May 1, 2014

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, New York, Westchester County, on Thursday May 1, 2014 at 7:30 PM. Eastern Standard Time. All members having received due notice of said meeting.

MEMBERS PRESENT:

Ronald Belmont . . . . . Supervisor

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

ALSO ATTENDING:

Frank Allegretti . . . . . Town Attorney
Jonathan Kraut . . . . . Village Attorney
Christopher Cipolla . . . . . Deputy Village Attorney
Maureen MacKenzie . . . . . Comptroller

FILED THIS
9 DAY OF
May 2014
Jacqueline Greer
Town Clerk, Harrison, New York

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May 1, 2014

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PRESENTATION OF CERTIFICATE OF ACHIEVEMENT BY SUPERVISOR BELMONT AND THE TOWN BOARD TO HIGH SCHOOL STUDENT MATT RUBE FOR GAINING NATIONAL RECOGNITION IN THE SPORT OF COMPETITIVE ROCK CLIMBING

Supervisor Belmont presented a Certificate of Achievement to Matt Rube who is an 11th grader and IB Diploma Candidate at Harrison High School. When he's not at school or playing the trumpet or baritone horn in the High School band, he can usually be found rock climbing; Matt has achieved national recognition in the sport of Competition Climbing. This March he placed 5th in the U.S. for his age group in Bouldering at the U.S. Youth National Championships in Colorado Springs. Bouldering is a form of rock climbing that involves no harnesses or ropes and requires strength, balance, technique and problem solving skills. Matt will be representing Team U.S.A. at the Pan American Youth Championships in Puebla, Mexico in November.

May 1, 2014

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PRESENTATION OF CERTIFICATES OF ACHIEVEMENT BY SUPERVISOR BELMONT AND THE TOWN BOARD TO THIS YEARS MAYOR'S CHOICE AWARD RECIPIENTS

Supervisor Belmont presented Certificates of Achievement to the following students: James Duffelmeyer (Preston School), Matthew Fertig (Purchase School), Jacee Cappelli (Harrison High School) and Claire Furio (School of the Holy Child). These students were 2014 Mayor's Choice Award recipients.

May 1, 2014

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the following correspondence and reports:

1. Monthly report by the Receiver of Taxes for March 2014
2. Monthly report by the Building Inspector for March 2014
3. Monthly report by the Acting Fire Marshal for March 2014
4. Monthly report by the Town Clerk for March 2014
5. Monthly report by the Superintendent of Recreation for March 2014
6. Monthly report by the New Rochelle Humane Society for March 2014
7. Monthly report by the Commissioner of Public Works for March 2014
8. Monthly report by the Chief of Police for March 2014

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

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PUBLIC HEARING RE: CHAPTER 169 "LANDLORD REGISTRY"

Village Attorney Kraut circulated a red-line version of the proposed Landlord Registry that interposed some of the comments made at the last meeting in the draft. The revisions were not published because if there needs to be changes again it would have to be republished. He requested the Board review the new draft and if they have questions or comments let the law department know and hopefully at a future meeting, if you hold the meeting opened, we can incorporate any additional comments into that final version then advertise it.

Councilman Sciliano said he heard many comments on this, both pro and con. Residents on both sides of the issue made good points. He hoped that others would weigh in so that the Board could reach an equitable decision. He reiterated his past feelings that this is a quality of life issue. It is important for everyone to give the Board their comments so we can put this into action and satisfy our residents.

Councilman Malfitano motioned to keep the hearing open and carry it to the next meeting. Councilman Cannella seconded it.

On motion of Councilman Malfitano, seconded by Councilman Cannella, with all members voting in favor, the hearing was continued until the May 15, 2014 Town Board Meeting.

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May 1, 2014

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APPROVAL OF LOCAL LAW NO. 1 OF 2014 AMENDING CHAPTER 201 ENTITLED "STREETS AND SIDEWALKS" ARTICLE III, SECTION 201-22, "OBSTRUCTIONS, PROHIBITED, EXCEPTIONS" AND AMENDING CHAPTER 47 ENTITLED "APPERANCE TICKETS", SECTION 47-2, D. "PUBLIC SERVENTS AUTHORIZED TO SERVE APPERANCE TICKETS"

Village Attorney Kraut said essentially this was a deficiency in a law that was highlighted this past winter; the additional language that was inserted to prevent people from discharging water onto the public roadway, which during the winter months needs enforcement. We had some spots where road crews from the town were going out every night to salt were people continued to eject water onto the roadway. We did not have anything in our code specific to this so that is what the change is for. Subject to any comments from anyone we would ask you, the Board, to adopt it.

