday before each meeting.
4. The Clerk shall make copies of all appropriate items or keep them on file for inspection, and shall deliver same to the Town Board members on or before the

Friday before the meeting.

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-20

RE-AFFIRMING OF THE REQUIREMENTS FOR PUBLIC LIABILITY INSURANCE  
FROM ALL INDEPENDENT CONTRACTORS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the requirements regarding securing Public Liability Insurance from all independent contractors.

RESOLVED that the Commissioner of the Department of Public Works, the Acting or Deputy Commissioner of the Department of Public Works or the Supervisor secure from all independent contractors, Public Liability Insurance for the Town of Harrison and the Village of Harrison in the minimum amount of \$1,000,000.00, or such greater amount as may be required by the Commissioner of the Department of Public Works, the Acting or Deputy Commissioner of the Department of Public Works or the Supervisor, naming the Town of Harrison and the Village of Harrison as named insureds.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-21

RE-AFFIRMING THE DUTIES OF DEPARTMENT HEADS WHO RECEIVE MONIES

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED that any of the following Town Department Heads:  
the Town Clerk, the Receiver of Taxes, the Court Clerk, the Building Department, the Fire Marshal, the Planning and Zoning Department, the Department of Public Works, the Recreation Department, and the Director of Purchasing, (bid deposit depending on the bid), any public officer, or employee who receives monies on behalf of the Town of Harrison, in the performance of his or her duties, shall deposit or cause to be deposited such moneys in an appropriate account at a designated bank, and shall give a copy of the receipt to the Comptroller within twenty-four (24) hours;

FURTHER RESOLVED that this shall include all monies received by the Town Justices and the Library;

FURTHER RESOLVED that each Town Department Head, public officer, or employee shall account

to the Town Board for all sums received by him or her. A statement shall be submitted by each within seven (7) days of the close of each month showing the source from which such moneys are received, and the nature and purpose of each payment.

FURTHER RESOLVED that a copy of this Resolution be forwarded to the Comptroller and all Department Heads.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-22

RE-AFFIRMING THE RESPONSIBILITY OF THE COMMISSIONER OF PUBLIC WORKS  
TO REMOVE SNOW FROM ALL PUBLIC PARKING AREAS CONTROLLED BY THE TOWN

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the responsibility of the Commissioner of Public Works, the Deputy or the Acting Commissioner of Public Works, or the Supervisor to remove snow from all public parking areas controlled by the Town.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-23

RE-AFFIRMING THE REQUIRED PROCEDURES FOR FUNDING OF  
PUBLIC WORKS PROJECTS:

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the required procedures for funding of Public Works projects:

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

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

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 Cannella, Vetere, Scappaticci and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 003-24

RE-AFFIRMING THE REQUIRED PROCEDURES FOR THE PURCHASE  
OF COMMODITIES, EQUIPMENT OR GOODS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-affirm the required procedures for the purchase of commodities, equipment or goods:

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

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

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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

January 13, 2005

2005 -- 004

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report from the Receiver of Taxes for December, 2004.
- 1b. Monthly report from the Fire Marshal for December, 2004.
- 1c. Monthly report from the Building Inspector for December, 2004 and a year to date activities report.
- 1d. Monthly report from the Town Clerk for December, 2004.
- 1e. Quarterly report from the Library Director for October, November & December, 2004.
- 1f. Monthly report from the HVAC for December, 2004.
- 1g. Monthly report from the Superintendent of Recreation for December, 2004.
  
2. Notification by the NYS DEC review of approval of modifications changing the areas of the wetlands and the areas to receive clean fill.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 005a

PUBLIC HEARING RE: REQUEST BY WESTCHESTER COUNTRY CLUB FOR A SPECIAL  
EXCEPTION USE PERMIT FOR THE CONSTRUCTION OF FIVE (5) SQUASH COURTS,  
A GOLF STORAGE AREA AND AN AUTO DETAILING AREA

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

No one spoke for or against the request.

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

January 13, 2005

2005 -- 005b

APPROVAL OF THE REQUEST BY WESTCHESTER COUNTRY CLUB FOR A  
SPECIAL EXCEPTION USE PERMIT FOR THE CONSTRUCTION OF FIVE (5)  
SQUASH COURTS, A GOLF STORAGE AREA AND AN AUTO DETAILING AREA

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of the Westchester Country Club for a Special Exception Use Permit, for the construction of five (5) squash courts, a golf storage cart area and an auto detailing area.

FURTHER RESOLVED to forward a copy of this Resolution to Westchester Country Club, the Assessor and the Department of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 006a

PUBLIC HEARING RE: REQUEST OF KRAFT FOODS FEDERAL CREDIT UNION FOR AN  
AMENDMENT TO THEIR SPECIAL EXCEPTION USE PERMIT, FOR THE INSTALLATION  
OF AN EMERGENCY ELECTRIC GENERATOR AT THE CENTRE AT PURCHASE

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

No one spoke for or against the request.

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

January 13, 2005

2005 -- 006b

APPROVAL OF THE REQUEST OF KRAFT FOODS FEDERAL CREDIT UNION FOR AN  
AMENDMENT TO THEIR SPECIAL EXCEPTION USE PERMIT, FOR THE INSTALLATION  
OF AN EMERGENCY ELECTRIC GENERATOR AT THE CENTRE AT PURCHASE

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Kraft Foods Federal Credit Union for an amendment to their Special Exception Use Permit, for the installation of an emergency electric generator at The Centre at Purchase, 2 Manhattanville Road.

FURTHER RESOLVED to forward a copy of this Resolution to Anthony Guccione and the Department of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 007a

PUBLIC HEARING RE: REQUEST OF CINGULAR f/k/a AT&T WIRELESS FOR A SPECIAL  
EXCEPTION USE PERMIT TO INSTALL TWELVE (12) PANEL ANTENNAS AND  
ASSOCIATED EQUIPMENT ON THE ROOF OF 2975 WESTCHESTER AVENUE

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

There was a brief discussion of the concerns of a nearby resident as to the visibility of the antennas from his house. Pictures were presented which showed that the impact would be minimal. In addition, the resident had asked that the antennas be moved to a different location, but that was not possible. The neighbor was not present at the Hearing, so it was presumed that he no longer had objections.

No one else spoke for or against the request.

