

August 4, 2011

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 Thursday, August 4, 2011, at 7:30 PM. Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan Walsh Supervisor

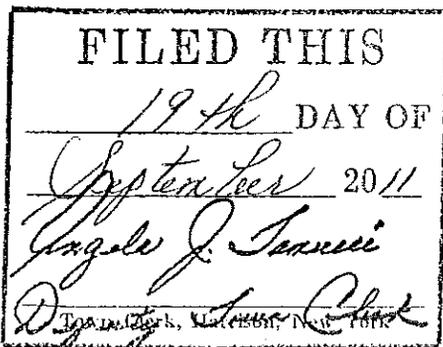
Joseph Cannella)
Fred Sciliano)
Patrick Vetere) Councilpersons
Marlane Amelio)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Robert Paladino Village Attorney
Anthony Robinson Commissioner of Public Works
Maureen MacKenzie Comptroller
Anthony Marraccini Chief of Police
Ron Belmont Advisor to the Recreation Department

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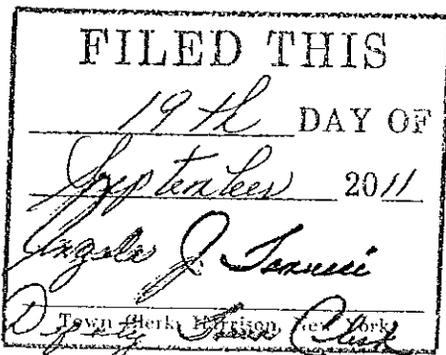
REMARKS BY SUPERVISOR JOAN B. WALSH

Supervisor Joan Walsh explained that there were two serious house fires this past week. She complimented the downtown Fire Department for their work on those fires, they kept the fires from spreading and there were no injuries. They (the Board) are very proud of them. She went on to say that Fire Chief DelSignore asked for the following letter to be read.

Supervisor Walsh explained that during the heat wave the Municipal Building's air conditioner's konked out. There are a few window air conditioners, but they are not effective on the second floor. She further stated that on one day it was 105 degrees, asking every office if they would like the building to close, every single person answered no. The employees were willing to stay. The Supervisor said "she is very proud of every one of them" they wanted to keep the building open and continued to work.

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PRESENTATION BY THE WEST HARRISON FIRE DEPARTMENT

West Harrison Fire Department Chief Steve Mancini stated that this year the Department is celebrating 100 years of service to the residents of West Harrison and portions of Purchase. On Sunday, September 25, 2011 at 1:00 PM they will have a parade celebrating this event. It will start at the intersection of Columbus Avenue and Locust Avenue, involving 15 other fire departments and 6 civic organizations. He thanked Police Chief Anthony Marraccini and Recreation Superintendent Ron Belmont for their assistance in planning the parade. Chief Mancini introduced Assistant Chief Mike Pellegrino, Department President Tony Scavone and Secretary Carlo Riccobono and Vito Forgione.

Tony Scavone presented a quilt to the Town Board and the Town Clerk. This gift is a kick-off for their 100th anniversary. It was made from the back of a shirt from a company in North Carolina. He asked if the Town would be willing to hang it in the lobby and when the year has past to donate it to the Town Historian for the archives. He informed everyone that the Town Board also serves as their Fire Commissioners.

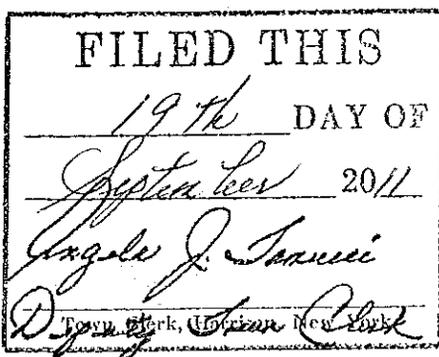
Councilwoman Amelio stated that they look forward to the celebration.

Councilman Sciliano stated that this was all funded through private donations and fundraisers for the last 25 years. Taxpayer dollars were not used.

Supervisor Walsh stated that this will be a spectacular event.

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report by the Building Inspector for June 2011.
- 1b. Quarterly report by Librarian Carol Meehan for April, May and June 2011.
- 1c. Monthly report by the Acting Fire Marshal for June 2011.
- 1d. Monthly report by the Commissioner of Public Works for May 2011.
- 1e. Monthly report by the Commissioner of Public Works for June 2011.
- 1f. Monthly report by the Advisor of Recreation for June 2011.
- 1g. Monthly report by the Town Clerk for July 2011.

- 1h. Monthly report by the Chief of Police for June 2011.

- 2. Request by Advisor to the Recreation Department for nominations for the **2011 Citizen of the Year Award**, to be presented at the "Great to Live in Harrison Celebration/Columbus Day Observance scheduled for Monday October 10, 2011. Nominations must be received by September 1, 2011. Please submit nominations to:
Citizen of the Year Committee
c/o Ron Belmont, Advisor to the Recreation Department
1 Heineman Place
Harrison, NY 10528

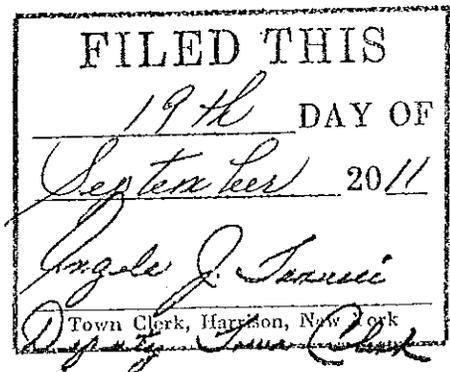
Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

At this point of the meeting the Agenda was taken out of order.



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APPROVAL TO REZONE PROPERTIES ON OAKLAND AVENUE AND GRANT AVENUE FROM A B (RESIDENTIAL) ZONE TO A GC (GENERAL COMMERCIAL) ZONE

Attorney Paul Noto thanked the Board for allowing him to be taken out of order.

Mr. Noto stated that this is a petition for rezoning properties between Grant and Oakland Avenues which is mostly industrial it happens to be zoned residential. His clients received letters from the Building Department saying that they are all non-conforming. Mr. Noto is requesting they remedy the non-conformance. After his clients met with the Building Department, who suggested that a petition to rezone would be the most appropriate remedy. Tonight he is asking for referral to the Planning Board, which is in the Town Code, and is a requirement for any petition for any rezoning before we can take any action. In the future it will come back to the Town Board for disposition.

Supervisor Walsh asked Mr. Noto to please explain an "indoor recreation facility."

Mr. Noto answered: It is a personal fitness facility. It's where someone would go by appointment with a personal trainer to work out. It's not a New York Sports Club or Equinox or anything of that nature.

Councilwoman Amelio asked: do you mean there won't be any group exercising.

Mr. Noto: no. It would be to work out only with a trainer, by appointment, with small nautilus type machinery. Right now it's not permitted in this zone.

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

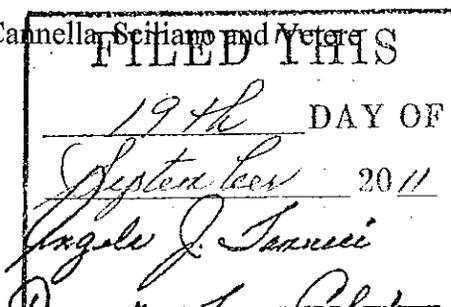
it was

RESOLVED for approval the request by Attorney Paul Noto on behalf of his clients, Andrew Maucieri, Anthony Valentino, Vincent Gironda and 67 Grant Avenue, also included but not as a petitioner is Berlanti Realty Corp., 33 Oakland Avenue that their properties on Oakland Avenue and Grant Avenue and that the GC zone be expanded to include an indoor recreation facility, be referred to the Planning Board.

FURTHER RESOLVED to forward a copy of this Resolution to the Chairperson of the Planning Board and Mr. Noto.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Scifano and Vetere
Supervisor Walsh
NAYS: None
ABSENT: None



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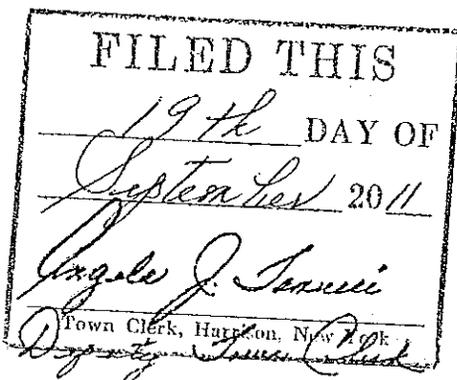
PUBLIC HEARING – PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3,
SECTION 20 OF THE MUNICIPAL HOME RULE LAW TO AMEND CHAPTER 235,
ATTACHMENT 3 OF THE TOWN CODE ENTITLED “BUSINESS DISTRICTS TABLE OF
USE REGULATIONS” AND SECTION 235-17 ENTITLED
“SPECIAL CONDITIONS AND SAFEGUARDS FOR SPECIFIC USES”
BY LOCAL LAW NO. 6 OF 2011, BY AMENDING SECTION 235,
ATTACHMENT 3 AND SECTION 235-17, ARTICLE V,
SPECIAL EXCEPTION USES OF THE TOWN CODE OF
THE TOWN OF HARRISON

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

With no one speaking in favor or against the Public Hearing was closed.

