

June 8, 2006

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 8th day of June at 7:30 PM, Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano . . . . . Supervisor

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

ALSO ATTENDING

Frank Allegretti . . . . . Town Attorney  
Jonathan Kraut . . . . . Deputy Village Attorney  
Joseph Latwin . . . . . Deputy Village Attorney  
Fred Castiglia . . . . . Village Attorney  
Hugh Greechan . . . . . Town Engineer  
Judy D'Agostinis . . . . . Director of Purchasing

Before the Meeting was called to order, Councilman Paladino requested an Executive Session for Advice of Counsel. On motion duly made and seconded, the Meeting was recessed for Executive Session at 7:35 PM. The Meeting was reconvened at 7:45 PM.

June 8, 2006

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**PRESENTATION OF THE MAYOR'S CHOICE AWARD, YOUTH ART MONTH**

Supervisor Malfitano reminded the audience that March is Youth Art Month in Harrison, and every school displays the art of its students in the hallways of the Municipal Building, and in the Community Room of the Library. As part of this celebration of student art, the Supervisor chooses several selections to receive the Supervisor/Mayor's Choice Awards as official recognition of their artistic talent. The art then becomes part of the Town's permanent Art Collection. They are professionally framed, and displayed in the first floor hallway of the Municipal Building.

The choices this year are the work of Molly Kestenbaum of the Purchase Elementary School, Stefania Bounocore of the Harrison High School, and Nina Sarmiento of the Louis M. Klein Middle School.

June 8, 2006

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APPROVAL OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report from the Fire Marshal for May 2006.
- 1b. Monthly report from the Town Clerk for May 2006.
- 1c. Monthly report from the Building Inspector for May 2006.
- 1d. Monthly report from the Receiver of Taxes for May 2006.
  
2. Notification that the Town of Mamaroneck will hold a public hearing on June 21, 2006, Re: Local Law-to be known as the "2006 Amendment to the Business-Mixed Use Business District".  
Referred to the Town Planner, Patrick Cleary
  
3. Notification by the City of Rye Department of Planning, that a public hearing will take place on June 14, 2006 at 8:00 PM, Re: Amending Chapter 197 (Zoning), regarding the application of wetlands and watercourses in meeting zoning code requirements.  
Referred to the Town Planner, Patrick Cleary

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 258 -- a

APPLICATION OF PIRRI PROPERTIES FOR AN AMENDMENT TO  
THEIR SPECIAL EXCEPTION USE PERMIT

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

Attorney Laurie Lee Dickson appeared for the applicant.

No one spoke for or against the application.

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

June 8, 2006

APPROVAL OF AN AMENDMENT TO THE SPECIAL EXCEPTION USE PERMIT  
FOR PIRRI PROPERTIES, ONE AND FOUR WEST RED OAK LANE,  
WEST HARRISON, NY, BLOCK 621, LOT 10

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the amendment to the Special Exception Use Permit previously issued to Pirri Properties, One and Four West Red Oak Lane, for site improvements which will improve the appearance of the property, including significant new landscaping on property known as Block 621, Lot 10, and also landscaping of the triangle at the entrance to West Red Oak Lane.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Assessor, the Commissioner of Public Works and the Planning Board.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

COURSE TAKEN AT MANHATTANVILLE COLLEGE, SPRING, 2006 COST: \$2,157.33

Councilman Vetere stated that he was again voting “NO” as this course in Social Studies Curriculum does not have any relation to police work.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Chief of Police Dave Hall and authorize the Comptroller to audit and then reimburse Sgt. Mark Tamucci for expenses for the satisfactory completion of the 2006 Spring Semester course: Social Studies Curriculum, at Manhattanville College in the amount of \$2,157.33.

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

Adopted by the following vote:

AYES: Councilmen Scappaticci, Cannella, and Paladino  
Supervisor Malfitano

NAYS: Councilman Vetere

ABSENT: None

June 8, 2006

2006 -- 260 -- a

APPOINTMENT OF DANIEL LUCIEN FOR PART-TIME SUMMER EMPLOYMENT  
IN THE TRAFFIC DEPARTMENT OF THE POLICE DEPARTMENT

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Chief of Police Hall for the appointment of Daniel Lucien as part time summer help for the Traffic Department at a rate of \$11.00 per hour, effective June 5, 2006.

