

May 11, 2006

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 11th day of May at 7:30 PM, Eastern Daylight Savings Time. All members having received due notice of said meeting:

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
Fred Castiglia Village Attorney
Robert Wasp Commissioner of Public Works
Maureen MacKenzie Treasurer
Hugh Greechan Village Engineer
Judy D'Agostinis Director of Purchasing
David Hall Chief of Police
Arun Ankola Director, Information Services

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

Town/Village Engineer Hugh Greechan stated that the Town is in the third year of a five year program with the New York State Department of Environmental Conservation. This year's project (06/07) is the stenciling of catch basins for identification. It has been decided that Harrison will use metal plaques instead of stenciling. He continued that we can sign an intermunicipal agreement with nine other communities who will work together and thus get a grant from the DEC to do the mapping of the storm drains at no cost to any of the Towns. The contractor would, with a GIS system, locate all storm drains, including showing where outflow goes. In the event of an emergency, the drains would already be mapped and any problems traceable. Mr. Greechan continued that Harrison has met most of the goals for year 2 (05/06), and the rest will be completed this year. He concluded by saying that the final goal is drinkable and swimmable waters in NY State.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to accept from Town/Village Engineer Hugh Greechan the NYS Department of Environmental Conservation Phase II, Annual Storm Water Report, as follows:

V-13-1

Stormwater Management Program Annual Report
Six Minimum Measures Section
 March 10, 2005 – March 9, 2006

Municipality Name Town / Village of Harrison SPDES Number NYR20A433

Use this table to summarize your Stormwater Management Program (SWMP) Minimum Measures for Sections I through VI of the SWMPAR. We request that MS4s fill out this table electronically. The table is available in Microsoft Word and Corel WordPerfect, or you may duplicate this table manually. Send two completed **hard copies** (an original and a photocopy) of the previous MCC form, this form and the other SWMPAR reporting requirements to the DEC Central Office (MS4 Permit Coordinator, 625 Broadway, Division of Water - 4th Floor, Albany, NY 12233-3505).

MINIMUM MEASURE 1: Public Education and Outreach in Stormwater Impacts

A. If Needed, Provide Additional Notes to Explain and/or Describe Changes to this Minimum Measure in Your SWMP:

B. Implementation of Best Management Practices			C. Activities Planned for Upcoming Year
List the planned management practices and any additional ones that you worked on.	Any done in the past year?		Describe activities that are planned for this minimum measure for next year's SWMP. List the BMPs, measurable goals and provide a schedule/timeline for implementation.
	YES	NO	
REQUIRED TECHNIQUES			
Plan and conduct an ongoing public education and outreach program	✓		Town/Village to recruit and establish forums for <i>Speakers to Community Groups</i> from Service Clubs, Neighborhood Associations, Community Groups and Organizations. Modify Pet Waste Management ordinance as needed. Draft legislation and hold public hearings for any revisions to, or addition of, local laws. Additional information will be included in the <i>Library of Educational Materials</i> for ease of access to the community. Continued maintenance of <i>Printed Material</i> and the <i>Library of Educational Materials</i> .
ADDITIONAL TECHNIQUES			

MINIMUM MEASURE 2: Public Involvement/Participation

A. If Needed, Provide Additional Notes to Explain and/or Describe Changes to this Minimum Measure in Your SWMP:

B. Implementation of Best Management Practices			C. Activities Planned for Upcoming Year
List the planned management practices and any additional ones that you worked on.	Any done in the past year?		Describe activities that are planned for this minimum measure for next year's SWMP. List the BMPs, measurable goals and provide a schedule/timeline for implementation.
	YES	NO	
REQUIRED TECHNIQUES			
Public notice and access to documents and information		✓	Publicize and promote participation in Earth Day on the Cable Access Channel to encourage <i>Stream and Roadway Cleanup</i> events with outreach to volunteer groups and organizations (i.e. Boy/Girl Scouts, Little League). Continue Stream and Roadway Cleanups. Provide Speakers to Community Groups.
Public presentation and comments received on SWMP and annual report	✓		Prepare fourth Annual Report, provide copies at the Town/Village Office, present to the Town/Village Council/Trustees at a Public meeting for Public discussion and comment (yearly) and submit Annual Report to NYSDEC.
Public involvement/participation program	✓		Publicize and promote participation in Earth Day on the Cable Access Channel to encourage <i>Stream and Roadway Cleanup</i> events with outreach to volunteer groups and organizations (i.e. Boy/Girl Scouts, Little League). Coordinate event to include <i>Speakers to Community Groups</i> . Continue Stream and Roadway Cleanups. Provide Speakers to Community Groups.
Contact person identified	✓		Same.
ADDITIONAL TECHNIQUES			

