A regular meeting of the Village Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Thursday November 3, 2016 at 7:30 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:
Ronald Belmont . . . . . Mayor

Marlane Amelio... . . . .)
Stephen Malfitano.....)
Fred Sciliano.....). . . . .Trustees
Joseph Stout.....)

ALSO ATTENDING:
Frank Allegretti.....Town Attorney
Nelson Canter.....Deputy Town Attorney
Mike Olsey.....Acting Chief/Lieutenant

November 3, 2016

V - - 2016 - - 098

APPROVAL OF PURCHASE ORDER #362995 ISSUED TO JIM MORONEY'S INC. FOR (4) ROAD KING MOTORCYLCES

On motion of Trustee Sciliano, seconded by Trustee Malfitano,

it was

RESOLVED to approve the request by the Purchasing Department to issue Purchase Order #362995, issued to Jim Moroney's Inc., for (4) Road King Motorcycles in an amount of $82,664.00. The breakdown is as follows:

(4) 2017 Police FLHP Road King Motorcycles	$27,166/ea	=$108,664
Trade-in value of (4) FLHP Road King Motorcycles		($26,000)
Total purchase order amount		$ 82,664

FURTHER RESOLVED that Funding is available in Police Capital Budget 14PO15 and 15PT08, account #006-3120-100-98-70.

FURTHER RESOLVED to forward a copy of this Resolution to the Acting Chief of Police, Purchasing Department and the Treasurer.

Adopted by the following vote:

AYES: Trustees Amelio, Malfitano, Sciliano and Stout
Mayor Belmont

NAYS: None

ABSENT: None

ABSTAIN: None

FILED THIS
9th DAY OF
November 2016
Jacqueline Greer
Town Clerk, Harrison, New York

November 3, 2016

V - - 2016 - - 099

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR PHASE II OF THE MA RIIS PARK IMPROVEMENT PROJECT

On motion of Trustee Malfitano, seconded by Trustee Stout,

it was

RESOLVED to approve the request by Village Engineer, Michael Amodeo, for authorization for the Purchasing Department to advertise and receive bids for Phase II of the Ma Riis Park Improvement Project.

FURTHER RESOLVED to forward a copy of this Resolution to the Village Engineer and the Treasurer.

Adopted by the following vote:

AYES:	Trustees Amelio, Malfitano, Sciliano and Stout Mayor Belmont
NAYS:	None
ABSENT:	None
ABSTAIN:	None

FILED THIS
9th DAY OF
November 2016
Jacqueline Greer
Town Clerk, Harrison, New York

November 3, 2016

V - - 2016 - - 100

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR IMPROVEMENTS TO POLICE DEPARTMENT'S VOTER SATELLITE SYSTEM

On motion of Trustee Sciliano, seconded by Trustee Amelio,

it was

RESOLVED to approve the request by Purchasing Department for authorization to advertise and receive bids for improvements to Police Department's Voter Satellite System.

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

Adopted by the following vote:

AYES:	Trustees Amelio, Malfitano, Sciliano and Stout Mayor Belmont
NAYS:	None
ABSENT:	None
ABSTAIN:	None

FILED THIS
9th DAY OF
November 2016
Jacqueline Greer
Town Clerk, Harrison, New York

November 3, 2016

V - - 2016 - - 101

APPROVAL OF PURCHASE ORDER #363052
TO WASTEEQUIP, LLC.,D.B.A. TOTER LLC.

On motion of Trustee Amelio, seconded by Trustee Malfitano,

it was

RESOLVED to approve the request by the Purchasing Department to issue Purchase Order #363052, to WasteEquip, LLC., d.b.a. Toter LLC., in the amount of $72,984.44, for residential containers required for the Sanitation Department's Automated Collection Program. The equipment will be purchased through National IPA contract #120576-01. Funding is available in the 2015 Capital Budget 15SA11, account #006-8120-100-98-70.

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

Adopted by the following vote:

AYES:	Trustees Amelio, Malfitano, Sciliano and Stout Mayor Belmont
NAYS:	None
ABSENT:	None
ABSTAIN:	None

FILED THIS
9th DAY OF
November 20 16
Jacqueline Greer
Town Clerk, Harrison, New York

November 3, 2016

V - - 2016 - - 102
OLD BUSINESS
GUN STORE OPENING IN DOWNTOWN HARRISON

Mayor Belmont addressed the people viewing on the Local Public Service Channel and those in the audience I want to bring you up to speed. There is a gun store opening in Harrison. Many people think it is not a good location for a gun store; listed as L & L Sports. The owner has been issued a Certificate of Occupancy so he can open. We had a productive meeting last night at the Veteran's Building. We exchanged a lot of ideas and we have some challenges ahead of us and I thought we were going to work together to try and solve this problem. Many may not think it's a problem and I do have to put that out there. This is what basically is happening and I said last night and I'll continue to say that my number one concern is the safety and welfare of all citizens. I also have a concern and that is to protect people's rights and the gentleman has a right to open a retail shop. He obtained a Certificate of Occupancy because it was not a change of use; it was one type of retail to another type of retail. In our code the Building Inspector has the discrepancy to grant that CO. Our attorneys have been looking at case law to see what we can do with this but we have not found any successful case law. If anyone would like to come to the microphone you need to state and print your name.