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

January 13, 2005

2005 -- 007b

APPROVAL OF THE REQUEST OF CINGULAR f/k/a AT&T WIRELESS FOR A SPECIAL  
EXCEPTION USE PERMIT TO INSTALL TWELVE (12) PANEL ANTENNAS AND  
ASSOCIATED EQUIPMENT ON THE ROOF OF 2975 WESTCHESTER AVENUE

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Cingular f/k/a/ AT&T Wireless for a Special Exception Use Permit, to install twelve (12) panel antennas and associated equipment cabinets on the roof of the existing building located at 2975 Westchester Avenue.

FURTHER RESOLVED to forward a copy of this Resolution to Cuddy & Feder and the Department of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 008a

PUBLIC HEARING RE: REQUEST OF MANHATTANVILLE COLLEGE FOR A SPECIAL  
EXCEPTION USE PERMIT FOR A PROPOSED ENVIRONMENTAL SANCTUARY ON THE  
COLLEGE GROUNDS, UTILIZING THE REMAINS OF THE OLD MASONRY CHAPEL.

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

No one spoke for or against the request.

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

January 13, 2005

2005 -- 008b

APPROVAL OF THE REQUEST OF MANHATTANVILLE COLLEGE FOR A SPECIAL EXCEPTION USE PERMIT FOR A PROPOSED ENVIRONMENTAL SANCTUARY ON THE COLLEGE GROUNDS, UTILIZING THE REMAINS OF THE OLD MASONRY CHAPEL.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Manhattanville College for a Special Exception Use Permit for a proposed Environmental Sanctuary to be located on the college grounds utilizing the remains of the old masonry chapel.

FURTHER RESOLVED to forward a copy of this Resolution to McCullough, Goldberger & Staudt, the Assessor and the Department of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 009

AUTHORIZATION FOR RECREATION SUPERVISOR GERRY SALVO TO TAKE COURSES  
AT LEHMAN COLLEGE, AND BE REIMBURSED FOR THE COSTS.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Superintendent of Recreation Ron Belmont for authorization for Recreation Supervisor Gerry Salvo to take the following courses during the Spring Semester at Lehman College and be reimbursed for the costs:

REC 705 – Community Recreation & Park Facilities	- 3 credits
REC 709 – Mental Retardation Programs (Therapeutic Recreation Service)	- 3 credits

FURTHER RESOLVED to authorize the Comptroller, upon successful completion of these courses, to reimburse the amount of \$1,639.50 to Mr. Salvo.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 010 (corrected)

ACCEPTANCE OF THE RETIREMENT OF SGT. MICHAEL PINEAU

Police Chief David Hall stated that Sgt. Pineau had been an outstanding officer. Chief Hall said that they had worked together for more than 25 years, and he was sorry to see Mike leave.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to accept, with regret, the letter of retirement from Sgt. Michael Pineau, effective February 9, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 011

AUTHORIZATION FOR REIMBURSEMENT TO SGT. MARK TAMUCCI FOR A  
COURSE AT MANHATTANVILLE COLLEGE, FALL SEMESTER -- 2004

It was pointed out that for new officers, any college course must be police-related in order for expenses to be reimbursed.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Chief of Police David Hall for authorization for Sgt. Mark Tamucci to be reimbursed for expenses for the following course he took during the Fall 2004 semester at Manhattanville College: "Introduction to the Exceptional Child", in the amount of \$2,039.69 for tuition and books.

FURTHER RESOLVED that, upon submission of record of attendance, proof of payment and satisfactory completion of the course, the Comptroller is authorized to audit and pay the costs.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Paladino and Scappaticci  
Supervisor Malfitano

NAYS: Councilman Vetere

ABSENT: None

January 13, 2005

2005 -- 012

CONFIRMATION OF THE APPOINTMENT OF RICHARD SCHNEEMAN  
AS A PART-TIME SUBSTITUTE LIBRARY CLERK

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by the Library Board of Trustees and confirm the appointment of Richard Schneeman as a part-time substitute Library Clerk, effective January 18, 2005 at a rate of \$12.50 per hour and a Sunday rate of \$14.50 per hour.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 013

ACCEPTANCE OF THE RETIREMENT OF POLICE OFFICER JOHN DeRENZIS

Chief of Police David Hall praised Officer DeRenzis as an outstanding officer. He stated that Officer DeRenzis did not want to retire, but due to the effects of a severe car accident years ago, he can no longer perform the duties of a police officer. Chief Hall added that he will be missed.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to accept, with regret, the letter of retirement from P.O. John DeRenzis due to his disabilities, effective January 29, 2005.

FURTHER RESOLVED that P.O. DeRenzis be removed from the Town payroll, effective January 29, 2005.

FURTHER RESOLVED to forward a copy of this Resolution the Comptroller, the Benefits Officer, the Chief of Police, and P.O. DeRenzis.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 014

APPOINTMENT OF COUNCILMAN JOSEPH CANNELLA AS DEPUTY SUPERVISOR

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Councilman Joseph Cannella as Deputy Supervisor for the year 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015a

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH THE ORGANIZATION: FRIENDS OF THE OPERA

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005: Friends of the Opera, in the amount of \$ 5,000.00

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015b

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH THE ORGANIZATION: HARRISON CHILDREN'S CENTER

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005: Harrison Children's Center, in the amount of \$22,000.00, subject to receipt of a Certificate of Insurance.

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015c

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH THE ORGANIZATION: HARRISON COUNCIL FOR THE ARTS

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005: Harrison Council for the Arts in the amount of \$6,000.00.

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015d

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH THE ORGANIZATION: HARRISON YOUTH COUNCIL

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005: Harrison Youth Council in the amount of \$57,000.00, subject to receipt of a Certificate of Insurance.

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015e

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH THE ORGANIZATION: PURCHASE FREE LIBRARY

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005: Purchase Free Library in the amount of \$200,000.00.

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015f

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH WATER DISTRICT #1, FIRE PROTECTION DISTRICT #5

Fire Protection District #5, in Water District #1, has its fire Protection provided by Fire District #1 -- operating as the West Harrison Fire Department.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005 with the West Harrison Fire Department for Fire Protection for Fire District #5, which District is adjacent to Water District #1/West Harrison Fire Department, in the amount of \$20,595.00.

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 015g

APPROVAL OF THE SERVICE AGREEMENT FOR YEAR 2005  
WITH THE CITY OF RYE FOR FIRE PROTECTION FOR  
WATER DISTRICT #3, FIRE DISTRICT #3

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for authorization of the following Service Agreement for the year 2005 with the City of Rye for Fire Protection for Harrison Water District #3, in the amount of \$25,685.00, conditional upon an adjustment of the tax rate, and subject to receipt of a Certificate of Insurance.