MINIMUM MEASURE 3: Illicit Discharge Detection and Elimination

A. If Needed, Provide Additional Notes to Explain and/or Describe Changes to this Minimum Measure in Your SWMP:

B. Implementation of Best Management Practices			C. Activities Planned for Upcoming Year
List the planned management practices and any additional ones that you worked on.	Any done in the past year?		Describe activities that are planned for this minimum measure for next year's SWMP. List the BMPs, measurable goals and provide a schedule/timeline for implementation.
	YES	NO	
REQUIRED ACTIVITIES			
Outfall mapping	✓		Outfall Mapping of drains has continued, showing the location of outfalls and the names and locations of all waters that receive discharges. Town/Village Council/Trustees authorized purchase of necessary equipment for <i>GIS Mapping</i> . Mapping is partially funded as part of the State Grant Funding under the Environment Protection Fund for Municipal Phase II Compliance that was recently approved.
Illicit discharges prohibited		✓	Continue process of obtaining Certification for Multi-family/Commercial/Institutional/Industrial properties.
Public, employees, businesses informed of hazards from illicit discharges	✓		Contract with NYS DEC for grant for Intermunicipal Agreement is expected to be signed in June to start this work.
Illicit discharges identified	✓		Training for Public employees will occur under program from Sleepy Hollow Consortium for NYSDEC Grant which the Town/Village is entering an Inter Municipal Agreement to become a member. Notify offending property owners and enforce corrective action.
ADDITIONAL ACTIVITIES			System Inspections in two of the seven distinct areas defined in Year #2 have begun. Historical information used to determine best areas to perform inspections. No municipal Illicit Discharges found.
			Continue <i>System Inspections</i> in three additional areas.

MINIMUM MEASURE 4: Construction Site Stormwater Runoff Control

A. If Needed, Provide Additional Notes to Explain and/or Describe Changes to this Minimum Measure in Your SWMP:

B. Implementation of Best Management Practices			C. Activities Planned for Upcoming Year
List the planned management practices and any additional ones that you worked on.	Any done in the past year?		Describe activities that are planned for this minimum measure for next year's SWMP. List the BMPs, measurable goals and provide a schedule/timeline for implementation.
	YES	NO	
REQUIREMENTS			
Require erosion and sedimentation controls through an ordinance or other regulatory mechanism	✓		New code revision adopted Evaluate effectiveness of implementation of the local law in reducing polluted runoff. Propose amendments if necessary.
Provide opportunity for public comment on construction plans	✓		Public has an opportunity to comment on any construction plans that are submitted through the Building and/or the Engineering Departments, as well as the Planning Board meetings.
Require construction site plan review	✓		Building Department has taken on a plan reviewer. He has worked closely with the Engineering Department in order to make applicants aware of current requirements. He has also reviewed all plans for proper applications. Modify Building Permit applications to indicate compliance with local law.
Require overall construction site waste management	✓		Requirements maintained. Maintain requirements. Involve contractors with seminars.
Site inspection and enforcement	✓		Engineering department has performed inspections of required erosion controls. Prior to the issuance of associated building permits, these measures must be in place and approved. Spot checks were performed. Code Enforcement Officer was called in on certain cases to summons applicants. <i>Maintain Practice Inspections and Maintenance</i> by enforcing local law
Education and training of construction site operators	✓		Education has been on a one-to-one basis, taking place on-site, between particular contractors and members of the Engineering & Building Departments. Engineering Department has supplied Building Department with Erosion Control handouts to attach to Building Permits illustrating minimum expected requirements. Repeat training session for construction site operators.
ADDITIONAL PRACTICES			

