

October 15, 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 15th day of October, 2007, at 7:30 PM, 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
Joseph Latwin Deputy Village Attorney
Jonathan Kraut Deputy Village Attorney
Fred Castiglia Village Attorney
Robert Wasp Commissioner of Public Works
Maureen MacKenzie Treasurer
Judy D'Agostinis Director of Purchasing
David Hall Chief of Police
James Calandrucchio Assessor

October 15, 2007

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$164,800 BONDS OF THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS VILLAGE PURPOSES IN AND FOR SAID VILLAGE.

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED;

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 certain capital improvements in and for the Village of Harrison, Westchester County, New York, there are hereby authorized to be issued \$164,800 serial bonds of said Village pursuant to the provisions of the Local Finance Law, apportioned among such capital improvements as set forth below:

- a) The removal and planting of trees, in and for said Village, at a maximum estimated cost of \$113,300. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$113,300 serial bonds of the \$164,800 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 57 of paragraph a of Section 11.00 of the Local Finance Law;
- b) The purchase of a community services van, at a maximum estimated cost of \$25,750. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$25,750 serial bonds of the \$164,800 serial bonds authorized to be issued therefore pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is five years pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law; and
- c) Electrical upgrades and a shelter roof at Veterans Park, at a maximum estimated cost of \$25,750. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$25,750 serial bonds of the \$164,800 serial bonds authorized to be issued therefore pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid objects or purposes is five years pursuant to subdivision 35 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 for each of the above-described objects or purposes shall not exceed five years.

Section 2. 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 3. 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 4. 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 5. 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 6. 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 7. This resolution, which takes effect immediately, shall be published 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.

Adopted by ROLL CALL Vote:

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

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM,
AUTHORIZING THE ISSUANCE OF \$746,750 BONDS OF THE VILLAGE
OF HARRISON, WESTCHESTER COUNTY, NEW YORK, TO PAY THE
COST OF THE PURCHASE OF HEAVY EQUIPMENT AND MACHINERY
IN AND FOR SAID VILLAGE.

On motion of Trustee Cannella, seconded by Trustee Scappaticci,

it was

RESOLVED;

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 purchase of heavy equipment and machinery, in and for the Village of Harrison, Westchester County, New York, there are hereby authorized to be issued \$746,750 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 object or purpose is fifteen years for \$715,850 of such object or purpose and ten years for the remaining \$30,900 of such object or purpose, 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 for each of the above-described objects or purposes 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 ROLL CALL Vote:

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

NAYS: None

ABSENT: None

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APPROVAL FOR A CONTRACT EXTENSION WITH BILOTTA CONSTRUCTION
FOR THE 2007 RE-SURFACING PROGRAM, AT THE 2006 PRICES,
AT A COST NOT TO EXCEED \$1,216,321.22

Commissioner of Public Works Bob Wasp explained that in the contract signed in 2006, a possible extension to that contract had been built in, with any work to be done at the prices agreed upon in 2006. He added that Mr. Bilotta had chosen to exercise that option to extend his contract, as per Village Board Resolution V-2007-036.

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to extend the contract with Bilotta Construction for the 2007 Resurfacing Program. (see: V-2007-036)

FURTHER RESOLVED that the Law Department prepare a contract extension with Bilotta Construction in an amount not to exceed \$1,216,321.22, and to increase the upset limit of the contract from \$673,190.00 to \$1,889,511.22.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 15, 2007

APPROVAL TO SET THE DATE OF NOVEMBER 20, 2007 FOR A WORK SESSION TO
DISCUSS THE TOWN'S PARTICIPATION IN THE
LONG ISLAND SOUND WATERSHED INTRMUNICIPAL COUNCIL, AND
TO HOLD A BUDGET REVIEW SESSION THAT SAME NIGHT.

RE: Request by Commissioner of Public Works Bob Wasp that a meeting be scheduled to discuss the Town's participation in the Long Island Sound Watershed Intermunicipal Council.

(Back up was distributed at the Sept. 20th Town Board Meeting, V-F-1)

RE: Request by the Mayor for a budget work session to be held following the discussion of the LISWIC (see above) and the Town's participation in it.

The Mayor and all Trustees agreed to this schedule.

October 15, 2007

AUTHORIZATION TO RE-ADVERTISE AND RECEIVE BIDS
FOR THE WEST HARRISON STREETScape IMPROVEMENTS

This Resolution was transferred from the Town to the Village

Commissioner Wasp stated that the design work for the Con Edison portion of the improvements, putting the overhead wires underground, has been completed, and that Verizon is “tweaking” their portion to conform with Con Edison as they will be using the same trench. He added that after the Board rejected the Bids in May, there has been a re-design. Mr. Wasp also stated that it will be just a couple of weeks before the start of work.

On motion of Trustee Scappaticci, seconded by Trustee Cannella,

it was

RESOLVED to authorize the Director of Purchasing to re-advertise and receive bids for the West Harrison Streetscape project.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

October 15, 2007

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AUTHORIZATION FOR THE FIRM OF ELQ TO DO WORK IN

THE BEAVER SWAMP BROOK CORRIDOR,
AT A COST NOT TO EXCEED \$19,000

This Resolution was transferred from the Town to the Village.

Commissioner Wasp stated that the Board had previously authorized this work in a phone poll, at an estimated cost of \$25,000. The actual cost is \$19,000, and the work was done by the firm of ELQ.

On motion of Trustee Scappaticci, seconded by Trustee Paladino,

it was

RESOLVED to approve the contract with the firm of ELQ, for work cleaning out the Beaver Swamp Brook corridor, to improve flood conditions.

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

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

Adopted by the following vote:

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

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed for
Executive Session at 9:20 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 11:50 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was declared closed at 11:50 PM.

Respectfully submitted,