FURTHER RESOLVED, upon approval, to authorize the Town Attorney's office to prepare the Agreement and the Supervisor to execute same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 016

AUTHORIZATION FOR PAYMENT OF 2005 DUES  
TO THE ASSOCIATION OF TOWNS: \$1,650

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Clerk Joan Walsh for the payment of the 2005 dues for the Association of Towns, in the amount of \$1,650.00.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 017

AUTHORIZATION FOR PAYMENT TO THE HARRISON VOLUNTEER AMBULANCE CORPS  
OF THE FIRST INSTALLMENT OF THEIR FUNDING FOR 2005

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Harrison Volunteer Ambulance Corps (HVAC) Chairman Albert Mignone for authorization for their first of four installment payments of \$100,000.00 each, due January, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 018

APPROVAL TO TRANSFER CONTROL OF THE FRANCHISEE:  
CON EDISON COMMUNICATION, LLS (CEC) TO FIBERNET TELECOM GROUP, INC.,  
UNDER THE FRANCHISE AGREEMENT,  
SUBJECT TO PAYMENT OF CERTAIN OUTSTANDING FEES

The attorney for Con Edison Communication LLC, David Snyder, agreed that all outstanding franchise fees would be paid before the transfer was completed.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED, subject to the payment of certain outstanding fees, as follows:

WHEREAS, on August 23, 2001, Consolidated Edison Communications, Inc., entered into a Franchise Agreement (as may have been or may be amended, the "Franchise Agreement") with the Town of Harrison (the "Town") to construct, operate and maintain a fiber optic telecommunications system (the "Fiber Optic Network") on, over, or under the streets of the Town; and

WHEREAS, on or about December 27, 2001, the Town was notified that Consolidated Edison Communications, Inc. merged into its affiliate, Con Edison Communications, LLC ("CEC");

WHEREAS, CEC, as successor to Consolidated Edison Communications, Inc., is the holder of the franchise pursuant to the Franchise Agreement; and

WHEREAS, Consolidated Edison, Inc. ("CEI") and FiberNet Telecom Group, Inc. ("FiberNet") have entered into a Stock Purchase Agreement dated as of December 10, 2004 (as may have or may be amended, the "Stock Purchase Agreement"), whereby, subject to the satisfaction of certain conditions, FiberNet will purchase all of the outstanding capital stock of Consolidated Edison Communications Holding Company, Inc. ("CEC Holding Company") held by CEI, the parent company of CEC Holding Company; and

WHEREAS, CEC is a subsidiary of CEC Holding Company and, on or prior to the consummation of the transactions contemplated by the Stock Purchase Agreement, is intended to be renamed FiberNet Enterprise Services, LLC (for ease of reference herein, CEC, although intended to be so renamed, is referred to herein as CEC); and

WHEREAS, a Notice of Intent and Request by Franchisee for Consent to Transfer Control has been duly filed with the Town (the "Request"); and

WHEREAS, the Fiber Optic Network has been completed and is operational; and

WHEREAS, pursuant to Section 14 of the Franchise Agreement, no change in control of CEC shall occur without the prior written consent of the Town, which consent shall not be unreasonably withheld or delayed, provided certain conditions set forth in Section 14.3 of the Franchise Agreement

are met; and

WHEREAS, as more fully set forth below, the conditions set forth in Section 14.3 of the Franchise Agreement have been met; and

WHEREAS, the Town has been provided with and has reviewed a summary of the Stock Purchase Agreement; and

WHEREAS, FiberNet has executed or, following the adoption of these resolutions, shall execute an assumption agreement (“Assumption Agreement”) with the Town, CEI and CEC whereby FiberNet agrees to assume and fulfill the obligations and liabilities of CEI set forth in the Franchise Agreement and guaranty or otherwise secure CEC’s obligations to the extent provided under the Franchise Agreement; and

WHEREAS, the Town has been provided with and has reviewed a statement identifying FiberNet, describing the nature of its business and its qualifications to maintain the Fiber Optic Network, including FiberNet’s current financial information; and

NOW THEREFORE, upon review of the evidence submitted in support of the Request, the following facts are adopted:

FIRST: CEC has complied with and provided all of the documentation required by the transfer procedure set forth in Section 14 of the Franchise Agreement.

SECOND: FiberNet is a reputable entity and the Town has been furnished with reasonable proof thereof.

THIRD: FiberNet is of sound financial condition and has the financial resources necessary to perform any and all obligations of CEI pursuant to the Franchise Agreement or any guaranty or other security with respect thereto.

FOURTH: The requested transfer of control is a Type II action under the New York State Environmental Quality Review Act.

NOW THEREFORE BE IT RESOLVED THAT,

1. Effective as of the Closing Date (as defined in the Stock Purchase Agreement), the Town hereby: (i) authorizes, approves and consents to the transfer of control of CEC to FiberNet in relation to the Franchise Agreement; (ii) authorizes and approves the release and hereby releases CEI from any and all past, present and future obligations of CEI under the Franchise Agreement; (iii) authorizes and approves the release and hereby releases CEI from any and all past, present and future obligations of CEI under the Guaranty from CEI to the Town executed in June, 2001 (as may have been or may be amended, the "Guaranty"), and (iv) authorizes, approves and agrees to return the original(s) of the Guaranty to CEI, and accept in the place and stead of the Guaranty such security from FiberNet as the Town deems reasonably necessary under the circumstances; and
2. The Town hereby approves and authorizes entering into and hereby agrees to enter into the Assumption Agreement in the form attached to the Request, under which, among other things, FiberNet, effective as of the Closing Date (as defined in the Stock Purchase Agreement), assumes the obligations of CEI under the Franchise Agreement.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys, the Assessor, the Commissioner of Public Works, and Attorney David Snyder of Snyder & Snyder.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 019

APPROVAL OF AN INCREASE IN THE BILLING RATE OF MILLER & VAN EATON P.L.L.C.  
FOR CABLEVISION PROFESSIONAL SERVICES, TO \$250 PER HOUR;  
APPROVAL OF ADDITIONAL COSTS FOR CERTAIN INVOICES

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Deputy Village Attorney Joseph Latwin and authorize an increase in the billing rate of Miller & Van Eaton P.L.L.C., Cablevision Professional Services from \$230.00 per hour to \$250.00 per hour, effective June 1, 2004.