Aaron Wooden spoke in favor of the gun store because of the 2nd Amendment right.

Joe Liberti spoke in opposition to the gun store and its location, which he said is close to schools and churches.

Matt Benson spoke in opposition to the gun store in its current location and the permitting process that took place. He explained to the Board that a formal petition would be submitted in writing that should be put into the record of the Town Board at the appropriate time. Mr. Benson talked about federal licensing being contingent on compliance with local law and asked where all the Board members stood on this issue.

Trustee Malfitano explained that when he was elected to office he took an oath of office to support the Constitution of the United States of America. The issue that is being discussed is a constitutional issue. I agree that everyone in the room is unhappy with this including myself. Trustee Malfitano challenged the people in the room to find for us case law, on appeal, in the federal court system, on point, that supports all the positions you are taking here tonight and we will be happy to work with that.

Trustee Sciliano explained he was here tonight to listen to everyone and said he has always supported the rights and protection of our residents.

Trustee Stout said he wished he wasn't sitting here now listening to all the audience being upset about a gun store in town. Did he wish that the people who applied for a

legal business chose a different location, yes? Having said that, we need to properly make sure that everybody's rights are appeased here. What we don't want to do is something that would put the town at risk for a lot of money damages with a federal law suit for violating someone's rights under our own zoning codes.

Rabbi Daniel Gropper spoke in opposition to the gun store based on morals and religious issues.

Rachel Estroff spoke in opposition to the gun store opening so close to schools and churches and said this is not about the 2nd amendment; it is about the location.

Shauna Roe Long spoke in opposition to the gun store. She believed it is not a 2nd amendment issue. She was concerned on how the permit was issued and what ordinances can be changed.

Trustee Malfitano asked the audience if it was the operation of a gun shop in the downtown business district that you are absolutely opposed to or would you accept that use in some other area of the business district?

Trustee Amelio addressed the audience to explain why the Planning Board didn't get involved in issuing this permit. She explained that in 2011, the Board had new businesses pleading with us to alleviate the process that they would need to go through to open a store. That is why the Board streamlined the process and said if there isn't a change in use, retail to retail, as opposed to retail to restaurant, we would therefore allow the Building Inspector to issue that certificate.
Rabbi Eytan Hammerman spoke in opposition to the gun store opening and showed the Board a picture of what was hanging in the window of the store and said that the Board needed to do something about it.

Heather Stone said she is opposed to the gun store and stated that many states and towns have passed ordinances that prohibit gun stores in their towns.

Trustee Amelio replied by asking Ms. Stone if you can tell us what towns have this ordinance. We are trying to find it and haven't been able to.

Heather Stone replied to the Board that it's not her job to research that.

Trustee Malfitano addressed Ms. Stone by explaining that this Board has put forth an enormous effort to locate other towns that prohibit stores like this. We are also trying to locate case law that would support it.

Leslie Clifford said she wanted to solidify that you are against this and you are trying to look for ways to help the community to prevent this and not that we are trying to convince you that this is not optimal for the town. She also spoke on a personal emotional experience on a gun shooting.

Joe Scocchera said he was greatly outnumbered tonight because he was in favor of the store and said he thought we needed to educate our children and not frighten them of handguns and rifles.

Gisale Girston said she was not opposed to the gun shop and spoke on clientele that come to gun stores and security.

Evette Lubrono said she believes L & L has every right to open their business in Harrison. She stated that there is no ordinance in effect that says he cannot conduct business. She spoke about the process a person needs to go through to get a license to buy a firearm.

Chris Rodier asked the board if they can find additional volunteers to have a Planning Board to look at retail permits going forward and he stated that he doesn't want the store here in Harrison.

Trustee Malfitano said I think everyone gets a good sense on where the audience sit with this issue. The Board members are not happy with it either. We are trying to get a sense of what it is you will accept or not accept. Is there an area in downtown Harrison that you would find this use acceptable or not?

Chris Rodier asked about putting signs up for gun free school zone.

Mayor Belmont said Mr. Rodier just asked for this last night. It takes time to have the signs made. He said yes, the signs will be going up. He suggested Mr. Rodier was grandstanding.

Chris Ryan said he didn't want the gun store in downtown and the location is too close to schools.

Michele Geller is opposed to having a gun store in Harrison and understands it is a difficult issue and believes we are looking at the impact of a retail use in our downtown area. She said she believed the community can be a resource to help find responsible alternatives that would prevent this organization from potential concerns of legal battles against the town and it would not be against anyone personally, it would be against town officials in their town role.