MINIMUM MEASURE 5: Post-Construction Stormwater Management

A. If Needed, Provide Additional Notes to Explain and/or Describe Changes to this Minimum Measure in Your SWMP:

B. Implementation of Best Management Practices			C. Activities Planned for Upcoming Year
List the planned management practices and any additional ones that you worked on.	Any done in the past year?		Describe activities that are planned for this minimum measure for next year's SWMP. List the BMPs, measurable goals and provide a schedule/timeline for implementation.
	YES	NO	
REQUIREMENTS			
Assess existing conditions throughout the MS4 and identify appropriate management practices to reduce pollutant discharge to the maximum extent practicable	✓		Post-Construction Runoff from new Development regulated by requiring new design criteria and ensuring that measures implemented are periodically maintained by owner. Maintenance program for management practices on Town owned property drafted.
Regulate post-construction runoff from development through an ordinance or other regulatory mechanism	✓		Adopted amended design criteria where practical.
Develop management practice inspection and maintenance program	✓		Post-Construction Runoff from new Development regulated by requiring new design criteria and ensuring that measures implemented are periodically maintained by owner. Maintenance program for management practices on Town owned property drafted.
ADDITIONAL PRACTICES			Begin the identification and examination of catch basins with high sediment and debris content that could be retrofitted to prevent floatable material, such as trash and debris, from entering the storm system.
			Obtain results of storm water sampling at the outfall points, and begin process of locating possible pollution contributors.
			Begin the identification and examination of catch basins with high sediment and debris content that could be retrofitted to prevent floatable material, such as trash and debris, from entering the storm system.

MINIMUM MEASURE 6: Pollution Prevention/Good Housekeeping

A. If Needed, Provide Additional Notes to Explain and/or Describe Changes to this Minimum Measure in Your SWMP:

B. Implementation of Best Management Practices			C. Activities Planned for Upcoming Year
List the planned management practices and any additional ones that you worked on.	Any done in the past year?		Describe activities that are planned for this minimum measure for next year's SWMP. List the BMPs, measurable goals and provide a schedule/timeline for implementation.
	YES	NO	
REQUIREMENTS			
Prevent discharge of pollutants from municipal operations	✓		All Town streets and parking lots are swept daily on a rotating basis, so that all streets and lots are cleaned weekly. Also, requests by Town residents for specific street and lot sweeping services are addressed as they are received. Catch basins are cleaned annually using a Town owned Vac-All machine. The majority of this work is completed in the spring to tie into the County's West Nile larvicide program. Areas of know concern are addressed on a more frequent and regular basis to prevent back-ups during heavy rain or snow events. These areas are identified through resident correspondence as well as historical patterns of flooding or back-up.
Follow DEC NPS management Practices catalog, or equivalent	✓		Protect hazardous material storage areas. Develop procedures for proper waste disposal and transfer.
Conduct employee pollution prevention training	✓		As part of the Town's daily operations, as well as additional training seminars, pollution prevention and spill prevention is addressed. The importance of proper handling and disposal of chemicals and petroleum products is discussed. The Town provides personal protection equipment (PPE0 in accordance with OSHA guidelines). Training sessions and seminars are conducted by the health and safety coordinator and the Town's risk management provider. Storage and containment of chemicals and petroleum products are stored and handled in accordance with Federal, State and County regulations. Spill reporting and clean-up equipment and procedures are employed as needed.
ADDITIONAL PRACTICES			Review Parking Lot and Street Cleaning schedule for the Town/Village. Examine the frequency and locations of cleanings. Identify improvements and propose schedule of all programs implemented. Review the Town/Village's schedule for storm drain cleaning, identifying drain lines requiring more frequent inspection and cleaning.
			Prepare a maintenance process and procedure for drain cleanings.
			Complete O&M manual for Town/Village of Harrison Department of Public Works employees. Prepare inspection report forms. Make manual available at the Department of Public Works garage. Host an employee training session to review the contents of the manual. Update <i>Printed Material and Library of Educational Materials</i> to include Westchester County information on <i>pill Response and Prevention and Used Oil Recycling</i> . Additional staff training will be conducted in 2004 as part of the State Grant Funding under the Environment Protection Fund for Municipal Phase II Compliance that was recently approved

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

Adopted by the following vote:

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

May 11, 2006

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APPROVAL OF CHANGE ORDER #2 TO THE CONTRACT WITH ELQ INDUSTRIES, INC
RE: PASSIDOMO PARK IMPROVEMENTS

Village Engineer Hugh Greechan asked for approval of Change Order #2 to the contract with ELQ Industries, Inc. for work related to Passidomo Park Improvements/Athletic Field Renovations. He stated that this extra work for the final close out of the Project consists of the installation of a sprinkler system, additional fencing, concrete pads and improvements of the walkways amounting to \$80,000. This additional amount will revise the Contract Price to \$1,940,200.