FURTHER RESOLVED to approve payment of the following invoices which are reflective of the new rate:

Invoice #11438	\$106.00 (remaining balance)
Invoice #11552	20.00 (remaining balance)
Invoice #11758	76.37
Total:	\$202.37

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department and Miller & Van Eaton.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 020a

AUTHORIZATION FOR THE PURCHASE OF A DUAL PURPOSE  
POLICE SERVICE/NARCOTIC DETECTION DOG

Chief Hall reminded the Board that a donation of \$10,000.00 towards the purchase of this dog has been received.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for authorization to purchase a Dual Purpose Police Service/Narcotic Detection dog, at a cost for the dog and training of \$14,000.00. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 020b

AUTHORIZATION FOR POLICE OFFICER JOHN VASTA TO ATTEND K9 TRAINING IN  
BLACKLICK, OHIO IN THE SPRING OF 2005, AT A COST OF \$5,300.00.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Police Chief David Hall for authorization for P.O. John Vasta to attend K9 training in Blacklick, Ohio, during the Spring of 2005, at a cost not to exceed \$5,300.00 including lodging, meals and fuel. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 021

APPROVAL OF THE 2005 INTER-AGENCY AGREEMENT BETWEEN  
THE SOUTH EAST CONSORTIUM AND THE TOWN OF HARRISON  
AT A COST OF \$17,388.00

The South East Consortium provides recreational programs for handicapped persons. Harrison has participated in this program for a number of years.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for approval for the 2005 Inter-Agency Agreement between the South East Consortium and the Town of Harrison in the amount of \$17,388.00.

FURTHER RESOLVED that, upon Town Board approval, the Supervisor be authorized to execute the Agreement. A Certificate of Insurance has been provided.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 022

APPROVAL OF AN EASEMENT BETWEEN THE OWNERS OF LINCOLN LANE

PROPERTIES, LLC, Po Lot 14,(GRANTOR)AND THE WESTCHESTER JOINT WATER WORKS  
AND THE TOWN OF HARRISON (GRANTEES) RE: Po LOT 14

This Easement will be recorded in the Office of the Clerk of the County of Westchester, Division of Land Records, under Control # 432310241, by officials from the Westchester Joint Water Works.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to approve an Easement between the owners of Lincoln Lane Properties LLC (the Grantors) and the Westchester Joint Water Works and the Town of Harrison (Grantees) for a perpetual and permanent easement and right-of-way in, under, across and over all the lands as indicated in the Easement to be used by the Grantee for the sole purpose of installing, operating, maintaining, inspecting, repairing, replacing and relaying the water main with the necessary valves, hydrants, fittings and appurtenances thereto for the transmission and distribution of water, with all the conditions and agreements incorporated into the Easement Agreement.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor and Mr. John Hock, Manager of Westchester Joint Water Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 023

AUTHORIZATION FOR WESTCHESTER JOINT WATER WORKS  
CAPITAL IMPROVEMENT PROJECTS 2005-J.1 TO 2005-J.3 INCLUSIVE AND  
ALSO THE HARRISON SPECIFIC PROJECT 2005-3.2

John Hock, Manager of the Westchester Joint Water Works requested confirmation for the approved recommended Capital Improvements Report for 2005, as approved by the Board of Trustees, as follows:

1. Joint Project 2005-J.1 Replacement of the incoming electrical system at the Kenilworth Regulator Station, and associated repairs. Estimated cost \$40,000.00
2. Joint Project 2005-J.2 Bring the Westchester Avenue Regular Pit up to current OSHA safety standards and associated repairs. Current pit will be demolished and new pit built. Estimated cost: \$50,000.00
3. Joint Project 2005-J.3 Replacement of a 1929 16" valve on Pleasant Ridge Road. Installation of an additional valve on that road at the intersection with Haviland Road. Estimated cost: \$36,000.00

Mr. Hock further stated that Harrison's share of the cost of these improvements will be \$60,200.00. Mr. Hock also requested approval of a local distribution project #2005-3.2 for replacement of 5,300 feet of 4" pipe with 12" pipe on Gainsborg Avenue between Jefferson Street and Locust Avenue, at an estimated cost of \$795,000.00.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept the recommended Capital Improvements Report from the Westchester Joint Water Works, as approved by the Board of Trustees of the Water Works.

FURTHER RESOLVED to approve the following Projects, with Harrison's share of the cost to be \$60,000.00.

1. Joint Project 2005-J.1 Replacement of the incoming electrical system at the Kenilworth Regulator Station, and associated repairs. Estimated cost \$40,000.00
2. Joint Project 2005-J.2 Bring the Westchester Avenue Regular Pit up to current OSHA safety standards and associated repairs. Current pit will be demolished and new pit built. Estimated cost: \$50,000.00
3. Joint Project 2005-J.3 Replacement of a 1929 16" valve on Pleasant Ridge Road. Installation of an additional valve on that road at the intersection with Haviland Road. Estimated cost: \$36,000.00; and
4. The Harrison specific Project # 2005-3.2, for the installation of a 12" pipe on Gainsborg Avenue, between Jefferson Street and Locust Avenue, at an estimated cost of \$795,000.00.

FURTHER RESOLVED that Harrison's share of a previously approve Project, #2004-J.6 with a total cost of \$260,000.00 with the cost to Harrison amounting to \$122,500.00 be transferred to other

WJWW capital projects which have a higher priority. Project, #2004-J.6 has not been started and no funds have been expended on it.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and to Mr. John Hock, Westchester Joint Water Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 024 a

REPORT AND UPDATE BY ANTHONY CATALANO, PROJECT MANAGER  
FOR THE FIRM OF MALCOLM PIRNIE  
RE: REMEDIATION OF BEAVER BROOK SWAMP UNDER THE

BROWNFIELD'S ACT AND PROJECT HOME RUN  
RE: CONTRACT AMENDMENT #6

Supervisor Malfitano introduced Anthony Catalano, the Project Manager for the firm of Malcolm Pirnie, Engineers, the contractors for the remediation of Beaver Swamp Brook under the Brownfield's Act, and for Project Home Run.

Mr. Catalano said that the project is moving along, that 90% of the contaminated soils in the area have been excavated, about 75% of that area has been backfilled, all the surface debris has been removed, and there is a significant change in the appearance of the site. He continued that the soccer field has been moved and is larger than previously, while the parking lot is smaller. He added that they had approached the DEC and informed them that, with this re-orientation, there is no longer an impact on this wetland area, and in fact there is a 6,000 square foot increase in wetlands. He further stated that the Army Corps of Engineers has also approved this change.

The Nature Walkway remains, as well as the playground and picnic areas, as well as the access points.

Supervisor Malfitano pointed out that the major benefit (of the change that the DEC has just approved) is that the soccer field is now the standard size, 50 feet by 80 feet.

