

August 7, 2008

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

MEMBERS PRESENT:

Joan B. Walsh . . . . . Supervisor

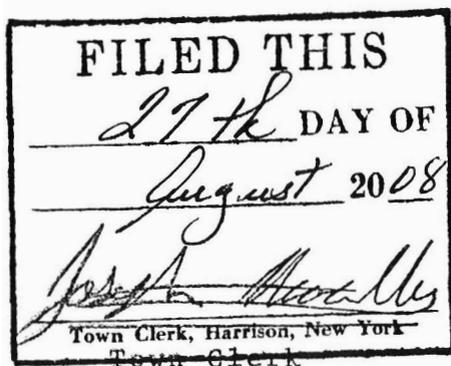
Joseph Cannella        )  
Patrick Vetere         ) . . . . . Councilmen  
Thomas Scappaticci    )  
Fred Sciliano           )

ALSO ATTENDING:

Frank Allegretti . . . . . Town Attorney  
Fred Castiglia . . . . . Deputy Town Attorney  
Robert Paladino . . . . . Village Attorney  
Jonathan Kraut . . . . . Deputy Village Attorney  
David Hall . . . . . Chief of Police  
Judy D'Agostinis . . . . . Director of Purchasing  
Maureen MacKenzie . . . . . Comptroller  
James Calandrucchio . . . . . Assessor  
Anthony Robinson . . . . . Deputy Commissioner of Public Works  
Anthony Marraccini . . . . . Police Captain

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August 7, 2008

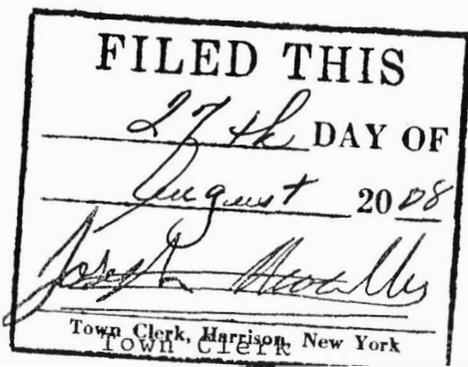
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REMARKS BY SUPERVISOR JOAN B. WALSH  
RE: PRAISE FROM HARRISON RESIDENT RUBIN KREIGSMAN TO DEPARTMENT OF  
PUBLIC WORKS EMPLOYEE MICHAEL SULLIVAN

Supervisor Walsh stated that Mr. Rubin Krigsman, resident sent a letter of praise to the Department of Public Works employee Michael Sullivan. Mr. Sullivan found Mr. Krigsmans' cell phone outside and returned it to him upon Mr. Krigsmans' return from a trip overseas.

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August 7, 2008

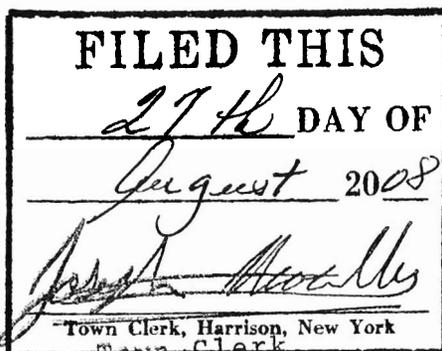
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REMARKS BY SUPERVISOR JOAN B. WALSH  
RE: PRAISE FROM HARRISON RESIDENTS, MR. & MRS. MONTESANO TO LT.  
DIBUONO AND P.O. MASCALI.

Supervisor Walsh stated that Frank and Esther Montesano sent a letter of praise to Police Lieutenant Richard DiBouno and Police Officer Charles Mascali for installing cars seats for their two eight month twin boys. Mr. & Mrs. Montesano stated that the installation of the two car seats was not an easy task but after much time and effort the seats were installed properly.

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REMARKS BY SUPERVISOR JOAN B. WALSH  
RE: PRAISE FROM HARRISON RESIDENT LOUISE BURTROW  
TO THE BUILDING DEPARTMENT.

Supervisor Walsh stated that the Building Department received a letter of praise from Louise Burcalow, resident, who recently demolished a house she purchased in West Harrison in order to rebuild it. The letter stated Mrs. Burcalow would like to thank the entire Building Department especially Paul, Carol and Rocco for their help during the demolition and reconstruction.

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**FILED THIS**  
*27<sup>th</sup>* DAY OF  
*August* 20 *08*  
*Joseph A. Mavalley*  
 Town Clerk, Harrison, New York  
 Town Clerk

August 7, 2008

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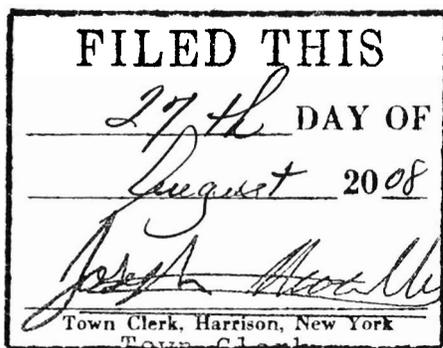
UPDATE FROM SUPERVISOR WALSH RE: WESTCHESTER COUNTY RECYCLING

Supervisor Walsh stated that she received a report from Westchester County on the Town of Harrison's recycling program. The Supervisor stated that there has been an 18% recycling increase between 2007 and 2008 in Harrison and that the Town should be commended for their work.

Tonight the Village Board Meeting was heard before the Town Board Meeting.

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August 7, 2008

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ACCEPTANCE 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 Superintendent of Recreation for June 2008.
  - 1b. Monthly report from the Town Clerk for June 2008.
  - 1c. Monthly report from the Fire Marshall for June 2008.
  - 1d. Monthly report from the Building Inspector for June 2008.
  - 1e. Quarterly report from the Director of the Harrison Library for the months of April, May and June 2008.
  - 1f. Monthly report from the Receiver of Taxes for June 2008.
  - 1g. Monthly report from the Harrison Police Chief for June 2008.
  - 1h. Monthly report from the DPW for May and June 2008, along with a chart of complaints and requests for services.
2. Letter from Ada Angarano was moved to the beginning of the Village Board Meeting.
3. Notification by Deputy Commissioner Angela Licata of the City of New York Department of Environmental Protection (NYDECP) for the Proposed Amendments to Chapter 16 of Title 15 of the Rules of the City of New York: "Rules for the Recreational use of Water Supply Lands and Water." The below would not have a significant effect on the environment and is herein publishing a Negative Declaration. The NYCDECP is proposing to amend Title 15, Chapter 16 of the Rules of the City of New York (RCNY), the existing rules governing the recreational use of over 112,000 acres of New York City water supply lands and waters (Existing Rules). The amended rules (Proposed Rules) were drafted with the purpose of allowing recreational uses on certain City-owned lands within the watershed in a manner that would be consistent with the recreational uses permitted on New York State-owned recreational lands managed by the NYSDEC. The regulated community would be all persons accessing City-owned water supply lands, lakes and reservoirs located in Delaware, Sullivan, Greene, Schoharie, Ulster, Orange, Putnam, Dutchess and Westchester counties, for purposes of recreation.

**The above was referred to the Department of Public Works.**

4. Notification by Westchester County Planning Board of their action adopting policies which will replace two chapters of *Patterns for Westchester: The Land and the People*, the County Planning Board's long-range land use vision for Westchester, adopted in December 1995. Those chapters are "Policies for 2000 and Beyond" and Assumptions." (Document is available for review in the Mayor's office.)

Adopted by the following vote:

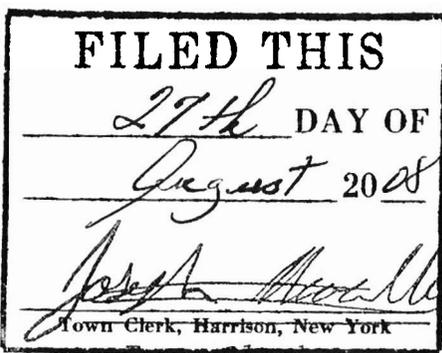
AYES: Councilmen Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

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August 7, 2008

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PUBLIC HEARING – RE: AN AMENDED SPECIAL EXCEPTION USE PERMIT, FOR AN ADDITIONAL PARKING AREA AND BEE-LINE BUS PASSENGER SHELTER IN THE PREVIOUSLY DISTURBED LOCATIONS AT 400 WESTCHESTER AVENUE, LLC, FORDHAM UNIVERSITY.

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

Laura Lee Dickson, attorney for the law firm of McCullough Goldberger & Staudt representing Fordham University addressed the Board. Mrs. Dickson explained that this request is a change in a special exception use to accommodate an increase in parking as well as a Bee Line bus shelter on the property. Mrs. Dickson explained that Fordham University is requesting to increase their existing 182 car parking lot to a 250 car lot in order to meet the needs of the students. Mrs. Dickson continued by stating this request has already been approved by the Planning Board.

Roy Porto, resident, addressed the Board and stated he did not believe the parking lot should be expanded. Mr. Porto went on to state that the students should accommodate their schedules in order to balance out the potential parking problem.

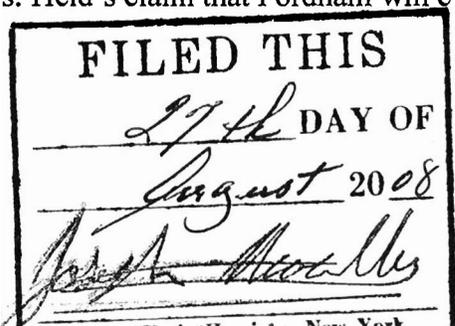
Supervisor Walsh stated nobody can dictate when the students go to school.

Mr. Porto stated he was concerned with the amount of students using this property and the effect it will have on the environment. He questioned what the new parking lot was going to be built over and if there was an environmental impact review study done.

Supervisor Walsh stated that the new lot will be built on virgin land and the State conducted a SEQRA review of the environmental impact and declared a Negative Declaration. Supervisor Walsh stated she and members of the Board were satisfied with the findings.

Lucille Held, resident, addressed the Board and stated she was opposed to this request. Mrs. Held went on to state that by continuing to change the conditions of the property the Board is ruining the Town. Mrs. Held claimed that by adding additional parking spaces there would be an increase in traffic in town, as well as light pollution as well as the odor of gasoline. Mrs. Held continued by stating she condemns the Board for allowing Fordham University to come into the town because it is Mrs. Held's claim that Fordham will eventually buy the property and it will come off the tax roll.

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August 7, 2008

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APPROVAL OF THE AMENDED SPECIAL EXCEPTION USE PERMIT FOR  
AN ADDITIONAL PARKING AREA AND BEE-LINE BUS PASSENGER SHELTER  
IN THE PREVIOUSLY DISTURBED LOCATIONS  
FOR 400 WESTCHESTER AVENUE, LLC, FORDHAM UNIVERSITY

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the Amended Special Exception Use Permit for an additional parking area and Bee-Line Bus Passenger Shelter in the previously disturbed locations at 400 Westchester Avenue, LLC, Fordham University.

FURTHER RESOLVED that upon approval by the Town Board this permit be subject to the approval by the Law Department based on conforming conditions of the Planning Board.

