

February 29, 2012

A regular meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Wednesday, February 29, 2012, at 7:30 PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Supervisor

Marlane Amelio)
Joseph Cannella) Councilpersons
Stephen Malfitano)
Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Fred Castiglia Deputy Town Attorney
Jonathan Kraut Village Clerk
Christopher Cipolla Deputy Village Attorney
Maureen MacKenzie Comptroller
Anthony Marraccini Chief of Police
Anthony Robinson Commissioner of Public Works
Michael Amodeo Town Engineer
Robert FitzSimmons Building Inspector

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FILED THIS

9th DAY OF

March 2012

Jacqueline Greer
Town Clerk, Harrison, New York

February 29, 2012

2012 -- 091 -- a

ANNOUNCEMENTS BY SUPERVISOR RON BELMONT

Supervisor Belmont announced that Youth Art Month begins Sunday, March 4th, at the Harrison Municipal Building. All of the art being displayed has been created by our children. All are invited to attend.

Supervisor Belmont announced that he will be participating in the Leprechaun Leap on Saturday March 10th at Harbor Island Park in Mamaroneck at noon. The event benefits the South East Consortium for Special Services. The Supervisor thanked the Town employees for their generous donations. We collected over \$200 for this year's event.

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9th DAY OF
March 2012
Jacqueline Sheer
Town Clerk, Harrison, New York

February 29, 2012

2012 -- 091 -- b

REMARKS BY ROBERT PORTO

Harrison resident Robert Porto asked if the Board could expand on the agreement reached with Malcolm Pirnie relating to decisions made in Executive Session following the Board Meeting of February 16, 2012.

Town Attorney Frank Allegretti stated that it is a written settlement and he will have to look at the terms. Mr. Porto asked if it was in reference to Beaver Swamp. Mr. Allegretti stated yes, it was.

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9th DAY OF

March 2012

Jacqueline Greer
Town Clerk, Harrison, New York

February 29, 2012

2012 - - 092

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the following correspondence and reports:

Monthly report by the Commissioner of Public Works for January 2012.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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FILED THIS

9th DAY OF

March 2012

Jacqueline Sheer
Town Clerk, Harrison, New York

February 29, 2012

2012 - - 093

CONTINUATION OF PUBLIC HEARING
RE: REZONING GRANT AND OAKLAND AVENUES

On motion of Councilman Cannella, seconded by Councilwoman Amelio, with two members voting in favor the Hearing was opened.

Councilman Malfitano recused himself from the Public Hearing. As previously noted on the record, his family owns property in the area being considered for rezoning.

Town Attorney Allegretti explained to the Board that he spoke with Attorney Noto, who represents the applicant. He is unable to attend tonight's meeting. Attorney Allegretti wanted to state for the record that he circulated the Building Inspector's comments to the Board several weeks ago. He hadn't received any feedback and asked if any of the Board members had a particular issue on the Building Inspector's comments. He thought it would be prudent to allow members of the public to speak.

Harrison resident Ernst Fiore asked if this public hearing would be continuing at the next Board meeting taking place on March 15, 2012. He brought to issue the buildings being proposed for the GC rezoning were once previously zoned in a commercial area. They were rezoned in the 1970's to discourage further development because the residents would be impacted by flooding. Mr. Fiore requested that flooding be considered when the issue is revisited at the next meeting.

Harrison resident Roy Aletti explained there was a reason in the 1970's that the area was rezoned. There was a business that was starting to expand and it was becoming unsightly. Mr. Aletti suggested the Board examine the past before they proceed.

Town Attorney Allegretti stated if the Board didn't have any issues with the draft he circulated he will have it prepared in public notice format, along with the change to Zoning Ordinance, Section 235-11, allowing multiple uses, in all zones except the SBO zone. He suggested scheduling a public hearing for April.

Harrison resident Ernie Fiore requested a copy of the changes before the March 15th meeting.

Town Attorney Allegretti said to stop by his office tomorrow and he would give him a copy.

Councilwoman Amelio questioned why we would be re-zoning when we are going to be looking at a possible new master plan that will be encompassing different zoning. It seems like we are going backwards when we may have to change it again.

Councilman Cannella stated that his preference would be to leave it alone. What we have is a series of violations that are sitting out there that need to be dealt with one way or another. That is the issues that we are dealing with.