Mr. Catalano continued that, after working with the DEC and negotiating with them, the DEC has now agreed to fund a good portion of the work along Oakland Avenue. He then referred to Malcolm Pirnie's request for Amendment #6 to their contract, with a cost for further engineering and design services and construction oversight in the amount of \$280,584 pointing out that, with the additional DEC funding, the net cost of this additional work would be \$122,000.

Supervisor Malfitano then asked how much of the work in Amendment #6 relates to infrastructure, and how much relates to the recreation component. Mr. Catalano replied that for construction and engineering (for the recreation component,) it would be about \$200,000.

Councilman Paladino pointed out that the original oversight construction budget was about \$120,000 for a six month period, and this request for two months of oversight is \$116,000. He asked why the two month period is almost the same as the six month cost.

Mr. Catalano replied that the contractor has proposed working six or seven days a week, with eleven hour days, which is beyond the original oversight schedule of five days a week between 8AM and 5 PM. He added that this estimate covers the cost until the end of the project in April.

Councilman Paladino then brought up the matter of water, and the general concern of the residents about the flooding of this area. He continued that the original plan was to raise the "bow" or "belly" part of Oakland Avenue, where it dips low, by four feet and that the new plan, according to the letter from the DEC, suggests that it be raised only two feet.

Mr. Catalano stated that this change was a result of the agreement by the DEC to fund part of this work, that it was designed to minimize the flooding, that it was a cost issue rather than a design issue. He added that there could be more study, particularly as to the impact on the adjacent parking lot and

that, based on discussions with the DEC, the DEC would not be opposed to raising (the road by the proposed four feet,) as long as the Town did not look for re-imbusement. (for that additional cost)

Councilman Cannella said that he did not remember the Board being given a choice (as to the two feet vs the four feet) and the Board certainly does not want to end up with a flooding issue again.

Mr. Catalano said that the current elevation of the "belly" of the road is 32.5 feet, an area which is about even with the steps from the Seasons' Restaurant and stretches for about forty or fifty feet. The 100 year storm elevation is 33.5 feet, a 10 year storm has an elevation of 32.3 feet.

Supervisor Malfitano suggested if there was an opportunity to get the level of the road above the 100 year event, that should be done, adding that the soccer field and the baseball fields are above the 100 year event level.

Mr. Paladino stated that he understood the soccer field was at 34.5 feet and the baseball field at 36 feet. He continued that the night of the recent major rainstorm, which was characterized by the Town Engineer as a 30 or 40 year storm, those of us who were there marked the water line with green paint on certain poles, and the water was at least 18 inches or two feet above the roadbed, in the "belly" area. Mr. Catalano agreed.

Mr. Paladino then asked about the pipe that goes from a drain in Oakland Avenue, over to the pond behind the proposed left field.

Mr. Catalano said that was the original design, but the engineers are looking to bypass the pond, and deposit the water into a rip-rap apron which would eventually drain into the Brook. It was pointed out that raising the levels (of the road) would allow the water that accumulates in the "belly" portion on Oakland Avenue to move off the road.

Mr. Paladino also asked about the retention basin and the Brook itself, and problems that might be created downstream.

Mr. Catalano stated that the firm of Montgomery Watson Harza had done studies and, if an analysis is run, the models show that with the both remediation and the redevelopment, there is less than .1 foot increase in water elevation. He continued that, as part of an additional project, the NRCS funds that were provided would help facilitate the work that is being done in the Brook itself, which, with the grant that the Town has received in the \$300,000 range, will produce a huge benefit to help the downstream areas. He added that he has walked the entire corridor with Harrison's engineers and the City of Rye engineers, that there is debris and sediment built up, and this area will be improved.

Mr. Paladino pointed out that in the flood he mentioned earlier, which was a 30 to 40 year event, the Brook had backed up so that Park Avenue also was flooded, coming from upstream as well as downstream of the Brook, adding that if the bottlenecks are not addressed, there will still be flooding.

Mr. Catalano pointed out that the pipes in the area are undersized, that they are 15" pipes, and should be considerably larger. He continued that his firm is proposing to move the NCRS work and the town's current remediation work together, which would save money as the Town could amend the

contract with the contractor doing the remediation work so he could do this work also.

Supervisor Malfitano agreed, and said that there are plans to do the work that will lower the level of water in the Brook.

Councilman Cannella asked the consequences of not doing the further work on the Brook, and if the current plans for flooding in the remediation area takes into account back-flooding from the Brook, and will there then be a problem if the work is not done.

Mr. Catalano said the plans do take this into account, and it should not be a problem as there is less than a .1foot increase in elevation in the remediation area.

Mr. Paladino asked for further clarification, stating that in the recent 30 year event, with no work downstream and no clearing of channels or bottlenecks, the water backed up to a level of 33. He added that now there is always standing water on the site.

Mr. Catalano said that there are streamlets that flow towards the Brook, but are not connected to it at this time, in accordance with an agreement with the DEC. When the backfilling starts, those streamlets will flow to the Brook. He continued that in the low lying areas, with elevations of 30.5, levels are not being increased in these wetlands areas. In the areas where elevation is 31 or 32, there will be a two foot soil cap.

Mr. Cannella commented that in some recent rains, (the area) was much better, there did not seem to be a buildup of water, and asked why that happened.

Mr. Catalano replied that he had not seen tremendously high levels of iron oxide although it is present, that it could be a combination of several things, he did not know where it would be coming from. He agreed to speak to the owners, and to Commissioner of Public Works Bob Wasp, adding that he was available to speak to any residents who came by.

Resident Robert Porto pointed out that the Town was committed to paying a monitoring fee of \$30,000 per year for five years to the DEC, and asked if this change of plans would affect that cost.

Supervisor Malfitano stated that it would not have any effect.

January 13, 2005

2005 -- 024b

APPROVAL OF AMENDMENT #6 TO THE CONTRACT  
WITH THE FIRM OF MALCOLM PIRNIE  
RE: REMEDIATION OF THE BEAVER SWAMP BROOK  
AND DEVELOPMENT OF PROJECT HOME RUN.  
TOTAL AMENDMENT COST: \$280,584.  
NET COST TO THE TOWN: \$122,200.

