

November 10, 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 10th day of November at 7:30PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen MalfitanoSupervisor

Thomas Scappaticci)Councilmen

Joseph Cannella)

Robert Paladino)

Patrick Vetere)

ALSO ATTENDING

Frank Allegretti Town Attorney

Fred Castiglia Village Attorney

Jonathan Kraut Deputy Village Attorney

Joseph Latwin Deputy Village Attorney

Robert Wasp Commissioner of Public Works

Maureen MacKenzie Comptroller

Hugh Greechan Town Engineer

David Hall Chief of Police

Ron Belmont Superintendent of Recreation

James Calandrucchio Assessor

Councilman Vetere congratulated the Supervisor Malfitano, Councilmen Cannella and Scappaticci and Town Clerk Joan Walsh for winning their races in the November 8, 2005 election.

Supervisor Malfitano, on behalf of himself and the Councilmen, thanked Councilman Vetere and the community for their vote. He went on to say that the Town/Village of Harrison had one of the largest voter turnouts, "percentage wise" in County of Westchester.

VETERANS' DAY PARADE

Supervisor Malfitano announced that the Veterans' Day Parade will take place in West Harrison this year, on Underhill Avenue and Lake Street. Mr. Malfitano added that this year's parade and ceremony will be dedicated to the memory of Albert DiLauria who served our community as Veterans' Affairs Officer for the past seven years and was largely responsible for the activities in West Harrison, especially the Veteran's Day Parade.

November 10, 2005

2005 - - 438

ACCEPTANCE OF THE TENTATIVE BUDGET FOR THE YEAR 2006.

Town Clerk Joan Walsh officially presented the Tentative Budget, which had been filed in her office by the Comptroller on October 31, 2005, to the Board.

Supervisor Malfitano stated that, as a matter of New York State town law, November 10th is the date on which the Town Clerk must deliver to the Town Board the Tentative Budget, adding that a Public Hearing on the Budget must be held no later than December 15th for discussion of the Preliminary Budget, with the adoption of the Final Budget no later than December 20th.

Mr. Malfitano further stated that a working session of the Board on the Budget is tentatively scheduled for November 22nd or November 23rd. He added that on December 8th there will be a Work Session of the Board on the Budget and, depending on business needs, possibly a Town Board Meeting. The Public Hearing for the adoption of the Final Budget is scheduled for December 15th. Councilman Paladino stated that he would be away, but was returning on the 22nd or 23rd, and he would let the Supervisor know his exact plans by Monday, 11/14, so that the work session could be definitely scheduled.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept the Tentative Budget for the year 2006.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 439

ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept the following reports:

- 1a. Monthly report from the Fire Marshal for October, 2005.
- 1b. Monthly report from the Police Department for September 2005.
- 1c. Monthly report from the Town Clerk for October 2005.
- 1d. Monthly report from the West. Shore Humane Society for September 2005.
- 1e. Monthly report from the Receiver of Taxes for October 2005.
- 1f. Monthly report from the Building Inspector for October 2005.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 440

TABLED: CONTINUATION OF THE PUBLIC HEARING
RE: AMENDING PARKING REQUIREMENTS FOR CERTAIN USES AND LOCATIONS --
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS
FOR NONRESIDENTIAL USES

Tabled:

Awaiting comments from the Planning Board and the Zoning Board.

Councilman Cannella asked Deputy Attorney Joseph Latwin if there had been any discussion at the Planning Board and Zoning Board.

Mr. Latwin stated that he did not know about the Planning Board but the parking was discussed at the Zoning Board, whose members were in favor of the Amendments but had not committed it to writing.

Supervisor Malfitano asked that the Law Department follow up with both Boards.

The Public Hearing will be continued until the December 15th meeting.

November 10, 2005

2005 - - 441a

PUBLIC HEARING RE: PUBLIC HEARING PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE MUNICIPAL HOME RULE LAW, TO RE-ENACT CERTAIN SECTIONS OF CHAPTER 143 OF THE TOWN/VILLAGE CODE ENTITLED "FIRE SPRINKLER SYSTEMS" AS A LOCAL LAW IN 2005.

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

Supervisor Malfitano stated that he believed that there was a need to tighten the language of Section 143-28-b, which refers to the definitions of alterations and repairs, saying that it is not specific enough as to the square footage (standard) that falls under the new Law.

Deputy Village Attorney Joe Latwin stated that the action before the Board tonight is regarding the re-adoption of the (Fire Sprinkler) Code as it existed in 1992 as approved by the NYS Codes Council. He continued that there was an issue with the NYS Department of State not recognizing the continued validity of that Law, but that the Town believes that it is still in effect and that it was properly enacted.

Councilman Scappaticci asked if the original Law stated 40%, referring to square footage.

Supervisor Malfitano stated that the original law was based on costs, and was later amended to 40%.

