

August 7, 2008

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 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 Mayor

Joseph Cannella)
Patrick Vetere) Trustees
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 Treasurer
James Calandrucchio Assessor
Anthony Robinson Deputy Commissioner of Public Works
Anthony Marraccini Police Captain

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AUTHORIZATION TO HIRE TWO PART TIME EMPLOYEES IN
THE SANITATION DEPARTMENT, DIVISION OF
THE DEPARTMENT OF PUBLIC WORKS

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to authorize the request of Commissioner of Public Works Robert Wasp for approval to hire two (2) part time employees in the Sanitation Department, division of the Department of Public Works, at a rate of \$11 per hour, effective Monday, August 11, 2008.

FURTHER RESOLVED that funding is available in the Sanitation Department Budget.

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

Adopted by the following vote:

AYES: Trustees Cannella, Scappaticci, Sciliano and Vetere
Mayor Walsh

NAYS: None

ABSENT: None

This item was taken out of order.

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SUBMISSION OF PETITION BY ADA ANGARANO
IN SUPPORT OF THE HARRISON POLICE DEPARTMENT

Supervisor Walsh granted Mrs. Angarano's request.

Mrs. Angarano read the following statement into the record.

"Mayor Walsh & Board Members of the Town/Village of Harrison:

I am submitting for the record a document entitled a **"PETITION FROM HARRISON SENIOR CITIZENS WHO RECOGNIZE THE HPD IN A RESPECTFUL WAY, NOT AFRAID OR INTIMIDATED BY THEM IN ANY WAY, SHAPE OR FORM"**

I created passed around these Petitions by myself during the last week of June and first week of July 2008. I was not prodded by any other individual or group of people to do so, because in my heart, the Harrison Senior Citizens supported the Harrison Police Department. However, to my surprise, the downtown seniors beat me to the punch handing in their own Petitions supporting the HPD at the last Town Board meeting, kudos to them! As I anticipated, my gut feeling was right. The majority of our seniors in this great town of Harrison (downtown & West Harrison) recognize our HPD in a "Respectful way, not afraid or intimidated by them in any way, shape or form". My next door neighbor Mildred Lemos, age 101 years old, making her Harrison's oldest female senior citizen signed this petition proudly while telling me a few nice stories about her special relationship with the HPD. So did 72 seniors from the downtown Senior Center & 82 seniors from the Wet Harrison Senior Center, totaling 155 seniors. These seniors had similar stories about the Harrison Police Department as Mrs. Lemos. These signatures represent a majority of Harrison Senior Citizens who are proud and honored to show their support to the Harrison Police Department. Not worried at all about showing their name in public. Harrison is a strong town, a well-respected town, a loving and caring town that has many citizens like me concerned about our town's future existence remaining this way. I feel that 155 signatures is enough I felt this was enough proof to show the Mayor and the entire Town Board the real picture of what this great town of Harrison is made up of and I will do whatever I can to keep it a strong well - respected town starting right at the top without seniors. Thank you."

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AUTHORIZATION FOR THE PUBLIC INTEREST ORDER,
RE: THE INCREASE AND IMPROVEMENT OF
THE FACILITIES OF THE SEWER DISTRICT.

On motion of Trustee Vetere, seconded by Trustee Cannella,

it was

RESOLVED that at a regular meeting of the Board of Trustees of the Village of Harrison, Westchester County, New York, held at the Village Hall, in Harrison, New York in said Village, on August 7, 2008, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

Joan B. Walsh
Mayor

Joseph Cannella
Trustee

Thomas Scappaticci
Trustee

Fred Sciliano
Trustee

Pat Vetere
Trustee

In the Matter
of
the Increase and Improvement of the
Facilities of the Sewer District in the Village
of Harrison, Westchester County, New York

**PUBLIC
INTEREST
ORDER**

WHEREAS, the Board of Trustees of the Village of Harrison, Westchester County, New York, has determined that an increase and improvement of the facilities is required for the Sewer District in the Village of Harrison, Westchester County, New York, consisting of the reconstruction of sanitary sewer lines, including alternate curbing and sidewalk along Osborn Road, Park Avenue, Beverly Road, Highland Road and Fenimore Drive, as well as incidental improvements and expenses in connection therewith; and

WHEREAS, at a meeting of said Board of Trustees duly called and held on July 2, 2008, an Order was duly adopted by it and entered in the minutes specifying the said Board of Trustees would meet to consider the increase and improvement of the facilities of Sewer District in said Village at a maximum estimated cost of \$960,000 and to hear all persons interested in the subject thereof concerning the same at the Village Hall, in Harrison, New York, in said Village, on August 7, 2008, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Village Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of the Sewer District in the Village of Harrison, Westchester County, New York, consisting of the reconstruction of sanitary sewer lines, including alternate curbing and sidewalk along Osborn Road, Park Avenue, Beverly Road, Highland Road and Fenimore Drive, as well as incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$960,000.

Section 2. This Order shall take effect immediately.