Trustee Paladino asked if the work had already been done and, if so, who authorized it. He further asked why the Board members were sitting here being asked to approve something that is already done.

Village Engineer Hugh Greechan replied that the job was just recently finished and, as with any contract, you don't know how much of the funds are left. He added that he could have stopped the job and waited for approval.

Mr. Paladino stated that he didn't want the job stopped, but that it is appropriate to get Board approval before work is done. He then questioned the item for sprinklers and sidewalks, asking where they were located.

Mr. Greechan stated that the sprinklers are on the far side (of the bypass road) where there is real grass, to improve the appearance of the area. He added that the additional sidewalks are to connect the new field (to the older part of the park) at a cost of \$20,000. He also stated that this is the only change order for this project, that there were credits as well as the additional work.

Mr. Paladino again pointed out that the work was done without Town Board approval, that the Board is supposed to have meetings every two weeks, that someone could have picked up the phone and gotten a voice vote. Instead, (Board members) come to meetings and (are asked to approve) a Change Order for \$80,000, with the work already done.

Mayor Malfitano said that he was aware of the walkway although not of the cost. He also said that when working with projects of this magnitude there are categories where money is saved and categories where the cost is over, and you don't know until you get to the end.

Trustee Vetere also stated that there should have been a phone call before the additional funds were spent.

On motion of Trustee Scappaticci, seconded by Mayor Malfitano,

it was

RESOLVED to approve the request of Village Engineer Greechan for Change Order #2 to the contract with ELQ Industries, Inc. for work related to the Passidomo Park Improvements/Athletic Field Renovations for extra work for the final closeout of the Project consisting of the installation of a sprinkler system, additional fencing, concrete pads and improvements to the walkways, in the amount of \$80,000.

FURTHER RESOLVED that the additional amount will revise the Contract Price to \$1,940,200.

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

Adopted by the following vote:

AYES: Trustees Vetere, Paladino and Scappaticci
Mayor Malfitano

NAYS: None

ABSENT: None

RECUSED: Trustee Cannella

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AUTHORIZATION TO BOND THE \$80,000 COST FOR CHANGE ORDER #2
TO THE CONTRACT WITH ELQ INDUSTRIES, INC FOR THE
PASSIDOMO PARK IMPROVEMENTS/ATHLETIC FIELD RENOVATIONS

Trustee Vetere voted “no” on this Resolution as the Board members are not being kept “in the loop” regarding work being done.

On motion of Trustee Scappaticci, seconded by Mayor Malfitano,

it was

RESOLVED to bond the \$80,000 cost of Change Order #2 to the contract with ELQ Industries, Inc. for the Passidomo Park improvements and athletic field renovations, for a sprinkler system, additional sidewalks, a concrete pad, and additional fencing.

FURTHER RESOLVED to authorize the Treasurer to make the additional payments.

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

Adopted by the following ROLL CALL vote:

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

The motion carried 4-1.

May 11, 2006

APPROVAL OF CHANGE ORDER #1 TO THE CONTRACT WITH BILOTTA COSTRUCTION CORPORATION FOR DRAINAGE PROJECTS ON ADELPHI AVENUE, GENESEE TRAIL AND LAWRENCE LANE, IN THE AMOUNT OF \$50,000

Commissioner of Public Works Bob Wasp stated that he had met with the contractor two weeks ago, and this matter would have been presented at the last Village Board meeting except he had to go to the emergency on Pinehurst Drive that night. He explained that the increase in the contract is due to additional work required by the contractor which was not covered under the original Contract Price as approved under V-2005-89, dated August 9, 2005. The extra work, which is scheduled for tomorrow (May 12, 2006) is the resurfacing of Adelphi Avenue as the road is in a state of disrepair and the work required goes beyond the limits of restoration as outlined in the Contract. Trustee Vetere said that he had discussed the need for this repaving with Mr. Greechan.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve Change Order #1, in the amount of \$50,000, to the contract with Bilotta Construction Corporation for Drainage Projects on Adelphi Avenue, Genesee Trail and Lawrence Lane, for the resurfacing of Adelphi Avenue, for a revised Contract Price of \$313,013.45.

FURTHER RESOLVED that \$12,000 of the funds for this Change Order will come from Account #99HW03, with the remaining amount of \$38,000 to be drawn from this year's NYD DOT CHIPS funding.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

May 11, 2006

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APPROVAL OF THE AGREEMENT WITH TECTONICS ENGINEERING AND SURVEYING

Village Engineer Hugh Greechan stated that this Agreement is for the design and subsurface exploration of the site of the new Court House and adjacent parking structure.

