

November 16, 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 Wednesday, November 16, 2011, at 7:30 PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan Walsh Supervisor

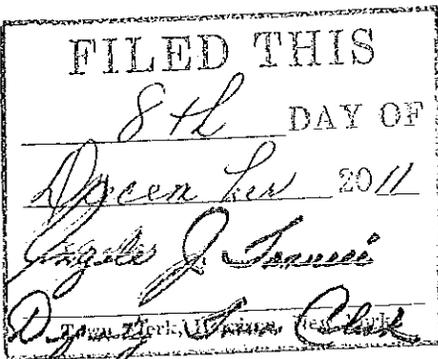
Joseph Cannella)
Fred Sciliano) Councilpersons
Marlane Amelio)
Pat Vetere)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Fred Castiglia Deputy Town Attorney
Robert Paladino Village Attorney
Maureen MacKenzie Comptroller
Anthony Marraccini Chief of Police

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November 16, 2011

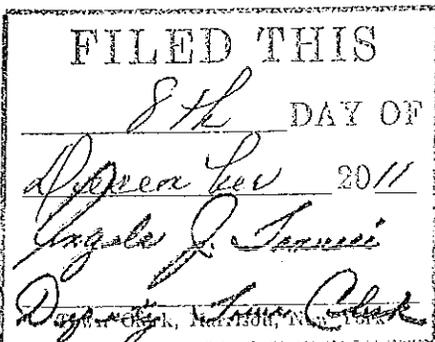
2011 - - 405
ANNOUNCEMENTS

Supervisor Joan Walsh announced that there would be an Interfaith Service tomorrow, November 17, 2011 at 7:30 PM at St. Gregory the Great Church, Halstead Avenue, Harrison. Refreshments will be served following the service.

Anja Port, resident, spoke again about the Community Clean-Up at Veteran's Park, November 19th and 20, 2011. All are welcome to participate. Again, she thanked everyone for their donations.

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November 16, 2011

2011 - - 406

ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the following correspondence and reports:

- 1a. Monthly report by the Town Clerk's Office for October 2011.
- 1b. Monthly report by the Fire Prevention Bureau for October 2011.
- 1c. Monthly report by the Building Inspector for October 2011.
- 1d. Monthly report by the Chief of Police for October 2011.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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FILED THIS

8th DAY OF

December 2011

Angelo J. Scascio

Town Clerk, Harrison, New York

November 16, 2011

2011 -- 407 -- a

PUBLIC HEARING RE: SPECIAL EXCEPTION USE PERMIT
FOR LIFE TIME FITNESS REAL ESTATE COMPANY

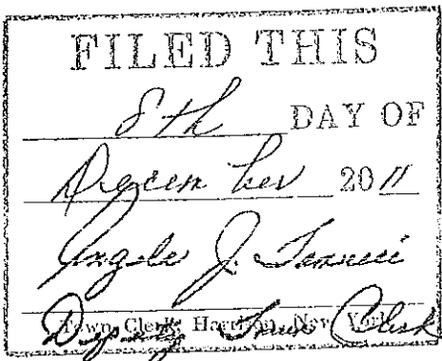
On motion of Councilman Cannella, seconded by Councilwoman Amelio, with all members voting in favor, the Hearing was opened.

Attorney Frank McCullough, with the firm of McCullough, Goldberger & Staudt, spoke on behalf of his client, Life Time Fitness Real Estate Company. He stated that they were before the Board twice this past year in relations to this application and reviewed with the Board their proposed Site Plan for the development of One Gannett Drive, which is the current home of Gannett Satellite Information Services. Gannett, at one time they had their printing and distribution center for their Westchester newspaper plus their corporate offices on this site. The printing and distribution has ceased and the office function has decreased. Life Time plans on demolishing the existing building and build a new 209,000 square foot building, which will be used for fitness and family recreation. In August, 2011 you (the board) adopted a zoning amendment that would allow the proposed fitness facility on this site in the SB-O zone. Prior to the board's action, in July, the Planning Board under the SEQRA regulations adopted a Negative Declaration in relation to this proposal and in September the Planning Board granted Site Plan approval as well as their necessary Wetlands and Steep Slope Permits and made a favorable recommendation in relation to their application for a Special Exception Use Permit. Tonight, we ask that you (the board) ratify that recommendation so that they can move forward. Life Time plans to move ahead with the demolition of the building as soon as they are able to, under their contract with Gannett and starting construction of the new building in 2012 and have occupancy of the building in 2014.

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

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November 16, 2011

2011 -- 407 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR
LIFE TIME FITNESS REAL ESTATE COMPANY
ONE GANNETT DRIVE

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Frank McCullough, attorney with the law firm of McCullough, Goldberger & Staudt, on behalf of their client, Life Time Fitness, for a Special Exception Use Permit, to demolish the soon-to-be vacant Gannett building at One Gannett Drive, and to construct a new facility of approximately 209,000 square feet on the approximately 22.4 acre property.

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

Adopted by the following vote:

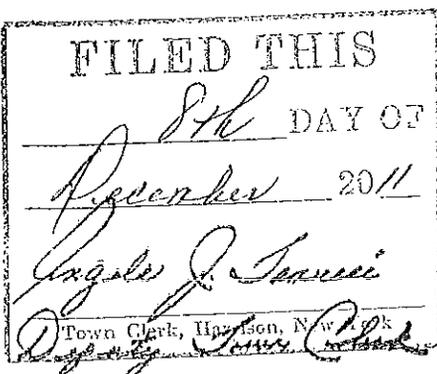
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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November 16, 2011

2011 - - 408 - - a

PUBLIC HEARING RE: SPECIAL EXCEPTION USE PERMIT
FOR JSL, LLC, ACQUA TOTS WESTCHESTER SWIM SCHOOL

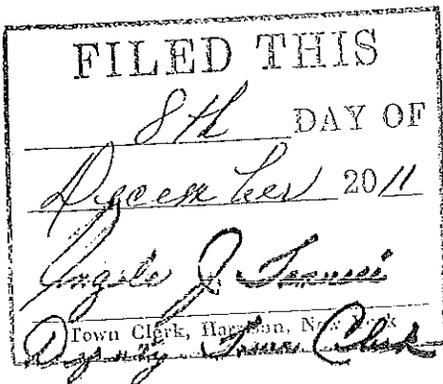
On motion of Councilwoman Amelio, seconded by Councilman Cannella, with all members voting in favor, the Hearing was opened.