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

Adopted by the following vote:

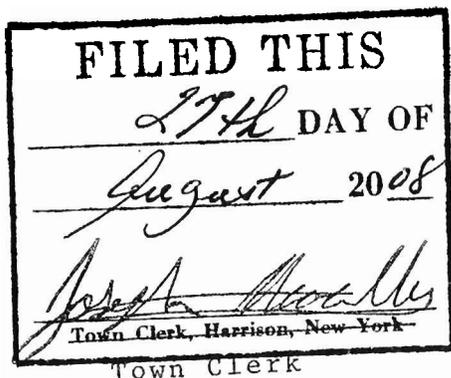
AYES: Councilmen Cannella, Scappaticci and Sciliano  
Supervisor Walsh

NAYS: Councilman Vetere

ABSENT: None

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August 7, 2008

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PUBLIC HEARING RE: ADDITION OF CHAPTER 16  
TO THE TOWN/VILLAGE CODE  
ENTITLED "DISCIPLINARY PROCEEDINGS" AS LOCAL LAW NO 6 OF 2008.

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

On motion of Councilman Cannella, seconded by Councilman Scappaticci with all members voting in favor it was decided to move all discussion from the May 15<sup>th</sup> Public Hearing regarding this matter into the record for the purposes of this Public Hearing.

The following discussion was from the May 15<sup>th</sup> Public Hearing:

**Supervisor Walsh stated that if an employee is suspended and brought before the Town Board for their suspension at the present time the law says the Town Board holds those hearings. The proposed law would give the Town Board, if they choose, the opportunity to hire a hearing officer to hear the charges against the employee and make a determination to the board on what the punishment should be. Mrs. Walsh went on to state that the problem is that these hearings are lengthy and the Town Board members are part time and have other commitments. She went on to say that it is very hard to get together for a current matter before the Board.**

**Councilman Vetere read the following statement:**

*I have been a Councilman in this Town for approximately twenty years and in my twenty years of service I have never experienced such disregard for our Towns' employees. The law before this Board tonight is an unlawful attempt to distance the Town Board from disciplinary proceedings brought against our employees. This Board has been elected by the people of this Town to serve and it is absurd that we are attempting to assign our responsibility to serve to a third party. If any of our employees are accused of misconduct or their actions have subjected them to disciplinary action by their superiors, then it is our duty, our responsibility to hear, listen, oversee and ultimately to judge what punishment is imposed, if any. For this Board to authorize a third party to do its job is a breach of the public trust and should this law pass, come election time, the public should remember what this Board has done. My opinion is that if we are going to let someone else do our job, then there is no need for a Town Board. If anyone on the Council feels that sitting through the hearing is "too much", then maybe they should reconsider being a Councilman. Personally, I am ready and willing to hear any complaints lodged against any of our employees. More importantly, I sit here today and stand by the oath I have taken six times. I don't know about the rest of this Board, but I stand ready to serve my constituents and I demand that this proposed law be rejected and voted down immediately. Thank you.*

**Councilman Sciliano stated that he disagreed with Councilman Vetere and that it was unfair to say that people will look down upon us on Election Day. Mr. Sciliano went on to say that we are not relinquishing our duties and still have the ability to accept or reject the findings from the Hearing Officer. Justice is not being served with the current situation and we must look at an alternative.**

**Councilman Scappaticci stated that we have been trying since January and it is hard meet and to serve the people suspended, it is easier to have a Hearing Officer during the day to hold these hearings. He continued by saying that we are not abandoning our responsibility of the matter. We will still receive the transcripts from the hearing.**

**Councilman Cannella stated that this is a difficult proposition. It is a travesty for all persons involved, and continued by adding we have a person who is sitting in limbo for indefinite direction which cannot be comfortable. The problem of scheduling is a major factor. The problem is efficiency. The Town is paying employees who are suspended and the suspended persons are still waiting for the hearings to be completed.**

**Town Attorney Frank Allegretti read the section §16-3 of the proposed law into the record: *If a Hearing Officer is appointed by such Board they shall keep or cause to be kept the record of such hearing. After the conclusion of such Hearing, the Hearing Officer shall make specific findings of fact which they then shall transmit to the Board together with their conclusions regarding each of the charges and specifications, their recommendation for a penalty and the record of the Hearing. The Board shall then review the record, the actual findings and conclusions of recommendations of the Hearing Officer and render a decision.***

**Mr. Cannella stated the Board will receive a transcript and the decision still remains with the Board, he went on to state I see very little choice but to support it.**

**Roy Porto, resident, stated by not physically hearing the evidence the Board members should give up their positions as Commissioners for Police, Fire, etc.**

**Karen DiLeo, resident, stated having a third party come in is ridiculous. Mrs. DiLeo believes ten (10) individuals can put their family business aside for these officers.**

**Brendon Murphy, resident, stated the Town Board has been elected to do what is right; and the community counts on them to hear these charges and bring back the facts. Mr. Murphy stated the current Hearing Officer was disbarred.**

**Supervisor Walsh stated that is an unfair claim and that those charges are not founded.**

**Mr. Murphy stated the Board cannot neglect their duties.**

**Councilman Scappaticci stated the Board will still be making the decision based upon the transcripts from the Hearing Officer.**

**A heated discussion ensued between Mr. Murphy and the Board regarding the matter.**

**Gregory Kaczynski, PBA Attorney addressed the Board. Mr. Kaczynski stated the Westchester Police Act states it is the non delegable duty of the Board to oversee the disciplinary hearings in a police matter. Mr. Kaczynski asked what has changed in the Westchester Police Act. Mr. Kaczynski went on to state that according to the Westchester County Police Act, the Town Board has the authority to appoint a separate Board of Police Commissioners to hear disciplinary proceedings at any time either for this case or any future cases.**

**Town Attorney Frank Allegretti stated that the issue has been raised and the Board will not take the matter up this evening.**

**Deputy Jonathan Kraut stated Harrison would not be the only municipality that has done this. Mr. Kraut continued by stating that a Town Board member has the right to recuse themselves at anytime and in their place, appoint a Hearing Officer.**

**Mr. Kaczynski reiterated once again for the record that paragraph 1 of the Westchester County Police Act states the Town Board has the authority to appoint a Board of Commissioners at anytime it deems necessary.**

**Mr. Kraut asked how this was different from a Hearing Officer.**

**Mr. Kaczynski stated if you have a group of Commissioner's overseeing the hearing it is different then one Hearing Officer in that the Board of Commissioners makes the final decision, they are present for the actual testimony which enables them to hear and see the witnesses instead of one Hearing Officer which will give the Town Board a transcript of the hearing to make a final decision. Mr. Kaczynski concluded by stating you can never take the place of hearing and seeing the testimony.**

**Naomi Oppman, resident, addressed the Board and asked what the a cost would be to hire a Hearing Officer and if there is a cost analysis to see which is more cost effective?**

**Supervisor Walsh responded the cost is the same.**

**Roger Walther, resident, stated the system that is in place works. Mr. Walther continued by stating arbitrators are no good because the Board chooses the arbitrator. You cannot replace a jury system.**

**Mike Walther, PBA President, addressed the Board and stated These officers have been suspended for months and time is of the essence. Mr. Walther went on to state we started at the end of March and they were suspended last year. This is time consuming and this needs to be done.**

**Supervisor Walsh stated you are right, its time consuming. We are trying to determine several dates. With so many people involved it is hard to find the time.**

**Mr. Walther responded stated the Board has a commitment they must keep.**

**Peter DeVittorio, Harrison Police Sergeant stated the testimony on a hearing cannot be reproduced on paper. Mr. DeVittorio continued by stating when the Board members ran for Town Board they knew the Commissioners badge came with it. Mr. Di'Vittorio stated if it is not in the members schedule, they get someone else but to get one person is unjust. Mr. DeVittorio questioned how can the Board decide the fate of someone's career from a piece of paper?**

**Councilman Cannella stated the matter should be adjourned to the next meeting. He continued by stating this is not a question of convenience, the Board has made itself available and this is a cumulative issue to make the arrangements to get people together.**

**Mrs. Held, resident, stated this is the first time we have been subject to this. We want this settled now.**

**Supervisor Walsh stated we will discuss this law with the attorneys.**

**Mrs. Held stated the Board should do it themselves or get five other commissioners.**

**Mrs. Walsh stated the Board does deserve the privilege of talking with the attorneys.**

**Jimmy Forrest, president of the local Firefighters. Stated we work for the Town; our opinion is if a decision has to be made we want the actual Board to hear the charges. Mr. Forrest questioned how long it would take for the Hearing Officer to render a decision.**

**Supervisor Walsh stated there is no time table.**

**Mr. Forrest asked Supervisor Walsh if she thought this is the right thing to do?**

**Supervisor Walsh responded no, she didn't. Supervisor Walsh went on to state she has listened to the attorneys, other Mayors, and heard their comments. It is a hard decision because it is not being heard on a timely basis. In one way it makes sense. In another way it doesn't because of being present to hear and see the testimony in person. Supervisor Walsh concluded by stating she finally came down on the side of wanting to see the person and objected to appointing a Hearing Officer.**

The following discussion took place at the August 7, 2008 Public Hearing:

Lucille Held, resident, addressed the Board questioning if this law was being changed because the members of the Board could not find time to hear the testimony of a certain disciplinary matter.

Supervisor Walsh stated yes.

Councilman Scappaticci disagreed. The Councilman explained that he and the Board have devoted over 60 hours to the said disciplinary matter.

Mrs. Held stated that it is not the same when one Hearing Officer hears the testimony compared to a Board hearing the testimony.

Deputy Village Attorney Jonathan Kraut read the following section of the proposed law into the record:

**“§16-3. Powers and duties of hearing officer.**

If a hearing officer is so appointed by any Board, they shall keep or cause to be kept a record of such hearing. After the conclusion of the hearing, the hearing officer shall make specific findings of fact which they shall then transmit to the Board, together with their conclusions regarding each of the Charges and Specifications, their recommendations for a penalty and the record of the hearing. The Board shall then review the record, factual findings, conclusions and recommendations of the hearing officer and render a final determination in writing.”

Mrs. Held asked how the Hearing Officer is chosen.

Supervisor Walsh stated the Board chooses an outside trained individual.

Deputy Attorney Kraut read the following section into the record:

**“§16-2. Appointment of hearing officer.**

B. The hearing officer designated by the Boards shall be an attorney duly licensed to practice law in the State of New York at the time of the appointment.”

Councilman Cannella stated there are numerous reasons why this proposed change in the law is beneficial. He stated it is not fair to the individuals who are suspended or to the department head who has suspended the employee. He went on to state that the hearings take many hours to complete and require many people to attend. Mr. Cannella concluded by stating that this change in the law only allows the Board the option to hire a Hearing Officer it does not require the Board to use a Hearing Officer.