Harrison resident Anja Porto asked the Board if this was going to be grandfathered in to the people that already have it going into the street so they don't have to change it. How is that going to work? Is everybody going to have to change it?

Supervisor Belmont said correct all residents will be required to cease draining water into the street.

Councilwoman Amelio made a motion to close the public hearing. Councilman Malfitano seconded.

Councilman Cannella made a motion to adopt the proposed legislation amending Chapter 201 and Councilman Malfitano seconded.

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to approve A Local Law amending Chapter 201 entitled "Streets and Sidewalks," Section 201-22, "Obstructions prohibited; exceptions" and Chapter 47 entitled "Appearance Tickets" Section 47-2. D., "Public servants authorized to serve appearance tickets," in the Town Code of the Town of Harrison as follows:

§ 201-22. Obstructions prohibited; exceptions.

No person shall obstruct or encumber any street, sidewalk or other public place with any article or thing whatsoever, and any obstruction or encumbrance on said street, sidewalk or public place shall be removed therefrom by the police under the direction of the Superintendent of Highways, but this section shall not be construed to authorize the

removal of any such obstruction or encumbrance necessarily incident to the work of regulating, grading, paving or repaving any street or public place or the doing of any public work, nor to any obstruction or encumbrance permitted by the Superintendent of Highways or by any ordinance or resolution of the Town Board provided that the regulations and conditions of such ordinance or resolution or the contract under which the work is being performed shall be fully complied with; nor shall this article be construed so as to prevent the moving or removing of any article in the course of trade or business or for the use of any family from or to any building when the same shall be moved or removed without unnecessary delay and so as to leave a passage both on the sidewalk for pedestrians and on the carriageway for vehicles to pass or repass; nor shall the same be construed so as to prevent the loading or unloading of passengers from any public or private conveyance or such vehicles waiting a reasonable time for such purpose. It shall be a violation of this Chapter for any person, firm or entity to pipe a sump pump, roof or footing drains, or other water source, directly onto or directed from a point source towards or onto the streets, sidewalks or rights of way.

Section 47-2. Public servants authorized to serve appearance tickets.

D. Commissioner of Public Works and the respective managers and foremen of the Highways and Streetlighting Division, Code Enforcement Officer, Sanitation Division and Parks and Building Maintenance Division: streets, highways, roads, sidewalks, garbage, refuse, recycling or waste, maintenance and rehabilitation of all park facilities and building owned or leased by the town and village.

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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9 DAY OF
May 2014
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May 1, 2014

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AUTHORIZATION TO ADD ASHLEY ROBINSON TO THE PART TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Personnel Manager Debra Scocchera for authorization to add Ashley Robinson to the part time availability list at an hourly rate of $12.00, effective immediately.

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, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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May 1, 2014

2014 - - 167

AUTHORIZATION TO ADD RICHARD DIBUONO TO THE PART TIME AVAILABILITY LIST FOR RECREATION

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Personnel Manager Debra Scocchera for authorization to add Richard DiBuono to the part time availability list for recreation at an hourly rate of $12.00, effective immediately.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

2014 - - 168

ACCEPTANCE, WITH REGRET, OF LETTER OF RETIREMENT FROM DETECTIVE STEPHEN BARONE

Supervisor Belmont said we accept this resignation with regret. Stephen was a wonderful policeman in the detective division.

Councilman Malfitano said that Stephen did a phenomenal job as a detective who was assigned at one point to a drug enforcement unit. His service to the Town was remarkable so it is always sad to see people that worked hard and served the community leave us but we also understand that the time comes and we have to do these things and move on. I recognize his service.

On motion of Councilwoman Amelio, seconded by councilman Cannella,

it was

RESOLVED to accept, with regret, the letter of retirement from Detective Stephen Barone, effective May 23, 2014.

