

November 8, 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 the 8th day of November, 2007, at 7:30 PM, Eastern Standard Time. All members having received due notice.

MEMBERS PRESENT:

Stephen Malfitano Mayor

Joseph Cannella)
Patrick Vetere) Trustees
Robert Paladino)

MEMBERS ABSENT:

Thomas Scappaticci) Trustee

ALSO ATTENDING:

Frank Allegretti Town Attorney
Joseph Latwin Deputy Village Attorney
Jonathan Kraut Deputy Village Attorney
Fred Castiglia Village Attorney
David Hall Chief of Police
Maureen MacKenzie Comptroller
Ron Belmont Superintendent of Recreation

Village Clerk Joan Walsh presented the 2008 TENTATIVE BUDGET to the Village Board.

November 8, 2007

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AUTHORIZATION FOR A BOND RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE ISSUANCE OF \$1,015,000 BONDS OF THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF RECONSTRUCTION AND RESURFACING OF STREETS, THROUGHOUT AND IN AND FOR SAID VILLAGE.

On motion of Trustee Cannella, seconded by Trustee Paladino,

it was

RESOLVED THAT; WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects; NOW, THEREFORE,

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

Section 1. For the object or purpose of paying the cost of the reconstruction and resurfacing of streets, through and, in and for the Village of Harrison, Westchester County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading and other costs and improvements incidental thereto, there are hereby authorized to be issued \$1,015,000 serial bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision 20(c) 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 shall exceed five years.

Section 3. 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 respectively 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 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. All other matters except as provided herein relating to the serial 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 serial 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 6. 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 7. 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 8. Upon this resolution taking effect, the same shall be published in summary form in *The Journal News*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

Adopted by the following ROLL CALL VOTE:

AYES: Trustees Cannella, Paladino and Vetere
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

AUTHORIZATION FOR A BOND RESOLUTION AUTHORIZING,
SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF AN
ADDITIONAL \$41,200 BONDS OF THE VILLAGE OF HARRISON,
WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF
THE PURCHASE OF A DUMP TRUCK FOR SAID VILLAGE.

Treasurer MacKenzie reminded the Board that the purchase of this dump truck for the Department of Public Works had been approved by a Board Resolution in 2005.

On motion of Trustee Cannella, seconded by Trustee Paladino,

it was

RESOLVED THAT: WHEREAS, the Board of Trustees of the Village of Harrison, Westchester County, New York, on September 21, 2006, duly adopted a bond resolution authorizing the issuance of \$550,000 bonds of said Village to pay the cost of the purchase of heavy equipment and apparatus for the Village of Harrison, Westchester County, New York, including incidental costs and expenses, and

WHEREAS, of such amount, \$359,000 was allocated to the purchase of two dump trucks, and it has now been determined that the maximum estimated cost of such objects or purposes is \$400,200, an increase of \$41,200 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$41,200 bonds of said Village to pay a portion of the cost thereof; NOW, THEREFORE,

BE IT 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. For the object or purpose of paying additional costs of the purchase of dump trucks for Village of Harrison, Westchester County, New York, including incidental costs and expenses, there are hereby authorized to be issued an additional \$41,200 bonds of the Village of Harrison, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such object or purpose is now determined to be \$400,200, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$359,000 portion of the bonds of said Village authorized to be issued pursuant to a bond resolution dated and duly adopted September 21, 2006; and
- b) by the issuance of the additional \$41,200 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 objects or purposes is fifteen years, pursuant to subdivision 28 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 shall exceed five years.

Section 4. 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. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. 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. 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 6. 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 7. 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 8. Upon this resolution taking effect, the same shall be published in summary form in *The Journal News*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

Adopted by the following ROLL CALL VOTE:

AYES: Trustees Cannella, Paladino and Vetere
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

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APPROVAL OF PURCHASE ORDER #273538, FOR A 2008 FORD SUPER DUTY XL,
SUPER CAB, 4X4 AT A TOTAL COST OF \$29,302.50

On motion of Trustee Paladino, seconded by Trustee Cannella,

it was

RESOLVED to authorize the request of Director of Purchasing Judy D'Agostinis for approval for Purchase Order #273538, for Bortel Ford, Inc., 7325 Route 96, Victor , NY 14565, in the amount of \$29,302.50 for a 2008 Ford Super Duty XL, Super Cab, 4X4, with miscellaneous items (to replace Highway vehicle #428)

FURTHER RESOLVED that funding is available in account #006-5110-100-98-75, Project #07HW23.

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

Adopted by the following vote:

AYES: Trustees Cannella, Paladino and Vetere
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

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FORMAL AUTHORIZATION FOR AMENDMENT #4 TO THE CONTRACT
WITH REALIFE LAND IMPROVEMENTS
RE: WORK RELATED TO SIDEWALK REPLACEMENT,
STREET PAVING AND REGRADING. COST: \$12,700

Commissioner Wasp had polled the Board Members by phone regarding this matter, and formal approval is now required.

On motion of Trustee Paladino, seconded by Trustee Cannella,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for approval of a contract amendment with Realife Land Improvements in the amount of \$12,700 for work related to sidewalk replacement, street paving plus additional regrading at the field drain outside Wilding Park.