There was discussion as to the source of the funds to pay this net cost of \$122,200. Supervisor Malfitano reminded the Board that the Town has a loan from the NYS Environmental Facilities Corporation, in the amount of \$2.750 million, with 0% interest, and a three-year term. At the end of this project, the Town can roll its net cost into a bond with the NYSEFC at a cost of 2% interest, for a period of 25 or 30 years. This loan can be used to deal with all costs associated with the project, either the Recreation component or the Brownfield component. The Board agreed to fund the costs of this Amendment through the loan from the NYS Environmental Facilities Corporation, at the present 0% interest rate.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve Amendment #6 to the contract with the firm of Malcolm Pirnie in the amount of \$289,584., with a net cost to the Town of \$122,200., for engineering and design services and construction oversight. The work included in this amendment is as follows:

1. Quantitative Environmental Analysis	\$ 10,400.00
2. Hydrology Design	\$ 19,986.00
3. Sediment Sampling and Analysis	\$ 41,140.00
4. Soil Sampling and Analysis	\$ 64,608.00
5. Extended Field Oversight-2 month extension of time and Overtime expenditures	\$116,200.00
6. Oakland Avenue Grading-redesign as per NYSDEC request	\$ 12,500.00
7. Design Basis Report Re-submittal and Permitting-NYSDEC Submittal	\$ 5,250.00
8. Hydrology and Hydraulic Analyses- Stormwater Management revisions	\$ 10,500.00

FURTHER RESOLVED to increase the upset limit of this contract from \$348,000 to \$628,584.

FURTHER RESOLVED to finance the Town's cost of \$122,200 through a bond from the New York State Environmental Facilities Corporation at the current 0% interest rate.

FURTHER RESOLVED to authorize the Town Attorney to execute Amendment #6 to the contract with Malcolm Pirnie in the amount of \$280,584.

FURTHER RESOLVED that, upon execution of the State Assistance Contract, this amendment will be formally added to the DEC grant.

FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Comptroller, the Town Attorneys, the Town Engineer, the Director of Purchasing and Mr. Catalano of Malcolm Pirnie.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 025

AUTHORIZATION TO SIGN THE RENEWAL OF THE CONTRACT WITH THE FIRM OF  
GALLAGHER BASSETT SERVICES FOR ADMINISTRATION OF THE  
TOWN'S WORKMEN'S COMPENSATION CLAIMS.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to renew the contract with the firm of Gallagher Bassett Services as the Administration of the Town's Workmen's Compensation claims, and to authorize the Supervisor to sign and execute the renewal contract.

FURTHER RESOLVED to forward a copy of this Resolution to the Benefits Officer, the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 026

AUTHORIZATION FOR PAYMENT TO ROYAL ENVIRONMENTAL SERVICES CORP. FOR  
EMERGENCY CLEAN-UP OF PETROLEUM PRODUCTS IN THE BEAVER SWAMP BROOK  
IN THE AMOUNT OF \$12,800.

Commissioner of Public Works Bob Wasp stated that regulatory agencies attributed this release of petroleum products into the Beaver Swamp Brook to the Town's Utility Garage. The work was

ordered by the Westchester County Department of Health on December 8, 2004, and completed on December 15, 2004. Town Board members had been notified at the time, and Royal Environmental Services Corp, was contacted to perform the work. In response to a question, Mr. Wasp stated that the petroleum was diesel fuel, between 25 and 50 gallons. He added that he could not determine the source of the spill.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for authorization for payment to Royal Environmental Services Corp, in the amount of \$12,800.00 for the emergency clean-up of petroleum products into the Beaver Swamp Brook.

FURTHER RESOLVED that funding for this clean-up will come from the 2004 Contingency Budget.

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, Scappaticci, Vetere and Cannella Supervisor Malfitano
NAYS:	None
ABSENT:	None

January 13, 2005

2005 -- 027a

**BID AWARD TO CRYSTAL RESTORATION OF PORT CHESTER FOR REMEDIATION  
OF A MOLD CONDITION AT THE MINTZER CENTER COST: \$15,500.00**

Commissioner of Public Works Bob Wasp explained that a mold condition had been found on the gym walls in the Mintzer Center, and needs immediate attention. Mr. Wasp further stated that, due to the emergency condition, the work was given verbal authorization by Supervisor Malfitano, and is now completed. Mr. Malfitano discussed the emergency with Councilmen Scappaticci and Cannella.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to award the Bid for remediation of a mold condition on the walls of the gym at the Mintzer Center, to Crystal Restoration of Port Chester, at the lowest Bid price of \$15,500.00.

FURTHER RESOLVED that funds for this expense are to come from the 2005 Contingency Fund, and the amount should be transferred to the GTB Special Services, Account #001-1620-100-0407.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 027b

AUTHORIZATION FOR THE FIRM OF STATE ENVIRONMENTAL ANALYSIS, FOR MOLD SAMPLING BEFORE, DURING AND AFTER THE REMEDIATION OF THE MOLD CONDITION AT THE MINTZER CENTER COST: NOT TO EXCEED \$4,500.00

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to retain the firm of State Environmental Analysis for mold sampling during and after

the remediation process at a cost not to exceed \$4,500.00.

FURTHER RESOLVED that funds for this expense are to come from the 2005 Contingency Fund, and the amount is to be transferred to GTB Special Services Account #001-1620-100-0407.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 028

AUTHORIZATION OF FUNDS FROM THE OPERATING BUDGET OF FIRE DISTRICT #2  
INTO THE .250 ACCOUNT, FOR EMERGENCY REPLACEMENT OF THE  
BOILER IN THE FIRE HOUSE COST: \$6,500.00

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis and authorize the transfer of funds in the amount of \$6,500.00 from Fire District #2's operating budget into their .250 account for emergency replacement of the boiler at the fire house on Harrison Avenue.

FURTHER RESOLVED, that, there be a thorough investigation of the failure of this almost new

boiler, with a report to be submitted to the Town Board.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of Purchasing, the Fire Marshall and the Chief of Fire District #2.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 029

APPROVAL OF APPORTIONMENT OF ASSESSED VALUATION  
OF LOT 12(Po12&58) IN BLOCK 84 INTO TWO PARCELS

Mr. Peter J. Pezzella, Jr. and Mrs. Ann D. Pezzella, owners of Lot 12(Po12&58) in Block 84 would like the aforementioned property apportioned into two (2) parcels. Assessor James Calandruccio explained that this apportionment was approved by the Planning Board and filed in the Westchester County Clerk's office on December 20, 2004 as Map #27467. He added that the apportionment is necessary so that all future tax bills will be sent to the respective owners.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Assessor James Calandruccio and authorize the apportionment of assessed valuation Lot 12(Po12&58) in Block 84 on the 2004 Assessment Roll (Tax of 2005).