Commissioner of Public Works Bob Wasp explained that funding for this work in the amount of \$25,000 was included in the January 2006 contract with Grandberg and Associates. He added that the Grandberg contract could be modified with a reduction of the \$25,000, and \$18,000 of the funds authorized could then be applied to this proposed contract between the Town of Harrison and Tectonics Engineering and Surveying Consulting PC.

On motion of Trustee Cannella, seconded by Trustee Scppaticci,

it was

RESOLVED to approve the request of Village Engineer Greechan for an Agreement with Tectonics Engineering and Surveying Consulting PC, for Professional Engineering Services for the design and subsurface exploration of the new Court House and parking structure in an amount not to exceed the submitted price of \$18,000.

FURTHER RESOLVED that the funding source is Capital Account #04GB21.

FURTHER RESOLVED that the Law Department execute the approved Agreement.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

May 11, 2006

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APPROVAL TO MODIFY THE JANUARY 2006 CONTRACT WITH
GRANDBERG AND ASSOCIATES, REDUCING THE CONTRACT SUM BY \$25,000,

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to modify the January 2006 contract with Grandberg and Associates with a reduction in the total contract price by \$25,000, which sum had been reserved for engineering services for subsurface exploration of the site of the new Courthouse and parking structure.

FURTHER RESOLVED that a copy of this Resolution be forwarded to the Treasurer, the Village Attorneys, the Director of Purchasing, the Village Engineer, the Commissioner of Public Works and Mr. Grandberg.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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APPROVAL OF AMENDMENTS #9 AND #10 TO THE CONTRACT WITH HENNINGSON
DURHAM AND RICHARDSON (HDR) RE: PROPOSED SATELLITE MUNICIPAL FACILITY
AT THE FORMER NIKE BASE COST: \$222,500

Commissioner of Public Works stated that the bid process for the canopy building and the fueling center is now in process. Amendment #9 is for funding for the necessary engineering support services during the bid process and also during construction. In response to a question from Trustee Vetere, he stated that the canopy building will have 18 bays.

Trustee Paladino questioned the need for testing at the site.

Commissioner Wasp stated that the soil needs to be tested for compaction and other qualities, adding that at each place a building was sited, the foundation soil in that area is tested. He continued that HDR and their subcontractor will certify that the materials used on site meet construction specifications. In response to a question, Mr. Wasp said that the contract allowed 6 months for construction, although it will probably take 4.5 months. He also said that the contract calls for 3 hours a day budget for inspection by HDC, with some office support.

Trustee Cannella questioned Task 27 in amendment #10, asking if it was not similar to Task 32, and shouldn't DPW management do the analysis outlined in that task.

Commissioner Wasp replied that he and the DPW managers will be playing an active roll, but this task really concerns space allocation and the space needs of various work activities that will be done; a determination as to if Park Lane is to be the primary facility and Gleason Place the secondary facility; what stand alone operations can be moved? Where to place the mechanic facility – it would take all of the space at the Gleason site; what should be the square footage of the building at each location. He further said that a critical determination will need to be made as to what space is available at the Gleason Place site.

Trustee Paladino pointed out that perhaps it would be helpful to have a meeting with the Board and really focus on the alternatives and give Commissioner Wasp some feedback (on these questions.).

Commissioner Wasp agreed, stating that once the direction is determined, it will be clearer where the financial commitments will be.

Mayor Malfitano also agreed, stating that such discussion/review is standard.

It was agreed that before the contractor goes forward with Task 29, the Board will have a work session on various alternatives of use for each site.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for Amendments #9

and #10 to the contract with Henningson Durham and Richardson (HDR), for professional and engineering services related to the proposed Satellite Municipal Facility located at the former NIKE Base, for a total amount of \$222,500 as follows:

Amendment #9: RE: the Vehicle Canopy and Fueling Station, in an amount not to exceed \$145,500.

Amendment #10: RE: the needs assessment for both the Gleason Garage and the proposed facility on Park Lane, in an amount not to exceed \$77,000.

FURTHER RESOLVED that funding for these Amendments will come from Account # 03GB12 which has funds from a 2005 bonding dedicated to the former NIKE base with a current balance of \$345,000.

FURTHER RESOLVED to increase the upset limit for this project from \$777,830 to \$1,000,330.