February 29, 2012

Continuation of 2012 - - 093

With no one else speaking in favor or against the Hearing was adjourned until the March 15, 2012 meeting.

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FILED THIS

9th DAY OF

March 20*12*

Jacqueline Sheer

Town Clerk, Harrison, New York

February 29, 2012

2012 - - 094

APPROVAL TO ACCEPT, WITH REGRET, THE LETTER OF RETIREMENT
FROM LT. LAWRENCE MARSHALL

Chief Marraccini stated it is with deep regret that we accept Lt. Marshall's retirement. Unfortunately, it goes very much unnoticed at times, the contributions that many town employees provide during their years of service. When I look back, Lt. Marshall and I grew up together on the job. He was an instrumental part in the daily operation of the department, many successful aspects of our job, and he had a tremendous amount of integrity. I am saddened that he is not coming back. I have a lot of fond memories and he will be missed. He has absolutely made a difference in people's lives and the quality of life in this town and I appreciate his service.

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept, with regret, the letter of retirement from Lt. Lawrence Marshall, effective March 15, 2012.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Chief of Police.

Adopted by the following vote:

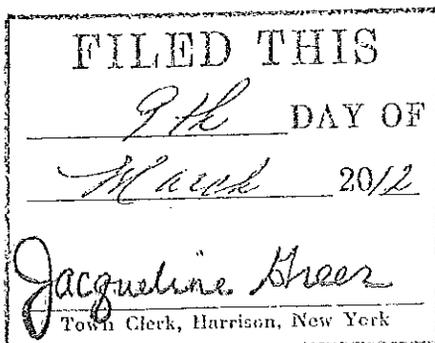
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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February 29, 2012

2012 - - 095

APPROVAL TO ADD ROBERT WOLFF TO THE PART TIME AVAILABILITY LIST,
ASSIGNED TO THE HARRISON LIBRARY

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Library Director Galina Chernykh for authorization to add Robert Wolff to the Part Time Availability List, assigned to the Library, at \$14 per hour, not to exceed 17½ hours per week.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Library Director.

Adopted by the following vote:

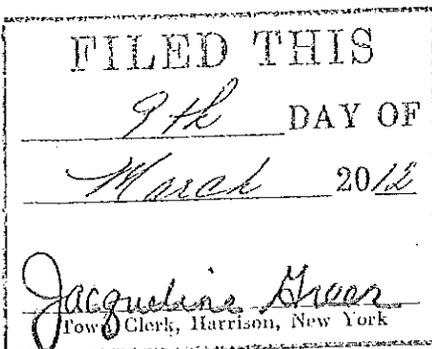
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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February 29, 2012

2012 - - 096

APPROVAL FOR PLANNING BOARD MEMBER RAYMOND KRAUS TO ATTEND
WESTCHESTER MUNICIPAL PLANNING FEDERATION LAND USE TRAINING

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to approve Planning Board member Raymond Kraus to attend Westchester Municipal Planning Federation Land Use Training on March 15, 2012 at a cost for registration and travel expenses not to exceed \$30. This is a budgeted item.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chair of the Planning Board.

Adopted by the following vote:

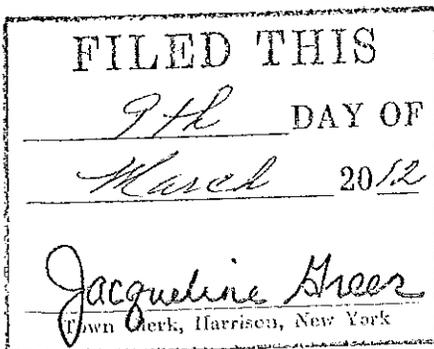
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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February 29, 2012

2012 - - 097

APPROVAL FOR ZONING BOARD MEMBER STEVEN LOWENTHAL TO ATTEND
WESTCHESTER MUNICIPAL PLANNING FEDERATION LAND USE TRAINING

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve Zoning Board member Steven Lowenthal to attend Westchester Municipal Planning Federation Land Use Training on March 15, 2012 at a cost for registration and travel expenses not to exceed \$30. This is a budgeted item.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chair of the Planning Board.