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APPROVAL OF LOCAL LAW NO. 6 OF 2011 AMENDING CHAPTER 235,
ATTACHMENT 3 OF THE TOWN CODE ENTITLED "BUSINESS DISTRICTS TABLE OF
USE REGULATIONS" AND SECTION 235-17 ENTITLED
"SPECIAL CONDITIONS AND SAFEGUARDS FOR SPECIFIC USES"
BY LOCAL LAW NO. 6 OF 2011, BY AMENDING SECTION 235,
ATTACHMENT 3 AND SECTION 235-17, ARTICLE V,
SPECIAL EXCEPTION USES OF THE TOWN CODE OF
THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve a Local Law amending Chapter 235 Attachment 3 of the Town Code entitled "Business Districts Table of Use Regulations" and Section 235-17 entitled "Special conditions and safeguards for specific uses" by Local Law No. 6 of 2011, by amending Section 235, Attachment 3 and Section 235-17, Article V, Special Exception Uses of the Town Code of the Town of Harrison as follows:

Chapter 235, Attachment 3, entitled "Business Districts Table of Use Regulations Town of Harrison," is hereby amended by adding a new row entitled "SB-O Stand-alone fitness center" under the Use Classification "Business uses." Each and every column across such new row shall have an "X" with the exception of the column entitled "SB-O" which shall have the letters "SE", signifying that "SB-O Stand-alone fitness center" shall be a Special Exception use in the SB-O District.

Section 235-4 of the Town of Harrison Zoning Ordinance, entitled "Definitions" shall be amended by adding a new term entitled "SB-O stand-alone fitness center", which shall read as follows:

SB-O STAND-ALONE FITNESS CENTER

A private membership facility designed, intended and used for physical conditioning activities, located within a single occupant building. Such uses may include cafes, child care centers and spas, as well as the sales of necessary equipment used in the activities provided, together with other appropriate accessory uses.

Section 235-17. Special conditions and safeguards for specific uses shall be amended by adding a new section "W" entitled "SB-O stand-alone fitness centers", which shall read as follows:

W. SB-O stand-alone fitness centers.

(1) The minimum lot area for an SB-O stand-alone fitness center shall be 20 acres.

SB-O stand-alone fitness centers shall only be permitted on parcels located on roads with direct access to Westchester Avenue, and located between I-287, I-684, the connector road from I-287 to I-684, and the Hutchinson River Parkway.

- (2) Every application for a stand-alone fitness center use shall include a circulation plan, indicating all internal roadways, all roadways, intersections and driveways bounding the site, all off-street parking and truck loading areas and pedestrian accessways on the site; and also, a traffic survey and analysis, with estimates of on-site traffic generation and its impact, if any, on existing and projected traffic volumes, roadway capacity and highway safety in critical highway locations in the vicinity and proposals related to accommodating such traffic generation in each location, as well as any required on-site or off-site mitigation measures, as may be required by the Planning Board.
- (3) No paved vehicular area other than necessary access roads into the site shall be located within a required buffer strip.
- (4) Off-street parking and truck loading areas shall be designed pursuant to the requirements of Article VII, and, further, they shall include provisions for landscaping and screening and for landscaped islands within the parking areas in the proportion of 15 square feet for each parking space.
- (5) The entrance to all off-street parking and truck loading spaces shall be from an internal driveway system and not from a public street.
- (6) On-site bicycle storage racks shall be provided with at least 1 bicycle space per 10,000 square feet of gross building floor area. Where feasible, some or all of this bicycle storage shall be provided within a secure, enclosed bicycle storage space.
- (7) Every application for a stand-alone fitness center use shall include a detailed and specific landscape plan, incorporating native species wherever feasible, showing the proposed treatment of all open areas on the site and, more specifically, analyzing the need for the screening of service areas, outdoor use areas and buffer strip landscaping and how such need will be met on a year round basis.
- (8) Every application for a stand-alone fitness center use shall include a detailed and specific outdoor lighting plan meeting the standard set forth in § 235-18A(9), which documents all proposed site lighting. Site lighting shall be restricted to the minimum necessary to allow for the appropriate and safe operation of the facility, and shall include automatic controls to turn off exterior lighting when sufficient daylight is available and when lighting is not required during nighttime hours, include fixture integrated lighting controls such as motion sensors to reduce light levels, use cut-off and shielded luminaires to prevent light trespass beyond property lines and unnecessary glare, among other measures.”
- (9) Signs.
 - (a) The design and location of each proposed sign shall be submitted with the application for a stand-alone fitness center use, which signs shall conform to the provisions of Article VIII, except that instead of two freestanding signs as provided in § 235-47A, a stand-alone fitness center may have one freestanding sign with an area of not more than 150 square feet and an overall height not exceeding 18 feet; and two (2) wall signs with an area of not more than 200 square feet each.

(b) In addition to the freestanding sign provided for above and in addition to the signs permitted under § 235-47A a stand-alone fitness center may have signs located on its property for the purpose of indicating traffic directions and information concerning location of on-site facilities. The total area of any such sign shall not exceed 35 square feet, and the height of any such sign shall not exceed eight feet. The number of signs and the location and design of such signs shall be subject to the approval of the Town Board.

(10) All intensive outdoor activities shall be set back at least 100 feet from any property line and shall be so located that they shall be reasonably screened from view and compatible with the existing or potential use of neighboring properties.

(11) Competitions, tournaments, matches, festivals and other similar events that would attract spectators, who are not members or guests of the stand-alone fitness center, are prohibited, except with the prior consent of the Town/Village Board.

(12) Notwithstanding the provisions of Section 235-37 of the Town of Harrison Zoning Ordinance to the contrary, the minimum off-street parking for a stand-alone fitness center shall be provided as follows:

6 per each 1,000 square feet of floor area (not including any floor area devoted exclusively to tennis courts), plus 4 per each tennis court.

This law shall take effect immediately upon filing with the Secretary of the State of New York.

Adopted by the following vote:

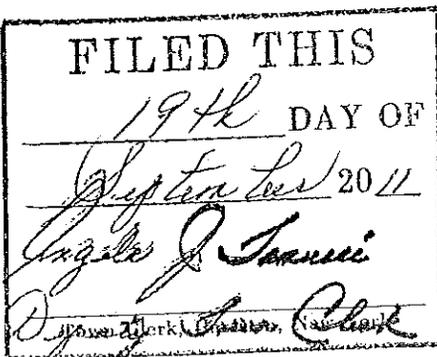
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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August 4, 2011

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PUBLIC HEARING – FOR THE PETITION FOR ZONING AMENDMENTS FOR ONE
GANNETT DRIVE, LIFE TIME FITNESS CENTER

Frank McCullough of McCullough Goldberger and Staudt, representing Life Time Fitness who is the contract vendee of a property owned by Gannett Satellite Information Services located at One Gannett Drive. The subject property is surrounded by I-287, the connector between I-287 and I-684, I-684 and the Hutchinson River Parkway. The property is zoned SBO and contains 22.4 acres. It is improved with a 232,000 square foot building that has served for many years as the Headquarters of Gannett newspapers in Westchester, containing an office building, the printing facilities for the newspaper and a distribution center that had approximately 15 loading docks.

Life Time Fitness is the contract vendee for the property. They intend to demolish the existing building and replace it with a new building of approximately 209,000 square feet. The building will be a two-story structure that will be totally dedicated to Life Time Fitness use as a stand alone fitness facility. The site plan will be reviewed with you (the board) by Jerry Schwalbe of Divney Tung Schwalbe. You will remember that we appeared before you in May and requested a zoning amendment that would allow for this use in the SBO Zone as a special permit use. You referred our request to the Planning Board and that is where we have been for the last few months. The Planning Board, at the end of June, made a favorable recommendation in relation to our zoning amendment request. We have submitted to you tonight, a red-lined copy of the draft of the text of the Zoning Amendment based on suggestions of the Town Planner and the Planning Board. We have also appeared before the County Planning Department and they have also given us a favorable response to our request. We are requesting that this use be permitted as a special exception use subject to certain standards and conditions that we ask to be included in the text of the Zoning Ordinance.

First, any parcel that houses this use will have to have a minimum lot area of 20 acres; Secondly, that property would have to be located in the block of land that is between I-287, the connector between I-287 and I-684, I-684 and the Hutchinson River Parkway. The application for a stand alone fitness center based on the proposed zoning amendment would require the filing of a circulation plan, showing all off street parking, loading docks and all pedestrian access ways on the site. The application would also have to include a traffic study and an analysis, with estimates of onsite traffic generation and any impacts that could have off site. The Zoning Amendment provides that no paved vehicular areas other than necessary access roads will be located in the required buffer strips along the perimeter of the property. It provides that off street parking and truck loading requirements will be as provided under Article 7 of the Harrison Zoning Ordinance and it also provides entrance to all off street parking and trucking spaces shall be from internal driveway systems and not from a public street.