Mr. Latwin said that the Board should consider the Law as stood in 1992, and re-adopt that law tonight, so the town can go to the State with that Law with the same wording as in 1992 and that it is still in existence. Attorney Latwin continued that he would then prepare a new Law with whatever changes are decided, to bring the 1992 Law to the standard the Board would like as of today. He added that he would then bring both Laws to the State at the same time, presenting it to the State as the base Law that was already approved, with the changes to be effective as of 2005. He continued that the State then has the option to leave the 1992 version as it is, or to accept the changes. He stated that this method would show the State that these changes are improvements to the 1992 Law.

Fire Marshall Surace said that there is a question as to if the Law was filed properly, but this procedure would satisfy that question. He also said that, with regards to the percentage of the alteration, it is not 40% or 50% that is the issue, it is the requirement that if the alteration exceeds the 40% or 50%, whichever is in the final law, then the installation of a sprinkler system is required.

There was then a discussion as to how much of an existing room should be included in the calculation of square footage if a wall is taken down (to allow access to the addition.)

Supervisor Malfitano suggested that, with a room of 200 square feet, the whole 200 square feet should not be counted if only one wall is touched.

Councilman Cannella said that what is not clear to him is what is the goal of the amendment: Is it to liberalize the regulations?

Mr. Surace reminded the Board that the only section being discussed is the alteration/addition section. He added that National Fire Protection Association has adopted a requirement that all new one and two family houses shall be sprinklered, and that New York State is looking at the regulation.

Attorney Latwin stated that the Town needs to define the terms alteration and addition with regard to this Law.

Supervisor Malfitano noted that the Town law is more restrictive than State law, that the State does not require sprinklers in an old house but the Town does require it.

It was agreed that the Board would have a work session before the end of the year to resolve the question of percentages, and if those percentages should be based on cost or square footage, and that each Councilman is to give to Joe Latwin his suggestions before that time.

In response to a question from Councilman Paladino, Mr. Surace stated that fire sprinklers are required in all new homes, that such was a provision in the 1992 law.

It was agreed that the Hearing would be continued until the December 15th Board meeting.

November 10, 2005

2005 - - 441b

ADOPTION OF LEAD AGENCY STATUS FOR THE PURPOSES
OF THE RE-ADOPTION OF THE 1992 FIRE SPRINKLER LAW
AND OF ANY AMENDMENTS TO IT

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to declare the Town Board as Lead Agency for the purposes of the re-adoption of the Fire Sprinkler Law, and any amendments thereto.

FURTHER RESOLVED to forward a copy of this Resolution to Law Department and the Chair of the Zoning Board.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 442

TABLED: REQUEST TO ADD CHAPTER 199, ENTITLED STEEP SLOPE PROTECTION
TO THE LAWS OF THE TOWN OF HARRISON

Supervisor Malfitano stated that the Board is still waiting to hear from the Planning Board, the Zoning Board and the Building Inspector.

It was agreed that the Hearing would be continued until the December 15th Town Board Meeting.

November 10, 2005

2005 - - 443

APPROVAL FOR TWO POLICE OFFICERS TO ATTEND K9
TRAINING IN BLACKLICK, OHIO. COST: NOT TO EXCEED \$5,000.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve two (2) K9 police officers to attend training in Blacklick, Ohio, from December 5th through December 9, 2005, at a cost not to exceed \$5,000. 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: Councilman Vetere, Cannella, Paladino and Scappaticci
Supervisor Malfitano

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 444

APPROVAL TO ADD DANIEL AHNE, RECREATION ATTENDANT,
TO THE PART-TIME AVAILABILITY LIST AT THE HOURLY RATE OF \$7.00

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to add Daniel Ahne, Recreation Attendant, to the Recreation Department part-time availability list at an hourly rate of \$7.00.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 445

ACCEPTANCE, WITH REGRET, OF THE RETIREMENT OF GERARDO MASULLO,
HEAVY MOTOR EQUIPMENT OPERATOR (HMEO) IN THE HIGHWAY DIVISION
IN THE DEPARTMENT OF PUBLIC WORKS

Commissioner of Public Works Bob Wasp praised Mr. Masullo, pointing out that he has been a hard-working and dedicated employee of the Town for 18 years and served all the residents of Harrison with the utmost professionalism. He added that his kindness and friendly demeanor will be missed by all who had the distinct pleasure of working with him.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept, with regret, the retirement from Gerardo (Gerry) Masullo, Heavy Motor Equipment Operator (HMEO) in the Highway Department, effective November 30, 2005.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 446

AUTHORIZATION FOR THE EXTENSION OF THE NYS SNOW AND ICE AGREEMENT
WITH WESTCHESTER COUNTY, FROM JULY 7, 2007 TO JUNE 30, 2008
WITH RE-IMBURSEMENT TO THE TOWN AT A BASE OF \$27,022.