Adopted by the following vote:

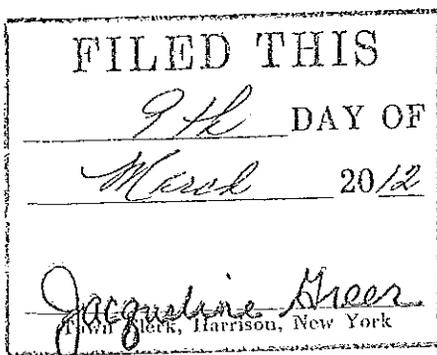
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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February 29, 2012

2012 - - 098

APPROVAL TO ACCEPT DONATIONS FOR THE HARRISON FOOD PANTRY

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Director of Community Services Nina Marraccini for authorization to accept the following donations for the Harrison Food Pantry:

\$50 from Stanley Gotlin
\$10 from Dorothy Juergens
\$1,000 from Anonymous donor

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Director of Community Services.

Adopted by the following vote:

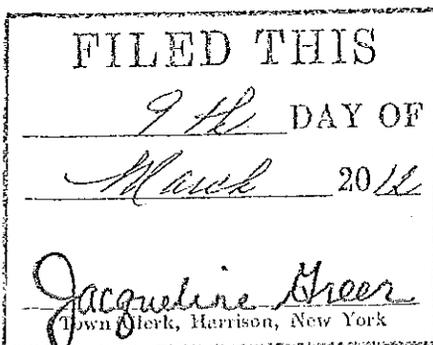
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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February 29, 2012

2012 - - 099

APPROVAL TO ISSUE A BUILDING PERMIT TO
16 OAK STREET, BLOCK 101, LOT 5

On motion of Councilman Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to issue a building permit to 16 Oak Street, Block 101, Lot 5, with the following conditions:

1. The existing FEMA Flood Plain Elevation at this property is 56.0 feet (NGVD 1988), as shown on a property survey updated October 11, 2011, prepared by Richard J. Domato L.S.
2. The proposed First Floor Elevation shall be 63.25 feet as shown on site plans revised January 20, 2012, prepared by Richau, Mustacato Grippi Associates.
3. The proposed Garage Floor Elevation shall be 54.25 feet as shown on site plans revised January 20, 2012, prepared by Richau, Mustacato Grippi Associates.
4. As reflected in the above mentioned plan, there shall be no grade change permitted on this property.
5. An as-built from a New York State Licenses Surveyor will be required. The as-built shall include the flood plain elevation, and all floor elevations. As-built must also show compliance with Town building height regulations, as well as surface information verifying no grade change. This survey must be submitted to and approved by this department (Engineering) prior to issuance of a CO.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Engineer, the Building Inspector, the Commissioner of Public Works and the Law Department.

Adopted by the following vote:

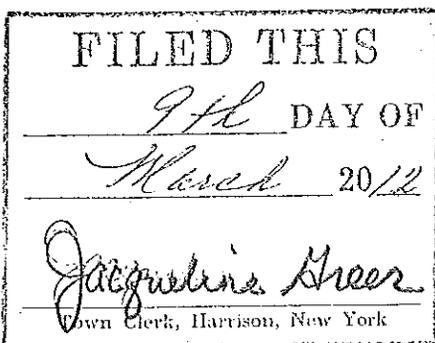
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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February 29, 2012

2012 - - 100

APPROVAL TO SELL THE MENZI MUCK EXCAVATOR WITH TRAILER AND
ATTACHMENTS TO THE TOWNSHIP OF WOODBRIDGE, NEW JERSEY

Councilman Malfitano stated that he is not in favor of sale of the Menzi Excavator. Several years ago the board made a decision to purchase this piece of equipment for the sole purpose of working within our streams and brooks as a result of the flooding conditions we had experienced in 2007. At that time, this equipment was deemed to be state of the art. The Board collectively decided that this was a smart thing to do, personnel would be trained and the equipment would be deployed. The equipment sat idle for the last four years and has not been used. As a board member, I have to express my extreme displeasure. As taxpayers, we expended some \$243,000 to buy a piece of equipment that we never used. There is something wrong with that. You are now asking me to sell a piece of equipment that probably has less than 100 hours on it's meter, hasn't been put to use, could have been put to use, and perhaps should have been put to use and now we are being told we can't operate it because we don't have the proper personnel. I'm expressing an objection to that. I am making a public comment. This board can do whatever it likes but I'm not going to vote to support it.