FURTHER RESOLVED to authorize the Law Department to prepare contract amendment #4 in an amount not to exceed \$12,700. This will increase the upset limit of this contract from \$6,161,472.75 to \$6,174,172.75.

FURTHER RESOLVED that funding is available in Capital Account #04RP17.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Village Attorney, the Acting Village Engineer and the Director of Purchasing.

Adopted by the following vote:

AYES: Trustees Paladino, Cannella and Vetere
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

FORMAL AUTHORIZATION FOR AN AMENDMENT TO THE CONTRACT
WITH BILOTTA CONSTRUCTION
RE: WORK RELATED TO THE INSTALLATION OF A CONCRETE CULVERT
ON LINCOLN AVE, REMOVAL OF A CONCRETE ENCASED SEWER PIPE
ON AVONDALE RD AND ARGYLE RD AND THE PREPARATION
RESURFACING OF OAK VALLEY LANE COST: \$74,887.39

On motion of Trustee Paladino, seconded by Trustee Cannella,

it was

RESOLVED to authorize the request of Acting Village Engineer Bob Wasp for approval for an amendment to the contract with Bilotta Construction in the amount of \$74,887.39 for the following:

Description of Work	Cost of Work	Funding Source
Lincoln Avenue culvert extension – Fabrication and installation of highway design load concrete culvert/ field modification for buried utilities in the ROW.	\$29,438.45	05HW04 Drainage/Sewer
Avondale Road and Argyle Road Storm Drain Installation – Change necessitated by field conditions, sewer main section encased in reinforced concrete slab	\$4,948.94	07PW15 Drainage/Sewer
Oak Valley Lane Resurfacing preparation and top coat asphalt **Estimate based on combination of quantities and Town Resurfacing Contract Unit Pricing	**\$40,500.00	Trust & Agency (subdivision default) 009-0000-819
Total Amount of Contract Amendment	\$74,887.39	

FURTHER RESOLVED to authorize the Law Department to prepare the contract amendment in the amount of \$74,887.39. This will increase the upset limit from \$1,964,011.22 to \$2,038,898.61.

FURTHER RESOLVED that funding is available in Drainage/Sewer 05HW04, Drainage/Sewer 07PW15 and Trust & Agency (subdivision default) 009-0000-819.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Village Attorney, the Acting Village Engineer and the Director of Purchasing.

Adopted by the following vote:

AYES: Trustees Vetere, Cannella and Paladino
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

RE: THE REPAIR OF A COLLAPSED SEWER LINE ON
KING STREET AND HALSTEAD AVENUE
COST: \$120,000

On motion of Trustee Paladino, seconded by Trustee Cannella,

it was

RESOLVED to authorize the request of Acting Village Engineer Bob Wasp for approval to hire Joken Development Corp., for the emergency repair of a broken sewer line on King Street and Halstead Avenue. The estimate for this work is \$120,000 for deep excavation work (10-12 feet), shoring and rock conditions.

FURTHER RESOLVED that funding in the amount of \$116,000 is available in account 06DR21 and \$4,000 in account 07PW15.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Acting Village Engineer, the Village Attorney and the Director of Purchasing.

Adopted by the following vote:

AYES: Trustees Vetere, Paladino and Cannella
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

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FORMAL AUTHORIZATION TO HIRE CALCAGNI, INC.

RE: THE REPAIR/REPLACEMENT OF A COLLAPSED STORM DRAIN ON
JUSTIN ROAD COST: \$23,200.

On motion of Trustee Paladino, seconded by Trustee Cannella,

it was

RESOLVED to approve the request of Acting Village Engineer Bob Wasp for authorization to hire Calcagni, Inc. for the repair/replacement of a collapsed storm drain on Justin Road, in an amount not to exceed \$23,200.

FURTHER RESOLVED to authorize the Director of Purchasing to issue a Purchase Order in the amount of \$23,200 for Calcagni, Inc.

FURTHER RESOLVED that funding is available in Capital Account #07PW15.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Acting Village Engineer, the Village Attorney and the Director of Purchasing.

Adopted by the following vote:

AYES: Trustees Cannella, Paladino and Vetere
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

November 8, 2007

Personnel 1

On motion duly made and seconded
with all members voting in favor,
the Meeting was recessed for
Executive Session at 8:56 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was re-convened
at 9:55 PM.

November 8, 2007

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AUTHORIZATION FOR THE MAYOR TO NEGOTIATE
REGARDING A MATTER OF EMPLOYMENT

On motion of Trustee Vetere, seconded by Trustee Paladino,

it was

RESOLVED to authorize the Mayor to negotiate with a certain person regarding an offer of Employment as discussed in Executive Session.

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

Adopted by the following vote:

AYES: Trustee Cannella, Vetere and Paladino
Mayor Malfitano

NAYS: None

ABSENT: Trustee Scappaticci

On motion duly made and seconded,
with all members voting in favor,
the Meeting was closed at 9:55 PM.

Respectfully submitted,

Joan B. Walsh
Village Clerk