This Agreement provides for reimbursement to the Town for expenses associated with plowing state-owned streets within the Town of Harrison during snow storms.

Councilman Paladino asked a question regarding the re-imbusement rate per mile, was there an increase relative to the change in fuel costs (higher); and does it reflect the current (high) cost of

gas that the Town has incurred. (The higher costs are due in part to the effects of Hurricanes Katrina and XX which hit Florida and Louisiana this Fall and damaged many of the off-shore gas rigs in the Gulf.)

Mr. Wasp replied that there is a substantial change. He went on to say that he received a document from the State indicating that the State has built-in a cost index, based on fuel cost, and that there is an adjustment every year. Mr. Wasp later stated that a review of the figures for 2004 showed that the Town had received additional reimbursement of \$35,000 based on the cost of gas and the amount of snow removed.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the extension of the NYS Snow and Ice Agreement with Westchester County, from July 7, 2007 to June 30, 2008, with a reimbursement amount of \$27,022.

FURTHER RESOLVED to authorize the Supervisor to sign said Agreement and to authorize the Commissioner of Public Works to sign the maps.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 447

APPROVAL TO PLACE THE PARK LANE WATER AND SEWER ARREARS
OF 2004 ON THE TOWN TAX BILLS OF 2006

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie and authorize her to place the Park Lane Water and Sewer Arrears on the following properties which have unpaid bills, as listed, for the year 2004 on the Town 2006 Tax Bills for the following properties.

			<u>WATER</u>	<u>SEWER</u>	<u>TOTAL</u>
S-16, B1 984, L 21	28 Old Mill Rd,	W. Harrison	\$336.89	\$113.29	\$450.18
S-6, B1 984, L 31	48 Old Mill Rd,	W. Harrison	\$336.89	\$113.39	\$450.18
S-8, B1 984, L 29	44 Old Mill Rd,	W. Harrison	\$336.89	\$113.39	\$450.18
U-9, B1 984, L 10	28 Madison St,	W. Harrison	\$336.89	\$113.39	\$450.18
S-17, B1 984, L 20	26 Old Mill Rd,	W. Harrison	\$336.89	\$113.39	\$450.18
V-14, B1 985, L 2	4 Park Lane,	W. Harrison	\$336.89	\$113.29	\$450.18
S-12, B1 984, L 25	36 Old Mill Rd,	W. Harrison	\$336.89	\$113.29	\$450.18
V-9, B1 985, L 7	774 Lake Street,	W. Harrison	\$336.89	\$113.29	\$450.18
			\$2695.12	\$906.32	\$3601.44

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - -448

AUTHORIZATION TO TRANSFER WATER ARREARS OF CERTAIN PROPERTIES
LOCATED WITHIN THE FORMER WATER DISTRICT #1 TO THE 2005 TAX ROLL,
TOWN/VILLAGE TAX BILLS OF 2006.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie for authorization to transfer the following list of water arrears, payable to the former Water District #1, in the amount of \$6,697.45, to the 2005 Tax Roll and to the 2006 Town/Village tax bills for the corresponding

properties, in accordance with Town Law, Chapter 62, Article 12 and Section 198 (3-D) of the laws of the State of New York.