Trustee Stout said that is not necessarily true because when you act outside of the scope of your authority then you can be held personally responsible.

Michele Geller said it is her view that we could all press the pause button on this issue and hold the Certificate of Occupancy in advance to give everyone a chance to figure out a solution.

Trustee Amelio expalined there have been some people here tonight that have come forward and have been trying to research and find alternatives and possible solutions. Shelby Liptin said there are precedence where Town Councils have been able to stop a gun store. One is Templer Sports in Los Costos, CA. She asked the Board what are your plans to make this right.

Trustee Amelio said we have had our Attorneys looking into this from the moment this gentleman took out the permit and see if there are any laws here that we can go around and have there been any precedence's established. We have started that process.

Mayor Belmont said he has been in touch, with the Alochol, Tobacco and Fireamrs (ATF) and that was a dead end. I have been in touch with U.S. Senator Schumer's office and Congresswoman Lowey's office to maybe put something on the Federal level because the 1,000-foot school zone doesn't carry any weight in this instance. Mayor Belmont asked Ms. Lipton to answer the question; Do you not want a gun store in Harrison?

Shelby Liptin replied she didn't want a gun store in Harrison.

Andrew Liptin thought the permitting process could have been done better and the Board needs to rethink it. He thinks that in Section 141 of the town code the Town Board recognized that our community is different because of the densely populated area of Harrison. We are different than other areas in Northern Westchester. He believed location does matter and he questioned who does the investigation as to whether proper notice was given and whether that notice required the type of goods to be offered in that store. Does this comply with that and do we need to change the notice provision in our code? Mr. Liptin mentioned 198 of the code titled Second Hand Dealers and asked will there be an investigation of whether this person did sell guns second hand without a proper license.

Brian Appleton spoke in opposition of the gun store. He said he is familiar with the 2nd Amendment but it doesn't constitute the right to sell firearms so he was trying to understand what grounds the Board are standing on. Mr. Appleton spoke about math and numbers of populations in surrounding communities and asked what the strategic direction of the town was and why can't we rent out stores.

Mayor Belmont said he wanted to make mention that people talk about empty store-fronts in the downtown area. Halstead Avenue from Mamaroneck to the Rye line there is one vacant store. To say we don't have direction is totally false.

Town Attorney Allegretti said he wanted to clarify that someone made a statement of law before that wasn't correct on the 2nd Amendment. The 2nd Amendment absolutely protects the right for people to sell firearms and weapons. This is firmly embodied in Federal Appeals Court decisions and most recently in the 9th Circuit Court of Appeals in California in May of 2016.

Annie Farrenkopf she spoke in opposition to the gun store and the location. She told a personal story about teachers and children in schools.

Charlie Lachenski spoke in favor of store and said he hears what people are saying tonight. He understood people don't want the store in Harrison. He asked the Board if this store violates any local laws and did he file the permitting process. He said he didn't understand what the problem is.

Mayor Belmont said it doesn't violate any local laws and yes he filed the permits.

Erika Greenberg addressed the Board and expalined we all need to work together to make any progress. She said we need to look toward the future and maybe some local ordinances might need to be put in places. She has been personally doing research and plans to continue.

Jimmi Pritchard asked the Board if the store needs extra security. Will it put a burden on the tax payers to pay for the over time. She asked if there is anything that the store owner is planning to do that we could legally limit like if he is planning on teaching people to use guns. Is there an ability to limit the kinds of guns he sells?

Mayor Belmont said he can't sell assault weapons.

Kathryn Maltra spoke in opposition of the gun store and the location and feels like there was a lot of missed opportunity to have prevented this. She would prefer another location in Harrison.
Linda Spiro asked will the store have a time that they must close by.

Mayor Belmont said the stores hours are 10:00 AM to 6:00 PM five days a week.

Cody Greenberg said the Building Inspector should have taken this to his boss, being it was controversial, before he rubber-stamped it.

November 3, 2016

V - - 2016 - - 102 (continued)

Lt. Mike Olsey said he wanted the public to know that due to the outcry of additional security around the area of the gun store the police department will take a proactive approach in adding foot patrols and additional officers down there until the situation is resolved. There are surveillance cameras that are in direct vicinity of the store that we monitor at police head quarters which is 24/7.

FILED THIS
9th DAY OF
November 2016
Jacqueline Greer
Town Clerk, Harrison, New York

November 3, 2016

V - - 2016 - - 103
MATTERS FOR EXECUTIVE SESSION

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 10:02 P.M.

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 12:01 A.M.

Respectfully submitted,

Jacqueline Greer
Village Clerk

FILED THIS
9th DAY OF
November 2016
Jacqueline Greer
Town Clerk, Harrison, New York