

June 28, 2007

A regular meeting of the Village Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Thursday, June 28, 2007, at 7:30PM. Eastern Daylight Savings Time. All members having received due notice.

MEMBERS PRESENT:

Stephen Malfitano Mayor

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

ALSO ATTENDING:

Frank Allegretti Town Attorney
Jonathan Kraut Deputy Village Attorney
Joseph Latwin Deputy Village Attorney
Robert Wasp Commissioner of Public Works
Maureen MacKenzie Treasurer
David Hall Chief of Police

June 28, 2007

V- - 2007 -- 081

RESOLVED TO AUTHORIZE THE PLANNING AND DESIGN SERVICES IN CONNECTION WITH THE NEW COURT HOUSE FACILITY AND PARKING STRUCTURE IN AND FOR THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$110,000 AND AUTHORIZING THE ISSUANCE OF \$110,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

Mayor Malfitano stated that there had to be a modification in this item as printed in the Agenda as the costs are for the planning and design of the courthouse and the parking deck, not just the parking deck.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. Planning and design services in connection with the new Court House Facility and Parking Structure in and for the Village of Harrison, Westchester County, New York, including incidental costs in connection therewith, is hereby authorized at a maximum estimated cost of \$110,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$110,000 bonds of said Village, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 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 not 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 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 powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause

provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said Village of Harrison, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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 as 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 summary form in the *Journal News*, the official newspaper of said Village hereby designated for such purpose, together with a notice of the Village Clerk in substantially the form set forth in paragraph a of 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, which resulted as follows:

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

The Resolution was adopted 5-0

June 28, 2007

V- - 2007 -- 082

APPROVAL OF PURCHASE ORDER # 272175 FOR PICNIC TABLES FOR THE PARKS
COST: \$57,804.60

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for approval of PO# 272175 in the amount of \$57,804.60 for Picnic Tables for the Parks Division of the DPW. Project No. 07RP08, Vendor: Jeanne McMahon, Ltd., Corp., 25 Organ Hill Rd, Poughkeepsie, NY.

FURTHER RESOLVED that funding is available in account #006-7140-100-98-70. These are 2007 budgeted items.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Superintendent of Recreation and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 28, 2007

V- - 2007 -- 083 -- a

BID AWARD TO GABRIELLI TRUCK SALES LTD. OF THE BRONX FOR A
10-WHEEL, TANDEM AXLE DUMP TRUCK WITH PLOW AND SANDSPREADER
COST: \$196,075

Trustee Paladino again voiced his objection to this bid, stating that when there is only one bidder, it is not a bid. He made it clear that he was not against the truck, just the bidding process as it pertains to truck purchases.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of the Director of Purchasing for a Bid Award to Gabrielli Truck Sales, Ltd., 3333 Conner St, Bronx, NY, having met all the requirements and specifications for the purchase of one (1) 10-Wheel, Tandem Axle Dump Truck with Plow and Sandspreader, at a total cost of \$196,075.

FURTHER RESOLVED to authorize the Village Attorney to prepare the contract, which the Mayor is authorized to execute.

FURTHER RESOLVED to authorize the Treasurer, upon receipt of claims to audit and upon audit, the Mayor to pay same.

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

Adopted by the following vote:

AYES: Trustees Scappaticci and Cannella
Mayor Malfitano

NAYS: Trustees Vetere and Paladino

ABSENT: None

June 28, 2007

V - - 2007 -- 083 -- b

AUTHORIZATION TO BOND THE ADDITIONAL COST OF THE DUMP TRUCK JUST
PURCHASED FROM GABRIELLI TRUCK SALES LTD. IN THE AMOUNT OF \$40,000

Commissioner of Public Works Bob Wasp stated that most of the funding for this truck is in the 2006 Capital Budget, but that an additional \$40,000 will be needed to meet the 2007 costs.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to authorize the Treasurer to issue a bond in the amount of \$40,000 for the additional funds needed to purchase the dump truck from Gabrielli Truck Sales, Ltd, as approved in VBR V-2007-083-a.

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

Adopted by the following vote:

AYES: Trustees Scappaticci, Cannella and Paladino
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: None

June 28, 2007

V - - 2007 -- 084

APPROVAL OF PURCHASE ORDER #272186 FOR TWELVE (12) PORTABLE WHEEL
LOAD SCALES FOR THE POLICE DEPARTMENT COST: \$46,500

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of the Director of Purchasing for approval for PO #272186, for twelve (12) portable Wheel Load Scales for the Police Department, at a cost of \$46,500.

