

March 10, 2005

A regular meeting of the Village Board of the Village of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on the 10th day of March 2005, at 7:30PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Stephen Malfitano . . . . . Mayor

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

ALSO ATTENDING

Frank Allegretti . . . . . Town Attorney  
Fred Castiglia . . . . . Village Attorney  
Jonathan Kraut . . . . . Deputy Village Attorney  
Joseph Latwin . . . . . Deputy Village Attorney  
David Hall . . . . . Chief of Police  
Ron Belmont . . . . . Superintendent of Recreation  
James Calandrucchio . . . . . Assessor  
Hugh Greechan . . . . . Village Engineer  
Maureen MacKenzie . . . . . Treasurer

March 10, 2005

PUBLIC HEARING – RE: ISSUANCE OF BONDS FOR THE INCREASE AND  
IMPROVEMENT OF FACILITIES FOR WATER DISTRICT #2,  
IN THE AMOUNT OF \$110,000.

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

Mayor Malfitano stated that the Board had previously approved the project and agreed to bond the cost, adding that the work has now been completed, the full cost known, and it is time to approve the bonding.

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

March 10, 2005

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$110,000 SERIAL BONDS  
OF THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, TO  
PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES  
OF WATER DISTRICT NO. 2 IN THE VILLAGE OF HARRISON,  
WESTCHESTER COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 17-1712 of the Village Law and Section 202-b of the Town Law, and more particularly an order of even date herewith, said Board of Trustees has determined it to be in the public interest to increase the facilities of Water District No. 2 in the Village of Harrison, Westchester County, New York, at a maximum estimated cost of \$110,000; and

WHEREAS, it is now desired to provide funding for such capital project;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the increase and improvement of the facilities of Water District No. 2 in the Village of Harrison, Westchester County, New York, consisting of the Village's share of the Corporate Park Drive water main replacement project, there are hereby authorized to be issued \$110,000 serial bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$110,000 and that the plan for the financing thereof is by the issuance of the \$110,000 serial bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Harrison, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto shall be determined by the Village Treasurer.

Section 7. The Village Treasurer is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including

amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution which takes effect immediately shall be published in full or in summary form in *The Journal News*, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Cannella	VOTING	AYE
Trustee Vetere	VOTING	AYE
Trustee Paladino	VOTING	AYE
Trustee Scappaticci	VOTING	AYE
Mayor Malfitano	VOTING	AYE

March 10, 2005

V -- 2005 -- 013  
APPROVAL OF YEAR-END TRANSFER FOR THE 2004 BUDGET

On motion of Trustee Paladino, seconded by Trustee Cannella,

it was

RESOLVED to approve the following year-end transfers for the 2004 budget:

INCREASE:		INCREASE:	
005-1420-100-0102		005-8160-100-0402	
VILL. LAW SALARIES	\$ 384	SANITATION EQIP. MTCE	\$3,016
DECREASE:		DECREASE:	
005-1900-100-4412		005-9000-100-0840	
BONDS & NOTES ISSUED	341	VILLAGE WORKERS COMP	\$3,016
005-1520-100-0403		INCREASE:	
VILL. LAW OFFICE SUPPLIES	43	005-8160-100-0470	
INCREASE:		SANITATION GASOLINE	859
005-8160-100-0182		DECREASE:	
SALARIES VAC/RETIREMENT	\$22,905	005-9000-100-0840	
DECREASE:		VILLAGE WORKERS COMP	859
005-1900-100-4490			
VILLAGE CONTINGENCY	22,905		
INCREASE:			
005-8160-100-0414			
DUMPING REFUSE	1,732		
005-8160-100-0472			
DIESEL FUEL	6,597		
	\$8,329		
DECREASE:			
005-9000-100-0840			
VILLAGE WORKERS COMP	\$8,329		

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer.

Adopted by the following vote:

AYES: Trustees Cannella, Scappaticci and Paladino  
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: None

March 10, 2005

V -- 2005 -- 014a

AUTHORIZATION TO REJECT THE TWO BIDS THAT WERE RECEIVED  
FOR GUAGNINI PARK RENOVATION PHASE III

Village Engineer Hugh Greechan advised the Board that only two contractors of the seven who had picked up the bid documents had submitted bids. He added that both bids came in higher than the estimates. He further stated that the contractors had stated that the time constraints had forced the costs higher.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the recommendation of Village Engineer Greechan and reject the two bids for Guagnini Park Renovations, Phase III, as both bids were above the construction estimate and budget.