Linda Whitehead, attorney with the law firm of McCullough, Goldberger & Staudt, spoke on behalf of their client JSL, LLC, the contract vendee for the property at 45 West Road Oak Lane, within the SB-O zone. She stated that back in October the Planning Board granted a Negative Declaration under SEQRA and approved the Site Plan and the Special Permit. In August they obtained from the Zoning Board of Appeals the necessary variances with respect to this application. This Lot is the last of the old non-conforming single family home lots on West Red Oak Lane. The design for the proposed building is consistent with the building that was built a few years back at 25 West Red Oak Lane. It will be a one-story, approximately 5500 square foot building which will house the Acqua Tots Westchester Swim School, which is a learn-to-swim program for children.

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

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November 16, 2011

2011 - - 408 - - b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR
JSL, LLC (ACQUA TOTS WESTCHESTER SWIM SCHOOL)

On motion of Councilman Vetere, seconded by Councilman Amelio,

it was

RESOLVED to approve the request by Linda Whitehead, attorney with the law firm of McCullough, Goldberger & Staudt, on behalf of their client, JSL, LLC (Acqua Tots Westchester Swim School) for a Special Exception Use Permit in the SB-O Zoning District pursuant to Sections 235-14 and 235-16 of the Zoning Ordinance of the Town of Harrison which allows a secretarial, business, trade or similar school in the SB-O Zoning District. JSL is proposing to construct a new building on the property which would house the Acqua Tots Westchester Swim School, on the property known and designated as Block 622 and Lot 9 on the Tax Assessment Map of the Town of Harrison.

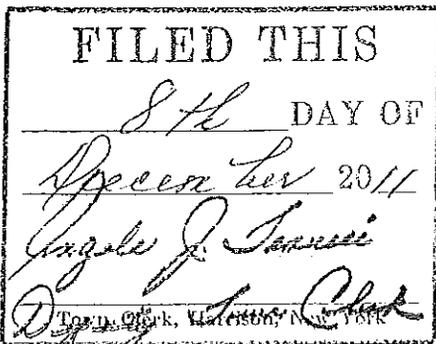
FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Town Engineer, the Commissioner of Public Works and Ms. Whitehead.

Adopted by the following vote:

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

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November 16, 2011

2011 - - 409

PUBLIC HEARING RE: PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE MUNICIPAL HOME RULE LAW, FOR THE PURPOSE OF AMENDING SECTION 235, ENTITLED "DEFINITIONS" HEREBY ADDING A NEW DEFINITION ENTITLED "INDOOR RECREATION FACILITY" CHANGING THE ZONING FOR BLOCK 152 (LOTS 3,8,13,14,16,24 AND 25) FROM EXISTING B-TWO FAMILY ZONE DISTRICT TO GC-GENERAL COMMERCIAL ZONING DISTRICT AS TOWN OF HARRISON LOCAL LAW OF 2011 AND ADDING "INDOOR RECREATION FACILITY" AS PA PERMITTED USE IN THE GC ZONE. THE AFFECTED AREA IS OAKLAND AVENUE AND GRANT AVENUE. THE PUBLIC NOTICE PROPOSED LOCAL LAW OF 2011, AMENDING CHAPTER 235 ENTITLED "ZONING" SECTION 235-4 AND SECTION 235, ATTACHMENT 3 ENTITLED "BUSINESS DISTRICTS TABLE OF USE REGULATIONS" AND AMEND THE ZONING MAP OF THE TOWN OF HARRISON TO REZONE CERTAIN PARCELS

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

Supervisor Walsh explained that this area is in the center of the parcel bounded by Oakland and Park Avenues. There are a number of commercial uses already in there that are non-conforming, according to the current zoning. The Building Inspector has asked that this be made a conforming use so that there aren't any issues every time someone in those buildings wants to make a change.

Paul Noto, Attorney, stated that these properties have been used in a commercial matter probably from the 1960's and the surrounding area has all been commercialized. These property owners were violated last March because the uses there do not conform to the existing residential zone and these properties will not be converted to residential, they have always been commercial and most likely will remain so. This petition was made at the request of the Building Department because by conforming these properties to a proper zone then they can lease the properties, they can use them the way they've been used without getting violated and going forward they won't need variances if they ever want to do anything different with the property. This is a two part application as indicated one of a potential tenant is for a small, indoor, sort of health facility, not a Health Club, but the Town's GC zone would be amended to permit that type of facility which is appropriate in the GC and furthermore the GC is probably the best zone for this area given what it permits and for what's already there. Mr. Noto believes this would be a good planning decision and make it conforming with the existing uses.

Councilman Cannella asked: What kind of indoor recreational facility?

Mr. Noto answered: It's a small, almost like a rehab, by appointment, not a zumba class, no open classes. The potential tenant that had applied in 2006, was approved by the Planning Board, but would have required a variance. The application was withdrawn by the tenant.

Councilman Cannella asked: Did it ever get to the Zoning Board?

Mr. Noto: No

Mr. Cannella asked: Is there a defined term in the Town Code as to what an indoor recreation.....

Mr. Noto: Yes. We defined it as it is in the proposal here; Indoor Facility providing accommodations for organized activity, including, not limited to health and fitness club facility.

Mr. Cannella stated that he did not have his copy in front of him and asked Mr. Noto to slowly repeat what he just stated.