2005 HARRISON WATER DISTRICT #1 LIEN LIST

<u>BLK-LOT</u>	<u>NAME</u>	<u>LOCATION ADDRESS</u>	<u>AMOUNT</u>
0691-124	Ensign, Robert E & Amy C	51 Brae Burn Dr	\$65.67
0691-078	Karpf, Scott D & Khazzam, Victoria	2 Century Ridge Rd	\$32.55
0691-084	27 Century Ridge Road Corp	27 Century Ridge Rd	\$76.07
0691-192	Ostrau, Jonathan M	4 Oakmont Dr	\$434.70
0832-015	Palomino, Amilcar Manjujano	22 Ann St	\$96.77
1001-152	Deviries, Greg	6 Carriage Hill Rd	\$951.34
0882-017	Nixon, Charles	354 Columbus Av	\$250.32
0845-028	Golia, Nunzio & Connie	242 Columbus Av	\$277.01
0861-001	Casarella, Michele & Grazia	123 E Park Av	\$164.77
0825-012	Casarella, Michele & Grazia	43 Elmwood Av	\$272.28
0848-024	Bonifacia	84 Gainsborg Av	\$175.57
0884-013	Giuliani, John & Devico, Marc	222 Gainsborg Av	\$106.58
0836-004	Bire Group Limited	25 Harrison Blvd	\$106.77
0835-012	Ceglio, Renee C	38 Harrison St	\$82.91
0981-001	Biancardi, Judith A Hart, Kenneth W & Catherine	665 Lake St	\$60.53
0984-009	M	816 Lake St	\$143.69
0884-029	Barnstable, Karen & Ithier, Richard	131 Lakeview Av	\$63.80
0884-037	Equities LP Opt Macchia, Michelangelo &	149 Lakeview Av	\$376.64
0731-027	Maria	49 Locust Av	\$105.27
0811-011	Jones, Sidney & Mary	505 Main St	\$95.96
0985-027	Sepe, Michael	8 Nicols Ct	\$156.75
1001-054	Scanlan, Dennis	144 Old Lake St	\$39.40
1011-003	Andrews, Shawn	1502 Old Orchard St	\$107.42
1012-027	Di Donato Ralph & Patricia J	1564 Old Orchard St	\$9.75
1013-004	Sinistore, William	1593 Old Orchard St	\$96.87
1005-002	Gizzo, Pasquale & Kathleen	11 Park Ln	\$59.90
1012-053	Capocci, John	89 Park Ln	\$121.28
0812-044	San Marco, Joseph & Emily	4 Park Pl	\$86.06
0832-021	Castaneda, Fernando & Yohanna	45 Pearl Av	\$185.87
0832-022	Scanlan, Dennis	51 Pearl Av	\$126.47
0752-003	Magee, Kevin & Karen	24 Preston Av	\$48.55
1003-001	Fein, Michael & Phyllis	4 Quaker Ln	\$363.06
0992-012	Wolfson, William	3 Stony Hill Rd	\$263.14
0806-010	Wolff, Richard M	190 Underhill Av	\$105.96
0836-001	Silver Lake Service Station	259 Underhill Av	\$49.35
0984-056	Passe, Annette	3 White Deer Ln	\$390.61
0753-047	Sanchez, Henry	21 White Plains Av	\$155.27
0753-041	Martins, Ann F	33 White Plains Av	\$165.17
0852-003	DiFeo, Jonna & Michael	27 Woodside Av	\$227.37
<u>TOTAL</u>			\$6,697.45

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 449

APPROVAL FOR A BID AWARD TO C.R.P. SANITATION
RE: RENTAL OF 20 YARD CONTAINERS. COST: NOT TO EXCEED \$52,000.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Judy D'Agostinis, Director of Purchasing for a Bid Award to C.R.P. Sanitation, 2 Bayview Road, Cortlandt Manor, NY 10567, having met all the requirements of the specifications and being the lowest bidder for the Rental of 20 Yard Containers at their Bid Prices as follows:

Type of Container

Price Each

20 Yard Street Sweepings	\$449.00 each
20 Yard Exempt C&D Material	430.00 each
20 Yard Regulated C&D	449.00 each
20 Yard Excess Tonnage Regulated C&D	71.00 per ton

effective December 10, 2005, at a cost not to exceed \$52,000 for the remainder of 2005 and the full contract year for 2006.

FURTHER RESOLVED to authorize the Town Attorney to prepare the contract and the Supervisor be authorized to execute it.

FURTHER RESOLVED to authorize the Comptroller, upon receipt of claims to audit and upon audit the Supervisor to pay same.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 450

AUTHORIZATION TO TRANSFER THE WATER RENT ARREARS
DUE TO THE WESTCHESTER JOINT WATER WORKS (WJWW)
IN THE AMOUNT OF \$9,608.04,
TO THE 2005 TAX ROLL AND 2006 TOWN/VILLAGE BILLS

Councilmen Paladino and Scappaticci asked if the two lists of water arrears were the same, (TBR #2005 – 448 and TBR #2005 – 450). They pointed out that they noticed some names were on both lists.

Supervisor Malfitano explained that when people were in arrears, especially when Water District #1 became incorporated into Water District #2, they may have continued to be in arrears. He went on to say that because the bills were from Water District #1 before the merger, they are being billed as a separate entry.

Comptroller Maureen MacKenzie stated she would review the names with the Receiver of Taxes Nancy Masi and the Manager of the WJWW to make sure that there isn't any duplicate billing.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie to transfer the water rent arrears as listed by the WJWW in the amount of \$9,608.04 to the 2005 Tax Roll and 2006 Town/Village bills as follows:

