

July 20, 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 20th day of July 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
Robert Wasp Commissioner of Public Works
Maureen MacKenzie Comptroller
Judy D'Agostinis Director of Purchasing
Anthony Marraccini Police Captain

Supervisor Malfitano reported on the recent thunderstorms on the night of July 18th /19th that had passed through the Town, causing a great deal of damage. He stated that, in Harrison, it had made a path of destruction on Mamaroneck Avenue, Pleasant Ridge Road, Polly Park Road, North Street, Kenilworth Road, and Park Drive South, with more than 80 trees snapped and downed on the Westchester Country Club grounds alone. The storm then continued on into Port Chester. (Other areas of the town did not suffer the wind damage, although the rain was heavy everywhere.)

Mr. Malfitano stated that telephone poles were snapped and trees twisted, that roads had to be closed, with some still closed. Most of the damage was due to falling and snapped trees, and the Town could not do any clean-up until Con Edison repaired the fallen wires. He continued that Con Edison had recruited work crews from out-of-state to assist in repairing the extensive damage. He praised the staff of the Department of Public Works and the members of the Police Department for their efforts during this emergency.

Commissioner of Public Works Bob Wasp gave an update, stating that there were still 450 homes without electrical service. He added that his Department's primary concern was the downed, live wires, that tree removal could not begin until the wires were fixed, but that he had scheduled seven additional tree

removal crews for this task as soon as each street was ready. Mr. Wasp praised the Highway Department crews, especially foreman Bobby Day, for their wonderful response in this emergency.

Police Captain Anthony Marraccini said that no houses were struck by lightening and that there weren't any injuries. He added that there had not been any public safety issues.

On motion duly made and seconded, with all members voting in favor, the Board recessed for Executive Session at 7:40 PM.

On motion duly made and seconded, with all members voting in favor, the Board reconvened at 8:10 PM.

July 20, 2006

2006 -- 310

ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept the following reports:

- 1a. Monthly report from the Department of Public Works for May 2006, along with a chart of complaints and requests for service.
- 1b. Monthly report by the Police Department for May 2006.
- 1c. Monthly report from the Town Clerk for June 2006.
- 1d. Monthly report from the Receiver of Taxes for June 2006.
- 1e. Monthly report from the Fire Marshal for June 2006.
- 1f. Quarterly report from the Harrison Library.
- 1g. Request from David Parson, Chief of Operations for the Harrison Volunteer Ambulance Corps, that a reminder be given to all Harrison residents that the HVAC Annual Fund drive letters have been sent out, and asking that the residents support this Drive.
- 1h. Monthly report from the Building Department for the month of June 2006.
- 1i. Monthly report from the Recreation Department of June 2006.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 311 -- a

PUBLIC HEARING RE: BRAE BURN COUNTRY CLUB,
FOR A SPECIAL EXCEPTION USE PERMIT TO RENOVATE THE ATTIC OF THE EMPLOYEE
DORMITORY TO PROVIDE FOUR (4) ADDITIONAL BEDROOMS.

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

Attorney Laurie Lee Dickson of the firm of McCullough, Goldberger & Staudt appeared for the applicant.

No one spoke for or against the proposal.

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

July 20, 2006

2006 -- 311 -- b

APPROVAL FOR A SPECIAL EXCEPTION PERMIT FOR THE BRAE BURN COUNTRY CLUB,
TO RENOVATE THE ATTIC OF THE EMPLOYEE DORMITORY
TO PROVIDE FOUR (4) ADDITIONAL BEDROOMS.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of the Brae Burn Country Club, for a Special Exception Use Permit to renovate the attic of the employee dormitory to provide four (4) additional bedrooms.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 312 -- a

PUBLIC HEARING-RE: BRAE BURN COUNTRY CLUB
FOR A SPECIAL EXCEPTION USE PERMIT
FOR AN ADDITION TO THE EXISTING TENNIS FACILITY.

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

Attorney Laurie Lee Dickson of the firm of McCullough, Goldberger & Staudt, appeared for the applicant.

Councilman Cannella asked for assurances that the tennis courts would not be visible to the neighboring property owners. Ms. Dickson assured him that they would not be visible.

No one else spoke for or against the application

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

July 20, 2006

2006 -- 312 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT
FOR THE BRAE BURN COUNTRY CLUB,
FOR AN ADDITION TO THEIR EXISTING TENNIS FACILITY

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of the Brae Burn Country Club, for a Special Exception Use Permit for an addition to their tennis courts.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 313

PUBLIC HEARING –TO AMEND A CERTAIN SECTION OF
CHAPTER 235-32 OF THE TOWN CODE OF HARRISON
ENTITLED “MINIMUM FIRST-FLOOR ELEVATIONS”
BY ADDING “C” TO THIS SECTION OF THE TOWN/VILLAGE CODE
ENTITLED LOCAL LAW NO. OF 2006.