FURTHER RESOLVED to forward a copy of this Resolution to the Director of Purchasing, the Treasurer, the Village Engineer and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Trustees Cannella, Vetere, Scappaticci and Paladino  
Mayor Malfitano

NAYS: None

ABSENT: None

March 10, 2005

AUTHORIZATION TO RE-ADVERTISE AND RECEIVE BIDS FOR PHASE III  
OF THE GUAGNINI PARK RENOVATIONS.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to authorize the Director of Purchasing to re-advertise and receive bids for Phase III of the Guagnini Park Renovations.

FURTHER RESOLVED to forward a copy of this Resolution to the Director of Purchasing, the Treasurer, the Village Engineer and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Trustees Cannella, Vetere, Scappaticci and Paladino  
Mayor Malfitano

NAYS: None

ABSENT: None

March 10, 2005

APPROVAL OF A CONTRACT AMENDMENT WITH HDR FOR ADDITIONAL ENGINEERING  
AND TECHNICAL SUPPORT SERVICE TASKS RE: COMPLEX AT PARK LANE.

Commissioner of Public Works Bob Wasp requested approval of a Contract Amendment with the firm of HDR for additional engineering and technical support service tasks related to the Town's Complex at Park Lane, at a cost not to exceed \$83,950.00 for the following:

Task 18.0 - Vehicle Parking Canopy, Preliminary & Final Design - \$49,500.

Task 19.0 – Fueling Station Preliminary & Final Design - 19,500.

Task 20.0 – Sanitary Sewer Design and Permitting - 14,950.

Mr. Wasp further requested an increase in the upset limit of the contract by \$83,950.00, from \$550,180.00 to \$634,130.00. He also requested approval to bond the additional funds in the amount of \$87,000.00, (\$83,950.00 plus bonding costs) and to place these funds in Capital Account #03GB12.

Mr. Wasp was on vacation, so Village Engineer Greechan spoke in his place.

Trustee Vetere stated that most of this work for the vehicle structure could be done in-house, and he did not see why the Town was going to an outside firm for the design work, at a cost of \$49,500.

Trustee Cannella asked what materials would be used for the vehicle parking canopy. Village Engineer Greechan replied that it was a metal structure, open on one side, erected on a concrete slab, to protect the trucks from snow, ice and rain. Mr. Cannella questioned the cost of \$49,500 for what is probably a pre-fabricated structure.

Mr. Greechan pointed out that there was a whole grading plan associated with the parking structure, including an area for parking about 50 cars.

Mayor Malfitano pointed out that there has always been a component in this design for the Complex for an outdoor canopy for the storage of heavy equipment, and that the dimensions have always been the same. He added that at the present time this equipment is being stored at the Gleason Place garage, outdoors, and has to travel back and forth when it is needed. He further stated that moving the men and equipment out of the Gleason Place Garage area will allow the Town to renovate the Gleason Place Garage.

Mr. Vetere repeated that the project could be done in-house, and the \$49,500 saved. Trustee Cannella also questioned the need for outside design. Mr. Cannella stated that he could not vote for it until he understood it better, and asked if the three tasks were interlocked, or could the sanitary sewer design (Task 20) be separated.

Mr. Greechan replied that Task 18 and Task 19 are interlocked, but that Task 20 could be separated, and approval of Tasks 18 & 19 could be postponed without delaying the Fire Training Center.

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to approve Task #20, for the Sanitary Sewer Design and Permitting, in an amount not to exceed \$15,000.

FURTHER RESOLVED that Task 18 -Vehicle Parking Canopy, Preliminary & Final Design; and Task 19 - Fueling Station and Preliminary & Final Design; be tabled until there is a further explanation of the need for outside design, and an explanation of the costs.

FURTHER RESOLVED to increase the upset limit of the contract with HDR from \$550,180.00 to \$565,180.00.

FURTHER RESOLVED to include this \$15,000 in the amount to be bonded for this project.

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

Adopted by the following vote:

AYES: Trustees Cannella, Scappaticci and Paladino  
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: None

March 10, 2005

V -- 2005 -- 16a

AUTHORIZATION TO SCHEDULE A PUBLIC HEARING FOR APRIL 14, 2005  
RE: RYE LAKE WATER TREATMENT PLANT PROJECT  
OF THE WESTCHESTER JOINT WATER WORKS

Mayor Malfitano stated as follows: There is a lawsuit claiming that the Water Works has not been complying with Federal requirements and there is an outstanding Court Order, on a very aggressive schedule, to design and build a water filtration plant, with the projected cost in the range of \$35 to \$40 million. While the WJWW has been complying with the order of the Supreme Court of the State of New York, an appeal has been filed with the Court of Appeals, and the outcome is pending. At the moment, the WJWW must move forward with the design, and if it turns out the construction of a water filtration plant is mandated, the Town will have to pay its share of that cost.