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 – 030

AUTHORIZATION FOR REIMBURSEMENT OF AN OMITTED "STAR" EXEMPTION  
FOR BLOCK 741, LOT 1, ON BEHALF OF MS. CAROLE La PICK,  
34 UNDERHILL AVENUE, WEST HARRISON

Assessor James Calandruccio explained that the STAR exemption had been omitted from the tax bill of Ms. Carole La Pick, owner of a co-op apartment at 34 Underhill Avenue, and he requested reimbursement to Ms. La Pick of an assessed valuation of \$1,200, the exact refund amount to depend on a tax rate calculation.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Assessor Calandruccio for reimbursement for an omitted

STAR exemption for Lot 1 in Block 741.

FURTHER RESOLVED to authorize the Comptroller to reimburse Park Knoll Owners Corp., on behalf of Ms. Carole La Pick, owner of the co-op apartment unit at 34 Underhill Avenue.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 - - 031

AUTHORIZATION FOR THE EXPENDITURE IN AN AMOUNT UP TO \$5,000.00  
FOR HOSTING THE FEBRUARY 2005 DINNER MEETING  
OF THE WESTCHESTER COUNTY OFFICIALS ASSOCIATION.

Supervisor Malfitano informed the Board that Harrison is the host municipality for February for the Westchester County Officials Association. These meetings are dinners, and Harrison, as host, will be holding it at Reid Castle on the Manhattanville College grounds with the reception beginning at 6:00 pm.

On motion of Councilman Paladino, seconded by Councilman Vetere,

it was

RESOLVED to approve the expenditure on an amount up to \$5,000.00 for expenses incurred at Reid Castle for the February 10, 2005 dinner meeting of the Westchester County Officials Association.

FURTHER RESOLVED that, as is customary all Town Board members and Department Heads will be invited to attend.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 032a  
NEW BUSINESS

ANNOUNCEMENT OF A PROPOSED DINNER TO BE HELD BY THE HARRISON CHAMBER OF COMMERCE TO BENEFIT THE VICTIMS OF THE CHRISTMASTIME TSUMANI IN ASIA

Supervisor Malfitano announced that the Harrison Chamber of Commerce is planning to host a fund-raising dinner to benefit the victims of the Tsumani that hit the Asian coast at Christmas time. He stated that it would probably be held in March, in one of the Town buildings, and that details would be provided at the next Town board meeting.

DISCUSSION OF THE DONATION OF AN OLD SCHOOL HOUSE, WHICH HAD BEEN BUILT BY THE PARK FAMILY, NOW LOCATED ON PURCHASE STREET

Supervisor Malfitano stated that he had been approached by Jeff Park, of the Park family, about the Town accepting the donation of the old school house now located on Purchase Street. He added that

Mr. Demetriadis, the current owner of the property on which the building sits, and owner of the building, is willing to donate it to the Town, and provide some funding for the transfer. Mr. Demetriadis has renovated the building and is now using it as a subdivision office. Mr. Malfitano suggested that a proper site might be Passidomo Park.

Councilman Paladino suggested that PEPSICO or Morgan Stanley might be approached as a location. It was agreed that it would be best to first decide if it would be put on Town property, before any calls are made. Mr. Paladino also asked what use could be made of the building, as a museum, or what, is the benefit worth the burden of maintaining the building.

Mr. Malfitano said that any decision is some months away, but asked the Board members to consider the proposal.

January 13, 2005

2005 -- 032b

MATTERS FOR EXECUTIVE SESSION

Personnel	13
Acquisition of property	1
Sale of property	1
Advice of counsel	1
Outside Counsel	2
Litigation updates	6

On motion duly made and seconded,  
the Meeting was recessed at 10:05 PM.

The Meeting was re-convened at midnight.

January 13, 2005

2005 -- 033

CHANGE OF GRADE FOR THE POSITION OF CODE ENFORCEMENT OFFICER

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to change the Grade of the position of Code Enforcement Officer from a Grade VI to a Grade IX, due to an increase in the scope of the duties and the increased responsibilities of the position.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Comptroller, the President of the Civil Service Employees Association, and Mr. DiBuono.

Adopted by the following vote:

AYES: Councilmen Vetere, Cannella, Scappaticci and Paladino

Supervisor Malfitano

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 034

AUTHORIZATION TO APPOINT EDWARD DiBUONO TO THE POSITION OF CODE  
ENFORCEMENT OFFICER, AT THE NEW GRADE OF IX, AT STEP 2

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to re-appoint Edward DiBuono as Code Enforcement Officer, but at the new Grade of IX, at Step 2, with an annual salary of \$52,868, effective January 14, 2005.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Comptroller, the President of the Civil Service Employees Association, and Mr. DiBuono.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 035

CORRECTION OF RESOLUTION REGARDING THE EMPLOYEE BENEFITS  
FOR THE POSITION OF CHIEF OF POLICE

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to correct Resolution # 2004-426, which defined the benefits that accrue to the position of Chief of Police, and clarify that the position does not carry entitlement to any overtime benefits.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 036

AUTHORIZATION OF PAYMENT TO MICHAEL POPP AS SETTLEMENT  
OF POTENTIAL CLAIMS IN THE AMOUNT OF \$5,000.00

On motion of Supervisor Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to authorize payment to Michael Popp as settlement of potential claims against the Town, in the amount of \$5,000.00.

FURTHER RESOLVED, that a general release must be signed by Mr. Popp before the release of any funds.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department, and Mr. Popp.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Paladino

Supervisor Malfitano

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 037

APPOINTMENT OF RICHARD MAGRINO AS A RECREATION ASSISTANT

Superintendent of Recreation Ron Belmont stated that Richard Magrino has been a part-time employee with the Department for several years, and this past summer served as Day Camp Director. He added that Mr. Magrino is a recent graduate of Towson University with a Bachelor of Science degree in Sports Management.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Richard Magrino as a Recreation Assistant in the Department of Recreation, at Grade V-D, Step 2, at the annual salary of \$43,933.00, effective January 17, 2005.

FURTHER RESOLVED that this appointment has a probationary period of six months.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 038

APPROVAL OF A SALARY INCREASE FOR ELEANOR KLINE

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the hourly rate of wages for Eleanor Kline, Clerk in the Department of Public Works, from \$20.00 to \$22.00, effective January 1, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 039

APPROVAL OF A SALARY INCREASE FOR MICHAEL WILLIAMS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the hourly rate of wages for Michael Williams, who is the custodian of the Municipal Building for all public meetings, from \$20.00 to \$22.00, effective January 1, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 040

APPROVAL OF A SALARY INCREASE FOR LUIGI ANNUNZIATA

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the hourly rate of wages for Luigi Annunziata from \$17.50 to \$19.00, effective January 1, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 041 -a

AUTHORIZATION FOR AN ADDITIONAL PART-TIME PERSON  
IN THE DEPARTMENT OF PUBLIC WORKS

Commissioner of Public Works Bob Wasp informed the Board members that the custodian in the Municipal Building, Jamie Zuccarelli, was in an automobile accident and suffered a broken leg. He will be out for an undetermined time. In his absence, a part-time employee is needed for the Department of Public Works.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Commissioner of Public Works to hire an additional part-time person in the Department of Public Works, effective January 18, 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 Cannella, Vetere, Scappaticci and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 041 - b -- corrected

AUTHORIZATION TO CONTINUE THE STIPEND BEING PAID TO ROBERT DAY  
IN THE DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT OF \$250 PER PAY PERIOD.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to continue the stipend being paid to Robert Day, Department of Public Works, for out-of-title work, in the amount of \$250 per pay period.

