

October 6, 2005

A special 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 6th day of October 2005, at 6:00PM. Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano .....Supervisor

Thomas Scappaticci ) .....Councilmen

Joseph Cannella )

Robert Paladino )

Patrick Vetere )

ALSO ATTENDING

Frank Allegretti ..... Town Attorney

Fred Castiglia .....Village Attorney

Robert Wasp ..... Commissioner of Public Works

Hugh Greechan .....Town Engineer

REPORT FROM SUPERVISOR MALFITANO ON DECISIONS MADE FOLLOWING THE  
REGULAR TOWN BOARD MEETING ON SEPTEMBER 15, 2005.

Report will be given at the October 20, 2005 regular Town Board meeting.

October 6, 2005

2005 -- 386

TABLED: NOTIFICATION RE: CERTIFICATE OF INCORPORATION FOR THE WEST  
HARRISON VOLUNTEER FIRE DEPARTMENT

There were several questions about this document, so it was tabled until the Town Board meeting of October 20th.

October 6, 2005

2005 -- 387 -- a

APPROVAL TO CANCEL THE PUBLIC HEARING  
RE: PROPOSAL TO AMEND THE PARKING REQUIREMENTS FOR CERTAIN USES  
AND LOCATIONS, SECTION 235-37 OF THE TOWN CODE,

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, approval was given to cancel the Public Hearing on the proposal to amend the parking requirements for certain uses and locations in the Town amending Section 235-37 of the Town Code, that had been scheduled for October 13, 2005 will now be held on October 20, 2005, due to a conflict with the Jewish holidays.

October 6, 2005

2005 -- 387 -- b

APPROVAL TO RE-SCHEDULE THE PUBLIC HEARING  
RE: PROPOSAL TO AMEND THE PARKING REQUIREMENTS FOR CERTAIN USES  
AND LOCATIONS, SECTION 235-37 OF THE TOWN CODE FOR THE NEXT TOWN  
BOARD MEETING ON OCTOBER 20, 2005

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, this Public Hearing on the proposal to amend the parking requirements for certain uses and locations as Local Law \_\_\_\_ of 2005. Section 235-37, that had been scheduled for October 13, 2005 will now be held on October 20, 2005.

October 6, 2005

2005 -- 388

CONFIRMATION OF THE APPOINTMENT BY THE LIBRARY BOARD OF TRUSTEES  
OF BARRY MOGAVERO AS A LIBRARY PAGE

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Library Board of Trustees and confirm the appointment of Barry Mogavero to the position of Library Page, effective October 14, 2005, at the hourly rate of \$8.50.

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 Vetere, Scappaticci, Cannella and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

October 6, 2005

AUTHORIZATION FOR TWO POLICE OFFICERS TO ATTEND A CONFERENCE  
IN FREDERICK, MARYLAND RE: BACKGROUND INVESTIGATIONS TRAINING  
COST: NOT TO EXCEED \$2,000.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Hall and authorize two police officers to attend a conference on "Background Investigations," in Frederick, Maryland, on September 29th and 30th, at a cost not to exceed \$2,000.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 6, 2005

TABLED: REQUEST BY THE PLANNING BOARD FOR A REDUCTION IN THE BOND  
OF THE PARK LANE SUBDIVISION X-B (10-B) FROM \$2.1 MILLION OT \$1 MILLION

At the request of Councilman Cannella, this request was tabled, with a new date not specified. Mr. Cannella stated that he was concerned about the condition of Forrest Lake, adjacent to Park Lane, and wanted to be assured that there were enough funds available to remediate the Lake.

October 6, 2005

2005 -- 391

APPROVAL TO SCHEDULE A PUBLIC HEARING

RE: REQUEST BY DILUNA REAL ESTATE, INC., FOR A SPECIAL EXCEPTION USE  
PERMIT TO CONSTRUCT A BUILDING AT 339 HALSTEAD AVENUE,  
BLOCK 174, LOTS 14 AND 15

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of DiLuna Real Estate, Inc. and schedule a Public Hearing for October 20, 2005 to discuss their request for a Special Exception Use Permit to construct a building at 339 Halstead Avenue, Block 174, Lots 14 and 15, corner of Haviland St., with a restaurant on the street floor and six apartments above, and underground parking. Planning Board approval has been granted, PB2005/70.

FURTHER RESOLVED to forward a copy of this Resolution to the Chairs of the Planning and Zoning Boards, the Fire Marshall, the Town Engineer and the Building Inspector.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 6, 2005

RE: REQUEST OF GREYWOLF CAPITAL MANAGEMENT L.P.  
FOR AN AMENDMENT TO THEIR SPECIAL EXCEPTION USE PERMIT  
FOR AUTHORIZATION TO INSTALL AN EMERGENCY ELECTRIC GENERATOR  
FOR THEIR BUILDING AT THE CENTRE AT PURCHASE

On motion of Councilman Scappaticci, Seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Greywolf Capital Management, L.P., and schedule a Public Hearing for the Town Board meeting of October 20th, for an amendment to their Special Exception Use Permit, to install an emergency electric generator for their building at The Centre at Purchase. Planning Board approval has been granted, PB2005/72.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 6, 2005

2005 -- 393

APPROVAL TO SCHEDULE A PUBLIC HEARING  
RE: PROPOSED SEWER EXTENSION FOR PROPERTY OWNERS FRONTING ON

WESTCHESTER AVENUE AND WOODS END

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of David Mooney, Architects, and schedule a Public Hearing for the Town Board meeting of October 20th, for a proposed extension of the Harrison sewer line for the property owners fronting on Westchester Avenue and Woods End.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 6, 2005

2005 -- 394

APPROVAL OF THE AGREEMENT BETWEEN THE TOWN OF HARRISON  
AND THE CITY OF WHITE PLAINS REGARDING THE SALE OF CERTAIN  
SCUBA EQUIPMENT OF THE WEST HARRISON FIRE DEPARTMENT

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the Agreement between the Town of Harrison and the City of White Plains, for the sale of certain scuba equipment of the West Harrison Fire Department.