Mr. Noto: Physical activity including but not limited to a fitness club facility and you have Chapter 235, we're adding indoor recreation facility which is defined as he described. It's not similar to what Mr. McCullough previously proposed. It's essentially by appointment only

Mr. Cannella: that's this one. You're changing the code ...

Mr. Noto: that would apply across the board in a GC zone.

Councilwoman Amelio stated that she isn't sure she understands. You (Mr. Noto) said it was for rehab, so is this medical?

Mr. Noto: No, it's not medical facility.

Ms. Amelio: It's personal fitness, one to one.

Mr. Noto: Yes.

Supervisor Walsh: It says individual, so this would be one-on-one all the time. There wouldn't be two or three people.

Mr. Noto: There could be more than one. There wouldn't be large classes. There's no dancing or anything like that. It would be very small. The facility is not large.

Ms. Amelio asked for the size of the area.

Mr. Noto: He stated that it was 8700 square feet and located at 67 Grant Avenue.

Mr. Cannella asked if this was a tenant inside an existing building.

Mr. Noto: No

Mr. Cannella: This is not to legalize a non-conforming use. This is a new use and this would be inside an existing building.

Mr. Noto: Yes.

Councilwoman Amelio asked if the only things in the building is gym apparatus.

Mr. Noto: Yes.

Mr. Mohet from Yorktown Heights stated that he started this business in the year 2000. It's mainly kids oriented, it's not really adult but because kids are in school all day he has to market himself to their parents. You're talking the most being 25 people in the place, at most. Most of the time there will be one-on-one fitness but after school there'll be 5 to 15 kids at a time.

Ms. Amelio: so you're using it as a sports training facility.

Mr. Mohet: there will be sports related items. It's not a sports facility. He (Mr. Mohet) describes it, as more of a private school rather than a public school. It's hands on. You're buzzed in and out. The facility will never be in a phone book. 75% of his clients will be coming to this facility.

Supervisor Walsh asked why do they go to him rather than somebody else?

Mr. Mohet answered: I have been featured in different magazines. He deals specifically with the kid that does not hit the homerun every time. He deals with kids that ... it's all about self esteem. He deals specifically with kids that need their heads being picked up. Its very hands on, self esteem, one-on-one attention.

Mrs. Walsh asked how many employees will Mr. Mohet have.

Mr. Mohet answered: The industry is revolving. Mr. Mohets perfect scenario would be 10 to 12 employees max and to have maybe 4-5 full time employees.

Ms. Amelio: Are they all certified fitness trainers?

Mr. Mohet: All are certified. Mr. Mohet has a method dealing with a life-style. His marketing is parents and doctors or therapists.

Councilman Cannella: once we change the zoning it's available to something that's far different which then would be a permitted use. He continued, asking a legal question, to the extent that the zone then permits an indoor recreational facility, that can be defined as many things, what site plans or other approvals would be necessary to put such a facility in this zone.

Town Attorney Frank Allegretti answered: Planning Board for a Site Plan approval.

Ernie Fiore, resident, stated that he is in the effected area of the zoning. He went on to say that he is not here tonight to talk as a Zoning Board member or to speak on behalf of the Zoning Board. Today, Mr. Fiore consulted with the Chair of the Zoning Board, Mark Fisher, who encouraged Mr. Fiore to speak to the board tonight. He went on to say that he did get the registered letter regarding the proposed recreation facility. He agreed with Mr. Noto that five years ago there was a proposal to put this type of facility there and it went through the Planning

Board and Zoning Board and a variance was granted. He offered Mr. Noto a copy of that decision. Regarding this rezoning proposal, lots 3, 8, 13, 14, 16, 24 and 25. These are all existing B-2 family areas. They are pre-existing non-conforming in the B-2 family zone.

Supervisor Walsh stated that they have commercial buildings on them now.

Mr. Fiore answered: Yes, they are commercial buildings. They reside there as non-conforming for years. Now, the proposal is to change the zoning from the B for these lots to GC. Seemingly, the only reason for doing this is to get that facility in there which was granted five years ago. Why don't they come and do the same thing?

Councilman Cannella stated that the Building Department cited several landowners in this zone, having nothing to do with this facility, because it wasn't there, because the existing uses, there was an issue as to whether the pre-existing non-conforming uses on some had changed or expanded and a series of citations went out back in March 2011. The movement to re-zone this property Mr. Cannella did speak with Mr. FitzSimmons about this when the citations came out and his view was the better thing to do is to re-zone it because an examination could suggest that some of the uses had changed, from left to right, and that potentially they were not "sanctioned pre-existing non-conforming uses."

Mr. Fiore asked if that was a risk, trying to operate in a B-2 zone. You're in the wrong zone. So when you're in violation, when you do something, that's apart from what you've been doing over time, you're going to get cited.

Mr. Cannella: The bigger issue is whether this zone given what it is and what it is likely to remain really ought to be a commercial zone. Avoid this tension and that's the recommendation of the Building Department.

Mr. Fiore responded: it is a B-2 zone. These are commercial buildings residing in a B-2 zone. You re-zone for GC that means any of those buildings can do whatever they want over time. They can put up anything. This same thing, to a larger degree, occurred in 1995, where Harrison wanted to re-zone the entire expanse between Park Avenue and Osborn Road and Oakland and the Beaver Brook itself. People came out protesting. People like myself and some of my neighbors banded together, wanted to fix it up, make it a beautiful place and we got the Town funds to do that. It was our efforts that got the Town of Harrison money through Governor Pataki's Bond Act, Nita Lowey's funds, the County, even Andy Spano contributed to the effort and we were well on our way to do that. There was no commercial re-zoning in the area. We got off to a good start thanks to Phil Marraccini, Ron Bianchi. Things changed. There was suppose to be some type of recreational facility there, that was ten years ago. We know that there are still decisions to made on this site. That brings up the question of the flooding liability on that site. All due respect to the gentleman who wants to put in the facility, it sounds like a nice thing to put in there, we would caution him. The lots that you want to re-zone, you read out lot numbers, does anybody know what those lots are? On the perimeter of Oakland Avenue, you'll see lot 16, that's the Tile Company, currently in a B-zone, the Berlanti Building, currently in a B-zone. There's a little lot on the corner of Glen Oaks Drive and Grant Avenue. There's a trailer on that property, how the trailer got there, Mr. Fiore does not know. If you re-zone that to GC does the trailer still

stay or is that part of the recreation. Why do we need to re-zone that entire block. The issue is the recreation facility. We, the residents, do not agree with it.