Harrison Police Association member Sergeant Peter DeVittorio read the following statement into the record:

*Members of the Board, as Police Officers we take an oath that demands that we defend the Constitution of the United States. Contained in that document is the right of the citizens of our nation to due process if we are accused of breaking the law or abusing our freedom. Throughout our history we have refined and redefined what constitutes due process, but each time we have adjusted that right, it has been to improve the legal process and insure that “innocent until proven guilty” remains the standard. It is the foundation of our legal system and*

*helps to provide the checks and balances necessary to make sure that those of us who have chosen to enforce the law do not abuse the trust that is given to us by our society.*

*I would now like to describe to you a process that is currently in place and is supposed to judge certain members of our community. I would like to know if this process could possibly find the truth, and if you think it meets the standard of "due process" that the citizens of our nation are guaranteed in our Constitution.*

*In this process, the accused is often not afforded representation or council, unless the accuser decides he is entitled to it.*

*The accused has no right of discovery of the evidence before trial. (which is the right our citizens have in any criminal or civil procedure)*

*In our legal system, a witness may only testify if he "swears to tell the truth the whole truth and nothing but the truth, so help me GOD" and in doing so makes his testimony SWORN testimony under penalty of perjury. In the process I am describing, however, unsworn testimony is allowed on video tape. The witness does not even have to be present in the room.*

*The defense attorney can subpoena witnesses, but it only an attorney's subpoena and not a subpoena endorsed by any court and can be ignored by the subpoenaed party with absolutely no penalty. The accuser can even tell the witness the subpoena has no legal status and can advise the witness not to appear in order to avoid cross examination.*

*The accused is not judged by a jury of his peers, but by elected officials who whether they like it or not are constantly under political pressure that may in fact have an agenda that puts morality and fairness on the bottom of the list.*

*I could go on, but by now you know that the process I am describing is happening right here in our town and is being used to judge one of our own employees. I would, however, ask you to ask yourselves if you would like to be judged by this process in it's current form and if you can honestly say that the term DUE PROCESS even remotely applies to this perverted form of not justice, but injustice.*

*You would now like to change the rules again and make a horrible process even worse, because it has become inconvenient. I do not take the term public service lightly, but if you chose to run for office and become a public official, you MUST accept ALL the responsibility and not just the privilege and notoriety. Public service, if you so chose it, inherently contains the term PERSONAL SACRIFICE. All of the members of this board knew the rules AND the players before you took your oath of office.*

*To appoint a hearing officer to hear the evidence in our already grossly inadequate disciplinary hearings is just plain wrong on every level. You cannot possibly judge from a transcript if the testimony of a witness rings true. You will be relying on someone else's opinion to tell you if the person had credibility. Have you ever read a script for a play or a movie? If you have you know that most scripts are boring and the drama of the words on the page is difficult to understand without the interpretation of the director and the skill of the actor. What seems mundane as just words on the page can be absolutely riveting when brought to life by the intensity the words are spoken with and the inflections used to speak them. You are proposing to make a decision on whether or not a police officer loses his job by reviewing a **SCRIPT**. That is all the transcript and summary the hearing officer would provide to you would be. It would have no life and a*

*singular person would decide what is truth and what is not. It is not possible to make any sort of an intelligent decision unless you hear the evidence yourselves live and in color.*

*I do not envy your position in this matter. There are times in everyone's life when they say to themselves, "Is this what I signed up for?" I would imagine that the pressure is tremendous and it is coming from all directions. I must, however, ask you to do what you swore to do. You also took an oath of office in which you swore to defend the Constitution of The United States and you cannot deny that fairness, morality and especially in this case, DUE PROCESS are part of the document and ideals you swore to defend. It is time to put the idea of this hearing officer away for good and accept the responsibility and personal sacrifice that the people of this town expected from you when they gave you the privilege to serve them.*

Councilman Vetere stated for the record, he was opposed to the change in this law.

Mrs. Held asked the Board for a copy of the job descriptions for Police Commissioners.

Supervisor Walsh stated she would provide Mrs. Held with a copy from the law books.

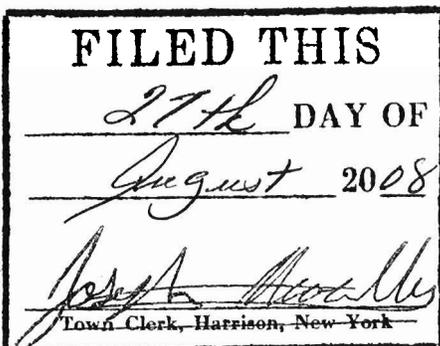
Supervisor Walsh stated she was in agreement with the belief that it is better to hear the disciplinary hearing in person rather than reading testimony. Therefore, the Supervisor explained she was opposed to this proposed law. Supervisor Walsh went on to state that she would like to work with the law department to make the hearing process conform more to a regular court of law. The Supervisor concluded by stating it is the job of the Board to hear these charges.

Sergeant DeVittorio asked the Board to consider at a later date a public discussion to consider taking these matters out of the hands of the Town Board and having elected individuals to hear disciplinary matters along with an advisor as is the practice now.

Supervisor Walsh stated she did not believe that was a good idea but would take it under advisement.

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August 7, 2008

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APPROVAL OF LOCAL LAW NO. 6 OF 2008,  
ENTITLED "DISCIPLINARY PROCEEDINGS"

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve Local Law No. 6 of 2008, by adding Chapter 16 to the Town/Village Code entitled "Disciplinary Proceedings".

**CHAPTER 16**  
**DISCIPLINARY HEARING**

**§16-1. Purpose.**

The purpose of this chapter is to authorize the Town Board of the Town of Harrison, the Village Board of the Village of Harrison, the Board of Police Commissioners of Harrison and the Board of Fire Commissioners of Harrison to appoint a hearing officer to conduct hearings in disciplinary proceedings and to establish the rules of procedure to be followed in such proceedings.

**§16-2. Appointment of hearing officer.**

A. In the event that disciplinary charges are presented to the Town Board of the Town of Harrison, the Village Board of the Village of Harrison, the Board of Police Commissioners of Harrison, or the Board of Fire Commissioners of Harrison against any police officer, firefighter or any other municipal employee, the aforementioned Boards may adopt a resolution appointing a hearing officer to conduct the hearing on such charges.

B. The hearing officer designated by the Boards shall be an attorney duly licensed to practice law in the State of New York at the time of the appointment.

**§16-3. Powers and duties of hearing officer.**

If a hearing officer is so appointed by any Board, they shall keep or cause to be kept a record of such hearing. After the conclusion of the hearing, the hearing officer shall make specific findings of fact which they shall then transmit to the Board, together with their conclusions regarding each of the Charges and Specifications, their recommendations for a penalty and the record of the hearing. The Board shall then review the record, factual findings, conclusions and recommendations of the hearing officer and render a final determination in writing.

**§16-4. Procedure.**

The procedure to be followed in any disciplinary proceeding whether it is heard by the Board or a hearing officer, shall be the procedure as set forth in the New York State Administrative Procedure Act, as it may be amended from time to time, for adjudicatory proceedings, except to the extent that said procedure conflicts with this chapter, or any other state or local law more specifically directed at such disciplinary proceedings. The Town Board of the Town of Harrison reserves the right to hereinafter adopt Rules of Procedure for Administrative Hearings.

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

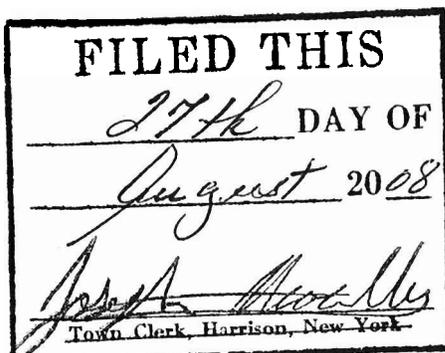
Adopted by the following ROLL CALL Vote:

Councilman Cannella	VOTING	AYE
Councilman Scappaticci	VOTING	AYE
Councilman Sciliano	VOTING	AYE
Councilman Vetere	VOTING	NAY
Supervisor Walsh	VOTING	NAY

\*\* The Resolution was adopted by a 3 to 2 vote.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 - - 378

APPROVAL FOR THE ADDITIONS TO THE RECREATION  
PART TIME AVAILABILITY LIST.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Superintendent of Recreation Ron Belmont for authorization for the following additions to the Recreation Part-time Availability list:

<u>NAME</u>	<u>HOURLY RATE</u>
Duker, Kristine	\$7.50
Jensen, Chloe Renee	6.75

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

Adopted by the following vote:

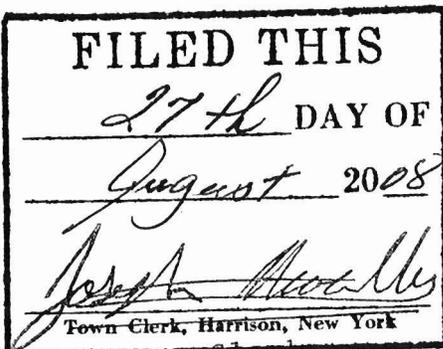
AYES: Councilmen Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 - - 379

AUTHORIZATION FOR JACKIE RICCIARDI TO ATTEND THE ANNUAL CONFERENCE  
OF NEW YORK STATE MAGISTRATES/COURT CLERKS, IN NIAGARA FALLS, NY  
COST: NOT TO EXCEED \$1,500.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Court Clerk Rosemary King for authorization for Jackie Ricciardi to attend the annual conference of NYS Magistrate/Court Clerks in Niagara Falls, NY, from September 21 to September 24, 2008, at a cost not to exceed \$1,500.

FURTHER RESOLVED that funding is available in Account #1110/46.

FURTHER RESOLVED that upon proof of payment the Comptroller reimburse Ms. Ricciardi.

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

Adopted by the following vote:

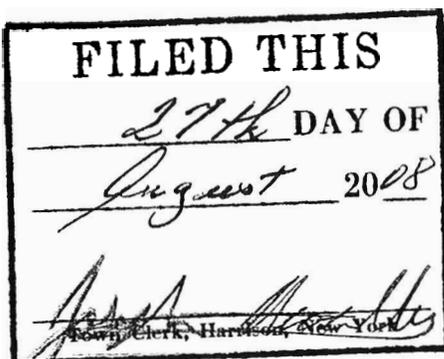
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



Town Clerk

August 7, 2008

2008 - - 380

AUTHORIZATION FOR TWO POLICE OFFICERS TO ATTEND  
NEW YORK HIGHWAY SAFETY CONFERENCE IN SYRACUSE, NY,  
SEPTEMBER 21 TO SEPTEMBER 24, 2008.  
COST, INCLUDING TRAVEL EXPENSES, NOT TO EXCEED \$1,200.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of the Chief of Police Dave Hall for authorization for two police officers to attend the New York Highway Safety Conference in Syracuse, NY, September 21<sup>st</sup> to September 24, 2008, at a cost, including travel expenses, not to exceed \$1,200.

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

Adopted by the following vote:

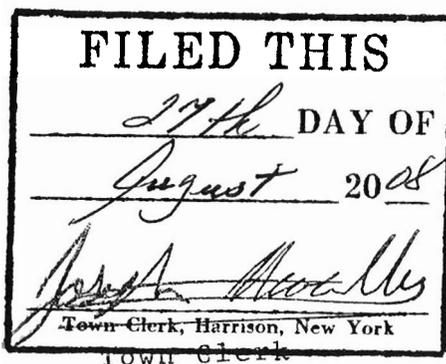
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 - - 381

AUTHORIZATION FOR REIMBURSEMENT TO  
POLICE OFFICER WILLIAM DUFFELMEYER,  
FOR COLLEGE COURSES BEING TAKEN AT  
MANHATTANVILLE COLLEGE,  
COST: \$2,411.15.

Councilman Vetere stated it was ridiculous for the Town to be paying for these classes. He continued by stating he felt it was the job of the Chief to advise the Police Officer that he/she should not submit for reimbursement for classes that do not have anything to do with police work.