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

Adopted by the Following vote:

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

NAYS: None

ABSENT: None

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9 DAY OF
May 2014
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May 1, 2014

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APPROVAL TO APPOINT THOMAS HAYNES AS A NEW MEMBER OF THE ARCHITECHTURAL REVIEW BOARD

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to appoint Thomas Haynes as a new member of the Architectural Review Board for a three (3) year term, effective May 1, 2014.

FURTHER RESOLVED to forward a copy of this Resolution to the Architectural Review Board.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

2014 - - 170

AUTHORIZATION FOR LIEUTENANT VITO CASTELLANO, SERGEANT JOHN VASTA AND SERGEANT MICHAEL DILAURIA TO ATTEND THE TASER INSTRUCTOR RECERTIFICATION COURSE BEING HELD AT THE WESTCHESTER COUNTY POLICE ACADEMY IN VALHALLA, NY

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization for Lieutenant Vito Castellano, Sergeant John Vasta and Sergeant Michael DiLauria to attend the Taser Instructor Recertification course being held at the Westchester County Police Academy in Valhalla, NY.

FURTHER RESOLVED that the cost will be $175 per instructor. This is a budgeted item.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

2014 - - 171

APPROVAL FOR ADDITIONS TO THE 2014 RECREATION PART TIME AVAILABILITY LIST

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Personnel Manager Debra Scocchera for additions to the 2014 Recreation part time availability list.

Name	Hourly Rate
Christian Cosentino	$7.75
Steven D'Ippolito	$7.00
Joseph Salerno	$12.00

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS 9 DAY OF May 2014

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May 1, 2014

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APPROVAL FOR THE SPECIAL EVENTS PERMIT FOR THE CHURCH OF ST. ANTHONY OF PADUA TO HOLD THEIR 45TH ANNUAL FESTA

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Building Inspector Robert Fitzsimmons on behalf of St. Anthony's Parish for a Special Events Permit to hold their Annual Festa on the following dates:

Friday, June 6th	6 PM to 12 Midnight
Saturday, June 7th	5 PM to 12 Midnight
Sunday, June 8th	2 PM to 10 PM

FURTHER RESOLVED that a town employee must operate the following:

- The Town's electric cart
- The Large Cherry Picker

FURTHER RESOLVED to hold a procession through the streets of West Harrison, after the 2:00 PM mass on Sunday June 8, 2014, beginning at approximately 2:30 PM, starting at the Church.

FURTHER RESOLVED for the Town to help in hanging the banners and for the support of the sanitation staff and the use of a sanitation truck for the weekend.

FURTHER RESOLVED to grant the services of the Police Department.

FURTHER RESOLVED that any fees associated be waived.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

2014 - - 173

AUTHORIZATION FOR THE SUPERVISOR TO SIGN THE DRAINAGE EASEMENT BETWEEN ALFRED & SUSAN CULLIFORD AND THE TOWN/VILLAGE OF HARRISON AND THE DRAINAGE EASEMENT AGREEMENT BETWEEN ROBERT & REGINA MENSCH AND THE TOWN/VILLAGE OF HARRISON

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Village Attorney Jonathan Kraut for authorization for the Supervisor to sign the Drainage Easement Agreement between Alfred & Susan Culliford and the Town/Village of Harrison and the Drainage Easement Agreement between Robert & Regina Mensch and the Town/Village of Harrison.

FURTHER RESOLVED to forward a copy of this Resolution to the law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

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AUTHORIZATION FOR A BUDGET MODIFICATION

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for a budget modification.

Increase:

001-1110-100-0250 Town Justice-Equipment Fixed Asset	$20,950

Increase:

001-0000-030-3019 Town State Aid-Justice Court Grant	$20,950

JCAP grant monies received for purchase of new computers for the Court Clerk's office as well as various security improvements.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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9 DAY OF
May 2014
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May 1, 2014

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AUTHORIZATION FOR THE LAW DEPARTMENT TO REVIEW AND THE SUPERVISOR TO SIGN THE STANDARD OWNER/ARCHITECT AGREEMENT FOR HARRISON FIRE DISTRICT #2

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the Law Department to review the Standard Owner/Architect Agreement for the renovations to Harrison Fire District #2.

FURTHER RESOLVED to authorize the Supervisor to sign the Agreement

FURTHER RESOLVED that upon return of Agreement we pay Architect the retainer fee as indicated in article 11 of the Agreement.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Chief of Fire District #2.