Councilman Cannella stated that Mr. Fiore may or may not agree with the Building Department's recommendation but the focus of this application is not the recreation facility, particularly based on what you (Mr. Fiore) just said, which was not known at the time, and that it already has a use variance and it can be put up anyway. The focus is, what is the right categorization of this property in general. This particular facility is not the driving force.

Mr. Fiore responded: there have been times and recently when commercial operations come head to head with residents, the Quarry on Lake, WestMed on Anderson Hill Rd, citizens concerned about what is going on. We're telling you that we (the residents) don't want general commercial zoning in our faces, it is not right. We've been living with the commercial buildings for a long time, we, the houses, were in the area first. It was grandfathered in as operable under the two family zoning. Please, you listen to other people in town, listen to us, we (the residents) don't want it!

Mr. Roy Aletti, resident, stated that he is across the street from this suggested change and would like to understand that if it's currently a 2-family B-zone existing, and non-conforming commercial, which is there, and we've lived with nice low commercial buildings, that are not that disruptive to the area, if that zoning is changed, because the way it is now, if those buildings were knocked down, they could not rebuild commercial, they would have to be 2-family or residential or whatever. This would be agreeable because at the other end businesses have been cleared out, there's a field, and we're kind of on the right run to make it residential. Should the zoning change, and it is zoned commercial, in layman terms, should these existing non-conforming commercial buildings get knocked down, they could build even bigger structures or try to. This would be his main concern.

Mr. Cannella answered: It is conceivable.

Mr. Aletti: So why couldn't we pinpoint this one particular

Mr. Cannella asked Mr. Noto to comment. Mr. Cannella continued saying that they might have to create another zone. If you can take a snapshot.

Mr. Noto said that anything you could do in a GC zone.

Mr. Cannella suggested that we continue.

Mr. Noto asked if he could amend this petition ...

Mr. Cannella asked if he had gone to the Planning Board.

Mr. Noto answered yes. They (the Planning Board) voted unanimously and sent it back to the Town Board.

Councilman Cannella stated that Mr. Noto come back at an unspecified date. There is a lot of work to be done.

Mr. Noto said that essentially to create a new zone. It would only relate to this property.

Mr. Cannella: and relate to the type of uses that are there now.

Supervisor Walsh stated that it would continue for the properties to exist but not to expand.

Mr. Noto, the potential for height

Mr. Cannella said that the simple way of doing this is to take pictures.

Mr. Noto stated that he would take a look at the Town Code.

Supervisor Walsh asked: will you continue it on December 15th?

Mr. Noto yes.

Mr. Cannella asked Mr. Noto to bring in the use variance.

Mrs. Held: what about the parents and children which have to go to this building.

Councilwoman Amelio answered that there is a large parking lot for this building.

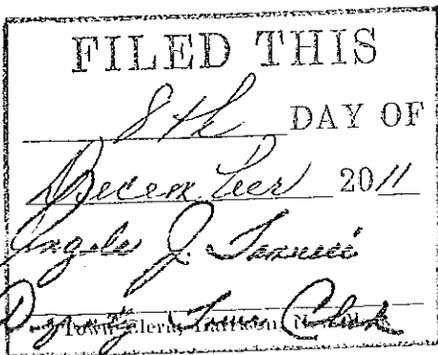
Mr. Cannella stated that they will still have to go for a Site Plan approval

Mrs. Held was opposed to this.

On motion of Councilman Cannella, seconded by Councilwoman Amelio, with all members voting in favor, the Hearing was adjourned until December 15, 2011.

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November 16, 2011

2011 - - 410 - - a

PUBLIC HEARING RE: RENOVATION TO THE EXISTING CART BARN/PRO SHOP &
MINOR CART PATH ALTERATIONS, WITH NEW DRAINAGE ON THE PROPERTY OF
BRAE BURN COUNTRY CLUB

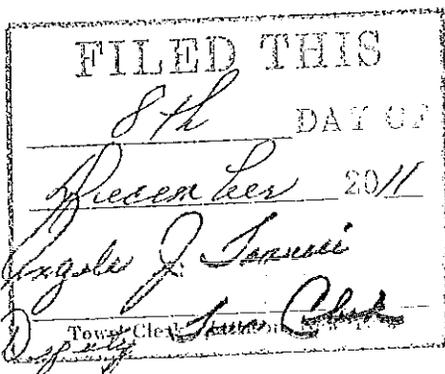
On motion of Councilman Cannella, seconded by Councilwoman Amelio, with all members voting in favor, the Hearing was opened

Architect William Simmons, spoke on behalf of his client, Brae Burn Country Club, showed a drawing renovating the building because of a fire. It will look more like the clubhouse that was recently renovated.

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

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November 16, 2011

2011 -- 410 -- b

APPROVAL FOR THE SPECIAL EXCEPTION USE PERMIT FOR THE RENOVATION TO THE EXISTING CART BARN/PRO SHOP & MINOR CART PATH ALTERATIONS, WITH NEW DRAINAGE ON THE PROPERTY OF BRAE BURN COUNTRY CLUB

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of William Simmons, Architect, on behalf of his client Brae Burn Country Club, for authorization for a Special Exception Use Permit, that pursuant to Section 235-14, 235-16 and 235-17 of the Zoning Ordinance of the Town of Harrison to allow the following renovations to the existing Cart Barn/Pro Shop & Minor Cart Path Alterations with new drainage on property more specifically known and designated as Block 951, Lot 7 & 14.2 on the Tax Assessment Map of the Town of Harrison.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commission of Public Works and Mr. Simmons.