FURTHER RESOLVED to authorize the Law Department to execute the approved Amendments.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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AUTHORIZATION FOR A CHANGE ORDER TO THE CONTRACT WITH
ETRE ASSOCIATES, LTD., FOR DRAINAGE IMPROVEMENTS ON PARK LANE
IN THE AMOUNT OF \$4,260.

Village Engineer Hugh Greechan stated that Village Board Resolution V-2005-58 awarded the contract for drainage improvements on Sterling Road to Etre Associates, Ltd, at their low bid price of

\$186,845. That work has been completed and came in under budget. Village Board Resolution V-2005-80-e, increased the scope of that contract to include the cost of a storm sewer line to contain water draining from the new Municipal Facility on the former Nike Base on Park Lane, at a cost not to exceed \$60,000, as there had been severe flooding in that area. The \$60,000 was an approximate cost as there wasn't an engineering estimate available at that time as the issue was raised and approved at a Village Board meeting without time for an engineering estimate. Mr. Greechan further stated that since the exact cost was not known, the approval was for the approximate amount. Mr. Greechan continued that the work has now been completed, at a total cost of \$64,260, \$4,260 over the estimated amount. Approval is requested to pay the additional \$4,260, with the funds to come from the Town contingency account. The funds remaining from the original Sterling Road contract will be used to pay down that bond.

On motion of Trustee Scappaticci, seconded by Mayor Malfitano,

it was

RESOLVED to authorize an additional payment in the amount of \$4,260 to Etre Associates, Ltd, for drainage work on Park Lane in connection with the new municipal facility at the former NIKE base.

FURTHER RESOLVED that the funds are to come from the Town contingency account.

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

Adopted by the following vote:

AYES: Trustees Vetere, Paladino and Scappaticci
Mayor Malfitano

NAYS: None

ABSENT: None

RECUSED: Trustee Cannella

* change Village contingency account to Town contingency account.

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APPROVAL TO TRANSFER TO DEBT SERVICE FUND THE FUNDS REMAINING IN
DRAINAGE ACCOUNT #98DR10 TO PAY DOWN THE BOND
ASSOCIATED WITH THAT ACCOUNT

On motion of Trustee Scappaticci, seconded by Mayor Malfitano,

it was

RESOLVED that after the expenses for the Sterling Road and Park Lane drainage projects have been met as stated in V-2006-38, any funds remaining in account #98DR10 will be transferred to the Debt Service Fund to pay down the bond associated with this account.

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

Adopted by the following vote:

AYES: Trustees Vetere, Paladino and Scappaticci
Mayor Malfitano

NAYS: None

ABSENT: None

ABSTAIN: Trustee Cannella

*transfer to the Account #98DR10, should read any funds remaining in Account #98DR10 will be transferred to Debt Service Fund.

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AUTHORIZATION OF CHANGE ORDER #3 TO THE CONTRACT WITH REALIFE LAND
IMPROVEMENTS RE: BEAVER SWAMP BROOK REMEDIATION

Commissioner of Public Work Wasp stated that this Change Order involves work on Oakland Avenue

that was not part of the NYS DEC or federal funding but which raised the elevation of that roadway to reduce the flooding. He stated that he was anxious to get the topcoat of paving on Oakland Avenue.

Trustee Paladino questioned what remained in the contract with the DEC. He also stated that he was told that a sheen had been noticed on the surface of the water in the area of the pontoon bridge, after the recent big rain and asked if it had been tested for oil.

Mr. Wasp replied that there is a punch list for DEC, but it is all minor items. He also said that he did not have any reports of oil, and had been on the property recently but had not seen anything. He also said that the Brook is a natural drainage, and the Town cannot control what comes down the Brook.

Mr. Wasp stated that the second element of the Change Order is for a driveway adjacent to Wilding Park and the shopping center buildings, to address access to garbage/trash containers for both properties while providing asphalt paving, curbing, drainage and screening to the park.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for Change Order #3 to the contract with Realife Land Improvements in an amount not to exceed \$214,093, as follows:

1. Extended roadway re-grading and resurfacing on Oakland Avenue, including sub-base binder and top course, sidewalk and catch basins, (the original contract line items associated with this work was for \$213,000), with a resulting increase in the amount of \$164,093 to the contract, with the revised contract amount to be \$377,093.
2. Common driveway adjacent to Wilding Park and shopping center property, pursuant to the agreement with the property owner, to access to garbage/trash containers for both properties while providing for asphalt paving, curbing, drainage and screening to the park, at an estimated cost of \$50,000.