Deputy Village Jonathan Kraut stated he felt it was unfair to lay blame on the Chief of Police seeing as how this was a clause in the PBA contract.

Chief David Hall, Chief of Harrison Police addressed the Board and stated he had nothing to do with the PBA contract and it was not his job to advise officers of this.

Roy Porto, resident, addressed the Board and stated the clause should be eliminated from the contract. Mr. Porto went on to state that the clause should be narrowed to only allowing the Police Officer's to take courses in the criminal justice field.

Mr. Kraut stated that many classes in the criminal justice major are not even related to criminal justice.

Supervisor Walsh stated that any changes would have to be negotiated in the PBA contract.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for authorization to reimburse Police Officer William Dufflemeyer for the cost of a college course that he is enrolled in at Manhattanville College, 2008 Summer Semester, at a total cost of \$2,411.15.

“Instructional Planning”, as per the union contract.

FURTHER RESOLVED that proof of satisfactory completion and submission of his attendance has been submitted.

FURTHER RESOLVED that the Comptroller is authorized to audit and pay expenses outlined as per the contract with the Harrison Police Association.

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

Adopted by the following vote:

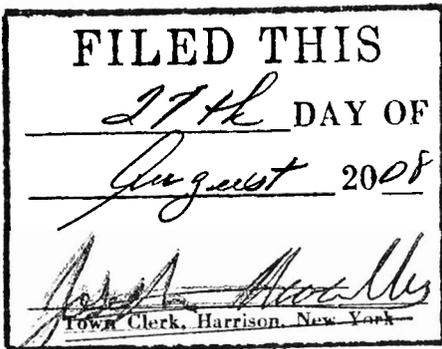
AYES: Councilmen Cannella, Scappaticci and Sciliano  
Supervisor Walsh

NAYS: Councilman Vetere

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'r
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



Town Clerk

August 7, 2008

2008 - - 382

APPOINTMENT OF SEAN McADAM AS  
THE COORDINATOR OF COMPUTER SERVICES FOR  
THE HARRISON POLICE DEPARTMENT, GRADE VIII,  
EFFECTIVE SEPTEMBER 5, 2008

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Personnel Manager Debra Scocchera for authorization to appoint Sean McAdam to the position of Coordinator of Computer Services for the Harrison Police Department, effective September 5, 2008, Grade VIII, at an annual salary between \$50,000 and \$60,000. Mr. McAdam has been interviewed by the Town Board and has scored a 100% on the Westchester County coordinator of Computer Services exam. This position has been posted with the CSEA.

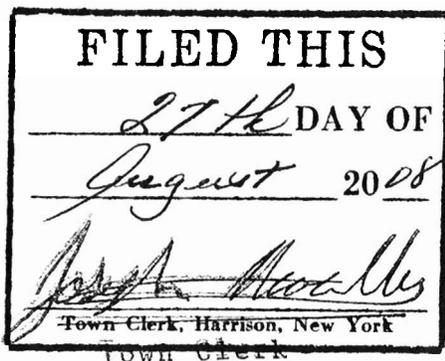
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Chief of Police and the Personnel Manager.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r

August 7, 2008

2008 - - 383

AUTHORIZATION FOR RECREATION STAFF MEMBERS TO ATTEND  
THE NATIONAL RECREATION AND PARKS CONFERENCE,  
BALTIMORE, MARYLAND, OCTOBER 14 - 18, 2008,  
ADDITIONAL COST: \$1,500

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Superintendent of Recreation Ron Belmont for authorization for himself, Anthony Zaccagnino, Kristen Ciafone, Barbara Fanelli, Gerry Salvo, Nick Callagy, Rick Magrino and Dot DiBuono to attend the National Recreation and Parks Conference, in Baltimore, Maryland, October 14-18, 2008, at an additional cost of \$1,500. (Also refer to TBR #2008-287)

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

Adopted by the following vote:

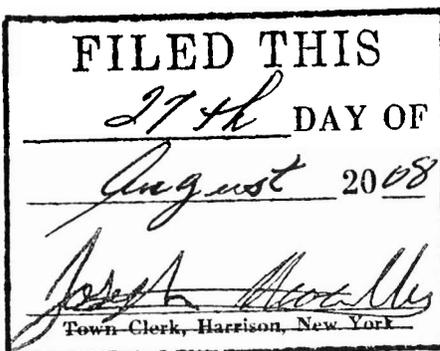
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

Assessor  
 Benefits  
 Bldg  
 Compt'lr  
 Engrng  
 Law  
 Police  
 P. Wrks  
 Purch'g  
 Recr'tn  
 Supvs'r



Town Clerk

August 7, 2008

2008 - - 384

APPOINTMENT OF ONE (1) PART TIME EMPLOYEE IN  
THE HIGHWAY DEPARTMENT,  
DIVISION OF THE DEPARTMENT OF PUBLIC WORKS  
AT A RATE OF \$11 PER HOUR.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint one (1) part time employee in the Highway Department at a rate of \$11 per hour, effective Monday, August 11, 2008.

FURTHER RESOLVED that this part time position will fill one recently vacated full time position. Pending further review of candidates for a full time position, Mr. Wasp proposes that this position be filled as part time and then select a candidate from the part time employee pool.

FURTHER RESOLVED that funding is available in the Highway Department Operating Budget.

FUTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Comptroller and the Personnel Manager.

Adopted by the following vote:

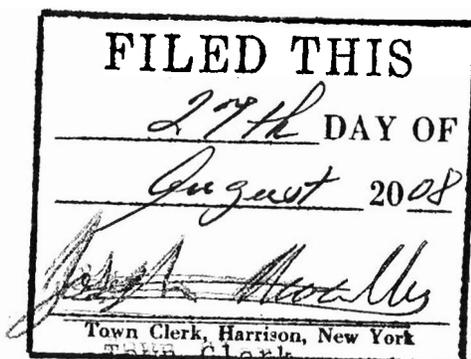
AYES: Councilman Cannella, Scappaticci, Vetere, Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

Assessor  
 Benefits  
 Bldg  
 Compt'lr  
 Engrng  
 Law  
 Police  
 P. Wrks  
 Purch'g  
 Recr'tn  
 Supvs'r



August 7, 2008

2008 - - 385

AUTHORIZATION FOR COURT CLERK ROSEMARY KING  
TO APPLY FOR A JUSTICE COURT ASSISTANCE GRANT

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to authorize Court Clerk Rosemary King to apply for a Justice Court Assistance Grant. These funds may be used for updated automation, security equipment, legal materials, etc.

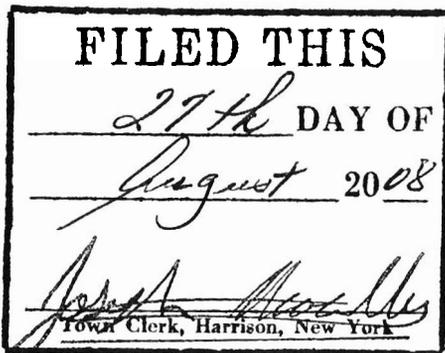
FURTHER RESOLVED to forward a copy of this Resolution to the Court Clerk and the Comptroller.

Adopted by the following vote:

AYES: Councilman Cannella, Scappaticci, Vetere, Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None



Town Clerk

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r

August 7, 2008

2008 - - 386

AUTHORIZATION TO REPLACE THE OUTDATED AUTOMATIC EXTERNAL  
DEFIBRILLATOR'S WITH NEW AED'S. COST: \$17,212.20

On motion Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Harrison Police Chief David Hall for authorization to replace the Department's outdated Automatic External Defibrillator with new AED's at a total cost of \$17,212.20.

FUTHER RESOLVED that funding is available in Account # 0090000752.

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

Adopted by the following vote:

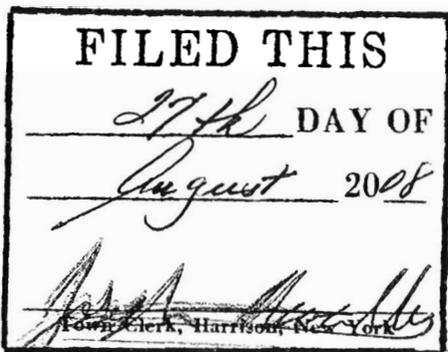
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



Town Clerk

August 7, 2008

2008 -- 387 -- a  
AUTHORIZATION FOR A BUDGET MODIFICATION FOR  
THE HIGHWAY DIVISION  
IN THE DEPARTMENT OF PUBLIC WORKS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzi for a budget modification for Highway Department in the amount of \$623.

Increase:

003-0000-020-2680                      623  
Highway-Insurance of recoveries

Increase:

003-5130-100-0479                      623  
Highway Machinery-Auto Body

To modify the budget to reflect a check from State Farm Insurance Company for damages to a Highway vehicle on February 12, 2008.

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

Adopted by the following vote:

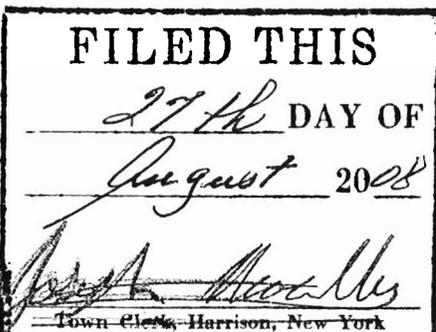
AYES:            Councilman Cannella, Scappaticci, Vetere and Sciliano  
                      Supervisor Walsh

NAYS:            None

ABSENT:        None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 





August 7, 2008

2008 - - 388

AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE THE  
INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY  
FOR THE COLLECTION OF ORGANIC YARD WASTE.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Robert Wasp for authorization for the Supervisor to execute the Inter-Municipal Agreement with Westchester County for the Collection of Organic Yard Waste.

FURTHER RESOLVED the execution of this Agreement is subject to review by the Law Department.

FURTHER RESOLVED the term of the Agreement will run retroactively from April 1, 2008 through March 31, 2013.

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

Adopted by the following vote:

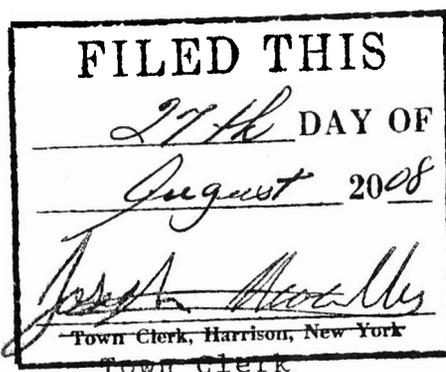
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



August 7, 2008

2008 - - 389

APPROVAL FOR THE APPORTIONMENT OF LOTS 45 AND 46 (46-47), BLOCK 171

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by Deputy Assessor Mark Heinbochel of the merger of the assessed valuation of lots 45 and 46(46-47), Block 171 on the 2007 and 2008 Assessment Rolls (Taxes of 2008- 2009.) Lan-Pam Realty Corp. would like to have the aforementioned two (2) parcels merged into one (1) parcel as it was approved as a single parcel. It was always the understanding of the Planning Board that the two existing parcels were to be merged into a single parcel.