Adopted by the following vote;

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

NAYS: None

ABSENT: None

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✓ Fire District #2

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AUTHORIZATION TO SIGN THE AGREEMENT WITH AUCTIONS INTERNATIONAL AND TO AUCTION TWELVE (12) VEHILCES

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Coordinator of Computer Services Michael Piccini for authorization to sign the Agreement with online auction company Auctions International.

FURTHER RESOLVED to auction twelve (12) vehicles using Auctions International, at no cost to the Town.

Vehicle	Vin #
1997 554G Loader	DW544GD559416
1999 Dodge Pickup	3B7KF26Z8XM551518
2000 Chevy Pickup	IGCGK24R2YR178
1999 Ford Ranger	1FTZEI5X6XTA58003
2002 Ford Ranger	IFTZRI5E02TA68209
1997 Mack DM 688S	IM2B224C7VM004139
1997 Mack DM 688S	IM2B224C3VM004140
2003 Mack DM 69OP	1M2P263C93M034285
2002 Mack RD 690P	1M2P263C42M033687
1997 Ford F350	IFDKF38F9VEB36375
John Deere 935	Ride on Mower with Agrimetal Leaf Blower
John Deere 1200A Bunker Rake/Field Machine	M01200A928297

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS 9 DAY OF May 2014

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May 1, 2014

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AUTHORIZATION FOR SHIELD AND CROSS MOTORCYCLE CLUB TO CLOSE OFF CROTONA AVENUE FROM HOLLAND STREET TO WEBSTER AVENUE ON JUNE 1, 2014 FROM 12:00 PM TO 4:00 PM TO HOLD A BBQ TO BENEFIT A CHILD WITH CYSTIC FIBROSIS

On motion of Caouncilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Louis Spizzirro of Shield and Cross Motorcycle Club for authorization to close off Crotona Avenue from Holland Street to Webster Avenue on June 1, 2014 from 12:00 PM to 4:00 PM for the purpose of safely parking motorcycles. The club is sponsoring a ride and a BBQ at Off The Grid, 73 Crotona Avenue, to benefit a child with Cystic Fibrosis.

FURTHER RESOLVED that a Certificate of Insurance will be submitted.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Clerk, the Commissioner of Public Works and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS 9 DAY OF May 2014

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✓ Town Clerk

May 1, 2014

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AUTHORIZATION FOR A BUDGET TRANSFER

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for authorization for a budget transfer.

Increase:

001-1110-100-0250 Court Clerk Fixed Assets	$3,800

Decrease:

001-1110-100-0407 Court Clerk Special Services	$3,800

To transfer available funds from Court Clerk Special Service Budget Line to Court Clerk Fixed Assets Budget Line to cover the cost of the installation of bulletproof transaction windows that came in $3,800 higher than the grant from New York State.

FURTHER REQUESTED to forward a copy of this Resolution to the Comptroller and the Court Clerk.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

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APPROVAL TO SET A DATE OF MAY 15, 2014 FOR A PUBLIC HEARING RE: LINCOLN LANE DRAINAGE DISTRICT

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Deputy Village Attorney Christopher Cipolla for approval to set a date of May 15, 2014 for a Public Hearing Re: Lincoln Lane Drainage District.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 1, 2014

2014 - - 180

AUTHORIZATION FOR THE DIRECTOR OF COMMUNITY SERVICES TO ACCEPT DONATIONS TO THE HARRISON FOOD PANTRY

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

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

Anonymous Donor	$50
Pamela Dwyer Stockton in memory of Dr. Philip Marraccini	$100
Anonymous Donor	$500
Anonymous Donor	$2000

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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May 20 14
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May 1, 2014

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ADOPTION OF DETERMINATION AND FINDINGS