FURTHER RESOLVED to increase the upset limit of the contract with Realife Land Improvements by \$214,093 (\$164,093 + \$50,000), from \$5,947,375.75 to \$6,161,468.74.

FURTHER RESOLVED to bond the amount of \$427,000 (\$377,093 + \$50,000), plus bonding costs.

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

Adopted by the following ROLL CALL vote:

Trustee Cannella	VOTING	AYE
Trustee Vetere	VOTING	AYE

Trustee Scappaticci	VOTING	AYE
Trustee Paladino	VOTING	AYE
Mayor Malfitano	VOTING	AYE

The Resolution carried 5-0

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DISCUSSION

Resident Lucille Held again addressed the Board in the matter of the encroachment by Mr. Voetsch onto the Town property adjacent to the Sollazzo Center. She presented a current survey of the properties, dated July 20, 2005, showing that the entire fence between the properties which was erected by Mr. Voetsch is on Town property, which encroachment amounts to about 200 square feet. She added that Mr. Voetsch has both signs and planters on the Town property, and that can create a dangerous condition. She added that she has been complaining about this for more than two years, and nothing has been done.

Mrs. Held continued that in 1985, Mr. Voestch built the parking lot and showed that the pathway was on the town's land, but in 1995, when asked to submit a blueprint of his improvements, he showed that the walkway from the parking lot (to the house/office) is close to the house, but in actuality it is on the Town's land. (The land Mrs. Held is calling Town land is the lot that was purchased from the Town by a predecessor owner, with a right by the Town to repurchase it at the sale price.)

Mrs. Held asked the board for an approximate date when the fence would be removed. She added that unless something is done, anyone in the Town could encroach on town land to grow vegetables, or whatever. She also pointed out that in the lawsuit of 2004 (transcript attached) it was stated that a new fence will need to be erected on the Voetsch property.

Mayor Malfitano said that he could not speak for the Board.

In response to a question from Trustee Paladino as to if the Board needed to make a motion to direct the Town employees to take the fence down, Mayor Malfitano said that the town can do whatever it wants to: it can remove the fence; it can leave the fence in its existing location; it can erect another fence on the exact property line.

Trustee Paladino replied that he is not inclined to leave the fence, what we first need to do is take down the fence. Mr. Paladino added that he does not know why there is a need to tell a sitting elected official to take down a fence.

Mayor Malfitano said that this is not going to turn into a discussion as to whether or nor an individual has violated a law. The issue is that for all the years the fence has existed, the Town allowed it to exist since well before (he or Trustee Paladino) were on the Board. He continued that he was not going to discuss the legality, but the question is what does the Board want to do about it. Does the Town need a fence (there)?

Deputy Village Attorney Jonathan Kraut pointed out that there is no dispute as to who owns the land, where the fence is, it is on town's property. He added that fences do deviate from property lines all the time throughout the Town, as long as it is consensual and does not result in a claim on the property. The real issue is, is the removal of the fence to prove a point, or is there some benefit to the Town from its removal.

Mr. Paladino questioned why there was a need for a new survey (as the Town recently authorized) if everyone agrees that the fence is on town property. He agreed that property disputes exist between citizens all the time, but this is not between two citizens, it is between a citizen and the Town of Harrison.

Mayor Malfitano pointed out that there have been other instances where residents have encroached on town property, for example on the Sterling Road property, and (the Town) chose not to do anything about it. He continued that the property was sold with the encroachments and presumably the new owner will do something. He said that it is not a question of legality, but of what this Board wants to do. He then suggested that each Board member think about it, then communicate to his office, and then at the next Board meeting, the Board can resolve whatever the Board wants to do.

Mrs. Held went on to say that the story is that the town is creating a dangerous condition by allowing

the signs and planters to be on Town property and they should be eliminated, as well as the emergency exit from the Sollazzo Center (being blocked by the fence.)

Village Attorney Castiglia pointed out that many property owners use the Town right of way that fronts their property, whether it be a slate walkway or a driveway.

The meeting was recessed for Executive Session at 9:17 PM.

The meeting was reconvened at 9:31 PM.

There being no further matters to come before the Board, the Meeting was closed at 9:31 PM.

Respectfully submitted,

Joan B. Walsh
Village Clerk