Every application for a stand alone fitness center would have to have with it a detailed landscape plan with an analysis for screening of service areas and buffer strip landscaping. The plan would also have to include a detailed lighting plan and signage for the property would have to comply with the provision of the proposed Zoning Amendment. Mr. McCullough added, that in

the actual text, we have agreed that the requirement of maximum height of 18 feet for the height of a stand alone sign will be reduced to 10 feet so it would be in conformance with the existing height restrictions of the zoning ordinance. The Zoning text also provides for minimum off street parking requirements, at least 6 spaces for each 1,000 square feet of total floor area, not including tennis courts. There would be a separate requirement of 4 spaces per tennis court. They are in compliance with those requirements.

The Planning Board, after review and consultation with Pat Cleary, suggested certain changes to our requested amendment and they included a mandatory provision for bicycle storage racks on the site and a count of at least 1 per each 10,000 square feet of gross building area. They have provided for that. This was also a recommendation of the County Planning Department. Their suggested language in relation to landscaping was changed to provide a mandate for incorporating native species wherever feasible in the property and the provision for site lighting was also amended to provide restrictions of lighting to the minimum necessary to allow for the appropriate and safe operations of the facility with a mandatory requirement for automatic control and turn off exterior lights when sufficient day light is available and lighting is not required during night time hours. The Planning Board also recommended that competitions, tournaments, matches, festivals or other similar events that attracts spectators to the site who are not members of the facility or guests of members not be allowed without prior consent of the Town Board. All of these conditions are acceptable to the applicant.

Jerry Schwalbe will go over the site plan. Any questions or comments will be addressed after his presentation. If we are successful tonight and we move forward with the Planning Board site plan review we will be back before the Town Board for approval. Mr. McCullough added that in May you (the board) designated the Planning Board as Lead Agency under SEQRA and at their last meeting they issued a negative declaration in relation to our application.

Jerry Schwalbe stated that they have worked very hard with the Planning Board to achieve their goals and objectives. In our planning of the site and meeting the objective of the Town as well as the objectives of Life Time Fitness, include providing good access and circulation to the site. The front door is the gate keeper. Every client has an access card but must access the facility through the front door. They have consulted with the Fire Department with respect to access, circulation and hydrant locations. We are well on our way to resolving these issues. They are sensitive to the wetland buffer area along I-684 from the view sheds from I-684 to the site. As you drive there now you can see the Gannett building is higher than the new building will appear when it is complete. We are providing significant landscaping to the location.

The building is 208,800 square feet in total of which 74,000 is dedicated as 10 tennis courts. The main building is two stories, with an adjacent building for the tennis courts and a 54,000 square foot exterior, seasonal pool, deck and snack area. The main facility and tennis courts are at the same elevation. Access will remain from Gannett Drive, with an added secondary access for emergency access. The majority of the parking spaces for clients will be in the front of the building with employee parking in the rear and both sides of the building. The current rear parking lot will be removed and strengthen the buffer by reinstating the plantings in that area. We will be adding 305 trees and 11,000 shrubs throughout the campus, approximately 5 acres of planting area.

Stormwater improvements will be added to the site including stormwater basin to collect rainwater from the site before it discharges into the wetland. The main parking lot area currently drains to Westchester Avenue without any retention or water quality. We will be installing a rain garden swale down the center of the parking lot to collect the stormwater there.

The building roof is 40 feet high with the skylight extending 53 feet. The color to the building will be earth tones and the roof will be a reflective roof which allows them to meet some of the LEED requirements and green initiatives.

Supervisor Walsh asked if there would be any solar heating at the facility, to which Mr. Schwalbe responded no, but all equipment will be energy efficient.

There were no comments from the Town Board or members of the audience.

A short recess was held to allow the Board Members to ask questions of the Town Attorneys regarding this application.

Frank McCullough: There was a question with respect to the height of the signs as proposed in the new amendment. The applicant is agreeable to the lesser of the height provision that we have in the proposed language and what is currently required by the Zoning ordinance, which he believes is 9 feet. They are going back to the Planning Board for a continuation of their site plan review and they will bring this issue up with them, get a favorable recommendation on it and, if necessary, they can republish in relation to that language. That is their commitment and they want to make sure that this is technically correct.

Councilman Cannella stated that the concern was that this proposed amendment would set a precedent regarding signage. The Board has taken a narrow view as to the type of signage they (the board) want. Westchester Avenue is a large corridor with a lot of traffic. They want it to be clear that based on the proposed site plan that anything that is on the Westchester Avenue Corridor comply with existing zoning requirements, which is 9 feet. The application is compliant with that requirement; however the language may need to be tweaked at a later date to make sure that it is identical to the approved site plan.

Frank McCullough: We provided renderings of the on-site signage for the signs on the building and entryway and both comply with the new language. To make it perfectly clear, the applicant has no problems with the sign requirement of 9 feet at Westchester Avenue.

Lucille Held asked if there was any future restriction on any more buildings or additions on this property.

Supervisor Walsh responded that there will be no additional buildings on this site.

On a motion of Councilman Cannella, seconded by Councilman Vetere, with all members voting in favor, the Public Hearings was closed.

August 4, 2011

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APPROVAL FOR THE PETITION FOR THE ZONING AMENDMENTS FOR
ONE GANNETT DRIVE, LIFE TIME FITNESS CENTER

Robert Paladino confirmed that the Board made a motion to approve Local Law 6, 2011 amending Chapter 235, Amendment 3 entitled Business Districts, Table of Uses Regulations and Chapter 235, Section 235-17, Article 5, Special Exception Uses.

Supervisor Walsh asked if a special motion was needed to approve the petition for the Zoning Amendments.

Mr. Paladino responded yes.

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

Resolved to approve the request by Frank McCullough, attorney for Life Time Fitness Center for authorization for the petition for the Zoning Amendments for One Gannett Drive, Life Time Fitness Center.

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

Adopted by the following vote:

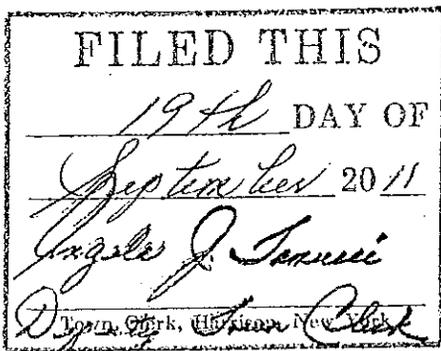
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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August 4, 2011

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PUBLIC HEARING – FOR A SPECIAL EXCEPTION USE PERMIT FOR
NEW CINGULAR WIRELESS (AT&T), SITE #3617, FOR UPGRADES TO
THEIR FACILITY AT 3 CALVERT STREET

On motion of Councilman Sciliano, seconded by Councilman Vetere, with all members voting in favor, the Public Hearing was opened.

Neil Alexander, attorney, spoke on behalf of his partner Attorney Anthony Gioffre.

This is your standard renewal and upgrade of the facility. Several carriers have collocated on this rooftop over the years. Essentially what AT&T is looking to do is add three antennas to the six they already installed plus some related equipment. Ultimately to provide LTE (Long Time Evolution) for extra speed, extra capacity; applications can be run faster and that's the essence of the upgrade. They were successful at the Planning Board and they were satisfied, especially the wireless consultant hired by the Planning Board signed off on his review.

Supervisor Walsh asked: who's responsible for the flag on top of the building?

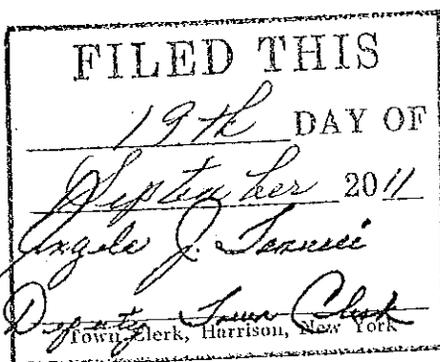
Mr. Alexander: thinks it T-Mobile or Sprint.

Building Inspector Robert FitzSimmons answered: Sprint.

On motion of Councilman Vetere, seconded by Councilwoman Amelio, with all members voting in favor, the Public Hearing was closed.

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August 4, 2011

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APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR
NEW CINGULAR WIRELESS (AT&T), SITE #3617, FOR UPGRADES
TO THEIR FACILITY AT 3 CALVERT STREET

On motion of Councilman Sciliano, seconded by Councilman Vetere,

it was

RESOLVED to approve the Special Exception Use Permit for New Cingular Wireless (AT&T), Site #3617 for upgrades to their facility at 3 Calvert Street, Harrison, NY;

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector and Mr. Gioffre.

Adopted by the following vote:

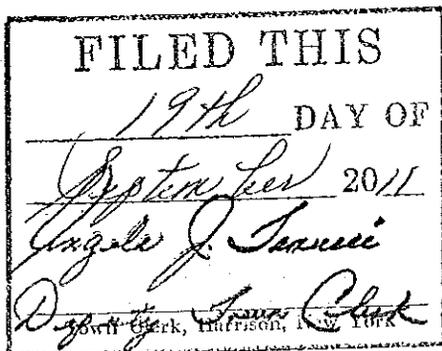
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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PUBLIC HEARING – NEW CINGULAR WIRELESS (AT&T), SITE #33,
FOR A SPECIAL EXCEPTION USE PERMIT FOR UPGRADES AT THEIR FACILITY AT
240 NORTH STREET a/k/a 275 NORTH STREET

Attorney Neil Alexander stated that this site was approved for 8 antennas with only six being installed. They are now looking to add 3 additional antennas.