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

June 8, 2006

2006-- 260 -- b

APPOINTMENT OF RYAN JACKSON FOR PART-TIME SUMMER EMPLOYMENT  
IN THE TRAFFIC DEPARTMENT OF THE POLICE DEPARTMENT

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Chief of Police Hall for the appointment of Ryan Jackson as part time summer help for the Traffic Department at a rate of \$11.00 per hour effective June 5, 2006.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 261

APPROVAL OF A SPECIAL EVENTS PERMIT FOR THE CENTURY COUNTRY CLUB  
TO HOLD ITS ANNUAL FIREWORKS DISPLAY ON JULY 1, 2006

WITH A RAIN DATE OF JULY 2, 2006

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request Burton Ward, General Manager of the Century Country Club, for a Special Events Permit to hold their Annual Fireworks Display on Saturday, July 1, 2006, at 9:15 pm with a rain date of Sunday, July 2, 2006 on the Club grounds.

FURTHER RESOLVED that a certificate of insurance as well as indemnification be provided and the Fire Departments, the Ambulance Corps and the Police Department be notified.

FURTHER RESOLVED to forward a copy of this Resolution, the Fire Marshall, the Ambulance Corps, the Police Department and the Chief of the Fire Departments.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 262

APPROVAL TO REDUCE THE SUBDIVISION BOND  
OF THE BENTAY REALTY SUBDIVISION TO \$100,000

Planning Board approval was granted per PB2006/18.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Engineer William Morgenroth that the subdivision bond for the Bentay Realty Subdivision be reduced from \$320,000 to \$100,000.

FURTHER RESOLVED that the \$220,000 bond be returned to the developer.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

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APPROVAL OF A SPECIAL EVENTS PERMIT FOR THE AMERICAN CANCER SOCIETY  
FOR THEIR WALK: "STRIDES AGAINST BREAST CANCER"

More than 10,000 participants are expected to attend. A copy of the route has been provided.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of the American Cancer Society for a Special Events Permit for their "Making Strides Against Breast Cancer" walk at Manhattanville College on Sunday, October 15, 2006.

FURTHER RESOLVED that the Special Events Fee be waived.

FURTHER RESOLVED that a Certificate of Insurance and indemnification be submitted and the Harrison Police Department be contacted.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the Town Attorneys, the Purchase Fire Department, the Ambulance Corps, the Commissioner of Public Works and the officials of the American Cancer Society.

Adopted by the following vote:

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

June 8, 2006

2006 -- 264

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR THE OPERATION OF A  
FOOD AND REFRESHMENT CONCESSION AT BERNIE GUAGNINI PARK

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for authorization to advertise and receive bids for the Operation of a Food and Refreshment Concession at Bernie Guagnini Park.

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: Councilmen Scappaticci, Cannella, Vetere and Paladino  
Supervisor Malfitano

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 265

APPROVAL TO SET THE DATE OF THE FIRST TOWN BOARD MEETING IN JULY FOR  
A PUBLIC HEARING FOR A SPECIAL EXCEPTION PERMIT FOR BRAEBURN  
COUNTRY CLUB TO EXPAND THE EXISTING TENNIS FACILITY.

Planning Board approval has been granted.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Robert Meyer, General Manager of Brae Burn Country Club for approval to set the date for the first Town Board meeting in July for a Public Hearing for a Special Exception Use Permit to expand the existing tennis facility.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 266

BID AWARD TO CLEAN AIR COMPANY FOR THE PURCHASE AND INSTALLATION  
OF A VEHICLE EXHAUST SYSTEM FOR THE WEST HARRISON FIRE HOUSE

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for a Bid Award to Clean Air Company, 428 New Brunswick Avenue, Ford, NJ, for the purchase and installation of a vehicle exhaust system for the West Harrison Fire House, the firm having met all the requirements and specifications and being the lowest bidder at their total net bid price of \$45,280.

FURTHER RESOLVED to transfer said amount of \$45,280 from Account #010-3410-100-04-01 (Building Maintenance) to Account #010-3410-100-02-50 (Fixed Assets) to cover this purchase.

FURTHER RESOLVED to authorize the Town Attorney to prepare the contract, and the Supervisor to sign 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 Commissioner of Public Works, the Town Engineer and the Chief of the West Harrison Fire Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 267

APPROVAL OF A BID AWARD TO BETTER BUILDING SERVICES  
FOR MISCELLANEOUS PAINTING SERVICES FO THE HARRISON FIRE DEPARTMENT

On motion of Councilman Paladino, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for a Bid Award to Better Building Services, 551 Westchester Avenue, Rye Brook, NY, for Miscellaneous Painting Services for the Harrison Fire Department, having met all the requirements of the specifications and being the lowest bidder at their total net bid price of \$20,400.