Adopted by the following vote:

AYES: Councilperson Amelio, Cannella and Vetere
Supervisor Walsh

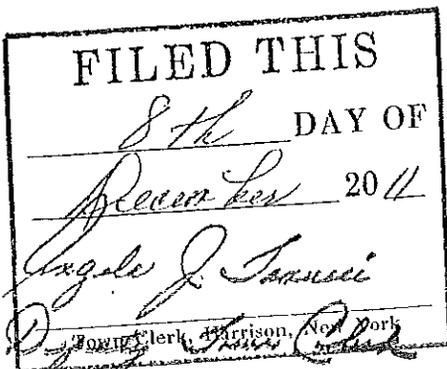
ABSTAINED: Councilman Sciliano

NAYS: None

ABSENT: None

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November 16, 2011

2011 -- 411 -- a

PUBLIC HEARING – RE: A SPECIAL EXCEPTION USE PERMIT FOR
A GENERATOR ON THE PROPERTY SPECIFICALLY KNOWN AND
DESIGNATED AS BLOCK 631, LOT 25

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

With no one speaking for or against the Hearing was closed.

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- P. Wrks
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FILED THIS
8th DAY OF
December 20*11*
Angela J. Scarsci
Town Clerk, *Angela J. Scarsci*

November 16, 2011

2011 -- 411 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR
A GENERATOR ON THE PROPERTY SPECIFICALLY KNOWN AND
DESIGNATED AS BLOCK 63, LOT 25

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Tanyia Summa, Property Administrator for George Comfort & Sons, on behalf of their client, OCC Purchase, LLC, for a Special Exception Use Permit for a generator on the property more specifically known and designated as Block 631, Lot 25 on the Tax Assessment Map of the Town of Harrison.

FURTHER RESOLVED that this Special Exception Use Permit received a Negative Declaration of the State Environmental Quality Review Act.

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

Adopted by the following vote:

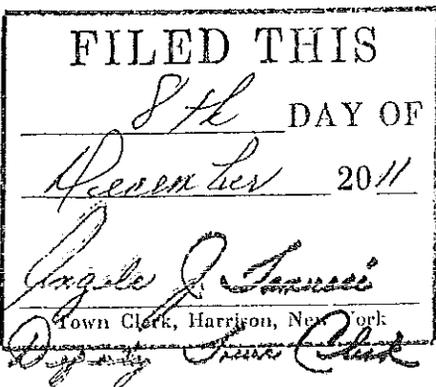
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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November 16, 2011

2011 -- 412 -- a

APPROVAL FOR TOWN ENGINEER MICHAEL AMODEO AND
ASSISTANT ENGINEER FRANK BALBI TO ATTEND
A CONTINUING EDUCATION SEMINAR,
PROFESSIONAL ETHICS AND ENGINEERING LIABILITY

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request of Town Engineer Michael Amodeo for authorization for himself and Assistant Engineer Frank Balbi to attend a Continuing Education Seminar, Professional Ethics and Engineering Liability, on Wednesday, November 30, 2011, at a cost of \$30 per person.

FURTHER RESOLVED that funding for this seminar is available in the Engineering Department operating budget account #001-1490-100-0415 (Schooling).

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

Adopted by the following vote:

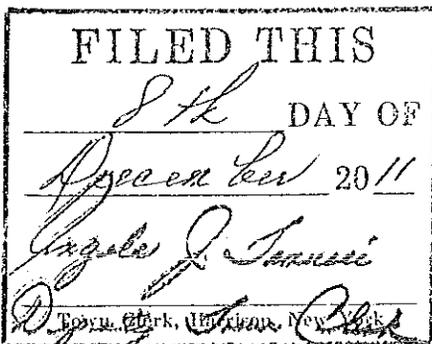
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 -- 412 -- b

APPROVAL FOR TOWN ENGINEER MICHAEL AMODEO TO ATTEND
A CONTINUING EDUCATION SEMINAR,
CIVIL ENGINEERING AND SURVEYING LAND LAW

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request of Town Engineer Michael Amodeo to attend a Continuing Education Seminar, Civil Engineering and Surveying Land Law, on Wednesday, December 14, 2011, at a cost of \$259.

FURTHER RESOLVED that funding for this seminar is available in the Engineering Department operating budget account #001-1490-100-0415 (Schooling).

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

Adopted by the following vote:

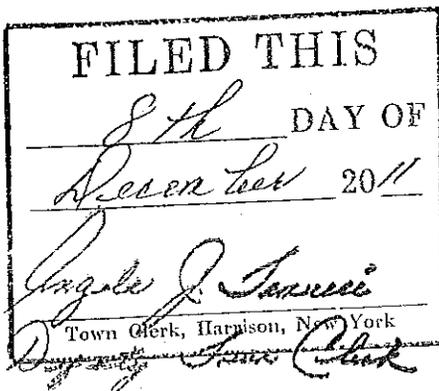
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 413

APPROVAL TO AWARD THE RFP FOR CONCESSION AT BELMONT POOL AND
GUAGNINI PARK TO WESTCHESTER FOOD SERVICE AND
TO HARRISON CATERERS

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Purchasing Clerk Marie Bailey for authorization to award the RFP Concession to the following:

- Award the RFP for Belmont Pool to Westchester Food Service
- Award the RFP for Guagnini Park to Harrison Caterers

FURTHER RESOLVED to authorize the Law Department to prepare the contract, which the Supervisor is authorized to execute.