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

Adopted by the following vote:

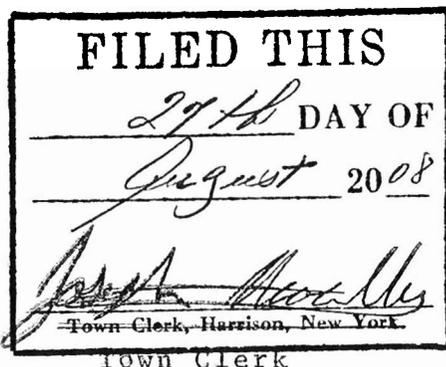
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



Town Clerk

August 7, 2008

2008 - - 390

APPROVAL TO SET THE DATE OF SEPTEMBER 4, 2008 FOR A PUBLIC HEARING  
RE: SPECIAL EXCEPTION USE PERMIT/SITE PLAN TO  
INSTALL SIX (6) PANEL ANTENNAS AND  
AN ASSOCIATED UNMANNED EQUIPMENT SHELTER ON  
THE ROOF OF AN EXISTING BUILDING LOCATED AT  
4 WEST RED OAK LANE.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Attorney Anthony B. Gioffre, III with the law firm of Cuddy & Feder LLP, on behalf of his client Metro PCS New York, LLC, to set the date of September 4, 2008 for a Public Hearing Re: a Special Exception Use Permit/Site Plan to install six (6) panel antennas and an associated unmanned equipment shelter on the roof of an existing building located at 4 West Red Oak Lane.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys and Mr. Gioffre.

Adopted by the following vote:

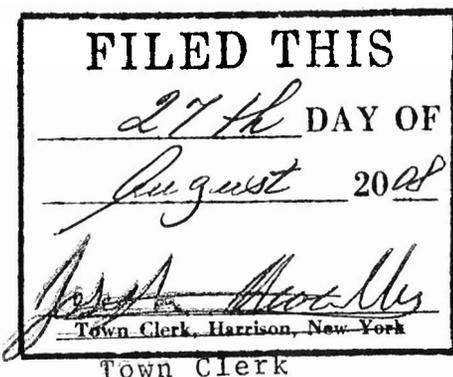
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



August 7, 2008

2008 - - 391

AUTHORIZATION FOR A SPECIAL EVENTS PERMIT FOR PEPSICO, INC.  
FOR THEIR FAMILY INCLUSION FESTIVAL TO BE HELD  
ON SATURDAY, SEPTEMBER 6, 2008

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by attorney Frank McCullough, of the law firm of McCullough, Goldberger & Staudt, on behalf of his client, PepsiCo, Inc. for approval for a Special Events Permit, for their Family Inclusion Festival to be held on PepsiCo's grounds on Saturday, September 6, 2008, from 1pm to 5pm. The event will be self contained.

FURTHER RESOLVED that Town Board approval is subject to submission of proof of insurance, notification to Harrison Police Department, Purchase Fire Department and Harrison EMS.

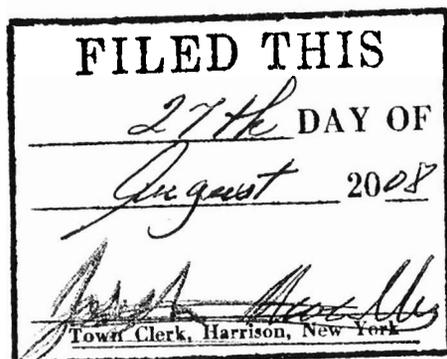
FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commissioner of Public Works, the Chief of Police, the Chief of Purchase Fire Department, the Chief of Harrison EMS and Mr. McCullough.

Adopted by the following vote:

AYES: Councilman Cannella, Scappaticci, Vetere, Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None



Town Clerk

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-

August 7, 2008

2008 - - 392

TABLED: REQUEST BY CHIEF OF POLICE DAVE HALL TO RETAIN THE SERVICES  
OF MR. JAMES McCABE, ASSISTANT PROFESSOR OF CRIMINAL JUSTICE  
FOR THE PURPOSE OF POLICE SENSITIVITY TRAINING

David Hall, Chief of Police asked for his attorney, Albert Pirro, to speak on his behalf.

Albert Pirro, attorney for the Chief of Police David Hall addressed the Board. Mr. Pirro requested the Town Board consider a motion to enter into an understanding with the Harrison Police Department to enter into a cooperative agreement which would address the issues from the past few months, including retaining a police sensitivity trainer as well as a 30 day evaluation of the Harrison Police Department to review the procedures for complaints to make a report of his findings to the Board. Mr. Pirro explained this understanding would also address religious understanding, profiling, it would mirror an annual program much like lawyers undergo for clinical collegial education every year. Mr. Pirro went on to state he and his client believes it is time for the Harrison Police Department and the Town Board to act together to resolve the issues that are outstanding. Mr. Pirro continued by stating that the Town and the Police Department have recently entered into a stipulation which will be executed by a Judge which will determine there were no record of complaints against the Police Department filed with the Town Clerk.

Supervisor Walsh stated that does not have anything to do with the matter at hand.

Mr. Pirro stated he believes it did based on the fact that the entire investigation was based on those complaints.

Supervisor Walsh stated the Town Board adopted a two part Resolution one, being to listen to the residents through an investigator or evaluator. The second, being someone examining the operations of the Harrison Police Department in partnership with the Police Chief.

Councilman Scappaticci stated that was not what the Town Board adopted.

Mr. Pirro asked the Board to adopt a Resolution authorizing the Board or Town Attorneys to meet with the Chief and his Counsel to work out memoranda of understanding to incorporate what the Chief is asking for tonight with the principals the Board set forth.

Supervisor Walsh stated she was opposed to the proposal. The Supervisor explained she did not submit any written complaints to the Town Clerk's office because she is fully aware of the FOIL law and that anything in writing can be requested under the FOIL law. The Supervisor continued by stating she has received numerous verbal complaints from people who are waiting for a person to be appointed to hear those complaints.

Mr. Pirro grew upset that the Supervisor had anonymous complaints against police officers

which are hidden from public review.

Supervisor Walsh stated there are people in this town who will not come forward for fear of retaliation from the Police Department.

Councilman Cannella stated it was anticipated that the investigation/evaluation will be conducted with the cooperation of the Police Department. The Councilman continued by stating the Board has interviewed two potential firms with the Police Chief present.

Mr. Pirro stated he was concerned with the way the situation has been handled so far with respect to the Supervisors anonymous complaints against the Police Department.

Councilman Cannella stated he understood Mr. Pirro's concerns.

Mr. Pirro asked the Board to at least consider his request.

Councilman Cannella continued by stating the Board will consider anything.

Mr. Pirro stated the gentleman being considered in the Chief's request for police sensitivity training has stated he felt it was counter productive for the training to be held during the investigation/evaluation.

Jonathan Abady, attorney for Police Captain Anthony Marraccini and Sergeant Edward Lucas addressed the Board and stated he too was in support of this training and that there has been a long history of divisiveness between the Board and the Police Department. Mr. Abady requested on behalf of his clients for the Board to accept Mr. Pirro's request to conduct the police sensitivity training along with a 30 day evaluation of the department procedures. Mr. Abady stated that the Town Board should enter into this memoranda of agreement and end the divisiveness.

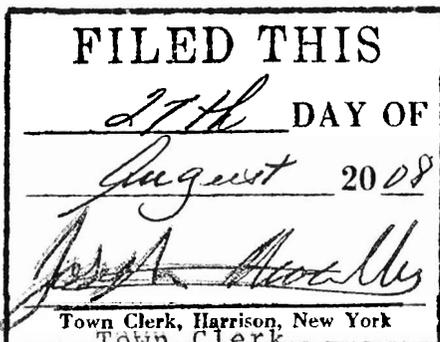
Roy Porto, resident, asked if there was any grant money to conduct the said evaluation.

Supervisor Walsh stated no, there was not.

The matter was tabled until the September 4, 2008 Town Board Meeting.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 - - 393  
AUTHORIZATION OF THE FORMAL ACCEPTANCE OF  
THE ANNUAL AUDIT OF  
THE JUSTICE COURT FOR THE YEAR 2007

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Court Clerk Rosemary King for authorization for the Town Board's formal acceptance of the annual Audit of the Justice Court for the year 2007 as per section 2019 of the Unified Justice Court Act.

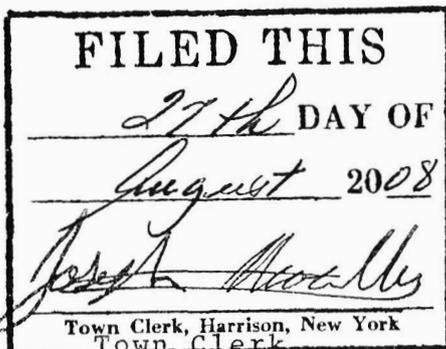
FURTHER RESOLVED to forward a copy of this Resolution to the Court Clerk and the Comptroller.

Adopted by the following vote:

AYES: Councilman Cannella, Scappaticci, Vetere, Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r

August 7, 2008

2008 - - 394

AUTHORIZATION FOR THE RESIDENTS OF LOWELL ROAD, PURCHASE, NY,  
TO HAVE A BLOCK PARTY ON SATURDAY SEPTEMBER 13, 2008,  
RAIN DATE OF SUNDAY SEPTEMBER 14, 2008

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by Alicia Coash for authorization to hold a block party for the residents of Lowell Rd, Purchase, NY, Saturday, September 13, 2008 from 2pm to 7pm with a rain date of Sunday September 14, 2008 from 2pm to 7pm. The event will be held on Old Well Road between Windsor Place and Duxbury Road.

FURTHER RESOLVED that upon Town Board approval a Certificate of Insurance will be submitted.

FURTHER RESOLVED that the fee is waived.

FURTHER RESOLVED that Mrs. Coash will notify the Police Department and the Chief of the Purchase Fire Department.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commissioner of Public Works, the Chief of Police, the Chief of Purchase Fire Department, and the Chief of Harrison EMS.

Adopted by the following vote:

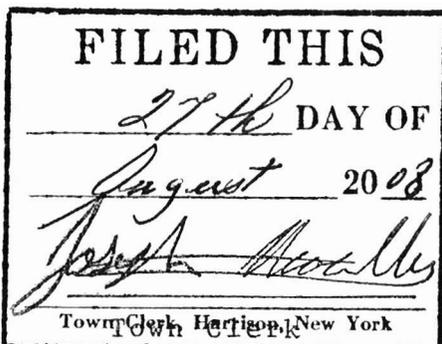
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



August 7, 2008

2008 - - 395

AUTHORIZATION TO RETAIN THE FIRM OF HARBRIDGE CONSULTING TO EXAMINE THE GROUP AS ACTUARIES FOR THE PURPOSE OF GASB 45 VALUATION OF THE TOWN'S MEDICAL PLAN.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie for authorization to engage the firm of Harbridge Consulting Group as actuaries for the purpose of GASB 45 valuation of the Town's medical plan.

FURTHER RESOLVED that after review by the Law Department, the Supervisor is authorized to execute the contract.

FURTHER RESOLVED that funding is available in the budget line Special Items/Special Services #001-1900-100-4407 in the amount of \$9,200.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Supervisor the Town Attorneys and the Personnel Manager.