**HEARING CONTINUED UNTIL AUGUST 17TH,
AND THEN WILL AGAIN BE CONTINUED UNTIL A SEPTEMBER
MEETING.**

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

It was agreed that builders should be notified of this proposed law by the Building Department. It was further agreed that Deputy Village Attorney Latwin is to supply diagrams to the Town Board members and others to help people understand the effect of this law on new buildings.

It was further agreed that the proposed law will be posted on Channel 75, on the Town’s Bulletin Board.

On motion of Councilman Scappaticci, seconded by Councilman Cannella, with all members voting in favor, the Hearing was continued until the August 17th, Town Board meeting, at which time it will again be continued until a September Town Board meeting.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys, the Building Inspector, the Town Engineer, the Fire Marshall and the Commissioner of Public Works and all builders whose names are on file in the Building Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 314

PUBLIC HEARING –TO AMEND CERTAIN SECTIONS OF CHAPTER 235-4 OF
THE TOWN CODE OF HARRISON ENTITLED: DEFINITIONS-
BY ADDING THE DEFINITION: “PRE-EXISTING GRADE”
AND TO AMEND “HEIGHT OF BUILDING OR STRUCTURE” OF
THE TOWN/VILLAGE CODE ENTITLED BY LOCAL LAW NO. OF 2006.

HEARING CONTINUED UNTIL AUGUST 17TH,
AND THEN WILL AGAIN BE CONTINUED
UNTIL A SEPTEMBER MEETING.

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

Resident Bill Oberlander of Winfield Avenue asked the present maximum height of buildings and asked for clarification about building on rock ledge.

Supervisor Malfitano replied that the present maximum is 30 feet. He added that the Board is trying to adjust that height (regulation) as builders are raising the grade of the land of difficult sites, that the house meets the 30 foot restriction, but it towers above the surrounding houses. He continued that on land that has rock outcroppings, the Town now has a “steep slope law,” and all plans must pass a review of the disturbance of the slope. In response to a further question from Mr. Oberlander, he stated that which Department does the review is dependent on the steepness of the slope, that it could be either the Town Engineer or the Planning Board. He continued that in the case of a subdivision, the review would be done by the Planning Board.

Mr. Oberlander asked if builders who have already presented plans to the Town have to meet the provisions of this law.

Mr. Malfiano said “yes,” if the builder has not yet made significant improvements to the property, then he would have to meet this law.

It was agreed that the same provisions as had been adopted with regards to the proposed Local Law regarding minimum floor elevations be adopted with regards to this proposed Local Law, as follows:

- a. Builders should be notified of this proposed law by the Building Department.
- b. Deputy Village Attorney Latwin is to supply diagrams to the Town Board members and others to help people understand the effect of this law on new buildings.
- c. The proposed law will be posted on Channel 75, on the Town’s Bulletin Board.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was continued until the August 17th , Town Board meeting, at which time it will again be continued until a September Town Board meeting.

July 20, 2006

2006 -- 315

APPOINTMENT OF PHILIP GENTILE, JR.
AS A PART-TIME AVAILABILITY SCHOOL CROSSING GUARD

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for the appointment of Philip Gentile, Jr., as a part-time availability school guard at a rate of \$16.00 per hour, effective in September, at the start of the school year.

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, Vetere, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 316

CONFIRMATION OF THE APPOINTMENT BY THE LIBRARY BOARD OF TRUSTEES OF SUSAN POLOS AS A PART-TIME SUBSTITUTE LIBRARIAN

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Harrison Library Board of Trustees that the Town Board confirm the appointment of Susan Polos to the position of Part-time Substitute Librarian, effective July 21, 2006, at the hourly rate of \$25.00.

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 Paladino, Vetere, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 317 -- a

ACCEPTANCE, WITH REGRET, OF THE RESIGNATION
OF DEBORAH WAYNE-ALCANTARA AS A TRUSTEE OF THE HARRISON LIBRARY

Supervisor Malfitano praised Ms. Wayne-Alcantara for her service to the Library, and expressed his regret that she resigned.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept, with regret, the resignation of Deborah Wayne-Alcantara as a Trustee of the Harrison Public Library, effective May 1, 2006.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 317 -- b

APPOINTMENT OF JOSEPH TOPLYN AS A TRUSTEE OF THE HARRISON
LIBRARY IN THE PLACE AND STEAD OF DEBORAH WAYNE-ALCANTARA,
WITH HIS TERM TO EXPIRE ON DECEMBER 31, 2008

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Joseph Toplyn as a Trustee of the Harrison Library in the place and stead of Deborah Wayne-Alcantara, to complete her unexpired term, with his term to be from July 21, 2006 through December 31, 2008.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 318 -- a

ACCEPTANCE, WITH GREAT REGRET, OF THE RESIGNATION OF BENJAMIN BARTH AS A TRUSTEE OF THE HARRISON LIBRARY.