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

Trustee Cannella	VOTING	AYE
Trustee Scappaticci	VOTING	AYE
Trustee Sciliano	VOTING	AYE
Trustee Vetere	VOTING	AYE
Mayor Walsh	VOTING	AYE

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A RESOLUTION AUTHORIZING THE ISSUANCE OF \$960,000
SERIAL BONDS OF THE VILLAGE OF HARRISON, WESTCHESTER
COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE
AND IMPROVEMENT OF THE FACILITIES OF THE SEWER
DISTRICT IN THE VILLAGE OF HARRISON,
WESTCHESTER COUNTY, NEW YORK.

On motion of Trustee Vetere, seconded by Trustee Cannella,

it was

RESOLVED that,

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 and improve the facilities of the Sewer District in the Village of Harrison, Westchester County, New York, at a maximum estimated cost of \$960,000; 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 the cost of the increase and improvement of the facilities of the Sewer District in the Village of Harrison, Westchester County, New York, consisting of the reconstruction of sanitary sewer lines, including alternate curbing and sidewalk along Osborn Road, Park Avenue, Beverly Road, Highland Road and Fenimore Drive, as well as incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$960,000 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 \$960,000 and that the plan for the financing thereof is by the issuance of the \$960,000 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 4 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. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Sewer District, which the Village Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable.

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 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 Scappaticci	VOTING	AYE
Trustee Sciliano	VOTING	AYE
Trustee Vetere	VOTING	AYE
Mayor Walsh	VOTING	AYE

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AUTHORIZATION FOR THE DIRECTOR OF PURCHASING TO
ADVERTISE AND RECEIVE BIDS FOR THE INSTALLATION OF
EMERGENCY GENERATORS AT
THE PARK LANE MUNICIPAL FACILITY AND
THE GLEASON PLACE GARAGE

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of Commission of Public Works Robert Wasp for authorization to for the Director of Purchasing Judy D'Agostinis to advertise and receive bids for the generators at the Park Lane Municipal Facility, the Gleason Place Garage and the Brae Burn Pump Station.

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

Adopted by the following vote:

AYES: Trustees Cannella, Vetere, Scappaticci and Sciliano
Mayor Walsh

NAYS: None

ABSENT: None

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AUTHORIZATION FOR AMENDMENT #3 TO THE CONTRACT WITH
LYNSTAAR ENGINEERING, FIR WORK RELATED TO THE DESIGN OF
THE ELECTRICAL SERVICE LINE, TRANSFORMER AND ELECTRICAL
DISTRIBUTION DEVICES AND INSTALLATION OF THE GENERATOR AT
THE HARRISON POLICE DEPARTMENT.
COST: NOT TO EXCEED \$26,000.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Robert Wasp for authorization for Amendment #3 to the contract with Lynstaar Engineering for work related to the design of the electrical service line, transformer and electrical distribution devices and installation of the generator at the Harrison Police Department, at a cost not to exceed \$26,000.

FURTHER RESOLVED to increase the upset limit of this contract from \$89,200 to \$115,200.

FURTHER RESOLVED that funding is available in Capital Account #04GB18.

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

Adopted by the following vote:

AYES: Trustees Cannella, Scappaticci, Vetere and Sciliano
Mayor Walsh

NAYS: None

ABSENT: None

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DISCUSSION

RE: REQUEST BY BRIGA ENTERPRISES TO REPLACE "NO PARKING SIGNS" WITH
"NO PARKING AND NO STANDING" SIGNS ON POST PLACE

Laura Lee Dickson, attorney with the firm of McCullough, Goldberger & Staudt on behalf of her client Briga Enterprises, Inc. explained that currently, Post Place is posted with "No Parking" signs. Mrs. Dickson explained that there is a long history of parking abuse in this area of town and that the developer of Briga Circle, Mr. Joe Bilotta, was required during the subdivision approval process to put in a sidewalk running from Calvert Street to Briga Circle for the families living in the development. Mrs. Dickson continued that because the nearby companies are parking vehicles on said sidewalk, the families must walk in the street to access Calvert Street. Mrs. Dickson stated her client is requesting the ordinance in that area be changed from "No Parking" to "No Standing or Parking Anytime" in order to maintain a safe passage on the sidewalk.

Mayor Walsh stated she was advised that the nearby companies are growing and therefore are parking their vehicles on the sidewalks when picking up and making deliveries.

Trustee Scappaticci questioned if there was a bigger problem with drivers stopping their vehicles on the sidewalk and staying in the car or parking vehicles on the sidewalk and getting out and going inside a nearby business.

Mrs. Dickson responded that the larger problem is drivers parking their vehicle on the sidewalk with the intention of not staying long and going inside a nearby business.

Mr. Scappaticci stated that his understanding of the term "standing" meant the driver of the vehicle parked the vehicle in a spot for a period of time with it running and while remaining in the vehicle. He went on to state that if the driver is not in the vehicle then it would be considered "parking".

Village Attorney Robert Paladino stated that the problem is related to a number of businesses in one area of the street where they require pick up and delivery. As such, the vehicles park on the sidewalk. Mr. Paladino stated with respect to the wording in the ordinance the Board might consider adding the term "loading or unloading" as well.