Adopted by the following vote:

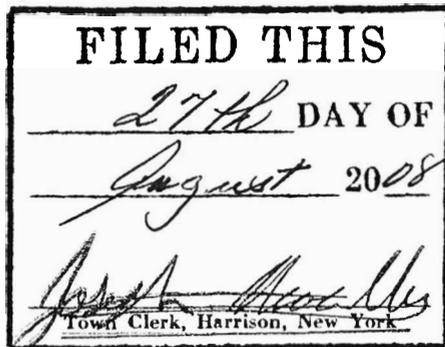
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



Town Clerk

August 7, 2008

2008 - - 396

AUTHORIZATION FOR A SPECIAL EVENTS PERMIT FOR THE GRAND OPENING OF FORDHAM UNIVERSITY, WESTCHESTER CAMPUS AT 400 WESTCHESTER AVE. TUESDAY, SEPTEMBER 9, 2008

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by Liz Manigan, Vice President for the Development and University Events at Fordham University, for a Special Events Permit, for the Grand Opening of Fordham University, Westchester Campus at 400 Westchester Avenue, on Tuesday, September 9, 2008 at 10:30 am. The event will be self contained.

FURTHER RESOLVED that this approval be subject to the submission of insurance indemnification and that the fee be waived.

FURTHER RESOLVED that Fordham University send notification to the Harrison Police Department, Harrison Fire Department as well as Harrison EMS.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commissioner of Public Works, the Chief of Police, the Chief of Purchase Fire Department, and the Chief of Harrison EMS.

Adopted by the following vote:

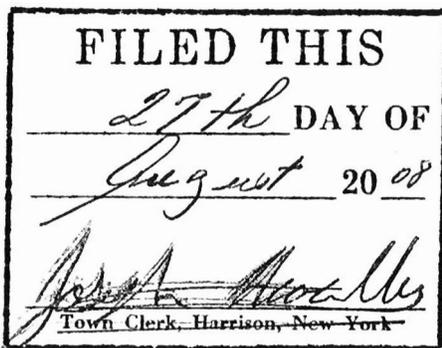
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
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- P. Wrks
- Purch'g
- Recr'tn
- Supvs'ry



Town Clerk

August 7, 2008

2008 - - 397

AUTHORIZATION TO CONSTRUCT A  
NEW TWO FAMILY HOUSE AT 94 ELLSWORTH AVENUE

Stephen Marchesani, architect for the applicant addressed the Board and explained that according to section §235-32b of the Town Code any applicant wishing to build in a flood zone must first obtain permission from the Town Board.

Supervisor Walsh stated the Engineering Department has already approved this project.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Architect Stephen Marchesani, on behalf of his client, 94 Ellsworth Avenue as per section 235-32-B, to construct a new two family house at 94 Ellsworth Avenue.

FURTHER RESOLVED that this is subject to the conditions set by the Engineering Department.

FURTHER RESOLVED to forward a copy of this Resolution to the Engineering Department, the Building Department, the Town Attorneys and Mr. Marchesani.

Adopted by the following vote:

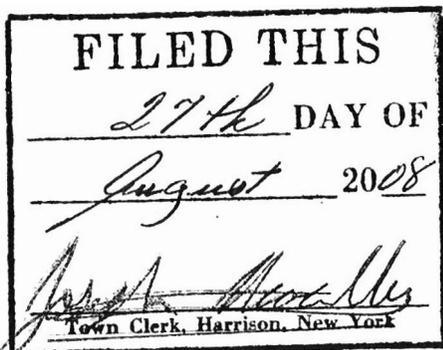
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



Town Clerk

August 7, 2008

2008 - - 398

APPROVAL TO SCHEDULE A PUBLIC HEARING ON SEPTEMBER 4, 2008 FOR  
A LOCAL LAW NO RE: CHAPTER 235-26 – FENCES AND WALLS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to set the date of September 4, 2008, for a Public Hearing on a Local Law Re: requested amendments to Section 235-26 of the Zoning Code, Fences and Walls. The Town Building Inspector Robert FitzSimmons concluded an extensive review of our existing law and has prepared a proposed local law which will repeal the existing Section 235-26 in total.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys and the Building Department.

Adopted by the following vote:

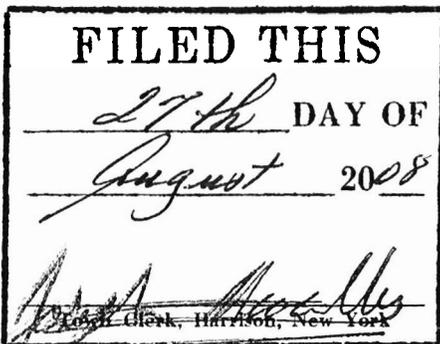
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
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- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



Town Clerk

August 7, 2008

2008 - - 399

APPROVAL OF A SPECIAL EVENTS PERMIT  
FOR ST. GREGORY THE GREAT CHURCH  
TO HOLD A PARISH CARNIVAL,  
SEPTEMBER 12, 13 AND 14, 2008

On motion of Councilman Cannella, seconded by Councilman Scappaticci,  
it was

RESOLVED to approve the request of Dan Rogers, Carnival Chairperson for St. Gregory the Great, for a Special Events Permit to hold a Parish Carnival on Church property, 94 Broadway, Harrison, at the following dates and times:

- Friday, September 12<sup>th</sup>, 6pm to 11pm
- Saturday, September 13<sup>th</sup>, 6pm to 11pm
- Sunday, September 14<sup>th</sup>, 1pm to 8pm.

During the duration of this event carnival trailers, booths and amusement rides will be located on said property.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that upon Town Board approval a Certificate of Insurance will be submitted. Mr. Rogers will contact the Chief of Police, the downtown Fire Department and the HVAC.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the Chief of the downtown Fire Department and the Chief of the HVAC.

Adopted by the following vote:

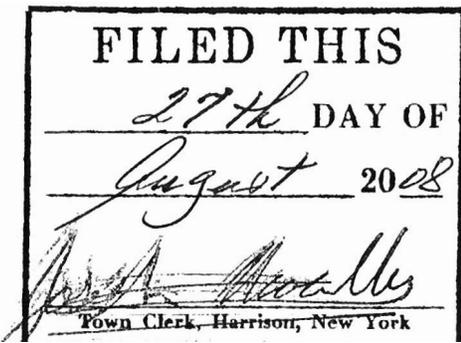
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
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- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- 



August 7, 2008

2008 - - 400

APPROVAL TO SCHEDULE A PUBLIC HEARING ON SEPTEMBER 4, 2008 FOR  
LOCAL LAW RE: CHAPTER 35-10, VETERANS' EXEMPTION  
(COLD WAR VETERANS')

Town Assessor James Calandruccio addressed the Board and stated the County of Westchester approved this exemption for the June 1, 2008 role. Mr. Calandruccio explained he has currently accepted and approved seventeen cold war vets. If this is not approved by September 15, 2008 he would to remove seventeen veterans from the exception. Mr. Calandruccio stated this is important to the Veterans and imperative it gets approved.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to schedule a Public Hearing on September 4, 2008 Re: Local Law No\_\_ of 2008 Chapter 35-10, Veterans' Exemption (Cold War Veterans').

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

Adopted by the following vote:

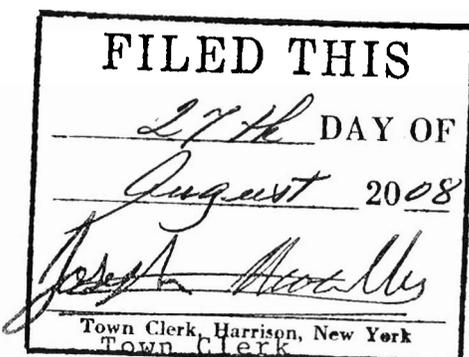
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 - - 401

AUTHORIZATION TO ENTER INTO AN INDEMNIFICATION AGREEMENT WITH THE CITY OF RYE FOR THE USE OF THE RYE'S PISTOL RANGE

Rye's City Clerk Dawn Nodarse notified the Town that on July 16, 2008 the Rye City Council passed a Resolution authorizing the City Manager to enter into an Indemnification Agreement with the Town/Village of Harrison for the use of the Town of Harrison Police Department Pistol Range.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED that;

**WHEREAS**, the Rye Police Department desires to use the Town of Harrison Police Department Pistol Range, and

**WHEREAS**, the Town of Harrison and Village of Harrison require from any municipality requesting use of its Pistol Range proper insurance naming the Town of Harrison and Village of Harrison as additional insureds and a fully executed Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison, now, therefore, be it

**RESOLVED**, that an Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison be executed, and be it further

**RESOLVED**, that the City Council of the City of Rye authorize the City Manager to execute the attached Indemnification Agreement, and to deliver same to the Town Attorney of the Town of Harrison, and be it further

**RESOLVED**, that a copy of this Resolution be forwarded to the Town Attorney of the Town of Harrison with a fully executed copy of the Indemnification Agreement, and be it further

**RESOLVED**, that this Resolution shall take effect upon the City of Rye receiving a similar Resolution and Indemnification Agreement from the Town of Harrison for the use of the City of Rye's Pistol Range.

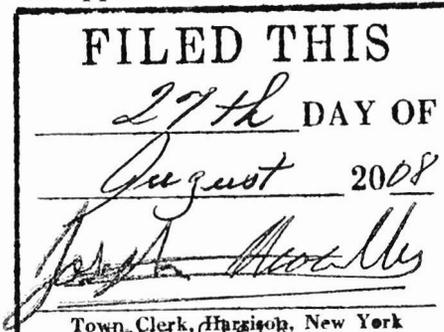
FURTHER RESOLVED to forward a copy of this Resolution to the Supervisor and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

- Assessor
- Benefits
- Bldg
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- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r

August 7, 2008

2008 - - 402

AUTHORIZATION TO REMOVE THE RESIDENCE OF DOROTHE AND LARRY DEUBLER OF PURCHASE, NY, FROM THE MAMARONECK VALLEY SEWER DISTRICT.

Dorothe Deubler, resident, addressed the Board and stated her residence does not have access to any public sewer. Mrs. Deubler explained she had previously submitted a letter to the Town Board asking to be removed from the Mamaroneck Valley District because her share of the taxes is approximately \$860 a year. Mrs. Deubler went on further to explain that the County has passed a Resolution to reimburse the Deubler's every third year for a sewer pump out at a cost of \$325. Mrs. Deubler continued by stating this was not satisfactory because she pays \$2700 in taxes every three years. The Deubler's have asked their neighbors for an easement in order to reach the nearest sewer access however, she was denied. Mrs. Deubler explained the process must begin with the Town Board granting her petition which in turn will be sent to the Westchester County Health Department who evaluates the matter at the residence in question. After the evaluation is completed, the County Health Department would make a recommendation to the Westchester County Board of Legislators who would ultimately decide if the Deubler's can be removed from the Mamaroneck Valley Sewer District.

WHEREAS; the property at 33 Scott Circle, Block 691, Lot 27, Purchase, NY, has never had sewer service nor are there any plans in the foreseeable future to offer public sewer access;

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it is

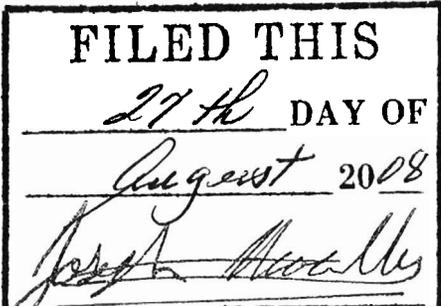
RESOLVED to approve the request by Dorothe and Larry Deubler of 33 Scott Circle, Purchase, NY, for authorization to be removed from the Mamaroneck Valley Sewer District.