FURTHER RESOLVED to forward a copy of this Resolution to the Superintendent of Recreation, the Comptroller 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
- Compt'lr
- Engng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
-

FILED THIS
8th DAY OF
December 20*11*
Angelo J. Sansone
 Town Clerk, Harrison, New York

November 16, 2011

2011 - - 414

APPROVAL FOR THE ADDITIONS TO THE
RECREATION PART TIME AVAILABILITY LIST

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Superintendent of Recreation Gerry Salvo for authorization for the following additions to the Recreation Part Time Availability List:

<u>NAME</u>	<u>HOURLY RATE</u>
Tyler LaBarbera	\$7.00
Michael Scappaticci	\$8.50/11.00 LG

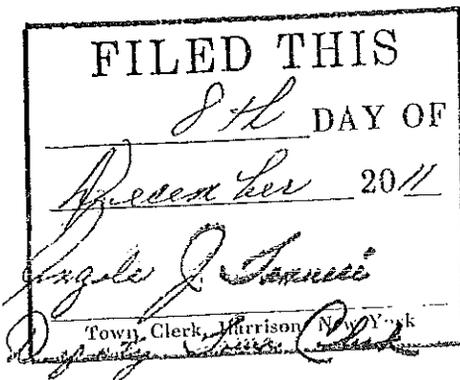
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Recreation of Superintendent.

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
-



November 16, 2011

2011 - - 415

APPROVAL FOR THE BUDGET MODIFICATION

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Comptroller Maureen MacKenzie for the following Budget Modification:

Increase:

001-0000-020-2680 976
Town-Insurance of Recoveries

Increase:

001-5182-100-0410 976
Street Lighting-Material and Supplies

Monies received from Chubb Insurance Company for the damages to a light pole at 88 Stonewall Circle, West Harrison, NY, on March 17, 2011.

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
- Engng
- Law
- Police
- P. Wrks
- Purch'g
- Reer'tn
- Supvs'r

FILED THIS
8th DAY OF
December 20 *11*
Angela J. Januzzi
 Town Clerk, Harrison, New York
Deputy Town Clerk

November 16, 2011

2011 - - 416

APPROVAL TO SCHEDULE A PUBLIC HEARING
RE: 2012 PRELIMINARY BUDGET

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to schedule a Public Hearing RE: 2012 Preliminary Budget for the Town of Harrison on Thursday, December 1, 2011.

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
- Engng
- Law
- Police
- P. Wrks
- Purchg
- Recr'tn
- Supvs'r

FILED THIS
8th DAY OF
December 2011
Angela J. Tancos
 Town Clerk, Harrison, New York

November 16, 2011

2011 -- 417

APPROVAL FOR A COLLABORATIVE AGREEMENT BETWEEN
NYS DEPARTMENT OF HEALTH BUREAU OF EMERGENCY MEDICAL SERVICES
AND THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Village Attorney Robert Paladino for authorization for a Collaborative Agreement between NYS Department of Health Bureau of Emergency Medical Services and the Town of Harrison.

FURTHER RESOLVED to authorize the Chief of Police to sign said Agreement as Chief Executive Officer on behalf of the Town/Village of Harrison.

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

Adopted by the following vote:

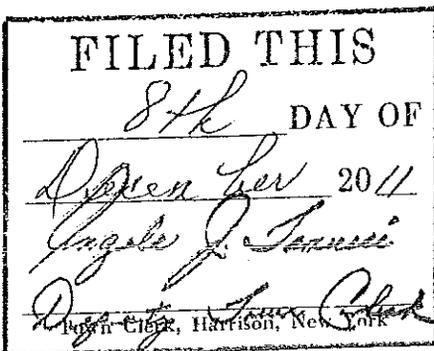
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 418

APPROVAL TO RESCIND TBR #2011-402 RE: SETTLEMENT OF TAX CERTIORARI
IN THE MATTER OF JPMORGAN CHASE
AND TBR #2011-403 RE: SETTLEMENT OF TAX CERTIORARI
IN THE MATTER OF 500 MAMARONECK AVENUE

Town Attorney Frank Allegretti stated that these were previously settled and its waiting for School Board approval

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to rescind the following Town Board Resolution's RE: Settlement of Tax Certioraris:

1. Rescind TBR#2011-402 – settlement of tax certiorari in the matter of JPMorgan Chase
2. Rescind TBR#2011-403 – settlement of tax certiorari in the matter of 500 Mamaroneck Avenue.

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

Adopted by the following vote:

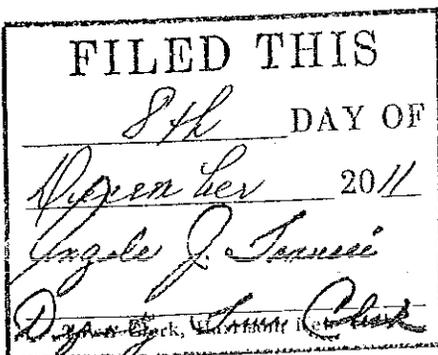
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 419

APPROVAL TO EXTEND THE PREVIOUSLY CONFIRMED
SPECIAL EXCEPTION USE PERMIT FOR
A PERIOD OF NINETY DAYS RE: WESTMED MEDICAL GROUP

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Attorney Anthony Gioffre, with the law firm of Cuddy & Feder, on behalf of their client WESTMED Medical Group, 210 Westchester Avenue, for authorization to extend the previously confirmed Special Exception Use Permit for ninety days.

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

Adopted by the following vote:

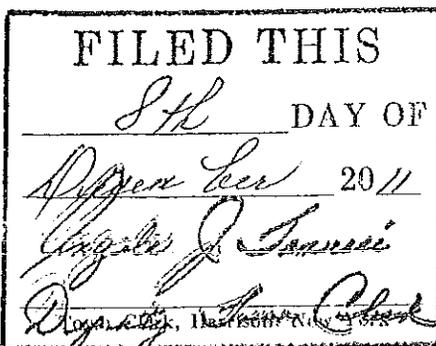
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 420

ADJOURNED TO EXECUTIVE SESSION: LETTER BY TOWN ENGINEER MICHAEL AMODEO INFORMING THE BOARD OF NOTIFICATION BY THE CITY OF RYE'S APPLICATION TO CONSTRUCT A NEW SLUICE GATE AND MAINTENANCE FACILITY AT THE BOWMAN AVENUE SPILLWAY ON BLIND BROOK

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to adjourn the matter to executive session.