Supervisor Malfitano expressed his great regret that Mr. Barth had resigned, citing his long and dedicated service to the Library.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to accept, with great regret, the resignation of Mr. Ben Barth as a Trustee of the Harrison Library, effective July 20, 2006.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 318 -- b

APPOINTMENT OF JEFFREY WILSON AS A TRUSTEE OF THE HARRISON LIBRARY

Supervisor Malfitano introduced Mr. Wilson, who was in the audience.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Jeffrey Wilson of 15 Ann Street, West Harrison, as a Trustee of the Harrison Library, in the place and stead of Benjamin Barth, to complete Mr. Barth's unexpired term, with Mr. Wilson's term to be from July 21, 2006 through December 31, 2010.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 319

AUTHORIZATION FOR SUPERINTENDENT OF RECREATION RON BELMONT TO ATTEND
THE ANNUAL NATIONAL RECREATION AND PARKS CONGRESS IN SEATTLE,
WASHINGTON, OCTOBER 10-14, 2006,
AT A COST NOT TO EXCEED \$2,000

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Superintendent of Recreation Ron Belmont for authorization to attend the National Recreation and Parks Congress in Seattle, Washington, October 10-14, 2006, at a cost not to exceed \$2,000. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 320

AUTHORIZATION FOR CLOURT CLERK ROSEMARY KING AND DEPUTY COURT CLERK
JACKIE RICCIARDI TO ATTEND THE ANNUAL CONFERENCE OF
NYS MAGISTRATES/COURT CLERKS IN ELLENVILLE, NY, OCTOBER 8-11, 2006
AT A COST NOT TO EXCEED \$1,000 PER PERSON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Court Clerk Rosemary King for authorization for herself and Jackie Ricciardi to attend the annual conference of NYS Magistrates/Court Clerks to be held at the Nevele Grande Resort in Ellenville, NY, from October 8 through October 11, 2006, at a cost not to exceed \$1,000 per person. This is a budgeted item.

FURTHER RESOLVED to authorize the Comptroller to reimburse Mrs. King for the conference and travel expenses for herself and Ms. Ricciardi.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 321

ACCEPTANCE OF THE DEDICATION OF WESTWOOD DRIVE AND
WESTWOOD COURT

The road had been completed many years ago, but not offered for dedication by the developer.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to accept the dedication of Westwood Drive and Westwood Court, as recommended by the Town Engineer and the Town Attorneys.

FURTHER RESOLVED that a maintenance bond will not be required, due to the many years that the road has been completed.

FURTHER RESOLVED that the Town will release the bond and any other monies posted by the Developer, less any real property taxes or other costs that may be charged.

FURTHER RESOLVED that the Town Board authorizes the signing of the Consent and that the Supervisor sign any necessary documents to effectuate the dedication and closing.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 322

ACCEPTANCE OF TWO GRANTS AWARDED TO TOWN CLERK JOAN WALSH FROM
THE NEW YORK STATE DEPARTMENT OF EDUCATION FOR FURTHER
DEVELOPMENT OF THE ARCHIVE PROGRAM OF THE TOWN
TOTAL AMOUNT: \$40,239

Town Clerk Joan Walsh was pleased to inform the Board that the New York State Department of Education has again awarded her two (2) Archive Grants, for the 2006-2007 fiscal year, for a total of \$40,239. She added that she has been informed that Harrison is the only municipality in the County to be awarded two Grants:

Grant #1: \$20,207: Examining all the records in the Town Clerk files, indexing and cross-referencing them, and then either scanning them into the database or having them microfilmed. We are currently scanning into the database all the maps in the Engineering Office.