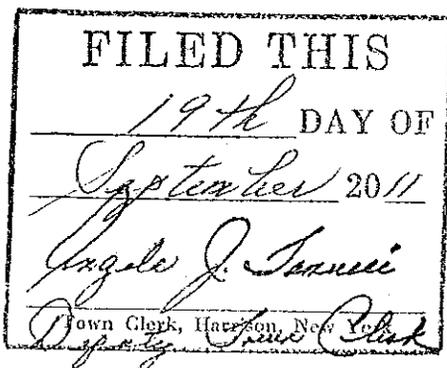
Councilwoman Amelio asked the Board; at what point do we draw the limit on the number of antennas on these buildings?

Supervisor Walsh responded: leave it up to the Planning Board.

On motion of Councilman Vetere, seconded by Councilwoman Amelio, with all members voting in favor the Public Hearing was closed.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 -- 257 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR
NEW CINGULAR WIRELESS (AT&T), SITE #33,
UPGRADES AT THEIR FACILITY AT 240 NORTH STREET
a/k/a 275 NORTH STREET

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the Special Exception Use Permit for New Cingular Wireless (AT&T), Site 33 for upgrades to their facility at 240 North Street, A/K/A/ 275 North Street, Harrison, NY.

FURTHER RESOLVED to forward a copy of this Resolution to the Building inspector and Mr. Gioffre.

Adopted by the following vote:

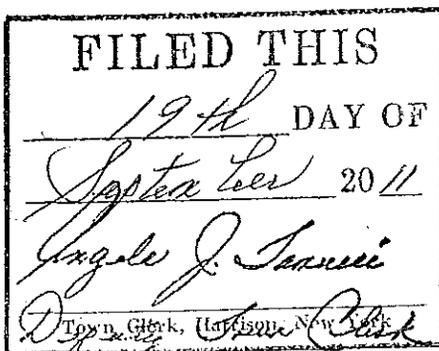
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 258

AUTHORIZATION FOR COURT CLERK JACQUELINE RICCIARDI TO ATTEND THE ANNUAL NEW YORK MAGISTRATES/COURT CLERKS CONFERENCE

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Court Clerk Jacqueline Ricciardi for authorization to attend the annual conference of New York State Magistrates/Court Clerks to be held in Niagara Falls, NY, from September 25 to September 28, 2011.

FURTHER RESOLVED that funding in the amount of \$300 is available in Account #1110/406 with the remaining \$900 being charged against accumulated mileage points on the Town's credit card.

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

Adopted by the following vote:

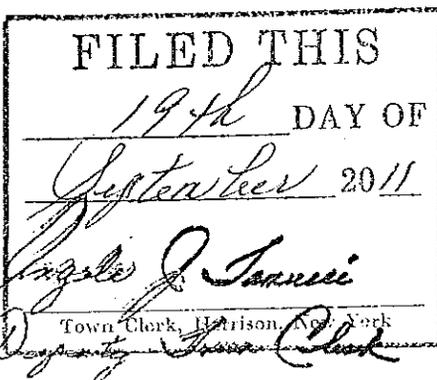
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 259

APPOINTMENT OF ANDREW L. MENTRASTI TO THE POSITION OF
PART TIME ASSISTANT FIRE INSPECTOR/ASSISTANT FIRE MARSHAL

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the appointment of Andrew L. Mentrasti to the position of Part Time Assistant Fire Inspector/Fire Marshal, effective August 4, 2011, at a salary of \$32 per hour, for a maximum of 17½ hours per week.

FURTHER RESOLVED that funding is available in the Bureau of Fire Prevention budget.

FURTHER RESOLVED that Mr. Mentrasti was previously appointed to this position in November 2008, TBR #2008-560-b.

FURTHER RESOLVED that Mr. Mentrasti has taken and passed the required Civil Service exam and is currently Certified as a New York State Code Enforcement Technician.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Acting Fire Marshal.

Adopted by the following vote:

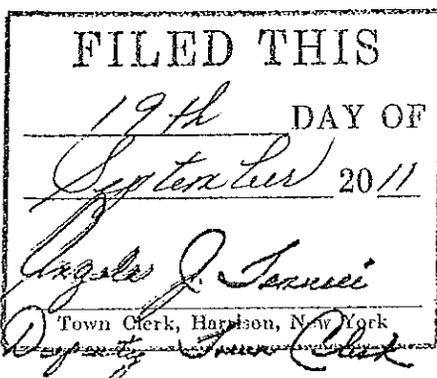
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 260

ACCEPTANCE, WITH REGRET, THE LETTER OF RESIGNATION
BY RICHARD DIBICCARI

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

it was

RESOLVED to accept, with regret, the letter of resignation by Richard DiBiccari, Intermediate Clerk effective September 1, 2011.

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

Adopted by the following vote:

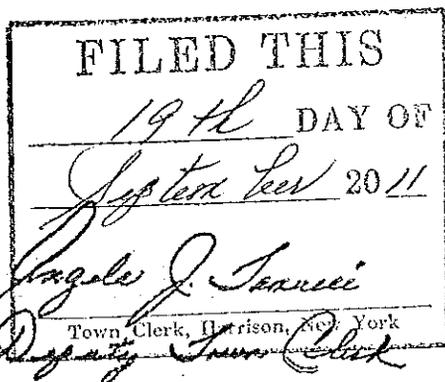
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 261

APPROVAL OF THE APPOINTMENT OF JOSEPH BASSO
TO THE POSITION OF INTERMEDIATE CLERK
FOR VARIOUS AFTER HOUR MEETINGS

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the appointment of Joseph Basso, Town Crossing Guard, to Intermediate Clerk at a rate of \$18.50 per hour with the following duties:

Open and close the Municipal Building
To set up for various after hour meetings
To assist in crowd control at said meetings

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

Adopted by the following vote:

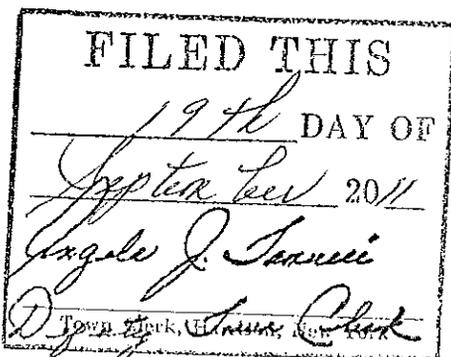
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 4, 2011

2011 - - 262

AUTHORIZATION TO INCREASE THE PART TIME AVAILABILITY HOURS ABOVE
17.50 HOURS PER WEEK FOR SEAN O'CONNELL
AND APPROVAL FOR A BUDGET TRANSFER

On motion of Councilman Vetere, seconded by Supervisor Walsh,

it was

RESOLVED to approve the request of Personnel Manager Debra Scocchera for authorization to increase the part time availability hours above 17.50 hours per week, for Sean O'Connell.

FURTHER RESOLVED is authorization for the following budget transfer:

From:
Town Contingency Fund #001-1900-100-4490 \$5,000

To:
Central Services P.T. #001-1610-100-0130 \$5,000

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

Adopted by the following vote:

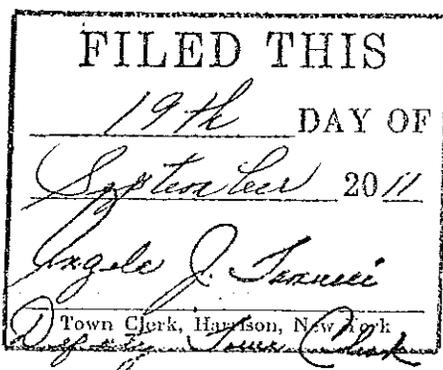
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
 Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

— Assessor
— Benefits
— Bldg
 Compt'lr
 Engrng
 Law
— Police
 P. Wrks
 Purch'g
— Recr'tn
 Supvs'r
—



August 4, 2011

2011 -- 263 -- a

APPROVAL FOR THE DIRECTOR OF COMMUNITY SERVICES TO ACCEPT
THE HPNAP BOARD'S DECISION FOR OPERATION FUNDING FOR HARRISON'S
FOOD PANTRY \$2,219.95 FOR
A SINGLE DOOR SATURN COMMERCIAL FREEZER

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Director of Community Services Nina Marraccini for authorization to accept the HPNAP Board's decision for Operation Support funding for the year 2011-2012 for a single door Saturn commercial freezer.

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, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-

FILED THIS
 19th DAY OF
 September 2011
 Angela J. Scarsie
 Deputy Town Clerk
 Town Clerk, Harrison, New York

August 4, 2011

2011 -- 263 -- b

AUTHORIZATION TO ISSUE A CHECK IN THE AMOUNT OF \$80
TO HARRIS RESTAURANT SUPPLY, INC., FOR FREIGHT AND DELIVERY CHARGES
FOR THE SATURN COMMERCIAL FREEZER

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

it was

RESOLVED to issue a check in the amount of \$80 to Harris Restaurant Supply, Inc., for freight and delivery charges for the Saturn commercial freezer.