RE: 4 PURITAN ROAD, RYE, NY 10580

Village Attorney Kraut asked to address this. As the Board recalls, with regards to the eminent domain procedure law hearing that the Board held, following the close of the hearing, pursuant to section 204 of the eminent domain procedure law, within a 90 day period the Town needs to make findings. At the last Town Board meeting I did circulate to the Board some proposed findings. The principal facts that need to be included in the findings is a determination by this Board as to the existence or not of a public use benefit or purpose to be served by the condemnation of the project contemplated, also the approximate location of the proposed public project and the reason for selecting that location as opposed to any other. Lastly the general affect of the proposed project on the environment and residents of the locality, which obviously could be positive or negative, depending on the Board's prospective. We did prepare findings, which a couple of Board members made comments and they have been incorporated. The determinations and findings, once the Board adopts them, will then be published and advertised. Following that there will be a procedure where the Town will place an evaluation on the easement. The condemnation encompasses a temporary easement for construction to dig the trench and put the pipe in. Afterwards it will be restored to its natural condition. Following that the Town will have a permanent easement, which will allow us, as the case may be, to maintain it. According to our Engineering Department, once this is installed properly there isn't much to do; water goes down hill. In any event, if the Board has any questions on the proposed findings, I'd be happy to answer them. I would ask that if the Board is going to adopt them that it is a type 2 action and therefore would be incorporated into your findings.

Councilman Cannella made a motion that we adopt the findings and Councilman Malfitano seconded it. A roll call vote was taken.

Village Attorney Kraut said for the record the official map of the area is incorporated in square footage in the text of the determinations and findings but the appropriated exhibits, which you already accepted during the Public Hearing, Exhibits D and E will be incorporated as the map drawings.

Councilman Sciliano asked Village Attorney Kraut if there was any more input from the landowner. At the meeting two months ago he indicated he was willing to work with his engineer and our Town Engineer.

Village Attorney Kraut said he has not but will continue pursuant to 301 of the eminent domain proceedings law to, at all stages, continue to make every reasonable effort, to coordinate some resolution of this with the property owner.

May 1, 2014

2014 - - 181 (continued)

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to adopt the Determinations and Findings as set forth herein with respect to the property 4 Puritan Road Rye, NY 10580, as follows:

DETERMINATIONS AND FINDINGS:

A Public Hearing was held at the Alfred F. Sulla, Jr. Municipal Building, One Heineman Place, Harrison, New York on March 20, 2014, in accordance with the provisions of Article 2 of the New York State Eminent Domain Procedure Law ("EDPL") in connection with the proposal by the Town of Harrison to acquire by condemnation an easement over certain land necessary to install, construct and maintain stormwater infrastructure (collectively, the "Project").

The Town Board of the Town of Harrison has reviewed this matter pursuant to the State Environmental Quality Review Act (SEQRA), the Town Board declared itself to be the lead agency and, having deliberated and reviewed the matter deems it to be a Type II action and does hereby issue a negative declaration of environmental significance.

At the hearing the public was provided with information concerning the public use, benefits, and purposes to be served by the Project, the Project's location, and reasons for the selection of that location in addition to other facts pertinent to the Project. The hearing provided ample opportunity for the public and the condemnee to comment upon the Project. The condemnee was present and commented during the hearing. The Chief of Police testified as to the Public Safety concern. All testimony and comments received, the Town of Harrison's Project plans and all exhibits and other documents have been reviewed, made part of the record and afforded full consideration.

Pursuant to EDPL § 204, and having given due deliberation and consideration to the complete hearing record, the Town of Harrison makes the following determination and findings concerning the proposed Projects:

In order to permit the completion of the Project it is necessary to acquire an easement over the land to complete the Project situated in the Town of Harrison on 4 Puritan Road, Rye, New York known and designated on the Town of Harrison Tax Map as Block 604, Lot 33, (the "Subject Property"). The proposed Easement Area, comprised of approximately 4,450 square foot permanent easement and approximately 6,810 square foot temporary easement as depicted on the Proposed Condemnation Easement Plan, attached hereto, (collectively the "Easement") is owned by and forms part of the parcel of land designated on the Town of Harrison Tax Assessment Map as Block 604, Lot 33, which is also commonly known and referred to as 4 Puritan Road, Rye, New York. The Town Board will pay just compensation to the owners of the Subject Property as just compensation for its taking of this easement.