FURTHER RESOLVED to forward this matter to the Westchester County Board of Legislators.

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

Adopted by the following vote:

AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh  
  
NAYS: None  
  
ABSENT: None



Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r

August 7, 2008

2008 - - 403

AUTHORIZATION FOR AN AMENDED DEED OF EASEMENT, DEDICATION OF THE SEWER MAINTENANCE BOND AND THE RELEASE OF THE PERFORMANCE BOND FOR SAROSCA FARM SUBDIVISION.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Deputy Village Attorney Jonathan Kraut for authorization to accept dedication of the sewer line, accept amended deed of easement, and accept a two (2) year maintenance bond regarding the Sarosca Farm Subdivision.

FURTHER RESOLVED to release the performance bond regarding the Sarosca Farm Subdivision.

FURTHER RESOLVED that the Supervisor is authorized to execute the Amended Deed of Easement regarding the Sarosca Farm Subdivision.

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

Adopted by the following vote:

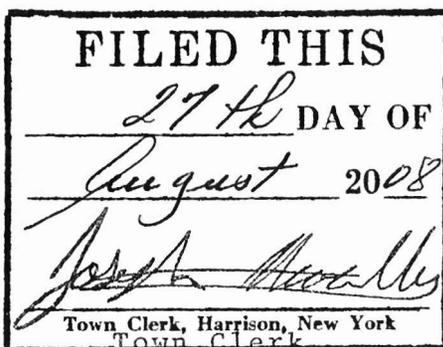
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

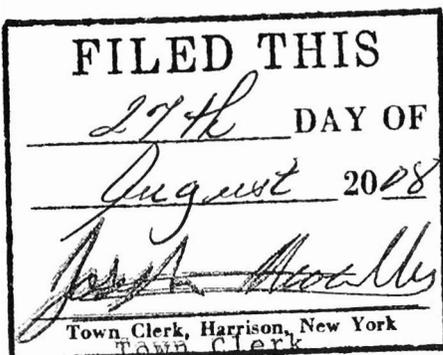
2008 - - 404

ADJOURNED TO EXECUTIVE SESSION: REQUEST BY ATTORNEY AND MRS. VOETSCH THAT THE TOWN ACCEPT THEIR OFFER TO PAY THE TOWN OF HARRISON TO GIVE UP ITS RIGHT TO REPURCHASE FOR PUBLIC PURPOSES A STRIP OF LAND (25X100) WHICH THEY OWN AT THE CORNER OF CALVERT STREET AND HARRISON AVENUE (260 HARRISON AVENUE)

The matter was adjourned to executive session.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'z



August 7, 2008

2008 - - 405

AUTHORIZATION OF THE INCREASE OF THE KELLARD SESSIONS CONSULTING  
CONTRACT RE: MEADOW LANE ALTERNATIVES STORMWATER DISTRICT  
COST: NOT TO EXCEED \$5,000

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Robert Wasp for authorization for Amendment #1 to the contract with Kellard Sessions Consulting for the Meadow Lane Stormwater District, at a cost not to exceed \$5,000.

FURTHER RESOLVED that the Law Department execute the Amendment and increase the upset limit of the contract from \$10,000 to \$15,000.

FURTHER RESOLVED to authorize the cost of this Amendment be charged back to the Meadow Lane Stormwater District.

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

Adopted by the following vote:

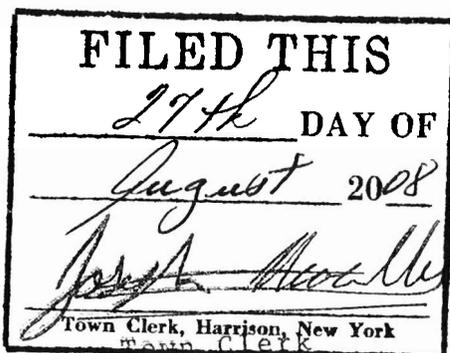
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Reer'tn
- Supvs'r



August 7, 2008

2008 - - 406

AUTHORIZATION FOR TWO POLICE OFFICERS TO ATTEND  
THE TASER INSTRUCTOR RE-CERTIFICATION TRAINING SESSION IN BROOKLYN,  
SEPTEMBER 8 & 9, 2008. TOTAL COST: \$190.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Chief of Police Dave Hall for authorization for two officers, Sgt. Olsey and Sgt. Vasta to attend the Taser Instructor Re-certification course, in Brooklyn, NY, on September 8<sup>th</sup> and 9, 2008, at a cost of \$95 per officer, for a total cost of \$190.

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

Adopted by the following vote:

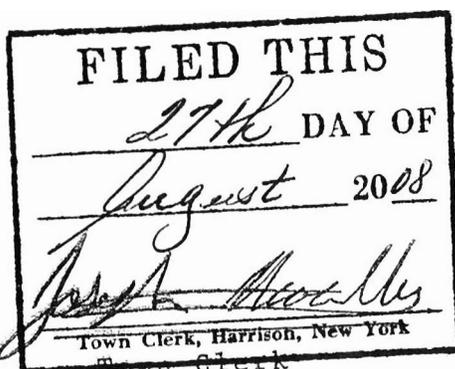
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
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- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 -- 407

MATTERS FOR EXECUTIVE SESSION:

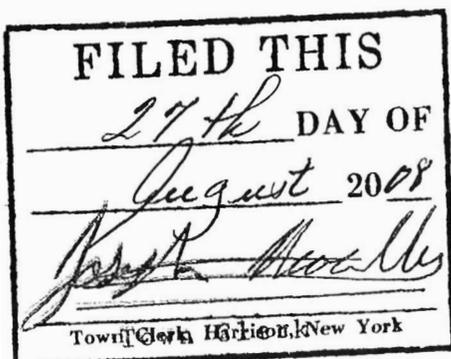
Personnel	4
Contract negotiations	1
Settlement of claims	9
Sale of land	3
Litigation	6

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was recessed to Executive Session at 9:25 PM.

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was re-convened at 11:13 PM

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 - - 408

APPROVAL OF THE AGREEMENT WITH NOKIA CORPORATION.

On motion of Councilman Scappaticci, seconded by Councilman Sciliano,

it was

RESOLVED to approve the Agreement with NOKIA Corp, conditional upon the withdrawal with prejudice of all certiorari claims against the property.

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

Adopted by the following vote:

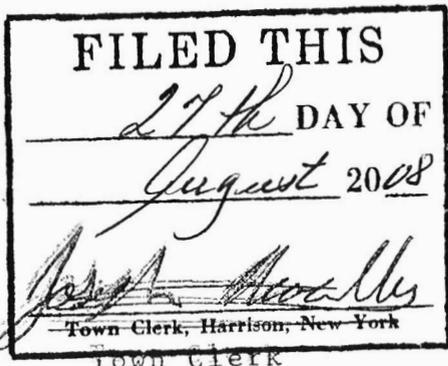
AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
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- Engrng
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- Supvs'r



August 7, 2008

2008 - - 409

REFERRED TO THE REAL ESTATE COMMITTEE: REQUEST BY ATTORNEY AND MRS. VOETSCH THAT THE TOWN ACCEPT THEIR OFFER TO PAY THE TOWN OF HARRISON TO GIVE UP ITS RIGHT TO REPURCHASE FOR PUBLIC PURPOSES A STRIP OF LAND (25X100) WHICH THEY OWN AT THE CORNER OF CALVERT STREET AND HARRISON AVENUE (260 HARRISON AVENUE)

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to refer the request of Attorney & Mrs. John Voetsch that the Town accept their offer to pay the Town of Harrison \$11,000 to give up its right in writing to repurchase for public purposes a strip of land 25'x100' which they own on the corner of Calvert Street and Harrison Avenue (260 Harrison Avenue). Mr. Voetsch states that it is his understanding that the Town of Harrison is no longer interested in purchasing their entire parcel of property and that there has been no amendments to the master plan in the last year which recommended a new use of their property, to the Real Estate Committee.

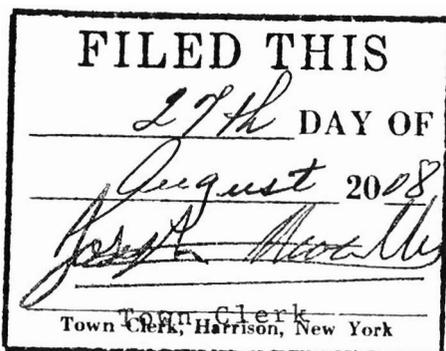
FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys and the members of the Real Estate Committee.

Adopted by the following vote:

AYES: Councilman Cannella, Scappaticci, Vetere and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None



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- Supvs'r

August 7, 2008

2008 -- 410 -- a

SETTLEMENT OF CLAIM: CIPOLLA v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$1,146.16

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim of Cipolla v. the Town of Harrison, in the amount of \$1,146.16.

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 Attorneys.

Adopted by the following vote:

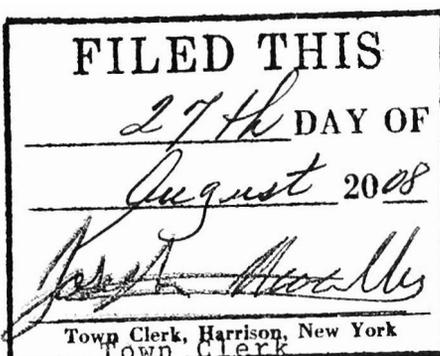
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 -- 410 -- b

SETTLEMENT OF CLAIM: FRAIOLI v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$1,855.87

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the clam of Fraioli v. the Town of Harrison, in the amount of \$1,855.87.

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 Attorneys.

Adopted by the following vote:

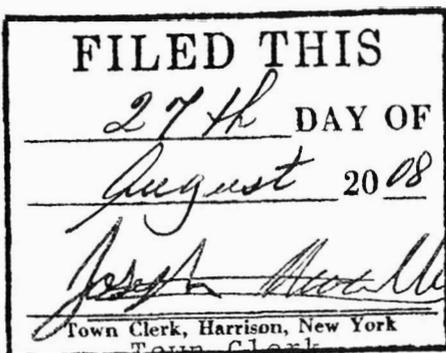
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
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- Purch'g
- Reer'tn
- Supvs'r



August 7, 2008

2008 -- 410 -- c

SETTLEMENT OF CLAIM: NIGRO v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$1,863.92

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to settle the clam of Nigro v. the Town of Harrison, in the amount of \$1,863.92

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 Attorneys.

Adopted by the following vote:

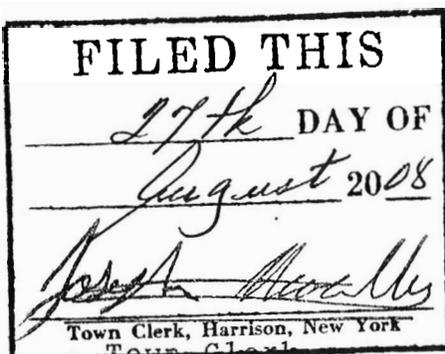
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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- P. Wrks
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- Supvs'r



August 7, 2008

2008 - - 410 - - d

SETTLEMENT OF CLAIM: ROSANELLI v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$114.35

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the clam of Rosanelli v. the Town of Harrison, in the amount of \$114.35

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 Attorneys.