FURTHER RESOLVED that funding is available in Account #009-0000-607.

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

Adopted by the following vote:

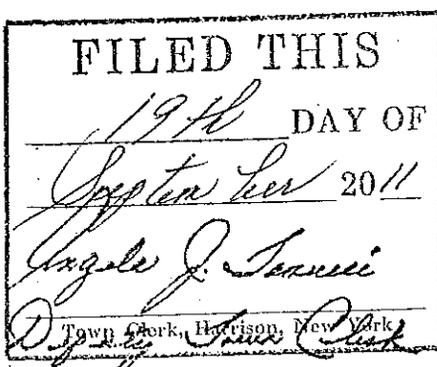
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Reer'tn
- Supvs'r
-



August 4, 2011

2011 -- 263 -- c

AUTHORIZATION FOR THE DIRECTOR OF COMMUNITY SERVICES TO ACCEPT THE
HPNAP FOOD GRANTS TO BE USED AS A LINE OF CREDIT AT
FOOD BANK FOR WESTCHESTER FOR
THE HARRISON FOOD PANTRY

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Director of Community Services Nina Marraccini for authorization to accept the HPNAP Food Grants to be used as a line of credit at Food Bank for Westchester for the Harrison Food Pantry:

Bulk Buying Line of Credit	\$3,000
Donated Line of Credit	\$ 200

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

Adopted by the following vote:

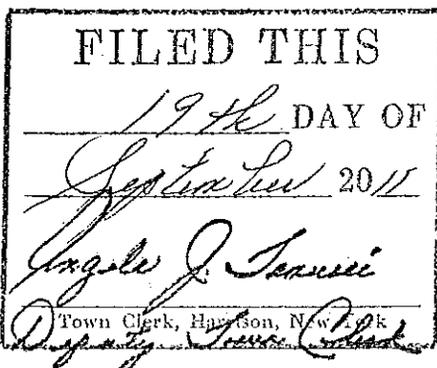
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

___ Assessor
___ Benefits
___ Bldg
✓ Compt'lr
✓ Engrng
✓ Law
___ Police
✓ P. Wrks
✓ Purch'g
___ Recr'tn
✓ Supvs'r



August 4, 2011

2011 -- 264

APPROVAL TO SET THE DATE OF SEPTEMBER 7, 2011 FOR
A PUBLIC HEARING RE: AN AMENDED SPECIAL EXCEPTION USE PERMIT
TO INSTALL A GENERATOR AT 106 CORPORATE PARK DRIVE

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Attorney Charles Feuer with the firm of Wilson, Elser, Moskowitz, Edelman & Dicker on behalf of their client 106/108/110 Corporate Park Drive for authorization to set the date of September 7, 2011 for a Public Hearing for an Amended Special Exception Use Permit to Install a Generator at 106 Corporate Park Drive.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Department, the Commissioner of Public Works and Mr. Feuer.

Adopted by the following vote:

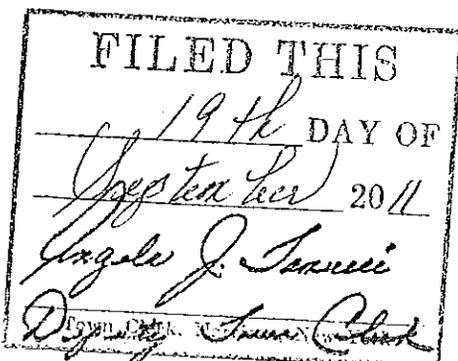
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 4, 2011

2011 - - 265

APPROVAL TO SCHEDULE A PUBLIC HEARING ON AUGUST 25, 2011
TO AMEND CHAPTER 235, SECTION 235-71
ENTITLED "SITE PLAN APPROVAL"

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Village Attorney Robert Paladino for authorization to set the date of August 25, 2011 for a Public Hearing to Amend Chapter 235, Section 235-71 entitled "Site Plan Approval".

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Lucille Held asked for an explanation.

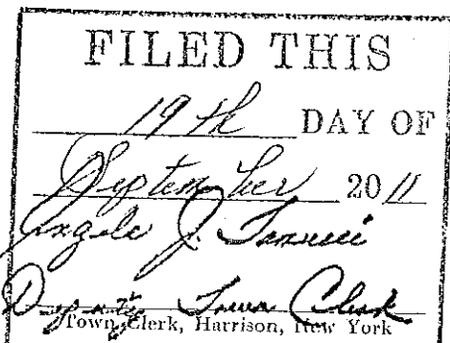
Supervisor Walsh stated that certain matters must go before the Planning Board especially when a retail use wants to expand into the store next door, or if someone wants to put tables on the sidewalk or a platform on the side of their building, currently that goes before the Planning Board. This change will mean it will go to the Building Inspector and if it met the conditions for safety it could be approved by the Building Inspector and not go through the long review process by the Planning Board. The Planning Board has an overloaded calendar. This is a way to expedite for the Planning Board and the applicant.

Mrs. Held asked if this is also about outdoor dining.

Building Inspector Robert FitzSimmons stated that this does not address outdoor dining.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 4, 2011

2011 - - 266

APPROVAL FOR A 270 DAY EXTENSION OF THE TIME TO APPLY
FOR A BUILDING PERMIT

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Seth Mandelbaum, attorney with the firm of McCullough, Goldberger & Staudt, LLP, on behalf of their client Manhattanville College for authorization for a 270 ay extension of the time to apply for a building permit.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector and Mr. Mandelbaum.

Adopted by the following vote:

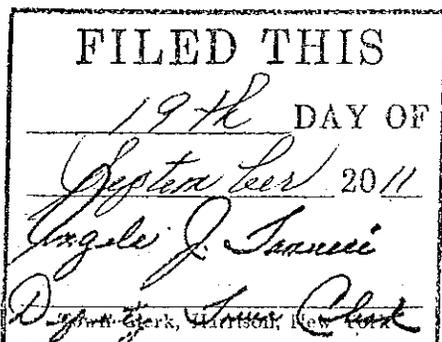
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

___ Assessor
___ Benefits
___ Bldg
✓ Compt'lr
✓ Engrng
✓ Law
___ Police
✓ P. Wrks
✓ Purch'g
___ Recr'tn
✓ Supvs't



August 4, 2011

2011 - - 267

WEST HARRISON RESIDENT RON BELMONT REQUESTED A LOCAL LAW THE
REGULATES THE PLACEMENT OF ELECTION SIGNS

Ron Belmont, resident, addressed the Board, requesting that the Town pass a local law regulating the placement of election signs.

Supervisor Walsh stated that there was a time when a law was adopted by the town board that regulated the placement and duration of signs and it was taken to court and thrown out as it was an infringement on free speech.

Mr. Belmont continued by saying, free speech perhaps, if a property owner wants to put a sign on their property, he has no problem with that, but in a right of way, what gives them the right to put signs on town property. In some areas there are signs every 10, 15 feet that are placed there for political reasons. This also includes school elections.

Councilwoman Amelio agreed with Mr. Belmont. This has been discussed and we were going around picking the signs up.

Village Attorney Robert Paladino stated that after being in court trying to defend the "town sign off" back in the 90's, it was declared unconstitutional. The Town was found guilty and had some fairly financial exposure because of it. He continued by saying that he wasn't suggesting that a "sign" law can't be passed but it would take some time to draft it. He is not sure that a "sign" law is needed to preclude people from placing signs on public property. Free speech prevents people from someone putting a sign on their property. But free speech does not mean that someone can just place a sign. Regulations can be put in, that the law department could draft. It will take some time, but by the time we're done it will be after the November election.

Councilman Cannella stated that there have been attempts from time to time with mediocre success. Mr. Cannella agreed with Mr. Paladino that one has to be careful because this will get knocked out immediately. There's nothing that stops candidates from having discipline, agreeing among themselves that this is what we're going to do and if everyone agrees then there are less signs.

Mrs. Walsh stated that non-local candidates already have their signs posted.

Mr. Belmont if we do have legislation to this effect then all "parties" must be notified. It may not be in time for this election, but for the future.

Ms. Amelio stated that it's also the removal of these signs.

Mrs. Walsh believes that the town can have an ordinance saying the "signs" must be gone, with a penalty.

Town Attorney Frank Allegretti enforcement would be the issue. He will look at the old law for regulating the taking down of "signs."

Chief of Police Anthony Marraccini stated that there may be something already in the Town Law that applies to signage and right-of-ways.

Councilman Cannella stated that he thought the utility poles they belong to the Telephone Company and Con Ed and in the absence of having their consent none could be put there.

Mr. Marraccini replied: correct. His issue is all the tag sales on utility poles that also have rusty staples on them, quite unsightly. The Chief believes that we might have something in town law that gives the town the ability to remove those signs and any signs in right-of-way. It may not require special legislation.