The public use, benefit and purpose to be served by the Project is to improve drainage and stormwater disposal off of Pilgrim Road. The Project is necessary because presently a serious and dangerous flooding condition on Pilgrim Road continually threatens the health, safety and welfare of residents. Acquiring an easement across the Subject Property is necessary for the purpose of construction and installation of the Project which will be required to pass through the Subject Property and will allow for drainage of waters that flood Pilgrim Road and the Project will provide significant public benefit. The chosen location for the Project is the most practical and cost-effective inasmuch as gravity and distance are optimal in that location. Only by acquiring easement rights across the Subject Property can this Project be reasonably accomplished.

Accordingly, based on due consideration of the foregoing, it is determined that the Town of Harrison should acquire an easement on a portion of the Subject Property as depicted in the Proposed Condemnation Easement Plan attached hereto, by exercise of its power of Eminent Domain in order to facilitate the Project.

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

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Councilwoman Marlane Amelio	VOTING	AYE
Councilman Joseph Cannella	VOTING	AYE
Councilman Stephen Malfitano	VOTING	AYE
Councilman Fred Sciliano	VOTING	AYE
Supervisor Ronald Belmont	VOTING	AYE

The Resolution was thereupon declared duly adopted.

FILED THIS
9 DAY OF
May 20 14
Jacqueline Greer
Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 182

OLD BUSINESS RE: THE QUARRY

Harrison resident Glenn Daher spoke regarding the Lake Street Quarry. One of the things brought up at the last meeting was contaminates. I don't believe that you, Mr. Belmont, were Mayor at the time the DEC had gone over and found visual contaminates on the property and they were fined for that. There was no soil test done so we really don't know what's in the soil as far as contaminates. We do know that the water runs into the wetlands. This is a concern to us; we don't know where it is going as far as ground water. Many of us have wells in this area.

Supervisor Belmont said just for the record your well is way above.
Harrison resident Glenn Daher I would assume; I don't know where it is dug down to.

Councilman Sciliano said correct me Village Attorney Kraut if I am out of line but I remember a couple of years ago that this was a concern and the DEC came out and approved a drainage plan that they had proposed and there was separate consultant involved in this.

Village Attorney Kraut said he didn't know the specific history of the DEC. I do know that the DEC did approve certain stormwater modifications to the property and that is going back several years.

Harrison resident Glenn Daher said he wanted to reiterate some things. The noise and how loud it is; the dust and the possibilities of illness; and the fumes that come in our homes.

Harrison resident Joseph Surace addressed the Board. I couldn't believe that people were asking, at the last town board meeting, what was the size of the mountain of rubble. The pile is higher in the last two years then it has been. Someone asked how much rubble was there and how we could keep track of it. I know you have an engineering department and I'm wondering if you plan on doing anything to figure out how much is there and when you do you need to then go back next month and measure again. Also what are you going to do to contain the dust? Does anyone have a plan?

Supervisor Belmont said we do have some things in the works. We will have someone stationed there starting tomorrow until deemed not necessary any longer. It will be monitored during the day.

Harrison resident Joseph Surace asked what were the actual hours of operations for this place? When should I call?

Village Attorney Kraut answered by saying if you observe someone coming in and dumping fill material at any time call the Police Department. I want the call on file. I've heard from some of the people that are here tonight that regardless of what the hours are, or aren't, that there is dumping going on at all hours . We want records of that.

Harrison resident Joe Surace asked Village Attorney Kraut what the legal hours of operation there is.

Village Attorney Kraut said we have a dispute over whether or not he can legally operate so I'm not going to go on the record to say what I think his legal hours are because I'm taking a position that's adverse to that.

Harrison resident Joe Surace said if he is having someone pick up topsoil at 7:00 am in the morning, should I call? Is 7:00 am too early to conduct business?

Village Attorney Kraut said I'm primarily concerned with materials being dumped in there because if the problem is getting smaller that would be a good thing, if the problem is getting bigger that's a bad thing.

Harrison resident Joe Surace said what is going on across the street with all that blacktop.

Village Attorney Kraut said he didn't want to comment further then saying that I was up there personally along with folks from our enforcement area of the building department today and it is an issue that we are aware of and will be dealing with it. I don't want to say more then that.

Harrison resident Lucille Held said that three years ago she got up there and said that with all of our police cars there was no reason that we could not assign one to stay on that property night and day. How can we not help these people, who have the right to be happy, safe and secure in their home.

Supervisor Belmont said this has been going on for many years, years before he was Supervisor, I care and I'm going to get to the bottom of this.