Grant #2: \$20,032: Examine, confirm and then enter into Archive ACCESS database all the information that is on the index card file in the Archive Room. There are approximately 1,500 index cards, containing data for 651 cubic feet of documents. The card file was created over a period of about 10 years by MJ Recher, the Town's long time Archive Clerk, with direct entries and cross references. This index card information will be updated and transferred to the Archive database.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Supervisor to sign the Acceptance Form for these Grants.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 323

AUTHORIZATION TO RENEW THE TOWN'S LICENSE WITH "ASCAP"
FOR MUSICAL PERFORMANCES UNDER TOWN'S AUSPICES

On motion of Councilman Paladino, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the renewal of the Town's License with "ASCAP" for permission to use copyrighted material in any musical performance under Town auspices at a cost of \$548 through June 2007.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 324 -- a

TABLED: REQUEST BY THE WESTCHESTER JOINT WATER WORKS FOR AN EXTENSION
OF THEIR SPECIAL EXCEPTION USE PERMIT TO CONSTRUCT A
WATER FILTRATION PLANT IN THE PURCHASE AREA OF HARRISON.

This matter was tabled at the request of Supervisor Malfitano.

Request by the Westchester Joint Water Works for an extension of their Special Exception Use Permit to construct a water filtration plant in the Purchase area of Harrison. The original permit was granted by the Town Board on September 15, 2005, and filed on December 28, 2005. It is the intention of the Water Works to again file for this permit within the next two weeks.

July 20, 2006

2006 -- 324 -- b

TABLED: REQUEST BY THE WESTCHESTER JOINT WATER WORKS FOR APPROVAL OF THE PROJECT COSTS FOR THIS WATER FILTRATION PLANT AT AN ESTIMATED COST OF \$60,824,032. HARRISON'S SHARE OF THIS COST IS 55.1% (\$33,482,600)

At the request of Supervisor Malfitano, this request was tabled.

Request by the Westchester Joint Water Works for approval of the project costs for this Water Filtration plant at an estimated cost of \$60,824,032. Harrison's share of this cost is 55.1%. \$1,007,610 of this cost has already been approved, leaving a balance of \$59,817,390. At this time, an additional approval of \$32,817,390 is needed to fund Harrison's share of the total cost, for a total cost to Harrison of \$33,482,660.

July 20, 2006

2006 -- 325

POLICE DEPARTMENT CAPITAL BUDGET FOR 2006

This request was transferred to the Village Agenda as funds for these items will be bonded, and all bonding is done through the Village.

July 20, 2006

2006 -- 326

DEPARTMENT OF PUBLIC WORKS CAPITAL BUDGET FOR 2006

This request was transferred to the Village Agenda as funds for these items will be bonded, and all bonding is done through the Village.

July 20, 2006

2006 -- 327

**WITHDRAWN: REQUEST FOR A PUBLIC HEARING RE: CREATION OF A
TOWNHOUSE DISTRICT IN THE HARRISON ZONING ORDINANCE AND THAT A
SEQRA DETERMINATION BE MADE**

Attorney Frank McCullough, of the law firm of McCullough, Goldberger & Staudt, withdrew his request to set a date for a Public Hearing RE: the creation of a Townhouse District in the Harrison Zoning Ordinance, and that a determination of SEQRA be made at that time.

At the request of residents of the Winfield Glen area, this request will be heard at a September meeting of the Town Board, due to many people being away on vacation on the date of the August 17th Town Board meeting.

July 20, 2006

2006 -- 328

**HELD FOR EXECUTIVE SESSION: REQUEST FOR APPROVAL OF A
SECURITY SYSTEM FOR THE MUNICIPAL BUILDING**

The Request by the Commissioner of Public Works for approval of the Security System for the Municipal Building and its associated costs was held for Executive Session.

July 20, 2006

2006 -- 329

AUTHORIZATION FOR CERTAIN RESIDENTS OF ANDERSON HILL ROAD TO ASSUME
RESPONSIBILITY FOR THE MAINTENANCE OF THE ANDERSON HILL ROAD
CEMETERY, SUBJECT TO A SIGNED AGREEMENT
WITH THE TOWN OF HARRISON

Supervisor Malfitano stated that he had received a request from Mr. Peter Flanagan and former Ambassador John Loeb, residents of Anderson Hill Road, that they be authorized to maintain the old cemetery on Anderson Hill Road. The cemetery has been abandoned and has therefore become the property of the Town. Plans have been drawn by a landscaper for the area and, with the approval and authorization of the Town Board, will be implemented. Mr. Malfitano continued that Mr. Flanagan's late wife, Brigid, had been very interested in this project.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Peter Flanagan and John Loeb for authorization to undertake the maintenance of the abandoned cemetery on Anderson Hill road, subject to the signing of an Agreement with the Town.

FURTHER RESOLVED to direct the Town Attorney to draw up such an Agreement, in accordance with the laws of the State of New York which permit such an Agreement for the maintenance of abandoned cemeteries.