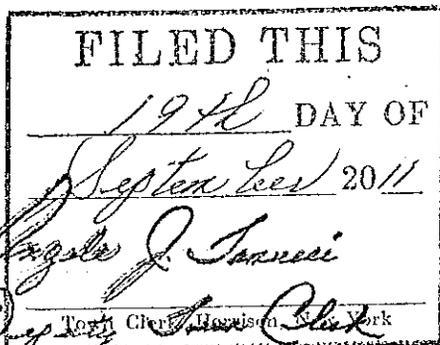
Village Attorney Robert Paladino said that we should learn a little bit of the City of Yonkers relative to a certain newspaper, relative to items that are placed in right-of-ways. Before we start removing signage, let's make sure what happened in Yonkers doesn't happen to Harrison.

Naomi Oppman, resident, stated that banning signs on the public right-of-way is a problem, people are entitled to free speech. She believes there should be some limit as to the length of time signs can remain in any area. Also, the same candidate can't have signs one after the other. She added that at a point in time of putting something up that after 60 days it is considered permanent. Can a law be put into effect that after 60 days it becomes subject to the Building Departments rules and regulations, then, notify the candidate that it has to be removed or the candidate must apply for a building permit.

Councilman Sciliano stated that maybe it could be a gentleman's agreement.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'ln
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'm
- Supvs'r
-



August 4, 2011

2011- - 268

AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE AMENDMENT #2 TO THE
STATE ASSISTANCE CONTRACT #303209
RE: BEAVER SWAMP BROOK

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the Supervisor to execute Amendment #2 to the State Assistance Contract #303209.

FURTHER RESOLVED that;

WHEREAS, The Town/Village of Harrison herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its project communications and attachments for Beaver Swamp Brook Site, Site # B00109, Contract # 303209 herein called the "Project", is desirable, is in the public interest, and is required in order to implement the project; and

WHEREAS, The Environmental Conservation Law (ECL) authorizes State assistance to municipalities for such projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into contract herewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town/Village of Harrison that

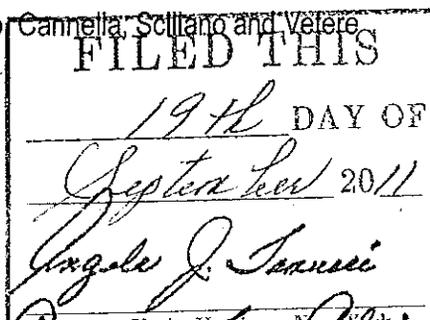
1. The Supervisor/Mayor is the representative authorized to act on behalf of the Municipality in all matters related to this project. The representative is authorized to make application, execute the State Assistance Contract, sign requests for reimbursement and submit Project documentation and otherwise act for the Municipality's governing body in all matters related to the Project;
2. That this Authorization includes, but not be limited to, the scope of work as noted in SAC No. C303209 (including Amendment #2) and SAC No. C304460
3. That the Municipality understands it is responsible for 100% of the eligible incurred costs for the Project in the first instance and must submit appropriate payment requests to be reimbursed 75% of the eligible incurred costs of the Project resulting in the Municipality ultimately funding 25% of the eligible incurred costs;
4. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation
5. That this Authorization take effect immediately

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Scillano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r

August 4, 2011

2011 - - 269 - - a

APPROVAL TO ACCEPT DONATIONS FOR THE JULY 4TH FIREWORKS

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

it was

RESOLVED to accept the following donation for the July 4th Fireworks
Account #001-0000-027-2705:

Anonymous donor \$2,060.52

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

Adopted by the following vote:

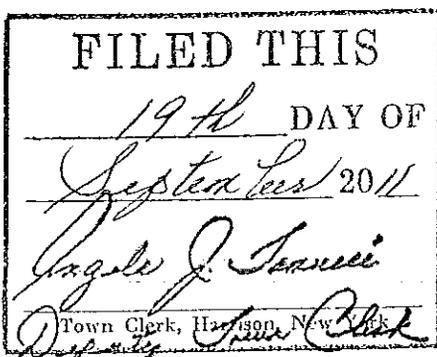
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
 Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 -- 269 -- b
APPROVAL FOR THE BUDGET MODIFICATION

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the following budget modification:

Increase:

001-0000-027-2705 2,061
Gifts and Donations

Increase:

001-7550-100-0410 2,061
Celebrations-Materials and Supplies

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

Adopted by the following vote:

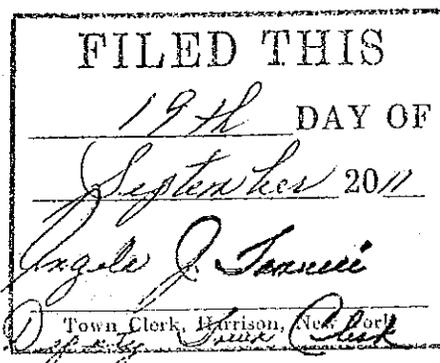
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
 Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 270

APPROVAL OF A BID AWARD TO SWIFTREACH NETWORK FOR
AN EMERGENCY CONTACT PHONE SYSTEM
COST: \$3,250

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the Bid Award to SwiftReach Network, having met all the requirements and specifications for an Emergency Contact Phone System, at their total net bid price of \$3,250 for an unlimited number of messages.

FURTHER RESOLVED that funding is available in Account #001-1900-100-44-07.

FURTHER RESOLVED to authorize the Law Department to prepare the contract and to authorize the Supervisor to execute same.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Purchasing Department and the IT Department.

Adopted by the following vote:

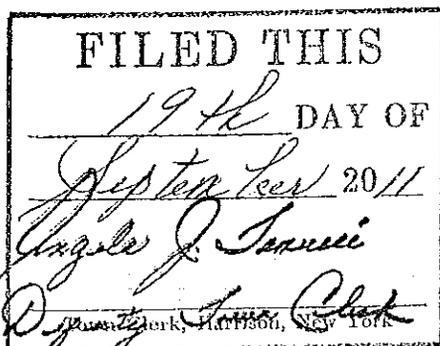
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
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August 4, 2011

2011- - 271

APPROVAL TO JOIN THE NATIONAL JOINT POWERS ALLIANCE
WHICH ALLOWS PARTICIPATING GOVERNMENT AGENCIES TO REDUCE THE
COST OF PROCURING EQUIPMENT AND PRODUCTS THROUGH ACCESS TO
NATIONAL CONTRACT VOLUME PRICING

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Commissioner of Public Works Anthony Robinson for authorization to join the National Joint Powers Alliance (NJPA). A governmental agency which allows participating government agencies to reduce the cost of procuring equipment and products through access to national contract volume pricing.

FURTHER RESOLVED that there is no cost associated with this membership.

FURTHER RESOLVED to authorize the Supervisor to execute the membership agreement subject to Law Department review and approval.

Adopted by the following vote:

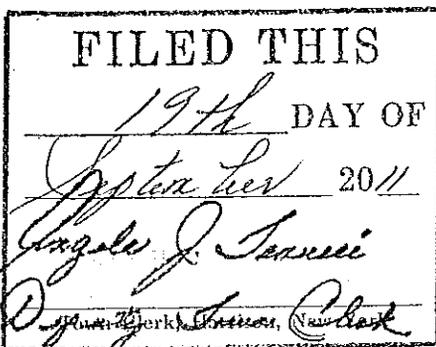
AYES: Councilperson Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'to
- Supvs'r
-



August 4, 2011

2011 - - 272

REFER TO THE LAW DEPARTMENT
THE "NO KNOCK" REGISTRY

Supervisor Walsh stated that by law the Town is not allowed to say no to certain non-profit organizations. They are charities, they have full force of law that they can come to Harrison. We do regulate them; they have to register, tell us the names, ages and social security numbers of those being sent door to door. They have to tell the town what streets they will be soliciting on, however, some times they have extra people or the solicitor gets lost, nor to they always pay attention that they must be gone by dusk. The "No Knock" registry will allow the town to enforce it more closely and save the residents the nonsense.

Town Attorney Frank Allegretti stated that this will have to be done by local law. This will have to be drafted very carefully, with different provisions to be looked at.

On motion of Councilwoman Amelio, seconded by Councilman Vetere,

it was

RESOLVED to refer the "No Knock" registry to the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

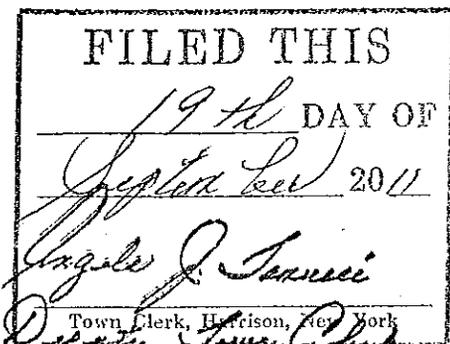
ABSENT: None

Chris Hughes, resident, asked: what does the word solicitor's mean?

Supervisor Walsh answered: people who come to your door, knock or ring bell.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 273

AUTHORIZATION FOR THE INCREASE IN WATER RATES
FROM JULY 1, 2011 THROUGH JUNE 30, 2012
FOR WESTCHESTER JOINT WATER WORKS HARRISON CUSTOMERS.