FURTHER RESOLVED that the Supervisor is authorized to execute the Agreement.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Chief of the West Harrison Fire Department, and the Director of Purchasing.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 6, 2005

2005 -- 395

RESOLUTION AUTHORIZING THE  
NEW YORK CITY WATER SUPPLY AGREEMENT BETWEEN  
THE CITY OF NEW YORK AND THE TOWN AND VILLAGE OF HARRISON

AND AUTHORIZING THE MANAGER OF THE WESTCHESTER JOINT WATER WORKS  
TO EXECUTE THE AGREEMENT  
ON BEHALF OF THE TOWN AND VILLAGE OF HARRISON

Supervisor Malfitano stated that the Town will be receiving a distribution of more than \$1 million for excess per capita water charges that were levied by but not paid to the City of New York by both Water Districts. This matter has now been settled, and the funds will be applied to the deficits of both Water Districts.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED as follows:

WHEREAS the Town of Harrison and the Village of Harrison ("Town/Village" of "Harrison") two co-extensive municipal corporations organized pursuant to the laws of the State of New York, for themselves and on behalf of the former Town of Harrison Water Districts 1 through 4 and for the Consolidated Town of Harrison Water District ("District" or "Consolidated District"). are authorized by Section 24-360 of the Administrative Code of the City of New York to take and receive a supply of water from the New York City water supply system; and

WHEREAS, Westchester Joint Water Works, a joint water works corporation organized pursuant to the laws of the State of New York, is the statutory agent for the Town/Village of Harrison pursuant to Unconsolidated Laws 6121 et seq. ("WJWW")

NOW THEREFORE, BE IT

RESOLVED that WJWW, through its manager, as statutory agent for the Town/Village of Harrison, is authorized and empowered to execute and deliver a Water Supply Agreement with the new York City Water Board, in substantially the form presented to this Meeting with such changes therefrom as shall be approved by the Manager of WJWW, his approval to be conclusively evidenced by his execution thereof; and

BE IT FURTHER RESOLVED that the Town/Village of Harrison and the Consolidated Water District agree to comply with the provisions of Section 24-360 of the Administrative Code of the City of New York; and

BE IT FURTHER RESOLVED that the Town/Village of Harrison and the Consolidated Water District accept, and agree to abide by the terms and conditions of the aforementioned Water

Supply Agreement with respect to all water supplied to them from the New York City water supply system via WJWW, including the provisions governing payment for such water; and

BE IT FURTHER RESOLVED that the Town/Village of Harrison and the Consolidated District agree to undertake an accelerated effort to achieve increased water conservation in the Town/Village and Consolidated District in accordance with the terms of the aforementioned Water Supply Agreement; and

BE IT FURTHER RESOLVED that the Supervisor/Mayor of the Town/Village of Harrison and the Town/Village Clerk are each hereby authorized and empowered, in the name and on behalf of the Town/Village of Harrison and the Consolidated District and the former Town of Harrison Water Districts 1 through 4, to execute and deliver such other documents, and to take such other and further actions, as they or either of them determine to be necessary or appropriate for the purpose of carrying out the foregoing Resolution.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Manager of the Westchester Joint Water Works and the Water Supply officials of the City of New York.

Adopted by the following vote:

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

October 6, 2005

2005 -- 396

AUTHORIZATION FOR A BUDGET TRANSFER  
FOR THE ZONING BOARD OF APPEALS.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Comptroller for a budget transfer for the Zoning Board of Appeals, in the amount of \$7,000, to cover overtime expenses for the Secretary of that Board until the end of the year, as follows:

INCREASE:

001-8010-100--0120

Zoning Board of Appeals                      \$7,000

INCREASE:

001-0000-059-5999

Appropriated Fund Balance                      \$7,000

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chair of the Zoning Board of Appeals.

Adopted by the following vote:

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

NAYS:              None

ABSENT:           None

October 6, 2005

2005 -- 397

APPROVAL FOR THE ANNUAL BONFIRE HELD AT THE HARRISON HIGH SCHOOL  
AS PART OF THE HARRISON/RYE FOOTBALL GAME PEP RALLY

Ms. Acocella advised the Board that the Police and Fire Department have been notified, and a Certificate of Insurance has been submitted to the Law Department.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Rosa Acocella, Cheerleading Coach and Advisor at Harrison High School, for authorization for Harrison High School to hold the annual Bonfire as the finale for the traditional Pep Rally prior to the Rye-Harrison football game.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 6, 2005

2005 -- 398

AUTHORIZATION FOR THE SUPERVISOR TO SEND A LETTER TO THE  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
OPPOSING CERTAIN WETLAND PERMITS FOR ADDITIONAL HOUSING  
NEAR FORREST LAKE ON OR NEAR PARK LANE.

Supervisor Malfitano stated that he was opposing seven lots, and possibly an eighth lot, to be located off Forrest Lake as they were too close to the Lake. Councilmen Cannella and Vetere agreed.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the Supervisor to send a letter to the New York State Department of Environmental Conservation opposing the granting of wetland permits for additional housing construction in the Park Lane subdivision on seven lots, and possibly an eighth lot, on land adjacent to Forrest Lake, due to the fragility of the area.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

There being no further matters to come before the Board,  
on motion duly made and seconded, the Meeting  
was declared closed at 6:20 PM.

Respectfully submitted,

Joan B. Walsh  
Town Clerk