Adopted by the following vote:

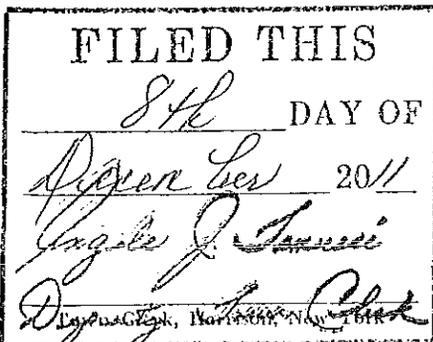
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 421

REAFFIRMATION OF THE TOWN'S OWNERSHIP OF THE SEWER LINE
LOCATED IN GANNETT DRIVE

Town Attorney Frank Allegretti stated that a letter has been sent to Mr. McCullough.

Copies to:

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

FILED THIS
8th DAY OF
December 2011
Angela J. Tausasi
Town Clerk, Harrison, New York

November 16, 2011

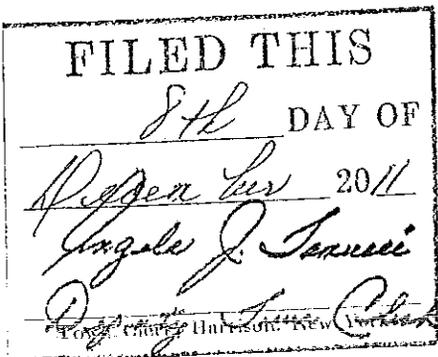
2011 - - 422

MATTERS FOR EXECUTIVE SESSION:

Personnel	2
Settlement of claim	2
Advice of counsel	2

Copies to:

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



November 16, 2011

2011 - - 423

APPROVAL TO RESCIND THE CAR POLICY AND
EXTEND THE USAGE OF TOWN OWNED VEHICLES
TO DPW EMERGENCY FOREMEN MARCH 31, 2012

Councilman Sciliano stated that during the recent storm he found that it was difficult for the Department of Public Works emergency foremen to get to the town garage due to the circumstances.

Mr. Sciliano asked to rescind the car policy from November until March 31, 2012.

Councilwoman Amelio asked if it should be extended to April 2012.

Mr. Porto asked how many vehicles.

Supervisor Walsh answered to those individuals who live within the town.

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to rescind the car policy and extend the usage of Town owned vehicles to DPW emergency foremen until March 31, 2011.

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

Adopted by the following vote:

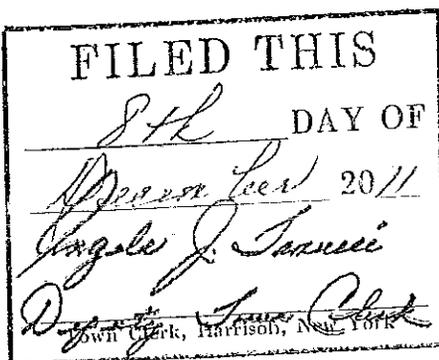
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 424

REMARKS RE: THE PUBLIC HEARING
RE: THE PRELIMINARY BUDGET

Town Attorney stated that there are suppose to be changes, additions, revisions to the Tentative Budget between now and the Public Hearing for the Preliminary Budget. Then, that becomes the Preliminary Budget.

Supervisor Walsh responded that that's not how it works.

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Works
- Purch'g
- Rec'n
- Sup'rs

FILED THIS
8th DAY OF
December Year 2011
Angelo J. Tancini
 Town Clerk, Harrison, New York

November 16, 2011

2011 - - 425

LETTER READ BY STEVE MALFITANO
FROM AN ANONYMOUS DONOR

Steve Malfitano, resident, read the following letter into the record.

An open letter to my fellow Harrison residents
From: An anonymous donor to the Harrison Food Pantry

It has been my good fortune in life to be able to face my breakfast table every morning without wondering if there will be anything to eat. Nor do I have to wonder if my children will have supper tonight.

I am all too well aware that many of our Harrison neighbors cannot say the same.

How about you? Have you ever had to wonder, literally, where your next meal is coming from?

Have you ever wondered what it must feel like to stand in a food line, hoping the food won't run out before there is something on your child's plate?

We are fortunate in this area to be able to help our less fortunate residents because of the fantastic dedication of the team at the Harrison Food Pantry. This week alone, the Pantry was called upon to feed *three hundred people*. And the cupboard was almost bare.

Since 1998 I have written a check to the Pantry every month. This week I have made a personal commitment to double my donation because the need to feed the hungry is so acute. I urge you to join me in this commitment.

Please, please, fellow residents, consider making a contribution to the Pantry every month, in whatever amount you can, but make it a commitment, not a promise or a pledge. Make it your first check you write every month.

However much it is, make it something the Pantry can count on consistently. Whatever it is \$5, \$10, \$20, \$50, \$100 or more, ever dollar counts!

It is appalling that in this country, the wealthiest in the world, one in six citizens goes to bed hungry at night. *Let us be able to say, "Not in Harrison."*

Please join me in making sure that at least in our community, no one has to go hungry tonight because the Harrison Food Pantry has nothing left in its cupboard.

On motion duly made and seconded, with all members voting in favor, the Meeting was recessed at 8:41 PM.

On motion duly made and seconded, with all members voting in favor, the Meeting was re-convened at 9:30 PM.