On motion of Councilman Vetere, seconded by Supervisor Walsh,

it was

RESOLVED to authorize Westchester Joint Water Works to increase the water rates for Harrison residents to 9.75%, including all surcharges, from July 2011 through June 30, 2012.

FURTHER RESOLVED to forward a copy of this Resolution to Westchester Joint Water Works and the Law Department.

Adopted by the following vote:

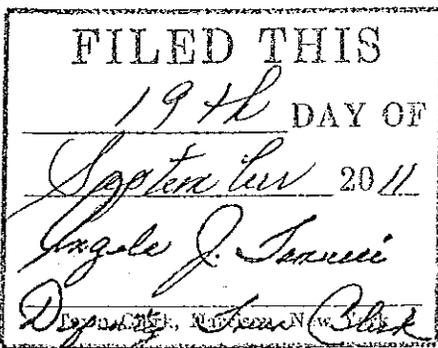
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

Assessor
 Benefits
 Bldg
 Compt'lr
 Engrng
 Law
 Police
 P. Wrks
 Purch'g
 Recr'tn
 Supvs'r



The following resolution was also adopted in the Village.

August 4, 2011

2011 - - 274

APPROVAL TO JOIN THE NATIONAL JOINT POWERS ALLIANCE (NJPA)
WHICH ALLOWS PARTICIPATING GOVERNMENT AGENCIES TO REDUCE THE
COST OF PROCURING EQUIPMENT AND PRODUCTS THROUGH ACCESS TO
NATIONAL CONTRACT VOLUME PRICING

On motion of Trustee Cannella, seconded by Mayor Walsh,

it was

RESOLVED to approve the request of Commissioner of Public Works Anthony Robinson for authorization to join the National Joint Powers Alliance (NJPA). The NJPA is a governmental agency which allows participating government agencies to reduce the cost of procuring equipment and products through access to national contract volume pricing.

FURTHER RESOLVED that there is no cost associated with the membership.

FURTHER RESOLVED to authorize the Supervisor to execute the membership agreement subject to Law Department review and approval.

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

Adopted by the following vote:

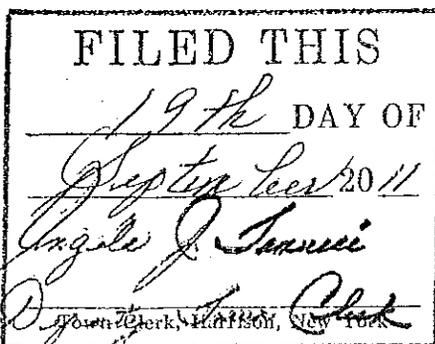
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
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- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 275

REMARKS BY RESIDENTS:

John Katsogradakis, resident, asked who appraises the value of the houses in the Town of Harrison.

Supervisor Walsh: Mark Heinbockel, the Assessor.

Mr. Katsogradakis: there is a big discrimination. There is a house in his neighborhood that the value of the house is a million seven.

Mrs. Walsh asked: who determined that value?

Mr. Katsogradakis answered: he didn't know but it's on the market for a million seven.

Supervisor Walsh stated that the owner has it up for sale for a million seven.

Mr. Katsogradakis: the space for that house is 3,000 square feet. He went on to say that he has a small house and cannot sell his house for more than \$750,000.

Mrs. Walsh: you have not put it on the market? Your opinion is \$750,000.

Mr. Katsogradakis: his square feet is half of the other house and the difference in taxes is \$100,000. That owner is paying a \$1,000 more than what he pays. He further stated that he has a house in Westchester Country Club, more than \$5 million and the town appraised it for \$2 million.

Mrs. Walsh asked who said it was worth \$5 million?

Mr. Katsogradakis answered: he says that's what its worth. How can the Town of Harrison be fair to the people.

Mrs. Walsh answered: you are looking for someone to come and look at every parcel in town and compare. That is called a reevaluation. The Town would hire someone to go house to house. A, it's very expensive and B, is what people have been doing. Property owners have come in and asked for a reassessment of their property. Many are granted, some are not, assessed valuation has gone done considerably, this year alone it went down 1.7%. That is your remedy, coming in and asking for a reassessment of your own property.

Mr. Katsogradakis: what about houses that are 5 million and paying the same as those that are 2 million. The Town is losing money.

Councilwoman Amelio stated that there are a lot of variables that go into that; the location, the condition of the house, the age of the house. You can ask anything you want but it may stop you from selling it, but you can advertise it at any price you want.

Village Attorney Robert Paladino stated that the real solution for this is that the Town Board to authorize a total reassessment of the Town/Village of Harrison, at a cost in excess of a million dollars. He can predict the outcome that 1/3 of the people's taxes will go up, 1/3 will come down and 1/3 will stay the same. One hundred percent of the town will be your enemy. Mr. Calandruccio, the past Assessor said that if you want to fix the problem in the town is to do a full reassessment of the whole town for several million dollars and for several years.

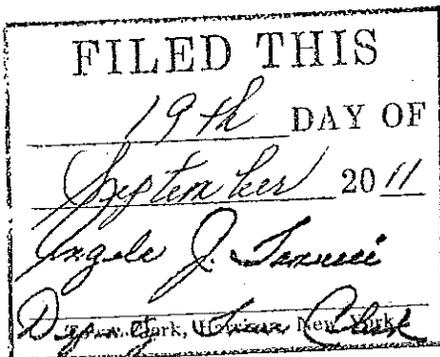
Supervisor Walsh stated that there is a Council of Government that is a county organization and have addressed this problem on a county basis. Last summer they came up with a common assessment card. At some point there will be a county wide reassessment.

Mr. Katsogradakis: who appraises the houses? What is that person's name?

Mrs. Walsh answered: The Assessor, Mark Heinbockel. You can hire your own appraiser and he will tell you what your house is worth.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 276

DISCUSSION: RE: PARKING

Village Attorney Robert Paladino gave the Board members a memorandum that was requested relative to the Law Department and the Police Department's recommendations relative to fixing several parking conditions in the Town.

The first relates to the question about residential parking system. In 1998 obtained NYS Legislature approval by the governor to institute a residential parking system in the downtown part of Harrison, however, that town board and subsequent town board's failed to pass the local law which would have established that. There are other municipalities in the southern Westchester area that have residential parking systems. He believes that this board was asked by the Chief to implement a similar program in the West Harrison area and this board requested that Mr. Paladino talk to the state legislature as to whether the conditions that were contained in the original law passed in 1998 would apply to the new law. The answer is yes. Mamaroneck was the last town to do this in 2009 and the State Attorney General's office advised Mr. Paladino that Mamaroneck represents the standard today. Mr. Paladino believes that there are two provisions that are of concern. One that says, you cannot have any area in front of a commercial establishment or retail establishment, there cannot be residential parking. There is also a requirement in the zone (which ever zone you set up) that in our (the towns) first law its 20% of the spaces and in Mamaroneck its 15% of the spaces would have to be reserved for non residents. However, if you (the board) are inclined to pass a local law; he asked the legislature to pass the local law to implement the residential parking system in West Harrison; we could also ask them to amend the one for downtown, so there would be 15% both in downtown and West Harrison. Also, attached to the memorandum that Lt. DiBuono prepared for Chief Marraccini that sets forth certain proposed changes to the Village law for parking. Mr. Paladino went on to say that the then town board asked Chief Klein to look at merchant parking and after a study they authorized the Chief of Police enforce the two hour parking law for Purdy Street and West Harrison parking lots. Also, he authorized the Chief to issue parking permits to merchants, who could park the entire day, not just two hours, and the rate would be what the rate was for residential parking at the train station. Following the logic and that resolution was never rescinded, theoretically we have a resolution that states that merchants can buy parking permits allowing them to park in town designated spots and they would pay the going rate or \$50 a month, and could park all day in areas that otherwise would be subject to a two hour parking.

Supervisor Walsh stated that she thought that law only applied to the Park Avenue lot.

Mr. Paladino responded that he was under the same impression until he read the memorandum, the resolution also talks about the West Harrison lot. He went on to say that the town has been approached in recent months, permits for residential vehicles during the day and not for commercial vehicles. What we (the town) do not have and the 1982 resolution does not address it, is a limit. For example, one of the questions is, if you want a merchant to have a parking spot do you want to limit the number of spots for any particular merchant. There should be some limitations on that. A recommendation from the Police Department is that we (the town) prohibit the parking of commercial vehicles on the streets of Harrison. Mr. Paladino wasn't sure that

could be enforced. The real issue is the overnight parking in residential areas. The question becomes, do we (the town) want to implement a program that would allow the town to sell parking permits to local businesses that would allow them to park their commercial vehicles in town parking lots, such as Purdy Street lot, West Harrison, behind certain buildings (the Mintzer Center), and allow them to get the vehicles off the street and have them in a centralized spot. Maybe you could also allow spots to be sold at the train station.

Supervisor Walsh stated that there is no room for parking commercial vehicles during the day.

Village Attorney Robert Paladino responded; it's not for during the day. We're talking about parking at night and the vehicle would have to be out of the lot by 6-7 am allowing the commuters to come in.

Councilman Cannella wanted to understand the implementation. If we're to go forward we should ask for 15%. How does that 15% for non residents done? Is it by location?