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 Cannella, Scappaticci and Paladino  
Supervisor Malfitano

NAYS: None

ABSTAIN: Councilman Vetere

ABSENT: None

January 13, 2005

2005 -- 042

AUTHORIZATION TO HIRE THREE PART-TIME WORKERS IN  
THE DEPARTMENT OF PUBLIC WORKS, SANITATION DIVISION

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Commissioner of Public Works to hire three additional part-time workers in the Department of Public Works, Sanitation Division, effective January 3, 2005.

FURTHER RESOLVED to transfer this voting record to the Village Minutes of this date.

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 Cannella, Vetere, Scappaticci and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 043

AUTHORIZATION TO PAY POLICE OFFICER STEVE COCHRAN FULL SALARY WHILE HE IS ON ACTIVE MILITARY DUTY AS A RESULT OF THE IRAQ WAR, WITH THE PROVISION THAT HE REIMBURSE THE TOWN IN THE AMOUNT OF HIS MILITARY PAY

Police Officer Cochran was called to active military duty as a result of the war with Iraq, serving with the United States Navy, effective December 27, 2004.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED that the Town would pay to P.O. Cochran his full police salary, with full benefits, while he is on active military duty as a result of the war with Iraq, effective with the date of his departure.

FURTHER RESOLVED that, upon his return from active duty, P.O. Cochran is to reimburse the Town in the amount of his military salary.

FURTHER RESOLVED that P.O. Cochran is to be informed of these decisions as soon as possible.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Chief of Police and P.O. Cochran.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 - - 044

RE-APPOINTMENT OF ATTORNEY VINCENT TOOMEY AS OUTSIDE COUNSEL  
FOR THE YEAR 2005 FOR CONTRACT NEGOTIATIONS

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to re-appoint attorney Vincent Toomey as outside counsel for contract negotiations for the year 2005.

FURTHER RESOLVED that the Town Attorney is authorized to negotiate with Mr. Toomey the terms of this contract.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 045

IN THE MATTER OF THE MURPHY PROPERTY ON OLD ORCHARD STREET,  
APPROVAL TO RAISE THE LEGAL FEES TO \$100,000.00

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to raise to \$100,000 the cap on legal fees to be paid to the firm of Rattet, Pasternak and Gordon Oliver, in the matter of Balaber-Strauss as Trustee of Loronda Murphy vs. Town of Harrison.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 046

AUTHORIZATION TO RAISE THE CAP ON LEGAL FEES FOR AN ADDITIONAL AMOUNT OF \$4,664.34 PAYABLE TO THE LAW FIRM OF MEAD, HECHT, CONKLIN & GALLAGHER IN THE MATTER OF GREENBERG vs TOWN OF HARRISON

Village Attorney Fred Castiglia stated that, with TBR #94-64, the Town Board set a limit of \$10,000 for legal fees per case. In the matter of Greenberg vs the Town, that \$10,000 limit has exceeded Legal fees to date, including the present invoice, total \$50,000. Ms. Greenberg sustained injuries in a bicycle accident. Mr. Castiglia requested the Board to authorize an additional \$4,664.34.

On motion of Councilman Scappaticci, seconded by Councilman Cannella.

it was

RESOLVED to authorize an additional \$4,664.34 in legal fees to the law firm of Mead, Hecht, Conklin & Gallagher, in the matter of Greenberg vs Town of Harrison, to cover the costs of their final bill in this matter.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 047

AUTHORIZATION TO RAISE THE CAP ON LEGAL FEES AN ADDITIONAL AMOUNT  
OF \$6,838.00 PAYABLE TO ATTORNEY ROBERT WEININGER  
IN THE MATTER OF SAMAD vs TOWN OF HARRISON

Legal fees to date on this matter total \$16,838.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to raise the cap on legal fees in the amount of \$6,838, payable to attorney Robert Weininger, in the matter of Samad vs Town of Harrison for a drainage problem.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 048

SETTLEMENT OF CLAIM: LIBERTY MUTUAL INSURANCE COMPANY  
a.s.o. WILLIAM BOTTARI IN THE AMOUNT OF \$1,201.13

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Liberty Mutual Insurance Company, a.s.o. William Bottari, for damage to a car, in an amount up to \$1,201.13.

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 and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 049

SETTLEMENT OF CLAIM: WESTCHESTER WASTE SERVICES vs TOWN OF HARRISON,  
IN THE AMOUNT OF \$1,983.32

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the claim of Westchester Waste Services for damage to a truck by a Town vehicle in the amount of \$1,983.32.

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 Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 -- 050

PAYMENT TO CITY LINE AUTO BODY IN THE AMOUNT OF \$943.70  
FOR REPAIRS TO A TOWN-OWNED CAR

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to authorize payment to City Line Auto Body for repairs to a town-owned car, in the amount of \$943.70.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

January 13, 2005

2005 - - 051

APPROVAL TO RETAIN THE LAW FIRM OF EPSTEIN, BECKER TO REPRESENT THE TOWN AS CO-DEFENDANTS WITH BOARD OF ELECTIONS OF THE COUNTY OF WESTCHESTER IN A SUIT BROUGHT BY THE ORGANIZATION "DISABLED ON THE MOVE."

Deputy Village Attorney explained that this law firm will represent the Town against any charges that are common to all the municipalities in the County as well as the County itself, on behalf of the County and with the County paying the cost, for the defense of any charges that are specific to Harrison, the Town will be responsible for those legal fees.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to retain the law firm of Epstein, Becker to represent the Town in items common to all municipalities in the County as well as the County, in the lawsuit against the Board of Elections of the County of Westchester as co-defendants in the suit brought by the organization "Disabled on the Move."

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Paladino  
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, closed at 12:08 AM on January 14, 2005.

Respectfully submitted,

Joan B. Walsh  
Town Clerk