The present request is for the Town to fund its share of the first phase of the capital requirement which is \$1.15 million, with the Town's share being 46%, as that is Harrison's participation (in the water used by the three communities in the Water Works ) and to bond this cost. The next phase would call for delivery of equipment and the installation of that equipment in a structure the Water Works would be required to build, with that next phase not required until September 30, 2006.

Trustees Cannella and Scappaticci questioned why the Town was required to fund the planning of this water treatment plant while the Court Order is on appeal.

Mayor Malfitano stated that the Town was required to enter into a contract for this work by March 18th of this year in order to be in compliance with the schedule set forth by the Judge, and the Town needs to authorize it, and identify a funding source.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to schedule a Public Hearing on the matter of the design phase of the Rye Lake Water Treatment Plant for April 14, 2005.

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

Adopted by the following vote:

AYES:	Trustees Cannella, Vetere, Scappaticci and Paladino Mayor Malfitano
NAYS:	None
ABSENT:	None

March 10, 2005

V -- 2005 -- 16b

AUTHORIZATION TO EXPEND THE FUNDS FOR PHASE ONE, THE DESIGN PHASE,  
OF THE RYE LAKE WATER TREATMENT PLANT PROJECT  
OF THE WESTCHESTER JOINT WATER WORKS

Mayor Malfitano stated that the Board needs to authorize the funds for the design phase of this project as the first bills will be due on March 18th.

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to fund the design phase of the Rye Lake Water Treatment Plant Project of the Westchester Joint Water Works, at the rate of 46% of the cost of \$1.15 million, or \$467,000, with this cost to be bonded.

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

Adopted by the following vote:

AYES: Trustees Cannella, Vetere, Scappaticci and Paladino  
Mayor Malfitano

NAYS: None

ABSENT: None

March 10, 2005

V -- 2005 -- 017

DISCUSSION

Mr. Louis Funicello of Pinehurst Drive started to address the Board. Village Attorney Jonathan Kraut interrupted him, and asked if the matter Mr. Funicello wanted to raise concerned a summons pending in the local courts, and if so, it was not a proper subject for discussion.

Mr. Funicello stated that he wanted to continue. Village Attorney Latwin then read Mr. Funicello his Miranda rights.

On the advice of Mayor Malfitano, Mr. Funicello stopped speaking, although he said that he would be back. Trustee Palaldino offered to meet with Mr. Funicello in his office on the following day.

March 10, 2005

V -- 2005 -- 018

MATTERS FOR EXECUTIVE SESSION:

Personnel	2
Outside Counsel	1

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

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was reconvened at 10:45 PM.

March 10, 2005

V -- 2005 -- 019

PROMOTION OF ROBERT DONOVAN TO SANITATION WORKER/BACK-UP DRIVER

On motion of Mayor Malfitano, seconded by Trustee Paladino,

it was

RESOLVED to approve the promotion of Robert Donovan from Sanitation Worker to Sanitation worker/Back-up Driver, at the annual salary of \$41,478, which is 80% of the Teamster salary for this position, in accordance with the Teamster contract. This promotion is effective March 11, 2005.

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

Adopted by the following vote:

AYES: Trustees Cannella, Vetere, Scappaticci and Paladino  
Mayor Malfitano

NAYS: None

ABSENT: None

March 10, 2005

V -- 2005 -- 020

PROMOTION OF RICHARD D'ONOFRIO TO SANITATION WORKER/BACK-UP DRIVER

On motion of Mayor Malfitano, seconded by Trustee Paladino,

it was

RESOLVED to approve the promotion of Richard D'Onofrio Donovan from Sanitation Worker to Sanitation Worker/Back-up Driver, at the annual salary of \$51,697, effective March 11, 2005.

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

Adopted by the following vote:

AYES: Trustees Cannella, Vetere, Scappaticci and Paladino  
Mayor Malfitano

NAYS: None

ABSENT: None

There being no further matters to come before the Board, the Meeting was, on motion duly made and seconded, declared closed at 10:46 PM.

Respectfully submitted,

Joan B. Walsh  
Village Clerk