Mr. Paladino answered: one has to look at the area that's covered by the zone. You take out of that area any parking associated with either retail or commercial.

Mr. Cannella: let's assume we're in a residential zone.

Mr. Paladino: we're not. If you look at the zone that constituted the original Harrison downtown, it included Purdy Street and Halstead Avenue. The original intention was to prevent non residents from parking in the Purdy Street lot. Purdy Street, according to town code is considered to be commercial. Businesses now are putting their employees there and every hour or so they move their vehicles.

Mr. Cannella asked if this could be enforced by amendments to the code; blocking that alternative, enforce it by license plates rather than painting lines in the lot.

Mr. Paladino: the thought was to give permits. We could preclude that and get those cars off the street and into the parking lot. We (the town), the Chief and Lt. DiBuono would look at the entire area and be sure that 15% of them would be no more than 90 minute parking. Not subject to only resident...

Mr. Cannella asked about designation the area by signs.

Mr. Paladino: yes. What you want to do is have these spaces in less attractive areas for people who would otherwise want to park there and take the train.

Mrs. Walsh stated that we would have to have something in front of restaurants...

Mr. Paladino: 90 minutes.

Mr. Cannella: does that count towards the 15%.

Mr. Paladino: yes.

Mr. Cannella: it should fairly easy to satisfy the 15%. He believes we should go forward to see if legislation could be enacted and to reduce the reservation for non resident from 20% to 15% in the existing downtown Harrison statue.

Mr. Paladino: also to pass a similar statue for West Harrison.

Mr. Paladino: asked for a motion from the Board to authorize the Supervisor/Mayor to issue a Home Rule Message.

Supervisor Walsh stated that she has been receiving comments from restaurant owners that the one hour parking limit does not give their patrons enough time to have dinner. Can we make that 90 minutes.

Mr. Paladino: that the Chief can do by asking for a recommendation to the board, asking the board to do that.

Chief of Police Anthony Marraccini believes that they (the police) have been giving the latitude to the establishments in the restaurant district in town. Additionally, for clarification, in some areas we're not looking to make *exclusive* resident parking, there could co-mingle business, it could co-mingle visitors to that area, we're looking to establish a system whereas local residents aren't subject to that 90 minute or the two hour parking limit that's really enacted to prevent commuters from parking there. It's not his intention to make all of Purdy Street residential permit parking all day. It's something that would identify the resident and not burden them with the restrictions.

Mr. Cannella: we have the issue with the main street area

Chief: no doubt about it. That's a separate area. That would end up being overnight parking by permit holders.

Mr. Paladino: we do not need State authorization to manage our own parking lots.

Mr. Cannella: is speaking about main street itself. White Plains has a no on street parking.

Chief: we find that a problem with people living in White Plains parking in Harrison and walking to their homes.

Mr. Paladino: if we implement the residential parking system we could say that residents can park in those areas overnight. He will ask legislation to amend that section of the State Law (V&T Law) to include West Harrison and at the same time ask them to amend the downtown from 20% to 15%. If we implement this program on the street parking, we (the town) can preclude that, we can say its residential parking only, you must have a permit. Also, he asked the board to consider parking behind the Mintzer Center and the area in the Lake Street parking lot. That overnight parking can only be to Harrison residents, area across from the fire department,

can be done without state authorization. First, we have to implement the system, actually issue permits.

Mr. Katsogradakis asked where business owners could park.

Mr. Paladino: he has a business in town and he can have a permit. would the board implement a parking system to local businesses to park their commercial vehicles in town lots in designated areas. If so, would you (the board) agree that the rate should be the same rate as the commuter parking charge, which at this time is \$600 per year.

Supervisor Walsh asked if that makes the town responsible for the sanctity of those vehicles.

Mr. Paladino: he doesn't believe the town has anymore liability than being in the town parking lot than on the street. For overnight parking we should more spaces than we have demand. He asked, what time should the commercial vehicles be out of the lots.

Town Clerk Joseph Acocella stated that the commuters begin arriving at 5:30 am and by 8:15 am the commuter lot is usually full.

Chief of Police Anthony Marraccini concern for overnight parking permits in West Harrison if we allow them to park until a certain hour, do we tow the commercial vehicles. He's looking to enhance the character of the town's more populated areas, downtown Brentwood area the police are seeing similar effects of these commercial vehicles like they see in West Harrison.

Councilman Cannella suggested the board move ahead with the home rule with what we're comfortable with.

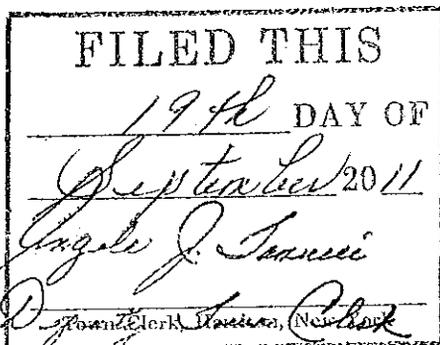
Mr. Paladino responded: there is an immediate issue. There are several commercial vehicles parking in the Purdy Street lot. They're parking overnight. The Chief has been judicious in his enforcement. Do you want him to continue to be judicious, until you resolve the issue.

Supervisor Walsh answered: yes. continue the way it is right now, but there will be an understanding that in the near future there will be a fee for those vehicles that are parking overnight.

Mr. Paladino: after speaking with several people that are parking there overnight have indicated that they would have no problem with what Mr. Paladino proposed this evening.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r



August 4, 2011

2011 - - 277

AUTHORIZATION FOR THE SUPERVISOR/MAYOR TO ISSUE
A HOME RULE MESSAGE

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Supervisor/Mayor to issue a Home Rule Message.

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

Adopted by the following vote:

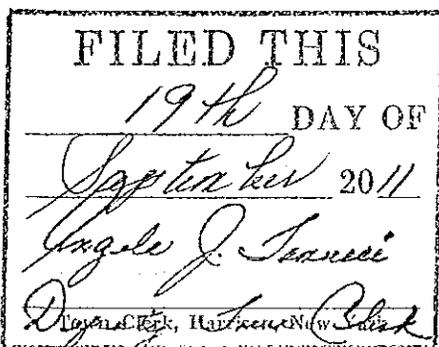
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 278

REMARKS BY RESIDENT NAOMI OPPMAN

As a commuter who takes the train at 6 am, she asked the Board not to let people park in the commuter lot until 7 am.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-

FILED THIS
 19th DAY OF
 September 20 11
 Angela J. Tancini
 Deputy Clerk, Hudson County

August 4, 2011

2011 - - 279

AUTHORIZATION FOR A SERVICE AGREEMENT WITH THE
HARRISON POLICE DEPARTMENT AND THE HARRISON FIRE DEPARTMENT
FOR THE PGA TOUR EVENT

Town Attorney Frank Allegretti stated that between yesterday and today both the Fire Department and the Police Department sent over some proposed agreements with the PGA tour, regarding their event coming up in the next few weeks. It is Mr. Allegretti's belief that they never had or required a written agreement, this is the first time they're requiring it. He looked at it and there are some things that need to be negotiated with the PGA tour because some of the language is not acceptable. Mr. Allegretti requests authorization for a Service Agreement with the Police Department and the Fire Department for the PGA tour event. Further, Mr. Allegretti requests authorization for the Police Chief and Fire Chief to execute same, subject to Mr. Allegretti's review and approval. The Board members asked for a copy.

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize a Service Agreement with the Police Department and the Fire Department for the PGA tour event, subject to Mr. Allegretti's review and approval.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Chief of Police and the Chief of the Fire Department.

Adopted by the following vote:

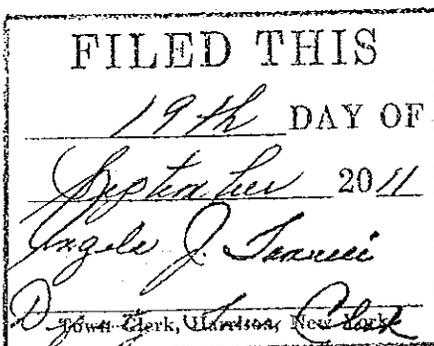
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-



August 4, 2011

2011 - - 280

MATTERS FOR EXECUTIVE SESSION:

Litigation 2
Personnel 3
Contract negotiations 1
Potential litigation 1

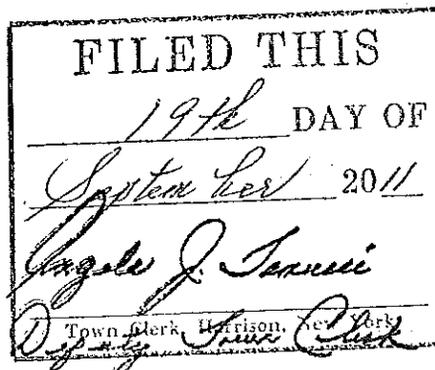
On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 9:15 pm.

On motions duly made and seconded,
with all members voting in favor,
the Meeting was reconvened 10:15 pm.

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 10:15 pm.

Respectfully submitted,

Angela J. Tamucci
Deputy Town Clerk



Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r