FURTHER RESOLVED that funding is available in account #006-3120-100-98-70, Project 06PO08, Vendor, LOAD O METER Corporation, 3-G Nashua Court, Baltimore, MD.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 28, 2007

V - - 2007 -- 085

DISCUSSION BY COMMISSIONER OF PUBLIC WORKS/ACTING TOWN ENGINEER
BOB WASP RE: PROPOSALS TO MITIGATE FLOOD DANGERS

This discussion was part of the Village meeting, but is also recorded in the Minutes of the Town Board meeting of this date. The discussion was as follows:

Mr. Wasp had given to the Board a copy of the revised proposal of Leonard Jackson Associates regarding work in the Brentwood Brook, the Beaver Swamp Brook and the Mamaroneck River. He stated that as a result of the flooding from the March and April storms, the Town has a General Permit from the State that will permit clearing obstructions from the streams. Mr. Wasp added that he will seek to hire an outside contractor to supplement the work of the town forces in certain areas, such as the Main Street area in West Harrison.

Trustee Paladino asked if Item B5, concerning the evaluation of stream flow conditions at Ramapo Trail, Woodlands Road and Genesee Trail, would encompass looking at the ponds on Woodlands Road, which have been flooding during the last few days.

Mr. Wasp replied that the evaluation would look at those areas, including the Brentwood channel including the Metro North underpass, Sunny Ridge Road at Harrison Avenue and the Mamaroneck River at the old bridge abutment. Mr. Wasp continued that the (proposed scope of work) is a mix of some small projects and others that are major. He continued that regarding the pipe from the Duck Pond (Union and Nelson Avenue intersection) going south, the TV testing showed there were bad conditions in several sections, so replacing the pipe is not the answer. He further stated that they had come up with a design based on modeling, and now have to consider the impacts in various areas resulting from that design, that is the type of thinking that is being done.

Trustee Vetere asked if the Town will get any part of the \$10 million that is being made available by the County for each of the next five years.

Mr. Wasp said he had already attended a meeting regarding that money, and will be providing the details that the County had asked for.

Trustee Paladino also asked if the outflow from the watershed areas is being studied, and asked about the stream that parallels Woodlands Road, where does that water go.

Mr. Wasp stated that stream goes by Madden Place, then down Woodlands, past Indian Trail and then towards Genesee, then along Union Avenue. He added that this is one area of consideration that they are looking at, as discussed in the third document given to the Board, looking at an alternative crossing under Union Avenue.

Mr. Vetere pointed out that the water now goes down Union Avenue, down Nelson, across Crystal, and eventually under I-95.

Mr. Wasp agreed, saying that they have to find out how much drainage they can divert to one of the legs of the Brentwood channel, adding that one is called the Nelson Avenue leg, and the other is the Brentwood channel which runs behind the schools . If the flow can be split and spread out, then the impact will be lessened.

Trustee Paladino asked if they were looking to have storage areas so that water can be stored, and then released in volumes that will not cause flooding.

Mr. Wasp said that there was so much work to be done, they are now looking at the emergency items. He added that every item listed on the page that had been given to the Board is a direct result of an emergency condition. He further stated that the cost is beyond the \$45,000 that the Board had authorized, but the work needs to be considered.

Mr. Wasp continued that the second package that the Board received was forwarded to NYC DEC, as the DEC had authorized a General Permit for Westchester County which allowed the Town to do things that it would not normally be allowed to do in the three streams. He said that it was an opportunity to accomplish additional work, adding that he would be looking to hire an outside contractor to supplement the town forces, to remove boulders and some of the sediment.

Mr. Wasp further said that the third item presented to the Board is the cumulative result of all the testing that has been done, that his Department and the consultant had put together a list of sanitary and storm drains that need to be repaired or replaced, or entirely new sections installed. He continued that between now and the next meeting, the report will be fine-tuned, and a final report presented to the Board. He added that some are more immediate priority than others as with the flash flood storms that are occurring, there is an immediate need in some areas.

Mayor Malfitano summarized the presentation, stating that the Town has been working very diligently to identify those areas where the pipes and drains are undersized or need to be replaced or new ones installed. Twenty-two such locations have been identified. He continued that the NYS DEC is allowing the Town to enter the two major corridors, the Beaver Brook and the Brentwood Brook, and perform more than the regular maintenance that the town would otherwise be entitled to do. Mr. Malfitano added that the town would be hiring outside construction firms to remove boulders, sediment and debris, check the embankments and, within the limits of what the Town is allowed to do, improve the flow of the water. He then said that there would be an update at every future Board meeting.

Mr. Malfitano thanked Commissioner Wasp and his staff for their tireless work on these projects.

June 28, 2007

V- - 2007 -- 086

DISCUSSION

Mr. Louis Funicello again addressed the Board regarding flooding on his property. He stated that as the Board knows, the Town has an easement that crosses his property, a 15" inside diameter concrete pipe, and that behind his house is the Century Country Club, and wetlands. He continued that what happened was that the Town allowed his adjacent neighbor to take up to a half-acre of the wetlands, and now he has water everywhere on his property (when it rains.) He added that the 15" pipe cannot take this amount of water.

Mr. Funicello said that Deputy Commissioner of Public Works Tony Robinson came and inspected the problem, and said that someone would get back to him. He added that no one has come. Mr. Funicello repeated that this 15" pipe cannot handle the present volume of water, and he now has water in his basement. He also pointed out that sediment and debris is building up near the pipe, and he is putting the town on record that if this gets worse then his house is gone.