<u>OWNER'S NAME</u>	<u>ADDRESS</u>	<u>PAST DUE</u>
A. Mascuilli	71 Fremont St.	323.33
Leonard D'Onofrio	60 First St.	66.91
E. Klein	95 Halstead Ave.	92.96
Michael Tanney	100 Halstead Ave.	201.72
Michael Tanney	94 Halstead Ave.	402.74
Ms. Kamala Carducci	28 Marion Ave.	58.79
Mr. & Mrs. Hand	27 Second St.	91.45
Mr. Alex Maschetta	64 Franklin Ave.	368.53
Pat Pettelli	24 Irving Pl.	60.63
V. Michael Macchia	21 Irving Pl.	37.80
Peter Scott	116 Henry Ave.	60.11
Michael S. Tanney	25-27 Harrison Ave.	635.29
James Quigley	15 Harris La.	70.80
S. Buschel	5 Orchard Pl.	124.98
John & Cathy Sinis	225 Halstead Ave.	157.59
Catherine Cristiano	241 Halstead Ave.	147.81
Andrea Rella	108 Oakland Ave.	67.47
Harrison Auto Body	21 Osborn Rd.	60.46
Joseph & Antonio Antolino	11 Nelson Ave.	107.33
D. Burke	112 Nelson Ave.	67.99
Robin Vingo E	444 Harrison Ave.	197.75
Michael Tanney	126 Temple St.	97.54
Michael Tanney	128 Temple St.	138.50
Pete Sadignano	128 Rockwell St.	26.85
F. Carusona	49 Adelphi Ave.	125.43
P. Loiacono	32 Post Pl.	142.78
Melvin Kalichman	41 South Rd.	80.33
John Abihbib	49 South Rd.	357.15
David Ross Miller	5 Canterbury Rd.	45.10
Dr. Michael Verbeek	238 Sunnyridge Rd.	97.03
M. Wolf	216 Sunnyridge Rd.	352.30
Alice M. Malen	215 Sunnyridge Rd.	110.27

Andrew Muir	31 Highfield Rd.	463.61
Kathleen Gormally	150 North St.	75.26
M. Stella	252 Union Ave.	58.79
Ann Root	620 West St.	195.34
Rida Abi-Habib	310 West St.	91.95
B. Askwith	6 Indian Tr.	88.96
N. Fusco	215 Union Ave.	98.86
Richard Ross	15 Tamarac Tr.	107.20
Graustein	8 Sterling Rd.	305.28
Diane D. Holmes	55 Biltmore Ave.	54.23
Nancy Sullivan	10 Highland Park Pl.	90.56
Mr. Loretta	6 Kenilworth Rd.	319.93
Basil Litras	12 Ironwood La.	85.18
Mr. & Mrs. Jeffrey Weiner	21 Ponds La.	147.89
Thomas L. Kempner	4330 Purchase St.	71.22
Bradford Peck	10 Meadow La.	97.38
Mr. & Mrs. Capstick	19 Beverly Rd.	40.17
Lori Goldberg	4 Katsura Dr.	139.28
Stephen J. Marisa A. Duffy	240 East Park	78.49
Emilo DiMatteo	33 Madison St.	98.72
John & Giuliani	222 Gainsborg Ave.	172.28
Charles Nixon	354 Columbus Ave.	264.46
Sidney & Mary Jones	505 Main St.	82.17
Kevin & Karen Magee	24 Preston Ave.	58.27
David Berman	41 Century Ridge Rd.	252.85
Lisa & Joseph Brefere	25 Pinehurst Dr.	73.42
Jose Andrade	2 Merion Dr.	95.04
Dee Cee Realty Corp	48 Old Mill Rd.	89.67
John & Rosa Gambino	29 White Deer Ln.	102.84
Michael Sepe	8 Nicols Court	192.61
Hans Zimmermann	84 Stonewall Circle	71.58
William Wolfson	3 Stony Hill Rd.	97.03
Darrin J. Ullerick	8 Castle Brooks Rd,	91.80
Stone Manor Assoc. LLC	4 Carriage Hill Rd.	140.51
Pasquale & Kathleen Gizzo	11 Park Ln.	64.23
Leonard Di Re	8 Burns Rd.	75.26

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department, the Receiver of Taxes and the Manager of the Westchester Joint Water Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 451

REFERRED TO THE PLANNING BOARD: REQUEST FOR APPORTIONMENT OF
ASSESSED VALUATION OF LOTS 48(PO5) AND A PORTION OF LOT 21(PO5) IN
BLOCK 611 ON THE 2005 ASESSMENT ROLL FOR THE TAXES OF 2006

Assessor James Calandruccio requested approval for the merger of assessed valuation of Lots 48(Po5), and a portion of Lot 21(Po5), Block 611 on the 2005 Assessment Roll (Taxes of 2006) upon the request of the attorney for Anthony and Ronnie Lynn DiPaolo, Linda Whitehead. Mr. Calandruccio informed the Board that the owners seek to merge the following Lots: 48, 49 and a portion of Lot 21 as shown on the their survey, adding that since two of the parcels were in joint ownership, it was necessary for the owners to convey by deed Lots 48 and a portion of Lot 21 to Anthony DiPaolo. Mr. Calandruccio continued that the conveyance was completed by the deed dated September 1, 2005, and the attorney for the owner has furnished the Assessor's office with a copy of that deed, which had been verified to be correct. In addition, before the merger could be submitted, it was necessary for the attorney to confirm that the deed was filed in the County Clerk's Office and, on October 11, 2005, Attorney Whitehead did confirm by letter that the

September 1, 2005 deed was in fact filed with the County Clerk's Office (letter submitted.). Mr. Calandrucchio pointed out that at this time the aforementioned parcels are in common ownership, therefore the request to merge the properties can be submitted.