Councilman Malfitano said if it was that simple it would be done. The lack of response, to a large extent, has everything to do with litigation; litigation that continues to go on and if it were so simple it would have been done. Please don't think for one minute that there is anyone sitting up here who doesn't understand the severity of the issue and would like to see it fixed.

May 1, 2014

2014 - - 182 (continued)

Harrison resident Sam Fanelli said he had one question. I know there was a court preceding today that got adjourned. I want to know when the next court proceeding for the Lake Street Quarry on the 18 summons has been set.

Town Attorney Allegretti said in two weeks on May 15th.

Village Attorney Kraut said the reason it was adjourned was not on consent of the people. Their attorney filed with a court, an affidavit of actual engagement, pursuant to law. He is on trial in Federal Court. The rules of procedure required the Judge sitting on the case here to adjourn the case. I want the record to be clear.

Harrison resident Jimmi Pritchard said she was under the impression from when the lawsuit was finalized in court that the plaintiff had 60 days to reopen it in White Plains. We went way past that; is this the same plaintiff? Do you remember that? It was on the bottom of the papers?

Village Attorney Kraut asked Harrison resident Jimmi Pritchard when you say "the papers" what papers are you talking about. I would have to see the papers you are talking about before I comment on it and if there were a procedural aspect to an adversary cases that they had not followed properly it certainly would not be something that I would comment on in a public meeting.

Harrison resident Jimmi Pritchard said everybody has access to the papers, they are on line. It was the lawsuit that the decision came out publicly in May 2013. At that point the court said you have 60 days to re-file on this or open with the courts in White Plains. Is he filing a new lawsuit? What was adjourned today?

Village Attorney Kraut said what was adjourned today was a proceeding on violations here in Town Court. I think you are mixing two different proceedings.

FILED THIS
9 DAY OF
May 2014
Jacqueline Greer
Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 183

MATTERS FOR EXECUTIVE SESSION

Personnel: 3
Litigation: 4
Advice of Counsel: 1
Contract Negotiation: 2
Collective Bargaining: 2

FILED THIS 9 DAY OF May 2014

Jacqueline Green

Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 184

AUTHORIZATION FOR THE SUPERVISOR AND THE CHIEF OF POLICE TO EXECUTE A LAST CHANCE AGREEMENT CONCERNING DICIPLINARY ACTION WITH POLICE OFFICER STEVEN PALAIS

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the Supervisor and the Chief of Police to execute a Last Chance Agreement concerning disciplinary action with Police Officer Steven Palais.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS
9 DAY OF
May 2014
Jacqueline Green
Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 185

AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE THE MEMORANDUM OF AGREEMENT WITH CIVIL SERVICE EMPLOYEE ASSOCIATION LOCAL, 1000

On motion of Councilman Scilaino, seconded by Councilman Malfitano,

it was

RESOLVED to authorize the Supervisor to execute the Memorandum of Agreement with Civil Service Employee Association, Local 1000, pending final approval from the Law Department and ratification by the Union.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS
9 DAY OF
May 2014
Jacqueline Greer
Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 186

AUTHORIZATION TO RAISE CAP OF LEGAL FEES IN THE MATTER OF GENTILE V. TOWN OF HARRISON

On motion of Supervisor Belmont, seconded by Councilwoman Amelio,

it was

RESOLVED to raise cap on legal fees to $75,000 in the matter of Gentile v. Town of Harrison.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS
9 DAY OF
May 2014
Jacqueline Green
Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 187

AUTHORIZATION TO SETTLE CLAIM IN THE MATTER OF ENSIGN V. TOWN OF HARRISON

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to settle the claim in the matter of Ensign v. Town of Harrison in the amount of $487.47.

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

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS
9 DAY OF
May 2014
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Town Clerk, Harrison, New York

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May 1, 2014

2014 - - 188

AUTHORIZATION TO SETTLE THE CLAIM IN THE MATTER OF ALLSTATE INSURANCE COMPANY A.S.O. CAPILLO V. TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to settle the claim in the matter of Allstate Insurance Company a.s.o. Capillo v. Town of Harrison in the amount of $21,402.06.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

FILED THIS
9 DAY OF
May 2014
Jacqueline Green
Town Clerk, Harrison, New York

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