FURTHER RESOLVED that funds are available in Account #011-3411-100-04-01 (Building Maintenance).

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

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

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

Adopted by the following vote:

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

June 8, 2006

2006 -- 268

DISCUSSION OF THE REQUEST OF ROY ALETTI  
TO HOST A FIREWORKS DISPLAY ON TOWN PROPERTY ON JULY 4, 2006  
(BEAVER BROOK SWAMP AREA/PROJECT HOME RUN)

There was considerable discussion as to this request, due to liability concerns. One suggestion

was that Mr. Aletti donate the fireworks to the town, which cancels the need for permits and insurance.

It was agreed that the Town Attorneys would meet with Mr. Aletti and Ron Belmont, Superintendent of Recreation to work out the details.

June 8, 2006

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MATTERS FOR EXECUTIVE SESSION:

Personnel matters:	2
Litigation	7
Settlement of Claims	1
Advice of Counsel	1

On motion duly made and seconded,  
With all members voting in favor, the Meeting was recessed at 8 PM.

On motion duly made and seconded, with all members voting in favor,  
the meeting was reconvened at 9:02 PM

June 8, 2006

2006 -- 270

AUTHORIZATION FOR AN INCREASE IN THE CAP FOR THE LITIGATION ;  
SAMAD vs TOWN OF HARRISON, BY \$4,700,  
AND PAY ATTORNEY ROBERT WEININGER THAT SUM  
FOR LEGAL SERVICES IN THAT MATTER

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to increase the “cap” for the litigation, Samad vs town of Harrison, by \$4,700, as the attorney fees in this matter have exceeded the “cap” of \$10,000.

FURTHER RESOLVED to pay attorney Robert Weininger the sum of \$4,700 for his legal services in this matter.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 271

SETTLEMENT OF CLAIM: ACUNTO vs TOWN OF HARRISON  
FOR AUTO DAMAMGES, IN THE AMOUNT OF \$366.69

On motion of Councilman Scappaticci, seconded by Councilman Paladino,

it was

RESOLVED to settle the claim of Acunto vs Town of Harrison, for damage to an auto, in the amount of \$366.69.

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 Town Attorney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

2006 -- 272

AUTHORIZATION FOR AN INCREASE IN THE HOURLY RATE OF PAY  
FOR LAUREN RICCIARDI, TO \$12.00 PER HOUR

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to increase the hourly rate of pay for Lauren Ricciardi to \$12.00 per hour, effective May 30, 2006.

FURTHER RESOLVED that Ms. Ricciardi has been assigned to the Court Clerk's office as a summer employee for a period not to exceed three months, with her hours being the normal

summer workday of 9:00 am to 4:00 pm.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 8, 2006

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AUTHORIZATION FOR INCREASES IN SALARY  
FOR CERTAIN PART-TIME EMPLOYEES IN THE HARRISON LIBRARY

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the hourly rate of pay for the following part-time employees in the Harrison Library, as funded in their 2006 Budget, as follows:

<u>Job Title/Employee</u>	<u>Present</u> <u>Hourly Rate</u>	<u>Proposed Revised Hourly Rate for Pay Periods</u> <u>Beginning July 2006</u>
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Librarian

J. Axelrod	\$24.00		\$25.00
L. Zoppa	24.00		25.00
H. Goodspeed	24.00		25.00
L. Farand	24.00		25.00

Clerk

R. Mustacato	\$13.50		\$14.50
R. Holodak	13.50	\$14.50 (Sun)	14.50
E. Scappaticci	13.50	14.50 (Sun)	14.50
J. Rosa	13.50	14.50 (Sun)	14.50
R. Schneeman	13.50	14.50 (Sun)	14.50
S. Fuller	13.50	14.50 (Sun)	14.50

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F. Camera	\$ 8.50		\$ 9.00
C. DeFrancisco	8.50		9.00
G. Madonia	8.50		9.00
J. Monastra	8.50		9.00
A. Veliz	8.50		9.00
B. Mogavero	8.50		9.00

Custodian

L. Annunziata	\$17.00		\$18.00
F. Cifichiello	17.00		18.00
K. Fuller	17.00		18.00

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

Adopted by the following vote:

AYES: Councilmen Scappaticci, Cannella, Vetere 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,  
declared closed at 9:05 PM.

Respectfully submitted,

Joan B. Walsh  
Town Clerk