In response to a question from Trustee Paladino, Mr. Wasp stated that the Town's easement is a drainage easement.

Mr. Wasp stated that this is not a new problem, that it has been addressed by prior engineers, and then he asked Mr. Funicello how many times his house has been flooded.

Mr. Funicello said he was flooded in the last heavy rain.

Mr. Wasp pointed out that if the Town replaced the pipe, then they might displace some of the structures that Mr. Funicello had placed in the easement area.

Mr. Funicello said that he had left two feet so that the Town could do the work. He added that he has now gone to his lawyer, which is costing him money. He added that no one in the town returned his phone calls, or answered his letter.

Mr. Wasp said that previous Engineers had said that the flooding was not a frequent occurrence.

Mayor Malfitano said that the Town would take a good hard look into the matter.

June 28, 2007

V -- 2007 -- 087 -- a
AUTHORIZATION TO AMEND THE CONTRACT
WITH RICHARD HENRY BEHR, INC,
AND EXTEND IT AT THE ADDITIONAL COST OF \$75,000

Mayor Malfitano reminded the board members that at the last Harrison Parking Authority meeting, on June 21, 2007, the Board members agreed to extend this contract.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to amend the contract with Richard Henry Behr, LLC, and extend it, at an additional cost of \$75,000, from \$148,500 to the new contract amount of \$223,500 for purposes of the planning and design of the 500 car parking garage and adjacent structures.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Board of Directors of the Parking Authority and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 28, 2007

V -- 2007 -- 087 --b
AUTHORIZATION TO ENTER INTO A CONTRACT
WITH DESMAN AND ASSOCIATES
IN AN AMOUNT NOT TO EXCEED \$25,000

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to enter into a contract with the firm of Desman and Associates, for the purpose of conducting a parking demand and feasibility study for the Harrison Parking Authority, at an amount not to exceed \$25,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Board of Directors of the Parking Authority and the Commissioner of Public Works.

Adopted by the following vote:

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

June 28, 2007

V -- 2007 -- 087 -- c

AUTHORIZATON TO AMEND THE DEMAND NOTE ENTERED INTO BY THE
VILLAGE OF HARRISON WITH THE HARRISON PARKING AUTHORITY AND
RAISE THE AMOUNT BY \$100,000

On motion of Trustee Paladino, seconded by Trustee Cannella, it was agreed to amend the Demand Note entered into by the Village of Harrison with the Harrison Parking Authority and raise the amount of the Note by an additional \$100,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Village Attorneys, the Board of Directors of the Parking Authority and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

June 28, 2007

V -- 2007 -- 088 -- a

AUTHORIZATION FOR THE PAYMENT OF \$5,451.80
TO GARY SPILATRO, ARCHITECT AND \$9,212.50 TO LYNSTAAR ENGINEERING
FOR WORK RELATED TO THE GUAGNINI PARK CONCESSION STAND

Trustee Paladino asked why outside workmen were in the park, pulling weeds, etc. Mr. Wasp said that he had hired an outside service to supplement the town forces to maintain the landscaping in Guagnini Park.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to authorize payment of \$5,451.80 to Gary Spilaturo, Architect and \$9,212.50 to LynStaar Engineering for work in connection with an improvement to Guagnini Park, (concession stand.)

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Superintendent of Recreation and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Trustees Scappaticci, Cannella and Paladino
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: None

June 28, 2007

V -- 2007 -- 088 --b

AUTHORIZATION FOR THE PAYMENT OF \$15,650 TO BILL COLANGELO
PLUMBING & HEATING FOR WORK RELATED TO
THE GUAGNINI PARK CONCESSION STAND

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to authorize payment to Bill Colangelo Plumbing & Heating in the amount of \$15,650 for work in connection with an improvement to Guagnini Park, (concession stand.)

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Superintendent of Recreation and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Trustees Scappaticci, Cannella and Paladino
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: None

June 28, 2007

V -- 2007 -- 088 -- c

AUTHORIZATION FOR THE PAYMENT OF \$7,200 TO RICHARD HANSEN
ELECTRICAL CORP FOR WORK RELATED TO
THE GUAGNINI PARK CONCESSION STAND

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to authorize payment to Richard Hansen Electrical Corp, in the amount of \$7,200 for work in connection with an improvement to Guagnini Park, (concession stand.)

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Superintendent of Recreation and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Trustees Scappaticci, Cannella and Paladino
Mayor Malfitano

NAYS: Trustee Vetere

ABSENT: None

On motion duly made and seconded,
With all members voting in favor, the
meeting was adjourned for Executive Session.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 11:35 PM.

There being no further matters to come before the
Board, on motion duly made and seconded ,
with all members voting in favor,
the Meeting was declared closed at 11:35 PM.

Respectfully submitted,

Joan B. Walsh
Village Clerk