Mr. Scappaticci questioned what would be gained by adding the term "No Standing".

Mrs. Dickson stated she believed that by adding the term "No Standing" there would be additional offenses to cite.

Deputy Village Attorney Jonathan Kraut stated that it already is an offense to park on the sidewalk. Mr. Kraut recommended referring the matter to the Police Department.

Ronald Luiso, resident, and owner of one home on Brigac Circle addressed the Board. Mr. Luiso stated that there are vehicles currently parking on both sides of the street either on the sidewalk or the road. He further stated that this is a very dangerous situation because there are numerous children who reside on the street who are forced to walk on the road because the sidewalk is blocked.

Trustee Cannella asked Chief Hall to give his opinion regarding the matter.

Chief of Police Dave Hall addressed the Board and stated that this has been a long standing problem between Marty Spatz, who owns the company buildings in the area of Briga Circle and Joe Bilotta who is the Briga Circle developer. The Chief explained that he himself does not believe the street is dangerous and if people are parking on the sidewalk they will be issued summonses. The Chief recommended the Board not take any action on the matter and he will direct his officers to increase the patrol in the area to enforce no parking on the sidewalks.

Joe Bilotta, developer of Briga Circle addressed the Board and stated that the current ordinance of "No Parking" is not sufficient. He explained that in the 1990's when the plan was approved, the Planning Board stated there will be "No Parking" on Post Place 100 feet from Briga Circle. Mr. Bilotta explained that he is requesting an additional ordinance of "No Standing". Mr. Bilotta concluded by stating there is no dispute between himself and Mr. Spatz and stated he is concerned with his residents' safety.

Trustee Cannella stated that this was a matter of people parking on the sidewalk and therefore must be referred to the Police Department. Mr. Cannella asked Chief Hall to consider putting a "No Standing" sign up in the said area to deter vehicles from being parked on the sidewalk.

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APPROVAL OF THE 2008 CAPITAL BUDGET FOR DPW

Deputy Commissioner of Public Works Tony Robinson addressed the Board on behalf of the Commissioner of Public Works Robert Wasp who was unable to attend the meeting. Deputy Commissioner Robinson stated that Commissioner Wasp wishes to discuss some items in the budget with the Board at the next Town Board meeting. Mr. Robinson stated that the Commissioner has made some changes to the proposed budget which will defer some items to 2009. Mr. Robinson explained that the purchase of a hybrid vehicle is being deferred to 2009 as well as the purchase of several pieces of equipment such as a dump truck and a pick up truck. Mr. Robinson continued by stating that Commissioner Wasp wishes to address the deference of these items at the next Town Board meeting.

Councilman Scappaticci stated that he believed many of the small items which were being deferred to 2009 should be included in this budget such as a mobile lift, truck tire changer, truck tire inflator, mobile pressure washer and the John Deere riding mower attachments. Mr. Scappaticci explained that these items would be a minimal cost and that the Department will end up needing this equipment regardless.

Councilman Sciliano stated that he believed that much of the existing equipment is outdated and would need to be replaced soon.

Deputy Commissioner Robinson agreed.

Supervisor Walsh stated Commissioner Wasp believed these items could be deferred to 2009 and she trusts his advice.

The Supervisor went on to state that Commissioner Wasp would like the opportunity at the next Town Board meeting to discuss a number of the items on the budget list. The Supervisor explained that she is trying to keep costs down and Commissioner Wasp advised her that these items could be deferred.

Deputy Commissioner Robinson stated the Commissioner added \$50,000 for the Police transformer. This is required as part of the Police Department's accreditation. Mr. Robinson explained the transformer must be purchased in order to be able to obtain more power for the Police Department.

Councilman Cannella stated that if Commissioner Wasp believes the items can be deferred to 2009 than he is inclined to accept that advice. Mr. Cannella went on to state that if at a later date Commissioner Wasp needs more money then he can come back to the Board.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the Department of Public Works 2008 Capital Budget for building projects in the amount of \$642,720 and infrastructure projects in the amount of \$2,544,100 for a total of \$3,186, 820 including Bonding costs.

FURTHER RESOLVED to authorize the Village Treasurer to Bond these costs.

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

Adopted by the following vote:

AYES: Trustees Cannella, Scappaticci, Vetere and Sciliano
Mayor Walsh

NAYS: None

ABSENT: None

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MATTERS FOR EXECUTIVE SESSION:

Parking Authority

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AUTHORIZATION TO INCREASE THE LOAN TO THE PARKING AUTHORITY
BY \$75,000.

On motion of Trustee Scappaticci, seconded by Mayor Walsh,

it was

RESOLVED to increase the loan to the Parking Authority by \$75,000.

FURTHER RESOLVED to authorize the Village Treasurer to pay bills as authorized and submitted.

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

Adopted by the following vote:

AYES: Trustees Cannella, Scappaticci, Sciliano and Vetere
Mayor 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 11:20 PM.

Respectfully submitted,

Joseph Acocella
Village Clerk