Attorney Linda Whitehead appeared on behalf of the applicants, and questioned why the matter was before the Board. She pointed out that the request reduced three lots to two lots, where now three legal non-conforming lots, one of which is divided by Westerleigh Road.

In response to a question from Councilman Cannella, Ms. Whitehead stated that an application was before the Zoning Board for a variance of 45 feet, from 150 feet to 105 feet, as to the rear yard setback of one lot.

Mr. Cannella stated that when someone comes in for a ministerial apportionment when the application was once before the Planning Board and is now before the Zoning Board, and without any real analysis asks for an apportionment, he does not believe that (granting such an apportionment) is sound policy and in his opinion the Board should not be doing it. He added that his inclination is to not grant the apportionment, but to refer it back to the Planning Board.

Ms. Whitehead said that the portion south of the road is not being impacted by the apportionment. She added that one of the (proposed) lots should have been a separate lot as it is divided by the road and the area is not contiguous as is required by law.

Councilman Paladino pointed out that this is not a subdivision as it is not an increase in lots, but a reduction from three lots to two lots. He added that a rear yard setback variance would still be needed for one of the lots to build the house where they want it.

Ms. Whitehead pointed out that they have gone from three non-conforming lots to two conforming lots. In response to a question, she added that the size of the house being planned is below the allowable size.

Councilman Cannella said that the application would not be before the Board if there was not an advantage (to the owners.) He added that this Board does not have the time to analyze the question, and that there is too much history to the parcels for this Board to dig through. He added that he does not have sufficient information to make a decision, and that it was the discretion of the Board to seek advice or recommendations.

Councilman Vetere told the Board that the application was being opposed by a neighbor who does not want a house to be built.

Supervisor Malfitano said that he was uncomfortable approving this request because there was so much history as to these parcels from appearances before the Planning Board and the Zoning Board. He added that the slight delay would not unduly affect the application.

Ms. Whitehead argued that there is no difference in this application than other apportionments that the Board has granted in the last fifteen years. She pointed out that in its current arrangement, probably four houses could be built.

Mr. Paladino asked if the client would agree to a deed restriction of only two houses. Ms. Whitehead said she could ask the owners.

The members of the Board agreed that they had sent other requests back to the Planning Board for further information.

Ms. Whitehead asked when the matter would be heard by the Planning Board, so that she could be prepared. Supervisor Malfitano said that the request would be made to the Planning Board, and that Board would discuss it on their schedule.

Councilmen Paladino and Vetere said they were voting "NO" on the referral to the Planning Board as they do not see why this is different from other apportionment requests.

Councilman Cannella explained that a simple apportionment is when there are two lots, and a line is moved because the boundary is irregular, and the line is straightened out. He added that this request is not like that.

Deputy Village Attorney said that this application is a subdivision application. Ms. Whitehead disagreed.

On motion of Councilman Cannella, seconded by Supervisor Malfitano,

it was

RESOLVED to refer to the Planning Board the request of the owners for the merger of assessed valuation of Lots 48(Po5) and Lot 21(Po5) in Block 611 on the 2005 Assessment Roll, taxes of 2006, for determination if it is a subdivision or an apportionment.

FURTHER RESOLVED that the Law Department also consider the matter and advise the Town Board.

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

Adopted by the following vote:

AYES: Councilman Cannella and Scappaticci
Supervisor Malfitano

NAYS: Councilmen Vetere and Paladino

ABSENT: None

November 10, 2005

2005 - - 452

APPROVAL FOR THE CORRECTION FOR THE ENHANCED STAR EXEMPTION FOR
BLOCK 232, LOT 35 (Po 1) AND AUTHORIZATION FOR THE RECEIVER OF TAXES TO
AMEND THE 2005 SCHOOL TAX BILL

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Deputy Assessor Mark Heinbockel for the correction for the Enhanced STAR exemption for Block 232, Lot 35 (Po1).

FURTHER RESOLVED to authorize the Receiver of Taxes to amend the 2005 School Tax bill.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Assessor, the Law Department, the Director of Purchasing and the Receiver of Taxes.

Adopted by the following vote:

AYES: Councilman Vetere, Cannella, Paladino and Scappaticci

Supervisor Malfitano

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 453

APPROVAL FOR THE APPORTIONMENT OF ASSESSED VALUATION OF LOT 42
(42THRU45), BLOCK 373 ON THE 2005 ASSESSMENT ROLL (TAXES OF 2006)

Assessor James Calandruccio stated that the owner of the above referenced property would like to have the aforementioned parcel apportioned into two (2) parcels in accordance with the attached subdivision map entitled "Re-Subdivision of property prepared for Rockwell Properties LLC. The map has already been filed in the County Clerk's office.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Assessor James Calandruccio for the apportionment of assessed valuation of Lot 42(42thru45), Block 373 on the 2005 Assessment Roll (Taxes of 2006). in accordance with the attached subdivision map entitled "Re-Subdivision of property prepared for Rockwell Properties LLC, Town & Village of Harrison, Westchester County, New York" which was properly approved and filed in the County Clerk's Office of Westchester County on October 7, 2005 as Map #27647.