Commissioner of Public Works Anthony Robinson explained that as a practical matter the manpower is no longer available to support the specialized use of this piece of equipment for an extended length of time. We use to have part time personal at our disposal during the springtime when we would do our streams and brooks. The part time people would supplement our workforce to do our routine tasks. Now we don't have those people. It was a good idea that didn't work out for practical reasons. Instead of just having it sit there, we figured we should sell it.

Councilman Cannella asked if there is a practical use for this machine.

Commissioner Robinson replied that it may have been overstated where we could use it. Many of the streams and brooks that we thought it could be used in are regulated areas. According to the Town Engineer we would need permission to get in these areas. The issue here is I don't have the manpower to man this piece of equipment.

Councilman Cannella asked how functional is it? Does it deliver what it was suppose to deliver in terms of efficiency?

Commissioner Robinson replied that we had great success with it in some areas. Some of the smaller streams we had access problems. Access problems behind residential homes were difficult and sometimes impossible. We did have good success with it behind the middle school. He explained that the issue is manpower.

Harrison resident Rob Porto asked if the \$90,000 included the trailer.

Supervisor Belmont replied yes.

February 29, 2012

Continuation of - - 2012 - - 100

Mr. Porto then stated; we are giving them the machine and the trailer for \$90,000. That is a big difference.

Councilman Sciliano stated that he wanted our residents to know that we advertised and put the excavator up for bid. The result was only a top bid of \$40,000. We tried to work with the County of Westchester to see if they would purchase it and lend it to other communities. They weren't interested in purchasing the vehicle. The longer it sits the less you are going to get for it. I think we should just take our losses and move on.

Harrison resident Sam Fanelli, asked, five years ago you paid \$243,000. What would that machine cost today? Is it \$300,000 to \$325,000? Maybe we should be able to get a little more.

Supervisor Belmont said that the \$90,000 figure was a good number. The highest previous bid that we received was \$40,000 and that was at auction.

Councilman Cannella asked if there was any possibility in the foreseeable future that we will be outsourcing any work that could have been handled by this piece of equipment.

Commissioner Robinson replied that he did not have anything planned. He reiterated that he didn't have the manpower to use this piece of equipment. He stated once again that he believed the areas we thought we could use this piece of equipment were over estimated. This is not to say we would have no use for it, but not on a full time basis.

Councilwoman Amelio said that she feels we are better off taking the \$90,000 now, then having the piece of equipment sit any longer and realizing zero in the end.

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Commissioner of Public Works Anthony Robinson for authorization for the sale of the Menzi Muck Excavator with trailer and attachments to the Township of Woodbridge, New Jersey for the amount of \$90,000.

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

Adopted by the following vote:

AYES: Councilpersons Amelio and Sciliano
 Supervisor Belmont

NAYS: Councilman Malfitano

ABSTAINED: Councilman Cannella

ABSENT: None

FILED THIS
 9th DAY OF
 March 2012
 Jacqueline Greer
 Town Clerk, Harrison, New York

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February 29, 2012

2012 -- 101

AUTHORIZATION TO ACCEPT THE SETTLEMENT FOR
THE DAMAGES TO THE WEST HARRISON FIREHOUSE
AMOUNT OF \$50,000

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Deputy Town Attorney Fred Castiglia for authorization to accept the settlement for the damages to the West Harrison Firehouse in the amount of \$50,000.

FURTHER RESOLVED to authorize the Supervisor to sign the Proof of Loss statement.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

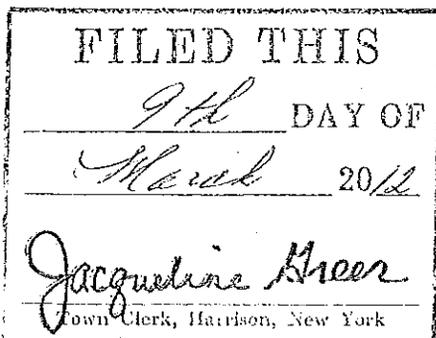
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Board of Health
- Board of Education
- Comptroller
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February 29, 2012

2012 - - 102

AUTHORIZATION FOR THE COMPTROLLER TO USE
INTERACTIVE PROCUREMENT TECHNOLOGIES BY BIDNET FOR USE OF THEIR
DATABASE OF VENDORS FOR THE BID PROCESS, AT NO CHARGE TO THE TOWN

Comptroller Maureen MacKenzie reported to the Board that the current Bid and Request for Proposal (RFP) processes are done by hand and through paper. Currently we send an RFP out and get a couple of answers back. This is going to place everything on an on-line database containing thousands of vendors and contractors. The electronic data base provided by BidNet opens up our prospects to more competition for items that go out to bid.