Copies to:

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

FILED THIS
17th DAY OF
December 2011
Angela J. Tancini
 Deputy Town Clerk
 Town Clerk, Harrison, New York

November 16, 2011

2011 -- 426 -- a

APPROVAL OF THE APPOINTMENT OF MARIA D. VALDEZ TO THE POSITION OF
DEPUTY COURT CLERK WITH MANAGEMENT STATUS,
EFFECTIVE DECEMBER 1, 2011

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to appoint Maria D. Valdez to the position of Deputy Court Clerk, with Management Status, effective December 1, 2011, at an annual salary of \$78,000.

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

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
8th DAY OF
December 2011
Angela J. Sannici
Town Clerk, Harrison, New York

November 16, 2011

2011 -- 426 -- b
APPOINTMENT OF MARIA D. VALDEZ
AS DEPUTY COURT CLERK

On motion of Councilman Vetere, seconded by Councilwoman Amelio, it was

RESOLVED to approve the appointment of Maria D. Valdez to the full time position of Deputy Court Clerk with Management Status, at the annual salary of \$78,000, effective December 1, 2011;

FURTHER RESOLVED, that with respect to this appointment Deputy Court Clerk Maria D. Valdez shall be eligible for membership in the Health Insurance Plan; as attached

FURTHER RESOLVED, that for the first fifteen (15) years of employment with the Town, Deputy Court Clerk Maria D. Valdez shall contribute twenty-five (25%) percent of the total annual cost of the health insurance coverage;

FURTHER RESOLVED, that commencing on the sixteenth (16) year of employment and thereafter, the Town of Harrison shall assume the full obligation for the cost of such health insurance;

FURTHER RESOLVED, that such health insurance shall cease if Deputy Court Clerk Maria D. Valdez is no longer employed by the Town of Harrison and it shall cease upon her reaching Medicare age;

FURTHER RESOLVED, that Deputy Court Clerk Maria D. Valdez shall not be entitled to nor eligible for health insurance coverage upon her retirement under the New York State Retirement System;

FURTHER RESOLVED, that as Management, Deputy Court Clerk Maria D. Valdez shall follow the vacation policy established for the CSEA;

FURTHER RESOLVED, to forward a copy of this Resolution to the Court Clerk, the Town Attorney, the Personnel Manager and 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'r
 - Engrng
 - Law
 - Police
 - P. Wrks
 - Purch'g
 - Rec'n
 - Supvs'r
 - Court Clerk

FILED THIS
8th DAY OF
Decem 2011
Angelo J. Scarsci
 Deputy Court Clerk
 Town Clerk, Harrison, New York

November 16, 2011

2011 - - 427

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

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim in the matter of Turco v Town of Harrison in the amount of \$127.00.

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

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

FILED THIS
 8th DAY OF
Deven Lee 2011
Angela J. Tancosi
 Town Clerk, Harrison, New Jersey

November 16, 2011

2011 - - 428

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

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim in the matter of Link v Town of Harrison in the amount of \$142.98.

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

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

Adopted by the following vote:

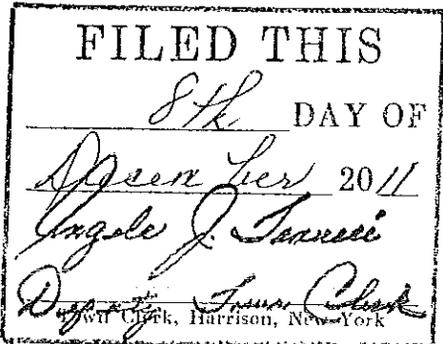
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



November 16, 2011

2011 - - 429

AUTHORIZATION TO CHANGE THE TOWN CLERK'S SALARY
FROM \$84,297 TO \$97,126

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to change the Town Clerk's salary as stated in the 2012 Tentative Budget from \$84,297 to \$97,126. The salary had been reduced in the Tentative Budget. This change will restore the salary to the amount that would reflect a 3% raise over the 2011 budgeted salary.

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

Adopted by the following vote:

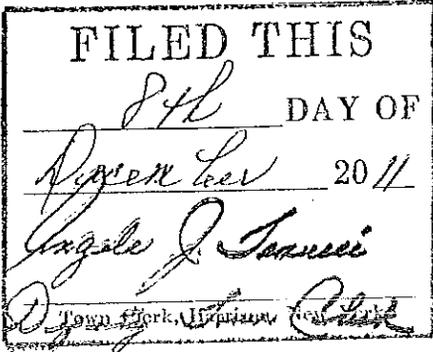
AYES: Councilpersons Amelio, Cannella and Sciliano

NAYS: Councilman Vetere and Supervisor Walsh

ABSENT: None

Copies to:

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



November 16, 2011

2011 -- 430

APPROVAL FOR SUPERVISOR JOAN WALSH TO SEND A LETTER TO THE CITY OF RYE STATING THE TOWN OF HARRISON'S CONCERNS RE: THE CITY OF RYE'S APPLICATION FOR SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A NEW SLUICE GATE AND MAINTENANCE FACILITY AT THE BOWMAN AVENUE SPILLWAY ON THE BLIND BROOK

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Town Engineer Michael Amodeo for authorization for Supervisor Joan Walsh to send a letter to the City of Rye stating the Town of Harrison's concerns regarding the City of Rye's application for site plan approval for the construction of a new sluice gate and maintenance facility at the Bowman Avenue Spillway on the Blind Brook.

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

Adopted by the following:

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

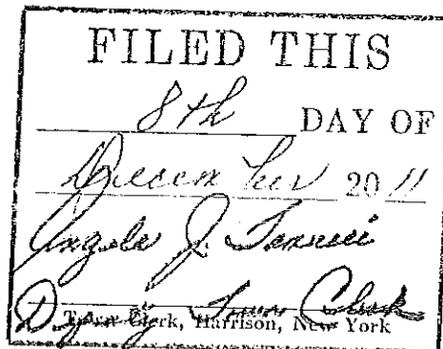
NAYS: None

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 9:30 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
- ___