Parcel "A" will, hereafter, be known as Lot 44(44-45), Block 373.

Parcel "B" will, hereafter, be known as Lot 42(42-43), Block 373.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor, the Comptroller, the Law Department, and the Receiver of Taxes.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 454

APPROVAL FOR THE BUDGET TRANSFER FOR THE RECREATION DEPARTMENT
IN THE AMOUNT OF \$1,188.

This transfer is to cover the cost of goal post adapters at Passidomo Park. These adapters must be put in while the field is under construction.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for the following Budget Transfer for the Recreation Department as follows:

Increase

001-7020-100-0240
Recreation Other Equipment \$1,188.

Decrease

001-7020-100-0402
Equip. Mtce. and Repair \$1,188.

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

Superintendent of Recreation and the Director of Purchasing.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 455

INCREASE IN THE COMMUTER PARKING FEE

Moved to the Village Agenda:

Request by Town Clerk Joan Walsh that the Board set the Commuter Parking fee for 2006 at \$360. The present rate is \$340.

November 10, 2005

2005 – 456

ACCEPTANCE OF PET RESUSCINATION MASKS FOR THE TOWN'S
FIRE AND RESCUE VEHICLES.

These five sets of pet resuscitation masks were donated through the courtesy of Chris Carpanzano, manager of the Balmoral Kennels on Harrison Avenue. The program is part of an effort by the organization: "Best Friends Pet Care."

Fire Marshal Steve Surace stated that he is seeking donations for the purchase of more such masks. The various sizes of masks fit felines, large dogs and small deer. He added that "Best Friends Pet Care" is seeking donations, which they will match, for additional masks.

Village Attorney Kraut stated that he wanted it to be a matter of record that there are outstanding violations for noise against the Balmoral Kennels which have yet to be settled.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept the Pat Resuscitation Masks for the Town of Harrison's fire and/or rescue vehicles, with a value of about \$500.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 457

TABLED: REQUEST TO ADOPT A RESOLUTION EXPRESSING CONCERN ABOUT THE
CONTINUED OPERATION OF THE INDIAN POINT NUCLEAR ENERGY CENTER.

Supervisor Malfitano requested that the language for the adoption of this Resolution be presented at the next Town Board meeting.

November 10, 2005

2005 - - 458

TABLED: REQUEST TO DECLARE A FIRE ENGINE FROM FIRE DISTRICT #2 AS
SURPLUS N PREPARATION FOR DONATING IT TO A COMMUNITY
DEVASTATED BY HURRICANE KATRINA

Fire Chief Mohr stated that his Department had not yet been informed as to which community was in need of the engine, nor was it settled as to the manner and costs of transportation to the other community.

It was agreed that this request would be tabled until all the details are settled.

November 10, 2005

2005 - - 459

TABLED: DISCUSSION RE: REPAIRS TO THE SOLLAZZO CENTER

The discussion regarding the repairs to the Sollazzo Center was tabled till the November 22or 23, 2005 budget work session.

November 10, 2005

2005 - - 460a
COMMENTS

Lucille Held stated that Mrs. Reich, who is on the Planning Board, is the neighbor objecting to the DiPaolo application which was addressed earlier in this meeting. Supervisor Malfitano stated that there are a number of neighbors who have weighed in on this issue.

Police Chief Dave Hall – Nelson Avenue – Re-stripe - Crossing Guard not needed

Commissioner of Public Works reported the information

Chief of Police Dave Hall received a call from Congresswoman Nita Lowey office regarding \$110,000.00 for security at the Police Department.

November 10, 2005

2005 - - 461

AUTHORIZATION FOR A NEW PROGRAM FOR SENIORS: SERVING OF A HOT MEAL
ONE DAY A WEEK AT EACH OF THE TWO SENIOR CENTERS.

Superintendent of Recreation Ron Belmont informed the Board that, as a result of the hard work of the Seniors Committee of the West Harrison Neighborhood Association, a new pilot program for Seniors is about to start, which will be the serving of a hot meal to members of the two senior programs on one day each week. Tuesday is the day chosen by the downtown Seniors, and Thursday by the West Harrison Seniors. The downtown program starts on November 29th, and the West Harrison one on December 1st. Mr. Belmont added that the program is based on one in Rye Brook, with the meals planned by a dietician and supplied by a deli. He continued that the cost of each meal is \$4.25, the Seniors will pay \$2.00, and the town will subsidize the remaining cost.