On motion of Councilman Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for authorization to use Interactive Procurement Technologies by BidNet database of vendors for the bid process, at no charge to the Town.

FURTHER RESOLVED to authorize the Supervisor to execute the membership agreement, subject to review by the Law Department.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

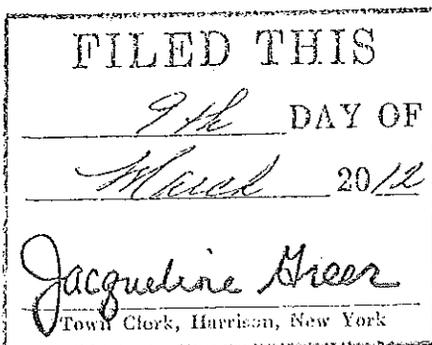
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

___ Assessor
___ Benefits
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February 29, 2012

2012 - - 103

REMARKS RE: TRAFFIC LIGHTS ON HARRISON AVENUE
(NEAR HARRISON AVENUE SCHOOL)

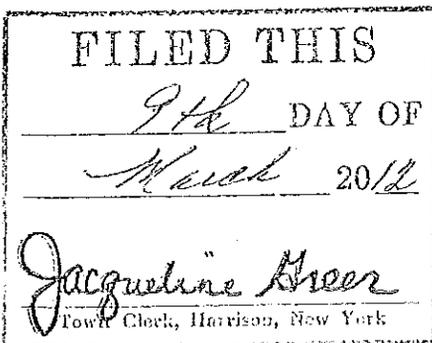
Harrison Resident Robert Porto said that he thought the new lights on Harrison Avenue near the school (Harrison Avenue School) seem a little excessive. He said he is all for safety with the children but these lights are a bit much. He asked the Board if we pay the State \$100 per month per light.

Supervisor Belmont said he will research that.

Chief of Police Anthony Marraccini stated that this is a State project and the Town has nothing to do with it.

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February 29, 2012

2012 - - 105

SETTLEMENT OF CLAIM
IN THE MATTER OF JOSEPH MAGNUS v TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to settle the claim in the matter of Joseph Magnus v Town of Harrison, in the amount of \$5,000.

FURTHER RESOLVED that the settlement is subject to claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

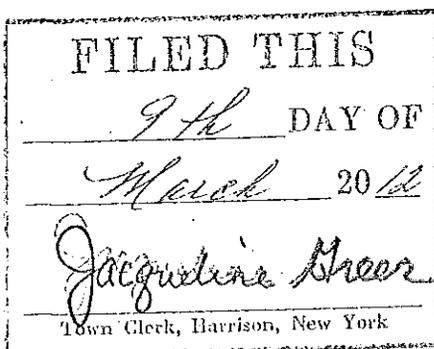
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

- Assessmt
- Benefits
- Bldg
- Corrupt
- Engng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
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February 29, 2012

2012 -- 106

SETTLEMENT OF CLAIM
IN THE MATTER OF TUNNO v TOWN OF HARRISON

On motion of Supervisor Belmont, seconded by Councilwoman Amelio,

it was

RESOLVED to settle the claim in the matter of Tunno v Town of Harrison, in the amount of \$886.64.

FURTHER RESOLVED that the settlement is subject to claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

- Assessor
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- Law
- Police
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- Purch'g
- Rec'm
- Super

FILED THIS

9th DAY OF

March 2012

Jacqueline Greer
Town Clerk, Harrison, New York

February 29, 2012

2012 -- 107

APPROVAL TO RAISE THE CAP ON LEGAL FEES
IN THE MATTER OF HERBERT v TOWN OF HARRISON

On motion of Councilman Malfitano, seconded by Supervisor Belmont,

it was

RESOLVED to raise the cap on legal fees in the matter of Herbert v Town of Harrison, to \$25,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

There being no further matters to come before the Board, the Meeting was, on motion duly made and seconded, with all members voting in favor, declared closed at 11:15 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

Copies to:

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- Compt'lr
- Engrng
- Law
- Police
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- Purch'g
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