Adopted by the following vote:

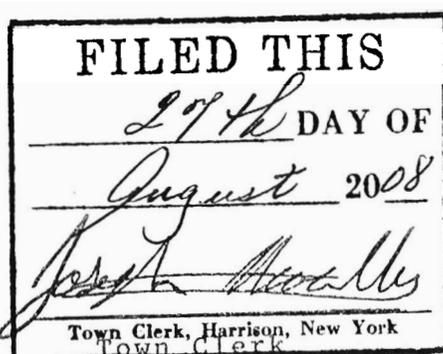
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 -- 410 -- e

SETTLEMENT OF CLAIM: WALKER v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$2,750.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the clam of Walker v. the Town of Harrison, in the amount of \$2,750.

FURTHER RESOLVED that this settlement is subject to the claimant signing a general release.

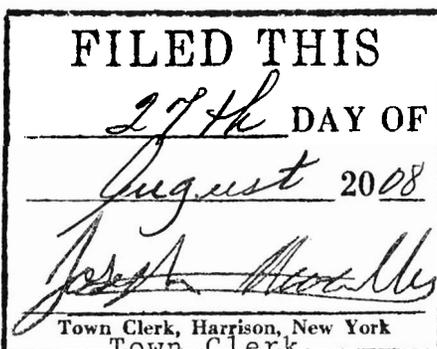
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None



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- Law
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- Supvs'r

August 7, 2008

2008 -- 410 -- f

SETTLEMENT OF CLAIM: TERRY SCAPPATICCI v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$2,000.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to settle the clam of Terry Scappaticci v. the Town of Harrison, in the amount of \$2,000.

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 Attorneys.

Adopted by the following vote:

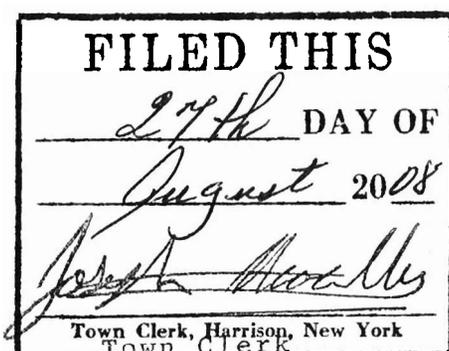
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 7, 2008

2008 -- 410 -- g

SETTLEMENT OF CLAIM: VERIZON v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$12,714.59.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to settle the clam of Verizon v. the Town of Harrison, in the amount of \$12,714.59.

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 Attorneys.

Adopted by the following vote:

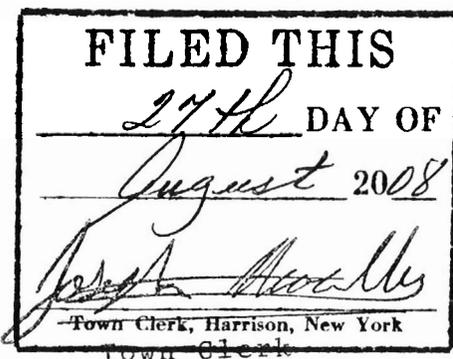
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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- Supvs'r



August 7, 2008

2008 -- 410 -- h  
SETTLEMENT OF CLAIM: TAURO v. TOWN OF HARRISON,  
IN THE AMOUNT OF \$1,170.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the clam of Tauro v. the Town of Harrison, in the amount of \$1,170.

FURTHER RESOLVED that this settlement is subject to the claimant signing a general release.

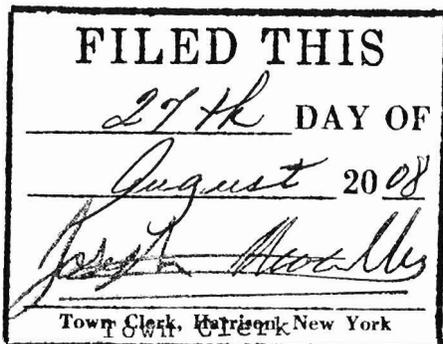
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None



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August 7, 2008

2008 -- 410 -- i

SETTLEMENT OF CLAIM: RUBEN LANDSCAPING v. TOWN OF HARRISON,  
(REGISTERED OWNER, GUILLERMINA ALZATE)  
IN THE AMOUNT OF \$2,521.57.

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to settle the clam of Ruben Landscaping (registered owner Guillermina Alzate) v. the Town of Harrison, in the amount of \$2,521.57.

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 Attorneys.

Adopted by the following vote:

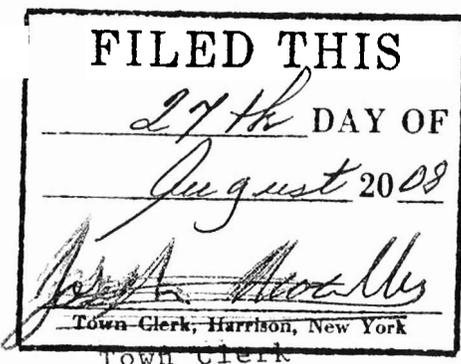
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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August 7, 2008

2008 - - 411

AUTHORIZATION TO SETTLE THE AMTEK LITIGATION  
AT AN AMOUNT AS DISCUSSED IN EXECUTIVE SESSION

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to settle the Amtek litigation, at an amount as discussed in executive session.

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

Adopted by the following vote:

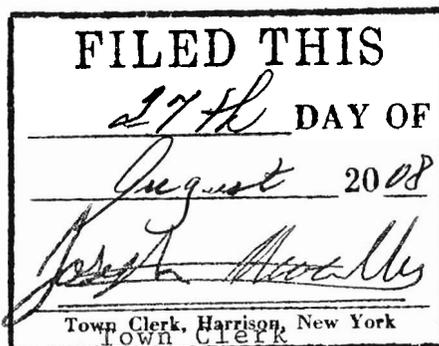
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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August 7, 2008

2008 - - 412

AUTHORIZATION TO SETTLE THE DAVID HALL,  
ARTICLE 78 PROCEEDING v. JOAN WALSH, ET AL  
IN THE AMOUNT OF \$355.50

On motion of Councilman Scappaticci, seconded by Councilman Sciliano,

it was

RESOLVED to settle the David Hall, Article 78 Proceeding v. Joan Walsh, et al. as per Honorable Lester Adler, JSC, stipulation and order on consent which includes the payment of \$355.50, to petitioner's counsel, Albert J. Pirro, Jr. for court costs.

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

Adopted by the following vote:

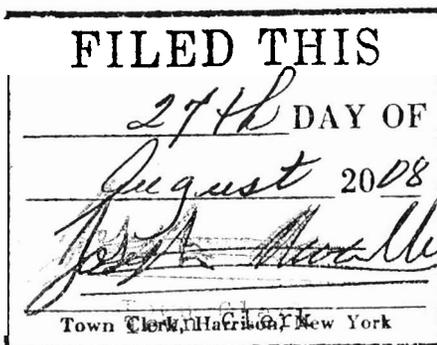
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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August 7, 2008

2008 - - 413

AUTHORIZATION TO INCREASE THE FEES TO \$100,000  
FOR ATTORNEY VINCENT TOOMEY AS LABOR COUNSEL

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to increase the fees to \$100,000 for Attorney Vincent Toomey as labor counsel.

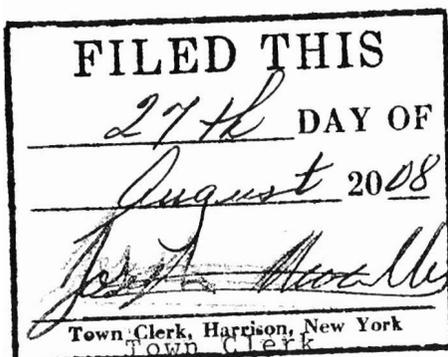
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano  
Supervisor Walsh

NAYS: None

ABSENT: None



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August 7, 2008

2008 - - 414

AUTHORIZATION TO INCREASE THE CAP ON LEGAL FEES TO \$50,000  
IN THE MATTER OF PASTORE v. TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to raise the cap on the matter of Pastore v. the Town of Harrison to \$50,000.

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

Adopted by the following vote:

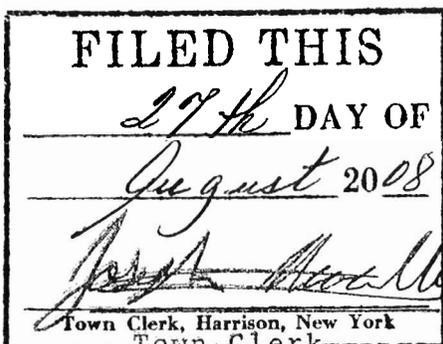
AYES: Councilman Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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August 7, 2008

2008 - - 415

AUTHORIZATION TO INCREASE THE CAP ON LEGAL FEES TO \$25,000  
IN THE MATTER OF CHIARAMELLA v. TOWN OF HARRISON

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to raise the cap on the matter of Chiaramella v. the Town of Harrison to \$25,000.

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

Adopted by the following vote:

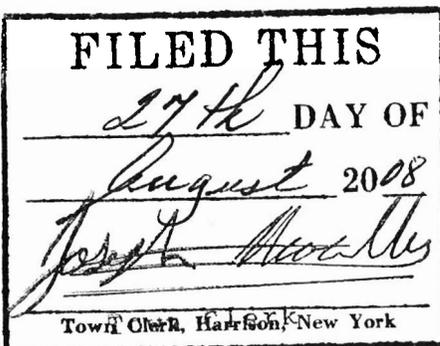
AYES: Councilman Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

NAYS: None

ABSENT: None

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- Supvs'r



August 7, 2008

2008 - - 416

AUTHORIZATION FOR OUT OF TITLE PAY TO JOSEPHINE CORSO  
DURING THE VACATION OF SUSAN DIUGLIO

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Chief of Police David Hall for authorization for the out of title pay to Josephine Corso during the vacation period of the Chief's secretary Susan DiIuglio from August 25<sup>th</sup> through September 8, 2008.

FURTHER RESOLVED that Mrs. Corso be paid retroactively for the previous vacation of Mrs. DiIuglio, June 23<sup>rd</sup> to July 7, 2008.

FURTHER RESOLVED that Mrs. Corso be paid for all future vacation days taken by the Chief's secretary .

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

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere  
Supervisor Walsh

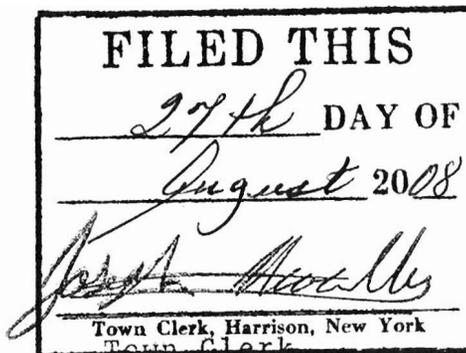
NAYS: None

ABSENT: None

There being no further matters to come before the Board,  
the Meeting was, on motion duly made and seconded,  
declared closed at 11:14 PM.

Respectfully submitted,

Joseph Acocella  
Town Clerk



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- Supvs'r