Superintendent Belmont also stated that the program will be started with the equipment that his Department now has and, as the program grows, they will eventually purchase a steam table and other items for about \$1,000. He added that he has funds in his budget to cover the 2005 costs.

Councilman Cannella, who is the liaison to the West Harrison Neighborhood Association, said that the program is exclusively the result of the hard work, time and effort of the Seniors Committee of the Association, they did the all the research and planning. He added that (Chair)Rosemarie Verrano has done a phenomenal amount of work on the program, and the other members of the Committee: Angela Amodeo, Charles Russo, Rich Conrad, Anna and Al Guadenzi, Nancy Deleo, Mario Gallo, and Joan Walsh, have all been heavily involved. Mr. Cannella concluded by stating that it is a wonderful example of how a Neighborhood Association can take an initiative, bring it to the Town and accomplish a great deal.

Association President Fred Sciliano thanked Mr. Cannella, Mr. Belmont and Senior Advisor Rocco Triano for all their efforts. He added that the Association is working for the betterment of

the community.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize this pilot program of hot meals for Seniors, one day a week at each end of Town, with the costs to be included in the Recreation Department budget.

FURTHER RESOLVED that a budget line be added to the 2006 Recreation Budget for costs in 2006.

FURTHER RESOLVED that a copy of this Resolution be forwarded to the Comptroller, the Superintendent of Recreation and Mr. Fred Siciliano, President of the West Harrison Neighborhood Association.

FURTHER RESOLVED to invite members of this Committee to attend the December 15, 2005 Town Board meeting so they can be recognized.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 462

MATTERS FOR EXECUTIVE SESSION:

Personnel	2
Litigation	6
Advice of Counsel	1
Real Property	2

On motion duly made and seconded,
the Meeting was recessed at 9:05 PM

The Meeting was reconvened at 10:50 PM

November 10, 2005

2005 - - 463

AUTHORIZATION FOR THE SETTLEMENT WITH IRVING CLAREMON
AMOUNT: \$350,000.00

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to authorize the settlement of the condemnation lawsuit pending with Irving Claremon and authorize payment in the amount of \$350,000.00, together with other conditions as set forth in the Stipulation of Settlement with Irving Claremon.

FURTHER RESOLVED to authorize the Town Attorney Frank Allegretti to execute the Stipulation of Settlement.

FURTHER RESOLVED to bond the amount of \$350,000.00.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 464

APPOINTMENT OF ROCCO GERMANI, JR. TO THE POSITION OF ASSISTANT
BUILDING INSPECTOR AT THE ANNUAL SALARY OF \$57,733., WITH A
PROBATIONARY PERIOD OF FIFTY TWO WEEKS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Rocco Germani, Jr. to the position of Assistant Building Inspector, at the annual salary of \$57, 733, Grade 10, Step 2, with a fifty two (52) week probationary period.

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

Adopted by the following:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 465

APPROVAL TO HIRE SIXTEEN PART-TIME WORKERS
IN THE DEPARTMENT OF PUBLIC WORKS

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to authorize the Commissioner of Public Works to hire sixteen (16) part-time workers in the Department of Public Works.

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

November 10, 2005

2005 - - 466

REJECTION OF BIDS RE: PURCHASE OF SECURITY SURVEILLANCE AND CONTROL
EQUIPMENT FOR ALL TOWN BUILDINGS

On motion of Councilman Paladino, seconded by Councilman Vetere,

it was

RESOLVED to reject all bids received by the Director of Purchasing for the purchase of Security Surveillance and Control Equipment for all Town Buildings.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 467

APPROVAL TO SETTLE THE TAX CERTIORARI. RE: HALSTEAD PLAZA
CONDOMINIUMS, 560 HALSTEAD AVENUE, BLOCK 199, LOTS 13.01 THRU 13.50

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the tax certiorari regarding Halstead Plaza Condominiums with a reduction in the assessed values as follows:

<u>YEAR</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>CORRECTED ASSESSED VALUE</u>
1994	280,860	280,600
1995	280,860	202,970
1996	280,860	201,000
1997	280,860	180,170
1998	280,860	178,900
1999	280,860	172,690
2000	280,860	154,870
2001	280,860	144,990
2002	175,000	144,990
2003	175,000	144,990
2004	175,000	129,980

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

November 10, 2005

2005 - - 468

APPROVAL TO SETTLE THE TAX CERTIORARI OF THE COMMERZBANK-AG,
3 MAYFAIR CIRCLE, BLOCK 641, LOT 103

On motion of Councilman Paladino, seconded by Councilman Vetere,

it was

RESOLVED to settle the tax certiorari regarding the Commerzbank-AG, with a reduction of the assessed value for 2004, from \$55,040.00 to \$39,100.00.

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

Adopted by the following vote:

AYES: Councilman Cannella, Paladino, Vetere and Scappaticci
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 10:57 PM on November 10, 2005

Respectfully submitted,

Joan B. Walsh
Town Clerk