FURTHER RESOLVED that the Supervisor be authorized to sign the Agreement.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 – 330--corrected

AUTHORIZATION FOR THE SUPERVISOR TO SIGN THE INTERMUNICIPAL AGREEMENT
WITH THE COUNTY OF WESTCHESTER TO ACCEPT FUNDING FROM THE EAST OF
HUDSON QUALITY INVESTMENT FUND, IN THE AMOUNT OF \$312,500

**This voting record will be transferred to the Village Agenda and
Minutes as the funds will be placed in the Town's Debt Service Account.**

It was stated that these funds will be payable over a five year period, and will be used to pay down the bonds which were issued to pay for the water quality work and drainage improvements at the new Municipal Garage site on Park Lane in West Harrison.

This Fund was created to support water quality investments east of the Hudson River in order to protect the New York City drinking water supply.

On motion of Councilman Paladino, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Supervisor to sign the InterMunicipal Agreement with the County of Westchester to accept funding from the East of the Hudson Quality Investment Fund, in the amount of \$312,500, for water quality improvements relating to the Salt Dome and drainage work at the new Municipal Garage on Park Lane.

FURTHER RESOLVED that this voting record be transferred to the Village Minutes of this date.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 331

REQUEST FOR A BID AWARD FOR THE LINCOLN AVENUE ROADWAY
REHABILITATION AND BLIND BROOK RIVERBANK RECONSTRUCTION

This request was transferred to the Village Agenda as it is a Capital Improvement.

July 20, 2006

2006 - - 332

MATTERS FOR EXECUTIVE SESSION:

Personnel – specific employees	3
WJWW (contracts)	1
Pending litigation	1
Security system contract	1
Litigation updates	2

On motion duly made and seconded,
with all members voting in favor, the Meeting was
recessed for Executive Session at 9 PM.

On motion duly made and seconded,
with all members voting in favor, the Meeting was
reconvened at 12:25 AM on July 21, 2006.

July 20, 2006

2006 -- 333

AUTHORIZATION FOR THE SUPERVISOR TO ACT AS DIRECTED IN EXECUTIVE SESSION
WITH REGARDS TO A CERTAIN TOWN EMPLOYEE

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to authorize the Supervisor, upon review and determination of the status of a certain employee, to act upon that determination up to and including termination of the employee.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 334

AUTHORIZATION TO EXPEND UP TO \$40,000
FOR THE MAINTENANCE AND PURCHASE OF ADDITIONAL EQUIPMENT
FOR THE AS400 IBM COMPUTER SERVER AT THE POLICE STATION

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the expenditure of up to \$40,000 for the maintenance and purchase of additional equipment for the AS400 IBM Computer Server at the Police Station.

FURTHER RESOLVED that that the funding source for this expenditure is to be the Town's Fund Balance or any other funding source that the Comptroller may identify.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 335

SETTLEMENT OF CLAIM: QUADAGNO vs TOWN OF HARRISON

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the claim of Quadagno vs the Town of Harrison for damage from a sewer back-up, in the amount of \$189.47.

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 336

SETTLEMENT OF CLAIM: DiGIACOMO vs TOWN OF HARRISON

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the claim of DiGiacomo vs the Town of Harrison for automobile damage, in the amount of \$ 1,553.50.

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 337 -- a

SETTLEMENT OF CLAIM: SAMAD vs TOWN OF HARRISON

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the claim of Samad vs the Town of Harrison in the amount of \$7,500.

FURTHER RESOLVED that the check is to be made payable to the firm of Sweeney, Cohn, Stahl, Spector and Frank.

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 Paladino, Vetere, Scappaticci and Cannella
Supervisor Malfitano

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 337 -- b

AUTHORIZATION TO RAISE THE CAP ON FEES IN THE MATTER OF
SAMAD vs THE TOWN OF HARRISON TO \$30,000

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to raise the cap on fees in the matter of Samad vs the Town of Harrison to \$30,000.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

July 20, 2006

2006 -- 338

AUTHORIZATION FOR THE SUPERVISOR TO SETTLE THE REQUEST OF
SUPERINTENDENT RON BELMONT RE: UNUSED VACATION TIME

Mr. Belmont had been out on Disability due to a fall which damaged his knees and his ankles and had not been able to use his vacation time.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize the Supervisor to settle the request of Superintendent of Recreation Ron Belmont regarding fourteen days of unused vacation time.

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

Adopted by the following vote:

AYES: Councilmen Paladino, Vetere, Scappaticci and Cannella
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, with all members voting in favor, declared closed at 12:30 AM on July 21, 2006.

Respectfully submitted,

Joan B. Walsh
Town Clerk